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Joseph H. Newman, of New Jersey.
Charles H. Pillard, of Maryland.
Robert F. Schmitt, of Ohio.

For a term of 2 years:

William F. Floyd III, of Georgia.
Jasper S. Hawkins, of California.
Warner Howe, of Tennessee.
Charlene F. Sizemore, of West Virginia.
S. Peter Volpe, of Massachusetts.
Jeremiah T. Walsh, of New York.

For a term of 3 years:

O. M. Mader, of Pennsylvania.
Robert A. Georgine, of Maryland.
Rudard A. Jones, of Illinois.
David S. Miller, of Ohio.
Glen R. Swenson, of Utah.
Herbert H. Swinburne, of Pennsylvania.

The above nominations were confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

HOUSE OF REPRESENTATIVES—*Thursday, June 24, 1976*

The House met at 10 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Trust in the Lord with all thine heart and lean not upon thine own understanding.—Proverbs 3: 5.

Gracious God, beyond whose love and care we cannot drift in the glory of a new day we lift our hearts unto Thee as we set out upon the tasks that await us. We would quiet our souls in Thy presence and receive Thy peace which passes all human understanding. Whatever we do, wherever we go, may we feel sure that Thou art with us, sustaining us, and supporting us all the way.

Amid the many voices that clamor for our attention may we hear Thy still, small voice which alone can lead us in the path of righteousness and make straight the way before us.

Pardon our shortcomings, purify our hearts, and prepare us to serve Thee and our country acceptably and with Godly fear.

In the spirit of Him who is the way we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

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

H.R. 12188. An act to amend the Community Services Act of 1974 to make certain technical and conforming amendments.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9771) entitled "An act to amend the Airport and Airway Development Act of 1970."

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

S.J. Res. 196. Joint resolution providing for the expression to Her Majesty, Queen Elizabeth II, of the appreciation of the people of the United States for the bequest of James Smithson to the United States, enabling the establishment of the Smithsonian Institution.

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

H.R. 14237. An act making appropriations for Agriculture and related agencies programs for the fiscal year ending September 30, 1977, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 14237) entitled "An act making appropriations for Agriculture and related agencies programs for the fiscal year ending September 30, 1977, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McGEE, Mr. McCLELLAN, Mr. STENNIS, Mr. PROXMIRE, Mr. ROBERT C. BYRD, Mr. TALMADGE, Mr. FONG, Mr. HRUSKA, Mr. YOUNG, and Mr. HATFIELD to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8800) entitled "An act to authorize in the Energy Research and Development Administration a Federal program of research, development, and demonstration designed to promote electric vehicle technologies and to demonstrate the commercial feasibility of electric vehicles," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. MOSS, Mr. TUNNEY, Mr. BAKER, and Mr. STEVENS to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 13655) entitled "An act to establish a 5-year research and development program leading to advanced automobile propulsion systems, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. MOSS, Mr. TUNNEY, Mr. BAKER, and Mr. STEVENS to be the conferees on the part of the Senate.

ANNOUNCING THE DEATH OF WES BARTHELMES, JOURNALIST AND CONGRESSIONAL STAFF AID

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

Mr. BOLLING. Mr. Speaker, it is my sad task this morning to report the death of a man known by many Members, by many members of the staffs, and by many people in the media. On Tuesday evening Wes Barthelmes died.

He was a dear friend of my wife and myself. I was married at his home, and he was my best man.

He was an eminent newspaperman. He left the newspaper business and worked for our former colleague, Congresswoman Edith Green. He worked with me on both of my books. I do not know really who wrote what parts of them and who is responsible for many of the ideas, Wes or I.

He served on the staff of Senator Robert Kennedy, and he worked for our colleague, the gentleman from Oregon, BOB DUNCAN. He was my administrative assistant for a number of years. He went to the staff of Senator FRANK CHURCH, and when he died, he was the administrative assistant to Senator JOE BIDEN.

Wes was an extraordinary reporter; he was an extraordinary citizen; he was an extraordinary public servant. We will miss him, and the country will miss him.

Mr. Speaker, I want to express my deepest sympathy to his wife and his family. At a later point in today's RECORD, under permission granted me, I will include a complete history and details of the life of my departed friend.

PERMISSION FOR SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, AND INTERNATIONAL LAW OF THE COMMITTEE ON THE JUDICIARY TO MEET TODAY BETWEEN 10 A.M. AND 12 NOON DURING THE 5-MINUTE RULE

Mr. EILBERG. Mr. Speaker, I ask unanimous consent that the Subcommittee on Immigration, Citizenship, and International Law of the Committee on the Judiciary be permitted to meet today during the 5-minute rule.

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

Mr. BAUMAN. Mr. Speaker, reserving the right to object, would the gentleman confine his request to the hours between 10 a.m. and 12 noon?

Mr. EILBERG. Yes. Mr. Speaker, if the gentleman will yield, I will confine the request to those hours.

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

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

There was no objection.

WILL WE PROVIDE REFUGE FOR THE PERSECUTED OF RIGHTWING DICTATORSHIPS AS WE HAVE FOR THOSE PERSECUTED BY LEFTWING DICTATORSHIPS?

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

Mr. KOCH. Mr. Speaker, the United Nations High Commission for Refugees has appealed to member countries of the United Nations to open their doors to at least 1,000 refugees living in Argentina. Those refugees had previously fled repression in their own countries of Chile, Bolivia, and Uruguay, and now are the object of rightwing paramilitary terrorism which the Argentine Government has been either unable or unwilling to control. The U.N. High Commission considers this a matter "of the most pressing urgency."

To date, the United States has done nothing to help these refugees. The State and Justice Departments are empowered to proceed with a parole visa program, but have not yet acted. The Congress should be pressing the administration to act now so that lives will be saved from this savage repression. Congressman DON FRASER and I have introduced House Concurrent Resolution 656 asking the Attorney General to parole into the United States those refugees in Argentina who are in danger of their lives because of their political beliefs. Senator KENNEDY has introduced an identical resolution in the Senate. I urge my colleagues to cosponsor this resolution.

We have rightly demonstrated support for refugees from leftwing totalitarian governments in granting asylum to the persecuted of Hungary, Cuba, the U.S.S.R., Uganda, Vietnam, and Cambodia. We must do no less for those persecuted by rightwing dictatorships.

DEMOCRATS ENDORSE THE BAUMAN AMENDMENT—1 YEAR TOO LATE

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

Mr. BAUMAN. Mr. Speaker, it is always nice to see that when one formulates an idea, finally its time has come.

This gentleman from Maryland claims no special monopoly on the idea that the Committee on House Administration should be stripped of its power to make the final decision on the goodies to be handed out to Members, but he is glad to see that the Democratic Caucus yesterday, after a long and arduous session, finally endorsed the Bauman amendment which a year ago was voted upon by this House and overwhelmingly defeated by the same members of the Democratic Caucus, including almost all of the freshmen. If they had taken this position a year ago we might not have had the problems we have seen.

I trust that shortly we will have the majority party reverse their position on other reforms of rules we have proposed and they have consistently opposed. But I hope that the Democratic Caucus will not ram through this House rule changes which will cause even more problems than those we have already seen, without permitting both the minority party and the general public the chance to comment at full hearings and after giving a full exposition of what they propose.

Mr. Speaker, if the accounts in this morning's press are true, that is precisely what the majority is trying to do. I suggest to them that there is more at stake in this matter than the Democrats chances for reelection. What is at stake is the integrity of the House of Representatives, and some of us will not stand idly by while the majority party manipulates the House for their own political benefit. It is that kind of crass political attitude that has brought us to our present sorry state.

REQUEST FOR PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO MEET TODAY DURING 5-MINUTE RULE

Mr. McFALL. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be permitted to meet today under the 5-minute rule.

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

Mr. DAVIS. Mr. Speaker, reserving the right to object, I ask the gentleman, would the meeting be for the purpose of marking up resolutions or bills to bring to the floor?

Mr. McFALL. Mr. Speaker, if the gentleman will yield, the gentleman is a member of that committee. It is meeting right now. We were at the caucus meeting last night. I assume that the gentleman understands what the committee is going to be working on.

They are going to be bringing two resolutions, as I understand it, to the floor. They are going to be working on all of the matters that were discussed in the Democratic Caucus last night.

Mr. DAVIS. Mr. Speaker, if the gentleman will limit the request to those resolutions which will come to the floor for floor action, I shall not object.

Mr. McFALL. Mr. Speaker, I so modify my request.

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

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

Mr. BAUMAN. Mr. Speaker, further reserving the right to object, I am not quite sure that I understand the actual request. I wonder if the gentleman from California could restate what the gentleman means.

Mr. McFALL. Mr. Speaker, I think I would yield to the gentleman from South Carolina (Mr. DAVIS) to respond to that.

Mr. DAVIS. Mr. Speaker, if the gentleman will yield, I would state to the Members that the Committee on House Administration right now is meeting in order to draw up resolutions that are only strictly committee resolutions and therefore will be in the form of orders or regulations and would not come to the floor of the House, and to that I object.

Mr. McFALL. Mr. Speaker, I withdraw my unanimous-consent request.

Mr. BAUMAN. Mr. Speaker, does the gentleman from California need permission to withdraw his unanimous-consent request?

The SPEAKER. The Chair will state that the gentleman does not need permission.

APPOINTMENT OF CONFEREES ON H.R. 14237, APPROPRIATIONS FOR AGRICULTURE AND RELATED AGENCIES FOR FISCAL YEAR 1977

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 14237) making appropriations for Agriculture and Related Agencies programs for the fiscal year ending September 30, 1977, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? The Chair hears none, and appoints the following conferees: Messrs. WHITTEN, EVANS of Colorado, BURLISON of Missouri, BAUCUS, TRAXLER, CHARLES WILSON of Texas, PASSMAN, NATCHER, MAHON, ANDREWS of North Dakota, ROBINSON, MYERS of Indiana, and CEDERBERG.

PERMISSION TO HAVE UNTIL MIDNIGHT, FRIDAY, JUNE 25, 1976, TO FILE A CONFERENCE REPORT ON H.R. 14237, APPROPRIATIONS FOR AGRICULTURE AND RELATED AGENCIES, 1977

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight, Friday night, June 25, 1976, to file a conference report on the bill (H.R. 14237) making appropriations for Agriculture and Related Agencies for the fiscal year ending September 30, 1977, and for other purposes.

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

There was no objection.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Without objection, a call of the House is ordered.

There was no objection.

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

[Roll No. 444]

Adams	Collins, Ill.	Ford, Mich.
Ambro	Conlan	Gaydos
Ashbrook	Conyers	Giaimo
Ashley	Coughlin	Ginn
Aspin	Dellums	Goldwater
AuCoin	Dent	Gradison
Badillo	Diggs	Harsha
Brooks	Dodd	Hayes, Ind.
Brown, Calif.	Edwards, Calif.	Hays, Ohio
Burke, Calif.	Esch	Hébert
Burton, Phillip	Eshleman	Heckler, Mass.
Byron	Evans, Colo.	Hefner
Chisholm	Fascell	Helstoski

Hinshaw	Mitchell, Md.	Schneebeli
Jarman	Moffett	Seiberling
Jones, Ala.	Moorhead, Pa.	Solarz
Karth	Morgan	Spellman
Kemp	Murphy, N.Y.	Steed
Landrum	Neal	Steelman
Leggett	O'Hara	Steiger, Ariz.
Litton	Peyser	Stephens
Long, Md.	Pike	Stuckey
Lundine	Rangel	Taylor, N.C.
McDade	Rees	Udall
McDonald	Riegle	Vander Jagt
McEwen	Risenhoover	Wampler
Melcher	Roe	Young, Alaska
Metcalfe	Rousselot	Young, Ga.
Milford	St Germain	

The SPEAKER. On this rollcall 345 Members have recorded their presence by electronic device, a quorum.

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

REQUEST FOR SUBCOMMITTEE ON FISCAL AFFAIRS OF COMMITTEE ON THE DISTRICT OF COLUMBIA TO MEET DURING THE 5-MINUTE RULE TODAY

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that the Subcommittee on Fiscal Affairs of the Committee on the District of Columbia be permitted to meet in markup during the 5-minute rule today.

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

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Kentucky, Is this for the purpose of considering the District of Columbia commuter tax bill?

Mr. MAZZOLI. Mr. Speaker, if the gentleman will yield, Yes, that is the purpose.

Mr. BAUMAN. Mr. Speaker, I object to the request.

The SPEAKER. Objection is heard.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATION BILL, 1977

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 14232) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending September 30, 1977, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. FLOOD).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 14232, with Mr. WRIGHT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, Wednesday, June 23, 1976, the Clerk had read through line 2 on page 3.

The Clerk will read.

The Clerk read as follows:

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $129,833,000, of which not to exceed $9,000,000 shall be available for reimbursement to States under section 7(c) (1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656(c)(1)) for the furnishing of consultation services to employers under section 21(c) of such Act (29 U.S.C. 670(c)).

AMENDMENT OFFERED BY MR. SKUBITZ

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

The Clerk read as follows:

Amendment offered by Mr. SKUBITZ: On page 7, strike the period at the end of line 25, and insert in lieu thereof: ": *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation and employs 10 or fewer employees."

(By unanimous consent, Mr. SKUBITZ was allowed to proceed for 10 additional minutes.)

The CHAIRMAN. The gentleman from Kansas (Mr. SKUBITZ) is recognized for 15 minutes in support of his amendment.

Mr. SKUBITZ. Mr. Chairman, the amendment which I present is a simple one, all it does is to exempt farm operators with 10 or fewer employees from the requirements of OSHA.

As you will recall the Occupational Safety and Health Administration was created December 29, 1970.

It was the intent of Congress to create with the Department of Labor a cadre of experts effective in the improvement of the safety and health of our country's workplaces.

But we did not create experts—we did not create improvements—we created a monster, a monster which does not have the guts to question big business but centers upon small business that can not afford to—or are afraid to—strike back.

What started out to be a laudable program has turned into a nightmare, in part because of arrogant inspectors who feel they have not done a job unless they find something wrong in every little plant.

Now, OSHA has begun to expand its horizons. It wants to grow, be powerful, because with size comes higher grades in Government and more prestige.

Several weeks ago I introduced a bill exempting all farms that employ less than 25 persons.

The Fort Scott Tribune of Fort Scott, Kans., called OSHA for its comments on my proposal.

Let me read what a safety engineer with the National Standards Office of the Department is reported in the Fort Scott paper as saying:

Robert Bailey, the engineer, said last week in a telephone interview that the Skubitz bill was feasible only if you want to castrate OSHA.

Believe me, my colleagues, I do not want to castrate OSHA because if I do it might grow more rapidly.

And yet, if we do not do something it will produce more rapidly and destroy our small farmers.

But if castration is the only solution I would sooner castrate the zealots who are drawing up regulations at OSHA than let them destroy the smaller farmers of America.

After consultation with the various farm organizations and cattle organizations I have reduced the number of farm employees from farms of 25 persons or less to 10 persons or less.

Now what are the reasons for the steps I have taken?

I am sure most of you are familiar with the Earth-shaking story carried by the Washington Post June 18, 1976, announcing that OSHA had made the amazing discovery that manure is slippery.

I am sure that pearl of wisdom caught every farmer by surprise.

The article was entitled "Manure Slippery, U.S. Warns."

The Washington Post story stated:

The half million dollars worth of pamphlets prepared by OSHA are designed to help farmers and farm hands understand new safety rules.

Let me read a few more gems of wisdom from the OSHA pamphlet:

The best way to stop an accident is to prevent it.

That must have taken days, weeks, months, to figure out.

Here is another:

When floors are wet and slippery with manure you could have a bad fall.

Now, this is not a "shoot-from-the-hip" type of conclusion from OSHA—it is a carefully researched conclusion costing around $119,000.

Perhaps you also read the editorial in last night's Washington Star entitled "Answering OSHA's Call." I call your attention to the opening lines of that editorial.

The slippery manure caper is an absurdity of howling dimensions: it contributes to the notion that the Federal bureaucracy has difficulty pouring milk out of a boot.

I suspect they have already hired the mayor of the small town in Florida who decreed that all horses using the streets of his little community must be properly diapered.

No doubt powder to ease diaper rash will follow.

Here is another proposal by OSHA—

OSHA proposes that any farm having five or more employees must have a toilet within 5 minutes walking distance. I ask, How far is 5 minutes walking distance?

My guess is the distance one could cover in 5 minutes would depend upon the age of the person and the urge to go.

Let us just assume a man could cover one-half mile in 5 minutes.

Now a mile section of cultivated land is not unusual in Kansas.

That means that on every square mile a farmer would be required to construct a minimum of nine privies.

For years the great wheat plains of Kansas have been dotted with those great towers of productivity, the grain elevators:

Kansans point to them with pride and

refer to them as the "great cathedrals of the plains."

Under the proposed regulations OSHA has decreed that we should have more "temples" on the plains, not only in Kansas but in all agricultural areas.

OSHA the mandator of the "privy on the plains."

Now OSHA tells us that this little farmer that employes over five men can arrange for a caterer or a concessioner to take care of the job by placing a portable privy and a washstand on a small moving vehicle that would follow the men about the field.

Or maybe a taxi service could be provided.

It is not clear whether the toilet would be a pay-as-you-enter toilet or if taxi transportation is provided who picks up the chip.

Let OSHA have its way—and they are going to make port-a-johns this country's biggest business—all at the expense of the small farmer.

Now do not misunderstand me, safety and health are important, and it is something about which we should all be concerned. But when an elite corps of Government experts decree that safety and health is better served by putting up a privy in any wheat field I say, enough. It is time to draw the line.

Here is another example of OSHA's meddling:

The requirement that the employer shall provide each tractor with seat belts.

But that is not the worst of it. It goes on to say the employer shall insure that each employee uses the seat belt while the tractor is moving.

Did you ever ride a tractor for half a day? If so you know that the operator moves into a dozen different positions to relieve his "tired bottom." He sits down, stands up, leans over, you name it.

What happens if our friendly OSHA experts visits the farm, finds the seat belt removed and the driver standing up? Who is liable? Not the driver, the farmer.

Oh yes, and now OSHA is going to require rollover bars—so if the tractor operator enters a drag race they will be protected if a tractor overturns.

Now permit me to let Congressman ESCH tell you about the regulation dealing with ladders:

In his newsletter dated June 9, 1976, Congressman ESCH says:

What is a ladder? Webster defines a ladder as a structure for climbing trees—up or down—consisting of two long side pieces joined at intervals by cross-pieces on which we can step.

Just 23 words.

Then Congressman ESCH's letter goes on to say:

It takes the occupational safety and health administration 64 pages in the Federal Register to define and outline regulations pertaining to construction use and safety of the simple ladder.

Then these gems appear in Congressman ESCH's letter:

Its a good thing Jacob had his ladder when he did because it probably wouldn't pass OSHA's standards.

Sixty-four pages in the Register—impossible.

I looked it up—here it is.

I could go on for hours telling you about OSHA and their plans to destroy small farmers; feed bin construction requirements, requirements to conceal belts and chains, and so forth.

Let me close by pointing out that when the Fort Scott Tribune asked Mr. Morton Corn, the head of OSHA, and an Assistant Secretary of Labor—to comment upon my statement:

That "there has been no appreciable decline in injury since OSHA's inception."

The Fort Scott Tribune reports that Mr. Corn admits what he calls "Skubitz' charge" was partially true, saying the decline in injury occurred only among those establishments that OSHA's inspectors have visited.

Now that is a "pot of crock" and Mr. Corn knows it.

From time to time the CONGRESSIONAL RECORD is filled with glorious speeches in support of the family farm, commending the contribution of American agriculture to our balance of trade, and expressing our concern for the plight of the hungry thousands who would so greatly benefit from increased agriculture production.

I support those sentiments and that is why I introduced this amendment.

Mr. Chairman, I include the following articles which I have previously referred to.

[From the Washington Post, June 18, 1976]

MANURE SLIPPERY, UNITED STATES WARNS—FARMERS BELITTLE FEDERAL SAFETY ADVICE

(By Don Kendall)

Government pamphlets explaining the dangers of farm work to farmers are sparking controversy because of language one critic says must have been written "for a New Yorker about to visit a farm for the first time."

The half-million dollars worth of pamphlets, prepared by the Occupational Safety and Health Administration, are designed to help farmers and farmhands understand new federal safety rules.

One pamphlet, "Safety With Beef Cattle," declares in large, bold print that "hazards are one of the main causes of accidents" and explains, "You can make your work area safe by finding hazards and removing them."

Sen. Carl T. Curtis (R-Neb.) says the language is "so incredibly arrogant and insulting that it nearly leaves me speechless." He said OSHA material for other industries is not childish and that apparently only farmers have been singled out for such treatment.

The beef cattle booklet has the American National Cattlemen's Association "laughing with tears in our eyes," an association official said, with such advice as: "When floors are wet and slippery with manure, you can have a bad fall. You could also trip over junk or trash."

The pamphlets are being distributed in cooperation with the Extension Service in the Agriculture Department. New federal rules affecting farmers who hire outside labor have been announced by the agency.

One cluster of regulations affecting protective shields around machinery was to have gone into effect June 7 but was delayed until Oct. 25, partly because the informational materials, including the pamphlets, were not ready.

Rep. Thomas M. Hagedorn (R-Minn.) said, "The material in these pamphlets seems to be written for a New Yorker about to visit a farm for the first time." He said 1,550,000 copies of 28 pamphlets are being printed at a cost of $347,220 and the government paid experts at Purdue University $119,500 for developing the material.

[From the Washington Star, June 22, 1976]

ANSWERING OSHA'S CALL

The Slippery Manure Caper is an absurdity of howling dimensions: It contributes to the notion that the federal bureaucracy has difficulty pouring milk out of a boot.

So broad a generalization, of course, is unfair. But the frolic by the Occupational Safety and Health Administration does nothing to alleviate the suspicion that the feds too often propose and dispose from within an isolation chamber.

At a cost of $500,000, OSHA is publishing 1.5 million copies of 28 pamphlets to help farmers and farmhands understand new federal safety rules. One, entitled Safety with Beef Cattle, flatly asserts that "hazards are one of the main causes of accidents," and explains with a straight face, "You can make your work area safe by finding hazards and removing them."

Well, a body may tend to forget such possibilities from time to time, especially if the farmers to whom the pamphlets are directed are as mentally deficient a group as the Occupational Safety and Health Administration apparently believes.

An official of the American National Cattlemen's Association said members are "laughing with tears in our eyes"—the feds somberly advise those working around four-legged critters that "when floors are wet and slippery with manure, you can have a bad fall."

Representative Thomas M. Hagedorn, R-Minn., was relatively charitable in his critique. "The material in these pamphlets seems to be written for a New Yorker about to visit a farm for the first time." He is too kind. Senator Carl Curtis, R-Neb., was less so: The language of the pamphlets, he said, is "so incredibly arrogant and insulting that it nearly leaves me speechless."

The Occupational Safety and Health Administration is not our favorite fiefdom; its zealousness frequently exceeds common sense. Judging from its acute perception of the hazards of wet manure, the greatest help the OSHA bureaucrats could extend to farmers would be to equip themselves with shovels and bear a hand in the barns of America.

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

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

Mr. FINDLEY. Mr. Chairman, I would like to congratulate the gentleman for his amendment.

There has been quite an element of levity, but the gentleman considers this a very serious matter, and so do I.

As I understand the gentleman's amendment, it would have effect only for the year of the appropriation; it would not be a permanent prohibition of OSHA inspections of farms employing 10 persons or less; is that correct?

Mr. SKUBITZ. It applies only to farms employing 10 or less.

Mr. FINDLEY. And it is only for the appropriation year. It would prohibit OSHA activities only for the period of the appropriated funds; is that correct?

Mr. SKUBITZ. That is right.

Mr. FINDLEY. Yes. It seems to me that this is highly worthwhile, to suspend OSHA operations on these farms and give the OSHA inspectors the time to find out what American agriculture is really all about.

Mr. SKUBITZ. I want to say to my

colleague that this is a thoroughly serious matter. We laugh about these things. Believe me, the Kansas farmers and the farmers of this country are not laughing about these regulations which have put a lot of small farmers completely out of business.

Mr. MYERS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SKUBITZ. I yield to the gentleman from Pennsylvania.

Mr. MYERS of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding.

I commend the gentleman for his foresight.

I happen to come from a background in the steel industry. I happen to know that today in that industry individual foremen or general foremen do not even deal with OSHA regulations. They have a separate safety department that deals with it.

With respect to OSHA regulations, there are several pages of regulations which cover such things as stepladders. There are now promulgated proposed regulations for toilet facilities for farms which will undoubtedly be very expensive as a small example of the large burden being placed on individual farmers who now perform all production, distribution, and management functions. The fact of the matter is that if we, as individual Congressmen, just looked into our own offices, most of them would not be able to pass an inspection by an OSHA inspector without violations showing up.

If we take it upon ourselves as Members to try to bring our own offices in compliance with OSHA regulations, we will see the real problem that the individual farmer is going to have in complying with the OSHA regulations.

Mr. SKUBITZ. I say to my colleague that from the regulations they propose with regard to the concealment of the cables and belts and so on outside of the tractor, the concealment of those could run the tractors; which are now costing something like $6,000 to $9,000, up another $1,000.

The CHAIRMAN. The time of the gentleman from Kansas (Mr. SKUBITZ) has expired.

(By unanimous consent, Mr. SKUBITZ was allowed to proceed for 1 additional minute.)

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

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

Mr. PATTEN. Mr. Chairman, the gentleman in the well has been having a lot of fun, but I direct attention to Monday's RECORD, on page 19523, which shows that our committee has been going over practically all of what the gentleman is trying to point out.

The directive that Secretary Usery issued on his new policy was cited in Monday's RECORD. It was well received. He said that he is going to stop the nitpicking, and that he is going to get to the big job.

Mr. Chairman, the gentleman in the well will get great consolation if he will read the report of the Labor Department as to how they will proceed in the future.

It is the gentleman's administration which has been in effect in all my time in Congress in the last 9 years.

Mr. SKUBITZ. I am not defending my administration or anybody else.

Mr. PATTEN. But the gentleman is in it and is a part of it.

Mr. SKUBITZ. I am trying to tell the gentleman from New Jersey that I am getting tired of OSHA failing to do this and failing to do that. What I am suggesting here is that we do something to protect the small farmers.

Mr. PATTEN. The Secretary is telling them that loud and clear.

The CHAIRMAN. The time of the gentleman has again expired.

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

Mr. Chairman, I used to represent about 30,000 farmers until, among other things, the farm policies of the present administration in the last 8 years put about half of them out of business.

But the problem with this amendment is the same problem that we had last year with the amendment offered by the gentleman from Illinois (Mr. FINDLEY). The gentleman from Kansas (Mr. SKUBITZ) tells us what this amendment does, is to exempt farming operations which employ less than 10 people, but that is not what it does. The practical effect of the language is otherwise. Let me read it to you. It says:

Provided, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation and employs 10 or fewer employees.

This is because the standards promulgated under the authorizing legislation, do, in fact, cover all farmers. This does the same thing that the Findley amendment erroneously did last year, it effectively eliminates enforcement for all agriculture. We would wipe out enforcement for all of agriculture.

The Department of Justice right now is moving to force the Government to set up tighter standards for migrant camps.

Have any of you ever been in a migrant camp? I have. I have been in some good ones and I have been in some pretty lousy ones. We would exempt all of the migrant workers in this country if we accept the amendment offered by the gentleman from Kansas.

I know that that is not his intent, but that is what the language says. If we were to pass this amendment, while the intentions of the amendment might be good, the practical effect is that because there is a defect in the way the amendment is drafted we will, in fact, be eliminating all agriculture from OSHA inspection. I do not think we want to do that.

Mr. SKUBITZ. Mr. Chairman, if the gentleman will yield, let me say this is not what the language says.

Mr. OBEY. It is.

Mr. SKUBITZ. The gentleman should read the amendment, it says that it is applicable to farming operations that employ 10 or fewer employees.

Mr. OBEY. No, it does not do that. I decline to yield any further to the gentleman from Kansas. I would suggest that the gentleman reread his amendment because the Department of Labor agrees with my interpretation.

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

Mr. OBEY. Yes, I yield to the gentleman from New Jersey.

Mr. PATTEN. Mr. Chairman, the gentleman from Wisconsin put in the RECORD on Monday a report from the career man, our new Secretary of Labor. He has been in this business a long time and I think he has been responsive to our demands and to our criticisms and he should get credit for it. I think the Members ought to read that report. I think most of the Members, if they do, will be satisfied that he is trying to meet the objectives of the Congress.

Mr. OBEY. Mr. Chairman, I too share many of the objections and complaints that have been raised about the operation of OSHA. I do not think anybody in this Congress has worked harder to give them a good kick in the butt than I have so that they will get some of these things straightened out. If the Members will look in the CONGRESSIONAL RECORD on page 19523, which was cited by the gentleman from New Jersey (Mr. PATTEN) and if they will also read the language in the report of the Committee on Appropriations of last year, they will see that we have directed them to do a whole series of things to get their house in order. We asked them to begin a retraining program for all of their inspectors who should not be inspecting some of these farming operations, and should not be inspecting some of the retail operations which are safe operations. They ought to be spending their time on the dangerous things. But, Mr. Chairman, I am sure the gentleman from Kansas does not want to exempt all farms. That is what the language does because we cannot negate in an appropriation bill the language or a ruling which was promulgated under the authorization bill.

Mr. SKUBITZ. Mr. Chairman, if the gentleman from Wisconsin will read the rules and regulations that OSHA is proposing and regulations it is issuing he will come to a different conclusion.

Mr. Chairman, I get rather weary of colleagues going into the well of the House and always agreeing to the objectives, but fighting any effort to bring them about.

Mr. OBEY. Mr. Chairman, I refuse to yield any further. If the gentleman wants to make a speech, he may make it on his own time. The fact is the gentleman's intentions are correct and I agree with him, but his amendment does not do what he is trying to do. I am sorry about that, but I cannot help the facts.

Mr. MYERS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Pennsylvania.

Mr. MYERS of Pennsylvania. I thank the gentleman for yielding.

Does the gentleman have any idea of the total number of pages of regulations a farmer would have to read to cope with the OSHA regulations?

Mr. OBEY. I am sorry; I did not hear the question.

Mr. MYERS of Pennsylvania. Would the gentleman have any idea of the total number of pages of regulations that a single farmer would have to read and understand to cope with in order to comply with the OSHA regulations?

Mr. OBEY. Too many, and I suggest that the gentleman take care of the problem in an intelligent way rather than wiping out enforcement for every farm in the country.

The CHAIRMAN. The time of the gentleman has expired.

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

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

It really does not make any sense to penalize the farm workers for the mistakes and shortcomings of OSHA. What the gentleman from Kansas has described is probably true, and since his amendment applies to all farms, we should take care of that in a legislative bill and not in this appropriations bill.

The truth of the matter is that the Occupational Safety and Health Act requires an employer to provide a place of employment that is free from recognized hazards that are causing or likely to cause death or serious harm to the worker. This amendment before us would replace this basic health and safety standard with a policy of negligence and would in effect establish a double standard against agricultural workers, particularly those who work on farms that employ 10 or less workers.

The Occupational Safety and Health Administration reports that 87.5 percent of all farms in the United States have 10 or less employees, which means that this amendment would affect 87.5 percent of all farms in this Nation.

There is overwhelming evidence that the farm workers, regardless of farm size, lack even minimal safety and health protection. For example, agricultural production has the third highest accident rate of any industry and is exceeded only by mining and construction. The National Safety Council reported that in 1974 farm workers experienced a work death rate of 54 per 100,000, while the average for all industries in the United States was significantly lower, in fact, 3½ times lower, at 15 per 100,000.

California reported a rate of 52.9 disabling injuries and illnesses per thousand workers in the State's agricultural industry as compared to 30.5 per thousand in all California's industries.

Compounding this deplorable condition has been the lack of adequate sanitation in the fields and in the labor camps and other housing facilities.

A 1972 survey by the Farmers Home Administration showed that 65 percent of migrant workers needed new or improved housing. The survey identified 400 counties as urgently needing a total of 130,000 units to house farm workers.

A 1973 study prepared by the National Bureau of Standards and sponsored by the Department of Health, Education, and Welfare found deplorable sanitary conditions in migrant labor camps. For example, the study indicated that 86 percent of the camps did not have privies; 28 percent had improperly sealed wells; and 13 percent dumped raw sewage directly into an open stream.

Studies have shown a close connection between poor housing and health. An early HEW report documented that—

> Where the dwelling fails to provide basic sanitation and facilities, adequate space for living and privacy in sleeping, the social and psychological as well as the physical health of its occupants are endangered.

We must not permit the lack of adequate sanitary facilities and occupational safety to doom farm workers and their families to squalor, illnesses, disability, and death. The shocking fact is that the farmworker's life expectancy is 20 years less than that of the average American worker.

Data received by HEW from migrant clinics indicate infant and maternal mortality among migrants is 125 percent higher than the national average. Their death rate from influenza, from tuberculosis, and from other diseases exceeds the national rate by 200 percent.

Clearly the Skubitz amendment raises some serious health and occupational policy questions. Further, it could considerably worsen the tragedies and adverse conditions facing this country's farmworker population.

It is for these reasons that I most strongly oppose and urge a no vote on this amendment.

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

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

I want to congratulate my able colleague from Kansas on this amendment, and to associate myself with his remarks.

The example of requiring farmers to provide hand washing and toilet facilities of a prescribed description within a 5-minute walk of any field hand, or drive, if the farmer provides the transportation, is just the latest instance showing the ignorance of OSHA regulation writers in respect to the farming operations in the Great Plains area. Anyone who has bothered to look at the situation is well aware that mechanization in modern grain farming has enabled American farmers to handle large acreage operations. In fact, modern farming economics almost dictate that they do so. Typical farms include hundreds of acres tilled and harvested by a few workers, more often than not the farm family, using large and expensive equipment.

Obviously, no one in OSHA has ever seen a wheat harvest. It is obvious to me there is little difference in OSHA's eyes between harvesting operations for wheat and corn and the truck and fruit farming operations where hundreds of farm laborers work at once in a single field.

I realize that these regulations have not yet been finalized, and I have urged my own constituents to contact the Department detailing how their own operations would be affected.

At the same time, I am convinced that OSHA regulation writers are not listening, or that they don't understand what they are hearing. There is no other explanation for the Federal Government requiring outhouses in the middle of wheatfields. Therefore, I strongly urge the adoption of the Skubitz amendment exempting these family farms from further harassment from OSHA. These farmers have a great stake in farm safety and health, and they have been meeting their responsibilities for many years without OSHA's interference.

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

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

Mr. MICHEL. Mr. Chairman, I heard the gentleman from Wisconsin (Mr. ALLEN) argue that the policies of our administration during the past 8 years have resulted in a reduction of farms in this country.

If there is one thing that causes a reduction in farms it is promulgation of rules and regulations of this kind that drives us further in the direction of corporate large farms.

Our family farmers cannot put up with these kind of silly regulations. By enforcing these kind of unrealistic conditions on the family farmer you just force him to throw in the towel and sell out to some corporate entity.

The gentleman is right on target. I commend him and his colleague from Kansas for opening up the discussion today.

Mrs. SMITH of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. SHRIVER. I yield to the gentlewoman from Nebraska.

Mrs. SMITH of Nebraska. Mr. Chairman, I associate myself with the remarks of the gentleman from Kansas.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Kansas.

At issue here is the extent to which we are going to needlessly force Federal intervention in the daily lives of our constituents. We all know that OSHA has refused to adequately consider the needs of farmers and small businessmen.

It is evident from the remarks of one of our city cousins during debate today that there is little interest in even attempting to understand the needs of the small agricultural producer. To vote against this amendment is to vote to encourage that kind of misunderstanding.

Make no mistake, our constituents are fed up with the bureaucratic requirements being forced on them by a not-so-pateralistic government. The gentleman from Kansas has given us an opportunity to eliminate one of the more burdensome examples of bureaucratic excess. We would be poorly advised indeed not to support him.

If left standing, regulations of the nature proposed and promulgated by OSHA will continue to curtail agricultural production, to increase the cost of producing food, to further stimulate the decline of the family farm, and will in-

crease mechanization at the expense of real jobs.

There is as much need for that as there is for some bureaucrat sitting behind his desk in a carpeted office in Washington telling a farmer at the taxpayer's great expense that when a barn floor is slippery and wet with manure he might fall.

I urge adoption of the Skubitz amendment.

AMENDMENT OFFERED BY MRS. FENWICK AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. SKUBITZ

Mrs. FENWICK. Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from Kansas (Mr. SKUBITZ).

The Clerk read as follows:

Amendment offered by Mrs. FENWICK as a substitute for the amendment offered by Mr. SKUBITZ: On page 7, strike the period at the end of line 25, and insert in lieu thereof: ": *Provided,* That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which employs five or fewer employees."

Mrs. FENWICK. Mr. Chairman, I offer this amendment really in the hope of clarifying this matter, because I want to ask some questions of my distinguished colleagues who have spoken against the Skubitz amendment.

I have some knowledge of migrant labor. When I was in the New Jersey legislature, I sponsored, and they are now law, two bills: one concerning wages of migrant laborers and the other concerning privies in the fields, for migrant laborers; so I am not unaware of the conditions described, but I think we will find we cannot talk about farms, period. We must discriminate between the intensive farming that migrant labor does, "stoop labor," hard picking. These farms do not employ only 10 people; they employ dozens of people. They have big barracks. We have laws in the State of New Jersey governing those barracks and how they should be constructed and what their water and sanitary facilities should be; but when we are talking about a nonintensive, small farm, we have a different situation. Our bad health statistics come from the migrant labor farms. The bad health statistics do not come from farms employing 5 or 10 people, but dozens and dozens of people.

Mr. Chairman, this is why I think we must differentiate. I do not think we have 5 people working on a farm, with the intimate relationship that exists between employer and employees, that we have need for the OSHA investigators.

Mr. Chairman, what I would really like to ask those who have spoken against the Skubitz amendment, what figures do they have that show where these accidents happened? Are they not on farms that employ far more people than 5? The figure given by one of my colleagues was 87 percent of all farms would be included under the number of 10. What figures are there on farms which employ 5 people? Have we any indication how many people are employed where we have these high infant mortality and other illness rates? Could they give us some statistics, in which case I might withdraw my amendment.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Mrs. FENWICK. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, if I may respond. If I were to draw the amendment—and I agree with the gentleman from Kansas, I think the regulations that are coming down are absolutely stupid. I think they are crazy—the fact is if I were to draw this amendment to do what the gentleman wants to do in a rational way, I would limit it to apply, for instance, to man-days. Right now the Labor Department has information on that basis. They do make a separation between farms on the basis, for instance, of 500 days per quarter.

The problem with this amendment is that it goes at it in a very clumsy way. Even if we assume it does what it intends to do, even with the best lawyers, they cannot do it in the Labor Department. The effect is not what is intended. The effect would be to wipe out all agriculture from enforcement.

Mrs. FENWICK. Mr. Chairman, how can the gentleman say it would apply to all agricultural workers, when it clearly says, "engaged in a farming operation which employs 5 or fewer employees."

Mr. OBEY. If the gentleman will yield further, because the language does not say it shall not apply to farmers with less than 5. It says that none of the funds appropriated shall be obligated or expended to administer or enforce any standard or rule which is applicable to any person who is engaged in a farming operation which employs 5 or fewer employees.

I am no lawyer, and all I can do is rely on the legal advice given to us by the people in and out of the Labor Department. They apparently agree that the effect of this language, because the language is defective, is to effectively prohibit all farms.

The CHAIRMAN. The time of the gentlewoman from New Jersey has expired.

Mr. FLOOD. Mr. Chairman, I rise to oppose the amendment.

Mr. Chairman, we have had many different OSHA amendments, heaven knows, over all the years we have been talking about this thing. There have been several varieties, but I think this is the first one that applies to a single industry, the first one we know about. That alone, just picking out one industry, that alone should be enough to defeat it. We are talking here about a very hazardous industry at that.

We have been through this OSHA thing time after time after time, and there is no more knowledgeable group since OSHA was born than this subcommittee. Last year, we went to very great lengths, the Members will recall, in the conference report to direct the Department of Labor to improve the administration of this law. This is a very, very, very complex law. We spelled out several things, the Members will recall, to have this done right away.

The first thing was the retraining—the retraining—of the inspectors. We put that in capital letters. Then, the elimination of all these nuisance standards, and there was not question about that. Then, the simplification of these standards; then, we stress the development of fine-free on-site consultation for employers.

There is a new man down there in charge of this operation. He has been there for about 6 months. His name is Dr. Morton Corn. Let me tell the Members that he is working very hard on this thing, including, despite what Members say, opening up lines of communication with Congress. This man should be given a chance.

If anybody knows, we know in this subcommittee that this law is certainly not perfect—no question about that. This is what Members must keep in mind: this is the Appropriations Committee. We do not write laws. That is not our job.

This amendment, in effect, in our judgment, in the guise of a limitation would rewrite the basic law to exempt certain employers in one industry. Now, Mr. Chairman, of course no employer likes to have a Federal inspector drop in and tell him that he is violating the law, this one or any other. But, the law is the law whether you like it or not, and it should be enforced.

Another problem we have in this amendment is that it is another one of these magic number things. This year it is 10, and if one is lucky enough to employ 10 or fewer people on his farm, then of course he can forget about the law; that is the end of it. If he is employing 11 people or more, then he must comply with the law. That is arbitrary and capricious. This practice of excluding employers under a certain magic number—and that is what has been tried year after year—is wrong. There will be another amendment with another number, and this cannot be reasonably defended, and never has been. This is a very bad approach, and, of course, it could set a very, very bad precedent. We should not forget that. We simply cannot single out one group in the entire country for a special exemption.

If we do it for one, then we will have to do it for them all. There is no question about that. That is why we oppose this amendment.

AMENDMENT OFFERED BY MR. MYERS OF PENNSYLVANIA TO THE AMENDMENT OFFERED BY MRS. FENWICK AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. SKUBITZ

Mr. MYERS of Pennsylvania. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. MYERS of Pennsylvania to the amendment offered by Mrs. FENWICK as a substitute for the amendment offered by Mr. SKUBITZ: At the end of the amendment offered by Mrs. FENWICK strike the period and add the following: "*Provided further,* That the funds appropriated under this paragraph shall be obligated or expended to assure full compliance of the

Occupational Safety and Health Act of 1970 by Members of Congress and their staffs."

POINT OF ORDER

Mr. FORD of Michigan. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, the amendment is not germane. It is also in violation of the rule against legislating on an appropriation bill.

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. MYERS) desire to be heard on the point of order?

Mr. MYERS of Pennsylvania. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. MYERS).

Mr. MYERS of Pennsylvania. Mr. Chairman, because of my great concern for the safety of all workers and because of the fact that Members of Congress are allowed in fact to have several offices and up to 18 full-time employees, some of those who travel vehicular equipment on the highways are exposed to extreme hazards, and because of my background and experience in the steel industry, knowing what the regulations are, I see a noncompliance in many of the offices, such as boards across walkways, people standing on chairs instead of ladders, storage facilities not properly put in place. I have a concern about industry and for those people who work in industry.

It applies also to employees in our offices.

The objective of this bill is to appropriate money to see that OSHA is bringing under compliance all workers who work in an environment such as an industrial office or similar facilities.

Mr. SARASIN. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. MYERS) is being heard on a point of order.

Mr. SARASIN. Mr. Chairman, it would appear that the gentleman is not addressing himself to the point of order, but he is addressing himself to the amendment.

The CHAIRMAN. The gentleman is correct.

The gentleman from Pennsylvania (Mr. MYERS), at this point, should address his comments to the point of order made by the gentleman from Michigan (Mr. FORD), to-wit, that the amendment offered by the gentleman from Pennsylvania (Mr. MYERS) would not be germane to the language of the substitute which it would seek to amend and, further, that it would constitute legislation on an appropriation bill.

Does the gentleman desire to touch on that?

Mr. MYERS of Pennsylvania. Mr. Chairman, I was simply laying the groundwork for my response to the point of order.

It simply is that in this bill we are communicating to OSHA their commitments, and it is simply that message I want to address and require that they do set aside funds for this compliance.

The CHAIRMAN. The Chair is prepared to rule.

The gentlewoman from New Jersey (Mrs. FENWICK) has offered a substitute for an amendment offered by the gentleman from Kansas (Mr. SKUBITZ).

Both the amendment offered by the gentleman from Kansas (Mr. SKUBITZ) and the proposed substitute offered by the gentlewoman from New Jersey (Mrs. FENWICK) are applicable to farmworkers and have a precise reference to the number of employees engaged by a farmer.

The gentleman from Pennsylvania (Mr. MYERS) would add to the substitute additional provisions requiring that funds appropriated under the program shall be obligated and expended to assure compliance with the Occupational Safety and Health Act by Members of Congress and their staffs.

Manifestly, this does constitute legislation on an appropriation bill; and, beyond that, it would not be germane, in the opinion of the Chair, to the pending substitute.

For those reasons, the Chair sustains the point of order.

Mr. MYERS of Pennsylvania. I thank the Chairman for his even-handed evaluation of the situation.

Mr. DOMINICK V. DANIELS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by my colleague, the gentleman from Kansas (Mr. SKUBITZ), and in opposition to the substitute offered by the gentlewoman from New Jersey (Mrs. FENWICK).

I wholeheartedly agree with the distinguished subcommittee chairman, the gentleman from Pennsylvania (Mr. FLOOD), that there have been numerous attempts to readjust the relationship between the employer and OSHA during our consideration of appropriations bills. Consideration of an appropriations bill is not the proper arena in which to legislate on existing law.

Exemptions, regardless of the number of employees, regardless of the type of industry, create a second-class group of American workers. The farming sector is not different from any other sector of the American economy. Farmworkers are entitled to the same protections of the law as are workers in factories, on construction sites, and in retail establishments.

It may appear on the surface that such an amendment, if limited to agricultural workers, and if limited to farms with 10 or fewer employees, would not really subvert the intent of the law. But, I believe that is exactly what this amendment does. It guts the bill by exempting certain workers and encouraging the American farm operator to reduce the size of his or her work force so as to exempt the workplace from coverage under OSHA.

Further, seasonal employment cycles are common in our agricultural process. The bill would require that OSHA establish an elaborate bureaucratic structure to determine precisely when farms have higher levels of employment and would therefore come under the provisions of OSHA. Administration of the provision of this amendment would be prohibitively expensive and become a bureaucratic nightmare for OSHA.

I believe that this amendment, therefore, legislates an additional duty on OSHA, and is a matter that should be considered by the Education and Labor Committee which has legislative jurisdiction over the Occupational Safety and Health Act.

I want to also point out that we are not talking about a few "mom and pop" operation farms. We are talking about more than 87 percent of America's farms which have 10 or fewer employees. And, we are not talking about hazardfree operations. In 1974, one out of every 10 workers in the agricultural sector incurred a job-related illness or injury.

Is this House going to tell our farmworkers that their health and safety is irrelevant?

Farmworkers, for example, are exposed to anhydrous ammonia, an ingredient of fertilizer, which is also used for explosives. It can cause blindness, nose, lung, skin irritation, and even death.

Farmworkers are exposed to cotton dust, grain, hay and straw dust which are known to have harmful effects on the human lung.

1970 estimates are that from 600 to 800 deaths were caused by tractor rollovers.

Farmworkers use equipment such as balers, threshers, harvesters, grinders, and power tools. Workers have been maimed, cut, crushed, pulled into machines, and struck by objects thrown from machines.

Mr. Chairman, many of the workers on farms are migrants, young people who are inexperienced, and workers who may not have had the advantages of a high school or college education. OSHA has been again and again admonished by the House to provide safety material to workers and employers which is written in clear, understandable language.

Purdue University, under OSHA contract, recently prepared material directed at the subliterate as well as the better educated farm population. This has been subject to ridicule by the press and by Members of Congress.

Mr. Chairman, that many of our farmworkers are educationally disadvantaged—that many of our farmorkers are migrants who may not speak English as their primary language—should not be the subject of ridicule or laughter.

Finally, OSHA has been citicized for some recently proposed farm field sanitation regulations. I emphasize that these are merely proposed regulations. The law provides an open hearing process—Members of Congress, farmworkers, and employers are invited to testify. Due process rights are protected under the act.

It is not the function of Congress to legislate OSHA regulations. Let us free OSHA from political pressure. The health and safety of the American worker should

not be subject to the vicissitudes of an election year.

I, therefore, urge my colleagues to defeat this amendment.

Mr. LATTA. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Skubitz amendment.

Mr. Chairman, we have heard all of the usual arguments against the Skubitz amendment that we usually hear against any of these amendments which propose to put any kind of limitation on an appropriation bill. Nevertheless, it is permitted under the House rules to offer such limitations, and I happen to be one of those who believe that we ought to kill these snakes one at a time. We do not have to have them all before us at the same time. Here is an opportunity to help relieve the farmer from some of these ridiculous regulations. I say do it now rather than wait until a bill comes along to relieve all small employees from the act as it is not about to come.

Mr. Chairman, we have heard the arguments from our city friends that the farmers are protected by this OSHA legislation. I have not heard one farmer, not one farmer, in the best agricultural district of Ohio say to this Representative that he was in favor of these OSHA regulations or that he needed them.

As a matter of fact, the leading farm organization in Ohio, the Ohio Farm Bureau, has come out strongly in favor of the Skubitz amendment, as has the American Farm Bureau.

Mr. Chairman, let us not have our city Members telling us who live in the rural areas what we should have. We have had a little bit too much of this type advice from our city friends. If we keep on, we are going to have more OSHA inspectors than we have farmers, and I do not believe these inspectors are going to produce anything worthwhile for our tables.

Therefore, Mr. Chairman, I think that we ought to pay a little attention to what the farmers want rather than what the regulators want.

We have also heard that we have fewer farmers. Absolutely; we do. We have fewer farmers, but this comes from a variety of causes.

I might say to my friend who made that statement that our farmers are producing more today than they ever did before and this comes from not being saddled with all those controls they had in previous administrations.

Mr. Chairman, I am getting just a little bit tired hearing that the administration is at fault—rather than this Congress—for all of these regulations which are promulgated as the result of these bills this Congress passes. I know it is politically expedient for my Democrat friends to say the administration is at fault for all these regulations, without ever taking any blame for all the bills they rammed through which brought them forth.

Mr. Chairman, it is high time that we do something about these regulations.

I have heard something about a candidate for President of the United States on the Democratic ticket who seems to be running against Washington and all these regulations; but, lo and behold, the same people who are supporting this individual for President are now saying that we do not want to do anything about eliminating some of these regulations on our small farmers. Which side are they on?

Mr. Chariman, I think it is high time either to fish or cut bait. You cannot be on both sides of this issue. You are either for it or against it. Now is your opportunity to do something about it, and I would like to see my friends on the other side of the aisle do something about it.

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

Mr. LATTA. I yield to the gentleman from Kansas.

Mr. SKUBITZ. Mr. Chairman, I have heard some of the opposition to my amendment say that this covered 87 percent of the farmers.

When I introduced my amendment, exempting farmers that employed less than 25 employees, OSHA said that it would affect 90 percent of the farmers. This amendment drops it to 10 and OSHA says it still affects 87 percent which in my mind is a lot of hogwash.

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

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

Mr. BAUMAN. Mr. Chairman, I want to rise in support of the Skubitz amendment and also concur fully in what the gentleman from Ohio (Mr. LATTA) says.

There is no very apparent inconsistency on the part of those who speak against these amendments today. That is to say, they usually claim to be the foremost exponents of the rights of the consumers and to be for the lowering of prices for the consumers and to be in favor of enacting legislation to help the consumers.

However, Mr. Chairman, it is the consumer who is paying for these monstrous, ridiculous regulations, because every time a farmer has to comply and spend money out of his profits, it drives up the price of farm products. That goes right through the distribution of the products in transporting them from the farm to the grocery store shelf where all of these consumer groups are always complaining.

Mr. Chairman, let our city friends accept the blame for what they are doing. They are not saving anybody. They are not improving health. They are hurting the cause of the farmer, and they are hurting their own city consumers.

Mr. Chairman, we are trying to do something for the consumer and for the farmer through this amendment.

We are trying to do something for the consumers and for the farmers with this amendment.

Mr. LATTA. I thank the gentleman from Maryland for the comments he has made.

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

Mr. LATTA. I yield to the gentleman from Minnesota.

Mr. HAGEDORN. Mr. Chairman, I would like to commend the gentleman from Ohio for the astute remarks the gentleman has made and to associate myself with them. I think this is another example of a Federal bureaucracy that is absolutely unneeded. I also want to commend the gentleman from Kansas (Mr. SKUBITZ) for offering his amendment. I hope that we can have the support of the majority for the amendment on a rollcall vote.

Mr. LATTA. Mr. Chairman, I might say to the gentleman from Minnesota that this also points up a difference in philosophies. I happen to belong to the party which believes in freedom and that Government need not control every single segment of our economy. I think this really distinguishes between the parties when they can oppose relaxing these OSHA regulations on a little farmer employing less than 10 people. I think the farmer needs this freedom and a little opportunity to produce the food and fiber our country needs without governmental controls or restrictions.

Mr. SARASIN. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment offered by the gentleman from Kansas (Mr. SKUBITZ) and to the amendment offered by the gentlewoman from New Jersey, (Mrs. FENWICK).

Mr. Chairman, I wish to join my the amendment offered by my colleague, the gentleman from Kansas (Mr. SKUBITZ), and also the amendment offered by my colleague, the gentlewoman from New Jersey (Mrs. FENWICK).

With regard to the problems of our farm labor sectors throughout the country, I am in a rather unique position in that I serve on both the House Subcommittee on Manpower, Compensation and Health and Safety, which has jurisdiction over OSHA, and on the Agriculture-Labor Subcommittee, which has been examining the difficulties facing farm workers. The evidence I have heard through 17 separate days of overnight hearings on OSHA and the innumerable meetings and sessions on the issue of farm labor, does not substantiate the contentions made by my distinguished colleague.

First, we must consider the procedural issues involved here. Time and time again we appear to be legislating through the appropriations process. This only serves to deny interested parties the opportunity to present their views to the Congress, and prevents all of us from making rational decisions on the basis of fact. Such a situation can be termed no less than an abrogation of due process and a violation of the purpose of our branch of the government.

Second, I would like to stress the point raised by the gentleman from New Jersey (Mr. DOMINICK V. DANIELS) the chairman. Any exemptions, regardless of the number of employees, regardless of the type of industry, creates a second class of American workers. Farmworkers are entitled to the same protections of the law as are workers in factories, on construction sites, and in retail establishments.

The potential impact of this legislation is not, under any terms, small. We are not talking just about a couple of

farmers, we are talking about 87 percent of all of the farms in this country. We are actually discussing the elimination of the protection of the law for thousands of workers. We are not talking about a hazard-free industry.

I do not think we should move in this direction, or in this manner that we are going forward without the benefit of hearings, and that we are revoking the process that we have labored so hard and so long to provide. I do not think we can tell the farmworkers that their health and safety is less important than that of any other American workers. If we have difficulties with the administration of the law, and I think we have, then Congress has adequate procedures to address the specific issues involved.

Much has been made of the little pamphlet that was put out with what appears to be very dubious notions on how to maintain farm safety. I read it, and I agree it is rather clumsily worded, and it seems to be a little strange, but I think the thing we have to remember is that those of us who read it and laughed about it in the cloakroom the other day should realize that we are Members of the Congress who, hopefully, can read well. We must remember that this particular pamphlet was prepared by Purdue University just to take care of those 23 million Americans who have only a low literacy capability, meaning that they cannot read a want ad, or to handle simple transactions, so that that was the purpose of that pamphlet. I repeat that I agree that as we look at it, it looked rather strange, but it was not written for us.

Mr. SKUBITZ. Mr. Chairman, if the gentleman will yield, I want to say that I will hand him a few more pamphlets which make excellent reading.

Mr. SARASIN. I have seen the pamphlets, I would suggest to my colleague, and I will agree that they all seem to be rather ridiculous also but we are talking about the 23 million Americans who are functionally illiterate and those pamphlets are deliberately designed for those individuals. Similar pamphlets are written in ordinary English and Spanish as well.

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

Mr. SARASIN. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I thank the gentleman for yielding.

I am deeply sympathetic to what the gentleman is saying, and I agree it is not funny that we have to write a special pamphlet, simply worded, for people who have difficulty in reading. I share the gentleman's sentiments in that respect. But I would like to say that the people these pamphlets were addressed to work on the big barracks farms. I have seen them. I have worked on migrant labor problems and investigated migrant labor conditions all over the southern part of New Jersey, and the gentleman has probably done the same thing in Connecticut.

Mr. Chairman, I ask unanimous consent at this moment to withdraw my substitute for the Skubitz amendment.

Mr. ROUSH. Mr. Chairman, I support the Skubitz amendment. I point out that it is directed to the exemption of the family farm from undue regulation by the Federal Government through OSHA. To me it seems unnecessary for an agent of the Federal Government to come onto a farm and tell the farmer operating that farm that he does not know how to maintain his own farm; or that he is not maintaining or using his tools and machinery properly; or that he is not maintaining the premises according to Federal regulations. The inference is that he does not recognize a health or safety hazard when he sees one and nothing could be further from the truth. There are certain risks in farming. No one is more conscious of this than the farmers themselves, but they do not need a Government inspector to tell them about it. It seems to me that the Skubitz amendment is sensible and in keeping with my own conviction that the farmers of my district neither need nor want Government interference in the day to day operation of their farms.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New Jersey?

Mr. HAGEDORN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The question is on the amendment offered by the gentlewoman from New Jersey (Mrs. FENWICK) as a substitute for the amendment offered by the gentleman from Kansas (Mr. SKUBITZ).

Teh amendment offered as a substitute for the amendment was rejected.

AMENDMENT OFFERED BY MR. FORD OF MICHIGAN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. SKUBITZ

Mr. FORD of Michigan. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. FORD of Michigan as a substitute for the amendment offered by Mr. SKUBITZ: In lieu of the matter proposed to be inserted by the amendment offered by Mr. SKUBITZ, insert the following: ": *Provided*, That none of the funds appropriated under this paragraph shall be used to pay the salary of any employee of the Department of Labor who proposes the assessment of monetary penalties for any violation which, under the provisions of section 17 of the Occupational Safety and Health Act of 1970 is neither (1) willfull, (2) repeated, nor (3) serious, to any employer who is engaged in a farming operation and employs 5 or fewer employees."

POINT OF ORDER

Mr. FINDLEY. Mr. Chairman, I make a point of order against the amendment.

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

Mr. FINDLEY. I make a point of order that the amendment is not in order. It does not fall within the Holman rule, and I would like to be heard on the point of order.

The CHAIRMAN. The gentleman will be heard on his point of order.

Mr. FINDLEY. Mr. Chairman, I have listened to the amendment. It was clear to me that this would require that a determination be made, first of all, that a violation is willful; second, that a violation is repeated; third, that a violation is serious. One of the conditions of the Holman rule is that it not impose a burden upon the administration. If this language does not impose a burden upon the administration, I do not know what would.

The CHAIRMAN. Does the gentleman from Michigan desire to be heard on the point of order?

Mr. FORD of Michigan. Yes, Mr. Chairman.

With all due respect to the gentleman who is an expert on the amendment procedure, I am afraid he did not fully hear the amendment as read, because what the amendment says is that no employee of the Department of Labor who proposes the assessment of monetary penalties for any violation—any violation— which under the provisions of section 17 of the Occupational Safety and Health Act of 1970 is defined as—and the determination is already made by that section of the act. There is no duty imposed on the Secretary that is in any way different from the duty imposed presently by the statutory law that we are appropriating this money for. We do not impose any new duty. He did not draw any new definitions. It is simply a question of whether he will assess monetary damages against a person who is accused of a violation that falls within the purview of any one of these section 17 definitions. It does exactly what the gentleman from Kansas (Mr. SKUBITZ) attempted to do and more nearly approximates what he said he was doing than the language of the Skubitz amendment.

The CHAIRMAN. Does the gentleman from Wisconsin desire to be heard on the point of order?

Mr. OBEY. I do, yes, Mr. Chairman.

If we are going to talk about additional duties imposed, then certainly if this amendment is out of order, the original amendment ought to be out of order because we have a letter from the U.S. Department of Labor which outlines some of the additional duties required in fact by the original amendment. Under the amendment offered by the gentleman from Kansas (Mr. SKUBITZ) they would have to issue new regulations, they would have to draw up new forms, they would have to monitor recordkeeping by farmers, they would have to change the inspector instruction manual, they would have to verify employment records, and a number of other duties. So I certainly think the same latitude extended to the original amendment ought to be extended to the substitute.

The CHAIRMAN. May the Chair inquire of the gentleman from Michigan, did the Chair understand the gentleman from Michigan to declare that section 17 of the Occupational Safety and Health Act of 1970 in its present form already requires the determinations on the part of the Administrator as to willfulness, repetition, or seriousness of offenses?

Mr. FORD. That is correct.

The CHAIRMAN (Mr. WRIGHT). The Chair thanks the gentleman from Michigan.

The Chair is prepared to rule.

Basing the Chair's assumption upon the interpretation of existing law as described by the gentleman from Michigan, the Chair finds that there would be no additional duties imposed upon the Ad-

ministrator, no additional determinations required of him, and the amendment merely describes determinations already required by existing law and is essentially, therefore, a limitation upon the appropriation.

Under the rules the Chair would overrule the point of order.

Mr. FORD of Michigan. Mr. Chairman, let me assure the Members that I am not happy about offering this substitute amendment. I think that to come back here today and even be discussing the weakening of the feeble attempts that the Federal Government has made to carry out the will of the people expressed over and over by this Congress to do something about the horrendous experience in occupational safety particularly in the field of agriculture, which ranks second only to the construction industry in the total number of people disabled each year, is just entirely wrong.

It is obvious that those of us who feel that way cannot swim upstream against this tide to protect the family farmer against the mean old OSHA inspector coming out from Washington with his big barrel of redtape making life miserable for people.

I assure the Members that this amendment is offered in a spirit of genuine compromise which represents for many of us a very substantial bit of backsliding, if you will, from what we believe to be sound public principle already enunciated by this and previous Congresses.

But before we proceed any further I would like to insert for the RECORD some data prepared by the Subcommittee on Manpower, Compensation and Health and Safety which has both legislative and oversight responsibilities for the Occupational Safety and Health Act:

MISCONCEPTIONS CONCERNING OSHA'S RELATION TO THE FARM SECTOR

Misconception No. 1. OSHA regulates use of pesticides.

Answer: EPA is charged with setting and enforcing pesticides in the fields by farm workers.

Misconception No. 2. OSHA overburdens the farm sector with inspections.

Answer: Only 1 to 2 per cent of OSHA's inspection activity is in the farming sector. Most of the effort is concentrated in migrant housing.

It is important to note that OSHA has done some guidelines from Congress, especially from the Appropriations Committee, that it concentrate its efforts in areas with the highest injury and illness rates—foundaries, for example. OSHA is also supposed to place new emphasis on health-hazard standard setting and inspections. Therefore, OSHA inspectors are not swarming over our fields.

Misconception No. 3. OSHA Farm Standards (such as safety features on equipment) cost too much money.

Answer: How do you measure dollars for a piece of safety equipment against a human life or limb?

Safety equipment is a "write-off" for the farmer under our tax laws.

This amendment, if adopted, would place farmers with 11 or more employees at a competitive disadvantage with farms which employ fewer than 10 workers. The legislative committee never intended to place such an inequitable provision into the Act. Why are we now doing this in an Appropriations Bill? This is unfair to the American farmer and farm workers.

Misconception No. 4. Farm Field Sanitation Regulations Proposed recently by OSHA are Unreasonable.

Answer: Whether or not they are unreasonable is not a decision that should be decided by an Appropriations Bill or by Congress. We do not legislate regulations.

OSHA has a well-defined process of hearings on regulations established in the law. Members and their constituents who object can come in and testify at these hearings. This is an open hearing process. Proposed rules are just that—proposed. Let the farmer and farm worker testify. Keep this out of the arena of political pressure.

Misconception No. 5. OSHA's manuals or phamphlets for farmers are ridiculous.

Answer: Not all of our farm workers have had the advantages of college or even high school educations. Many are migrants; many are young and inexperienced; many are bilingual with difficulties in reading English texts.

Purdue University, under contract to the Department of Labor, determined that phamphlets needed to be directed to farm workers who were sub-literate as well as the literate farm workers.

OSHA has been admonished again and again to provide materials to employers and employees in understandable language. Now OSHA directs some material to farm workers who are subliterate, and thus has become a target for attacks by Congress and the press. The educationally disadvantaged and the plight of the migrant farm worker are not subjects for laughter or ridicule.

Misconception No. 6. There are no hazards on farms.

Answer: Accidents can and do occur in the use of farm equipment. In 1974 one out of every 10 workers in the agricultural sector incurred a job-related illness or injury.

Farm workers use mowers, tractors, shredders, harvesters, grinders, blowers, augers, balers, and many other kinds of equipment. Workers have been cut, crushed, pulled into machines, or struck by objects thrown from machines. 1970 estimates are that from 600–800 deaths were caused by tractors roll-overs.

Farm workers are exposed to anhydrous ammonia which can cause painful skin burns, blindness irritation to the nose and lungs, and even death. (Anhydrous ammonia is a feed stock for explosives.)

Farm workers are also exposed to cotton dust, and dust from grain, hay and straw. These dusts are known to have harmful effects on the human lung.

Passage of the amendment will place workers in operations employing more than 10 people under the protection of OSHA. Workers in small farms will go unprotected. Over 87 per cent of America's farms have fewer than 10 workers. This amendment is blatantly unfair to workers on small farms.

Most common accident sources on the farm, compiled by the National Safety Council (1975)

	Percent
Fall on walking-working surfaces	33
Farm machinery elevators	21
Hand and portable power tools	12–15
Animals	11
Motor vehicles	11
Structures and chemicals	10

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

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

Mr. FINDLEY. Mr. Chairman, would the gentleman describe the effect of the amendment precisely so we will know exactly what it does?

Mr. FORD of Michigan. The shortest way I can say it is we would continue the limited ways in which we try to get at the conditions affecting migrant workers, the conditions of housing, and so on, and make it clear we are not trying to affect the small farm with five or fewer employees.

What we do is remove from the Secretary the authority to levy any fine against the family farm with five or fewer employees unless that violation were to fit the definitions in the statute and guidelines of willful, repeated, or serious. Obviously no one here intends to permit that kind of escape.

In effect, it is our belief none of these fines have run more than $50 anyhow and rather than lose the abolity to oversee the kind of housing and other things that are absolutely essential to the health and welfare of these migrants and their families, we would give up on checking the pulley wheels hanging down the end of a barn and so on and get down to what more nearly approximates our original intent, and let the family farmer have a breather. If we find it does not work, then we will come back another day and make our fight.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield further?

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

Mr. FINDLEY. Mr. Chairman, if this amendment becomes law, then OSHA would not apply to a farm employing five or less people, provided that farm is not engaged in the use of migratory labor; is that a correct statement?

Mr. FORD of Michigan. No. It does not say OSHA does not apply. It says no monetary fines shall be applied to a farm of five or fewer employees.

Mr. FINDLEY. Mr. Chairman, if the gentleman will yield further, no fines can apply in such circumstances; is that correct?

Mr. FORD of Michigan. No circumstances not covered by wilfull, repeated or serious violations.

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

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

Mr. OBEY. Mr. Chairman, I say to the gentleman, the difference between the gentleman's amendment and the Skubitz amendment is in the fact that because of the defect in the way the Skubitz amendment is drafted, it is to apply to all farms, it eliminates all of agriculture farm coverage.

Your amendment more fairly and consistently accomplishes what the gentleman from Kansas wanted to accomplish without knocking out enforcement for all agriculture.

Mr. FORD of Michigan. That is precisely right. That is why I made the statement a few minutes ago that my amendment does what the author of the Skubitz amendment indicated the gentleman was trying to do. It gets to the problem the gentleman was trying to reach. It does not, however, burn down the barn to cook the pig.

The Skubitz amendment says that none of the funds appropriated shall be obligated or expended to administer or enforce any standard, rule, regulation, or order, which is applicable to any person who is engaged in a farming operation employing 10 or fewer employees.

We do not have one set of regulations applying to farms of 10 or fewer employees and others applying to farms with 10 or more employees. There is no size differential in law or regulation, therefore the Skubitz amendment will prevent the use of funds in this appropriation to enforce any health or safety regulations in agriculture.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. FORD) has expired.

(By unanimous consent, Mr. FORD of Michigan was allowed to proceed for an additional 2 minutes.)

Mr. FORD of Michigan. Mr. Chairman, if as the Skubitz amendment proposes, we prohibit the enforcement of any regulation which presently applies, the effect would be to wipe out all safety standards in farming operations.

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

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

Mr. SKUBITZ. Mr. Chairman, your amendment does not say that. It says those circumstances apply if the act is not willful, repeated, and serious. In other words, OSHO could issue a hundred or more regulations similar to the ones I discussed. They can visit a farm today and notify the farmer he is in violation. A week later the inspector can again visit the farmer, if he finds the same violations they can declare the failure of the farmer to act, willful; is that correct?

Mr. FORD of Michigan. No.

Mr. SKUBITZ. Well, it must be wilfull, serious, and repeated. Furthermore it is the regulations of small farmers to which I object.

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

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

Mr. TRAXLER. I thank the gentleman for yielding. Mr. Chairman, is it proposed that a farm employing 5 or fewer employees would encompass a farming operation where they have the farmer's children assisting in the operation of the farm, I hope the gentleman is not counting them as employees?

Mr. FORD of Michigan. No.

Mr. TRAXLER. I support the Skubitz amendment. The minority party, the Republican Party, has brought about this deplorable situation. The tragedy of these OSHA farm regulations, and any child who has had high school civics, comprehends that the responsibility for these regulations is entirely upon the Republican administration and President Ford. Its the Republican bureaucrats who enacted these OSHA farm regulations. Why does not President Ford tell his appointees to stop harassing the farmer?

I suggest that at the next Republican breakfast at the White House you raise the issue with the President and his bureaucrats from OSHA and tell them to get off the farmers' backs, because they are the ones that are doing this to the American farmer.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

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

Mr. STEIGER of Wisconsin. Mr. Chairman, without wishing to get into the context of any dispute, let me make sure the gentleman from Michigan (Mr. TRAXLER) understands that at the present time family members are not included as employees. So I do not care what families are employed, they are not counted as employees and that is an issue that is totally irrelevant.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

(At the request of Mr. SMITH of Iowa, and by unanimous consent, Mr. FORD of Michigan was allowed to proceed for an additional 2 minutes.)

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

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

Mr. SMITH of Iowa. Mr. Chairman, I would like to understand the gentleman's amendment. I am having trouble reading the amendment.

As I read it, it says that they cannot pay the salary of an employee who proposes an assessment for a violation under section 17 which is neither willful, repeated nor serious, to an employer. I do not understand that language. Is it serious to an employer?

Mr. FORD of Michigan. No, the citation goes to an employer. It is a split infinitive, but it will come out all right. It is kind of common around here to write it that way.

Mr. SMITH of Iowa. Where is the word "citation"? I do not see it.

Mr. FORD of Michigan. That is the act of the employee we are talking about, the secretary or anybody to whom he delegates authority.

Mr. SMITH of Iowa. Does the gentleman mean against an employer or to an employer?

Mr. FORD of Michigan. No, citation may be given to an employer if that employer is engaged in a farming operation and employing five or fewer employees. I might say that it goes even further. It does not just limit itself to preventing him from issuing a citation, but prevents him from issuing a regulation for providing for a monetary penalty.

Mr. SMITH of Iowa. Another question. Does this mean if he has five employees on one day of the year?

Mr. FORD of Michigan. Presumably it does. I am not trying to change the basic Skubitz definition of limitation.

Mr. SMITH of Iowa. The regulation itself applies if he just has five employees on 1 day of the year, does it not? That is one of the problems with the regulation.

Mr. FORD of Michigan. I am not into that argument with Mr. SKUBITZ. He is apparently satisfied with that.

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

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

Mr. ROUSSELOT. Mr. Chairman, my understanding is that there are roughly 1,200 employees at OSHA now. Very few if any of the present OSHA employees know much about farming. Can the gentleman tell us how many of these employees ever knew anything about a farm anyway?

Mr. FORD of Michigan. At the rate the Republicans are running OSHA, I am surprised that they have anyone who knows anything about anything over there.

Mr. ROUSSELOT. OSHA performs tasks on the basis of the law and legislative history dictated by Congress, so this House ought to understand full well how klutzy the rules are.

Mr. FORD of Michigan. I just want to tell my dear friend from California that starting next year, things will be different.

Mr. THONE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Kansas (Mr. SKUBITZ).

Heavy-handed—that is the only way to describe conduct of the Occupational Safety and Health Administration—OSHA. Throughout the 5 years I have been in Congress, I have criticized the agency's attitude. I have attempted to end its "no-knock" philosophy of raiding and fining legitimate businesses—rather than educating owners and managers to the complexities of OSHA regulations.

But OSHA has outdone itself in offensiveness as it is prepared to regulate the farmers. OSHA's pronouncements and publications have led us to wonder if in their entire bureaucracy there is even one soul who would know which end of a cow to milk.

OSHA completely wasted a half-million dollars in putting out pamphlets for farmers. Beyond that, OSHA outraged farmers with the patronizing attitude displayed throughout these leaflets.

Here are some of the gems of wisdom from the OSHA pamphlets for farmers: "Hazards are one of the main causes of accidents." "You can make your work area safe by finding hazards and removing them." "When floors are wet and slippery with manure, you can have a bad fall."

Farmers are laughing as they read these pamphlets. They are laughing—but they are laughing with tears in their eyes. The situation is sad indeed when OSHA throws money away, acts stupid and tries to regulate something about which it has no knowledge.

Mr. Chairman, I urge all members to join me in striking down at least a small portion of the arrogance of OSHA. Please vote to exempt farms with only a few employees from OSHA's regulatory manure. Later on, during consideration of this bill I am hopeful that we will also give strong support to the Findley amendment, which will prohibit OSHA from issuing first instance citation of employer of 10 or less.

Mr. ASHBROOK. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Kansas (Mr. SKUBITZ). This amendment would restrict the authority of the Occupational Safety and Health Administration to regulate our Nation's farmers and ranchers.

Specifically, the Skubitz amendment would exempt farming operations with 10 or less employees from OSHA regulations. This would be an important step

in freeing the small farmer from bureaucratic redtape and costly Federal requirements. I would exempt them all together but this liberal Congress will never go that far.

It is apparent that farmers are being subjected to more and more OSHA regulations. Many of these standards are difficult and expensive to meet. Secretary of Agriculture Earl Butz, in a recent speech in Kansas City, estimated that OSHA has added $1,000 to the price of a tractor.

Secretary Butz went on to state:

The most powerful man in the USDA isn't Earl Butz. It's some young man who writes "C Subsection C." The most powerful people in government are the little nameless GS-12s who write the regulations. They're not vicious people. But they never spent any time on a farm.

An excellent example is the proposed OSHA regulation covering field sanitary facilities for agricultural employees which is now under consideration. It provides that potable drinking water and adequate toilet and handwashing facilities be made available for all employees engaged in agricultural work in the field. The impetus for the regulation was provided by the Migrant Legal Action Program, Inc., and several other organizations on behalf of seasonal and migrant workers who petitioned OSHA to issue a standard on field sanitation. Presumably, the large farming operation is the target for this latest OSHA venture. However, the proposed directive appears to cover any size farm. The proposal reads in part:

Scope. This section shall apply to any agricultural operation or activity performed in the field or outside of any permanent structure or facility.

Under this same section it is required that—

One toilet facility shall be provided for each forty (40) employees *or fraction thereof."* (Emphasis added.)

Under the heading "Location" we read:

Toilet facilities shall be located within a 5-minute walk of each employee's place of work in the field.

But that is not the end of the "5-minute rule." The directive further stipulates that—

If the access road layout, ground terrain, or other physical condition prevents placing of toilet facilities within a 5-minute walk, such facilities shall be located at the point of vehicular access closest to the employees.

To confuse the farmer further, where agricultural field work is to be of a duration of under 2 hours—including travel time to and from the workplace—the requirements stated above do not apply.

The very same provisions stated above do apply, however, to handwashing facilities.

As previously stated, this is a proposed regulation which has not as yet become effective. In fact, OSHA will receive written data, views, and arguments from interested persons on the proposal up to and including July 6, 1976. Consequently, those persons who will be affected by this new regulation still have the opportunity to make their views known to OSHA. Upon completion of the public participation phases of this rulemaking proceeding, the Occupational Safety and Health Administration—OSHA—may issue a final standard based upon the full record of the proceeding. It is not a foregone conclusion that this regulation will be approved. I am including the text of the OSHA regulation as it appeared in the Federal Register of April 17, 1976, at the end of these remarks.

As Secretary Butz noted, these bureaucrats are just short of crazy. It is consistent with the Ralph Nader approach that anyone conversant with the field should not be regulating that field. Stockbrokers should regulate trucking, farmers qualify in insurance, insurance-oriented people should regulate pesticides, and so forth, supposedly to prevent conflict of interest. This is foolish. Is it any wonder that the booklet comes up with such gems as—

When floors are wet and slippery with manure, you can have a bad fall. You could also trip over junk or trash.

Now every farmer I know will be glad to know that. They never would have considered that erudite observation unless some benevolent high-paid bureaucrat had not taken the time to formulate that opinion in the Federal Register.

Only a few months ago this liberal, union-dominated Congress almost voted favorably on an amendment which would have required farmers to take training before they could use any pesticide, herbicide, or farm remedy. Even fertilizer would have possibly come under the short course requirement. Think of that, Mr. and Mrs. Farmer and yet these liberals say they are your friends.

Also, you might be interested in knowing that one of the important findings of OSHA in these expensive regulations is the gem that "hazards are one of the main causes of accidents." Oh well, these people never learn. By the way, the cost of printing these foolish pamphlets to quote—educate—unquote the farmer was $347,220 beside the money the Government paid to so-called experts at Purdue University, $119,500 for developing the ridiculous material.

Here is the text of the regulations:

SUBPART I—GENERAL ENVIRONMENTAL CONTROLS

§ 1928.100 Field Sanitary Facilities.

(a) *Scoope.* This section shall apply to any agricultural operation or activity performed in the field or outside of any permanent structure or facility.

(b) *Definitions.*

"Handwashing facility" means a basin, container, or outlet with an adequate supply of potable water available for the cleansing of the hands and arms.

"Potable water" means water which meets the quality standards prescribed by the U.S. Public Health Service Drinking Water Standards, published in 42 CFR Part 72, or water which is approved for drinking purposes by the State or local authority having jurisdiction.

"Toilet facility" means either a water flushed toilet, chemical toilet, combustion toilet, recirculating toilet, or sanitary privy maintained for the purpose of defecation or urination, or both.

(c) *Drinking water*—(1) *Quantity, potability, and availability.* (i) The employer shall provide drinking water in sufficient amounts, based on the number of employees, nature of work, and climatic conditions.

(ii) All drinking water shall be potable.

(iii) Drinking water shall be available at locations readily accessible to all employees.

(2) *Maintenance.* (i) All drinking water piping systems, appurtenances, and fountains shall be constructed and maintained in a clean and sanitary condition at all times.

(ii) Drinking water transported to the site shall be carried, stored, and otherwise protected in sanitary containers constructed of smooth, impervious, durable, corrosion resistant materials. Such containers shall be cleaned and disinfected in a manner to insure that the potability of the water is maintained.

(iii) Storage of another beverage, food, or any other foreign substance inside the container is prohibited.

(3) *Dispensing.* (i) Drinking water shall be dispensed either through the use of a drinking fountain equipped with an angled jet outlet, or a gravity water tap.

(ii) Except where water is supplied exclusively by fountain, single service cups stored in a clean and sanitary manner shall be provided in adequate number.

(iii) Where single service cups are utilized, containers for their disposal shall be provided.

(iv) Water containers shall remain covered while in use.

(v) Water shall not be dipped from inside water storage containers.

(vi) Use of a common drinking cup is prohibited.

(vii) Ice used for cooling drinking water shall not be immersed in or in direct contact with the water to be cooled, unless it is made from potable water and has been handled in a sanitary manner.

(4) *Identification.* (i) All containers, fountains, or other devices used for the storage or dispersing of drinking water shall be conspicuously marked "Drinking Water."

(ii) All water outlets, except irrigation nozzles, containing non-potable water shall be conspicuously marked "Unsafe for Drinking or Handwashing." Where irrigation systems are in use, or intended for use, such systems shall be conspicuously marked "Unsafe for Drinking or Handwashing" at central locations.

(iii) All such markings shall be in English and, as appropriate, in the prevalent native language of the workers.

(d) *Toilet facilities*—(1) *General.* (i) One toilet facility shall be provided for each forty (40) employees or fraction thereof.

(ii) Toilet facilities capable of being utilized for urination only shall not be considered as meeting the obligations under paragraph (d)(1)(i) of this section.

(iii) When persons other than employees are permitted the use of toilet facilities in the field, the number of such facilities required under paragraph (d)(1)(i) of this section shall be determined on the basis of total number of employees and other persons permitted to use the facilities.

(2) *Location.* (i) Toilet facilities shall be located within a five-minute walk of each employee's place of work in the field.

(ii) If the access road layout, ground terrain, or other physical condition prevents placing of toilet facilities within a five-minute walk, such facilities shall be located at the point of vehicular access closest to the employees.

(iii) Where a crew, unit, or group consists of fewer than five (5) employees, the requirements of paragraph (d)(2)(i) of this section shall be considered satisfied if toilet facilities are accessible and immediately available to employees by transportation provided by the employer.

(iv) Where agricultural field work is to be

of a duration of under two (2) hours (including travel time to and from the workplace), the requirements of paragraph (d) of this section do not apply.

(3) *Construction and maintenance.* (i) Toilet facilities may be either fixed or portable.

(ii) Water-flushed toilets shall be connected to a sewer system or septic tank and shall be constructed and maintained in a manner which does not endanger the health of employees.

(iii) Portable toilets and other waste disposal systems not connected to sewer systems of septic tanks shall be constructed and maintained in accordance with § 1910.143 of this Chapter.

(iv) All toilet facilities shall have doors which can be closed and latched from the inside, and shall be otherwise constructed to insure privacy.

(v) Toilet paper with holder shall be provided for every toilet facility.

(vi) All toilet facilities shall be kept clean and maintained in good working order.

(e) *Handwashing facilities*—(1) *General.* (i) Handwashing facilities shall utilize only potable water.

(ii) One handwashing facility shall be provided for each 40 employees or fraction thereof.

(iii) When persons other than employees are permitted the use of handwashing facilities in the field, the number of such facilities required under paragraph (e)(1)(ii) of this section shall be determined on the basis of the total number of employees and other persons permitted to use the facilities.

(2) *Location.* (i) Handwashing facilities shall be located within a five-minute walk of each employee's place of work in the field.

(ii) If the access road layout, ground terrain, or other physical condition prevents placing of handwashing facilities within a five-minute walk, such facilities shall be located at the point of vehicular access closest to the employees.

(iii) Where a crew, unit, or group consists of fewer than five (5) employees, the requirements of paragraph (e)(2)(i) of this section shall be considered satisfied if handwashing facilities are accessible and immediately available to employees by transportation provided by the employer.

(iv) Where agricultural field work is to be of a duration of under two (2) hours (including travel time to and from the workplace), the requirements of paragraph (e) of this section do not apply.

(3) *Maintenance.* (i) Soap or other cleansing agent shall be provided with each handwashing facility.

(ii) Single-use disposable hand towels, with a container for disposal, or roller towels properly maintained and supplied, shall be provided with each handwashing facility.

(iii) Waste water shall be disposed of in a manner which will not create a safety or health hazard.

(iv) All handwashing facilities shall be maintained in a clean and sanitary condition.

(4) *Identification.* (i) Water outlets used as handwashing facilities shall be conspicuously marked "Handwashing only, not for drinking."

(ii) All such markings shall be in English and, as appropriate, in the prevalent native language of the workers.

(f) *Field food consumption.* (1) If field food service is provided for employees, all such service facilities and operations shall be carried out in accordance with sound hygienic principles.

(2) In all places of employment where food service is provided, the food dispensed shall be wholesome, free from spoilage, and shall be processed, prepared, handled, and stored in such a manner as to be protected against contamination, spoilage, or growth of organisms.

(3) No food or beverage shall be stored in the immediate vicinity of a toilet or handwashing facility, or be exposed to toxic material.

(Sec. 6(b), Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655), Secretary of Labor's Order No. 12-71 (36 FR 8754), 29 CFR 1911)

Signed at Washington, D.C., this 21st day of April 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-12235 Filed 4-26-76;8:45 am]

Mr. HAGEDORN. Mr. Chairman, although OSHA abuses with respect to its regulation of farm operations are not substantially unlike its abuses in its regulation of small businesses and industries, the overwhelming Federal bureaucracy always seems slightly more ridiculous and out-of-place in a rural-farm environment.

This amendment would prohibit the use of funds appropriated under this bill to enforce OSHA regulations against farming operations employing 10 or less persons. Although OSHA has thus far been relatively inactive in the establishment and enforcement of farm regulations, newly promulgated ones are scheduled to take effect late in October. Unless this amendment passes, these regulations will be applicable to all farm operations employing even one part-time laborer during its peak season, regardless of whether or not that laborer is even working with mechanical equipment of any sort. Already, OSHA inspection of small businesses is highly arbitrary in the sense the average business is likely to be visited by OSHA only once per 100 years. To expect them to oversee the conditions of a large portion of the nearly 3 million farm units in this country is to impose an equally unrealistic responsibility upon them.

No one denies that farm-related injuries are not a serious fact of life. But farmers, more than anyone else, already appreciate this fact fully. There is no need for Federal inspectors to warn them of the dangers of front-end loaders, combine operations, or electric feeders. Except in unusual cases, the farmowner himself is working daily on the farm, with it being strongly in his own self-interest to insure safe. hazard-free operations.

While OSHA has already demonstrated its uncanny ability to promulgate useless, or counterproductive regulations for farming operations, such as rollover protective structure regulations which result in the inadvertent knocking-off of fruit from trees being harvested, and regulations specifying the required distance in inches between bunks on a bunk bed in migratory housing facilities, the current amendment is essentially prospective in its orientation. Thus far, the best thing that can be said is that OSHA has been too busy to spend much of its time on farm operations, with only a small percentage of its budget attributable to this area. The proposed new regulations, however, attempt to remedy this oversight. They basically require that all agricultural equipment, regardless of age, have completely guarded power takeoff drives, with all new equipment required to have shields, guards, and supports capable of withstanding the force of a 250-pound person, with warning signs visible on all machinery with rotating parts. In addition, all new farm equipment must have guards placed on the nip points of all power driven gears, belts, chains, shears, pulleys, sprockets, and idlers.

Further, OSHA has indicated a strong interest in reasserting jurisdiction over pesticides. Section 5 of the Occupational Safety and Health Act requires all employers to furnish to each of his employees a place of employment free from all recognized hazards. This is the basis by which OSHA hopes to inject itself into pesticide regulation, and not incidentally by which it could conceivably inject itself into virtually any other farm activity that it wanted to. EPA pesticide regulation which fails to give much consideration to the needs of the farmer or the consumer is bad enough without stirring up jurisdictional clashes with a new Federal agency.

New OSHA farm regulations were originally to have taken effect on March 9, but were delayed because of the inability of the agency to fully inform the farmer of the content of these regulations. Recent publications, however, have apparently attempted to remedy this by informing the farmer that safety can indeed make a difference. At a cost of nearly half a million dollars, OSHA has prepared several valuable booklets of safety information containing, among other things, advice that even dull blades can be dangerous to farmers, that they can suffer injury by falling off farm machinery, and that falling into manure pits can be unsafe—not to mention uncomfortable.

Mr. ABDNOR. Mr. Chairman, recent proposals of farm sanitation standards by the Occupational Safety and Health Administration graphically demonstrate the need for exempting from OSHA regulations those farming and ranching operations employing 10 or fewer persons. In attempting to apply nationwide a set of regulations designed for specific circumstances in California, OSHA administrators have evidenced a singular lack of knowledge of and sensitivity to the widely varying agricultural conditions which exist across the length and breadth of the United States.

Need, practicality or feasibility are given little or no consideration as OSHA strives to obey the 1972 fiat by Congress for safe and healthful working conditions. No one argues with the goal: we must, however, take exception to many of the means OSHA employs to reach that goal.

The need for reforming and clarifying the provisions of the 1972 Occupational Safety and Health Act have been ignored by the Education and Labor Committee. Those of us who have sought legislative remedies for the valid complaints of injustice in the frequently arbitrary and capricious findings of inspectors have gone unheeded.

Taking into consideration the widely varying circumstances of large and small business and farm operations; easing the arduous task of finding out which rules one must obey; clarifying

the routes of appeal are but some of the crying needs in OSHA reform reaching my office and those of my colleagues.

With the committee declining to act, denial of funds for certain OSHA operations seems the only avenue remaining. I urge my colleagues to support the amendment.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that all debate on the Skubitz amendment and all amendments thereto close at 12 o'clock noon.

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

Mr. LATTA. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. FLOOD. Mr. Chairman, I move that all debate on the Skubitz amendment and all amendments thereto close at 12 noon.

The CHAIRMAN. The question is on the motion offered by the gentleman from Pennsylvania.

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

RECORDED VOTE

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

The CHAIRMAN. The Chair will count.

One hundred two Members are present, a quorum.

A recorded vote was ordered.

PARLIAMENTARY INQUIRY

Mr. KAZEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KAZEN. Mr. Chairman, what is the question?

The CHAIRMAN. The motion offered by the gentleman from Pennsylvania was that debate should close at 12 noon on the pending amendment and all amendments thereto.

Mr. KAZEN. Mr. Chairman, a further parliamentary inquiry.

After this recorded vote is taken, which will terminate at 10 minutes after 12, does that mean that automatically all debate will cease at the end of the rollcall?

The CHAIRMAN. The gentleman's interpretation would be correct, assuming the passage of this motion, unless there were amendments printed in the RECORD, in which case they will be protected under the rule.

PARLIAMENTARY INQUIRY

Mr. GUYER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GUYER. Mr. Chairman, it is physically impossible to pass a motion that cannot possibly be carried out. The Chair cannot possibly shut off debate at 12 o'clock, when it will be 12:10 when the vote is completed.

The CHAIRMAN. The Chair will state to the gentleman that the motion can and will be executed, assuming the passage of the motion.

The vote was taken by electronic device, and there were—ayes 247, noes 150, not voting 34, as follows:

[Roll No. 445]

AYES—247

Adams
Addabbo
Alexander
Allen
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Annunzio
Aspin
AuCoin
Badillo
Baldus
Baucus
Beard, R.I.
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bonker
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Broyhill
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Phillip
Byron
Carney
Cederberg
Chappell
Clancy
Clay
Cochran
Collins, Ill.
Conte
Conyers
Corman
Cornell
Cotter
D'Amours
Daniel, R. W.
Daniels, N.J.
Danielson
de la Garza
Delaney
Dellums
Devine
Dodd
Downing, Va.
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Eilberg
English
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fary
Fascell
Fenwick
Fisher
Fithian
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fraser
Fuqua
Gaydos
Gibbons
Ginn
Goodling
Haley
Hall
Hamilton
Hanley
Hannaford
Harrington
Harris
Harsha
Hawkins
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Hefner
Heinz
Hicks
Hightower
Hillis
Holland
Holt
Holtzman
Horton
Howe
Hubbard
Hyde
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kastenmeier
Kazen
Koch
Krebs
Krueger
Leggett
Lehman
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lundine
McCloskey
McCormack
McDade
McFall
McHugh
McKay
Madden
Madigan
Maguire
Mahon
Mazzoli
Meeds
Meyner
Michel
Mills
Mineta
Mink
Mitchell, Md.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Oberstar
Obey
O'Neill
Ottinger
Passman
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Paul
Pepper
Perkins
Pike
Preyer
Price
Pritchard
Railsback
Rangel
Reuss
Risenhoover
Roberts
Rodino
Roe
Rogers
Roncalio
Rose
Rostenkowski
Roybal
Russo
Ryan
St Germain
Santini
Scheuer
Schroeder
Schulze
Shipley
Sikes
Sisk
Slack
Snyder
Spellman
Staggers
Stanton, James V.
Steed
Stephens
Stokes
Stratton
Stuckey
Sullivan
Symington
Taylor, N.C.
Thompson
Thornton
Traxler
Tsongas
Ullman
Van Deerlin
Vander Veen
Vanik
Vigorito
Waggonner
Waxman
Weaver
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Wirth
Wolff
Wright
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NOES—150

Abdnor
Abzug
Ambro
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
Bafalis
Bauman
Beard, Tenn.
Bedell
Bell
Bennett
Biester
Blouin
Breckinridge
Brown, Mich.
Brown, Ohio
Buchanan
Burgener
Burke, Fla.
Burton, John
Butler
Carr
Carter
Chisholm
Clausen, Don H.
Clawson, Del
Cleveland
Cohen
Collins, Tex.
Conable
Coughlin
Crane
Daniel, Dan
Davis
Derrick
Derwinski
Dickinson
Downey, N.Y.
du Pont
Edgar
Edwards, Ala.
Edwards, Calif.
Emery
Erlenborn
Findley
Fish
Forsythe
Frenzel
Frey
Gilman
Gonzalez
Grassley
Green
Gude
Guyer
Hagedorn
Hammerschmidt
Hansen
Harkin
Henderson
Howard
Hughes
Hungate
Hutchinson
Ichord
Jacobs
Jeffords
Jenrette
Johnson, Colo.
Kasten
Kelly
Kemp
Ketchum
Keys
Kindness
LaFalce
Lagomarsino
Latta
Lent
Lujan
McClory
McCollister
McEwen
McKinney
Mann
Martin
Mathis
Matsunaga
Mezvinsky
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mitchell, N.Y.
Moffett
Moore
Moorhead, Calif.
Mosher
Myers, Ind.
Nowak
O'Brien
Pettis
Pickle
Poage
Pressler
Quie
Quillen
Randall
Regula
Rhodes
Richmond
Rinaldo
Robinson
Rooney
Roush
Rousselot
Ruppe
Sarasin
Sarbanes
Satterfield
Schneebeli
Sebelius
Seiberling
Sharp
Shriver
Shuster
Simon
Skubitz
Smith, Iowa
Smith, Nebr.
Spence
Stanton, J. William
Stark
Steiger, Wis.
Studds
Talcott
Taylor, Mo.
Teague
Thone
Treen
Vander Jagt
Walsh
Whalen
Winn
Wydler
Wylie
Young, Alaska
Young, Fla.

NOT VOTING—34

Ashley
Bergland
Bolling
Conlan
Dent
Diggs
Dingell
Esch
Giaimo
Goldwater
Gradison
Hays, Ohio
Hébert
Helstoski
Hinshaw
Karth
Landrum
Litton
McDonald
Melcher
Metcalfe
Milford
O'Hara
Peyser
Rees
Riegle
Rosenthal
Runnels
Solarz
Steelman
Steiger, Ariz.
Symms
Udall
Wampler

Messrs. JENRETTE, MEZVINSKY, and RANDALL, changed their vote from "aye" to "no."

So the motion was agreed to.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRIES

Mr. FINDLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FINDLEY. Mr. Chairman, my parliamentary inquiry is this: Will the first vote occur on the amendment offered as a substitute by the gentleman from Michigan (Mr. FORD)?

The CHAIRMAN (Mr. WRIGHT). The gentleman is correct.

Mr. FINDLEY. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FINDLEY. Mr. Chairman, my further parliamentary inquiry is this: Is the effect of the substitute amendment to replace in its entirety the language of the Skubitz amendment?

The CHAIRMAN (Mr. WRIGHT). The Chair will state that that is correct.

PARLIAMENTARY INQUIRY

Mr. SKUBITZ. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SKUBITZ. Did I understand the Chair to say that the vote at this moment will be on the Ford of Michigan amendment which, if adopted, will nullify and destroy the Skubitz amendment?

The CHAIRMAN. The Chair will put the question as objectively as possibly can be done.

The question is on the amendment offered by the gentleman from Michigan (Mr. FORD) as a substitute for the amendment offered by the gentleman from Kansas (Mr. SKUBITZ).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 151, noes 245, answered "present" 1, not voting 34, as follows:

[Roll No. 446]

AYES—151

Abzug
Adams
Addabbo
Ambro
Anderson, Calif.
Anderson, Ill.
Annunzio
Aspin
Badillo
Baldus
Baucus
Beard, R.I.
Biaggi
Biester
Bingham
Blanchard
Boland
Brademas
Brodhead
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burton, John
Burton, Phillip
Carney
Chisholm
Clay
Cleveland
Cohen
Collins, Ill.
Conte
Corman
Cotter
Coughlin
D'Amours
Daniels, N.J.
Delaney
Dellums
Diggs
Dingell
Dodd
Downey, N.Y.
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Emery
Fary
Fascell
Fenwick
Florio
Ford, Mich.
Ford, Tenn.
Fraser
Gaydos
Gibbons
Gude
Hannaford
Harris
Hawkins
Hechler, W. Va.
Hicks
Holtzman
Horton
Howard
Johnson, Calif.
Jones, Ala.
Jordan
Koch
Levitas
Lundine
McCloskey
McCormack
McFall
McKinney
Madden
Maguire
Matsunaga
Mazzoli
Meeds
Meyner
Mikva
Miller, Calif.
Mineta
Minish
Mink
Mitchell, Md.
Moakley
Moffett
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Nedzi
Nix
Nolan
Oberstar
Obey
O'Neill
Ottinger
Patterson, Calif.
Pepper
Perkins
Pike
Price
Rangel
Regula
Reuss
Richmond
Rodino
Roe
Roncalio
Rosenthal
Rostenkowski
Roybal
St Germain
Sarasin
Sarbanes
Scheuer
Schroeder
Seiberling
Spellman
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steiger, Wis.
Stokes
Studds
Thompson
Tsongas
Van Deerlin
Vanik
Walsh
Waxman
Weaver
Whalen
Wilson, C. H.
Wright
Wydler
Yates
Yatron
Young, Ga.
Zeferetti

NOES—245

Abdnor
Alexander
Allen
Andrews, N.C.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
AuCoin
Bafalis
Bauman
Beard, Tenn.
Bedell
Bell
Bennett
Bevill
Blouin
Boggs
Bonker
Bowen
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Carr
Carter
Cederberg
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cochran
Collins, Tex.
Conable
Conyers
Cornell
Crane
Daniel, Dan
Daniel, R. W.
Danielson
Davis
de la Garza
Derrick
Derwinski
Devine
Dickinson
Downing, Va.
Duncan, Tenn.
du Pont
Edwards, Ala.
English
Erlenborn
Eshleman
Evans, Colo.
Evans, Ind.
Findley
Fish
Fisher
Fithian
Flood
Flowers
Flynt
Foley
Forsythe
Fountain
Frenzel
Frey
Fuqua
Giaimo
Gilman
Ginn
Goodling
Grassley
Green
Guyer
Hagedorn
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen
Harkin
Harrington
Harsha
Hayes, Ind.
Heckler, Mass.
Hefner
Heinz
Henderson
Hightower
Hillis
Holland
Holt
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jacobs
Jarman
Jeffords
Jenrette
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Kindness
Krebs
Krueger
LaFalce
Lagomarsino
Latta
Lent
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
McClory
McCollister
McDade
McEwen
McHugh
McKay
Madigan
Mahon
Mann
Martin
Mathis
Mezvinsky
Michel
Miller, Ohio
Mills
Mitchell, N.Y.
Mollohan
Montgomery
Moore
Moorhead, Calif.
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nichols
Nowak
O'Brien
Passman
Patten, N.J.
Pattison, N.Y.
Paul
Pettis
Pickle
Poage
Pressler
Preyer
Pritchard
Quie
Quillen
Railsback
Randall
Rhodes
Rinaldo
Risenhoover
Roberts
Robinson
Rogers
Rooney
Rose
Roush
Rousselot
Ruppe
Russo
Ryan
Santini
Satterfield
Schneebeli
Schulze
Sebelius
Sharp
Shipley
Shriver
Shuster
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Spence
Steed
Stephens
Stratton
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thone
Thornton
Traxler
Treen
Ullman
Vander Jagt
Vander Veen
Vigorito
Waggonner
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, Tex.
Winn
Wirth
Wolff
Wylie
Young, Alaska
Young, Fla.
Young, Tex.
Zablocki

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—34

Ashley
Bergland
Bolling
Conlan
Dent
Esch
Evins, Tenn.
Goldwater
Gradison
Hays, Ohio
Hébert
Helstoski
Hinshaw
Karth
Landrum
Leggett
Lehman
Litton
McDonald
Melcher
Metcalfe
Milford
O'Hara
Peyser
Rees
Riegle
Runnels
Solarz
Steelman
Steiger, Ariz.
Stuckey
Symms
Udall
Wampler

The Clerk announced the following pairs:

On this vote:

Mr. Dent for, with Mr. McDonald against.
Mr. Helstoski for, with Mr. Hébert against.
Mr. Metcalfe for, with Mr. Runnels against.
Mr. Solarz for, with Mr. Conlan against.
Mr. Riegle for, with Mr. Goldwater against.
Mr. O'Hara for, with Mr. Landrum against.
Mr. Leggett for, with Mr. Stuckey against.

Mr. ULLMAN and Mr. ARMSTRONG changed their vote from "aye" to "no."

Messrs. COTTER, STAGGERS, McFALL, PRICE, and BALDUS changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. SKUBITZ).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 273, noes 124, answered "present" 1, not voting 33, as follows:

[Roll No. 447]

AYES—273

Abdnor
Alexander
Andrews, N.C.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
AuCoin
Bafalis
Baldus
Baucus
Bauman
Beard, Tenn.
Bedell
Bell
Bennett
Bevill
Blouin
Boggs
Boland
Bonker
Bowen
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Carr
Carter
Cederberg
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collins, Tex.
Conable
Conte
Cornell
Coughlin
Crane
D'Amours
Daniel, R. W.
Davis
de la Garza
Derrick
Derwinski
Devine
Dickinson
Dodd
Downing, Va.
Duncan, Oreg.
Duncan, Tenn.
du Pont
Edwards, Ala.
Emery
English
Erlenborn
Esch
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Findley
Fish
Fisher
Fithian
Florio
Flowers
Flynt
Foley
Ford, Tenn.
Forsythe
Fountain
Frenzel
Frey
Fuqua
Giaimo
Gibbons
Gilman
Ginn
Goodling
Grassley
Guyer
Hagedorn
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Hansen
Harkin
Harsha
Heckler, Mass.
Hefner
Heinz
Henderson
Hicks
Hightower
Hillis
Holland
Holt
Horton
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jacobs
Jarman
Jeffords
Jenrette
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Kindness
Krebs
Krueger
LaFalce
Lagomarsino
Latta
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
Lundine
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McHugh
McKay
Madigan
Mahon
Mann
Martin
Mathis
Matsunaga
Mazzoli
Mezvinsky
Michel
Miller, Ohio
Mills
Mitchell, N.Y.
Moffett
Montgomery
Moore
Moorhead, Calif.
Morgan
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nichols
Nowak
O'Brien
Ottinger
Passman
Patterson, Calif.
Pattison, N.Y.
Paul
Perkins
Pettis
Pickle
Pike
Poage
Pressler
Preyer
Pritchard
Quie
Quillen
Railsback
Randall
Regula
Rhodes
Risenhoover
Roberts
Robinson
Rogers
Roncalio
Rooney
Rose
Roush
Rousselot
Ruppe
Russo
Ryan
Santini
Satterfield
Schneebeli
Schroeder
Schulze
Sebelius
Sharp
Shipley
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Spence
Stanton, J. William
Steed
Stephens
Stratton
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thone
Thornton
Traxler
Treen
Ullman
Vander Jagt
Vander Veen
Vigorito

Waggonner	Wiggins	Wylie
Walsh	Wilson, Bob	Yatron
Weaver	Wilson, Tex.	Young, Alaska
White	Winn	Young, Fla.
Whitehurst	Wirth	Young, Tex.
Whitten	Wright	Zablocki

NOES—124

Abzug	Fary	Nolan
Adams	Fascell	Oberstar
Addabbo	Fenwick	Obey
Allen	Flood	O'Neill
Ambro	Ford, Mich.	Patten, N.J.
Anderson, Calif.	Fraser	Pepper
	Gaydos	Price
Anderson, Ill.	Gude	Rangel
Annunzio	Harrington	Reuss
Aspin	Harris	Richmond
Badillo	Hawkins	Rinaldo
Beard, R.I.	Hayes, Ind.	Rodino
Biaggi	Hechler, W. Va.	Roe
Biester	Holtzman	Rosenthal
Bingham	Howard	Rostenkowski
Blanchard	Johnson, Calif.	Roybal
Brademas	Jordan	St Germain
Brodhead	Koch	Sarasin
Brown, Calif.	Leggett	Sarbanes
Burke, Calif.	Lehman	Scheuer
Burke, Mass.	McFall	Seiberling
Burton, John	McKinney	Simon
Burton, Phillip	Madden	Spellman
Carney	Maguire	Staggers
Chisholm	Meeds	Stanton, James V.
Clay	Meyner	
Collins, Ill.	Mikva	Stark
Conyers	Miller, Calif.	Steiger, Wis.
Corman	Mineta	Stokes
Cotter	Minish	Studds
Daniels, N.J.	Mink	Thompson
Danielson	Mitchell, Md.	Tsongas
Delaney	Moakley	Van Deerlin
Dellums	Mollohan	Vanik
Dingell	Moorhead, Pa.	Waxman
Downey, N.Y.	Mosher	Whalen
Drinan	Moss	Wilson, C. H.
Early	Mottl	Wolff
Eckhardt	Murphy, Ill.	Wydler
Edgar	Murphy, N.Y.	Yates
Edwards, Calif.	Nedzi	Young, Ga.
Eilberg	Nix	Zeferetti

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—33

Ashley	Hébert	Peyser
Bergland	Helstoski	Rees
Bolling	Hinshaw	Riegle
Conlan	Karth	Runnels
Daniel, Dan	Landrum	Solarz
Dent	Litton	Steelman
Diggs	McDonald	Steiger, Ariz.
Goldwater	Melcher	Stuckey
Gradison	Metcalfe	Symms
Green	Milford	Udall
Hays, Ohio	O'Hara	Wampler

The Clerk announced the following pairs:

On this vote:

Mr. McDonald for, with Mr. O'Hara against.
Mr. Melcher for, with Mr. Diggs against.
Mr. Runnels for, with Mr. Metcalfe against.
Mr. Hébert for, with Mr. Solarz against.
Mr. Dent for, with Mr. Helstoski against.

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

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

Mr. Chairman, I would like to say that at the end of the debate on the bill I intend to ask permission for all Members to have 5 legislative days in which to revise and extend their remarks on the Skubitz amendment.

AMENDMENT OFFERED BY MR. FINDLEY

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

The Clerk read as follows:

Amendment offered by Mr. FINDLEY: On page 7, at the end of line 25, add the following sentence: "None of the funds provided by this act shall be used to formulate or carry out a program under which first-instance citations for violations must be issued against firms employing 10 or fewer persons."

Mr. FINDLEY. Mr. Chairman, this committee, very wisely, I think, has just adopted an amendment which exempts farmers who employ 10 people or less from the application of the OSHA regulations. The vote was more than 2 to 1. There are many hundreds of thousands of other small businessmen who are not classified as farmers, who nevertheless face the same difficulties dealing with OSHA regulations.

Mr. Chairman, the effect of the amendment that the Members have just heard read, is to extend to small business firms exactly the same consideration that this committee has seen fit now to extend to farmers. Both of these of course are small business firms but the difficulties of the merchant and the small manufacturer are no less complicated than that of the farmer. Just as a matter of simple justice I feel this committee ought to accept my amendment.

The gentleman from Wisconsin (Mr. OBEY) and my good friend, argued earlier that limitations on appropriation bills are not an intelligent way to deal with the absurdities that have come to light in the operation of the OSHA program. It is not the most intelligent way, I will freely acknowledge, but I must tell my friend, the gentleman from Wisconsin (Mr. OBEY) that it appears to be the only way that this committee can bring force to bear upon the administration of OSHA, and upon the other body, in order to get the basic law and regulation remedied.

Some of the Members will recall that last November the House passed and sent to the Senate H.R. 8618, a bill which would authorize Federal onsite consultation for small business firms.

Only 15 Members voted against it. It was brought to us by the distinguished gentleman from New Jersey (Mr. DANIELS) and I salute him for standing up against a lot of pressure which was brought to bear against his subcommittee. I compliment him on getting it to the floor, and he did get a splendid vote of support in this body.

It went to the Senate, and there it is as dead as a dormouse. There is no prospect that that bill is going to move unless the Congress by this means of a limitation amendment on an appropriations bill brings pressure to get the attention of Senators to make them recognize that consultation is an absolute essential for the small business firm which cannot employ at high cost a consultant and expert on compliance with Federal health and safety regulations.

There is another need for this amendment, and that is to get the attention of the Administrator of OSHA. Dr. Corn is bringing new life to the administration of OSHA, but he needs a nudge, he needs encouragement, he needs pressure down the right road. Virtually all of the citations that have been issued in the 3½ years of OSHA's life—nearly 1 million citations—have been for other than serious violations. A firm will have an outlet plug which is not grounded when it gets socked for a $25 or $50 fine just for that one minor nonserious violation.

I am sure all of the Members have heard from small business firms who are outraged. They are incensed about getting these $25 fines for trivial violations. It is my belief that under the language of the OSHA law itself, the Administrator could stop the practice of exacting a financial penalty for these other than serious violations, but he is under a lot of pressure from labor interests and pressures elsewhere to keep regulations which require these irritating fines.

We need his attention to encourage him to reform the regulations under the basic law, while at the same time we are trying to get the attention of the other body to enact the long-needed authority for Federal onsite consultation service.

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

Mr. FINDLEY. I yield to the gentleman from Nebraska.

Mr. McCOLLISTER. I thank the gentleman for yielding.

Mr. Chairman, I want to compliment the gentleman on his amendment and on his statement. Two years ago in the 93d Congress the then Select Committee on Small Business the Subcommittee on Regulatory Agencies under the chairmanship of the gentleman from Missouri (Mr. HUNGATE) made a study of OSHA's practices and came up with a report listing a dozen or more changes that ought to be made.

I, too, do not like the device of a limitation on an appropriations bill, but until more of those suggestions are incorporated into law and change in OSHA regulation, I think, too, we have no alternative. I am delighted to support the gentleman's amendment.

Mr. Chairman, as we consider the appropriation for the Department of Labor, I believe it would be helpful to the Department as well as to those directly affected by the regulatory programs it operates, if the House would give some clear policy direction to guide the Department.

Specifically, I believe the Department needs better policy guidance in its administration of the Occupational Safety and Health Act—OSHA. OSHA was meant to encourage businesses to locate and correct unsafe hazards in workplaces. The insensitive and clumsy administration of the act has produced just the opposite result: businessmen are afraid of their Government rather than eager to participate in this program which will help both workers and the businesses themselves.

OSHA has displayed great imagination in the ways it has focused on insignificant problems, sacrificing attention to legitimate, large-scale hazards. OSHA has the unenviable image of the archetypical bureaucracy: arrogant, paternalistic, insensitive to local conditions or to the consequences of its demands, and unwilling to heed the policy directives of the Congress which set it up in business in the first place. This has to end.

OSHA seems to work overtime to be offensive. For years, critics have correctly identified the technical gibberish of its regulations as incomprehensible even to those who fully want and intend to comply. This year, its proposed regulation on ladders was 64-pages long and contained a series of trigonometric functions. Since when has competence in advanced mathematics become a requisite skill in order to run even a small mom-and-pop business? On the other hand, a recent issue of instructions to cattlemen addresses them in terms appropriate for a moron's mentality. It tells cattle producers, "professionals" in their own fields:

The best way to not have an accident is to prevent it. Be careful around the farm . . . Hazards are one of the main causes of accidents. A hazard is anything that is dangerous . . . Be careful when you are handling animals. Tired or hungry or frightened cattle can bolt and trample you. Be patient, talk softly around the cows. Don't move fast or be loud around them. If they are upset, don't go into the pen with them.

This type of simplistic, paternalistic treatment has already produced an understandable backlash among cattle producers.

Two amendments are to be offered today which will provide greater policy direction to OSHA and I urge the Members to support them. Mr. SKUBITZ' amendment, just adopted, proposes an exemption under OSHA regulations for any person engaged in a farming operation employing 10 or fewer persons. Mr. FINDLEY will propose a prohibition against mandatory first-instance citations.

Last November the House passed by an overwhelming margin legislation directing OSHA to commence a program of voluntary, onsite consultations to help businessmen locate and correct hazards in their workplaces without penalty. The Senate has been sitting on this bill while millions of Americans suffer. Workers suffer because their employers cannot identify the hazards in order to bring their shops into compliance. Businessmen suffer by enduring frightening inspections and burdensome fines despite their good faith attempts to satisfy OSHA requirements.

OSHA needs to know the Congress is concerned about the way it is administering its program. It needs to be told that its procedures and its regulations are creating an atmosphere of fear and resentment which are crippling compliance with the act and slowing the job of assuring safe working conditions for American workers. It needs to be told to direct its enforcement efforts to the real problem areas.

These amendments will "send 'em a message." I urge the House to support both amendments.

Mr. FINDLEY. Mr. Chairman, I repeat, this is an opportunity for this committee to extend the same privilege, the same exemption to all small business firms, that it has just voted to extend to farmers. Firms employing 11 persons or more will still be required to comply with OSHA.

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

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

Mr. BEDELL. I thank the gentleman for yielding.

I would like also to commend the gentleman on his amendment and support him.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois (Mr. FINDLEY) which would prohibit the mandatory imposition of fines against firms employing 10 or fewer persons in the case of first-instance OSHA citations. It would thus allow individual OSHA inspectors greater flexibility in the administration of the OSHA program. It would permit them to use their individual judgment as to whether or not an employer should be fined for violations discovered on initial inspection.

There can be no question that in a great many cases OSHA regulations have placed a damaging and unfair burden on the American small businessman. I truly regret this fact, because I do not believe that this was the intent of the original act. It is possible to protect the American worker from needless injury without destroying small firms. The Occupational Safety and Health Act was designed to make sure that the worker is guaranteed healthful working conditions. It was not intended to be a punitive measure against the small businessman.

We are all aware of the tremendous volume and complexity of OSHA regulations. They are a bureaucratic nightmare. It is very easy for an employer to be in violation of an OSHA requirement without even knowing it. In my opinion, there is no reason or need to impose a mandatory fine on an employer on a first inspection where a violation is not willful and where the employer is anxious to correct it. In such a case, it seems to me that a warning without a fine would be sufficient.

In addition, I am concerned about the high incidence of fines in cases where violations are discovered on first inspection, especially where the violation is of a "nonserious" nature. Current law permits OSHA inspectors to issue citations without fines for "nonserious" violations. Yet, in the last 3½ years, OSHA inspectors have issued over 900,000 citations for "nonserious" violations as defined by OSHA.

Mr. Chairman, I feel very strongly that if OSHA is to work effectively and fairly, the Federal Government must help employers who want to comply with the law do so without imposing unnecessary penalties against them. I think that the Findley amendment will contribute to that end by allowing individual OSHA inspectors greater discretion in the issuance of citations and by sending a message to OSHA that it is clearly the Congress intent that OSHA be a positive rather than a punitive program. I urge adoption of the Findley amendment.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. Chairman, this amendment, although it is parading in the guise of limiting enforcement of OSHA to firms with 10 employees or less, is in actuality a total repealer of all OSHA's enforcement.

I have a letter from William J. Kilberg, Solicitor of Labor of the Department of Labor, which reads as follows.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., June 23, 1976.

Hon. DAVID R. OBEY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN OBEY: Mr. Scott Lilly of your staff has requested our views on the legal implications of a proposed amendment to the Labor-HEW 1977 Appropriations Bill which, we understand, will provide as follows:

"None of the funds provided by this Act shall be used to formulate or carry out a program under which first instance citations for violations of the Occupational Safety and Health Act of 1970 must be issued against firms employing 25 or fewer persons."

Since first instance citations for violations committed by all covered employers are an essential ingredient of the statutory scheme of the OSHA program, we believe that enactment of this amendment will present a serious danger that all appropriations to the Department of Labor for implementation of the OSH Act would be barred.

Sincerely,

WILLIAM J. KILBERG,
Solicitor of Labor.

I submit that, again, although the intent is not to do so, the effect is disastrous. The effect is totally irresponsible. The effect, even if the amendment did what the gentleman said it did, would be to deny to 13 million workers in this country adequate protection under OSHA. It would deny to over 4 million businesses the opportunities to provide a decent, safe, and healthful workplace for American workers.

We have to understand that OSHA does not just deal with safety. It also deals with health. We are facing in the workplace a myriad of chemicals which we are coming to understand cause cancer and many other diseases, chemicals such as benzine, inorganic arsenic, vinyl chloride. We can recite the litany.

Do Members really have the guts to deny to all workers in chemical industry adequate protection against cancer-causing chemicals? That is what this amendment does. It effectively says to every worker in the country: "You will not be protected by OSHA" from cancer-causing chemicals.

I know that is not the intent but the fact is that is the effect of the amendment as drawn. We will be effectively eliminating all safety supervision and all health supervision from all workplaces and from all workers in the country.

I do not say it. That is the word of the Department of Labor. I urge the Members to be responsible.

This amendment was offered last year. It was beaten because people understood just how irresponsible it is. I would hope this time we would follow the advice of

the Department of Labor and exercise a little more care and a little more caution.

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

Well, here we go again. This is act 5, scene 1. That is, for 5 years now this OSHA amendment has been offered by my good friend, the gentleman from Illinois (Mr. FINDLEY). We all know this OSHA business is a very emotional subject. There is no question about that. It is easy to get down into the well and wring one's hands and break down and cry and say that the country is going to collapse if we do not do something about OSHA.

Let us try to be reasonable about this thing. Now, look, there is no doubt that the administration of the OSHA operation has been much, much better in the last 2 or 3 years. There is no question about that. Our testimony has made that clear. We think it is going to keep improving. No question about it.

They have a new man down there, Dr. Corn. He has been there for the last 6 months. He is in touch with the Congress. For the first time the lines of communication are open between the Congress and Dr. Corn's operation. He is beginning to show some positive results.

Now, let us not completely tie the hands of this man with an amendment like this. He will not be able to move. He is trying to do the job and we are the ones who insist that he does that. Whether we like it or not, keep this in mind, this is the Appropriations Committee. Whether you like it or not, the law is on the books. We put it there and it has to be enforced. We have said so.

The appropriations bill, I repeat for the purpose of emphasis, is not the place to rewrite this law. If we want the law changed, then for heaven's sakes we should go to the proper committee to have it changed. That place is not here on this kind of bill.

Right now the law says if a Federal compliance officer finds a violation of this act he must issue a citation. He must do that. That is the law. This amendment would change the law.

Mr. Chairman, to say that employers of 10 or fewer employees would not be cited in a first-instance violation, now that is contrary to the law.

Now, all of us, of course, are sympathetic. We understand and are very familiar with the problems of small business, but I do not think it is fair just to pick out of the air or off the left field wall any figure, whether it is 10, 25, 50 or 100, whatever it is, and say that firms of that size do not have to comply with the law, but everybody else outside of that basic number shall comply with the law.

Now, how can we do that? What is so magic about any number?

By the way, it certainly is not fair to the employee of a small business, by any means. The employees of a small business are just as entitled to this protection as the employees of General Motors or United States Steel. Why not? Why should not they have the same protection, those employees?

By the way, the Congress has made quite a point about consultation. We are all aware now of that need. That was the big word last year, consultation, particularly for small firms. Remember that? We wanted consultation for the small firms. This bill now contains $17,500,000 for the consultation program that we insisted on. That, by the way, is separate and apart, entirely separate and apart from the inspection program. Now is that clear?

Mr. Chairman, let us give this consultation program that we gave birth to and we insisted on, let us give the consultation program, and it is just beginning to take hold, let us give it a chance to make good. What in the world is the matter with that?

Mr. Chairman, under all the circumstances, I suggest this is a classic annual gimmick, and I suggest that this is not the place for it. It should be turned down.

Mr. SKUBITZ. Mr. Chairman, I rise in support of the amendment just offered by the gentleman from Illinois (Mr. FINDLEY). If he had not done so, I would have.

This is an effort on the gentleman's part to do for the small businessman what we have just done for the small farmers of this country except it does not go as far as I would like to do. I would exempt such business completely from the control of OSHA.

Mr. Chairman, the same scare tactics that were used in the debate on the farm amendment have been resorted to in trying to defeat this amendment. Time and again I have been back home visiting the small businessmen in my district. Small businessmen tell me of the persecution, the arrogance of the inspectors that visit their plants. When I ask their permission to contact OHSA and use their name, the answer is, "For goodness sakes, don't do that Joe because they will come back and find a hundred other things wrong just to teach us a lesson—to not to question their arbitrary action.

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

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

Mr. KETCHUM. Mr. Chairman, I join the gentleman from Kansas in support of the Findley amendment. Having been here for four of the five acts that our thespian friend from Pennsylvania referred to, is it not true that in every session of the last two Congresses that well over 100 Members of this House introduced bills to do something about this onerous program; yet we are remonstrated to go to the authorization committee to have changed, and the authorization committee will not hear the bill.

Mr. SKUBITZ. Mr. Chairman, the gentleman is exactly right.

Mr. KETCHUM. Mr. Chairman, if the gentleman will yield further, this is one program that the employers of the United States are up in arms about, despite the fact that a Congress passed, not this one, passed it, and they would like to see it repealed.

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

Mr. SKUBITZ. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, I concur in the remarks of the gentleman from Kansas (Mr. SKUBITZ). There is no chance of ever getting this law repealed and, as the gentleman from Kansas, I have had scores and scores of small businessmen in my district complain about the abuses of the employees of OSHA.

Mr. Chairman, I hope the amendment of the gentleman passes.

Mr. SKUBITZ. The gentleman is right to send a measure to the committee which considers OSHA a sacred cow is only a waste of time. I was home one time when an inspector in my district said to a small businessman:

"I am going to find something wrong before I walk out because that is my job, and if I do not find something wrong, I am liable to lose my job."

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

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

Mr. FINDLEY. Mr. Chairman, I want to comment on the statement made by the gentleman from Wisconsin (Mr. OBEY), in which he quoted from a Labor Department official as stating that my amendment would stop all OSHA enforcement. No doubt any administration official who wants my amendment defeated would strain every possible effort to come up with a negative position on this amendment. But, this amendment has been before the Congress in various forms about four times, and never, to my recollection, has it been contended that this would have the effect of stopping down all health and safety enforcement. It applies only to firms employing 10 people or less. It reads that way. It is intended that way.

If this amendment becomes law, I will forecast that OSHA will find a way very swiftly to continue enforcement against those firms employing over 10 people.

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

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

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

Mr. Chairman, this is an excellent amendment to the bill we are now considering and I rise in full support of it. As my colleagues know, the Findley amendment would exempt small businesses which employ fewer than 10 persons from compliance with the multitude of rules and regulations which have been adopted by OSHA.

Let me emphasize at the outset that my support of this amendment does not and should not be construed as an indifference to the safety and well-being of persons employed by small businesses. Quite the opposite is true. What concerns me is that these persons continue to have gainful employment and that the small businesses of our Nation will continue to grow and prosper. This issue is at the heart of the competitive enterprise system.

My office has received all too many letters from constituents—both employers and employees—complaining that

OSHA inspectors have entered a business and found what they consider to be safety violations. Then the punitive portions of the act come into play as the small businessman faces the hard choice of compliance to the dictates of an agent of a Washington bureaucracy or else simply going out of business. The cost of compliance is often too great in terms of the increased safety that will supposedly result. Employees lose jobs and an already high rate of unemployment increases.

OSHA has grown into a monster. It is a good example of over regulation by a Federal bureaucracy that is unresponsive to the needs of the people. Perhaps the larger businesses and corporations can afford to expend vast amounts of money to either contest the OSHA inspector's determination or to knuckle under. But the resources of the small businessman are small and he is left with but one option, and that is to close down.

Subjecting the small business and the large corporations is like comparing apples with oranges. It cannot be done. OSHA is doing this nonetheless and it is hurting small businessmen and the citizens they employ.

For the above reasons, and others which I will not go into at this time, I urge the adoption of the Findley amendment. It is a step in the right direction.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word.

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

Mr. SMITH of Iowa. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, the gentleman from Illinois was in error. The fact is that I hold in my hand—as someone used to say—a copy of the CONGRESSIONAL RECORD of June 26, 1975, where I repeated that we had the same information from the Department of Labor, from the Solicitor, last year as we have this year. We pointed out last year that the gentleman was in error. He still has not corrected the amendment.

Mr. SMITH of Iowa. Mr. Chairman, I think that this has been the worst administered law that we have passed since I have been in the Congress. I have said that since the first year that it was passed. I cannot imagine any new administrators doing what they did. They collected together two stacks of industry codes, and incorporated them by reference into the regulations.

When we called them over before the Small Business Committee, we asked for a copy of them. There was not one copy in the United States. There was the original stack and no copy. So nobody could get a complete copy of the regulations affecting insurance, clients, or industries.

On the other hand, I do not think exemptions are the right way to attack this problem. For example, digging ditches 8 or 9 feet deep and not protecting against dirt slides. It can be the employer of only two or three employees who fails to provide the protection that kills a man. It is usually not the big employer who fails to provide that protection. He uses it often and affords a prefabricated form to place in the ditch. So, exempting an employer of a small number of employees generally is not the right way to do it.

Until a few minutes ago, I had always voted against these exemptions. On the other hand, I think that there is a difference between the general application of exemptions and the amendment relating to farmers. We do need some safety equipment on tractors, and I introduced an amendment several years ago to a bill that came out of the Commerce Committee to require a study of roll bars and safety equipment so that new machines being sold must have those kinds of roll bars and safety equipment that are necessary. I think that is the way to do it instead of trying to rebuild all old machinery and requiring toilets in wheat fields.

On the other hand, these figures they are throwing out about farms being the most dangerous places are just not so. At one time, a lady in Boone, Iowa, had the only statistics in the United States on tractor accidents because only she had collected them for many years, and I found that two-thirds of the deaths from tractors occured on the highways, not in the fields, but on the highways. In those cases, roll bars would have protected the people but it did not involve every conceivable kind of field condition.

It was said here that the last amendment that was passed exempted 87½ percent of the people. I guarantee that since it has passsed, they will find a different interpretation. It will not exempt 87½ percent of the farmers under their new interpretation and it should not because it did not read that way. Also, the administrators always say that they will do better, but they do not do any better, so there finally comes a time when we have to send them a little message, and I think that is what we did in the last amendment.

We gave them some notice that there has got to be an end to this stupidity—as illustrated by some of the provisions in the farm regulation that they proposed. However that regulation, is not in effect for farmers yet. The prohibition on funds would be for 1 year only. In effect, it assures up to 1 year of delay in implementing new regulations and that is different from the affect of the amendment we have before us now. So we sent them a message concerning something which is not let in effect.

On the other hand, this pending amendment requires that they must not administer a program under which certain firms must be cited.

However, the basic law provides that they must be cited. The law itself requires that there must be those citations. So if we say they cannot spend any money to administer a law which requires that, then we are saying they cannot spend any money to administer any part of the OSHA program, even as it applies against large firms. I think that is going too far.

The gentleman from New Jersey proposed and we passed a law providing for advisory opinions. I surely support that law. It was a good piece of work that we did, to assure that they would not automatically levy fines for certain nondangerous, nonwilful violations.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. SMITH) has expired.

(On request of Mr. FINDLEY and by unanimous consent, Mr. SMITH of Iowa was allowed to proceed for 1 additional minute.)

Mr. SMITH of Iowa. Mr. Chairman, the last amendment which passed was quite different from the amendment we have before us.

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

Mr. SMITH of Iowa. I yield to the gentleman from Illinois.

Mr. FINDLEY. I thank the gentleman for yielding.

Mr. Chairman, I am sure the gentleman does not want to leave the wrong impression.

My amendment would have effect only for the appropriation year. Not beyond. It cannot extend beyond the year.

Mr. SMITH of Iowa. Of course that is true, but it would annihilate a program that is already in effect; it would annihilate the whole program, not just that one part for which regulations are now being issued. So I think the amendment goes too far.

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

Mr. Chairman, I will not take 5 minutes.

As I told the gentleman from Kansas, who was in favor of this amendment, "You really ought to quit while you are ahead." I voted for his amendment. I think the farmers have a special problem.

But the gentleman from Illinois (Mr. FINDLEY) has offered this amendment every year. Do the Members know what this amendment would cost? It would cost millions of dollars, because when we get to conference the Senate will bargain with the House to get this amendment out. It will cost the taxpayers millions of dollars to get the amendment out. That is the fact of the situation. Not once has this amendment ever held up in a conference between the House and the Senate.

In past years we heard that the Committee on Education and Labor had done nothing, and that this is the only avenue that we have left to us.

The gentleman from Iowa (Mr. SMITH) and I held hearings in the Committee on Small Business for weeks and weeks. We had OSHA up before us. As the gentleman mentioned before on the floor of he House, they brought up these regulations which were taken out of the codes, which were absolutely stupid. People could not use ice cubes in the water for the employees because the code was written way back when water was taken out of the river and frozen and it was polluted. Another one was that they had to have split seats in the toilets. They had all of these crazy regulations which were taken out of the

old code. As a result of these hearings, we got some half decent regulations, and they did away with adopting the codes that were printed and antiquated for many years.

But to get back to the Findley amendment, as a result of these debates, the gentleman from New Jersey (Mr. DOMINICK V. DANIELS) did hold hearings, as he promised us here on the floor of the House—and I was one of the Members who filed the bill to require a consultation before they issued a citation—and he promised us he would bring out a bill. He fulfilled this promise. He did hold hearings. He did bring out a bill. A bill was passed by the House of Representatives. Now let us go the legislative course. It is moving in that direction. The gentleman from Illinois deserves credits and plaudits for helping to move this issue. We are now moving forward, and we should see what the Senate does. Hopefully, before the Congress adjourns and goes home for the year we will have a bill on the President's desk.

Mr. Chairman, I hope the Findley amendment is defeated.

Mr. ASHBROOK. Mr. Chairman, I support passage of the Findley amendment. This amendment would exempt businesses having 25 or fewer employees from being penalized for first-instance violations of OSHA regulations.

Frankly, I would prefer going even further. Small businesses should be totally exempted from the provisions of OSHA. Many small businesses have been forced to shut down because of heavy fines and impossible demands. The Findley amendment, however, is a step in the right direction and I commend the gentleman from Illinois for offering it.

The law as presently drafted is preposterous. Although OSHA regulations are extremely long and complex there is no provision for advise and consultation on how to comply with the regulations. Consequently when an OSHA inspector discovers a so-called violation, the employer is issued a citation and often a penalty even though this may be the first visit and the mistake was innocently made.

Last year the House finally moved to correct this defect. It passed a bill that would provide onsite consultation to employers. Unfortunately the Senate has failed to act on the legislation. This failure necessitates the passage of the Findley amendment today.

A vote for the Findley amendment is a vote for the small businessman. I urge passage of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. FINDLEY).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 36, noes 25.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 231, noes 161, answered "present" 1, not voting 38, as follows:

[Roll No. 448]

AYES—231

Abdnor
Alexander
Andrews, N.C.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
Aspin
AuCoin
Bafalis
Baldus
Baucus
Bauman
Beard, Tenn.
Bedell
Bell
Bennett
Boggs
Bonker
Bowen
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byron
Carr
Carter
Cederberg
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collins, Tex.
Conable
Crane
D'Amours
Daniel, Dan
Daniel, R. W.
Davis
de la Garza
Derrick
Derwinski
Devine
Dickinson
Downey, N.Y.
Downing, Va.
Duncan, Tenn.
du Pont
Edwards, Ala.
Emery
English
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Fisher
Fithian
Flowers
Flynt
Foley
Ford, Tenn.
Forsythe
Fountain
Frenzel
Frey
Fuqua
Gibbons
Gilman
Ginn
Goodling
Grassley
Guyer
Hagedorn
Haley
Hamilton
Hammer-schmidt
Hanley
Hansen
Harkin
Harris
Harsha
Hefner
Henderson
Hightower
Holt
Horton
Howe
Hubbard
Hughes
Hutchinson
Hyde
Ichord
Jacobs
Jarman
Jeffords
Jenrette
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kasten
Kazen
Kelly
Kemp
Ketchum
Keys
Kindness
Krebs
Krueger
LaFalce
Lagomarsino
Latta
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McCollister
McEwen
McHugh
McKay
Madigan
Mahon
Mann
Martin
Mathis
Michel
Miller, Ohio
Mills
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Mottl
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nichols
Nowak
O'Brien
Ottinger
Patterson, Calif.
Paul
Pettis
Pickle
Pike
Poage
Pressler
Preyer
Quie
Quillen
Railsback
Randall
Regula
Rhodes
Risenhoover
Roberts
Robinson
Rogers
Rooney
Rose
Roush
Rousselot
Ruppe
Russo
Ryan
Santini
Satterfield
Schneebeli
Schroeder
Schulze
Sebelius
Sharp
Shipley
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Nebr.
Snyder
Spence
Stanton, J. William
Steed
Stephens
Stratton
Sullivan
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thone
Thornton
Traxler
Treen
Ullman
Vander Jagt
Waggonner
Walsh
Wampler
White
Whitehurst
Whitten
Wilson, Bob
Winn
Wirth
Wydler
Wylie
Yatron
Young, Alaska
Young, Fla.
Young, Tex.

NOES—161

Abzug
Adams
Addabbo
Allen
Anderson, Calif.
Anderson, Ill.
Annunzio
Badillo
Beard, R.I.
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boland
Bolling
Brademas
Brodhead
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burton, Phillip
Carney
Chisholm
Clay
Cohen
Collins, Ill.
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
Daniels, N.J.
Danielson
Delaney
Dellums
Diggs
Dingell
Dodd
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Erlenborn
Evans, Ind.
Fary
Fascell
Fenwick
Fish
Flood
Florio
Ford, Mich.
Fraser
Gaydos
Gude
Hall
Hannaford
Harrington
Hawkins
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Heinz
Hicks
Hillis
Holtzman
Howard
Hungate
Johnson, Calif.
Jordan
Kastenmeier
Koch
Leggett
Lehman
Lundine
McCormack
McDade
McFall
McKinney
Madden
Maguire
Matsunaga
Mazzoli
Meeds
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mineta
Minish
Mink
Mitchell, Md.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Murtha
Nedzi
Nix
Nolan
Oberstar
Obey
Passman
Patten, N.J.
Pattison, N.Y.
Pepper
Perkins
Price
Pritchard
Rangel
Reuss
Richmond
Rinaldo
Rodino
Roe
Roncalio
Rosenthal
Rostenkowski
Roybal
St Germain
Sarasin
Sarbanes
Scheuer
Seiberling
Simon
Smith, Iowa
Spellman
Staggers
Stanton, James V.
Stark
Stokes
Studds
Symington
Thompson
Tsongas
Van Deerlin
Vander Veen
Vanik
Vigorito
Waxman
Weaver
Whalen
Wiggins
Wilson, C. H.
Wilson, Tex.
Wolff
Wright
Yates
Young, Ga.
Zablocki
Zeferetti

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—38

Ambro
Ashley
Bergland
Burton, John
Butler
Conlan
Dent
Giaimo
Goldwater
Gradison
Green
Hays, Ohio
Hébert
Helstoski
Hinshaw
Holland
Jones, Ala.
Karth
Landrum
Litton
Lott
McDonald
Melcher
Metcalfe
Milford
O'Hara
O'Neill
Peyser
Rees
Riegle
Runnels
Solarz
Steelman
Steiger, Ariz.
Steiger, Wis.
Stuckey
Symms
Udall

The Clerk announced the following pairs:

On this vote:

Mr. McDonald for, with Mr. Dent against.
Mr. Hébert for, with Mr. Helstoski against.
Mr. Runnels for, with Mr. Giaimo against.
Mr. Stuckey for, with Mr. Metcalfe against.
Mr. Landrum for, with Mr. O'Hara against.
Mr. Goldwater for, with Mr. O'Neill against.
Mr. Conlan for, with Mr. Riegle against.
Mr. Symms for, with Mr. Solarz against.
Mr. Melcher for, with Mr. Steiger of Wisconsin against.

Mr. AUCOIN and Mr. BAUCUS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. There being no further amendments to this section of the bill, the Clerk will read.

The Clerk read as follows:

HEALTH SERVICES ADMINISTRATION

HEALTH SERVICES

For carrying out, except as otherwise provided, titles III, V, X, XI, and sections 1303, 1304(a) and 1304(b) of the Public Health Service Act, the Act of August 8, 1946 (5 U.S.C. 7901), section 1 of the Act of July 19, 1963 (42 U.S.C. 253a), section 108 of Public Law 93-353, and titles V and XI of the Social Security Act, $981,021,000, of which $1,200,000 shall be available only for payments to the State of Hawaii for care and treatment of persons afflicted with leprosy: *Provided*, That any amounts received by the Secretary in connection with loans and loan guarantees under title XIII and any other property or assets derived by him from his operations respecting such loans and loan guarantees, including any money derived

from the sale of assets, shall be available to the Secretary without fiscal year limitation for direct loans and loan guarantees, as authorized by said title XIII, in addition to funds specifically appropriated for that purpose: *Provided further,* That this appropriation shall be available for payment of the costs of medical care, related expenses, and burial expenses, hereafter incurred, by or on behalf of any person who has participated in the study of untreated syphilis initiated in Tuskegee, Alabama, in 1932, in such amounts and subject to such terms and conditions as prescribed by the Secretary of Health, Education, and Welfare, and for payment, in such amounts and subject to such terms and conditions, of such costs and expenses hereafter incurred by or on behalf of such person's wife or offspring determined by the Secretary to have suffered injury or disease from syphilis contracted from such person: *Provided further,* That when the Health Services Administration operates an employee health program for any Federal department or agency, payment for the estimated cost shall be made by way of reimbursement or in advance to this appropriation: *Provided further,* That in addition, $40,121,000 may be transferred to this appropriation as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein.

AMENDMENT OFFERED BY MR. SCHEUER

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

The Clerk read as follows:

Amendment offered by Mr. SCHEUER: Page 9, line 18, strike out "$981,021,000" and insert in lieu thereof "$1,002,906,000".

Mr. SCHEUER. Mr. Chairman, this amendment will restore funds for family planning services, to bring this program to the same real dollar level at which it was established. For the past 4 years, funds for family planning services project grants have been frozen at the same levels, resulting, in effect, in a 30-percent reduction since 1973 due to the erosion of inflation. This amendment would raise the fiscal year 1977 funding level to take into account the effect of inflation. I propose that we increase funding for family planning services from $100.6 million to $122.5 million. I might add, that this is the same amount that the Senate Appropriations Committee has approved.

From the beginning of the Family Planning and Population Research Act, which I authored, the emphasis of Congress has been on the prevention of unwanted or ill-timed pregnancy—with all its adverse health, economic, and social consequences for the child, the family, and the community—and on the prevention of abortion. The conference report on the 1970 Family Planning and Population Research Act stated forthrightly:

It is, and has been, the intent of both Houses, that the funde authorized under this legislation be used only to support preventive family planning services, population research, and fertility services, and other related medical, informational and education activities. The conferees have adopted the language contained in Initial Section 1008, which prohibits the use of such funds for abortion, in order to make clear this intent.

The extra funds requested in this amendment are for prevention. There are 42 million women of childbearing age in this country, 10 million of which have incomes low enough to need subsidized family planning services. Between 1970 and 1973, we made rapid progress in setting up family planning programs all around the country so that today 3.5 million women now receiving services under title X of the Public Health Service Act. Some 3 million more are estimated to get care through private physicians, many under medicaid. Yet our goal of providing family planning services to all women who need and want them has not been met. Nearly 40 per cent of low- and marginal-income women—some 3.5 million—are still without access to services. While almost three-fourths of low-income women from large metropolitan areas have access to birth control services, less than half of those living in rural areas and small towns do. In addition, one-third of our counties still offer no public services in this field.

Let me show Members a couple of maps. This is a map of the State of Montana. The red portions of the map are the counties that have no family planning services whatsoever. Let me show members a map of Iowa. The red portions there are areas in the State of Iowa that have no family planning services whatsoever.

In Iowa, of course, family planning services are available in Sioux City, in Omaha, Des Moines, Waterloo, Cedar Rapids, Dubuque, and Davenport.

In Montana, they exist in Great Falls and in Billings; but the rest of those two States are barren deserts so far as the availability of family planning services are concerned.

There is no more compelling argument for the need for family planning services than the fact that there were over 1 million legal abortions performed last year. And, since abortions are not yet available in all parts of the country, we can expect that many illegal abortions were performed. Many of these unwanted pregnancies were a result of contraceptive failure, since there are no methods of contraception which are perfectly effective. But many more were due to a lack of availability of preventive services.

At least 1 million young teenage girls become pregnant each year. One-fourth of these pregnancies will result in birth out of wedlock and nearly one-third in abortions. Two-thirds of all teenage brides are pregnant at the altar; and we know, not surprisingly, that these teenage marriages have exceedingly high failure rates. Young girls should not have to begin their adults lives with such difficult experiences or responsibilities. There is a more humane and better way for the individual and the society to deal with unwanted pregnancy, and that is through prevention.

The Appropriations Committee should be commended for giving recognition in its report on H.R. 14232 to the large scale problem of adolescent pregnancy. But, the report does not address the paramount issue of prevention of unwanted adolescent pregnancy.

The health rationale for expanded family planning is also compelling. Recent research indicates that the proper timing and spacing of births, and the number of children born into a family, may very well be the most influential determinants of the health and well-being of infants and children. Proper timing and spacing of births also have important health consequences for mothers. Research indicates that pregnancy is safest and has fewest adverse health consequences when a woman is neither too young nor too old, when she has had a satisfactory time interval to recuperate between births, and when the number of births is limited. It has been well-documented that fetal and neonatal mortality is highest when the mother is below age 20 and above age 30, when the interval between births is less than 2 to 3 years, and when the woman has already borne three children.

The incidence of low-birth-weight infants is highest, also, under these same conditions; and the direct relationship between this factor and birth defects, mental retardation, and other enormously expensive long-term handicapping conditions has also been demonstrated. The growth and development of the child, including intellectual development, has been shown to be inversely related to family size. Thus, family planning is increasingly regarded as the most important component in the entire maternal and child health equation. Indeed, few factors have the power to shape our individual and collective destinies more than the number of children we bring into the world and the conditions surrounding their earliest development.

The unmet need for family planning services can be demonstrated in other ways as well. While it has been heavily publicized that the U.S. fertility rate is currently at its lowest point since the government began collecting reliable statistics early in this century, and that fertility, in fact, is now hovering near replacement level, this does not indicate either that the U.S. population has stabilized or that pregnancy in this country always occurs and is brought to term under optimum—or even favorable—conditions.

In the first place, while the rate of U.S. fertility continued to decline last year, the actual birthrate rose, due to an increase in the number of woman of childbearing age. This predictable result of the post-World War II baby-boom, 1946–57, may be expected to continue for some time. The National Center for Health Statistics projects a considerable 12 percent increase in the number of women of reproductive age by 1980. Thus stabilization—or "zero-population growth"—if attained at all, is still a long way off.

In the second place, despite recent advances, a substantial amount of fertility is still unwanted—between 20 and 25 percent of all births are unplanned or unwanted by the parents at the time of conception. The rate of unwanted fertility is still widely disproportionate among the various age, social, and economic groups in the Nation. While unwanted fertility among blacks and the poor has dropped significantly in recent years, it is nonetheless still disproportionately high; and it is well known that the health consequences for those dis-

advantaged parents and children involved are disproportionately severe.

Then, too, 20 percent of American births are reported as mistimed. While relatively little hard data is available on the impact of such circumstances on the health and well-being of the parents and children involved, it again may be surmised that the consequences are more serious for the young and the poor for whom pregnancy carries a greater risk, as well as for their offspring, whose chances of birth defects, mental retardation, and other long-term handicapping conditions are greatest.

The need, then for continued and expanded support on the part of the Federal Government of family planning services is clearly indicated. Currently family planning programs have demonstrated their popularity, their effectiveness, and their capacity to expand rapidly. These programs have become more efficient. They have increased their collection of third party payments. Yet, inflation has taken its bite, because funds for family planning services project grants have been frozen at the same level for the past 4 years.

I propose that we reverse this pattern by increasing the family planning appropriation to $122.5 million. This would allow for the extension of family planning services to approximately 300,000 additional persons. This is only an 8-percent increase in the total caseload—surely a modest goal.

Arguments for economy in Government are often used to justify this low level of funding. But this rationale is completely fallacious. Reducing funds for family planning services simply will not save the Government. In fact, reducing funds is a luxury we cannot afford. Careful economic analysis has demonstrated that for each unwanted birth averted, there is an average savings of $632 in Government expenditures in that year. Extensive studies have shown conclusively that every dollar spent by the Government for family planning services in a given year saves the Government at least $2 in the following year alone, in terms of unneeded medicaid and welfare payments. This more than two-to-one cost-to-benefit ratio measures immediate, direct savings to the government in the first year alone. This is a conservative estimate that does not take into consideration the cost to the mother in lost earnings, or the long range costs to the Government for such programs as AFDC, food stamps, and public housing. Nor does it take into account the economic, social, and personal benefits to the individuals and families themselves. The moneys I hope we add to this bill will result in a minimum of $40 million in savings next year. This is a rare situation where we can act on humanitarian grounds without conflict of any knd with what we believe to be a fiscally sound Government program.

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

Mr. SCHEUER. I yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Chairman, I am happy to associate myself with the gentleman's remarks and compliment the gentleman for bringing this to the floor.

Mr. Chairman, I rise to support the amendment offered by the gentleman from New York (Mr. SCHEUER). I hope the House acts affirmatively on his amendment.

As he has pointed out, funds for family planning services have been held at the same level for 3 years. And inflation has eroded the value of this appropriation by 30 percent during this period. In essence, as I understand it, the gentleman's amendment to add $22.5 million to the family planning services would not even fully compensate for the loss to inflation. But it would restore some of that needed purchasing power, and we should support that. In the long run it will save many times the increase requested.

The emphasis in this provision before us is on the prevention of "unwanted or ill-timed pregnancy." None of the funds would be or could be used for abortion. I think the members should be clear on that. In fact it is an antiabortion amendment. The clear thrust of this legislation—and the funds being sought for it—is to meet the need of some 3.5 million women—mostly low and marginal income women.

Mr. Chairman, the gentleman from New York has outlined the rationale for this legislation and for his amendment. I urge my colleagues to join me in voting for this amendment.

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

Mr. SCHEUER. I yield to the gentlewoman from Nebraska.

Mrs. FENWICK. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to speak most urgently for this amendment. It is pitiful when an unwanted child comes into the world. Very often we find malnutrition in the mother that results in mental retardation in the child. There is nothing we can do that is more constructive than to make sure that every single child that comes into the world is wanted. That is really the first right that every child deserves.

Mr. Chairman, I hope very much we can restore and increase the funds for family planning.

Mr. SCHEUER. Mr. Chairman, I thank the gentlewoman for this support.

Mr. Chairman, the Population Research and Family Planning Act of 1970, of which I have the honor to be the principal House author, passed by a vote of 298 to 32. This was an overwhelming affirmation by the Members of this House for prolife, antiabortion, for the right of women to control their bodies, for the right of women to space their children in a decent and happy fashion.

The CHAIRMAN. The time of the gentleman from New York (Mr. SCHEUER) has expired.

Mr. BAUMAN. Mr. Chairman, I ask unanimous consent that the gentleman from New York (Mr. SCHEUER) be allowed to proceed for an additional 2 minutes.

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

Mr. ASHBROOK. Mr. Chairman, reserving the right to object, I believe the time should not be extended once debate has been cut off and we have been taken off our feet. I object to all such requests.

The CHAIRMAN. Objection is heard.

The Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The Speaker resumed the Chair.

The SPEAKER. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Roddy, one of his secretaries, who also informed the House that on June 22, 1976 the President approved and signed bills of the House of the following titles:

H.R. 11559. An act to authorize appropriations for the saline water conversion program for fiscal year 1977.

The SPEAKER. The committee will resume its sitting.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATION BILL, 1977

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

Mr. Chairman, the gentleman from New York has made a statement which interests me greatly. I would like to have the gentleman comment upon the observation that I make. The gentleman from New York says that if we support increased funding for this particular family planning program that it is, in fact, a prolife and antiabortion vote.

Mr. Chairman, it is my information and understanding that under various programs, including the Federal funds that finance family planning, that, indeed, abortion is being recommended and in many cases is financed by Federal funds as a method of family planning.

Mr. Chairman, I do not see how the gentleman can advance the concept that his proposal is antiabortion when, in fact, these funds may well be used for abortions by the Federal Government, and I am not even commenting on whether the Government should or should not be engaged in such activities, though I believe it should not. I would just like to have the gentleman comment on that conflict in what the gentleman said.

Mr. SCHEUER. Mr. Chairman, I would be very happy to answer the gentleman. It is a perfectly legitimate and responsible question.

We do have a national reporting system on all health services and family planning services provided under title X. There is absolutely not a scintilla of evidence that any services are performed under title X, including or leading to abortion. It was specifically provided in

the 1970 legislation, that most Members voted for, that abortion services were not to be provided. I felt that the consensus of the House would make that appropriate. There has been no evidence whatsoever adduced by anybody that under title X of this act, which is where we are putting the funding, any resources whatsoever, have gone for abortion.

The doctors do not look upon it as an abortion program; the mothers do not look upon it as an abortion program. There has been no allegations of abortion under this title, and the history of it is clear beyond doubt.

Mr. BAUMAN. The gentleman has referred to the so-called Dingell amendment which was adopted some years ago.

Mr. SCHEUER. In the wording of the 1970 act that was presented to this House, there were no amendments offered on the floor prohibiting abortion because it was not necessary. The wording of the bill specifically prohibited these funds from being used for abortion. Let me repeat. No amendments were adopted because they were not necessary.

Mr. BAUMAN. The gentleman from Maryland is aware of that, but also aware that HEW, through their attorneys and various of their officials, have disputed the right of HEW to withhold family planning funds if abortion is indicated, or information is requested. It is the understanding of the gentleman from Maryland—and I do not have my exact information right here before me—that funds are being used by HEW that are authorized for family planning, for either recommending, referring or, in fact, in some cases performing abortions.

Mr. SCHEUER. That is absolutely not true under title X. I have checked it out. All of those funds are reported under the national reporting service. There is not a scintilla of hard evidence that any of these funds have ever been used for the purposes of abortion. I respect the gentleman's question, and I can give him a flat, categorical answer to that.

Mr. BAUMAN. The gentleman from Maryland appreciates the response of the gentleman from New York and I am sure he is sincere. However, I am not convinced of his information and I am not sure at all that his argument is correct.

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

Mr. Chairman, I want to compliment the gentleman from New York for offering this amendment. I think it is a very important amendment for all of the reasons that he has pointed out. This increase will serve, I believe, not only to help service the 3.5 million women who are presently without necessary counseling and family planning, but it will also keep up with the inflationary costs of this family planning.

I think we fail to recognize another very important factor, that counseling and family planning is a very necessary thing to the health and the well-being of families. We need only note, for example, that certain forms of family planning have been recently taken off the market because of the dangerous quality of some of this family planning. Many women are not aware of the potential harmful effects of some of the oral contraceptives that have been used for family planning by at least 10 million American women. Earlier this year sequential pills used by 5 to 10 percent of these women were withdrawn from the market because of the increased risk of cancer of the uterus.

So that, by increasing this money, we will be taking care of not only the question of family planning, but through increased education and counseling we can make clear the kind of family planning that is safe and the kind that is not safe, and the kind that should not be used.

Mr. SCHEUER. Mr. Chairman, will the gentlewoman yield?

Ms. ABZUG. I am happy to yield to my colleague from New York.

Mr. SCHEUER. Mr. Chairman, I want to commend the gentlewoman for her remarks, and say that they are not only appropriate for the purposes of family planning services, but are even more appropriate for my next amendment concerning the modest increase in funds for population research.

I hope the gentlewoman from New York will support the amendment for increased population research. I thank the gentlewoman for her support.

Ms. ABZUG. I certainly will.

I do not want to engage in a colloquy on the subject, except to correct the record. I do want to indicate again that the gentleman from New York was perfectly correct as far as this section of the law is concerned, title X. There is a specific prohibition, section 1008, about the funds in this particular program in respect to abortion. Not with respect to other programs, but it is in this. I do not agree with it, but it happens to be the law. The gentleman was correct.

Mr. SCHEUER. I may not be in agreement with it either. But I was the author of this legislation in the House, along with the very fine support of our colleague from Kentucky (Dr. CARTER), and our former colleague from Texas, (Mr. Bush) and our colleague from Ohio (Mr. TAFT) who is now serving in the Senate. I have had fine support on the other side of the aisle. We made a specific provision in this bill that the funds authorized by the bill could not be used for abortion. We felt that if the 10 million women who desperately need family planning services had those services, there would be less need for abortion.

Ms. ABZUG. The gentleman is correct. Abortion is the least desirable form of family planning. It is something we should understand. Those of us who are in favor of family planning would prefer to see family planning; therefore, it is important to get the kind of funds and the kind of counseling and the kind of education that makes it unnecessary to have abortions.

A proper program for family planning would lessen the necessity of abortion. However, the right to abortion is a fundamental right, decided by the Supreme Court.

I think the gentleman is correct in making this point that we should maximize everything we do with respect to family planning, and that would lessen the necessity for the exercise of that right. But the gentleman is correct. If we could maximize family planning, it would ultimately reduce the need for the exercise of that right.

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

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

Mr. HEINZ. I yield to the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. Mr. Chairman, I rise in strong support of the amendment offered by the gentlemen from New York and Pennsylvania to increase the funding levels for family planning services and population research.

As an original cosponsor of the 1970 Family Planning and Population Research Act, I have been disturbed by the fact that 3 years of static funding have resulted in reducing the scope of the programs by approximately 30 percent due to inflation.

The subsidized family planning service program which this amendment would increase has supplied approximately 63 percent of the Federal moneys for family planning in the State of New Hampshire. Failure to restore the program to the same real dollar level as it was established 4 years ago would have a drastic impact on efforts to aid low-income women and women on public assistance programs who need contraceptive services and information.

This amendment, which adds $21.9 million in the bill for family planning services, would enable 292,857 women of child-bearing age to receive family planning help in 1977. The Senate Labor-HEW Appropriations Subcommittee has already approved the $122.5 figure.

In addition, population research funding would be increased from $51.3 million to $60 million which would aid in developing safe, effective contraceptive methods for the 40 million women of childbearing age in the United States.

Amidst the controversy over the abortion issue, it is important to remember that availability of family planning services prevents unwanted pregnancies—a situation in which many advocate abortion. In 1975, an estimated 10 million women were in need of subsidized family planning services yet only 6½ million received care under a family planning program or from a private physician.

The proportion of unwanted and unplanned births is higher among the poor. Moral issues aside, the fact remains that unless the Federal Government provides low-income women with the same contraceptive information and services available to those who can afford to pay for them, we can expect more unwanted children thereby creating more demands on family incomes and perpetuating the existence of poverty.

Mr. HEINZ. Mr. Chairman, I rise in support of my distinguished colleague, Mr. SCHEUER, in offering this amendment to increase funds for family planning services. As you know, the Appropriations Committee has recommended a budget of $100.6 million—Ford's proposal is $82 million for fiscal year 1977—for family planning programs for the 4th year in a row. During this same period, health

care costs have been increasing at the rate of 14 percent per year.

The committee's decision to continue the freeze on family planning funds in a time of high health care inflation is, I believe, unwise. To do so when so much remains to be done in the field of family planning may be foolhardy. The National Center for Health Statistics reports that unwanted pregnancies continue especially in the very young. In 1974 alone the Center for Disease Control found there were 300,000 abortions and 221,000 illegitimate babies born to teenage mothers. Between 1970 and 1974, illegitimate births increased by 4 percent.

In the same time period, the once promising growth of U.S. family planning programs came to a standstill and then began to decline. A prime reason for this was the freeze on family planning appropriations.

This amendment, which Mr. SCHEUER and I support, would help reinitiate progress in American family planning. By increasing the family planning appropriation to the Senate figure of $122.5 million, we would enable U.S. programs to serve an additional 293,000 women who desire these services. Surely, this expenditure is essential if we are truly concerned about eliminating unwanted babies.

Much has been said about the high social and psychological costs of unwanted pregnancies. I doubt that any of my colleagues would dispute the deleterious effects of such accidental pregnancies, which may disrupt lives and careers, may reduce a person's quality of life, and can increase the number of abortions.

Most objections to increased funds for health care including family planning are based on fiscal and economic grounds. However, family planning programs can be justified on precisely these grounds. Dr. Frederick Jaffe, Director of the Alan Guttmacher Institute and Dr. Charlotte Muller, of CUNY have conducted research that indicates the short-term benefits alone of family planning expenditures outweigh the costs.

Within 1 year of spending the additional moneys we propose to appropriate to U.S. family planning, the Federal Treasury can expect to recoup 20 percent of the increased appropriations through savings in medicaid and public assistance expenses. This estimate does not even take into account the work earnings lost through maternity leaves. In the future, the money invested in family planning will save dollars that might otherwise have been spent on welfare, food stamps, and AFDC expenses.

Appropriating $122.5 million for family planning programs would further a valuable social objective as well as promoting fiscal responsibility. Such budgeting would be good government in the finest sense of the phrase.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

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

Mr. ANDERSON of Illinois. I thank the gentleman for yielding.

Mr. Chairman, I, too, commend the gentleman from New York for offering this amendment.

He referred a few moments ago to a map, and I think he talked at that time about the State of Montana. I looked at this particular document as it pertains to my own State of Illinois, and I find in 6 out of 7 counties that I represent in northwestern Illinois, 100 percent of the women have no services; that in the single county where services are available, between 85 and 99.9 percent of the women are not served by any organized service.

Mr. Chairman, I think the gentleman from Maryland (Mr. BAUMAN) has performed a real service today in engaging in a colloquy as he did with the gentleman from New York. I believe that fundamentally this is a pro-life approach to the problem.

I believe that when we prevent conception, we make unnecessary the kinds of abortions that have ranged up to more than a million in recent years.

The other point that I think is worth making is that family planning is just what the term implies. It does not mean that we are against families; it means that we try to help people better plan those families.

When we realize, for example, that the incidence of low-birth rate infants is highest when there is a short time interval between births and when the number of births is high and when we go on to note the relationship between these low-birth rate infants and birth defects and mental retardation, I think that shows how necessary it is.

Mr. Chairman, in answer to those who are concerned about the relatively small amount of money involved, the fact is that there will be a net savings to the taxpayer in the welfare costs that will be avoided when we do not bring unwanted children into the world.

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

Mr. HEINZ. I will be happy to yield to the gentleman from New York.

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

The cost-benefit factor in family planning is spectacular. Far and away, the only other governmental program that has matched the cost-benefit factor of family planning is seat belts. Family planning and seat belts are the two most cost-effective programs offered by the Government.

Mr. HEINZ. Mr. Chairman, I think the gentleman from New York (Mr. SCHEUER) makes an excellent point.

I would just like to emphasize that the statistics from the City University of New York show that in the first year alone we can save 20 percent of the amount of the increased appropriation. We can save it in medicaid and in public assistance expenses in that year alone, and in future years we can still save more in similar kinds of programs such as work earnings lost, and so forth.

Mr. Chairman, I would just like to compliment the gentleman from New York (Mr. SCHEUER) for offering his amendment and for making a very necessary and important point.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. HEINZ) has expired.

(On request of Mr. HUGHES and by unanimous consent, Mr. HEINZ was allowed to proceed for 1 additional minute.)

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

Mr. HEINZ. I am happy to yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Chairman, I just want to commend my colleague, the gentleman from Pennsylvania (Mr. HEINZ), and my colleague, the gentleman from New York (Mr. SCHEUER), for offering this amendment. I rise in strong support of the amendment.

Mr. Chairman, the allocation of these funds is essential to make family planning and population research a reality. Inflation has taken its toll in the area of family planning since the funding level has remained static for the last four years. All who need and want to avail themselves of these services should have the opportunity.

However, due to a lack of full commitment to this policy by insuring that adequate moneys are appropriated, this has not been the case. We now have the opportunity to do something about this problem. By appropriating sufficient funds for family planning services, we have a chance to save the Government much more in real dollars than will be actually expended on family planning programs. Medicaid and wefare payments will decrease just as the number of unwanted pregnancies will. The cost-benefit ratio calls for the adoption of the amendment offered by my two distinguished colleagues.

Mr. Chairman, I submit that this is a unique occasion for Congress to stand up and be counted in support of fiscal responsibility as well as meeting its moral commitment to those people who need all the help they can get in controlling unwanted pregnancies without resulting to drastic measures—or the suffering and heartache that is often present.

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

Mr. Chairman, I rise in support of the amendment, and I commend the gentleman from New York (Mr. SCHEUER) for high work in this field.

Mr. Chairman, I heartily endorse this amendment to increase the DHEW appropriations for U.S. family planning programs. The amount of Federal attention, concern—and money devoted to providing these valuable services has remained static for too long. To continue to hold appropriations for family planning at $100.6 million only perpetuates a sorry status quo. This status quo violates the very spirit of American Government because it denies full access to adequate family planning to citizens who are poor, young or geographically isolated. Poor Americans are often unable to afford private family planning services. Young Americans often find it difficult to make use of private and family physicians for family planning. Rural Americans too often lack access to family planning clinics.

The inadequacy of rural family planning programs is especially troubling to me. Because of the absence of family planning facilities in many rural regions, rural residents are many times

denied the benefits of responsible family planning that are available to metropolitan citizens. These benefits include greater personal freedom in deciding if and when to have children, allowing young persons to finish their education and get economically established before they have children, and protecting the health of both mother and child by allowing childbearing during the safest reproductive years.

The matter of abortion is also one of grave concern to me. In 1974, there were 1 million abortions in America. This is tragic testimony to our failure to do enough to promote wise family planning. For those of us who oppose abortion, it is not enough to merely protest it. We must also attack the causes of abortion. Improved family planning programs are an important part of the fight to prevent abortion and national efforts to bring about a better quality of life for all Americans regardless of wealth, age or location.

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

Mr. Chairman, I looked with interest at the two maps the gentleman from New York (Mr. SCHEUER) presented, one of Montana and one of Iowa, comprising rural areas. The gentleman was making a big case that no family planning service is available in those less populous areas.

We know that the real problem in this country with respect to this subject matter has to do with the heavily concentrated urban centers. That is where the problem is. I suspect that those places in States like Montana and Iowa, as cited on the map, can very well take care of their family service problems without Federal involvement.

It is true that the budget came up to us with a cut, but the subcommittee restored the cut in the budget and brought it up to last year's level. But the point I want to make is that this is not the only item in which we find family planning service money included.

The social services, title 20 program, the medicaid program, the maternal and child health program, the Indian health service program, and the bureau of medical services program also provide family planning funds. This total Federal commitment is not the $100 million that we are talking about here, but $276 million. This represents an increase of $12 million over the current level and $32 million over fiscal 1975. It is $95 million over 1973.

There has, in other words, been a sizable, orderly expansion of family planning services money when we take all the programs involved here, and then there is another $11 million in family planning funds obtained through third-party reimbursement.

Mr. Chairman, the social and rehabilitation service family planning programs, in my judgment, are much more effective in reaching the poor than is the case through this program here because the SRS programs are means-tested, and therefore can only be used to provide services to the poor.

The nonpoor being served by this program, it seems to me, ought to be able to begin picking up a greater share of the program cost and provide increased coverage if such an increase is desired.

Frankly, after once having gotten the message and having gotten used to what this program is all about, people who have the means ought to start to take care of themselves with respect to the cost of family planning.

I urge rejection of the amendment.

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

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

Mr. SCHEUER. Under medicaid the married couple cannot get family planning services.

Under medicaid, a single woman cannot get family planning services until she has had her first illegitimate child.

I suggest that that is not a sound national policy. I suggest that under medicaid only 15 percent of the total number of low-income women who need family planning service can get them. The married woman cannot get them. The teenage girls cannot get them until they have already had a first illegitimate child.

Now I know some of you here have looked at the President's budget presentation and seen DHEW's fanciful budget estimates of expenditures for family planning services. The Department, for example, claimed $127 million for third-party reimbursements under the medicaid program and the title XX social services program. In actuality, the States themselves—who should know—report expenditure levels half of those projections. The title X program remains the backbone of the program, however, inventive OMB and DHEW become in their budget presentations. Because of its uniform high quality of care the title X program has made access to family planning services almost synonymous with access to good preventive health care for millions of women in the United States. In addition, the excellent project-by-project national reporting system enables us to monitor closely the care received by each patient in each clinic site. Title X patients receive, in addition to birth control information and devices, a complete gynecological examination, the necessary lab tests for diabetes, kidney and liver functions, and sickle cell anemia, plus tests for breast and cervical cancer and venereal disease. These services are mandated by the program regulations and guidelines throughout the United States. Furthermore, the title X program serves all persons who are unable to purchase family planning services and who want them, regardless of age, sex, marital status, income, race or religion.

This is not the case with the medicaid and social services program. There are no uniform standards of care under medicaid. There is no standard national reporting system to tell us exactly what the family planning services provided by the medicaid doctor were and where they were provided. Medicaid can only support programs which are already established. Therefore, its funds cannot be used to establish new programs to reach the remaining 3.5 million women in the United States who still do not have access to family planning services. Medicaid eligibility also varies greatly between the States but low-income persons everywhere have the same need for family planning services.

There are similar eligibility problems with regard to title XX of the Social Security Act, and, in addition, there is a spending ceiling and enormous competition among the various programs, such as day care and senior citizen centers, for the same dollar. Since family planning services came on the scene late, most of the available funds in many States had already been committed to other services.

For all these reasons, I do believe that it is easy to see why the title X program is considered the very foundation of family planning services in the United States. Even the AMA has urged that it be continued and has rejected the administration's budget recommendations.

Mr. MICHEL. I say to the gentleman, let us go back and change the legislation so that that would be possible. We are not going to assure that by what the gentleman is doing in this amendment.

Mr. SCHEUER. Mr. Chairman, if the gentleman will yield further, under this amendment, of the 3.5 million low-income women in their child-bearing years, who cannot afford family planning services through the private sector, only 300,000 will be reached by my amendment.

Mr. Chairman, this Congress made a commitment in 1970 to reach all 10 million women in their child-bearing years by 1975, yet, in 1976, there are still 3.5 million women who do not have access to family planning services.

I am not even asking for an increased appropriation in real dollar terms. I am simply asking that this year's level of funding be brought up to the effective real dollar value of the 1973 funding. I am not asking that we provide blanket coverage to the 3.5 million women not covered now. I am asking that this program be extended to include less than 10 percent of these women. We know that these are stringent times, and we do have budgetary pressures, but I do believe that this amendment is justified.

Mr. Chairman, I think our request to simply increase availability of family planning in unserved areas is a modest one.

Finally, Mr. Chairman, I know that there will be some members who are concerned about the budget ceiling for health funding contained in the first concurrent resolution. I want to point out that the House Appropriations reported bill was $70 million below the fiscal year 1977 $39.3 million NBA and $37.9 million outlays budgeted for health programs. Therefore, this amendment for an additional $22 million would not break the budget. I want to add that in my opinion the budget for the 550 health function is too low as it now stands, and that I hope to see it revised upward so that some of the discretionary controllable health programs can progress in an orderly fashion rather than come to a grinding halt.

In conclusion, Mr. Chairman, I know that the title X program is a worthy one. I believe that the expansion of available family planning resources is basic to the

elimination of poverty, to helping American families on the road to recovery, to freeing them from the welfare rolls, and to assisting them in becoming independent and healthy functioning citizens of our society. If the poor and low-income people of this country are to have any real hope of improving the quality of their lives, they must have access to safe and effective family planning methods. Certainly, I believe that we can make no better investment of Federal dollars. The benefits to the national health and welfare are directly and vastly significant.

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

Mr. Chairman, this whole discussion that we have heard so far has nothing to do with the case. There is nobody, no group, no person in this entire assemblage who is more in favor of family planning and who has done more about family planning—not just in talking about it—than this subcommittee year after year.

The Members have heard great talk about the need for this or that program and how we must have this much or that much money. There is no question that the need for more exists everywhere. But this is the Committee on Appropriations. Look here, see what I hold in my hand? Here are the hearings of this subcommittee. Look at that. You should. You paid for it. There it is. Look at page 369 to page 423. There are 54 pages in this volume of our hearings, page after page of what is being done for family planning. What do you want, diamonds? There it is.

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

Mr. FLOOD. When I finish my statement I will be glad to yield to the gentleman.

Mr. Chairman, what else do they want? Here is another section of the hearings, part 3. That was part 2 I showed you. On page 83 we have a breakdown of the various agencies in the Department of Health, Education, and Welfare that we have appropriated funds for family planning. You have gotten the impression from this debate so far that nothing was being done anyplace, anywhere, by anybody. That is absolutely a misstatement of the case as it exists.

Think of it, $273 million. Now, that "ain't" hay. Think of it, $273 million in the itemized list of HEW agencies that are providing family planning services.

This is the Committee on Appropriations. I repeat, this is the Committee on Appropriations.

Further, let me point this out to you: We recognize the importance of this service. Could you find better evidence than what we have done? We added in this bill $21,100,000 for the family planning program of the Health Services Administration. We added that much in this bill.

Does that sound like we overlooked this program? Now, do not forget that there are other programs providing family planning services. Let me show them to you. I am sure you will know these.

Medicaid. You all know about medicaid. Family planning is in there. That is one.

The social services program. You know about the social services program, you are paying for it. Family planning is supported under this program.

This one you also know, the maternal and child health program, a great program, and it has family planning services as one of its basic services. For that program we added $116 million in this budget.

And what else? Take the community health center programs, you all know about those, the community health center programs. You know about them. Family planning is just one of the services they provide. In this bill we added $60 million more than last year for community health centers.

These are just a few—just a few—of the programs. They are all major programs. They are not little bitsy things, these are all major programs and they all pay for or directly provide family planning services.

I am saying this because I do not want the Members to be misled that there is only one program providing family planning services.

The CHAIRMAN pro tempore. (Mr. ZABLOCKI). The time of the gentleman has expired.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that I may proceed for an additional 2 minutes.

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

Mr. ASHBROOK. Mr. Chairman, I have to object. I am objecting to all extensions of time, unless it is on the Panama Canal.

The CHAIRMAN pro tempore. Objection is heard.

Mr. OBEY. Mr. Chairman, I rise to speak against the amendment, and I yield to the gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. I appreciate that very much of my friend, the gentleman from Wisconsin. I really did not need 2 or 3 minutes. I just want to say this about when we marked up this bill. You know us. You have been with us a long time. I have been talking to you for 14 years as the chairman of this subcommittee. We did this markup very carefully. You know us. We took into consideration all of these programs, and we looked carefully at everyone of these programs, and that is why I can tell you HEW will spend over $273 million for family planning services in 1977.

Mr. Chairman, this amendment is not needed. It simply fails to consider all of the many existing programs in the bill that provide these services. Certainly under all of the circumstances, this amendment should not be accepted.

I thank the gentleman.

Mr. OBEY. Mr. Chairman, if I could continue on my own time for a moment, everybody here who knows me knows that in 3 of the last 4 years I have stood at the doors of this Chamber urging people to vote for amendments which raise the total amount in this bill. The fact is this year we have what I think is a very reasonable bill out of this committee. We have a new budget system. The chairman of that Budget Committee said yesterday that we are very close to being in trouble on the budget. I really think that we have to understand that we have a new ball game. Under that new budget system we have to choose priorities. So we decided we would try to put some more money into title I, for instance, put some more money in for handicapped kids, and put in more money—although not as much as we would like—for family planning. We have to show some discipline.

I think my record is quite clear that I am a strong supporter of necessary spending for social programs and family planning, but in this instance I would urge people who believe the way I do to support the chairman and reject the amendment because we have to look at the overall picture. If we look at the overall picture, we do not want to go any higher than we are right now.

The CHAIRMAN pro tempore (Mr. ZABLOCKI). The question is on the amendment offered by the gentleman from New York (Mr. SCHEUER).

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

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

The CHAIRMAN pro tempore. The Chair will count. Thirty-four Members are present, not a quorum.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN pro tempore (Mr. ZABLOCKI). One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand of the gentleman from New York (Mr. SCHEUER) for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

To carry out, except as otherwise provided, titles IV and X of the Public Health Service Act with respect to child health and human development, $140,343,000.

PARLIAMENTARY INQUIRY

Mr. SCHEUER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN pro tempore. (Mr. ZABLOCKI). The gentleman will state his parliamentary inquiry.

Mr. SCHEUER. Mr. Chairman, under the set of facts which took place a few minutes ago, would it be possible to appeal the ruling of the Chair on the count of the Members standing? It was the

impression of many Members on this side that we had substantially more Members than 19 standing.

The CHAIRMAN pro tempore. An appeal from the Chair's count is not in order.

AMENDMENT OFFERED BY MR. SCHEUER

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

The Clerk read as follows:

Amendment offered by Mr. SCHEUER: Page 12, line 25, strike out "development, $140,343,000." and insert in lieu thereof "development and population research, $156,500,000, of which $60,000,000 shall be available to carry out population research pursuant to title X of such Act."

Mr. SCHEUER. Mr. Chairman, the fiscal year 1977 appropriation for the National Institute of Child Health and Human Development represents only a one-half of 1-percent increase from fiscal year 1976 appropriations. Since medical costs, both for service and research, are going up at the rate of approximately 14 percent per year, in effect this amounts to a 13½-percent cut in the funding for population research.

Mr. Chairman, this amendment would increase funds for the Center for Population Research within the National Institute of Child Health and Human Development from $51.3 million to $60 million.

For several years now, the center has operated under a budget ceiling that has made growth impossible. Last year, in testimony before a Senate committee, witnesses from the Center for Population Research and from the National Institutes of Health admitted that their budget was inadequate. When asked by committee members to produce a budget estimate for this fiscal year, they estimated a budget of $84 million. This estimate was made on the basis of need, the availability of research leads, and the capability of scientific institutions. Yet, the actual budget for fiscal year 1976 is $51.3 million.

This lack of adequate funding, has meant that first-rate scientific work has remained backlogged. New knowledge is not being applied in clinical work because of cutbacks. And talented researchers are beginning to look elsewhere. This situation does not affect just a few scientists at NIH—it is directly affecting nearly 45 million American women of childbearing age, who are still relying for fertility control on chemicals and devices in their bodies which not only have persistent and sometimes serious side effects, but are also by no means fail-safe.

Increasing reports establishing severe medical problems associated with a few of the most modern methods of birth control point to the need for continued research. In recent years, we have seen two IUD's removed from the market—the Dalkon Shield and the Majzlin Spring—and limits placed on the use of Depo-Provera and DES, two drugs which were used to limit fertility. Most recently the report of a possible link between liver tumors and the use of oral contraceptives has led to a National Cancer Institute study to determine whether or not a causal relationship exists.

I cannot overemphasize the extent to which even our most sophisticated methods of contraception occasionally fail. The simple fact is that literally thousands of American women are still becoming pregnant each year even though they are using the most advanced contraceptive technologies available.

Inadequate methods of birth control are still a major health problem, but one which can be substantially overcome with properly supported research. Research has indicated that the incidence of low-birth-weight infants is highest when there is a short time interval between births and when the number of births is high. The direct relationship between low-birth-weight infants and birth defects, mental retardation and other enormously expensive long-term handicapping conditions has also been demonstrated. Family planning technology has important health benefits for both mother and child.

Were the center to obtain the additional $8 million requested in our amendment, this money would go for both biomedical research and social science research with priority being given to certain areas, including: First, contraceptive development, especially product development entailing synthesis and screening of new drugs and clinical trial of drugs and devices; second, contraceptive evaluation, which is so critical at this time when concern for the safety of the pill and the IUD is so widespread; and third, fundamental social science research including a major study of the determinants of teenage reproduction, particularly focusing on the pregnancies of 14- to 16-year-olds, which are at an all-time high.

In their efforts to find safer and more reliable methods of birth control, the center is conducting research with both oral and injected contraceptives, including an injection method which could last up to 6 months. Also, the center has been concentrating its efforts on the development of a new male contraceptive.

In the area of social science research, besides its study on the causes and consequences of teenage childbearing, the center is doing research on the consequences of population change, in order to strengthen the bases for formulating population policies.

It is clear that more research must be done in the field of population and human reproduction. We have not yet developed the perfect birth control method—that is, one which does not require counting, repetitive action, or medical supervision. If the perfect family planning device is to be developed, the Federal Government must expand its activities in the field of population research. At this time, private research is no longer expanding. In addition, since private drug industry is making money on birth control pills, there is no economic incentive for them to develop a "one-short" birth control method.

Despite the fact that there are nearly 45 million women in their childbearing years in this country who are directly affected by family-planning technology, we devote only $51.3 million to research in this area. NIH is currently spending $456 million per year on cancer research. Yet, only 88 cents per adult woman is spent on population and human reproduction research. Three times as much is spent on research into allergies and infectious diseases than is spent on population and reproduction research. Needless to say, our efforts in the area of population research are woefully inadequate.

There is a desperate need for a safer, more effective, and more acceptable method of birth control for the 45 million women of childbearing age in this country, as well as the millions of women in other parts of the world. The population research program must have the necessary funds to mount a significant research effort to produce new and better methods of fertility control.

Ms. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Chairman, I want to compliment the gentleman on his effort here today. I think this is a very critical area. The chairman of the committee was suggesting to me in our conversation that we do not need the additional money provided for in this amendment.

I would like to address myself to why I think this additional money is necessary and why I support this amendment.

We have been far too cavalier about the whole question of population research and the benefits derived from it.

Not only is it essential for family planning but, as I said earlier, it is essential for the health and the well being of the people of this country, especially the women. Many of the devices, as well as the drugs that have been used for family planning, have been inappropriately and insufficiently researched. There have been serious deleterious effects from various methods of birth control. This illustrates that we have not spent enough money to safeguard or to intensify our research to develop safe contraceptives. We still do not understand the link between the utilization of some birth control pills and the higher incidence of cancer, high blood pressure, and other serious side effects to the health and well being of the women utilizing these methods.

The CHAIRMAN. The time of the gentleman from New York has expired.

(On request of Ms. ABZUG and by unanimous consent, Mr. SCHEUER was allowed to proceed for 2 additional minutes.)

Ms. ABZUG. If the gentleman will yield further, I am convinced that we have been seriously deficient in our efforts to deal with these problems in the area of population research. Additional funding is needed in this program in light of the recent findings regarding the harmful effects of birth control pills which resulted in the withdrawal of some from the market. I find it quite shocking that we are being told that 10 million people of this country eligible for family planning services do not need additional funding. We are talking about pennies—pennies—compared with the billions of dollars we are spending in this budget and in our total budget. There is enough money here that is deferred so that it will not break the budget ceiling.

I think this is an extremely worth-

while amendment, one I would hope the chairman of the subcommittee and the minority would join in supporting. I commend the gentleman of New York for his efforts to secure additional money.

Mr. SCHEUER. It is important to note that we spend almost 10 times as much on cancer research than we spend on family planning research, and we spend three times as much on allergies and infectious disease research than we spend on family planning research. I think that is a disproportionate amount in the field of research. We spend less than $1 per woman on research on family planning.

Ms. ABZUG. If the gentleman will yield, I would think that this is something the gentlemen should understand, since all of the gentlemen participate in this process of family planning in one form or another.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I realize the Members are anxious to proceed to other parts of the bill, and I shall not, therefore, take the full 5 minutes.

The distinguished gentleman from New York (Mr. SCHEUER) has very valiantly and, thus far, unsuccessfully carried the laboring oar on this very important subject, and I applaud him on his interest.

I happen to have been one of the cosponsors, as well, of the original 1970 Family Planning and Population Research Act. One of the pictures which hangs on my wall in my office, of which I am most proud, is a picture that was taken at the signing ceremonies in the Oval Office of the White House where, among others, present were John D. Rockefeller III and Members of the House and Senate who were interested in this legislation. Great things have been accomplished since that time. But the fact remains that, as we have already heard, even though there are 45 million women in their childbearing years in this country who are directly affected by family planning technology, we are devoting only about $51.3 million for research in that area.

We are spending $456 million at the NIH on cancer research, and that is an important area. But here we have something affecting literally 45 million people, and we are spending about 88 cents per adult woman. The gentleman from New York (Mr. SCHEUER) said it was less than a dollar, and he is correct. The figure I have is 88 cents per adult woman that is spent on population and human reproduction research. Three times as much is spent on research in the field of allergies and infectious diseases.

Yet here we have research that is necessary, not only from the standpoint of the women of this country, but from the benefits of that research that can be spread around the world. It is necessary when we realize that in the last 30 years the population of this globe has increased from 2 billion to 4 billion, and we are told that in another 25 years or so there will be 6 billion people all fighting and clutching for a share of the limited finite resources of this planet.

What are we talking about? We are talking about $8 million to bring this up to the level of 1953 spending in this important area. This would be money that would be well spent, not only from the standpoint of our own country but indeed in view of the needs of the entire world.

I earnestly hope that the Members on both sides of the aisle, disliking as we do the need to upset the Committee on Appropriations of this House for which we have great respect, will support this amendment, because in this instance I think the evidence is so clear and so overwhelming that this money can be put to good use.

Mr. Chairman, I hope the Members will accept the amendment.

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

Mr. Chairman, as on many other occasions I find myself saying with great pride that I serve with a colleague with the ability and good judgment of JOHN ANDERSON. He is absolutely correct in his statements on the importance of the population question.

Let me just give a few statistics that outline why the dominant issue for the balance of this century is going to be the struggle between food and population, a struggle we hardly recognize either in our lawmaking or in our casual conversation in the dining room.

From the beginning of time until the year 1830 we accumulated 1 billion people on the face of the earth. From 1830 to 1930 we went to 2 billion. From 1930 to somewhere around 1974 or 1975 we had 4 billion, and shortly after the turn of the century we will hit 8 billion.

If I live out a normal lifespan I will see the world population quadruple in my lifetime since I was born in 1928.

If you project these population growth factors beyond the end of the century we face a world that is a threat to freedom as we know it now and is a threat to the survival of mankind.

I commend my colleague from New York, Mr. SCHEUER, for his leadership, and I am pleased to support his amendment.

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

Mr. Chairman, the gentleman who preceded me spoke of pennies for research. As a matter of fact, in this bill there is $49,323,000 for population research, not for program delivery in family planning—and we talked about the $276 million for program delivery a few moments ago.

If we complete this bill this afternoon and get on to the foreign aid bill, we are going to find an item in there of $230 million for family planning in foreign countries.

The gentleman preceding me talked a lot about the population growth throughout the world. Yes, it is just growing by leaps and bounds and by the multitudinous amount that the gentleman referred to. However, what else is there really to know about what is involved in reproduction?

When we compare population research with these different diseases that have been alluded to, we are talking about two completely different things.

Just to say that we should add more millions of dollars here for research so that we are going to get some magic formula for this thing is a little ridiculous.

Mr. Chairman, if we think about it, we do not really even need all that $49 million with respect to research on population growth. We know what causes it.

We are a lot better off with delivery of services to what we already know about and get the job done by that means, because there is only one thing that makes a difference. We all know it, and I do not have to spell it out on this floor.

Mr. Chairman, we ought to vote this amendment down. The committee has an increase in here over last year, and there is plenty of money in here for this item.

Ms. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Chairman, perhaps the gentleman from Illinois (Mr. MICHEL) has greater wisdom than I.

Mr. MICHEL. Oh, never.

Ms. ABZUG. However, I must confess that I do not known what he is talking about. Perhaps he would educate me.

The facts are to the contrary of what the gentleman is saying. Therefore, Mr. Chairman, if the gentleman will indicate what he is referring to, perhaps we could have a more intelligent exchange.

Mr. MICHEL. I do not know that we need to spell it out all that specifically. However, if we are talking about what causes reproduction, for heaven's sake, we know the method by which it is limited. I think it narrows the scope very much. What we are talking about here is $49 million a year, year after year.

Ms. ABZUG. If the gentleman will yield further, as long as the problem has not been solved, as long as we find we do not know the answers to the methods we are proposing for various family planning programs concerning growth of population, the gentleman is still not refuting the basic problem that we confront here today.

What we are simply saying is that we obviously have not solved the problem sufficiently, not only from the point of view of population growth but also with respect to the methods to be recommended for slowing down population growth. That requires additional funding to reach the people and the problems involved.

Mr. MICHEL. Mr. Chairman, I will say this to the gentlewoman from New York: I concede that the fact is that we have $49 million involved here. I know that we do not have this matter solved. I am saying that with $49 million, that is about as far as we can go, with the limitations and all the other restraints that we have on this one item.

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

Mr. MICHEL. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, we obviously do not know enough about this problem. The $49 million is nowhere near enough. Apparently it has not been enough in the last few years. It is not enough now. We are offering these people various devices and drugs.

Mr. MICHEL. Is the gentlewoman from New Jersey suggesting that what we have done in these last few years has not been enough and that what we have in here is not enough? Of course, there are some limitations.

Mrs. FENWICK. If the gentleman will yield further, we have to solve the problem of how to stop reproduction that is not wanted and how to induce people to plan their families in some rational way.

Mr. MICHEL. Would $100 million do it?

Mrs. FENWICK. God knows. Maybe it would be a lot better.

The point is that we have to do something to curb population, and we have not arrived at a thoroughly satisfactory, safe, sure drug or device or method which can be delivered, not by a doctor—we have not enough doctors—but in a simple way, either by the woman herself or by some paramedical aide. That is what we need.

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

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

Mr. PATTEN. I saw a sheet here with an elephant on it yesterday. I think it was the Republican Digest, and I think it had the name "Anderson" in it.

It said that the administration strenuously opposed this bill because we are $3.5 billion over what it should be.

The gentleman said we may go to $9.6 billion over the figure; is that right?

Mr. MICHEL. Yes.

Mr. PATTEN. I am thinking that the Republican leader should be here as well as the committee to deal with this matter.

I can make out a case for this and a lot of other things. We are $3.5 billion over.

Let us stick with the committee and get this job done.

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

Mr. Chairman, can I have the attention of the Members, please?

Now, listen. I did not interrupt or interfere with what the Members just heard in the last 10 or 15 minutes. Now this is exhibit A. This is a classic example of the problem. This is the Committee on Appropriations for the Departments of Labor, Health, Education, and Welfare. People come to my office. These are honest, sincere, dedicated, devoted people. I am not talking about grafters or chiselers or what other, these are good people from all over the country. They are special pleaders for their cause to which their heart, their souls and everything else is devoted. They say to men, "Mr. Chairman now don't raise the taxes. We want the budget balanced." Now, listen, and here it is, it never misses. "But," aha—and I know them. You could not meet nicer people on the face of the Earth. "But, take care of us. Give us all the money that is authorized."

Can one imagine what would happen if we appropriated money for all the bills that are authorized? This would give public works trillions and trillions. If we did what all of these very sincere people are asking here today, the budget would be trillions and trillions of dollars.

Now, that is the problem here. We know this program. Goodness, this subcommittee is dedicated and devoted to the program and everything these people say. You know us.

Just look at this 1970 appropriation for the National Institute of Child Health and Human Development, which takes in this subject, in 1970 we appropriated $77,192,000. Today, this bill contains over $140 million. That is just in a few years that we did this, it is exactly the same thing. You could not have better pleaders than we are for this cause year after year.

I want you to hear one other problem with this amendment that has nothing to do with money. For heaven's sake, listen to this, please. Forget about the money for a minute, because there are other dangerous things in this amendment, and my friend was not thinking about this: It earmarks funds for a particular research effort. Do you hear that? It earmarks line item funds for a particular research effort. That is a dangerous, dangerous thing to do. Do not do that under any circumstances.

Do you want to see what would happen? Why, we would come in here with a bill that would look like a medical dictionary. It would be thousands of pages long. It would be hopeless. No place do we earmark funds in this bill for a specific research item.

Do you know what you do? Forget about the cause, forget about the money, listen to this, if you do a thing like that, the minute you line item or earmark a research program like this you limit the flexibility of the scientific community. What do you do in case the scientific world gets a breakthrough on something, no matter what it is, a potential breakthrough that they are looking for or that happens? The law says this: This money shall be spent and can only be spent for that line item. We destroy the flexibility of the entire scientific world to execute that breakthrough which may be a godsend. Do not do that. Do not accept this amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mrs. SPELLMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I will take only a very few minutes. I was very impressed with the committee chairman's comments. The distinguished chairman is always enormously impressive and generally right in what he says. However, there is one point that I think is being overlooked, and that is that in this country today we have over 1 million abortions a year. When we consider the cost of those abortions—and if we talk about them only in terms of money and not in terms of human tragedy—then we realize that a great deal of money is being spent, probably a couple of hundred million dollars. If that money were being spent for research which would lead to preventing conception instead of at the other end on abortions after conception, the net result would be a saving—a saving all the way around, a saving in terms of money and a saving in human graces, too. An expenditure here would be a superb investment. I would ask that we very definitely consider putting this money in for research.

May I say, Mr. Chairman, that if we put enough money into research, that word "abortion" might become obsolete someday and would not be there to plague us.

Mrs. BURKE of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. It is important that we equalize access to family planning services among all women and men. It is equally important that we recognize the doleful state of contraceptive research. When it comes to selecting a method of contraception, it is clear that all modern, effective options involve risks, possibly serious adverse reactions, potential side effects, and discomfort. Evidence of problems associated with oral contraceptives—currently used by about 10 million American women—continues to accumulate to the point where many believe it to represent a serious public health hazard. In the past 2 years, several types of contraceptive drugs and devices—the so-called sequential birth control pills, DepoProvera, DES, and several kinds of intrauterine devices—have either been banned by FDA, severely restricted as to their use, or withdrawn from the market by their manufacturers.

More recently an article in the Journal of the American Medical Association reported that scientists had identified more than 60 women who developed tumors of the liver while taking oral contraceptives. The article suggested a possible link between liver tumors and the use of birth control pills, especially those containing the synthetic estrogen mestranol, and an increase in relative risk of this possible complication with duration of pill use, particularly after 6 months.

The National Cancer Institute recently announced that it would begin an immediate assessment to establish the incidence level of the liver tumor disease in the United States and to determine whether, in fact, there has been an in-

crease and if there exists a relationship between the liver tumors and oral contraceptives. The National Cancer Advisory Board Subcommittee on Environmental Carcinogenesis reported that 107 cases of such tumors have been reported in the medical literature and that this number may not reflect the magnitude of the problem.

The disturbing truth is that there are 42 million American women of childbearing age, most of whom it can be assumed wish to practice birth control, who must rely upon chemicals and devices in their bodies which not only have persistent and often serious side effects but also are by no means fully effective. A recent study headed by Christopher Tietze, M.D., of the Population Council, published in the current issue of Family Planning Perspectives, points out that while the death risk from pregnancy and birth among young women who do not use birth control is higher than the death risk from pill use, the health and death risks of the pill for some women—particularly those over age 40—are serious enough to cause grave concern. The study observes, however, that there are few currently available practical alternatives to our most effective modern methods and that none are risk-free. The same study went on to point out that the mortality rate is lowest for women who use traditional contraceptive methods—the condom and the diaphragm—backed up by early legal abortion. However, Dr. Tietze, who is generally recognized as the world's foremost statistician in the field of fertility control, points out that if all married women under 40 who currently use the pill stopped taking it and did not replace it with another method of contraception, they would have 3.5 million additional births annually or, alternatively, 7.7 million additional abortions. If, as is more likely, they were to replace the pill by one of the traditional methods, they would have an additional 800,000 births a year, or, alternatively an additional 1.1 million abortions. And this applies to married women only.

The development of new safe, effective methods depends on rapid expansion of research in reproductive biology and contraceptive development. Yet in spite of the serious problems presented by modern birth control methods, ongoing research into reproductive physiology and contraception continues to be jeopardized by the severe financial limitations imposed by the administration over the past 4 years. I am certain you are aware, Mr. Chairman, that it has been impossible to persuade the administration to give you the facts about spending in the population sciences research field. Last year, however, in response to Senator BAYH's request during hearings on abortion, the Center of Population Research at NICHD was required to develop a budget document that would adequately deal with the problems of unwanted pregnancy. Much of CPR's efforts have been hampered by a lack of funds and staff and moreover, near doubling of its present financial support is necessary. This budget document indicates an expanded national research effort is absolutely required in order to achieve our national health goals and that, in CPR's professional judgment, there are enough staff capabilities and rewarding scientific prospects to make this effort realistic. CPR also concluded that it would carry out the needed program "with responsible stewardship of public funds with the condition that center staff be increased from 37 to 60 within 2 years." I urge you to review this document, bearing in mind that the program's funding level of about $47 million could reasonably be increased to about $85 million. I therefore support the reasonable compromise.

Mr. SCHEUER. Will the gentlewoman yield?

Mrs. BURKE of California. I yield to the gentleman from New York.

Mr. SCHEUER. I thank the gentlewoman for her support.

I just want to reiterate that the drug companies have an economic incentive to do many kinds of research, particularly on products that are taken repetitively, but they do not have any economic incentive to produce a single, one-shot, long-lasting family planning device so long as the pills that are taken or used daily are on the market.

Therefore, since there is no economic incentive sufficient to attract the resources of the free enterprise sector—and I regret that is so but it is understandable from the point of view of the drug companies—there is a research vacuum that can and must be filled by the Federal Government because, if the Federal Government does not do it, no one else is going to fill that need.

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

Mr. Chairman, we have heard a great deal of discussion throughout the country about the unwillingness of this Congress to begin to curb the kind of irresponsible spending typified by this add-on of the amendment. To some it may sound that $20 million is an inconsequential amount. I suspect that our working taxpayers feel that it is more than an inconsequential amount. As the gentleman from Pennsylvania (Mr. FLOOD) said, we add $20 million here, $40 million there, and $50 million there, and before we know it, it adds up to $1 billion, or $2 billion, or $5 billion.

This committee has more moderately and consistently added to this program. Some member is always coming in here and saying, "Oh, that is not enough." Then the House obediently adds to this ever increasing deficit by adding-on for a so-called worthy cause.

My belief is that this program, which is primarily carried on by clinics at the county-city, and State levels all over the country, has not decreased. The Appropriation Committee has raised the amounts for this line item on a regular yearly basis. This committee has been tremendously generous over the last 10 years in constantly adding to this appropriation for the purpose discussed in this amendment.

Some place we have to begin to think of the people who pay for this. They pay for every program. We have 86 million working people in this country who have to put up the taxes to carry this load. They are getting tired, and they have said so, of having an add on here and an add on there and an add on somewhere else. These taxpayers know this phony exercise just costs them more and more.

We must not fail to back up our Appropriations Committee which, as the gentleman from Pennsylvania and the gentleman from Illinois have said, has studied this issue for many months, and we must realize they have gone over this and looked at every single aspect of this program.

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

Mr. ROUSSELOT. I will yield in just a moment. The gentleman from New York has had a great deal of time to speak and I want to make one more point and then I will yield.

Someone has to begin to think of the 86 million people in this country who pay on the average of almost 35 percent of their income to support the Federal Government. The candidate of the gentleman's party, Mr. Carter, says he wants to begin to cut some of these aid programs. I wish the gentleman would begin to take into consideration those points of view right here and now.

As the gentleman from Pennsylvania has said, if we begin to pick every single line item in these appropriation bills and decided to increase the same this could be the longest laundry list of any appropriation bill, because we have so many aspects of health to consider.

We should support the Appropriations Committee. Somebody has to say "No." We just cannot add on forever.

Now I am glad to yield to my distinguished colleague, the gentleman from New York.

Mr. SCHEUER. Let me say, I am with the gentleman.

Mr. ROUSSELOT. Then why is the gentleman offering the amendment?

Mr. SCHEUER. If we want to reduce 10 years from now the cost of welfare and aid to dependent children and title I of the Elementary and Secondary Education Act, the cost of food stamps, the cost of our entire criminal and justice system at the Federal and State and local level, the crime rate, and help avoid the unwanted births that are going to produce the kids who statistically have been proven the most likely not to be able to make it and who will react 13 and 14 years from now in alienation and resentments, they will be the high school dropouts, they will be the kids most likely not able to sustain themselves.

Mr. ROUSSELOT. Mr. Chairman, I hear everything my colleague is saying. I am in partial agreement. But on the basis of what the gentleman has said, the gentleman has not justified a $20 million increase over what the Appropriations Committee carefully considered. The committee took weeks and weeks of testimony to review what the gentleman from New York suggests needs to be done. Not one word has been spoken to show that $20 million will make the difference between what the objectives of the

gentleman are and the objectives of the committee as outlined in the committee report.

So on behalf of our taxpayers let us join our colleagues from the Appropriations Committee and also say "No."

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

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

Mr. MICHEL. Mr. Chairman, I just want to point out that on page 710 of the hearings, we were quite interested in the subject and I asked Dr. Sidbury what we were doing in this Center for Population Research. He said:

> What we are doing is fine tuning our approach in the area of contraception and population control. One of the big hangups in terms of the delivery of the product, if you will, is why don't the people who really need the help, the contraceptive information we provide, why don't they avail themselves? What is there about the black box that they reject?

So $8.1 million is being allocated to this survey-type activity, not for good, solid research. So if Members want more money for research, they ought to obtain it from within the $49 million we have included in the bill rather than adding it onto the top.

Mr. ROUSSELOT. Mr. Chairman, I ask that we reject this amendment as unnecessary.

Mr. OBEY. Mr. Chairman, I rise to oppose the amendment.

Mr. Chairman, it is not four times a year that I agree with the gentleman from Illinois (Mr. MICHEL).

And I must say that if I am looking only at the merits of the program to which this amendment is attached, I would be hard pressed to oppose it, because we need more money in all these medical research areas. But the fact is that this committee added $100 million to this program. This committee has added to a number of other budgets relating to this subject.

The one area I want to address myself to is the argument that because there has been some association suggested between some birth control chemicals and cancer that we, therefore, ought to support this amendment. I do not think there is anybody in this Congress who has spent more time than I have trying to get more money in this budget for research on chemicals.

I just want to run through some of the items we have in this bill above the present budget for research on chemicals, including some of the very problems mentioned by the supporters of this amendment.

Mr. Chairman, we added on my motion $9 million to NIOSH. We added $3 million to the National Institute of Environmental Health Sciences which does research on all the chemicals coming into this environment.

We added on my motion 77 positions in the National Cancer Institute. Most of them went to the carcinogenous program, that is the program that does the research on all the chemicals that affect the human body.

We added 50 positions in the National Institute of Environmental Health Sciences to again deal with the question of chemicals as they impinge upon man's ability to survive and prosper.

The fact is this committee has made a good faith effort to meet all the competing needs we have in this budget. We did not do a good enough job on any of them, because we simply do not have the resources to do so; but to suggest that because of the connection with cancer that we somehow have been inadequate in this area is erroneous.

We have to understand that we are now appropriating almost $1 billion for cancer related programs. In fact, I think we are making a serious mistake, because on some occasions we are appropriating so much to the National Cancer Institute that we are not able to sufficiently fund some of the other medical institutes.

We have raised the budget for all of these institutions. This bill is the finest bill that has come out of the Appropriations Committee, the Labor-HEW Committee, since I have served on it over the last 4 or 5 years. I would really urge the Members, just in the spirit of recognizing the decent job that this committee has done, to reject this amendment.

On the merits, every amendment which is suggested to increase funds, standing alone, might pass. The problem is that we are not in a situation where we can deal with each item singly. We have to put together a package which both recognizes our overall needs and also recognizes budgetary necessities. This committee has done more than it has ever done to take care of all of the kinds of questions raised by the supporters of the amendment.

I would urge that the Members support the committee.

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

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

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(On request of Mr. SCHEUER and by unanimous consent Mr. OBEY was allowed to proceed for 2 additional minutes.)

Mr. SCHEUER. Mr. Chairman, I would like to differentiate family planning programs from all of the other programs, laudable as they may be.

Mr. OBEY. We are not talking about family planning programs. We are talking about research.

Mr. SCHEUER. Family planning programs both service and research.

Mr. OBEY. We are talking about chemical research, a good portion of that.

Mr. SCHEUER. We are talking about biomedical research.

Mr. OBEY. That is right.

Mr. SCHEUER. Let me separate this from all of the other programs we are talking about, because this is the only program, except perhaps for carcinogenic research programs—this is virtually the only program of all of those research programs that is going to vitally affect the quality of life we have in this country 10, 15, 20 years from now.

Mr. OBEY. I beg to differ with the gentleman. This budget this year is laced through with improvements to do just that.

Mr. SCHEUER. The point is that if we do something for arthritis, yes, a lot of elderly people will spend their remaining years in more comfort, but this program, family planning services and research is going to determine the kind of welfare programs we will need in 15 or 20 years; the kind of criminal justice system we will need; it will obviate building more public housing, spending more for AFDC, for remedial education, for medicaid.

Mr. OBEY. So does every other program in this budget. More education is going to do the same thing. Better doctor training will do the same thing. We can make that same argument for virtually every line item in this bill.

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

Mr. Chairman, I agree that many of the members of the Appropriations Committee share our concerns in this area, but I have listened very carefully to this debate, and I would like the gentlemen of this committee to see if they can answer this question, which I think to date they have not answered:

What we have been raising here today is a failure to find a specific understanding of some very serious developments in the population research field, the provision for additional funds provided by this committee. I do not see that anywhere, and I have read the record, though not fully. What I am suggesting to the Members here is that the reason this is a universal problem because it affects the lives of people. It affects the lives of people.

Now, it is a little bit difficult for some of us to continue to hear this discussion about budget control in the face of the fact that over half the adult population and specifically 40 million women are carrying a very serious burden that you are treating cavalierly as a budgetary matter. Perhaps some day we will develop a way in which the men in our society can carry a greater part of this burden. There is a process you can all avail yourselves of, and we might not have to have as much money spent on population research. But, until that time when you assume a greater and more equal burden in that process of contraception by devices such as vasectomy, we are entitled to get a further consideration than you are willing to give to the neglected human condition that is concerned in this particular program.

The human condition which was highlighted just last month by the FDA's removing certain birth drugs from the market has not been addressed by the committee. We cannot allow this committee, or any other committee, to deal with the question of life as cavalierly as it has.

Oh, I know some of my friends from the other side of the aisle would get up and argue very strongly about the right to life. But when it comes to giving a few dollars to preserve that life, they are not there because that is what is involved here.

The gentleman talks about budgetary cuts and budgetary control. Thousands of women are being subjected to high blood pressure, being subjected to vascular diseases, and are being subjected

to cancer and other diseases as a result of improper and insufficient funding in this entire field of research.

I do not know whether the amount that the gentleman is asking for is enough. But I am suggesting that for anyone to refuse to deal with it, using the budgetary ceiling as an excuse, is preposterous, and it shows that we need more diversity in the House of Representatives for the insights that this diversity could bring to these problems.

I suggest to the gentleman, who says we must call a halt somewhere, that this is a universal problem, an amendment that men and women should be concerned with, and one which justifies increasing the budget.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Ms. ABZUG. I yield to the gentleman from Wisconsin.

Mr. OBEY. I want to thank the gentlewoman for her kind comments.

Ms. ABZUG. I had intended them to be.

Mr. OBEY. The fact is that we have added money to the budget for NIH for this purpose and a number of similar items.

One of the issues the NIH deals with is the whole question of chemicals, including the kind of chemicals that we find in birth control pills. We have added more money in the last 2 years in this budget, for these kinds of programs, than I ever thought possible, not just for the chemicals that the women face in the birth control process, but for the chemicals that we all face in everyday life.

I am not suggesting that the goal of the amendment is wrong. I am simply saying that it is not fiscally possible to meet all of our needs everywhere. We had competing needs for handicapped children, disadvantaged children, for women who could not work and who needed medical help, and we have tried to provide for them in this budget. We provide for all kinds of needs. We are $3.6 billion over the budget now, and I simply would like to see this bill passed over a veto, if we can pass it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SCHEUER).

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

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

The CHAIRMAN. The Chair will count, with respect to the quorum.

Does the gentleman insist on his point of order of no quorum?

Mr. SCHEUER. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The pending business is the demand of the gentleman from New York (Mr. SCHEUER) for a recorded vote.

RECORDED VOTE

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 122, noes 278, not voting 31, as follows:

[Roll No. 449]

AYES—122

Abzug
Adams
Addabbo
Allen
Anderson, Calif.
Anderson, Ill.
Aspin
Badillo
Bedell
Biester
Bingham
Blanchard
Blouin
Boggs
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Burke, Calif.
Burton, John
Burton, Phillip
Carr
Chisholm
Clay
Cohen
Collins, Ill.
Conable
Conte
Conyers
Corman
Daniel, Dan
de la Garza
Dellums
Diggs
Drinan
Duncan, Tenn.
du Pont
Eckhardt
Edwards, Calif.
Fenwick
Findley
Fisher
Ford, Mich.
Ford, Tenn.
Fraser
Frenzel
Gibbons
Gilman
Hannaford
Harrington
Hawkins
Hayes, Ind.
Heckler, Mass.
Heinz
Holtzman
Horton
Jacobs
Jordan
Kastenmeier
Keys
Koch
LaFalce
Leggett
Levitas
Lloyd, Calif.
Lundine
McCloskey
McCormack
McKinney
Maguire
Mathis
Matsunaga
Meeds
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mineta
Mink
Mitchell, Md.
Moffett
Moorhead, Pa.
Mosher
Moss
Nix
Nolan
Oberstar
Ottinger
Pressler
Pritchard
Quillen
Randall
Rangel
Rees
Richmond
Rinaldo
Rogers
Roncalio
Rosenthal
Roybal
Sarbanes
Scheuer
Schroeder
Seiberling
Sharp
Simon
Solarz
Spellman
Stark
Stokes
Studds
Symington
Thompson
Tsongas
Van Deerlin
Vander Veen
Waxman
Weaver
Wilson, C. H.
Wilson, Tex.
Wirth
Young, Ga.

NOES—278

Abdnor
Alexander
Ambro
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
AuCoin
Bafalis
Baldus
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bell
Bennett
Bergland
Bevill
Biaggi
Boland
Bolling
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brown, Mich.
Broyhill
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Carney
Carter
Cederberg
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collins, Tex.
Cornell
Cotter
Coughlin
Crane
D'Amours
Daniel, R. W.
Daniels, N.J.
Danielson
Davis
Delaney
Derrick
Derwinski
Devine
Dickinson
Dingell
Dodd
Downey, N.Y.
Duncan, Oreg.
Early
Edgar
Edwards, Ala.
Eilberg
Emery
English
Erlenborn
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fary
Fascell
Fish
Fithian
Flood
Florio
Flowers
Flynt
Foley
Forsythe
Fountain
Frey
Fuqua
Gaydos
Giaimo
Ginn
Gonzalez
Goodling
Gradison
Grassley
Gude
Guyer
Hagedorn
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen
Harkin
Harris
Harsha
Hébert
Hechler, W. Va.
Hefner
Henderson
Hicks
Hightower
Hillis
Holland
Holt
Howard
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jarman
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kasten
Kazen
Kelly
Kemp
Ketchum
Kindness
Krebs
Krueger
Lagomarsino
Latta
Lehman
Lent
Lloyd, Tenn.
Long, La.
Long, Md.
Lujan
McClory
McCollister
McDade
McEwen
McFall
McHugh
McKay
Madden
Madigan
Mahon
Mann
Martin
Mazzoli
Michel
Miller, Ohio
Mills
Minish
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Morgan
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nowak
Obey
O'Neill
Passman
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Paul
Pepper
Perkins
Pettis
Pickle
Pike
Poage
Preyer
Price
Quie
Railsback
Regula
Reuss
Rhodes
Risenhoover
Roberts
Robinson
Rodino
Roe
Rooney
Rostenkowski
Roush
Rousselot
Runnels
Ruppe
Russo
Ryan
St Germain
Santini
Sarasin
Satterfield
Schneebeli
Schulze
Sebelius
Shipley
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thone
Thornton
Traxler
Treen
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Walsh
Wampler
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Winn
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Tex.
Zablocki
Zeferetti

NOT VOTING—31

Ashley
Bonker
Brodhead
Conlan
Dent
Downing, Va.
Esch
Goldwater
Green
Hays, Ohio
Helstoski
Hinshaw
Jones, Ala.
Karth
Landrum
Litton
Lott
McDonald
Melcher
Metcalfe
Milford
O'Brien
O'Hara
Peyser
Riegle
Rose
Sisk
Steelman
Steiger, Ariz.
Symms
Udall

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

Mr. ADAMS and Mr. MAGUIRE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

Mr. Chairman, I wonder if the distinguished chairman of the subcommittee would yield for some questions about the funding level contemplated in this bill for research into the causes of amyotrophic lateral sclerosis, also popularly known as Lou Gehrig's disease. As the Members know, ALS is a fatal neuromuscular disease which usually kills its victim within from 3 to 5 years of discovery of the affliction. As the Members also know, ALS is not a rare disease and that 15,000 Americans are presently afflicted by it. Given the severity of the disease and the frequency of its occurrence, I was shocked to learn, Mr. Chairman, that the National Institute of Neurological and Communicative Disorders and Stroke only spent $813,000, or less than six-tenths percent of its budget, on ALS research.

Since this bill provides for an increase of over $8 million in funding for the Institute, I would like to know if this additional funding contemplates an increase in the amount of moneys that will be available for research into this dreaded disease, and if so, how much of an increase it will be.

Mr. FLOOD. If the gentleman will yield, I am happy to reply. ALS is what is generally referred to, as the gentle-

man knows, as Gehrig's disease. I am very well aware of the number of people who are afflicted by Gehrig's disease. Lou Gehrig was a friend of mine. I agree with the estimate that less than $1 million will be spent for research on this particular disease.

However, I think the gentleman should keep in mind that this type of sclerosis, will benefit from basic research that is being done of the entire group of sclerosing diseases. It is my understanding the National Institute of Neurological and Communicative Disorders and Stroke will have in 1977 about $6 million to study the basic causes of sclerosing diseases. But also the bill before us contains an increase of $9 million over last year for this particular Institute.

For purposes of emphasis I repeat, this bill before us now does have a $9 million increase over last year's level for this same Institute.

I say to the gentleman again, considering the low level of support for the Lou Gehrig disease, I think that NIH should, and I think they will, use part of this increase to expand the research on the Lou Gehrig disease. I thank the gentleman for drawing this to our attention.

Mr. SOLARZ. Mr. Chairman, I thank the gentleman for his remarks.

Let me simply say I have no doubt, for my own part, that they should be spending more on the Lou Gehrig disease, and after the distinguished chairman's observations, I have no doubt they will be spending on the study of this disease.

Mr. FLOOD. The gentleman has reason to believe that.

Mr. SOLARZ. I thank the gentleman very much.

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

REORGANIZATION OF HOUSE ADMINISTRATION COMMITTEE

Mr. Chairman, I think that it is time for the Republican side of the aisle to comment on the situation which is occurring in the House Administration Committee and which occurred in the Democratic Caucus last night. Of course this matter has come about because of a belated recognition on the part of the majority party that there are some things to be desired in the structure which we have for keeping our own accounts. We agree with that. As a matter of fact we were against the law of 1971 when it was passed. We were in favor of repealing that law last year. We did not have the votes to do it. And of course that law or the existence of it and the authority which it gave the House Administration Committee to raise funds for Members without reference to the House, in the opinion of many of us was the basis upon which one Member was able to build such a strong power base. This is largely the reason for the abuses, which have lowered the opinion, the country has of this body.

The Democratic Caucus on yesterday and last night—held extensive meetings. Prior to that time the Speaker, in his wisdom, had appointed a committee of the Democratic Policy Committee under the chairmanship of the gentleman from Wisconsin (Mr. OBEY) to look into the matter and to make recommendations.

At that time I suggested that it would be better if the Speaker would appoint an ad hoc committee, or if the House would create a select committee to be made up of Members of both parties divided equally, to investigate the structure of accounts to conduct the auditing of the accounts of Members and of the various committees of the Congress.

I thought it was absolutely necessary in order to restore the confidence of the people in this body that we do this. It is not enough for us to restructure ourselves so that things like this do not happen in the future, although that is important. The people also want to know what has happened in the past.

I think it is up to all of us to be able to prove we are not guilty of wrongdoing by an audit of the accounts. That way we can be sure that the House can go into the future on a firm base, without suspicion of undetected wrongdoing.

Unfortunately, that was not done.

I requested also that immediately we bring a bill on the floor which would have the effect of repealing the nefarious law of 1971, so that any changes in the levels of funds could not be accomplished in the House Committee on Administration, but would be brought to the floor. This is recommended by the Obey committee. It should be considered separately, and brought up immediately, as I had suggested to the Speaker.

Also, the resolution for a select committee which I have introduced has been ignored. Now the House Committee on Administration, I am told, plans to implement the recommendations of the Obey committee under the authority of the act of 1971, without reference to the House. Then after that, I am told they may bring a resolution to the floor to repeal the act of 1971.

Now, to me, this is putting the cart before the horse. In the first place, allowing the House Committee on Administration to act alone precludes any possibility of floor amendment. It seems to me it would be much better if the House Committee on Administration would bring a bill to the floor under an open rule, so that we could follow the amendment process and perfect the Obey proposals. Then we might have some input from the minority, as well as from the majority, as to how we are going to keep our accounts and how we are going to structure the finances of this important body; but that appears not to be the case. It appears we will be present with a fait accompli from the House Committee on Administration. Hopefully, then, we will have some sort of repealer of the law of 1971. But, and this is important, there are no plans, so far as I can tell, for any audit of the accounts of any Member or committee of the House of Representatives. This is a shame.

It seems to me that this body, which made such a shining reputation for itself, for insisting that the laws of the country be obeyed and all wrongdoers punished should now tarnish it. It seems a shame that when those laws apply to us and when Members of this body may be wrongdoers, we appear to be less zealous in having investigations made and wrongdoers exposed. We should not countenance the application of such a double standard.

So I again reiterate, Mr. Chairman, my statement of some days ago. I think immediately, tomorrow if possible, we should repeal the act of 1971. Then, rather than going through an exercise where we try immediately to create a brand new accounting system, which nobody really understands at the present time, we should create the select committee with equal representation of both parties, the majority and the minority. This committee could look both fore and aft. It could audit these accounts, and also study, at a sane pace, the structuring of the accounts with deliberate speed. The majority party's present course is panic, rather than reform.

So to me it is very important that we get this job done, that we do it deliberately and that we do it correctly.

I promise this House the absolute cooperation of the minority if we work together to uncover wrongdoing and to restructure our accounts. I say to my friends, you will not be able to satisfy the people of this country if you try to go it alone, as you now are preceding to do.

(By unanimous consent, Mr. O'NEILL was allowed to proceed out of order.)

Mr. O'NEILL. Mr. Chairman, I am, indeed, delighted to hear that the minority leader is taking some movement on this matter. I am sure the gentleman is aware, from the Republican Members who observed our Democratic caucus from the gallery last night, that we discussed this matter fully, responsibly, and openly.

I would like to ask the minority leader if he is expressing his own ideas, or has the gentleman gone to his own party caucus, and has that caucus been opened to the public and the press?

Mr. RHODES. Mr. Chairman, if the gentleman will yield, the Republican policy committee also agrees and I do not know anybody on the Republican side who does not agree.

The CHAIRMAN. Are there further amendments to this section of the bill? If not, the Clerk will read.

The Clerk read as follows:

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

For carrying out the Public Health Servive Act with respect to mental health, and except as otherwise provided, parts A, B, and D of the Community Mental Health Centers Act (42 U.S.C. 2681, et seq.), the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended, the Narcotic Addict Rehabilitation Act of 1966, and the Drug Abuse Office and Treatment Act of 1972, $737,441,000.

AMENDMENT OFFERED BY MR. CONTE

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

The Clerk read as follows:

Amendment offered by Mr. CONTE: At page 15, line 11 of the bill, delete the following: "$737,441,000." and in lieu thereof, insert the following: "$761,441,000."

Mr. CONTE. Mr. Chairman, I first of all appreciate the Members who stayed behind after that very important colloquy here.

Mr. Chairman, I rise in support of my amendment to increase appropriations for mental health research and new starts for community mental health centers.

Since my amendment is twofold, I will first make out my case for research and then move on to the community mental health centers. I am proposing a $10 million increase in mental health research. The bill before us contains a total of $95.908 million for mental health research. This is the same funding level as fiscal year 1976. The budget request was for $83 million which would have resulted in almost a $13 million cut below last year's level. I am pleased that the committee opposed this cut. However, I feel that a minimal $10 million increase is in order to maintain the present level of research and enable expansion in areas of significant progress.

In 1967, we provided research support in the amount of $80.7 million. The $95.9 contained in this bill will only purchase $55.6 million in terms of 1967 dollars. We have increased our appropriations to some degree, but inflation takes its toll and strips away more than 30.7 percent of our dollars buying power. In 1967 in many instances, we were still feeling our way through the dark. Today, we have made tremendous progress in combating mental cripplers such as severe depression, schizophrenia, and abnormalities in the biochemistry of the brain. Our problem now is the lack of resources to expand research in the areas of progress.

Mental health costs the Nation an estimated $36 billion per year. To combat such an enormous health problem, we must enlarge our base of knowledge of mental health. Research is that essential base of knowledge and we must not let it be curtailed. The single most important aspect in resolving any health problem is the research program. I am here making a plea to provide additional support for this most crucial item.

The second part of my amendment deals with the community mental health centers. The Community Mental Health Centers Act of 1963 and amendments of 1975 (Public Law 94–63) establish a national network of community mental health centers. Basically the centers are designed to provide services such as but not limited to: Acute inpatient, outpatient, partial hospitalization, consultation and education, emergency services, services for the children and the elderly, screening of candidates for admission to State hospitals, aftercare services, and alcohol and drug abuse cases. From these services alone, it is clear these centers provide a most essential service to the community. When this program was originally enacted in 1963, it was intended to result in a network of 1,500 centers across the Nation by 1980. Today, only 603 centers are operative. This bill contains $15 million for new starts which would support approximately 24 new centers. At this rate, it would take until year 2010 to reach the 1,500-center goal.

My amendment would increase appropriations for new starts by $14 million which would raise the total funding support to $29 million of 46 new starts. In fiscal year 1976 we provided $24 million for new starts. Accordingly my amendment would only result in a modest, but most necessary, $5 million increase above the fiscal 1976 level.

At present these 603 centers only reach 41 percent of the population. In 1969, federally funded community mental health centers provided 10.17 percent of the total number of patient care episodes. By June 1971, that figure had doubled to more than 20 percent. In 1974, more than 1.7 million people were treated at these centers. Statistics also show a proportionate decline in inpatient and outpatient care in mental hospitals. Taking into consideration the tremendous hospital care costs, community mental health centers are an enormous source for the hospital costs reductions.

In 1973, 52 percent of those treated had incomes below $5,000 per annum. It is clear that in the absence of these centers many low income individuals would not have received this vital mental health care.

I am sure my amendment has already been brought to your attention by concerned citizens across the Nation. I am most pleased that my amendment received the endorsement by the professional medical and lay community.

I urge my colleagues to adopt this most important amendment.

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

Mr. CONTE. I yield to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I want to join with my friend, the gentleman from Massachusetts (Mr. CONTE), and associate myself with his remarks. I think this is a significant amendment.

Mr. Chairman, I support the amendment offered by my friend and colleague from Massachusetts (Mr. CONTE).

He seeks to add $10 million for mental health research and $14 million for startup grants for new community mental health centers. I support the added amounts for both programs. I would like to focus my remarks on the health centers.

There are presently 603 of these centers operating throughout the country. The National Institute of Mental Health estimates that there is a need to create and maintain a total of 1,500. Recently, the National Advisory Mental Health Council recommended the startup of an additional 54 centers in the coming fiscal year. Unfortunately, the level of funding recommended by the committee is only $15 million for new centers. The NIMH estimates that an average community mental health center costs $700,000 to get through its first year of operation. Afterward, under the provisions of Public Law 94–63, the Federal Government provides funds for a part of the center's operating budget. Generally, this means that the Federal Government pays the deficit of the community mental health center.

The issue that is presented by the amendment now before us, however, concerns itself directly with new starts, which are more expensive than the gradually decreasing Federal matching share of a community mental health center's budget over the 8-year period when Federal aid is available to these centers. In addition, once a center has been established, a commitment exists on the part of the Government to provide funds for its continued operation.

Mr. Chairman, the administration's budget did not contain a request for any additional community mental health centers, nor for any continuation funds for centers set up last year. I believe that following such an indication, would be to thwart the clearly expressed intent of Congress, to provide truly comprehensive mental health care at a high level. My colleague's amendment would allow more new startups than the committee which, I must say, has done a very credible and worthwhile job by including the present $15 million for new starts and the $21.8 million for continuation funds now in the bill. I only feel, along with my colleague from Massachusetts, that additional community mental health centers are needed and ought to be provided for than the committee has recommended. The committee's report, on page 49, estimates that only 16 new centers could get off the ground with the funds which it recommends. Mr. CONTE's estimate is that the present level would allow 24 centers to open. The $14 million he would add would allow 46 new centers to open. However you look at it, 16 to 24 new centers, as a target figure, do not, in my opinion, square with the national need expressed by the report of the National Advisory Council.

Mr. Chairman, I favor an increase in community mental health centers because I feel that they offer a really worthy response to the crying need in this country for good mental health care outside of mental health institutions. Anyone who has made even a cursory study of mental health institutions knows how important it is to avoid this kind of a treatment alternative for all but the hopelessly ill. Community mental health centers offer many different services in the community in which they operate and which they serve: inpatient, outpatient care, partial hospitalization, emergency care, consultation and educational services. They also can provide alcohol and drug services, transitional services for those members of the population that require constant care but can be accommodated outside an institution, and care to children and the elderly.

These centers are proving to be successful experiments in the fight against mental illness because the services they offer are so comprehensive. And their very breadth of scope requires the cooperation of many different providers of health care in an area, so that the com-

munity must really support the establishment of a community mental health center. This is true in my own city of Springfield, Mass., where a new center will be among those activated by this amendment with a grant of $469,000. Without the willing participation of all segments of the community's health delivery system, there could be no "community" center in the first place. Financing, coordination, participation, and most of all, concern—all these must precede the funding of a community mental health center. It is a major undertaking for a community, which must assume the entire cost of such a facility 8 years after its beginning. The Federal Government's participation comes in those 8 years, but principally in the first years. This amendment addresses the serious need for such first-year assistance. I urge its approval.

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

Mr. Chairman, the distinguished Representative from Massachusetts (Mr. CONTE) today offers an amendment that would provide an additional $24 million to an area of health that has long been overlooked. Mental health programs are seriously underfunded at the present time.

Back in 1963 Congress mandated the establishment of a network of 1500 community health centers by 1980. To date only 603 have been funded and only 41 percent of the Nation's population has available mental health centers.

These centers provide an alternative to isolation and custodial care by State institutions. If they are properly financed, they have the capability and the responsibility of providing quality care to all Americans.

The sum of $14 million of the $24 million increase would go to the development of about 22 additional community mental health centers, including one in Riverside, Calif., and one in Los Angeles. The present budget permits development of only 24 new centers. If we pass this needed amendment, over 46 new centers could be developed for fiscal year 1977.

The remaining $10 million would provide additional research and would allow the continuation of substantial study in such vital areas as mental depression, mental illness, childhood mental illness, and schizophrenia.

Our passage of this amendment would demonstrate our willingness to provide the research that can eventually reduce the suffering and cost of mental illness—estimated at over $36 billion yearly.

I strongly urge my colleagues to vote in support of the Conte amendment. This is an excellent opportunity to help those unable to help themselves.

Mr. BEARD of Rhode Island. Mr. Chairman, I move to strike the requisite number of words.

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

For the last 3 years of my public life I have worked very closely in the area of trying to solve some of the problems of mental health. From my own State of Rhode Island for 27 years we had in the U.S. Congress Johnny Fogarty, who worked his whole lifetime and spent his entire congressional career fighting the battle for mental health and against retardation.

I think when we look at the total picture of expenditures that have gone through this Congress, the expenditure of $150 billion in 14 years of Vietnam and the expenditure of billions of dollars that were sent overseas for foreign aid, we should realize, I think, that it is now time that we have a proper appropriation to fight the battle to find cures for people who have mental problems. I think the time has come in this Congress that we should not just have tokenism appropriations in this field.

I have seen that in my own State of Rhode Island, and only recently have we had a State institution that has finally turned the corner and come out of the Dark Ages.

How many States in the United States are there which have institutions where people are living under conditions that are worse than some of the most impoverished conditions in this country?

We have many people who are not properly treated in institutions. We need day-care centers, we need satellite facilities, we need in-patient and outpatient facilities, and the only way we are going to find a cure for this disease and all the other diseases of the world is to spend the money for research and provide appropriations so that these people can be treated properly. We should not just perpetuate their condition year in and year out. That has been one of the biggest problems in this Government for the last 20 years.

Health seems to have a low priority in the U.S. Congress and with the administration. I think that we should and we must appropriate the amount of money that is necessary to serve the people of this country. That is what the taxpayers want. They do not mind spending money on health. We all could be affected by this. Every Member here might know of someone who has a problem of mental illness or related incidences that could possibly develop into mental illness.

So, Mr. Chairman, I am asking the Members to support the Conte amendment. It is a good amendment. It will help thousands upon thousands and actually millions of people all over this country who are on the threshold of going into an institution or who may be leaving an institution and may have to go to a satellite facility.

So let us support this amendment, and let us stay here if we have to have a recorded vote and give the gentleman from Massachusetts (Mr. CONTE) the support he deserves for his amendment.

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

Mr. Chairman, well here is another one.

This reminds me of the old days in show business—"I just happen to have here a verse and a chorus. I am all ready for it."

Mr. Chairman, let me say this: The gentleman from Massachusetts (Mr. CONTE) is one of my all-time, worldwide, favorite friends, make no mistake about that. But he was present when we marked up this bill in the subcommittee, and he was present when we marked it up in the full committee.

The gentleman knows as much about this bill as I do. But all of a sudden, he has a verse and chorus. That is all right with me. I played this scene myself.

First of all, Mr. Chairman, we just heard the last speaker here, who spoke as though we did not do anything.

We have done plenty. All the Members know that. The appeal here is that nothing has been done for these programs.

Good heavens, again I say, What do you want, diamonds? This is the Committee on Appropriations.

First of all—now wait until you hear this; the budget made substantial cuts, and I mean substantial. The budget cut the ears off the mental health program. In fact, do the Members know what some of the mental health programs got in the budget? Bing, zero. Yes, especially the new community mental health centers, they got a big zero.

What did the Committee on Appropriations do? We added $15 million for new centers and $160,658,000 for all mental programs. That is what we did with these programs. The budget made deep cuts and we put in $161 million more.

Specifically for what items? For mental health research, there was $12,908,000, just for that specific item. That was $12,908,000 over the budget.

These additional funds will provide $10 million for new research awards. These are brandnew grant awards.

Mr. Chairman, the gentleman from Massachusetts (Mr. CONTE) suggests that a few grants only will be supported; but I repeat that this bill will support over $10 million for brandnew research grants.

Mr. Chairman, let me tell the Members what else the bill provides.

For the community mental health centers—you know about these things; we added $15 million over the budget.

What did the budget request for the establishment of new community mental health centers? What was in the budget for that? I will give you 10 guesses: Bing, nothing, zero.

We provided and we earmarked $15 million to initiate the support of these new centers.

Mr. Chairman, the Members know very well that we have been concerned for a long, long time about expanding these community mental health center programs, and I think we showed that concern when this committee added over $90 million for the community mental health center programs. That is what we did.

By the way, this bill will support not only the initiation of the new centers, it will provide continuing support for the centers that we started in previous years in your districts.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. FLOOD) has expired.

(By unanimous consent, Mr. FLOOD was allowed to proceed for 1 additional minute.)

Mr. FLOOD. Mr. Chairman, we believe the funds in this bill are going to allow HEW to move ahead with all of these necessary programs, to find the causes of mental illness. Furthermore, it will expand service capacity of the community health centers.

Mr. Chairman, there is nobody more concerned than we have been, are, and will be, and we put the money in here for that purpose.

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

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

It would add $10 million for mental health research, raising the amount to $105.9 million. This would bring this item $10 million above both the bill and the 1976 levels, and $22.9 million above the budget. The idea ostensibly is to provide for several new starts.

The amendment would also add $14 million for first year operation grants—new starts—for community mental health centers. This would increase the total in the bill to $29 million, all of it over the budget and $5 million above 1976.

Of the $95.9 million in the bill for mental health research, $29.8 million will go to new grants and competing renewals, with between $13 and $19 million available for totally new projects, an increase of from $3 to $9 million over the current level. It would increase the numbers of new projects to from 200 to 300, a substantial increase over the current 174 new projects. This amount of new starts in and of itself will be difficult to manage in a single year, not to mention the addition of another $10 million.

Mental health research ranks third among all diseases in terms of Federal funding, trailing only cancer and heart. We are thus funding it very generously, and it thus cannot be said that we are shortchanging such research.

For first year operation grants for community mental health centers, the committee provided enough funds for what it originally thought were some 16 new centers, but the latest estimates from HEW indicate the total may now go as high as 24, due to lower than estimated costs per project. This would be just 2 fewer than the 1976 total, and would result in 50 new centers in just 2 years' time. This is a very rapid expansion, and there is thus little justification for expanding even further.

Ever-increasing Federal funding for these facilities appear to be having a dampening effect on State and local expenditures in this field.

In my own State of Illinois, for example, they are spending $376 million for mental health, but only $80 million is earmarked for community facilities. Most of the remainder goes for State institutions, despite the fact that the resident patient load in these institutions has dropped from 49,000 in 1959 to 13,000 today, and the fact that three-quarters of the mental patients today are being treated at community facilities. The State is clearly failing to reorder its priorities in the mental health field, and I have to believe that a major reason for this is the availability of Federal funds for community facilities. If we continue to provide Federal funds in ever-increasing numbers, we will never put the pressure on the States to assume increased responsibility for community facilities.

I urge rejection of the amendment.

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

Mr. MICHEL. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I hate to be trying to make out a case on the gentleman's time, and I do thank the gentleman for yielding to me, but I just want to point out to the Members of the House that the bill provides $15 million for the community mental health centers. But what the Institute gave me here, and the Members can come up and look at it, shows that they need a minimum of $36 million, which will provide community mental health centers as follows:

INITIAL OPERATIONS GRANTS RECOMMENDED FOR APPROVAL BY THE NATIONAL INSTITUTE OF MENTAL HEALTH TO START UP NEW COMMUNITY MENTAL HEALTH CENTERS

Total initial operations grants recommended for approval, 54.

Total money required to fund the grants, $36,692,000.

LOCATION, COMMUNITY MENTAL HEALTH CENTER, AND GRANT

Alabama

Birmingham: Jefferson County Center, $909,000.
Guntersville: Marshall Center, $300,000.
Birmingham: East Side Center, $676,000.

Alaska

Anchorage: Anchorage Mental Health Service, $600,000.

California

Riverside: Desert Mental Health Center, $1,600,000.
Los Angeles: LaPoenta Center, $3,900,000.

Colorado

Aurora: Aurora Center, $1,000,000.
Fort Collins: Larimer County, $768,000.
Canon City: West Central Mental Health Center, $344,000.

Florida

Dade City: Pasco Mental Health Service, $516,000.
Putnam County: Tri-County Center, $283,000.
Fort Myers: Lee County Center, $511,000.

Georgia

Decatur: North Dekalb Center, $656,000.
Atlanta: South Dekalb Center, $643,000.
Atlanta: Central Fulton Center, $1,060,000.
Lawrenceville: Gwenette Rock Center, $681,000.
Marietta: Cobb County North, $594,000.
Brunswick: Coastal Center, $331,000.
Dalton: Whitfield County Center, $900,000.
Rome: Floyd County Center, $345,000.

Illinois

Peoria: Peoria Center, $1,103,000.

Indiana

West Lafayette: Wabash Valley Center, $897,000.
East Chicago: Tri-City Center, $780,000.
Lawrenceburg: Community Mental Health MR Center, $950,000.

Maine

Daph Brunswick: Daph Center, $352,000.
Rockland: Rockland Midcoast Center, $276,000.

Michigan

Detroit: Operation Hope Center, $700,000.

Massachusetts

North: Ditchburg Center, $775,000.
Central:
Springfield: Comprehensive Community Mental Health Center, $469,000.

Mississippi

Pascagoula: Swignig River Center, $799,000.
Vicksburg: Region Fifteen Warren Yazoo Center, $522,000.

New Hampshire

Keene: Monadnock Center, $575,000.

New Jersey

Red Bank: CPC Community Mental Health Center, $1,394,000.

North Carolina

Boone: New River Center, $600,000.
Ahoskie: Roanoke-Chalin Center, $375,000.
Greenville: Tip County Center, $342,000.
Goldsboro: Wayne County Center, $307,000.

Oregon

Portland: Cascade Center, $796,000.

Pennsylvania

Philadelphia: Benjamin Rush Center, $1,000,000.

Rhode Island

Providence: Providence CMCH, $757,000.

Ohio

Gallipolis: Gallia-Hudson Center, $640,000.

Tennessee

Memphis: University of Tennessee Center, $678,000.
Knoxville: Overlook Center, $400,000.
Greensville: Haulichucki Center, $265,000.
Boulevard: Quinco Center, $189,000.

Texas

Brownwood: Central Texas Center, $411,000.
Lufkin: Debeast Center, $323,000.

Utah

Farmington: Davis County Center, $432,000.
Richfield: Central Utah Center, $357,000.

Virginia

Manassas: Prince William County Center, $512,000.
Roanoke: Roanoke Valley Center, $173,000.
Mt. Vernon: Fairfax Falls Center, $495,000.

Washington

Spokane: Mental Health Coordinating Center, $693,000.

West Virginia

Clarksburg: Central District Center, $738,000.

Mr. MICHEL. Mr. Chairman, I think on that, I will just yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

The question was taken; and the chairman announced that the noes appear to have it.

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

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Comittee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Massachusetts (Mr. CONTE) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 248, noes 136, not voting 47, as follows:

[Roll No. 450]

AYES—248

Abzug
Addabbo
Allen
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Armstrong
Aspin
Badillo
Bafalis
Baldus
Baucus
Beard, R.I.
Bedell
Bell
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Brademas
Brinkley
Brooks
Broomfield
Brown, Calif.
Broyhill
Buchanan
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burton, John
Burton, Phillip
Butler
Carney
Carter
Chappell
Chisholm
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Conte
Conyers
Corman
Cornell
Coughlin
D'Amours
Daniels, N.J.
Davis
de la Garza
Delaney
Dellums
Derrick
Derwinski
Dickinson
Diggs
Dingell
Downey, N.Y.
Drinan
Duncan, Tenn.
du Pont
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Emery
Esch
Evans, Ind.
Fary
Fenwick
Fish
Fisher
Fithian
Florio
Flowers
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fraser
Frey
Fuqua
Gaydos
Gilman
Ginn
Gonzalez
Gude
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Harkin
Harrington
Harris
Hawkins
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Hefner
Heinz
Hightower
Hillis
Holland
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Johnson, Pa.
Jones, N.C.
Jones, Tenn.
Jordan
Kastenmeier
Kazen
Keys
Koch
Krueger
LaFalce
Leggett
Lent
Levitas
Lloyd, Tenn.
Long, La.
Long, Md.
Lujan
Lundine
McCloskey
McCormack
McDade
McKay
McKinney
Madden
Madigan
Maguire
Mann
Matsunaga
Mazzoli
Meeds
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Morgan
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Neal
Nedzi
Nix
Nolan
Nowak
Oberstar
O'Brien
O'Neill
Ottinger
Patten, N.J.
Pattison, N.Y.
Perkins
Pressler
Preyer
Price
Quillen
Rangel
Rees
Reuss
Rhodes
Richmond
Rinaldo
Rodino
Rogers
Roncalio
Rooney
Rosenthal
Rostenkowski
Roush
Roybal
Ruppe
Russo
St Germain
Santini
Sarasin
Sarbanes
Scheuer
Schroeder
Sebelius
Sharp
Shriver
Simon
Skubitz
Slack
Smith, Iowa
Solarz
Spellman
Spence
Staggers
Stark
Stephens
Stokes
Studds
Sullivan
Thompson
Thone
Thornton
Traxler
Tsongas
Ullman
Vander Veen
Vanik
Walsh
Wampler
Waxman
Weaver
Whalen
Wilson, C. H.
Winn
Wirth
Wolff
Yates
Yatron
Young, Alaska
Young, Ga.
Zablocki
Zeferetti

NOES—136

Abdnor
Adams
Alexander
Ambro
Archer
Bauman
Beard, Tenn.
Bennett
Bolling
Bonker
Bowen
Breaux
Breckinridge
Brown, Ohio
Burgener
Burleson, Tex.
Burlison, Mo.
Byron
Carr
Cederberg
Clancy
Clawson, Del
Collins, Tex.
Conable
Cotter
Daniel, Dan
Daniel, R. W.
Danielson
Devine
Dodd
Duncan, Oreg.
Edwards, Ala.
English
Erlenborn
Eshleman
Evans, Colo.
Fascell
Findley
Flood
Flynt
Foley
Frenzel
Giaimo
Gibbons
Goodling
Gradison
Grassley
Guyer
Hagedorn
Hannaford
Harsha
Hicks
Holt
Hungate
Hutchinson
Hyde
Ichord
Jarman
Johnson, Colo.
Jones, Ala.
Jones, Okla.
Kasten
Kelly
Kemp
Ketchum
Kindness
Krebs
Lagomarsino
Latta
Lehman
Lloyd, Calif.
McClory
McCollister
McEwen
McFall
McHugh
Mahon
Martin
Michel
Miller, Ohio
Mills
Montgomery
Moore
Moorhead, Calif.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Nichols
Obey
Passman
Patterson, Calif.
Paul
Pettis
Pickle
Pike
Poage
Pritchard
Quie
Railsback
Randall
Regula
Roberts
Robinson
Rousselot
Runnels
Satterfield
Schulze
Seiberling
Shipley
Shuster
Sikes
Smith, Nebr.
Snyder
Stanton, J. William
Stanton, James V.
Steiger, Wis.
Stratton
Talcott
Taylor, Mo.
Taylor, N.C.
Treen
Van Deerlin
Vander Jagt
Vigorito
Waggonner
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, Tex.
Wright
Wydler
Wylie
Young, Fla.

NOT VOTING—47

Ashbrook
Ashley
AuCoin
Brodhead
Brown, Mich.
Conlan
Crane
Dent
Downing, Va.
Evins, Tenn.
Goldwater
Green
Hansen
Hays, Ohio
Hébert
Helstoski
Henderson
Hinshaw
Karth
Landrum
Litton
Lott
McDonald
Mathis
Melcher
Metcalfe
Milford
Mosher
O'Hara
Pepper
Peyser
Riegle
Risenhoover
Roe
Rose
Ryan
Schneebeli
Sisk
Steed
Steelman
Steiger, Ariz.
Stuckey
Symington
Symms
Teague
Udall
Young, Tex.

The Clerk announced the following pairs:

On this vote:

Mr. Dent for, with Mr. McDonald against.
Mr. Pepper for, with Mr. Hébert against.

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

Messrs. BEVILL, MOORHEAD of Pennsylvania, and MEEDS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HEINZ

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

The Clerk read as follows:

Amendment offered by Mr. HEINZ: Page 15, Line 11, strike out "$737,441,000" and insert in lieu thereof "$741,441,000".

POINT OF ORDER

Mr. FLOOD. Mr. Chairman, I make a point of order against this amendment, in view of the fact that action has been taken on that section on page 15.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard?

Mr. HEINZ. Yes, Mr. Chairman.

Mr. Chairman, I understand the gentleman from Pennsylvania (Mr. FLOOD) makes a point of order that an amendment to this paragraph to the bill has already been adopted.

Mr. Chairman, the amendment that I offer is not in any sense a duplicate of the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

What the amendment does is to add $4 million additional on top of the $16 million already adopted by the Conte amendment and, therefore, I submit, Mr. Chairman, the amendment is in order.

The CHAIRMAN. The Chair is prepared to rule.

It is not in order under the rules to offer an amendment to change the figure, where that figure already has been changed by the committee.

Had the gentleman from Pennsylvania (Mr. HEINZ), for example, offered his proposed figure as an amendment or substitute to the Conte amendment, prior to the adoption of that amendment, such an amendment would have been in order.

At this time, however, in that the Committee of the Whole already has acted on that precise figure at that precise point of the bill, under the rules, the point of order of the gentleman from Pennsylvania (Mr. FLOOD), the chairman of the subcommittee, will be sustained, and the Chair does sustain the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT

HUMAN DEVELOPMENT

For carrying out, except as otherwise provided, section 426 of the Social Security Act, the Act of April 9, 1912 (42 U.S.C. 191), the Older Americans Act of 1965, as amended, the Child Abuse Prevention and Treatment Act, the Runaway Youth Act, the Community Services Act of 1974, sections 106, 107 and 306 of the Comprehensive Employment and Training Act of 1973, the Rehabilitation Act of 1973, as amended, the International Health Research Act of 1960, the Developmental Disabilities Services and Facilities Construction Act, as amended, and the White House Conference on Handicapped Individuals Act, $1,873,514,000, of which $740,000,000 shall be for activities under section 110(a) of the Rehabilitation Act of 1973; and $30,058,000 shall be for grants under part C of the Developmental Disabilities Services and Facilities Construction Act, as amended, together with not to exceed $600,000 to be transferred from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund as provided by section 201(g)(1) of the Social Security Act: *Provided further*, That the allotment level for the nutrition services for the elderly program shall be $225,000,000 per annum.

AMENDMENT OFFERED BY MR. RANDALL

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

The Clerk read as follows:

Amendment offered by Mr. RANDALL: Page 30, beginning on line 25, strike out "$1,873,514,000" and insert in lieu thereof the following: "$1,883,514,000".

Mr. RANDALL. Mr. Chairman, the purpose of this amendment is to add $10 million to title V of the Older Americans Act.

This section, if some Members are not familiar with the nomenclature or the section number, is that which provides funding for multipurpose senior centers through our country.

Mr. Chairman, just about everyone who comes down into the well makes the observation that this is a simple amendment. I will plead guilty to that, but I want to go ahead and say that it is not an expensive amendment.

We discussed it a moment ago because of the need and the fact that these have never been funded before. Someone said, "You ought to be able to get that through or get that approved on a unanimous-consent request."

The response was that an amount no larger than this is desperately needed.

Mr. Chairman, last April we stood here and asked for and received the approval of this House, for $5 million. That was for the transitional quarter. It was the first time that title V had ever been funded. That was for the period from July 1 through September 30.

If we annualize that, if we carry it forward at $5 million per quarter, that is $20 million for the entire year.

We thought that is what might happen. Instead, our friends on the Committee on Appropriations reduced that to $10 million.

Mr. Chairman, in these times of inflation we are not asking for any increase, which would be justified; but we believe we should not go backward because if we take the annualization of it at $5 million a quarter, which comes to $20 million and they have given us $10 million, it means that we go backward from $5 million a quarter to $2.5 million a quarter.

Mr. Chairman, that simply means that we have a program started; we have it off dead center for the first time, and now we are proposing perhaps not to stop it but to certainly go backward.

Mr. Chairman, that is what this amendment is about. I do not think that there is any argument that it is needed for these senior centers and that there is merit to this amendment.

As chairman of the House Select Committee on Aging, I can assure the Members that we departed long ago from the time when they were simply recreational centers. They are used now as nutrition centers, clinics, for all manner of health facilities, meeting places, counseling and referral, as well as the old concept of the recreation center. Therefore, there should be no argument with respect to the merits.

Mr. Chairman, just let me put in perspective what we are talking about here. With 10 percent of the population of our country 65 years of age or over, that means 20 million people; and we are talking about $10 million, which means 50 cents per person for each of those of our population over 65.

Mr. Chairman, let us take it another way around. Take the 50 States, and the $10 million means about $200,000 per-State.

I have the list here showing how each State will benefit.

Concerning the gentleman from Pennsylvania (Mr. FLOOD), the chairman of the subcommittee, this amendment would increase the amount for Pennsylvania from $591,000 to $1.1 million and for the gentleman from Illinois (Mr. MICHEL), it would increase the amount for Illinois from $493,000 to $968,000.

In conclusion, Mr. Chairman, let me summarize a few points.

On last April 13, I stood before this body seeking increased funding for Older Americans Act programs for fiscal year 1976 and the transitional quarter. We received the overwhelming support of this body at that time and are most grateful.

Later we requested the Appropriations Subcommittee on Labor-HEW to build on the 1976 and transition quarter levels when formulating its proposals for fiscal year 1977. We are gratified at the extent to which that request has been honored. We congratulate the subcommittee and the full Appropriations Committee for their efforts.

The funding level for State and community programs for the aging, title III, in the reported bill is only $2 million below the Aging Committee's request. The level for training and research, title IV, is just $3 million lower. The level for the nutrition program, title VII, is right on the mark. The level for the older worker program, title IX, shows a significant increase—especially in view of the fact that the budget contained no funding request for this important and worthwhile program.

However, there is one area where improvement remains to be made. We believe some more attention should be given to the appropriation for title V, multipurpose senior centers. This is the reason for our amendment.

Mr. Chairman, I hope this amendment will receive the approval of the committee at this time because it is certainly merited.

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

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

Mr. HUGHES. Mr. Chairman, I want to thank the gentleman from Missouri (Mr. RANDALL) for yielding.

I rise in strong support of my colleague's amendment.

Last April, the House approved $5 million for title V senior centers in the second supplemental appropriation bill, all of it allocated for use in the transition quarter—July 1–September 30, 1976. In its recommendations to the Appropriations Committee, the Select Committee on Aging urged that the same rate of expenditure, $5 million per quarter, be maintained for fiscal year 1977 for a total of $20 million. The amount provided by H.R. 14232 for senior centers is only half that amount, or $10 million.

I believe that a sound beginning for this vital program in its first full year of operation requires at least $20 million which we originally recommended.

Today the senior center represents a community facility which, not only provides a series of vital services, that is, counseling, nutrition, information and referral, but also establishes a link to other existing community institutions: Such as nursing homes, hospitals, clinics, schools, and employment agencies. It is a facility which offers health, education, welfare, and recreational services in a single setting. Not only is this an extremely efficient practice, but the elderly find such centers preferable to single service agencies because it means reduced traveling.

Nevertheless, the expansion of responsibilities which centers have been undertaking has not resulted in concommitant funding increases. On the contrary, many centers have substantially cut back on services offered, or closed altogether, in recent years.

Today we have an opportunity to help reverse this trend and to bring the benefit of senior centers to many of the 7 million elderly who desire to make use of such centers but who have been denied that opportunity because of lack of facilities.

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

Mr. RANDALL. I yield to the gentleman from Virginia.

Mr. WAMPLER. Mr. Chairman, I am pleased to express my support of the amendment to H.R. 14232 offered by my colleague on the Select Committee on Aging, the gentleman from Missouri, for a $20 million appropriation level for title V multipurpose senior centers. I also wish to commend our distinguished chairman for his leadership in bringing the critical need for senior centers to the attention of the House today.

Although title V was first authorized in 1973 under the older American comprehensive services amendments, funds were not appropriated until recently when Congress passed an appropriation of $5 million for the transition quarter—July 1, 1976, through September 30, 1976. The initial appropriation level, I feel, was satisfactory for launching this new program. Funding, however, must be maintained at the rate of $5 million per quarter in fiscal year 1977 if we are to make this program viable as envisioned by its architects. This requires an appropriation today of $20 million for fiscal year 1977 for title V, as opposed to $10 million level recommended in H.R. 14232.

Multipurpose senior centers have proved to be effective vehicles for providing health and social services to older people and for encouraging social interaction among the elderly. Senior centers perform a unique community function by providing a focal point where older persons may come for services, and from which services can be initiated for reaching isolated and home-bound older persons. Younger persons also can utilize this source for tapping the talents and skills of retired persons when employment and volunteer service opportunities arise.

In my own district, which consists of small towns and rural communities, there is a great need for centralized facilities providing coordinated services

for the elderly. The lack of public transportation in many of our counties, makes it difficult for the elderly to have adequate accessibility to the social security offices, health care facilities, nutrition sites, and so forth, as each of the service facilities are often scattered throughout large geographical areas.

Virginia is but a single example of the nationwide problems associated with accessibility and fragmentation of services for our senior citizens. According to the 1974 Louis Harris survey conducted for the National Council on the Aging, 50 percent of those persons surveyed aged 55 and over reported that there is no senior center convenient to where they live. The survey showed that among the elderly, senior centers are less accessible to minority groups, to people in the South as compared to other regions, and to persons in rural areas.

The existence of over 170 nutrition sites in Virginia is evidence of the saturation of facilities providing many of the supportive services that could be coordinated with others in a title V center. Recreation, nutrition education, visiting nurses, and information services have been provided in our nutrition sites which are only operative 2 or 3 hours per day. Donated buildings, such as elementary schools, serve as senior centers and nutrition sites in areas where local resources are inadequate for the establishment of multipurpose senior centers. These facilities need improvements such as wheelchair ramps, handrails, furnace repairs, air conditioning, security devices, plumbing, and kitchen repairs.

The director of the Virginia Office on Aging has provided me with a conservative estimate of a need for $750,000 in title V funds in fiscal year 1977 to renovate and provide alterations for senior centers now operative in Virginia. This does not even take into account the funding need for the acquisition of centers in rural areas in Virginia which have no existing facilities. If the $10 million recommended for title V in the appropriations bill is adopted by the House today, Virginia will receive only $186,147, as opposed to the projected need of $750,000. However, the $20 million appropriation recommended by our distinguished committee chairman would allow Virginia to receive $372,295, which would be a significant investment in this program's beginning in my State.

The appropriations level of $20 million contained in the Randall amendment will provide for the senior centers that perform a significant and needed role in the community. For this reason, I urge Congress to support this prudent investment in the well-being of our senior citizens.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I am happy to yield to the gentleman from New York.

Mr. DOWNEY of New York. Mr. Chairman, I thank the gentleman from Missouri, the chairman of the House Select Committee on Aging for yielding to me. I fully agree with the gentleman from Missouri that anyone who has visited one of these senior citizen centers and witnessed what it does for those senior citizens, giving them the opportunity to come together, to play cards or just to visit will indicate to them that these centers are really essential.

I believe that this is an extremely modest increase and one that certainly deserves all of our support.

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

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

Mr. BONKER. Mr. Chairman, if the Select Committee on Aging's amendment is passed, and we continue the annual spending rate for this program at 5 million a quarter, or 20 million annually, senior centers will qualify for small grants. These grants of $10,000, $15,000 or $20,000 might be enough to rehabilitate and improve a structure that has been donated, but one which needs considerable work to make the facility accessible to senior citizens, to refurbish, and to remove fire hazards.

In my own district, I have often seen the importance of senior centers in the lives of mature Americans. The centers are valuable in drawing out the recluse from rural isolation and rekindling an interest in life.

One center in my district operates in a building that was formerly a firehouse, then a city jail, and more recently, to store sanitation trucks. Though it is an active facility, it can only serve a hundred and fifty people—a small fraction of the growing population of senior centers. In the same area there is a fine school building that could be renovated to meet the needs of senior citizens throughout the entire county. The only thing that is preventing this well-run program from expanding is the lack of funds. If the Select Committee on Aging's amendment passes there may be funds made available so that the senior center could renovate the old school building and serve more citizens.

It would seem most logical that senior multipurpose centers would be in the hub of activity of senior activities but they were not federally funded until April. Now we must continue to commit our resources for the senior centers and fund them at a reasonable level.

I urge you all to support the committee's amendment for an additional 10 million dollars for multipurpose senior centers. I also would like to remind you that $20 million, which is the Aging Committee's request for the centers, represents less than one-third the cost of one B–1 bomber.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I am happy to yield to the gentlewoman from New York.

Ms. HOLTZMAN. Mr. Chairman, I thank the gentleman from Missouri for yielding to me. I wish to commend the gentleman from Missouri for introducing this amendment which would provide an additional $10 million for multipurpose senior centers under title V of the Older Americans Act. I join wholeheartedly in support of it.

The senior citizen center program is one of the most successful programs operated by Government at any level. On my frequent visits to the senior centers located within my Congressional District, I have seen the many valuable services they perform. Senior centers provide companionship, recreation information, and referral services. In addition, for many elderly Americans, senior centers provide the one hot, nutritious meal they will have in the course of a day. Clearly, then, the senior center program should be expanded to accommodate the many elderly people now on waiting lists.

The funds provided by this amendment will be particularly helpful because they will go for the acquisition, alteration, or renovation of senior centers. Thus, a State or city may expand its senior center program to new sites or rehabilitate existing ones. In my district, for example, I have been working with one senior center for several years to find a new location. This center is one of the most popular and active in our community but its present quarters are badly located, cramped, and in poor condition. The city of New York has not moved the center because of the expense of acquiring and renovating new quarters. With the funds made available under this amendment, however, the city should be able, at long last, to provide a decent site for this center.

I would note as well, Mr. Chairman, that the amendment we are now considering points out again the need for doing away with the title XX means test for senior citizen centers. The $10 million which this amendment would provide would be lost many times over if States were forced to undertake the costly, unnecessary, and humiliating process of subjecting each person using a senior center to a means test. I hope, therefore, that H.R. 12455, now in conference committee, will be reported shortly with the provisions which I, together with many other Members, have recommended to do away with the means test entirely. Such action would assure that elderly Americans will be able to take full advantage of existing senior centers and of the new ones which this amendment will make possible.

I urge support of the Randall amendment.

Mr. RANDALL. Mr. Chairman, the gentleman from Florida (Mr. PEPPER) had to catch an early plane and has asked me to raise a point on behalf, as the ranking member on the committee, so that there may be some clear legislative history on the intent of this amendment.

If I may have the attention of the gentleman from Pennsylvania (Mr. FLOOD) let me ask that in the event we prevail on this amendment—and we are not taking anything for granted—but in the event this amendment might be accepted, let me say it is my understanding that there are two or three different alternatives that financing of senior cen-

ters can be achieved. Title V provides funding for multipurpose senior centers under several alternative methods:

First. A program of 75 percent Federal matching funds for the acquisition, alteration or renovation of existing facilities to serve as multipurpose senior centers;

Second. A program of mortgage insurance for the building of new multipurpose centers; and

Third. A program of annual grants to reduce interest costs of borrowing funds for the acquisition, alteration or renovation of facilities for multipurpose senior centers.

The gentleman from Florida (Mr. PEPPER) was concerned that only one alternative might be utilized for funding to the exclusion of the others.

Mr. FLOOD. Mr. Chairman, may I inquire of the gentleman from Missouri what the gentleman's question is?

Mr. RANDALL. Mr. Chairman, I was merely asking if the gentleman from Pennsylvania was familiar with provisions of the act, which, of course, the gentleman from Pennsylvania is, and that the amendment is meant to provide friends for all the alternatives authorized under title V.

Mr. FLOOD. Mr. Chairman, let me say that that is a rhetorical question and the gentleman from Missouri has answered the question himself.

Mr. RANDALL. The answer obviously is yes—that we intend all the alternatives to receive funding and to be utilized.

I would hope that the gentleman from Pennsylvania might be in agreement on this amendment.

Mr. Chairman, I urge the adoption of the amendment.

Ms. ABZUG. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Missouri (Mr. RANDALL).

Mr. Chairman, I support this amendment offered by Chairman RANDALL and I compliment him. It happens that I placed this same amendment in the RECORD yesterday and circulated a "dear colleague" letter to this effect. This amount is necessary to fund this essential program on a yearly basis at the same level provided for by the Congress in the transitional quarter.

Multipurpose senior centers serve as the focal point for the delivery of services to older persons in their communities. These centers provide a broad range of services including information and referral, counseling, education, recreation, transportation, health, and nutrition. Millions of older citizens are barred from participating in these programs because of inaccessible and inadequate facilities. The need for additional facilities is well documented.

Fifty percent of the public over 55 report that there is no senior centers convenient to where they live. Centers were found to be least accessible to blacks, to older people in the South, and to people in rural areas. For example, 40 percent of blacks over 55 do not attend a center but would like to and the major reason is that a facility was not available.

Some 1.4 million persons between ages 55 and 64, and 3.7 million over 65 have attended a senior center or club. Yet, 7 million persons over age 55 would like to attend senior centers. Unless the Congress provides sufficient funds for this program authorized by title V of the Older Americans Act, millions of our seniors will be prevented from participating in the diverse programs which these centers offer.

Many centers provide vital health services to older persons such as health screening, immunization, part-time nurse or physician. Many more centers would provide these services if adequate facilities were available. For example, 75 percent of senior centers report that facility size limits the kind and number of programs offered. One-third report that their meeting, classrooms, hobby/craft and first-aid rooms are inadequate. In addition, many areas of senior centers such as bathrooms and recreation areas are inaccessible for older people in wheelchairs and those with problems of mobility. Funds must be provided for structural modifications so that all barriers are removed.

I also want to point out that this program is not a construction program. It provides funds so that unused and underutilized facilities already in existence can be put into service as senior centers. This will increase the efficiency and effectiveness of other Older American Act programs by upgrading the senior centers which serve as the delivery points for many vital services. Twenty-two million older persons are eligible for these services. We have a responsibility to insure that adequate funds are provided so that older persons in every part of the country have access to senior centers and its varied services. I urge my colleagues to support the $20 million appropriation contained in this amendment so that this is possible.

Mr. SKUBITZ. Mr. Chairman, I rise in support of the amendment introduced by my friend and colleague, Mr. RANDALL of Missouri.

This amendment provides $10 million for multipurpose senior citizen centers. I congratulate him for being a man of compassion who believes that our senior citizens have made their contribution to the making of America and this amendment is the way we can express our appreciation and thanks.

Two weeks ago, it was my privilege to participate in the dedication of a senior citizen center in Weir, Kans. It left much to be desired basically because of our failing to give this program the funds it needs. Be that as it may, the older citizens are proud for now they have a place where they can go to meet old friends, participate in special projects and play bingo. No longer are they restricted to the four walls of their own home.

I urge my colleagues to support the amendment.

Mr. BIAGGI. Mr. Chairman, I rise to briefly indicate my support of the amendment being offered by Mr. RANDALL the distinguished chairman of the House Aging Committee, of which I am proud to be a member. The amendment simply adds $10 million to the bill to fund title V of the Older American Act.

This amendment, which I cosponsored, is of vital importance with respect to having the Older Americans Act more fully meet the needs of the elderly. Title V, which is receiving funds for the first time, will allow States and localities to establish multiservice senior citizen centers. There is a clear advantage in establishing these types of senior centers. They are designed to give the average senior citizen one central location where they can receive information about health, welfare, housing, and transportation services. They will be especially important for senior citizens living in large urban areas, which provide these services, but the average senior citizen finds it most difficult to obtain basic information as to their availability.

It should be noted that both the Appropriations Committee and the House Select Committee on Aging during consideration of the second supplemental appropriations bill indicated support for a $20 million appropriations for title V. Therefore, this amendment simply seeks to implement these recommendations in the fiscal year 1977 appropriations bill.

I hope my colleagues will join me in supporting this amendment. Its merits are clear, its importance to providing senior citizens with quality service cannot be minimized. Every State in the Union will benefit from this increase but more importantly so will the more than 200 million elderly in this Nation.

At this time, I would like to pay tribute to the distinguished chairman of the House Select Committee on Aging, Mr. RANDALL, who has announced his intention to retire at the end of this current session. As a member of the House Select Committee on the Aging, I have been most impressed with the leadership provided to the committee by Chairman RANDALL. We on the committee have much to be proud of in this our first year. We have completed very important studies on home health care as well as transportation services for the elderly. I and other members of the committee have held hearings on the growing problem of elderly crime. In addition the committee as a whole has fought for full funding for senior citizen programs. Yet a committee in its 1st year like the Aging Committee must have direction and leadership at the top. Chairman RANDALL has provided the leadership and his presence will be missed. Passage of this amendment would be a personal tribute to Chairman RANDALL and his fine work on behalf of the elderly. I therefore urge your support today.

Mr. WALSH. Mr. Chairman, I cannot emphasize too strongly the need for a substantial increase in the funding level for the acquisition, renovation, and improvement of facilities for multipurpose senior centers as proposed in the amendatory language now before us.

Most of the existing senior centers are not multipurpose in nature. Even those which do offer a variety of services are ill equipped to minister to the public they serve.

Multipurpose senior centers represent an important alternative to institutionalization of these elderly citizens who wish to remain in their own communities, by providing those services normally avail-

able only through a nursing facility. These centers characteristically offer a full program, including health, social, nutritional, educational, and recreational services. Equally important is the fact that this wide spectrum of services is made available in one location. If there is one comment that I have heard time and time again from the senior citizens residing in my district, it is the extreme difficulty they encounter in finding adequate transportation. Since most of our aged cannot possibly afford to purchase or maintain an automobile on their fixed incomes, it is imperative that we move now to end the fragmentation of necessary senior citizen services.

The need for multipurpose senior centers becomes even more acute in rural areas where our aged are often almost completely isolated. The recreational services offered in these centers may serve as the only social outlet available to these individuals, and in fact, may also serve as their only source of health and nutritional information.

Our aged population is increasing with each year, and we must move now to construct programs to provide an adequate quality of life for this growing segment of our society. The increase in funding to an annual level of $20 million for the title V senior centers program would be a significant step in achieving this goal, and I urge that you join me in casting a "yea" vote for this amendment.

Mrs. MINK. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Missouri (Mr. RANDALL) to increase funding for multipurpose senior centers under title V of the Older Americans Act. The House Appropriations Committee recommended only $10 million.

Members will recall that last April this body approved $5 million for title V for the 3-month transition quarter, July 1, 1976 to September 1, 1976, in the fiscal year 1976 second supplemental appropriation bill. The amendment under consideration would build upon this fiscal year 1976 level of funding by providing the same rate of expenditure of $5 million per quarter.

As this will be the first full year of funding for this important program, we must provide no less than $20 million. Senior centers are the focal point of the delivery of various services to senior citizens. But more than this, it is a place where senior citizens can gather together to enjoy the companionship of others and thereby helps to reduce the isolation of older people.

I urge my colleagues to support the Randall amendment.

Mr. MATSUNAGA. Mr. Chairman, the gentleman from Florida (Mr. PEPPER) is both the ranking member of the Select Committee on Aging and a colleague of mine on the Rules Committee. He had wanted to express his support for the amendment offered by the gentleman from Missouri (Mr. RANDALL), since he has been a long and ardent advocate for the senior center movement in America.

Unfortunately, the pressure of official business in his home district has forced the gentleman from Florida (Mr. PEPPER) to return to his home State, prior to the consideration of the Randall amendment.

Before leaving the gentleman from Florida left with me a most convincing written statement in support of the Randall amendment. For the benefit of my colleagues I now present his statement:

STATEMENT OF REPRESENTATIVE CLAUDE PEPPER IN SUPPORT OF AMENDMENT BY MR. RANDALL TO H.R. 14232, LABOR-HEW APPROPRIATIONS, INCREASING TITLE V, SENIOR CENTER FUNDING, FROM $10 TO $20 MILLION, JUNE 23, 1976

Mr. Chairman, it is my pleasure to support the amendment of our distinguished Chairman, Mr. Randall, who has provided outstanding leadership to our committee.

The Subcommittee on Health and Long-Term Care, which I have the privilege of chairing, has received testimony demonstrating that the need for senior centers is great and that they make one's later years a great deal more meaningful.

A Lou Harris survey, in conjunction with the National Council on Aging, states that 50 percent of the public have "no senior center convenient to where they live." The $20 million total we are asking today—$10 million over the proposed $10 million—is only enough to begin.

Mr. Chairman, our request for $20 million for 1977 is low compared to the original legislation enacted in 1973 which authorized $100 million annually but which was vetoed by President Nixon. In a recent report, approved by the full House Select Committee on Aging, my Subcommittee on Health and Long-Term Care also recommended the much higher, but greatly needed, sum of $100 million for senior centers.

The National Council on Aging has found that "Seven million persons over 55 would like to attend senior centers if the various barriers to participation were alleviated or removed."

The National Council of Senior Citizens has emphasized the importance of the services of senior citizens in the lives of the elderly and has called for an increase in funding.

My own Subcommittee's report, "New Perspectives in Health Care for Older Americans", found that "Senior centers can provide a meaningful life for many persons who would otherwise be institutionalized. . . . They are also a means of bringing elderly persons together in a social setting to relieve the pain of loneliness suffered by so many."

Other convincing arguments will be made today concerning the great need for senior centers, and I would like to bring up a strongly related matter concerning maximum effectiveness of the Title V senior center program which we are funding today both in the bill and in our amendment:

THE OBLIGATION TO FUND ALL SECTIONS OF TITLE V

I would like to point out that Title V provides not only for acquisition, alteration, and renovation of senior centers (sections 501–505), but also for mortgage guarantees (section 506) and interest subsidies (section 507).

It has come to my attention that the Administration on Aging intends to promulgate regulations funding only the first sections involving acquisition, alteration, and repair, and not the sections calling for mortgage guarantees and interest subsidies.

The American Law Division of the Library of Congress has informed me that the Impoundment Control Act applies not only to funds for a public law, but to any programs authorized by that law, so that even if the full funding is used, it must be spread among all programs provided in the statute.

It is my understanding that AOA might not fund all the sections for purposes of "efficiency of limited funds."

While I agree the funds are indeed limited, I would remind the Administration that any such programmatic delay of sections 506 (mortgage guarantees) and 507 (interest subsidies) "shall be reported to the Congress in accordance with the Impoundment and Control Act of 1974", according to the Impoundment law, and is subject to our new deferral procedures whereby the funds can be restored.

In fact, the Impoundment Control Act (P.L. 93–344, sec. 1002) amended the Anti-Deficiency Act (U.S. Code, Title 31, sec. 665) to explicitly state that program delays for the sake of "greater efficiency of operations" are considered deferrals and are subject to deferral procedures under the Budget and Impoundment Control Act.

Section 506 specifically states "There is created a multi-purpose senior center insurance fund, which shall be used by the Secretary."

Precedent concerning the word "shall" is clearly established making an expenditure mandatory.

Mr. Chairman, I am hopeful that AOA's regulations will truly fund the entire statute for which we have provided money—and which we hopefully will be increasing today—so that recision and deferral procedures will not be necessary.

The Congress established a broad program of senior centers to assist the elderly in obtaining health, nutritional, and social services, and it is my sincere hope that the Administration will carry out its proper function executing all of the law, not just part.

Mr. GRASSLEY. Mr. Chairman, I am pleased to join my colleagues on the Select Committee on Aging today, in support of the amendment proposed by our distinguished chairman. The amendment to H.R. 14232 will increase the appropriation for title V of the Older Americans Act from $10 million as recommended by the Appropriations Committee, to a more reasonable level of $20 million.

I am pleased that the Matsunaga amendment to the second supplemental appropriations bill was adopted in April, for this action established the initial funding for title V at $5 million for the transition quarter in fiscal year 1976.

The $20 million proposed today in the Randall amendment will annualize that rate of funding in fiscal year 1977.

In the Third Congressional District of Iowa, which I am pleased to represent, there is a shortage of social services for the elderly and accessibility to these service facilities by older people is a major problem. At hearings conducted by the Select Committee on Aging last August in Iowa, testimony clearly indicated that coordinated services provided by title V senior centers, such as nutrition and health, were deficient. The psychological problems associated with isolation and the desire for recreational facilities were other expressed needs that could be met with support for multipurpose senior centers in my State.

Many existing facilities serving as senior centers need repairs, painting, maintenance, kitchen and dining facilities, as well as increased service offerings. Over one-half of the requests recently submitted to the Iowa Commission on Aging by the area offices on aging were for title III support for improvements in facilities and increased activities in senior centers. I am certain that the $296,383 Iowa would re-

ceive under title V if this $20 million funding level is approved today, would be wisely invested in renovation and acquisition of safe and comfortable senior centers.

I am also aware of the fact that many other communities, such as those in my district, do not have sufficient local resources for the expansion or establishment of multipurpose senior centers.

The number of multipurpose senior centers currently functioning in this country is limited. Most of the existing senior centers would not be classified as multipurpose centers, since they are located in small facilities which serve few in number and provide only limited services.

The 1974 Harris survey for the National Council on Aging showed that of the 4,706 senior centers surveyed, only 1,474 provided health services, and only 1,476 provided nutrition services.

Many facilities that would serve as title V senior centers need only minor repairs and improvements to be able to provide additional social services for the elderly. The mechanism and expertise for the operation of a successful title V program is already established in the system of State and area offices on aging and in the title VII nutrition programs.

Today, we can help to bring about the implementation of a rational and necessary program for our elderly by supporting the Randall amendment. This appropriation level will more effectively enable Congress to demonstrate its commitment to making the interests of our senior citizens a national priority.

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

Let me say this. I want to make it very clear that this committee, for heaven's sake, is not opposed to these multi-purpose senior citizen centers. I know the problem. For instance, in my congressional district the average age is 12½ years above the national average. Do you think I am out of my cotton-picking mind to vote against these senior citizen centers? Of course not. I want to make that clear. In fact, that is the attitude of this committee.

Let me tell you what happened. We on this subcommittee are the ones who gave birth to this very program. It started with this subcommittee. When? The recent supplemental appropriations bill includes $5 million. It was signed about 3 weeks ago. This program has been on the books for a long, long time. We dusted it off; we brought it in; we gave the money; put it in the supplemental. It was signed 3 weeks ago, and not a dime of that could have been spent by this time. It could not have been spent in just 3 weeks.

Then what did we do? We came along with this bill and put in $10 million above the budget. So we have $15 million for 18 months. Good heavens! Fifteen million dollars now for 18 months to do exactly what we started, what we want to do. How in the world would you want to do anything more? You cannot run this kind of thing that way. We are the ones who agreed to this and we provided the money that my friend asked for. They came to us. We listened, delighted. We were advised, and upon what they said, we acted on exactly these things that should be done to make these services available. That is why we started the program with the $5 million in the supplemental and with the $10 million in this bill—$15 million for 18 months. We will probably expand this again next year. This is the orderly and proper way to handle this subject to do what you want done. What more can you ask for?

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

Mr. FLOOD. I yield to the gentleman from Missouri.

Mr. RANDALL. I thank the gentleman for yielding.

Let us look at these figures. The gentleman from Pennsylvania in his argument has talked about 18 months. The $5 million was for the transition quarter. The $10 million was for a whole year. We are not standing still; we are going backward.

Mr. FLOOD. Just a minute, We are not going backward; we are not standing still.

Mr. RANDALL. If we do not fund it for $5 million for a quarter, we are going backward.

Mr. FLOOD. That is not the case. This $5 million is in a supplemental bill. That bill, I repeat for the purpose of emphasis, was signed 3 weeks ago. Good heavens. I do not think they spent 5 cents. They could not have yet. We started this thing. We added $10 million more, and next year we will probably do the same.

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

Mr. FLOOD. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I think many of the people on this floor know I have offered amendments time and time again raising items for senior citizens. The fact is, as I said earlier, this is the best bill we have had out of this committee for a long time, in my judgment. I have traditionally tried to add money for these purposes. But we have a good bill, a reasonable bill, a good program, and I think we ought to support the chairman so that we are in a good position to override a veto if one should occur.

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

Mr. Chairman, I would like to make the point that HUD development funds can be specifically used for senior citizen centers. They are being so used in considerable amounts. Community service funds under title III can also be used for this purpose. And the bill contains $150 million for this program, $26 million more than the current year.

It is my understanding that the Budget Committee specifically says we are already over the budget resolution for the older Americans programs. As a matter of fact, as our chairman has so well pointed out, and the gentleman from Wisconsin (Mr. OBEY) has said, we have gone part of the way here. Naturally everybody would like to have everything.

I am getting to think, however, we are making a great mistake in setting up the select committees, because the only thing we get out of the select committees is a lobbying group right close to home, right in-house, in addition to those on the outside.

I think we have been very considerate of the needs of the elderly people.

Just the fact that we get another committee, a select committee that has been set up here for the purpose of lobbying for more money, I think destroys the reason for establishing a select committee in the first place.

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

Mr. MICHEL. I yield to the gentleman from Missouri.

Mr. RANDALL. Mr. Chairman, I appreciate the gentleman yielding.

On the reference made to the HUD money, that is money for housing for senior citizens, maybe a high rise and maybe some cottages, but it does not apply to what we are talking about here, the multipurpose center that can be used for many purposes. These centers are for the people in the rural areas, and nobody ever heard of HUD helping our rural people.

Mr. MICHEL. All they need to do is go to HUD. The gentleman can have his local people go to HUD and they will give them plenty of help from HUD. We are getting it in our community.

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Missouri, which increases the fiscal year 1977 appropriation for multipurpose senior centers authorized under title V of the Older Americans Act. The House Appropriations Committee is recommending in H.R. 14232, a $10 million appropriation for fiscal year 1977 for title V. My colleague on the Select Committee on Aging, the gentleman from Missouri, has proposed an additional $10 million, thus providing for a $20 million appropriation level for multipurpose senior centers.

The title V program received its first appropriation in the second supplemental appropriations bill, which consisted of $5 million to be expended during the transition quarter of fiscal year 1976. The Select Committee on Aging recommended that an annualization of this rate of expenditure be maintained during fiscal year 1977. The $20 million appropriation recommended today in the gentleman's amendment, is necessary for the continuance of this spending level and to allow a financially secure foundation for the initiation of this program.

The title V program authorizes grants to public and private nonprofit agencies to pay up to 75 percent of the cost of acquiring, altering, or renovating a facility to be used as a multipurpose senior center. Funds will be used for improving neighborhood facilities currently serving as senior centers, as well as for new centers in locations where none are existent. Title V senior centers would provide a coordinated delivery of needed services such as nutrition, information and referral, health care, recreation and socialization.

In the Third District of Arkansas, which I am pleased to represent, many

senior citizens have expressed the need for more centralized senior centers to provide such services as nutrition, recreation, and visiting experts from agencies such as Social Security, welfare departments, and health agencies. The entire State of Arkansas will only receive $112,251 for fiscal year 1977 to improve and acquire multipurpose senior centers if the $10 million level in the appropriations bill passes Congress. However, if the $20 million funding level is adopted in the Randall amendment, my State will receive $224,501 for title V, which is a more substantial commitment to improving services for the elderly in my State.

Testimony before the Aging Committee's Subcommittee on Housing and Consumer Interests, of which I am the ranking minority member, has demonstrated that title V will be instrumental in helping older persons have access to a variety of needed social services. It is virtually the only Federal source for the establishment of multipurpose centers, as forecasts indicate that the community development program administered by HUD will not prove to be a viable funding source for construction of senior centers.

I am pleased to join my colleagues on the Select Committee on Aging, in our bipartisan effort to insure a more equitable allocation of resources to benefit the elderly. I urge you to join us in adoption of the Randall amendment to H.R. 14232.

Mr. BINGHAM. Mr. Chairman, I rise to express my enthusiastic support for approval of the amendment offered by the distinguished chairman of the Select Committee on Aging, Mr. RANDALL, to increase the funding for assistance to multipurpose senior centers under title V of the Older Americans Act for the coming fiscal year—fiscal year 1977. As Chairman RANDALL of the Select Aging Committee reminded us recently, just last month the House voted for $5 million in start-up appropriations for title V to be used during the transition quarter. To maintain this rate of spending, we would need to appropriate $20 million for fiscal year 1977 as the Select Committee on Aging recommends, not the $10 million proposed by the Appropriations Committee. I strongly feel the House should not retreat in any way from its laudatory commitment to finally implement this excellent program which was first authorized by the Older Americans Act Amendments of 1973, but not funded until now.

The growing success of the multipurpose senior center movement with the long-range goal of providing one-stop multiservice assistance to urban and rural elderly citizens persuaded the Ninety-second and Ninety-third Congresses to consider adding a special section to the Older Americans Act offering Federal aid to encourage expansion of the movement to serve more persons. This goal was finally accomplished in 1973. Title V was designed to provide four areas of assistance to upgrade existing centers and establish additional facilities: First, grants and contracts for the acquisition, alteration, or renovation of existing housing to serve as centers; second, mortgage guarantees covering multipurpose centers; third, interest grants to reduce borrowing costs; and fourth, initial staffing grants; $100 million for title V as authorized by that 1973 act, but not 1 cent was appropriated for that title until last month. Why? Because claims were successfully made by the past two administrations that title V unnecessarily duplicated other programs already in operation, and that sources of funding for senior center facilities were available from HUD and other departments.

While it is certainly true that sponsors and directors of senior centers have been extremely resourceful in finding a variety of funding sources for their services to the elderly, money for nonservice purposes such as expanding and establishing facilities is extremely scarce. Experience has shown that when senior citizens are competing with other segments of our population for assistance under broad Government programs such as CETA, HUD title I, or revenue sharing, the elderly are consistently shortchanged. This reality I am happy to say has prompted Congress to enact special programs for our senior citizens and increasingly fund them instead of expecting the broader programs to meet the particular needs of older Americans. I fully support this trend and praise the House Appropriations Committee for the increases in fiscal year 1977 funding they have recommended for other titles under the Older Americans Act: $26.2 million for title III—State and community aging programs—for a total of $150 million; $6 million for title IV—research and training—for a total of $25 million; $78.525 million for title VII—nutrition for the elderly—for a total of $203.525 million in new money which coupled with excepted unspent funding from previous appropriations will mean a $225 million spending rate for fiscal year 1977 for this popular program; and $90.6 million for title IX—community service employment—which when added to the $55.9 million already appropriated for 15,000 part-time jobs through June 30, 1977, will guarantee paid employment for 18,000 elderly through part of fiscal year 1977 and all of fiscal year 1978. Our elderly population is the fastest growing segment of our society. They demand and deserve our attention to their needs. Approval of the recommendations of the Appropriations Committee and the amendment increasing funds for title V should be our response.

I would like to add that I have seen first hand in my district how important senior centers are to the survival and happiness of senior citizens especially in urban areas.

Senior citizen centers in my Bronx, N.Y., district represent a haven for the elderly from the hostilities of urban living characterized by inadequate income, rising crime, deteriorating neighborhoods and urban isolation. The value of these centers to their mental and physical health is immeasurable providing them with the opportunity to associate with persons of their own age, eat nutritious meals in a social setting, participate in recreational and educational activities and have access to essential health, anticrime, housing, legal and transportation service referral information and counseling. Of course, because of past and present limited resources not all centers can offer these needed services or serve all the persons who are in need. In voting additional money for title V, we are taking an important step toward correcting this situation. Let us not retreat from our praiseworthy commitment to the senior center movement by lowering the spending level we established for the transition period. I urge adopting of the Randall amendment.

Mr. MATSUNAGA. Mr. Chairman, I rise in support of the amendment offered by the chairman of the House Select Committee on Aging, the gentleman from Missouri (Mr. RANDALL), to increase to $20 million funds for a program that I strongly believe in. I refer, of course, to title V of the Older Americans Act, multipurpose senior centers. As chairman of the Select Committee's Subcommittee on Federal, State, and Community Services, I am pleased to join the gentleman in sponsoring this amendment.

Mr. Chairman, 2 months ago the House gave its overwhelming approval to a funding level of $5 million for the 3 months of the transition quarter. Today, we have the opportunity to reaffirm that earlier commitment and insure that the program will thrive in its first complete year of operation, by maintaining the same rate of expenditure of $5 million for each quarter in fiscal year 1977.

Multipurpose senior centers provide a focal point for delivery of social and nutritional services to the elderly, usually in close proximity to their homes. A Harris survey revealed that 18 percent of the 22 million people over 65 have attended senior centers, and another 17 percent would like to. An additional 7 million over 55 responded that they would also like to attend senior centers if a variety of barriers to participation were alleviated or removed. More importantly, it was discovered that 50 percent of the public report that there is no senior center convenient to where they live. These data are concrete proof that, despite excellent examples of centers across the country, we have not achieved the objective of title V to provide social services to the elderly within their immediate reach.

The findings, however, are not totally disheartening. In a recent National Institute of Senior Centers study of 4,870 centers, over 50 percent offered at least the three basic services of education, recreation, and information referral or counseling. In addition, all of the 50 percent provided volunteers services and half of them had some kind of health services. Another multipurpose senior center research project evaluation collected data showing that multipurpose centers gave a more extensive array of services, ran more sessions, had more staff, volunteers, and members than any other type of senior centers or clubs. The studies all strongly support the conclusion that senior centers are necessary and the best method of providing the elderly with a meaningful and healthful life.

Yet, even with the outstanding results of the existing multipurpose senior centers, three out of four centers interviewed in the national institute poll responded that their facility size severely limited the kind and number of programs presented. Over one-third of the respondents judged that the rooms central to their program functions—such as hobby or meeting rooms—were inadequate. Some 60 percent complained that vital operation points such as recreation areas, bathrooms, and parking areas were inadequate to accommodate wheelchairs.

These findings were strongly corroborated in a 1975 architect's evaluation of the senior center facilities. The evaluation found that the best of our country's senior centers have facilities, furniture, and equipment which is less than adequate or totally inadequate. Two out of three centers are too small to function properly. In many of those with a satisfactory overall size, the key rooms are too small or missing entirely.

The evaluation concluded that because of the defects in the facilities, the program activities were severely hampered and unable to function efficiently. The lack of medical and social services in many centers contribute to premature institutionalization. With adequate funds and facilities, unnecessary and costly institutionalization can be averted, and the ultimate cost to the taxpayer diminished.

In short, the architect found that many senior centers reflect an uncertain attitude on the part of society for the elderly, in sharp contrast to the school facilities which mirror an image of concern for the young people. The evaluation concluded that the sole constraint to providing proper facilities was inadequate funds. In my own State of Hawaii, there are exemplary centers, ones that draw national attention for their comprehensive, thoughtful programs in well-designed facilities. But for every Hawaii State Senior Center, or Waxter Center in Baltimore, there are a dozen centers in dire need of improvement, and a dozen areas with no access to a center at all.

The amendment has broad, bipartisan support, Mr. Chairman, as well as support from the major national organizations in the field.

Mr. Chairman, I believe that multipurpose senior centers have proven themselves, and we must show our support for their work. Let us show the elderly that we are not unconcerned or indifferent to their needs but that we are committed to them. I urge approval of the pending amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. RANDALL).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 318, noes 67, not voting 46, as follows:

[Roll No. 451]

AYES—318

Abdnor
Abzug
Addabbo
Alexander
Allen
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Aspin
Badillo
Bafalis
Baldus
Baucus
Beard, R.I.
Bedell
Bennett
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Bowen
Brademas
Breaux
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burton, John
Burton, Phillip
Butler
Byron
Carney
Carr
Carter
Cederberg
Chappell
Chisholm
Clancy
Clausen, Don H.
Cleveland
Cochran
Cohen
Collins, Ill.
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniels, N.J.
Davis
de la Garza
Delaney
Dellums
Derrick
Derwinski
Dickinson
Diggs
Dodd
Downey, N.Y.
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Emery
English
Evans, Ind.
Fary
Fenwick
Findley
Fish
Fisher
Fithian
Florio
Flowers
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fraser
Frey
Fuqua
Gaydos
Giaimo
Gilman
Ginn
Gonzalez
Goodling
Gradison
Grassley
Gude
Guyer
Hagedorn
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Harkin
Harrington
Harris
Harsha
Hawkins
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Hefner
Heinz
Hicks
Hightower
Hillis
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hyde
Jeffords
Jenrette
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Keys
Koch
Krueger
LaFalce
Lagomarsino
Latta
Leggett
Lehman
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lujan
Lundine
McClory
McCloskey
McCormack
McDade
McFall
McHugh
McKinney
Madden
Madigan
Mann
Mathis
Matsunaga
Mazzoli
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
Oberstar
O'Brien
O'Neill
Ottinger
Passman
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Perkins
Pettis
Pike
Pressler
Preyer
Price
Pritchard
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Richmond
Rinaldo
Roberts
Rodino
Roe
Rogers
Roncalio
Rooney
Rosenthal
Rostenkowski
Roybal
Runnels
Ruppe
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shriver
Simon
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steiger, Wis.
Stephens
Stokes
Stratton
Studds
Sullivan
Talcott
Taylor, Mo.
Thompson
Thone
Thornton
Traxler
Tsongas
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Waxman
Weaver
Whalen
White
Whitehurst
Whitten
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NOES—67

Adams
Armstrong
Bauman
Beard, Tenn.
Bell
Bergland
Breckinridge
Burleson, Tex.
Burlison, Mo.
Clawson, Del
Collins, Tex.
Conable
Crane
Daniel, Dan
Daniel, R. W.
Danielson
Devine
Dingell
Duncan, Oreg.
du Pont
Edwards, Ala.
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Flynt
Foley
Gibbons
Henderson
Holt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Colo.
Jones, N.C.
Ketchum
Kindness
Krebs
McCollister
McEwen
McKay
Mahon
Martin
Meeds
Michel
Miller, Ohio
Mills
Mosher
Myers, Pa.
Obey
Paul
Pickle
Poage
Robinson
Roush
Rousselot
Satterfield
Schneebeli
Shipley
Shuster
Taylor, N.C.
Treen
Ullman
Wiggins

NOT VOTING—46

Ashbrook
Ashley
AuCoin
Brodhead
Clay
Conlan
Dent
Downing, Va.
Esch
Frenzel
Goldwater
Green
Hansen
Hays, Ohio
Hébert
Helstoski
Hinshaw
Holland
Karth
Landrum
Lent
Litton
Lott
McDonald
Maguire
Melcher
Metcalfe
Milford
O'Hara
Pepper
Peyser
Quie
Riegle
Risenhoover
Rose
Sikes
Sisk
Steed
Steelman
Steiger, Ariz.
Stuckey
Symington
Symms
Teague
Udall
Wydler

The Clerk announced the following pairs:

On this vote:

Mr. Dent for, with Mr. McDonald against.

Mr. DODD and Mr. CEDERBERG changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

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

Mr. BAUMAN. Mr. Chairman, I object.

Mr. ROUSSELOT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk read as follows:

SEC. 208. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, and which offers the courses of study pursued by such student, in order to comply with title VI of the Civil Rights Act of 1964.

POINT OF ORDER

Mr. STOKES. Mr. Chairman, I make a point of order against section 208.

The CHAIRMAN. The gentleman from Ohio (Mr. STOKES) will state his point of order.

Mr. STOKES. Mr. Chairman, I make

the point of order that the language set forth in section 208 of this bill constitutes legislation in an appropriation bill, in clear violation of rule XXI, section 2, of the Rules of the House of Representatives. (House Rules and Manual, 93d Cong., 2d sess., p. 543.) Rule XXI, section 2, provides that: Nor shall any provision in any such bill or amendment thereto changing existing law be in order.

It has been held by this House many times that language in an appropriation bill changing existing law is legislation and thus not in order. (Deschler's Procedure, section 1.2, citing 105 CONGRESSIONAL RECORD 12125, 86th Cong., 1st sess., June 29, 1959 (H.R. 7978).)

Under existing law, that is, section 215(a) of the Equal Educational Opportunity Act of 1974 (title II of P.L. 93-380, enacted August 21, 1974), the transportation of students as part of a school desegregation plan or effort under mandate of Federal authorities is permitted or authorized, but only within prescribed distances from a student's home.

Section 215(a) prescribes that:

> No court, department, or agency of the United States shall, pursuant to Section 214, order the implementation of a plan that would require the transportation of any student to a school other than the school closest or next closest to his place of residence which provides the appropriate grade level and type of education for such student.

Mr. Chairman, this is the standard of existing law, governing the ordering of transportation of a student for purposes of school desegregation, that is, not beyond the school closest or next closest to his place of residence.

The language of section 208, which I make a point of order against provides that:

> None of the funds contained in this act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, and which offers the courses of study pursued by such student, in order to comply with Title VI of the Civil Rights Act of 1964.

On its face, section 208, the so-called Byrd amendment, changes existing law (section 215(a) cited above) in the following particulars:

First: Whereas existing law permits the transportation of a student to the closest or "next closest" school, section 208 restricts such transportation to the "nearest" school, only, thereby changing existing law;

Secondly: Whereas existing law is silent on the point, section 208 forbids student transportation "directly or indirectly" beyond the "closest" school, thereby creating new law on that point;

Third: Whereas existing law only forbids HEW's implementation of a school desegregation plan requiring transportation beyond the "next closest" school, section 208 forbids transportation beyond the "closest" school, plan or no plan, thereby changing existing law; and

Fourth: Whereas existing law prohibits transportation to a school other than one "which provides the appropriate grade level and type of education for such student", section 208 of this appropriation bill changes existing law by restricting such transportation to a school "which offers the courses of study pursued by such student", only. While section 208 would be in order if it merely repeated, verbatim, the provisions of existing law (that is, section 215(a) described above), it clearly differs from, goes beyond, and changes section 215(a) in the several ways that I have indicated.

That, Mr. Chairman, is a fatal defect, for subsection 842 of rule XXI declares, existing law may be repeated verbatim in an appropriation bill (IV Hinds' precedents, 3814, 3815) but the slightest change of the text causes it to be ruled out (IV Hinds' precedents 3817; Cannons' precedents 1391, 3194; Cong, Record, June 4, 1970, p. 18405).

Mr. Chairman, in ascertaining the legislative purpose and effect of incorporating the Byrd amendment in last year's Labor/HEW appropriation bill, I refer you to a letter to Chairman DANIEL J. FLOOD, dated October 9, 1975, from Secretary of HEW, David Mathews, he unequivocally stated that the Byrd amendment:

> If enacted, section 208 would impose a limitation on the department with respect to the transportation of students for desegregation purposes which goes beyond the provision now in permanent law (section 215(a) of the Equal Educational Opportunities Act of 1974, title II of P.L. 93-380) which prohibits the department from requiring the transportation of students beyond the school next closest to their place of residence.

Later, in the record of hearings on this appropriation bill, Mr. Chairman, the following testimony appears at page 796 of part 6 (HEW Office of Civil Rights):

> In the view of the department's general counsel, the Byrd amendment must be read in conjunction with the Esch amendment (section 215(a) . . . the Byrd amendment, of course, necessarily amends the provisions of the Esch amendment relating to transportation; the limitation in the Esch amendment to transportation to "the closest or next closest" school must now be read as the "nearest" school.

Here, Mr. Chairman, we have the considered opinions of the chief administrative enforcers of title VI and section 215(a), that the "limitation" of the Byrd amendment (section 208) "goes beyond the provision now in permanent law (section 215(a) . . .", and necessarily amends section 215(a), the so-called Esch amendment. Section 843 of rule XXI forbids any "limitation" on an appropriation bill that would "justify an executive officer in assuming an intent to change existing law."

Perhaps equally as important, Mr. Chairman, the Byrd amendment also violates section 2 of rule XXI by improperly requiring these same HEW officials to make additional determinations in enforcing title VI of the Civil Rights Act of 1964 and section 215(a) of the Education Amendments of 1974 (the so-called Esch amendment).

HEW officials will not be required to determine: First, the location of the "nearest" school—rather than the "closest or next closest" school; second, whether it is requiring the transportation of students, "directly or indirectly," to the "nearest" school; and third, which school "offers the courses of study pursued by such student," all of which are "judgments and determinations not otherwise required by law" (Deschler's Procedures, sec. 11.1).

Mr. Chairman, I remind you that it appears that the point of order raised last year against the Byrd amendment by Mr. CONTE of Massachusetts would have been sustained had it not been for the fact it came back to the House in disagreement with the Senate and not as a part of the Labor/HEW conference report.

And finally, Mr. Chairman, I suggest that subsection 842 of rule XXI reminds us that "the fact that an item has been carried in appropriation bills for many years does not exempt it from a point of order as being legislation." (VII Cannon's precedents 1445, 1656.)

Mr. Chairman, it cannot be denied that the Byrd amendment, section 208 changes existing law. It thereby constitutes legislation in an appropriation bill and the point of order should be sustained.

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. FLOOD) desire to be heard on the point of order?

Mr. FLOOD. I do, Mr. Chairman.

The CHAIRMAN. The gentleman may proceed.

Mr. FLOOD. Mr. Chairman, very simply, and very clearly, and the legal minds will understand the terminology, this provision is in the form of a limitation, period. It is strictly limited to the funds appropriated in this bill. The clear intent here is to impose what is known as a negative prohibition—a negative prohibition—of the use of the funds contained in this bill. It would not under any circumstances impose any additional duties or any additional burdens on the executive branch other than those already required in the enforcement of existing law.

By the way, this provision appeared for the first time in the Labor-HEW appropriation bill back in 1976 but, however, the wording is similar to many other antibusing prohibitions that we have heard about which have appeared regularly in the appropriation bills, all relating to HEW.

Mr. Chairman, there is precedent for the House accepting such provisions as they have been held to be in order as a limitation under prior rulings of the Chair, based on the precedent in section 3968 of volume IV of Hind's Precedents. The following headnote appears there. Let me quote:

> The House may provide that no part of an appropriation shall be used in a certain way, even though executive discretion be thereby negatively restricted.

Even though.

Mr. Chairman, this provision does not in any way change existing law—in no way. It simply limits the discretion of the Secretary of HEW in choosing methods to carry out his enforcement of the law.

The Members have heard of the so-called Esch amendment. The so-called Esch amendment constituted a limitation on the Secretary's discretion. The

Byrd amendment is simply a further extension of that limitation.

The CHAIRMAN. May the Chair inquire of the chairman of the Appropriations Subcommittee with respect to whether or not the terms of section 208 would require additional determinations by the administrator. The Chair would ask the gentleman from Pennsylvania for his response as to whether the standard of an appropriate grade level and type of education for such students, which is stipulated in the Equal Educational Opportunity Act of 1974, is a different standard from that set forth in section 208 of the bill pending before us—that is, courses of study pursued by such student.

The question that the Chair is attempting to arrive at basically is whether or not the requirement of a determination with respect to courses of study pursued by such student would in any substantial way differ from the requirement in the statute of a determination of the appropriate grade level and type of education offered by the schools.

Mr. FLOOD. No, Mr. Chairman, the direct answer is this does not require different standards. It is merely an expression in a different way. It is not a requirement of any different standards. It is an expression in a different way.

The CHAIRMAN (Mr. WRIGHT). The Chair thanks the gentleman from Pennsylvania. The Chair is prepared to rule.

The gentleman from Ohio (Mr. STOKES) makes the point of order against section 208 of the present bill and supports his point of order with a well documented brief and very persuasive verbal argument on the subject.

Basically, three questions seem to be involved. The first question is whether or not section 208 repeals or changes existing law.

It seems to the Chair that that question is answered satisfactorily by the chairman of the subcommittee when he declares that it does not directly amend existing law, but rather imposes a negative restriction only with respect to moneys contained in this present appropriation bill and that it is written as a limitation upon funds in this bill.

The second question occurs, of course, as to whether or not it imposes additional duties upon a Federal official.

That divides itself into two basic subquestions in the opinion of the Chair.

The first is whether the requirement in section 208 referring only to the school nearest the student's residence requires an additional duty over and above that required under the Equal Education Opportunity Act of 1974. That law proscribes a court or department or agency from ordering the transportation of students to schools other than those either closest or next closest to their homes. The Chair believes that no additional duties would be imposed upon the Administrator by section 208 of the bill since the Administrator already is required under existing law to make determinations to ascertain the existence and location of the comparable schools nearest and next nearest to the students' homes. Therefore the Chair feels that the determination of the existence of the school nearest the student's home would not be an additional burden in that the law already compels the Administrator to make that finding.

The second subquestion involved is that of whether or not an additional burden would be imposed by reason of the reference under section 208 to "the courses of study pursued by such student" in the schools involved. And the Chair, relying primarily upon the information provided in response to its inquiry by the gentleman from Pennsylvania and relying upon his own impression as well believes that "the courses of study pursued by such student" are essentially the same tests as that required in the Equal Education Opportunity Act, the appropriate grade level and type of education.

Now only one other question was addressed, it seems to the Chair, and that was the question bearing upon a fairly well established rule to the effect that existing law may be repeated verbatim in an appropriation bill but the slightest change of the text causes it to be ruled out. The Chair does not believe that section 208 purports to be a statement of existing law. For each of these reasons, and based upon the precedent cited by the gentleman from Pennsylvania and recognizing that the committee could have refused to appropriate any funds for implementation of transportation plans, the Chair believes that section 208 is properly in order as a limitation on an appropriation bill and overrules the point of order.

Are there amendments to section 208 of the bill?

AMENDMENT OFFERED BY MR. HYDE

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

The Clerk read as follows:

Amendment offered by Mr. HYDE: On page 36, after line 9, add the following new section:

"SEC. 209. None of the funds appropriated under this Act shall be used to pay for abortions or to promote or encourage abortions."

Mr. HYDE. Mr. Chairman, this amendment may stimulate a lot of debate—but it need not—because I believe most Members know how they will vote on this issue.

Nevertheless, there are those of us who believe it is to the everlasting shame of this country that in 1973 approximately 800,000 legal abortions were performed in this country—and so it is fair to assume that this year over a million human lives will be destroyed because they are inconvenient to someone.

The unborn child facing an abortion can best be classified as a member of the innocently inconvenient and since the pernicious doctrine that some lives are more important than others seems to be persuasive with the pro-abortion forces, we who seek to protect that most defenseless and innocent of human lives, the unborn—seek to inhibit the use of Federal funds to pay for and thus encourage abortion as an answer to the human and compelling problem of an unwanted child.

We are all exercised at the wanton killing of the porpoise, the baby seal. We urge big game hunters to save the tiger, but we somehow turn away at the spectacle of a million human beings being violently destroyed because this great, society does not want them.

And make no mistake, an abortion is violent.

I think in the final analysis, you must determine whether or not the unborn person is human. If you think it is animal or vegetable then, of course, it is disposable like an empty beer can to be crushed and thrown out with the rest of the trash.

But medicine, biology, embryology, say that growing living organism is not animal or vegetable or mineral—but it is a human life.

And if you believe that human life is deserving of due process of law—of equal protection of the laws, then you cannot in logic and conscience help fund the execution of these innocent defenseless human lives.

If we are to order our lives by the precepts of animal husbandry, then I guess abortion is an acceptable answer. If we human beings are not of a higher order than animals then let us save our pretentious aspirations for a better and more just world and recognize this is an anthill we inhabit and there are no such things as ideals or justice or morality.

Once conception has occurred a new and unique genetic package has been created, not a potential human being, but a human being with potential. For 9 months the mother provides nourishment and shelter, and birth is no substantial change, it is merely a change of address.

We are told that bringing an unwanted child into the world is an obscene act. Unwanted by whom? Is it too subtle a notion to understand it is more important to be a loving person than to be one who is loved. We need more people who are capable of projecting love.

We hear the claim that the poor are denied a right available to other women if we do not use tax money to fund abortions.

Well, make a list of all the things society denies poor women and let them make the choice of what we will give them.

Don't say "poor woman, go destroy your young, and we will pay for it."

An innocent, defenseless human life, in a caring and humane society deserves better than to be flushed down a toilet or burned in an incinerator.

The promise of America is that life is not just for the privileged, the planned, or the perfect.

Mr. MYERS of Pennsylvania. Mr. Chairman, will the gentleman yield?

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

Mr. MYERS of Pennsylvania. Mr. Chairman, I support the gentleman's amendment. I think the basic question is, as the gentleman has put it, if we believe that human lives, in fact, are the objects which are being disposed of in plastic bags in the abortion clinics, then we certainly have a responsibility to protect them from the use of Federal funds to destroy them.

Mr. Chairman, I respect the gentleman for coming to the floor with this issue.

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

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

Mr. SNYDER. Mr. Chairman, I want to associate myself with the gentleman in the well and commend the gentleman for his initiative in offering this amendment. I support it.

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

Mr. Chairman, I would like the attention of the Members on this. I will tell them why. Nobody, but nobody in this room, has a better right to be standing here this minute on this subject, and everybody knows this, than the gentleman from Pennsylvania that is talking to the House now.

Mr. Chairman, everybody knows my position for many years with respect to abortion. I believe it is wrong, with a capital "W". It violates the most basic rights, the right of the unborn child, the right to life.

It is for that reason that I have supported for many, many years constitutional amendments which would address this very serious matter, and the Members know it. So, what am I doing down here now? Well, I will tell you. I oppose this amendment, and I will tell you why. Listen. This is blatantly discriminatory; that is why.

The Members do not like that? Of course they do not. It does not prohibit abortion. No, it does not prohibit abortion. It prohibits abortion for poor people. That is what it does. That is a horse of a different rolling stone. That is what it does. It does not require any change in the practice of the middle-income and the upper-income people. Oh, no. They are able to go to their private practitioners and get the service done for a fee. But, it does take away the option from those of our citizens who must rely on medicaid—and other public programs for medical care.

Now abortion, Mr. Chairman, abortion is not an economic issue; not at all. The morality—all right, the morality of abortion is no different for a poor family—the morality of abortion is no different for a poor family than it is for a rich family. Is that right? Of course: a standard of morality is a standard.

To accept—now, this is coming from me—to accept this amendment, the right of this country to impose on its poor citizens, impose on them a morality which it is not willing to impose on the rich as well, we would not dare do that. That is what this amendment does. To me, the choice is clear. Listen: A vote for this amendment is not a vote against abortion. It is a vote against poor people. That is what it is, as plain as the nose on your face.

This is not the place, on an appropriation bill, to address that kind of issue. This is not. Mr. Chairman, this is an appropriation bill. This is not a constitutional amendment.

I urge my colleagues to reject this amendment.

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

Mr. Chairman, this issue has all but become threadbare, largely due to the fact that we cannot get action from the proper committee to really correct the wrong by a constitutional amendment that would solve the problem totally and properly. In the meantime, I think that children should have a bill of rights, which the law has indicated. They have legal rights, they have human rights, they have civil rights, they have property rights and they have divine rights. What a woman does with her body is her own business.

What she does with the body of somebody else is not her business.

I think that we here should go on record as safeguarding that most precious commodity, the gift of little children from God, who have a right to live.

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

Mr. Chairman, I want to compliment the gentleman from Illinois (Mr. HYDE) for taking the leadership in offering this amendment and I am pleased to have worked with him in its drafting. The gentleman from Illinois serves on the Committee on the Judiciary with great distinction. He, as well as the rest of the Members of this body, know that for the 3 years since the Supreme Court held that constitutional limitations against abortion on demand were wiped out, many of us in the Congress have sought a forum on the floor of both bodies so that the people could express their will on this issue through their representatives; and we have been denied that forum. We have had perfunctory hearings in this body this year, in which not even all Members were permitted to testify. In the other body hearings were held which, finally, again resulted in a refusal to permit a bill to come to the floor.

The gentleman from Pennsylvania objects to using an appropriation bill for the purpose of making public policy, but no question was raised against the form of this amendment, and none could be, because it is a legitimate limit on the expenditure of Federal funds.

The gentleman raises an interesting, but I think answerable, point on the grounds that this would discriminate against poor people. The answer is that we have not been able to pass a constitutional amendment that would permit the right to life, regardless of poverty or wealth. But I do not understand that the child of a poor parent has any less right to live than the child of a rich parent. If we could protect the right to life for all children, we would do it. But the fact of the matter is, under medicaid and other programs that are financed in this bill, the Federal Government has been paying for more than 300,000 abortions annually at a cost of $40 to $50 million.

I think the unborn children whose lives are being snuffed out, even though they may not be adults have a right to live, too, regardless of the mistaken and immoral Supreme Court decision. I do not think the taxpayers of the United States have any obligation to permit their money to be used in this manner for federally financed abortions. That is the only issue here today.

The gentleman from Pennsylvania is mistaken. This is indeed a vote on whether or not we are for the right to life for millions of people who are not being permitted to be born. And they are people. The vote we cast on this will show whether or not we are for the right to live. Let us permit, those who are children of the poor to live, and then let us go on and hold up our action as an example. Let the House act on this fundamental issue, so that perhaps one day soon all unborn people in the United States can be permitted to live.

This is the most fundamental issue that this House will ever address; it involves a precious right once accorded to every Member at some time in the past, the right to live. Let us not deny it to others.

I hope the House will support the amendment offered by the distinguished gentleman from Illinois.

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

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

Mr. KINDNESS. I thank the gentleman for yielding.

Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Maryland (Mr. BAUMAN) and the gentleman from Illinois (Mr. HYDE). Serving on the Subcommittee on Civil and Constitutional Rights, I have had the opportunity to sit through the hearings, which have provided, I think, an ample basis for that committee of seven men to decide which way the constitutional amendment issue ought to go, at least as far as the full Committee on the Judiciary is concerned, but no vote or no opportunity for a vote has been forthcoming. Here is the only opportunity that Members of this House will have, apparently, to address the issue of abortion and the question of the offensiveness to the taxpayers of this Nation of the use of their tax dollars in this way.

I would not stand in this House and advocate the proposition that people ought to withhold the payment of part of their taxes, but I would certainly advocate that we should represent that large portion of the American public who find it offensive to have their tax dollars used in this way. This would prohibit the use of tax dollars for the payment for the performance of abortions.

Mr. BAUMAN. Mr. Chairman, I thank the gentleman for his comments. I would hope that at the appropriate time the Members will support a rollcall vote on this issue.

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

Mr. Chairman, the issue confronting this body is whether it will conduct itself with respect for the normal processes in which we engage and for which we were sent here. The issue being discussed here today is irrelevant, nongermane, and inappropriate as it relates to this measure, because the relief that is being sought by those who have a very particular point of view cannot be accomplished by this amendment.

This amendment is a cruel amendment, as was very ably pointed out by the chairman of the subcommittee presenting this appropriations bill. The passage of this amendment will not overcome the fact that every survey and every poll in this country show that a majority of

people support the Supreme Court decision.

This is not to say that I and others who support the Supreme Court decision and the right of privacy that is protected therein do not respect the right of others to differ with us. We do respect the right of those who take an opposite point of view to differ with us on this subject. As a matter of fact, people like myself probably have more contact with those who differ on this subject than those who claim to represent them in the House. They understand our differences, and they and we understand that there is a right to differ with a decision. Still, there must be an understanding that those who differ as a matter of conscience or religious belief have no right to impose their views on others who also wish to exercise their rights in their own way.

The implementation of this amendment or an amendment like this, if agreed to in this House, will mean only one thing, and that will be, as was pointed out by the subcommittee chairman, to deny to some people the rights the majority have in this country.

The fact is that most of the women who would be denied medicaid for the purpose of obtaining an abortion would be forced to carry unwanted pregnancies to term.

I have sat here all day and listened to the enormous concern that the Members of this House have expressed about increasing the budget. Well, the cost to the Government for the fiscal year, after implementation of this particular section in the public assistance area, would be between $450 million and $565 million. That is what those who seek to impose this irrelevant legislation upon an appropriation bill will cost this country—$450 million to $565 million. But it will not achieve the objective that they seek, namely, to create a law that says abortions are not permitted, because those same abortions will continue.

These abortions will continue, but under much more difficult conditions. Up to 25,000 cases involving serious medical complications from self-induced abortions would result, and the hospital costs involved would be anywhere from $375 to $2,000 per patient. And some will die—and you can calculate the social cost of that.

Language in the HEW bill restraining abortion will a neutral position. By refusing medicaid reimbursement for abortions performed on poor women, the Government is de facto putting itself in the position of countenancing abortion for those who can pay for it but denying it to others who cannot. That would be clearly a discriminatory action, one which may result in legal action against the Government, if not indeed against this Congress itself.

Mr. Chairman, it seems to me that we have a form of relief. If this Congress wants to change the law of the Supreme Court, then what it should do so by appropriate procedures. There are hearings taking place in the Judiciary Committee. There have been extensive hearings on amendments which seek to reverse the decision of the Supreme Court. That is the proper and the orderly method in which we should proceed, and that is the path that should be taken by those who wish indeed to put an end to the Supreme Court decision. We should not act in this improper, disorderly way of attempting to put legislation in an appropriation bill. This will not solve the problem.

Hearings have taken place in the Judiciary Committee. That is what was wanted. Petitions were circulated in this House demanding that there be hearings.

I see the chairman of the Committee on the Judiciary here. He has indeed held these hearings.

Some say that is not enough and there are individuals who seek only to reflect their own point of view in this lawless and inappropriate way; and not the point of view of the majority who seek to distort the legislative process; and who seek to deprive the poor person, who always carries the burden of discrimination now once again.

Mr. Chairman, I hope the Members of this House will not take this improper action. The committee has to act. It will act. We can then proceed lawfully.

The CHAIRMAN. The time of the gentlewoman from New York (Ms. ABZUG) has expired.

(On request of Mr. BUTLER and by unanimous consent, Ms. ABZUG was allowed to proceed for 1 additional minute.)

Mr. BUTLER. Mr. Chairman, will the gentlewoman yield?

Ms. ABZUG. I yield to the gentleman from Virginia.

Mr. BUTLER. As a member of the subcommittee which has considered these hearings, I would like to deny the suggestions that they are merely perfunctory.

It seems to me that we have to do this in some detail. The reason there has not been an amendment reported out up to this moment is that I do not find a consensus among our witnesses or among the subcommittee which would indicate that any amendment would pass this House or, indeed, pass the Judiciary Subcommittee.

I would like to support those who oppose this amendment. I would like to join with them. I do not think this is an option which should be denied by us while it remains available to the wealthy under the present state of the law.

For that reason, it is my intention to vote against the amendment offered by the gentleman from Illinois.

Mr. Chairman, I thank the gentlewoman from New York (Ms. ABZUG) for yielding.

Mr. KOCH. Mr. Chairman, I am opposed to the Hyde amendment. And I believe even those who are opposed to the Supreme Court decision allowing abortion as a constitutional right are not for this all encompassing amendment. This amendment would deny an abortion even to a woman whose very life would be lost without the abortion. I cannot believe that the Members here would be so heartless. I urge a no vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 167, not voting 57, as follows:

[Roll No. 452]

AYES—207

Abdnor	Ginn	O'Neill
Ambro	Goodling	Passman
Andrews, N.C.	Gradison	Patten, N.J.
Andrews, N. Dak.	Grassley	Paul
	Guyer	Perkins
Annunzio	Hagedorn	Pike
Archer	Haley	Poage
Armstrong	Hamilton	Pressler
Aspin	Hammerschmidt	Price
Bafalis		Quillen
Baldus	Hanley	Railsback
Bauman	Harsha	Randall
Beard, R.I.	Hechler, W. Va.	Regula
Beard, Tenn.	Heckler, Mass.	Rhodes
Bennett	Hefner	Rinaldo
Bevill	Henderson	Roberts
Biaggi	Hightower	Robinson
Blanchard	Holt	Rodino
Blouin	Howe	Roe
Boggs	Hubbard	Rogers
Boland	Hungate	Rooney
Bonker	Hutchinson	Rostenkowski
Breaux	Hyde	Roush
Brinkley	Ichord	Rousselot
Broomfield	Jarman	Runnels
Burgener	Johnson, Pa.	Ruppe
Burke, Fla.	Jones, Okla.	Russo
Burke, Mass.	Kasten	St Germain
Burleson, Tex.	Kazen	Santini
Byron	Kelly	Satterfield
Carney	Kemp	Schulze
Carter	Kindness	Sharp
Cederberg	LaFalce	Shipley
Chappell	Lagomarsino	Shriver
Clancy	Latta	Shuster
Clausen, Don H.	Lloyd, Tenn.	Simon
	Long, La.	Skubitz
Clawson, Del	Lujan	Smith, Nebr.
Cleveland	McClory	Snyder
Collins, Tex.	McCollister	Spence
Conte	McDade	Stanton, J. William
Cornell	McEwen	
Cotter	McHugh	Stanton, James V.
Coughlin	McKay	
Crane	Madden	Steiger, Wis.
Daniel, Dan	Madigan	Stratton
Daniel, R. W.	Mahon	Sullivan
Daniels, N.J.	Mann	Talcott
de la Garza	Mathis	Taylor, Mo.
Delaney	Mazzoli	Thone
Derwinski	Miller, Ohio	Thornton
Devine	Minish	Traxler
Dickinson	Mitchell, N.Y.	Treen
Duncan, Tenn.	Moakley	Vanik
Early	Montgomery	Vigorito
Edwards, Ala.	Moore	Waggonner
Eilberg	Moorhead, Calif.	Walsh
Emery		Wampler
English	Mottl	Whalen
Erlenborn	Murphy, Ill.	White
Evans, Ind.	Murphy, N.Y.	Whitehurst
Fary	Murtha	Whitten
Fish	Myers, Ind.	Wilson, Bob
Fithian	Myers, Pa.	Winn
Flowers	Natcher	Wylie
Flynt	Nedzi	Yatron
Fountain	Nichols	Young, Alaska
Frey	Nix	Young, Fla.
Fuqua	Nolan	Young, Tex.
Gaydos	Oberstar	Zablocki
Gibbons	O'Brien	Zeferetti

NOES—167

Abzug	Boiling	Carr
Adams	Bowen	Chisholm
Addabbo	Brademas	Cohen
Alexander	Breckinridge	Collins, Ill.
Allen	Brooks	Conable
Anderson, Calif.	Brown, Calif.	Conyers
	Brown, Mich.	Corman
Anderson, Ill.	Brown, Ohio	D'Amours
Badillo	Broyhill	Danielson
Baucus	Buchanan	Davis
Bedell	Burke, Calif.	Dellums
Bell	Burlison, Mo.	Dingell
Bergland	Burton, John	Dodd
Biester	Burton, Phillip	Downey, N.Y.
Bingham	Butler	Drinan

Duncan, Oreg.	Jones, Tenn.	Pickle
du Pont	Jordan	Preyer
Eckhardt	Kastenmeier	Pritchard
Edgar	Ketchum	Rangel
Edwards, Calif.	Keys	Rees
Eshleman	Koch	Reuss
Evans, Colo.	Krebs	Richmond
Evins, Tenn.	Krueger	Roncalio
Fascell	Leggett	Rosenthal
Fenwick	Lehman	Roybal
Findley	Levitas	Sarasin
Fisher	Lloyd, Calif.	Sarbanes
Flood	Long, Md.	Scheuer
Foley	Lundine	Schneebeli
Ford, Mich.	McCloskey	Schroeder
Ford, Tenn.	McCormack	Seiberling
Forsythe	McFall	Slack
Fraser	McKinney	Smith, Iowa
Gilman	Martin	Solarz
Gonzalez	Matsunaga	Spellman
Gude	Meeds	Staggers
Hall	Meyner	Stark
Hannaford	Mezvinsky	Stephens
Harkin	Michel	Stokes
Harris	Mikva	Studds
Hawkins	Miller, Calif.	Symington
Hayes, Ind.	Mills	Taylor, N.C.
Heinz	Mineta	Tsongas
Hicks	Mink	Ullman
Hillis	Mitchell, Md.	Van Deerlin
Holland	Moffett	Vander Jagt
Holtzman	Mollohan	Vander Veen
Horton	Moorhead, Pa.	Waxman
Howard	Morgan	Weaver
Hughes	Mosher	Wiggins
Jacobs	Moss	Wilson, C. H.
Jeffords	Neal	Wilson, Tex.
Jenrette	Nowak	Wirth
Johnson, Calif.	Obey	Wolff
Johnson, Colo.	Ottinger	Yates
Jones, N.C.	Pettis	Young, Ga.

NOT VOTING—57

Ashbrook	Hébert	Quie
Ashley	Helstoski	Riegle
AuCoin	Hinshaw	Risenhoover
Brodhead	Jones, Ala.	Rose
Clay	Karth	Ryan
Cochran	Landrum	Sebelius
Conlan	Lent	Sikes
Dent	Litton	Sisk
Derrick	Lott	Steed
Diggs	McDonald	Steelman
Downing, Va.	Maguire	Steiger, Ariz.
Esch	Melcher	Stuckey
Florio	Metcalfe	Symms
Frenzel	Milford	Teague
Giaimo	O'Hara	Thompson
Goldwater	Patterson, Calif.	Udall
Green	Pattison, N.Y.	Wright
Hansen	Pepper	Wydler
Harrington	Peyser	
Hays, Ohio		

Messrs. MURPHY of Illinois, ROSTENKOWSKI, and HALEY changed their vote from "no" to "aye".

Mr. JONES of Tennessee changed his vote from "aye" to "no".

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMMUNITY SERVICES ADMINISTRATION

COMMUNITY SERVICES PROGRAM

For expenses of the Community Services Administration, $496,000,000.

AMENDMENT OFFERED BY JOHNSON OF COLORADO

Mr. JOHNSON of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Colorado: On page 36, strike the period at the end of line 19, and insert in lieu thereof:

: *Provided,* That none of the funds appropriated under this paragraph shall be obligated or expended for recruitment of individuals as beneficiaries under the food stamp program.

Mr. JOHNSON of Colorado. Mr. Chairman, I realize that this amendment comes at a very anticlimatic moment, but I do believe it is one that the membership of this body will have an interest in and so I will try to be as brief and as clear as possible.

In our various outreach programs across the country that are designed to encourage people to enroll in various programs, an outreach program is nothing more than a recruiting process. This amendment would cut the outreach program that provides for recruiting by the Community Services Administration for food stamps. I am sure that many of us read the ads that advertise the availability of food stamps. The problem with this particular program is that it is duplicative. The Agriculture Department is the one that is charged with the responsibility of administering the food stamp program. The Agriculture Department spends between $10 million and $15 million a year on outreach.

Now, the Community Services Administration last year spent $8 million for the same purpose. In other words, we have two different agencies that are advertising the same program and the Community Services Administration has no responsibility for the administration of the food stamp program.

Yesterday during the debate with the chairman, the gentleman from Pennsylvania (Mr. FLOOD) and the gentleman from Illinois (Mr. MICHEL) it was brought out that nobody knows why we should have this duplication. The Agriculture Department is charged with the responsibility. They have their own outreach program.

When I asked why should we have a second outreach program, nobody could tell me.

Now, I did get a call yesterday from a man in the Community Services Administration and he said the reason they are doing this is that they did not like the way the Agriculture Department program was being administered. I suppose that makes sense to some people, that we should have various and competing agencies sitting in judgment on each other, but it does not make sense today. If the Agriculture Department is not handling the outreach program in the proper fashion, then the Agriculture Department is the one that should be chastised and that should be set on.

As a matter of fact, the Agriculture Department outreach program is very, very vigorous. We have received complaints from States that the Agriculture Department is setting a quota on the number of people who have to be enlisted; so I am just trying to bring to the attention of this body that here we have an example of one administrative agency within the Government sitting in judgment on the actions of another administrative agency and actually spending money for which it has no business spending.

Now, in the Senate version of the bill, $40 million will be set aside for this program. The Chairman, the gentleman from Pennsylvania (Mr. FLOOD) pointed out yesterday that the program has been cut from $26 million last year to $15 million this year; but all the money should be spent for food stamps, rather than for advertisements in the program. That is the reason I offer the amendment.

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. Mr. Chairman, I appreciate the gentleman yielding.

I merely want to get absolutely clear in my mind what the problem is. Am I correct in assuming that the gentleman said that the Community Services group spends $8 million just for outreach, just for food stamps?

Mr. JOHNSON of Colorado. That is correct. That is what they did last year under the testimony that was received in the committee.

Mr. MITCHELL of Maryland. My problem is that I know of outreach problems that go on under the CSA services and I know outreach embraces a whole battery of services.

Mr. JOHNSON of Colorado. I understand.

Mr. MITCHELL of Maryland. It would be an unusual situation where they would focus on and spend that amount of money on just one item.

Mr. JOHNSON of Colorado. According to the testimony of Mr. Diego in the committee in response to the question of the gentleman from Illinois (Mr. MICHEL), $8 million was spent on food stamps only.

All I am saying is let the Agriculture Department administer its own program, their own outreach program, and leave the CSA out of it.

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

Of course, Mr. Chairman, the amendment is well intentioned—I am very sure about that. None of us want to see duplication or overlapping in Federal programs, especially the Appropriations Committee.

We think there are good reasons why this Community Services Administration should be involved in direct feeding programs.

First of all, let me tell the Members this: Half of this community food and nutrition money is going to a direct feeding program, according to the testimony we received. As I understand it, down at the Department of Agriculture they required each State to conduct its own outreach program.

The Members know that. The Department of Agriculture itself does not conduct any outreach activities directly; none at all. It tells the States that they must do it, and that is the way it should be.

Now, that being the case, in most States we do have this outreach activity. It is turned over to the State welfare department. The departments of welfare of the States do that job. As the Members know—and I know, in Pennsylvania they are spread pretty thin; they are understaffed in those welfare departments. What is the result? Unless a person is on welfare, it is a safe bet that they will not be contacted by any welfare department in any State.

Now, the Members know very well that a lot of people are proud, and in spite of what one hears, in spite of what one hears all the time about people grabbing

for this, grabbing for that, we know very well and we are proud that many, many people—and hear this—particularly older people, do not want to go on welfare. Do not the Members know them? They do not want to go on welfare—older people. These people are around, especially, now, the older people. These people—we are proud of them—make every effort to stay off welfare.

What happens? Many times, they have little or nothing to eat because of what they think and what they believe. This program is designed to get at this type and kind of very poor people. These people are isolated, and they are not reached by the welfare departments. These are the people we are trying to help. They are not reached by the welfare departments. And by the way, this program is very effective where? In all the rural areas. In the rural areas, this is an effective program.

Many poor people are in the rural areas, and many are not on welfare. They are cut off. They are isolated from the rest of the world.

This program is not set up to go out and recruit people, to hand out food stamps. That is not part of this program. It is designed for two things: For the very, very poor, and for the isolated areas of this country. Those are the two things that this is intended to do.

How can we possibly object to that being done by this or any other department?

There is no duplication, no tremendous duplication or overlapping here. It is not here.

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

Mr. JOHNSON of Colorado. Mr. Chairman, will the gentleman yield?

Mr. THONE. I yield to the gentleman from Colorado.

Mr. JOHNSON of Colorado. I thank the gentleman for yielding.

Mr. Chairman, I would like to read to the Members the language of the amendment. I do not want to argue about whether or not we should have an outreach program. I am saying we should have one, and the one program should be administered by the department that is responsible for administering food stamps. Many things that the gentleman from Pennsylvania said is true. There is an outreach program. All that the language of this amendment says is that none of the funds appropriated under this paragraph shall be obligated or expended for recruitment of individuals as beneficiaries under the food stamp program.

That does not stop the outreach program under the Department of Agriculture. It does not stop anything else. It relates to this one area of duplication.

It seems to me that sound management decision would require we just have one agency administering and promoting the program.

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

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

Mr. Chairman, we went through an exercise on food stamps just 2 days ago. I am very surprised that we get into this kind of debate in the most glaring inconsistent way that we can imagine. Just 2 days ago we had an amendment to reduce substantially the regular food stamp program on the basis that there were gross frauds and miscarriages of proper administration in the conduct of the Department of Agriculture food stamp program.

There have not been any, to my knowledge, that have been brought forth on this outreach program under the CSA. I know that in my district, if we approve this amendment and we say we are going to hope to consolidate these agencies, we will clearly deprive those very people that everybody I have heard discuss the subject matter in the House has said he or she is wanting to target in with the food stamp program.

I think that we have—unless we have gone out and visited these outreach programs, particularly for the elderly—no concept of the extent of the actual need that exists in this country, and particularly among this group.

I do not know what is the matter that we constantly get these amendments in the guise of economy. But always aimed at those areas and those people in our society that are the least able to speak out in defense of the programs that the Congress in its wisdom justly and humanely has seen fit to adopt.

I have not heard, and I defy anybody to show, contrary to the Department of Agriculture administration of the food stamp program, where there has been an abuse in this particular type of program that this amendment seeks to cut out.

Once again I want to remind the Members, who are so anxious to prune these programs, of this ditty by Dorothy Parker:

"Higgledy piggledy my little white hen
She lays eggs only for gentlemen.
I can't persuade her with pistol or lariat
To come across for the proletariat."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. JOHNSON).

The question was taken; and on a division (demanded by Mr. JOHNSON of Colorado) there were—ayes 41, noes 69.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CORPORATION FOR PUBLIC BROADCASTING

PUBLIC BROADCASTING FUND

For payment to the Corporation for Public Broadcasting, as authorized by the Public Broadcasting Financing Act of 1975, an amount which shall be available within limitations specified by said Act and in accordance with the provisions of titles VI and VII of the Civil Rights Act of 1964 (Public Law 88–352) and title IX of the Education Amendments of 1972 (Public Law 92–318), for the fiscal year 1977, $96,750,000; for the fiscal year 1978, $107,150,000; and for the fiscal year 1979, $120,200,000.

POINT OF ORDER

Mr. VAN DEERLIN. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman from California (Mr. VAN DEERLIN) will state his point of order.

Mr. VAN DEERLIN. Mr. Chairman, my objection is to the language which begins on page 36, line 25, and ends on page 37, line 3. The phrase reads "* * * and in accordance with the provisions of titles VI and VII of the Civil Rights Act of 1964 (Public Law 88–352) and title IX of the Education Amendments of 1972 (Public Law 92–318)."

This language applies to funds appropriated under the bill to the Corporation for Public Broadcasting. The inclusion of this phrase constitutes legislation in an appropriations bill and is in violation of rule XXI(2) of the Rules of the House of Representatives.

The Chair has been supplied with detailed material in support of this point of order. However, I will briefly list the primary grounds for objection to the inclusion of this language.

First. The question of the applicability of these provisions to the Corporation for Public Broadcasting has not been resolved by the Commerce Committee. Hearings have been scheduled for August 9 and 10 to consider the very issue addressed by the language.

Second. The language is ambiguous and has never been the subject of hearings. A similar amendment was dropped from the Public Broadcasting Financing Act of 1975 by the conferees so that the question could be examined in hearings.

Third. The language on its face would force CPB to adopt regulations and insure compliance in the same manner as Federal departments and agencies. This changes the intent of Congress as expressed in the Public Broadcasting Act of 1967 which states that CPB is "not an agency or establishment of the United States Government." If such a change is to be made, it is within the province of the Commerce Committee to decide.

Fourth. Even narrowly construed, the language would change existing law by making the provisions of section 602 of title VI applicable to CPB and by applying title IX directly to CPB.

For these reasons, I ask that the Chair sustain this point of order and rule out the portion of H.R. 14232 in question.

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. FLOOD) desire to be heard on the point of order?

Mr. FLOOD. I do, Mr. Chairman.

Mr. Chairman, we believe this language is in order and that it is not legislation upon an appropriation bill.

It seems clear to us that the Corporation for Public Broadcasting is already now subject to the provisions of title VI and of title VII of the Civil Rights Act, and of title IX of the Education Amendments of 1972.

We are not writing any new law here under any circumstances, and we certainly are not changing any existing law.

That being the case, Mr. Chairman, we ask that the Chair overrule the point of order.

The CHAIRMAN. Does the gentleman from Ohio (Mr. STOKES) desire to be heard on the point of order?

Mr. STOKES. I do, Mr. Chairman, in opposition to the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, I agree with the chairman of our subcommittee that this is a proper limitation on the

use of appropriated funds which is consistent with existing law. It does not change existing law. It does not purport to interrupt or interfere with existing law, and thus, it is not legislation on an appropriation bill.

Mr. Chairman, title VI of the Civil Rights Act of 1964 prohibits racial discrimination by any program or activity receiving Federal financial assistance, and CPB distributes appropriate Federal funds to its grantee stations. It necessarily follows that CPB and all of its grantees are subject to title VI of that act.

Mr. Chairman, this matter comes to this body for the reason that in testimony given to our subcommittee at the time that the Corporation for Public Broadcasting appeared before us, they told us, in reply to interrogation with reference to discrimination and their inability to deal with the discrimination that occurs not only with respect to the Corporation for Public Broadcasting but before its grantee stations, that Federal funds, once received by them, would no longer sustain the character of being Federal funds, but generally something other than Federal funds.

Consequently, Mr. Chairman, this past year, when this matter was brought to the attention of this body in the authorizing bill, we did pass what was known as the Stokes amendment, which made them subject to title VI of the Civil Rights Act.

This was subsequently dropped in conference, and all we are trying to do at this time is to once again establish the fact that no institution, whether it be a private institution or not, can receive Federal funds and then permit discrimination to occur with reference to those funds under the theory that they come under the first amendment and that they are to be excluded from the provisions of title VI of the Civil Rights Act of 1964.

Mr. VAN DEERLIN. Mr. Chairman, the question here, of course, is not whether or not we support the principle of nondiscrimination for reasons of race, sex, or for any other reason in public broadcasting.

The question is only—and it is a position supported by the Justice Department—whether the CPB could and should be required to set up still another layer of enforcement procedure.

Mr. Chairman, the Justice Department contends that CPB is currently subject to section 601, but not to section 602 of title VI of the Civil Rights Act.

The appropriations language to which I am taking exception would arguably make CPB subject to section 602 as well, thus forcing the Corporation for Public Broadcasting to promulgate rules and to enter into a new phase of enforcement, which is better left, we think at the moment, to existing enforcement agencies.

However, Mr. Chairman, I assure my friend, the gentleman from Ohio (Mr. STOKES), and I assure the full House that our subcommittee on August 9 and 10 will take this very matter up at public hearings.

Mr. STOKES. Mr. Chairman, if I might just reply to the distinguished gentleman from California's last argument, I hold here, Mr. Chairman, a document that is entitled, "Prohibition Against Discrimination Under Programs Receiving Financial Assistance from the Corporation for Public Broadcasting."

This document, Mr. Chairman, was published by the Corporation for Public Broadcasting. It was signed and put in effect by Frank Pace, Jr., Chairman of the Board of Directors of the Corporation for Public Broadcasting in Washington, D.C., December 1, 1969. The initial paragraphs of it say:

I. Background

Title VI of the Civil Rights Act of 1964 (Public Law 88-352) provides certain prohibitions against discrimination under programs receiving Federal financial assistance.

The Corporation for Public Broadcasting receives substantial amounts of Federal funds as well as private funds. Even though the Corporation's grants are financed by mingled Federal and private funds, the Corporation administers its programs in accordance with Title VI of the Civil Rights Act.

So, Mr. Chairman, it seems to me that the Corporation for Public Broadcasting acknowledges that they are subject to the provisions of the act.

The CHAIRMAN (Mr. WRIGHT). The Chair is prepared to rule unless other Members desire to be heard.

The gentleman from California (Mr. VAN DEERLIN) makes a point of order against the language beginning in line 25, page 36, and ending with the closing parenthesis on line 3 on page 37, and not against the entire paragraph. The gentleman from California objects to the inclusion of this language in an appropriation bill on the ground that it would change existing law and would constitute legislation in an appropriation bill.

The Chair is aware of the fact that there is a great deal of uncertainty between Members who are knowledgeable in this matter as to the applicability of the Civil Rights Act of 1964 to the Corporation. The question, presumably unresolved, is whether or not all of that act is applicable to the Corporation for Public Broadcasting.

The gentleman from Ohio (Mr. STOKES) and the gentleman from Pennsylanvia (Mr. FLOOD) seem to contend that it is applicable on the face of the law itself while the gentleman from California (Mr. VAN DEERLIN), a member of the committee which is deeply involved in that particular legislation involving the Corporation for Public Broadcasting, contends that part of that Act is not now applicable to the Corporation for Public Broadcasting.

It seems to the Chair that if it were indeed true and generally agreed that the Civil Rights Act of 1964 did apply to the Corporation for Public Broadcasting, then there would be no reason whatever for this language to be included in an appropriation bill. On the other hand, if only certain sections of title VI of that Act, for example, section 601, but not section 602, are applicable to the Corporation for Public Broadcasting, then indeed the inclusion of this language in appropriation bill would constitute legislation in an appropriation bill.

It seems to the Chair that the language "in accordance with the applicable provisions of titles VI and VII" would be admissible, but, under the terms of the language appearing in this section, all of the provisions of titles VI and VII of the Civil Rights Act would be made applicable to the Corporation for Public Broadcasting. This would, indeed, constitute legislation in an appropriation bill, to the degree that some of the sections of the law are not applicable.

For those reasons, the Chair is constrained to sustain the point of order.

AMENDMENT OFFERED BY MR. STOKES

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

The Clerk read as follows:

Amendment offered by Mr. STOKES: On page 37, line 5, add the following sentence: "None of the funds contained in this paragraph shall be available or used to aid or support any program or activity excluding from participation in, denying the benefits of, or discriminating against any person in the United States, on the basis of race, color, national origin, or sex."

Mr. STOKES. Mr. Chairman, I will not really need 5 minutes in support of this amendment. I realize that in the ruling just rendered by the Chair there is a gray area, and there is some question as to the applicability of both section 601 and section 602 of the Civil Rights Act of 1964. Consequently, what this amendment does is merely to utilize language that will make section 601 applicable. We do not by this amendmend make section 602 the enforcement provisions of the act, applicable. I think we are getting at what I am trying to get at, Mr. Chairman, and that is to make both the Corporation and its grantees by the availability and utilization of this money subject to section 601 of the act. For that reason I would submit and urge the adoption of this amendment.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

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

Mr. VAN DEERLIN. As usual, Mr. Chairman, the gentleman from Ohio has shown himself to be innovative and understanding. He has come up with language that I consider a very reasonable and happy compromise. As everyone knows, or as anyone familiar with this subject knows, these hearings would have been held long ago were it not for the decline and fatal illness of the former chairman of the Subcommittee on Communications, our late beloved colleague, Mr. Torbert Macdonald. I can assure the gentleman from Ohio that the hearings will go forward the second week in August. I can assure him that he will be pleased with the conduct of those hearings.

Mr. STOKES. I thank the gentleman for his remarks. I do look forward to the oversight hearings which the gentleman's committee did promise at the time that the Senate dropped the Stokes amendment in conference. Both the Senate and the House did agree that there was a great deal of discrimination or evidence of discrimination as relates to both minorities and women, and that in consideration of dropping that particular amendment in conference, both sides, that is, the Senate and the House, agreed to conduct these hearings, which I look forward to.

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

Mr. STOKES. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. I thank the gentleman for yielding.

Mr. Chairman, under the circumstances we do accept this amendment.

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

I was extremely pleased to hear the gentleman from California talk about promising these hearings for August 2. I wish, however, to differ with the gentleman in one sense. I mean there is a lot of ambience here in this discussion, and I enjoy it, but the fact is, and I wish to have the record show, that there were hearings held before that subcommittee, and there was considerable evidence to point out that there was serious consideration in both the participation as well as the employment practices of the Corporation and its subsidiaries toward minorities and women. I must point out that there has been a very recent task force report on women in public broadcasting which, by the way, was approved by the Corporation for Public Broadcasting. It found pervasive underrepresentation of women throughout the public broadcasting industry, both in employment and in program content.

The task force survey found that women were frequently hired at lower levels and often at lower salaries than men of the same age and educational level of secretary, librarian, production and pay raises follow the same pattern. For example, 42 percent of the women with a postgraduate education who were surveyed entered the profession at the level of secretary, librarian, production assistant or at best, production manager, while 42 percent of the men with the same education entered at an executive level.

In public broadcasting nationwide, women outnumber men by more than 3 to 1 in nonprofessional positions. However, when women hold only 9 percent of the seven executive-level positions in public broadcasting stations, one-third of the full-time jobs in programing and virtually no jobs in engineering.

So this is not an esoteric question. It hardly even requires hearings. It requires action to eliminate this discrimination. I would urge the gentleman who is now the chairman of this subcommittee to take very seriously this report of the task force.

When we appropriate funds for the Corporation for Public Broadcasting and its beneficiaries in the face of these findings of discrimination, then we are violating the law. We are aiding and abetting and violating the laws prohibiting discrimination. I would suggest to the gentleman that although I think it is fine to once again hold hearings, his hearings will have to come forward with some considerable report as to what the broadcasting industry has done and will do to eliminate this discrimination.

We have had studies. We know what the findings are. We have had hearings, but there has been no action. Today we have money in this bill to continue to fund the Corporation for Public Broadcasting despite the discrimination in program content and in employment against women and minorities.

I think it ill-behooves this House to continue appropriating such funds without insuring that these funds will only be spent for programs which are free from discrimination.

Mr. Chairman, may we have order.

The CHAIRMAN. The House will be in order.

I would suggest, sir, that much more effective steps are required than just holding hearings. I have been asked to make this statement by women who are on the task force on public broadcasting set up by the Corporation, I hope that we will stop appropriating funds for agencies of the Government such as CPB which continue to discriminate against women and minorities and that this body will adopt the Stokes amendment.

Mr. VAN DEERLIN. Mr. Chairman, will the gentlewoman yield?

Ms. ABZUG. I yield to the gentleman from California.

Mr. VAN DEERLIN. Mr. Chairman, I assure the gentlewoman from New York the matter of holding hearings is not just to determine whether there is discrimination but to determine where the proper enforcement is and who is failing to enforce the law of the land.

Mr. Chairman, to recall the House to the business before the House, I urge the Members to accept the amendment offered by the gentleman from Ohio.

Ms. ABZUG. Mr. Chairman, I think I still have the time.

Mr. STOKES. Mr. Chairman, I ask unanimous consent to modify my amendment to include the word "religion" immediately after the words "national origin" and before the words "or sex."

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

There was no objection.

The amendment, as modified, is as follows:

Amendment offered by Mr. STOKES, as modified: On page 37, line 5, add the following sentence:

"None of the funds contained in this paragraph shall be available or used to aid or support any program or activity excluding from participation in, denying the benefits of, or discriminating against any person in the United States, on the basis of race, color, national origin, religion or sex.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. STOKES), as modified.

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. MOORE

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

The Clerk read as follows:

Amendment offered by Mr. MOORE: Page 37, line 5, strike the period immediately following "$120,200,000" and add the following: ": *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties and similar forms of entertainment for government officials or employees."

Mr. MOORE. Mr. Chairman, I do not purport to make a major issue out of this point, but it is something important. In March a year ago, the Corporation for Public Broadcasting had a reception for us here that cost $9,802.75, or $12.25 per guest.

According to the investigation I was able to make some or all of that money was public funds appropriated under an appropriation act just like this one.

In the supplemental appropriation bill that came to the House in April of this year, I attached a similar amendment by a voice vote with no opposition. That amendment was deleted by the conference committee with the thought that the language could be improved upon.

The amendment I offer now uses the exact same language as was used in the conference report. I am simply saying we should not have CPB using taxpayers' money to entertain us in order to get more taxpayers' money. I do not think it is at all necessary. We can see them in our offices and consider their requests.

Mr. Chairman, I urge passage of the amendment.

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

The amendment was agreed to.

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

Mr. Chairman, I have an amendment pending at the desk and I take this time to explain what that amendment is about.

Mr. Chairman, it is my understanding that a point of order will be reserved against the amendment which I had planned to offer. The amendment has been printed in the RECORD. Quite frankly, I do not believe I have an adequate defense against the point of order; and therefore, I shall not offer the amendment.

I would like to take this time to explain the motivation behind the amendment which was designed to insure greater minority participation in Government procurement activities.

It is quite clear to me that we shall not resolve many of the major domestic problems we confront until and unless we achieve a degree of economic parity for blacks and other minorities in this Nation.

One tool to be used as we move toward economic parity is the development of a strong minority enterprise system in America. One method of strengthening and helping to develop minority enterprise is to let us participate in the Government procurement business in which, annually we spend billions of dollars.

As I stated during the consideration of the HUD and related agencies appropriation debate, blacks and other minority receive less than one-tenth percent of all the Federal procurement contract dollars. This same pattern, this same low percentage is found as we make an analysis agency by agency.

Insofar as the legislation we are debating today, here are the facts:

LABOR-HEW PROCUREMENT ACTIVITIES

Department of Health, Education and Welfare:

Miscellaneous contract services, fiscal year 1974 $2.2 billion; fiscal year 1975 $2.5 billion.

Supplies and materials, fiscal year 1974 $122 million; fiscal year 1975 $153 million.

Equipment, fiscal year 1974 $70 million; fiscal year 1975 $97 million.

Total, fiscal year 1974 $2.4 billion; fiscal year 1975 $2.7 billion.

Department of Labor:

Procurement, fiscal year 1974 $191.7 million; fiscal yaer 1975 $118.5 million.

Grand total, fiscal year 1974 $2.6 billion; fiscal year 1975 $2.9 billion.

The above figures do not reflect all the contractual moneys of these two agencies. My estimate is that the grand total for each agency will be approximately $3 billion.

Now for the grim, depressing statistic. Minority enterprises receive only a piddling, infinitesimal 1.2 percent of all of the billions of procurement dollars of these two agencies. Why? Not because there are not qualified competent minority entrepreneurs. Not because minority entrepreneurs do not seek to obtain these contracts. No. The reason is that they confront the middle management thicket, the procurement officer level of personnel who, are all too often, not motivated, not sensitized really not concerned about minority enterprise.

It is the duty and the responsibility of the Congress to correct this invidious situation. It should be the desire of every Member of this House to assist minorities toward economic parity.

I bring this matter to your attention knowing full well that we shall not act on it this evening, but also knowing full well that until and unless we do redress this grievous situation, the Nation will continue to pay for a pattern of exclusion against minority business.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 409. None of the funds appropriated by this Act shall be used to pay for any research program or project or any program, project, or course which is of an experimental nature, or any other activity involving human participants, which is determined by the Secretary or a court of competent jurisdiction to present a danger to the physical, mental, or emotional well-being of a participant or subject of such program, project, or course, without the written, informed consen of each participant or subject, or his parents or legal guardian, if such participant or subject is under eighteen years of age. The Secretary shall adopt appropriate regulations respecting this section.

AMENDMENT OFFERED BY MR. MILLER OF OHIO

Mr. MILLER of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of Ohio: On page 43, after line 11, add the following paragraph:

SEC. 410. Of the total budget authority provided in this Act for payments not required by law, five per centum shall be withheld from obligation and expenditure: *Provided*, that of the amount provided for each appropriation account, activity, and project, for payments not required by law, the amount withheld shall not exceed ten per centum.

Mr. MILLER of Ohio. Mr. Chairman, this is the same amendment that has been offered on every one of the appropriation bills we have had before this body. It provides for a 5-percent reduction. I believe there is some misunderstanding as to exactly how the amendment works, even though it has been explained each time.

Yes; it reduces 5 percent, but not across the board. Any one line item can be reduced 10 percent, a maximum of 10 percent. However, the total would be 5 percent overall. In this particular bill, Labor-HEW appropriation, initial funding was for approximately $56 billion. Out of that $56 billion, $18 billion is nonmandatory and $38 billion is mandatory.

We are not affecting the mandatory spending in any way—not the pensions, nor the compensation. We are affecting that which is not mandatory. The 5 percent of that which is not mandatory would be approximately $900 million.

Yesterday, the HUD bill was before this House. I questioned the chairman at the time as to what was the highest monthly rent subsidy that is paid any one family in the United States. This was at the time that there was suggested a 5-percent reduction on that bill. Neither side of the aisle had the answer. But today, I have the answer from the Department of HUD. We have many people back in my district who would like to have a rent subsidy. But would the Members believe that the answer came back from HUD that they are paying up to and including $873 a month rent subsidy? Today we have a little bit of the same problem. I would like to ask the chairman of the committee a question, if I may, because we have in the bill that is before us today impact aid money.

I understand that the counties around the District of Columbia were to be reduced in the amount of the funds that they were to receive.

Mr. FLOOD. That is correct.

Mr. MILLER of Ohio. Do we also have in the amount that would be received by the various counties a factor that would allow those counties to receive a larger amount of money than what is listed in the bill? As an example, we have listed in the hearings, part 5, page 221, the amounts that Prince Georges County, Montgomery County, Fairfax County, and Arlington County would receive. But there is a hold-harmless agreement. That hold-harmless agreement implies that Prince Georges County, one of the richest counties in the United States, would receive $1,250,000. Is it not true that they will receive approximately $9 million because of the hold-harmless clause?

Mr. FLOOD. That is correct, yes.

Mr. MILLER of Ohio. Montgomery County we see listed in the bill, they would receive just $17,709.

Mr. FLOOD. That is right.

Mr. MILLER of Ohio. Is it true they would receive approximately, out of this bill, $5.5 million?

Mr. FLOOD. About $5.5 million is right.

Mr. MILLER of Ohio. Is it correct that the bill and the report show that Fairfax County would receive $1,600,000, and they would receive approximately $12 million due to hold-harmless provisions?

Mr. FLOOD. Yes.

May I say this: This, of course, represents everything the gentleman is saying. It represents a comparison with the 1977 budget requests. That is totally unrealistic. Totally.

Mr. MILLER of Ohio. It is totally unrealistic that they receive a dollar, just like the rent subsidy of $873 per month that is paid right now.

Mr. Chairman, I urge that the amendment be approved.

AMENDMENT OFFERED BY MR. MICHEL TO THE AMENDMENT OFFERED BY MR. MILLER OF OHIO

Mr. MICHEL. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. MICHEL to the amendment offered by Mr. MILLER of Ohio: In the Miller amendment, strike all after: "SEC. 410." And insert in lieu thereof: "Of the total budget authority provided in this Act for each appropriation account, for payments not required by law, not to exceed five per centum shall be withheld from obligation and expenditure: *Provided*, That withholding under this section shall not reduce the budget authority available for fiscal 1977 for any appropriation account, activity, or project below the level of budget authority available for fiscal 1976, or the level of budget authority available for fiscal 1977, as estimated in the Budget of the United States Government for Fiscal 1977 as amended."

Mr. YOUNG of Florida. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The gentleman from Illinois (Mr. MICHEL) is recognized for 5 minutes in support of his amendment.

Mr. MICHEL. Mr. Chairman, and members of the committee, I want to speak, if I might, to two issues: first, my amendment to the Miller amendment; second, an amendment relative to summer jobs adopted yesterday by a very narrow vote, on which I shall demand a separate rollcall vote when we go into the House.

Mr. Chairman, with regard to my amendment, we wrote extensive minority views in the committee report. We specifically mentioned 15 items, suggesting cuts that could total $877 million.

Mr. Chairman, a number of Members have asked me why we did not offer individual amendments on each of those propositions. This is my 18th year of being associated with this bill, and I very well know what the outcome would be had we done so. Each of these amendments that I would have offered would obviously have reduced the bill, and I know that the result would have been a foregone conclusion in view of the fact that the only amendments that pass around here on a bill like this are those that increase the bill. We have already added $100 million to the bill.

Therefore, Mr. Chairman, I decided to

spare the House the agony of being put through the hoops on each of these items and decided instead to put this House to the test only once in the form of this 5-percent across-the-board reduction, item by item, with the proviso that no item fall below either the 1976 level of funding or the budget level, whichever is higher.

Mr. Chairman, my amendment would have resulted in total savings before we added these items to the bill of $545 million. Now that we have added $100 million to the bill, it would result in a savings of $583,484,050, to the best of our calculations, in dealing with the bill on a program-by-program basis.

Thus, this differs from the across-the-board reduction amendment offered by the gentleman from Ohio (Mr. MILLER) in connection with this and the other appropriation bills. His amendment basically leaves it up to the department heads as to where they would make the reductions. My amendment specifies where the reductions will be made and in what amounts, thus giving us, not the executive branch, control over the funding levels.

Mr. Chairman, this 5 percent reduction excludes the mandatory items such as welfare, medicaid, social security, and unemployment compensation, totaling some $38 billion. Therefore, it really covers only $18 billion of nonmandatory programs.

In brief, as a recapitulation, Mr. Chairman, the bill came to this floor totaling $56,104,000,000, which was $3,567,000,000 over the budget.

The Mitchell amendment of yesterday added $66 million to the bill. The Conte amendment today added another $24 million.

The Randall amendment added another $10 million.

So we now have a bill that is $3,677 million over the budget. I just cannot believe that it is not possible to get at least 150 Members of this House to support this amendment, and possibly a majority. Even the Committee on the Budget, in its projections, the last one they gave to us, before these amendments were added to the bill, showed that in budget authority we are $141 million over the budget authority called for, and $900 million over the budget outlays for this year.

These amendments put us $250 million over the budget authority and $1 billion over the budget resolution in outlays.

When we were discussing this bill during general debate, there were only a handful of the Members on the floor, and I regret to say that not even all the members of the subcommittee were on the floor, and I could not help but observe the looks of disbelief of the people in the galleries of the House when we talked about a bill that totaled $169 billion.

The average citizen simply cannot comprehend these figures we toss around with reckless abandon. I have got to remind myself from time to time what is $1 billion, and I have got to do it this way:

A billion seconds ago the first atomic bomb had not been exploded on Hiroshima.

A billion minutes ago Christ was still on this Earth.

A billion hours ago men were still living in caves.

Yet $1 billion ago, in terms of Government spending, was only yesterday.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. MICHEL. Mr. Chairman, let me make one more point, because I know we want to move right along.

Members I am sure know that on individual items, as have been proposed here, such as on the aging, the handicapped, and numerous others, no Member can stand the heat to vote for any amendment that is going to cut anything, or vote against one that will increase the amount.

The committee has made its allocations. We have stated our priorities. My amendment keeps those priorities in place but simply says that each item will be cut by no more than 5 percent, and that in doing so we can then realize some significant savings overall in this bill.

Now, Mr. Chairman, finally, on the question of a separate vote on the amendment offered by the gentleman from Maryland (Mr. MITCHELL) yesterday. Last summer we had 9 percent unemployment and we had 840,000 summer jobs. This summer we have 7 percent or a little bit more of unemployment and we have increased the summer jobs to 880,000. Next summer, the unemployment rate is expected to be even lower, but we retain the high level of summer jobs in this bill.

Now the gentleman from Maryland is asking that next summer we ought to have 1 million summer jobs.

Well, you know, if you folks on the Democrat side of the aisle by chance should win with Jimmy Carter—and I do not think he has much chance—if you are going to need 1 million summer jobs, you certainly do not have much confidence in a Democratic administration stimulating the economy very much.

And to you Members on this side of the aisle, those 17 Members, every one of whom hopes to heaven that the President is going to be the nominee, and not the other candidate—are you going to support your President, whose budget called for this amount for summer jobs?

I submit that when we go into the House and have a rollcall vote again on that amendment that there ought to be a few people who change their minds over here and I submit there could very well be a few on the other side of the aisle that could change their minds.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendments.

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

Mr. FLOOD. I yield to the gentleman from Connecticut.

Mr. MOFFETT. Mr. Chairman, I would like to ask the distinguished chairman, the gentleman from Pennsylvania (Mr. FLOOD) if the unemployment figures cited by the gentleman from Illinois (Mr. MICHEL) included those young people who need these summer jobs?

Mr. FLOOD. I would say no, since they are in school.

Mr. MOFFETT. I thank the gentleman.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I thank the gentleman for yielding.

I would like to ask the chairman what the figure in the Randall amendment was. The gentleman from Illinois said it was $100 million.

Mr. FLOOD. I did not notice that.

Mr. MICHEL. If the gentleman will yield, on whose amendment?

Mr. HECHLER of West Virginia. The gentleman from Missouri.

Mr. MICHEL. If the gentleman will yield, $10 million.

Mr. HECHLER of West Virginia. I think he said $100 million.

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield?

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

Mr. MITCHELL of Maryland. I thank the gentleman for yielding.

I have two brief questions. The first question is, is it not true that in terms of the summer employment program, the Mitchell amendment did not exceed the target figure suggested by the Budget Committee? Is that not correct?

Mr. FLOOD. That is correct.

Mr. MITCHELL of Maryland. One other question, Mr. Chairman.

Mr. FLOOD. That was a leading question.

Mr. MITCHELL of Maryland. All right, I wanted a good clear answer. One other question, Mr. Chairman: Is it not true that of all the items that we are appropriating for in this piece of legislation, there is no inflationary factor built in? This was built in only in terms of the Department of Defense?

Mr. FLOOD. The Department of Defense.

Mr. MITCHELL of Maryland. Therefore, if we accept the gentleman's amendment to sustain the present levels, in effect we are cutting back programs because we did not build in inflation?

Mr. FLOOD. Yes; you could make that argument.

Mr. MITCHELL of Maryland. I thank the gentleman.

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

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

Mr. MICHEL. I thank the gentleman for yielding.

I do not know that he really means to give the impression that we are cutting back on the number of job slots.

Mr. FLOOD. No.

Mr. MICHEL. We are meeting the new wage requirements.

Mr. FLOOD. Mr. Chairman, this is strictly the classical and traditional meat-ax approach. This would allow some budget examiner downtown, whoever you wish, to take his pen in hand and indiscriminately undo everything that we have done here putting this bill together month after month after month.

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

Mr. FLOOD. I yield to the gentlman from Illinois.

Mr. MICHEL. I thank the gentleman for yielding.

Mr. Chairman, the Chairman knows that is not the case. There is 5 percent on each item. There is no latitude whatsoever downtown in my amendment. That is true of the amendment offered by the gentleman from Ohio (Mr. MILLER) but not mine.

Mr. FLOOD. I was really talking about the Miller amendment at this point.

This bill was reported out of the committee at 6.8 percent—six point eight—over the President's budget. But almost everyone acknowledges—now, I am sure about that—that the budget for HEW was so low, so low that it was completely unrealistic. There is no question about that. I do not think anyone seriously believed the Congress was ever going to accept those drastic reductions that were proposed in that budget. I do not believe it.

Now watch this. This bill—and you well know it; who would know better than you—affects the people back home directly. This is the Labor-HEW appropriations bill. Now hear that. Labor, Health, Education, and Welfare. That touches directly or indirectly every man, woman, and child in every congressional district in this country. Make no mistake about that. Believe me, the people back home are well aware of what is in this bill. Make no mistake about that. Take a look at your mail. Just take a look at your mail and see how much of it is related, directly or indirectly, to the programs in this bill that we are talking about.

There is quite a list here of very popular programs now being cut back in this amendment. Let me mention a few, in case some Members have not heard of some of these. Listen. Let me just recite this litany.

Maternal and child health. Oh.

Community health centers.

Cancer research.

Heart research.

Mental health.

And now, including this, community mental health centers. Speechless.

Schools of nursing—and I learned the hard way: Never turn your back on a nurse. Oh, oh.

And then title I payments to school districts. Have Members got any school districts back home?

Title I, with the disadvantaged kids. Oh.

Here is one the Members never heard about. We are going to cut this? Hold your hat. Impact aid. Oh, oh, oh, oh, oh.

Mr. MICHEL. Mr. Chairman, would my chairman yield?

Mr. FLOOD. Oh yes, I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Chairman, on that specific issue, it does not cut A category, B category, or C category. It only goes to the hold-harmless provision and cuts it back so it will be $25 million in hold harmless.

Mr. FLOOD. All right. Then it is just a matter of degree.

Mr. MICHEL. It is not that there will not be anything left.

Mr. FLOOD. It is a matter of degree.

Now, what else?

Education for the handicapped. Are we going to cut that?

Library programs.

Here is one: the Headstart program.

Then, vocational rehabilitation for the handicapped. Imagine that.

Well, I could go on and on like Tennyson's brook, forever, about this thing. But I think the Members see what I mean. I just want to make sure, out of an abundance of caution, that Members realize what this amendment does. Exclamation mark.

But, look, now there is one other point that should be made here. There is one other point. I want to be sure Members are aware of it. This amendment as I read it now would require—require—the President to impound appropriated funds. Well, now, believe me, that certainly is a switch. With everything that has been going on around here and every thing that has been said around here for several years about this matter of appropriated funds being impounded, that is a switch in spades.

All Members know that we passed the Budget and Impoundment Control Act—when? Just a couple of years ago. And part of that Act was to stop this business of the executive branch impounding funds. Remember that. We made a big deal out of this. This certainly flies in the face of that.

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

Mr. FLOOD. This certainly violates the spirit—let me anticipate the gentleman—and even the letter of that law.

Mr. MICHEL. Mr. Chairman, if the gentleman will yield, the very thrust of the amendment is that we make the decision, not the people downtown. If we want to cut it 5 percent, that is our decision. That is not impoundment.

Mr. FLOOD. I understand that, but when we passed the Budget Control Act, one of the things we had in mind directly was this matter of impoundment. No question about that. And both sides were eloquent about that in the well. I know I was eloquent, as usual, and I am sure the gentleman was too.

There is no question about this. This is a meat-ax cut in this bill.

The point I am trying to make—I do not think the Members are clear—the point I am trying to make is that I am against the amendment.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. Mr. Chairman, I thank the gentleman from Florida (Mr. YOUNG) for yielding.

Mr. Chairman, I had not intended to take additional time after all this debate, but I have heard many things that should be corrected.

Mr. Chairman, we have a sign that I showed here yesterday. I am not sure whether everyone had an opportunity to see what is printed thereon. The sign says:

> There are 1,000 other programs that could be cut—but don't cut this one.

This is the normal procedure in this Chamber, "Don't cut this one."

As a matter of fact, I have extracted from the RECORD, remarks made by the various chairmen of committees and other Members of Congress. I would like to convey to the Members the remarks that were made when I previously offered this 5-percent reduction. One statement taken right out of the RECORD states:

> I agree with the member of the Committee on Appropriations. Perhaps this 5 percent reduction should have been offered in some of the other bills.

Another:

> I certainly concur that this House, this government of ours, has to cut back its expenditures, but this is not the bill.

I have here recorded at least one-half dozen such remarks indicating that every bill is sacred and cannot be cut.

Mr. Chairman, I am sure that most of us are aware that we are heading now for a $700 billion debt, with a $45 billion interest payment to be made in 1 year. That amounts to $123,300,000 a day—7 days a week—that we are paying as interest on the national debt. Somewhere, somehow, we need to find a way to cut every bill, and we can start right now.

Mr. Chairman, I ask that my amendment be supported. The Michel amendment would cut 5 percent, 5 percent on each item. My amendment would allow the administration to cut up to 10 percent, but no more than 10 percent of any line item. Every item, every account would be kept intact. Programs designated as vital need not cut $1.

Mr. Chairman, I respectfully ask for support of the amendment that I offered.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MICHEL) to the amendment offered by the gentleman from Ohio (Mr. MILLER).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 143, noes 218, answered "present" 1, not voting 69, as follows:

[Roll No. 453]

AYES—143

Abdnor
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Armstrong
Bafalis
Baucus
Bauman
Beard, Tenn.
Bedell
Bell
Bennett
Bevill
Blouin
Breaux
Brinkley
Broomfield
Brown, Ohio
Broyhill
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Cederberg
Chappell
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collins, Tex.
Conable
Coughlin
Crane
Daniel, Dan
Daniel, R. W.
Derwinski
Devine
Dickinson
Duncan, Tenn.
Edwards, Ala.
Emery
Erlenborn
Eshleman
Evans, Ind.
Fenwick
Findley
Fish
Fithian
Flowers
Flynt
Forsythe
Fountain
Frey
Fuqua
Gibbons
Goodling
Gradison
Grassley
Guyer
Hagedorn
Haley
Hamilton
Harkin
Harsha
Hechler, W. Va.
Hefner
Henderson
Holland
Holt
Hubbard
Hutchinson
Hyde
Ichord
Jacobs
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Kasten
Kemp
Ketchum
Krueger
Lagomarsino
Latta
Levitas
Lloyd, Tenn.
McCollister
McEwen
Mann
Martin
Mathis
Michel
Miller, Ohio
Montgomery
Moore

Moorhead, Calif.
Myers, Ind.
Myers, Pa.
Neal
Nichols
O'Brien
Passman
Paul
Pettis
Pritchard
Quillen
Railsback
Regula
Robinson
Rousselot
Runnels
Ruppe
Russo
Santini
Satterfield
Schneebeli
Schroeder
Schulze
Sebelius
Sharp
Shuster
Smith, Nebr.
Snyder
Spence
Stanton, J. William
Steiger, Wis.
Talcott
Taylor, Mo.
Taylor, N.C.
Thone
Traxler
Treen
Vander Jagt
Waggonner
Wampler
Whitehurst
Wiggins
Winn
Wylie
Young, Alaska
Young, Fla.

NOES—218

Abzug
Adams
Addabbo
Alexander
Allen
Ambro
Anderson, Calif.
Annunzio
Aspin
Badillo
Baldus
Beard, R.I.
Bergland
Biaggi
Biester
Bingham
Blanchard
Boggs
Boland
Bolling
Bonker
Bowen
Brademas
Breckinridge
Brooks
Brown, Mich.
Buchanan
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Carter
Chisholm
Cohen
Collins, Ill.
Conte
Conyers
Corman
Cornell
Cotter
D'Amours
Daniels, N.J.
Danielson
Davis
de la Garza
Delaney
Dellums
Diggs
Dodd
Downey, N.Y.
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
English
Evans, Colo.
Evins, Tenn.
Fary
Fascell
Fisher
Flood
Foley
Ford, Mich.
Ford, Tenn.
Fraser
Gaydos
Gilman
Ginn
Gonzalez
Gude
Hammerschmidt
Hanley
Hannaford
Harris
Hawkins
Heckler, Mass.
Heinz
Hicks
Hightower
Holtzman
Howard
Howe
Hungate
Jeffords
Jenrette
Johnson, Calif.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Kastenmeier
Kazen
Keys
Koch
Krebs
LaFalce
Lehman
Lloyd, Calif.
Long, La.
Long, Md.
Lundine
McClory
McCloskey
McCormack
McDade
McFall
McHugh
McKay
McKinney
Madden
Madigan
Mahon
Matsunaga
Mazzoli
Meeds
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Natcher
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
Ottinger
Patten, N.J.
Patterson, Calif.
Perkins
Pickle
Pike
Poage
Pressler
Preyer
Price
Rangel
Reuss
Richmond
Rinaldo
Roberts
Rodino
Roe
Rogers
Roncalio
Rooney
Rostenkowski
Roush
Roybal
St Germain
Sarasin
Sarbanes
Scheuer
Seiberling
Shipley
Shriver
Sikes
Simon
Skubitz
Slack
Smith, Iowa
Solarz
Spellman
Staggers
Stark
Stokes
Stratton
Studds
Sullivan
Symington
Teague
Thompson
Thornton
Tsongas
Ullman
Van Deerlin
Vander Veen
Vanik
Vigorito
Walsh
Waxman
Weaver
Whalen
White
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Wirth
Wolff
Wright
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

ANSWERED "PRESENT"—1

Rosenthal

NOT VOTING—69

Ashbrook
Ashley
AuCoin
Brodhead
Brown, Calif.
Clancy
Clay
Conlan
Dent
Derrick
Dingell
Downing, Va.
du Pont
Esch
Florio
Frenzel
Giaimo
Goldwater
Green
Hall
Hansen
Harrington
Hayes, Ind.
Hays, Ohio
Hébert
Helstoski
Hillis
Hinshaw
Horton
Hughes
Karth
Kelly
Kindness
Landrum
Leggett
Lent
Litton
Lott
Lujan
McDonald
Maguire
Melcher
Metcalfe
Milford
Mills
O'Hara
O'Neill
Pattison, N.Y.
Pepper
Peyser
Quie
Randall
Rees
Rhodes
Riegle
Risenhoover
Rose
Ryan
Sisk
Stanton, James V.
Steed
Steelman
Steiger, Ariz.
Stephens
Stuckey
Symms
Udall
Whitten
Wydler

The Clerk announced the following pairs:

On this vote:

Mr. McDonald for, with Mr. Dent against.
Mr. Maguire for, with Mr. Florio against.
Mr. Ashbrook for, with Mr. O'Neill against.
Mr. Landrum for, with Mr. Giaimo against.
Mr. Stuckey for, with Mr. Hughes against.
Mr. Hébert for, with Mr. O'Hara against.
Mr. Rhodes for, with Mr. Pattison of New York against.
Mr. Conlan for, with Mr. Randall against.
Mr. Goldwater for, with Mr. Rose against.
Mr. Hansen for, with Mr. Clay against.
Mr. Kelly for, with Mr. Dingell against.
Mr. Lott for, with Mr. Harrington against.
Mr. Lujan for, with Mr. Helstoski against.
Mr. Steiger of Arizona for, with Mr. Leggett against.
Mr. Symms for, with Mr. Metcalfe against.
Mr. Clancy for, with Mr. Horton against.
Mr. Kindness for, with Mr. Pepper against.

Mr. CONTE changed his vote from "yea" to "nay."

Mrs. LLOYD of Tennessee and Mr. JARMAN changed their vote from "nay" to "yea."

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

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

RECORDED VOTE

Mr. MILLER of Ohio. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 87, noes 271, not voting 73, as follows:

[Roll No. 454]

AYES—87

Andrews, N. Dak.
Archer
Armstrong
Bafalis
Bauman
Beard, Tenn.
Bell
Bennett
Brinkley
Brown, Mich.
Brown, Ohio
Broyhill
Burke, Fla.
Clawson, Del
Collins, Tex.
Conable
Crane
Daniel, Dan
Daniel, R. W.
Devine
Dickinson
Duncan, Tenn.
Edwards, Ala.
Emery
English
Erlenborn
Eshleman
Evans, Ind.
Fish
Flynt
Forsythe
Fuqua
Goldwater
Gradison
Hagedorn
Haley
Hamilton
Hammerschmidt
Harsha
Hechler, W. Va.
Henderson
Hightower
Hutchinson
Ichord
Johnson, Colo.
Jones, Okla.
Kasten
Kemp
Ketchum
Krueger
Latta
Levitas
McCollister
McEwen
Martin
Mathis
Michel
Miller, Ohio
Montgomery
Moore
Moorhead, Calif.
Myers, Pa.
O'Brien
Paul
Pike
Quillen
Robinson
Rousselot
Runnels
Satterfield
Schneebeli
Schulze
Sebelius
Shuster
Skubitz
Smith, Nebr.
Spence
Taylor, Mo.
Taylor, N.C.
Thone
Treen
Vander Jagt
Whitehurst
Wiggins
Winn
Wylie
Young, Fla.

NOES—271

Abdnor
Abzug
Adams
Addabbo
Alexander
Allen
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Annunzio
Aspin
Badillo
Baldus
Baucus
Beard, R.I.
Bedell
Bergland
Bevill
Biaggi
Biester
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brooks
Broomfield
Buchanan
Burgener
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Carney
Carr
Carter
Cederberg
Chappell
Chisholm
Clausen, Don H.
Cleveland
Cochran
Cohen
Collins, Ill.
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniels, N.J.
Danielson
Davis
de la Garza
Delaney
Dellums
Derwinski
Diggs
Dodd
Downey, N.Y.
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fary
Fascell
Fenwick
Findley
Fisher
Fithian
Flood
Flowers
Foley
Ford, Tenn.
Fountain
Fraser
Frey
Gaydos
Gibbons
Gilman
Ginn
Gonzalez
Goodling
Grassley
Guyer
Hanley
Hannaford
Harkin
Harris
Hawkins
Heckler, Mass.
Hefner
Heinz
Hicks
Holland
Holt
Holtzman
Howard
Howe
Hubbard
Hungate
Hyde
Jacobs
Jarman
Jeffords
Jenrette
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Jordan
Kastenmeier
Kazen
Keys
Koch
Krebs
LaFalce
Lagomarsino
Leggett
Lehman
Lloyd, Calif.
Lloyd, Tenn.
Long, Md.
Lundine
McClory
McCloskey
McCormack
McDade
McFall
McHugh
McKay
McKinney
Madden
Madigan
Mahon
Mann
Matsunaga
Mazzoli
Meeds
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
Oberstar
Obey
Ottinger
Passman
Patten, N.J.
Patterson, Calif.
Perkins
Pettis
Pickle
Poage
Pressler
Preyer
Price
Pritchard
Railsback
Rangel
Regula
Reuss
Rhodes
Richmond
Rinaldo
Roberts
Rodino
Roe
Rogers
Roncalio
Rooney
Rosenthal
Rostenkowski
Roush
Roybal
Ruppe
Russo
St Germain
Santini
Sarasin
Sarbanes
Scheuer
Schroeder
Seiberling
Sharp
Shipley
Shriver
Sikes
Simon
Slack
Smith, Iowa
Spellman
Staggers
Stanton, J. William
Stark
Steiger, Wis.
Stokes
Stratton
Studds
Sullivan
Symington
Talcott
Teague
Thompson
Thornton
Traxler
Tsongas
Ullman
Van Deerlin
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Waxman
Weaver
Whalen
White
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Wirth
Wolff
Wright
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NOT VOTING—73

Ashbrook
Ashley
AuCoin
Bingham
Brodhead
Brown, Calif.
Clancy
Clay
Conlan
Dent
Derrick
Dingell
Downing, Va.
du Pont
Esch
Florio
Ford, Mich.
Frenzel
Giaimo
Green
Gude
Hall
Hansen
Harrington
Hayes, Ind.
Hays, Ohio
Hébert
Helstoski
Hillis
Hinshaw
Horton
Hughes
Johnson, Pa.
Karth
Kelly
Kindness
Landrum
Lent
Litton
Long, La.
Lott
Lujan

McDonald	Randall	Steelman
Maguire	Rees	Steiger, Ariz.
Melcher	Riegle	Stephens
Metcalfe	Risenhoover	Stuckey
Milford	Rose	Symms
Mills	Ryan	Udall
O'Hara	Sisk	Whitten
O'Neill	Snyder	Wydler
Pattison, N.Y.	Solarz	
Pepper	Stanton, James V.	
Peyser		
Quie	Steed	

The Clerk announced the following pairs:

On this vote:

Mr. McDonald for, with Mr. Dent against.
Mr. Maguire for, with Mr. O'Neill against.
Mr. Landrum for, with Mr. Hughes against.
Mr. Stuckey for, with Mr. Florio against.

Mr. NEAL changed his vote from "aye" to "nay."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ALEXANDER

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

The Clerk read as follows:

Amendment offered by Mr. ALEXANDER: Page 43, immediately after line 11, insert the following new section:

SEC. 410. None of the funds appropriated under this Act may be used to make payments to carry out title XVIII or title XIX (Medicare and Medicaid) of the Social Security Act in metropolitan areas of a State which payments economically discriminate against health service providers and/or recipients in nonmetropolitan areas of that State.

Mr. FLOOD. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order on the amendment is reserved by the gentleman from Pennsylvania (Mr. FLOOD).

Mr. ALEXANDER. Mr. Chairman, I rise to offer an amendment to this bill which I hope will increase congressional and public awareness of discriminatory Federal health policy that this appropriations bill helps support. The policy of economic discrimination against citizens of the countryside, by paying more for services rendered under medicare and medicaid by health facilities and personnel in the cities than is paid for equal services rendered in countryside areas is fundamentally wrong. This is a policy of economic discrimination against the citizens living in the countryside.

When Congress passed the original medicare law, it mandated that fees for health services were to be paid according to the usual, customary and reasonable fees charged by the provider of the service. Though, when it was later authorized, the medicaid law did not have exactly the same language the Department of Health, Education, and Welfare has employed the payment standards established for medicare as the limiting level for medicaid service payments.

At first, Arkansas Blue Cross-Blue Shield, the fiscal intermediary in our State, considered each county as a separate locality in their estimation of what was usual, customary, and reasonable. This system became unwieldy as it required keeping separate sets of statistics for 75 areas in the State. Blue Cross-Blue Shield, with the approval of the Arkansas Medical Society, convinced HEW that the number of areas should be reduced. The figure was set at five. The areas were grouped according to level of income.

Since the implementation of Medicare in 1965 a great many changes have taken place in Arkansas as well as nationally. HEW has decreed that they will pay "usual and customary and reasonable" only on fees which are not above the 75th percentile of fees for doctors in each area. HEW has also established a set of rules which keep their range of fees several years behind current charges. The paperwork is the same in all five areas of Arkansas. The standards of care required are the same in all five areas. Then the rate of pay should be the same.

For several years, the Arkansas Medical Society, with the backing of our State legislature and Arkansas Blue Cross-Blue Shield, has attempted to have the medical reimbursement scheme revised to reflect changes that have taken place since the 1950's in order that Arkansas be considered as one area and that fees paid should be on the basis of those paid in Little Rock and Fort Smith, the two largest cities in the State and whose doctors received the highest reimbursement fees of any doctors in the State.

This difference in fee reimbursement remains yet another stumbling block to rural areas' recruitment of physicians to establish their practice there.

To shed further light on the extent of the discrimination that has occurred in my district as a result of this national policy, I would like to insert into the RECORD at this point a letter I received from Dr. Sam Spades of Walnut Ridge, Arkansas. Spades practices in Walnut Ridge in reimbursement area designated area V, where reimbursement to medicare patients is the lowest in the entire State. Yet 16 miles from Walnut Ridge, Jonesboro medicare patients are placed in area II, an area where medicare reimbursement is significantly higher:

LAWRENCE COUNTY FAMILY CLINIC,
Walnut Ridge, Ark., November 4, 1975.

Hon. BILL ALEXANDER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ALEXANDER: This letter is in response to the letter, dated October 9, 1975, from Thomas M. Tierney, who is director, Bureau of Health Insurance, Department of Health, Education, and Welfare. Again, as is so often the case with those administrative governmental personnel, in Washington, D.C., Mr. Tierney obviously does not understand the implications, and effects of the program that he supports. The "reasonable charge" method is, and has been antiquated. At the time of its origin, many rural, low income states, made themselves available for the application of this method in determining reasonable reimbursement to Medicare patients, for services rendered. The reasonable charge method is based upon two things, according to Mr. Tierney: (1) the physician's "customary" charge for services rendered, and (2) "prevailing" charge in the locality for similar services. Now, I don't think anyone would argue the fact that a Medicare patient should not be charged more for services rendered to him, than the private patient should be charged for the same services. However, the "prevailing" charge argument becomes infinitely absurd. I should think that the charges of the group practice, of which I am a member, are as reasonable as the charges of group practices, in Jonesboro, sixteen miles from Walnut Ridge, where I practice. However, someone sees fit to place Medicare patients in Jonesboro into the Area II, while they place Walnut Ridge in Area V, the Area of the state where reimbursement to Medicare patients is the absolute lowest.

The carrier responsible for processing the claims says that they can not pay the Medicare patient more than HEW allows. Many Medicare patients in Northeast Arkansas receive medical care in Walnut Ridge, and Jonesboro. The charges for medical services from the group practice of which I am a part, are comparable to the charges of the those solo physicians, and those family physicians in group practice, in Jonesboro. However, HEW sees fit to pay the same Medicare patient more for going to Jonesboro, than HEW sees fit to pay the patient, for the same medical services, in Walnut Ridge. If Mr. Tierney, or anyone can justify this, they probably can do many other supernatural things.

The "locality" concept is paper warfare. The different localities are identified by the method which is so concisely, and explicitly presented by Mr. Tierney. This concept does not recognize variations in fees within any given locality, which HEW defines. Why should Medicare reimbursement for physicians' services be related to local patterns of charges, since few other things have restrictions based upon locality? Certainly, expenses for drugs, medical equipment, establishment of group practice versus solo practice, malpractice insurance, etc. do not respect locality. Even Arkansas Blue Cross and Blue Shield has recognized the inequity which the present HEW concept perpetrates. It seems that HEW feels a responsibility for Little Rock and Fort Smith Physicians, and does not feel a responsibility for physicians in other areas of the state. A fear of the distortion of the present Medicare system, as warped as it may be, should not prevent the correction of an unjust system.

The establishment of a single state-wide locality would have little effect concerning payments for a majority of physicians, since a majority of physicians do not accept Medicare consignment. The single state-wide system, however, would affect a great deal in the reimbursement to those Medicare patients who have paid the physician out of their own pocket, and who, in turn, have filed for reimbursement. The present system discriminates against those patients who file for Medicare reimbursement, and against those physicians who accept Medicare consignment, and unfortunately reside in Areas II, III, IV, or V.

I shall continue to object to the present HEW system, as long as the concern for reimbursement to physicians in Fort Smith and Little Rock continues to supersede the concern for the majority of Medicare patients. I shall continue to object to the present HEW system as long as there continues to be a lack of appreciation for the far-reaching effects of the many HEW programs. I shall continue to object to the present HEW system as long as there exists an attitude of indifference, and reluctance to correct unfair, unjust, and inequitable methods in the health care delivery system.

Thank you very much.

Respectfully,

S. A. SPADES, M.D.

Mr. Chairman, in commenting on the most recently denied request of the Arkansas Medical Society for a single statewide medicare reimbursement schedule, AMS's Executive Secretary Paul C. Schaefer wrote me:

(HEW) does not recognize that the imposition of the Medicare law on the medical profession destroyed many of the traditional medical practice customs. Among those destroyed was the custom of trying to adjust the fees according to the ability to pay (the Federal government has the same ability to

pay in Jaspar, Arkansas as it has in Little Rock). The imposition of Medicare makes the standards of care and reporting requirements equal and universal. The disparity in fees (due to the doctor's former practice of charging according to the ability to pay) remains under Medicare and is operating against physicians in small towns.

I do not have to remind you, Mr. Chairman, of the problems that nonmetropolitan areas across the country are having in recruiting health personnel sufficient to meet their needs. The problem is not only in the inducement of doctors to practice in countryside areas, but dentists, nurses, administrators and other professional health personnel as well.

According to 1973 American Medical Association statistics contained in HEW's "Health in the United States: A Chartbook", 16 States including Arkansas have less than 100 physicians per 100,000 population.

These same statistics show that the geographic distribution of physicians is weighted heavily toward metropolitan areas. In 1973, there were approximately 196 non-Federal physicians providing patient care for every 100,000 individuals living in the largest metropolitan areas. The comparable ratio for small nonmetropolitan counties was 40 physicians for every 100,000 residents. With respect to medical specialists, the geographic distribution is even more biased toward metropolitan areas.

In its recent study of medicare-medicaid reimbursement policies, submitted to the Congress and the President on March 1, 1976, the Institute of Medicine concludes:

The current and customary reimbursement mechanism is unlikely to ameliorate the geographic distribution problem. Contrary to conventional economic theory, high Medicare prevailing fees are found in high physician density areas. High fees also tend to occur in areas of metropolitan character, with a relatively high concentration of hospital beds, and where one or more medical schools are located....

After adjustment for cost of living differences, by county, prevailing fees for identical procedures show as much as a tenfold difference between the highest and the lowest. . . .

Mr. Chairman, such a difference in reimbursement payments constitutes outright economic discrimination against the physicians who choose to practice, and the people who choose to live, in the countryside.

To further illustrate this situation, I would like to insert into the RECORD at this point a letter I received from Mr. Harvey Tenner of Horseshoe Bend, Ark., a retirement community in the first district which has particular need for convenient health facilities and adequate health personnel:

HORSESHOE BEND RESIDENT OWNERS ASSN.,
Horseshoe Bend, Ark., December 31, 1975.

Hon. F. DAVIS MATHEWS,
Secretary of the Department of Health, Education and Welfare, Washington, D.C.

DEAR MR. MATHEWS: We recently became aware of certain inequities existing in Arkansas (and perhaps other states too) with reference to medical payments in Medicare cases.

Horseshoe Bend is a retirement community of 1500 residents, located in the foothills of the Ozark mountains. The great majority are on fixed incomes. We are far away from any large city with all its facilities and conveniences. At retirement age, our people have a much greater need for medical services than the norm.

Here we have a retired physician, age 77, who can be called on in an emergency. Another retired physician has opened a limited practice. There are two small hospitals and other doctors that are 15 and 25 miles away. Large city facilities are 100 to 150 miles away.

For this lack of first class medical facility availability we pay as much for Medicare as city people who have it at their doorstep, but the Medicare payments to the rural physician are less than to the large city physician because of the Medicare zone rate system.

Thus, the rural physician is penalized with lower payments for his services. His big city counterpart has large hospital facilities at hand to service his needs without capital investment on his part. The rural physician, to compensate for lack of ready facilities at hand, has to make a considerable capital investment in equipment plus payroll for R.N.'s and technicians. It amounts to his operating a one-man hospital. He has to amortize this investment along with that of his career in the fees he charges. When the Medicare payments, which are many, are at a low zone rate he drifts toward a zero or negative return.

You can understand then why young doctors show a disinclination towards opening a practice in a rural area. The regulations based on zone payments are therefore unfair to the people and doctors in rural areas.

We trust your good office will review this matter and eliminate these inequities so that rural people can look forward to better medical service.

Yours truly,

HARVEY O. TENNER,
President.

Mr. Chairman, I, along with several of my colleagues, introduced legislation earlier this year to allow a State the option, at the request of the Governor, to establish a single statewide medicare reimbursement schedule to eliminate economic discrimination against people who choose to live in the countryside.

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

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

Mr. ROSTENKOWSKI. Mr. Chairman, I recognize and fully understand the problems my colleague from Arkansas seeks to remedy in the present medicare methods for reimbursing hospitals and physicians. The disparities in payment among providers in different geographical areas which have developed under the present system, as well as the alarming increases in health care costs, have been the subject of extensive public hearings held by the Subcommittee on Health. These hearings have helped make it clear, for example, that the present medicare method for determining how much medicare will pay for physicians services follows and even reinforces existing variations in fee levels, even where these variations are not easily justified. Unfortunately, lower fees tend to be reimbursed in just those geographic areas where higher fees might help to attract badly needed physician manpower.

As Members know, the subcommittee has devoted a great deal of attention to these problems and is actively working toward the development of legislative remedies—remedies, I feel compelled to say, which must deal comprehensively and technically with the reimbursement system if we are to effectively provide long-range solutions.

Today, the Subcommittee on Health met to plan its legislative activities for the remainder of this year. With the subcommittee's concurrence, I have taken a special order to announce today the subcommittee's plans, which include hearings this summer aimed at obtaining detailed and expert advice that will enable us to formulate basic changes in medicare reimbursement that I believe will be responsive to the concerns which prompted this amendment.

I would hope that this body would see the wisdom of allowing this matter to be considered as it should be—in the Subcommittee on Health as substantive legislation. I can assure my colleague that we will work there to develop legislation which addresses the objectives of his proposed amendment.

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

Mr. ALEXANDER. I yield to the gentleman from Florida.

Mr. ROGERS. Mr. Chairman, I would like to say that I am sympathetic to the intent of the amendment Mr. ALEXANDER is offering tonight.

The Subcommittee on Health and the Environment has been concerned with the problem of improving the accessibility to medical services in rural areas. We have passed legislation to bring more physician manpower into underserved areas through the National Health Service Corps program. But we are aware that the reimbursement system of medicare, which is often initiated by States in their medicaid programs, works against increasing the supply of physicians in rural areas. Because it is based on prevailing charges, fees paid by the program in rural areas are often significantly below those paid in urban areas.

But I must object to this amendment and support the point of order against the amendment. It is substantive legislation on an appropriation bill. It attempts to deal with a highly complicated issue with tremendous cost and policy implications.

I join my colleague, Mr. ROSTENKOWSKI, in assuring Mr. ALEXANDER that the reimbursement policies of the medicare and medicaid programs will be carefully reexamined. We want our financing programs to support our general manpower policies. We want to improve access to medical services in rural areas. And as we move into national health insurance, we will pay close attention in the design of that program to problems of economic discrimination against rural areas.

But I must oppose the current amendment.

Mr. ALEXANDER. Mr. Chairman, in view of the statements of the gentlemen from Illinois and Florida, I ask that no further action be taken on the amendment, and I ask unanimous consent that I may be permitted to withdraw the amendment.

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

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

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

Mr. Chairman, I am sorry to take the floor at this late hour. The reason I do so is that there was a vote in the House in the Committee on an amendment by the gentleman from Illinois (Mr. HYDE). A good number of Members who voted on this amendment indicated to us that they had not really understood the depth or the breadth of this amendment. This amendment, in effect, provides that no funds will be permitted in the medicaid program for any abortion whatsoever.

I know that most of the Members of this House recognize the need to preserve life. As a matter of fact, the authors of this amendment allege that they recognize this need. The important thing that was not realized by Members voting on this amendment was that this amendment is a very broad one, one that would prevent a therapeutic abortion and prevent action being taken to save the life of a mother.

Mr. Chairman, I just thought that it was important to bring that to the attention of this body, because when we go into the House there may be a request for a separate vote on this amendment. I know that those who have a sense of humanity and compassion would want to have the opportunity to know what this amendment does, because they may not have realized its scope when they came rushing in to vote on this amendment.

Mr. Chairman, we argued the merits of this amendment. Aside from the fact that it is very broad and that it deprives a person of her life without any due process, it also is a very unfair and cruel amendment in that it is directed only against poor women, women who have to depend upon medicaid for health care.

I know again that there is much too much humanity and compassion in this House not to expect that some would want to reconsider their votes. If you oppose abortion, as you have a right to, there are vehicles with which to express that objection. We have had extensive hearings in the House in the Committee on the Judiciary which has been acknowledged on the floor this day. And a note on the matter before the Judiciary Committee will deal with the substantive issues.

Those Members who oppose abortion must realize that it is terribly discriminatory to say that poor women can lose their lives and cannot have the same rights as women who are not poor. I know that there may be others who would like to speak on this question, and I would be glad to yield to them, but in the meantime I would simply like to suggest that when this matter comes up in the House for a vote, that the Members realize that it is a much broader amendment than we have ever adopted, and through an improper process because it is legislation on an appropriation bill.

Mr. Chairman, I know that I can rely upon the good sense, decency, fairness, and humanity of the Members of this House to reconsider their vote in the light of the information which I now have had the opportunity to put forth.

Mrs. BURKE of California. Mr. Chairman, will the gentlewoman yield?

Ms. ABZUG. I yield to the gentlewoman from California.

Mrs. BURKE of California. Mr. Chairman, is it not possible that a woman might be mentally retarded and might not even be able to comprehend the fact that she was carrying a child, but under this amendment that woman would not be able to get money under medicaid for an abortion? And is it not a fact that in many instances a woman who might have the kind of pregnancy that, within the Catholic Church, would allow an abortion, if that woman was poor and had to look to medicaid and had the kind of pregnancy that would end up in her death, she would not be able to get money for an abortion because this amendment would prevent that woman from getting medical care?

Ms. ABZUG. That is correct.

Mr. BAUMAN. Mr. President, I move to strike the last word.

Mr. Chairman, I do not wish to take the time of the House; I know it is late, but I hope the House will indulge us on the serious subject which was just raised by the gentlewoman from New York.

The amendment that was offered by the gentleman from Illinois (Mr. HYDE), reads simply, "None of the funds appropriated under this act shall be used to pay for abortions or to promote or encourage abortions."

It does not in any way forbid abortions to save the life of a mother. It does not in any way forbid any abortions, or in any way restrict the right to have an abortion. It does say that Federal tax dollars paid by the people in the Members' congressional districts may not be used for abortions. That is the fundamental and only issue here: Should Federal funds be used to deny the right to life?

If the Members voted against this, as 167 Members did a few hours ago, then I suppose they should stay with their decision. But, with the 207 Members who voted for this amendment, believing in the right to life, there is no more reason to change their minds now than there was a few hours ago. The fundamental issue is the same and to change your position now is, and would be, inexplicable to anyone.

I happen to think the gentleman from Illinois (Mr. HYDE) and many others in this House have a concern for poor children, poor children who are not yet born, poor children who are being killed. Yes; there is concern for mothers as well, but the right to life is a right to be accorded not just to mothers but also to those who cannot help themselves. That really is what the issue is here. The House has been denied the chance to vote on this issue for almost 2 years by committees which have refused to report a right-to-life amendment. Tonight, the Members have that chance, and I would suggest that we uphold the action we have already taken.

Mrs. SCHROEDER. Mr. Chairman, I rise in support of funds for family planning services. I am particularly concerned with the need for additional funds for the provision of family planning services to teenagers in order to prevent unwanted, accidental pregnancies in this age group. As chairwoman of the Subcommittee on Census and Population of the Committee on Post Office and Civil Service, I have been holding hearings on current population issues. One of the most significant facts to be presented to my subcommittee by the experts in the field was that we are currently seeing in the United States an epidemic occurrence of teenage pregnancy. In 1973 of 3.1 million births, 20 percent were to teenagers ages 15–19; of 407,000 births out of wedlock, 55 percent were to teenagers; and of 615,000 abortions, 31 percent were to teenagers. The illegitimacy rate for young women under age 20 increased by 4 percent from 1970 to 1974. In fact, in 1974 more than one-third of all births to this age group were classified as illegitimate. To cope with these disturbing trends, it was recommended to me that "birth control information and services be made available to teenagers in appropriate facilities sensitive to their needs and concerns."

Mr. Chairman, currently existing family planning programs have been attempting, within the bounds of their resources, to provide just such services. In fact, nearly 30 percent of all family planning patients in organized programs are under age 20. However, the resources made available through HEW are not sufficient to support existing levels of service much less to expand services so that all teenagers in need of them may obtain these services.

The Appropriations Committee expressed its concern over teenage pregnancy in its report to the House on the family planning program. The report stated:

> The Committee directs the Assistant Secretary for Health to target a portion of the family planning and other health service program funds to address the problem of teenage pregnancy.

Unfortunately, although the committee apparently wanted to draw attention to the need for increased services to prevent unwanted pregnancy among teenagers, it did not approve any additional funds for the achievement of this goal. While I am sure that the committee did not intend to cause services to be extended to teenagers at the expense of elimination of services for current adult patients, that would be the practical result of maintaining the present funding level of $100.6 million for family planning that the committee recommended. The Senate Appropriations Subcommittee on Labor-HEW, on the other hand, approved funding of $122.5 million for the provision of family planning services. This provides an increase which allows for expansion of services to prevent pregnancy among teenagers while continuing the delivery of greatly needed family planning services to its present patients.

Funding for family planning special projects have been frozen at the level of $100.6 million for 4 long years. During that time inflation has caused the purchasing power of this funding to dwindle rapidly. The increase proposed in this amendment, and recommended in the Senate bill, would help alleviate the impact of inflation and would support further strides toward the elimination of the teenage pregnancy epidemic.

Mr. Chairman, I urge my colleagues to support the Scheuer-Heinz amendment to increase family planning appropriations to $122.5 million for title X project grants.

Mr. FLOOD. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WRIGHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14232) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending September 30, 1977, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. Is a separate vote demanded on any amendment?

Ms. ABZUG. Mr. Speaker, I demand a separate vote on the so-called Hyde amendment.

The SPEAKER. Is a separate amendment demanded on any other amendment?

Mr. MICHEL. Mr. Speaker, I demand a separate vote on the so-called Mitchell of Maryland amendment relating to summer employment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The clerk will report the first amendment, the so-called Mitchell of Maryland amendment, on which a separate vote has been demanded.

The clerk read as follows:

Amendment: On page 2, line 19 under Title I—Department of Labor, Employment, and Training Administration, Employment and Training Assistance, strike out "$3,245,-250,000" and insert in lieu of "$3,311,831,000".

The SPEAKER. The question is on the amendment.

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

Mr. MITCHELL of Maryland. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 183, nays 181, not voting 67, as follows:

[Roll No. 455]

YEAS—183

Abzug
Addabbo
Alexander
Allen
Ambro
Anderson, Calif.
Andrews, N.C.
Annunzio
Aspin
Badillo
Baldus
Baucus
Beard, R.I.
Bedell
Bergland
Biaggi
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Brademas
Breckinridge
Brooks
Buchanan
Burke, Calif.
Burke, Mass.
Burton, John
Burton, Phillip
Carney
Carr
Carter
Chisholm
Collins, Ill.
Conte
Conyers
Corman
Cornell
Cotter
Daniels, N.J.
Danielson
Delaney
Dellums
Diggs
Dodd
Downey, N.Y.
Drinan
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Evans, Ind.
Fary
Fascell
Fenwick
Fisher
Fithian
Ford, Mich.
Ford, Tenn.
Fountain
Fraser
Gaydos
Gibbons
Gilman
Gonzalez
Gude
Hanley
Hannaford
Harkin
Harris
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Holtzman
Howard
Jacobs
Jeffords
Jones, Ala.
Jordan
Kastenmeier
Kazen
Keys
Koch
LaFalce
Leggett
Lehman
Lloyd, Calif.
Long, Md.
Lundine
McCloskey
McCormack
McFall
McHugh
McKinney
Madden
Matsunaga
Mazzoli
Meeds
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mineta
Minish
Mink
Mitchell, Md.
Moakley
Moffett
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Natcher
Neal
Nedzi
Nix
Nolan
Nowak
Oberstar
Ottinger
Patterson, Calif.
Perkins
Pickle
Pressler
Preyer
Price
Rangel
Reuss
Richmond
Rinaldo
Rodino
Roe
Roncalio
Rooney
Rosenthal
Rostenkowski
Roybal
Russo
St Germain
Sarbanes
Scheuer
Schroeder
Seiberling
Sharp
Simon
Slack
Smith, Iowa
Solarz
Spellman
Staggers
Stark
Stokes
Stratton
Studds
Symington
Thompson
Thornton
Traxler
Tsongas
Van Deerlin
Vander Veen
Vanik
Vigorito
Waxman
Weaver
Whalen
Wilson, C. H.
Wilson, Tex.
Wirth
Wolff
Wright
Yates
Yatron
Young, Ga.
Zablocki
Zeferetti

NAYS—181

Abdnor
Adams
Anderson, Ill.
Andrews, N. Dak.
Archer
Armstrong
Bafalis
Bauman
Beard, Tenn.
Bell
Bennett
Bevill
Biester
Bowen
Breaux
Brinkley
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Cederberg
Chappell
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collins, Tex.
Conable
Coughlin
Crane
D'Amours
Daniel, Dan
Daniel, R. W.
Davis
de la Garza
Derwinski
Devine
Dickinson
Duncan, Oreg.
Duncan, Tenn.
Early
Edwards, Ala.
Emery
English
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Fish
Flood
Flowers
Flynt
Foley
Forsythe
Frey
Fuqua
Ginn
Goldwater
Goodling
Gradison
Grassley
Guyer
Hagedorn
Haley
Hamilton
Hammer-schmidt
Harsha
Hefner
Henderson
Hicks
Hightower
Hillis
Holland
Holt
Howe
Hubbard
Hungate
Hutchinson
Hyde
Ichord
Jarman
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kasten
Kemp
Ketchum
Kindness
Krebs
Krueger
Lagomarsino
Latta
Levitas
Lloyd, Tenn.
McClory
McCollister
McDade
McEwen
McKay
Madigan
Mahon
Mann
Martin
Mathis
Michel
Miller, Ohio
Mitchell, N.Y.
Mollohan
Montgomery
Moore
Moorhead, Calif.
Myers, Ind.
Myers, Pa.
Nichols
Obey
O'Brien
Passman
Patten, N.J.
Paul
Pettis
Pike
Poage
Pritchard
Quillen
Railsback
Regula
Rhodes
Roberts
Robinson
Rogers
Roush
Rousselot
Runnels
Ruppe
Santini
Sarasin
Satterfield
Schneebeli
Schulze
Sebelius
Shipley
Shriver
Shuster
Sikes
Skubitz
Smith, Nebr.
Spence
Stanton, J. William
Steiger, Wis.
Sullivan
Talcott
Taylor, Mo.
Taylor, N.C.
Thone
Treen
Ullman
Vander Jagt
Waggonner
Walsh
Wampler
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Winn
Wylie
Young, Alaska
Young, Fla.
Young, Tex.

NOT VOTING—67

Ashbrook
Ashley
AuCoin
Brodhead
Brown, Calif.
Clancy
Clay
Conlan
Dent
Derrick
Dingell
Downing, Va.
du Pont
Esch
Florio
Frenzel
Giaimo
Green
Hall
Hansen
Harrington
Hayes, Ind.
Hays, Ohio
Hébert
Helstoski
Hinshaw
Horton
Hughes
Johnson, Pa.
Karth
Kelly
Landrum
Lent
Litton
Long, La.
Lott
Lujan
McDonald
Maguire
Melcher
Metcalfe
Milford
Mills
O'Hara
O'Neill
Pattison, N.Y.
Pepper
Peyser
Quie
Randall
Rees
Riegle
Risenhoover
Rose
Ryan
Sisk
Snyder
Stanton, James V.
Steed
Steelman
Steiger, Ariz.
Stephens
Stuckey
Symms
Teague
Udall
Wydler

The Clerk announced the following pairs.

On this vote:

Mr. Dent for, with Mr. McDonald against.
Mr. O'Neill for, with Mr. Hébert against.
Mr. Florio for, with Mr. Stuckey against.
Mr. Hughes for, with Mr. Landrum against.
Mr. Dingell for, with Mr. Mills against.
Mr. Maguire for, with Mr. AuCoin against.
Mr. Harrington for, with Mr. Symms against.
Mr. du Pont for, with Mr. Johnson of Pennsylvania against.
Mr. Horton for, with Mr. Ashbrook against.
Mr. Peyser for, with Mr. Frenzel against.
Mr. Brown of California for, with Mr. Kelly against.
Mr. Clay for, with Mr. Hansen against.
Mr. Giaimo for, with Mr. Lott against.
Mr. Helstoski for, with Mr. Snyder against.
Mr. Long of Louisiana for, with Mr. Quie against.
Mr. Melcher for, with Mr. Sisk against.
Mr. Metcalfe for, with Mr. Steed against.
Mr. O'Hara for, with Mr. Teague against.
Mr. Riegle for, with Mr. Downing of Virginia against.
Mr. Stephens for, with Mr. Lujan against.
Mr. Ryan for, with Mr. Conlan against.
Mr. Rose for, with Mr. Steiger of Arizona against.
Mr. Risenhoover for, with Mr. Esch against.
Mr. Pepper for, with Mr. Lent against.
Mr. Pattison of New York for, with Mr. Wydler against.
Mr. Ashley for, with Mr. Derrick against.

Until further notice:

Mr. Brodhead with Mr. Green.
Mr. Hall with Mr. Karth.
Mr. Litton with Mr. Milford.
Mr. Randall with Mr. Rees.
Mr. James V. Stanton with Mr. Udall.

Mr. DUNCAN of Tennessee and Mr. RUPPE changed their vote from "yea" to "nay."

Mr. FOUNTAIN and Mr. DODD changed their vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the second amendment, the so-called Hyde amendment, on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On page 36, after line 9, add the following new section;

"SEC. 209. None of the funds appropriated

under this Act shall be used to pay for abortions or to promote or encourage abortions."

The SPEAKER. The question is on the amendment.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 199, nays 165, not voting 67, as follows:

[Roll No. 456]

YEAS—199

Abdnor
Ambro
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Aspin
Bafalis
Baldus
Bauman
Beard, R.I.
Beard, Tenn.
Bennett
Bevill
Biaggi
Blanchard
Blouin
Boggs
Boland
Breaux
Brinkley
Broomfield
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Byron
Carney
Carter
Cederberg
Chappell
Clausen, Don H.
Clawson, Del
Cochran
Collins, Tex.
Conte
Cornell
Cotter
Coughlin
Crane
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
de la Garza
Delaney
Derwinski
Devine
Dickinson
Duncan, Tenn.
Early
Edwards, Ala.
Eilberg
Emery
English
Erlenborn
Evans, Ind.
Fary
Fish
Fithian
Flowers
Flynt
Fountain
Frey
Fuqua
Gaydos
Gibbons
Ginn
Goldwater
Goodling
Gradison
Grassley
Guyer
Hagedorn
Haley
Hamilton
Hammer-schmidt
Hanley
Harsha
Hechler, W. Va.
Heckler, Mass.
Hefner
Henderson
Hightower
Holt
Howe
Hubbard
Hungate
Hutchinson
Hyde
Ichord
Jarman
Jones, Okla.
Kasten
Kazen
Kemp
Kindness
LaFalce
Lagomarsino
Latta
Lloyd, Tenn.
McClory
McCollister
McDade
McEwen
McHugh
McKay
Madden
Mahon
Mann
Mathis
Mazzoli
Michel
Miller, Ohio
Minish
Mitchell, N.Y.
Moakley
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Nedzi
Nichols
Nolan
Oberstar
O'Brien
Passman
Patten, N.J.
Paul
Perkins
Pike
Poage
Pressler
Price
Quillen
Railsback
Regula
Rhodes
Rinaldo
Roberts
Robinson
Rodino
Roe
Rogers
Rooney
Rostenkowski
Roush
Rousselot
Runnels
Ruppe
Russo
St Germain
Santini
Satterfield
Schulze
Sebelius
Sharp
Shipley
Shriver
Shuster
Sikes
Simon
Skubitz
Smith, Nebr.
Spence
Stanton, J. William
Steiger, Wis.
Stratton
Sullivan
Talcott
Taylor, Mo.
Thone
Thornton
Traxler
Treen
Vander Jagt
Vanik
Vigorito
Waggonner
Walsh
Wampler
Whalen
White
Whitehurst
Wilson, Bob
Winn
Wright
Wylie
Yatron
Young, Alaska
Young, Fla.
Young, Tex.
Zablocki
Zeferetti

NAYS—165

Abzug
Adams
Addabbo
Alexander
Allen
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Badillo
Baucus
Bedell
Bell
Bergland
Biester
Bingham
Bolling
Bowen
Brademas
Breckinridge
Brooks
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burke, Calif.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Carr
Chisholm
Cleveland
Cohen
Collins, Ill.
Conable
Conyers
Corman
D'Amours
Danielson
Davis
Dellums
Diggs
Dingell
Dodd
Downey, N.Y.
Drinan
Duncan, Oreg.
Eckhardt
Edgar
Edwards, Calif.
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Fenwick
Findley
Fisher
Flood
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fraser
Gilman
Gonzalez
Gude
Hannaford
Harkin
Harris
Hawkins
Heinz
Hicks
Hillis
Holland
Holtzman
Howard
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Jordan
Kastenmeier
Ketchum
Keys
Koch
Krebs
Krueger
Leggett
Lehman
Levitas
Lloyd, Calif.
Long, Md.
Lundine
McCloskey
McCormack
McFall
McKinney
Madigan
Martin
Matsunaga
Meeds
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mineta
Mink
Mitchell, Md.
Moffett
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Neal
Nix
Nowak
Obey
Ottinger
Patterson, Calif.
Pettis
Pickle
Preyer
Pritchard
Reuss
Richmond
Roncalio
Rosenthal
Roybal
Sarasin
Sarbanes
Scheuer
Schneebeli
Schroeder
Seiberling
Slack
Smith, Iowa
Solarz
Spellman
Staggers
Stark
Stokes
Studds
Symington
Taylor, N.C.
Teague
Thompson
Tsongas
Ullman
Van Deerlin
Vander Veen
Waxman
Weaver
Whitten
Wiggins
Wilson, C. H.
Wilson, Tex.
Wirth
Wolff
Yates
Young, Ga.

NOT VOTING—67

Ashbrook
Ashley
AuCoin
Bonker
Brodhead
Brown, Calif.
Clancy
Clay
Conlan
Dent
Derrick
Downing, Va.
du Pont
Esch
Florio
Frenzel
Giaimo
Green
Hall
Hansen
Harrington
Hayes, Ind.
Hays, Ohio
Hébert
Helstoski
Hinshaw
Horton
Hughes
Johnson, Pa.
Karth
Kelly
Landrum
Lent
Litton
Long, La.
Lott
Lujan
McDonald
Maguire
Melcher
Metcalfe
Milford
Mills
O'Hara
O'Neill
Pattison, N.Y.
Pepper
Peyser
Quie
Randall
Rangel
Rees
Riegle
Risenhoover
Rose
Ryan
Sisk
Snyder
Stanton, James V.
Steed
Steelman
Steiger, Ariz.
Stephens
Stuckey
Symms
Udall
Wydler

The Clerk announced the following pairs:

Mr. Dent with Mr. McDonald.
Mr. O'Neill with Mr. Ashbrook.
Mr. Giaimo with Mr. Quie.
Mr. Udall with Mr. Landrum.
Mr. Brown of California with Mr. Clancy.
Mr. Florio with Mr. Kelly.
Mr. Green with Mr. Horton.
Mr. Hall with Mr. Metcalfe.
Mr. Harrington with Mr. Lent.
Mr. Long of Louisiana with Mr. Conlan.
Mr. Hughes with Mr. Milford.
Mr. Helstoski with Mr. Peyser.
Mr. Pepper with Mr. Randall.
Mr. Rangel with Mr. Rees.
Mr. Riegle with Mr. Lott.
Mr. Sisk with Mr. Mills.
Mr. Karth with Mr. Steelman.
Mr. Rose with Mr. Lujan.
Mr. Maguire with Mr. Snyder.
Mr. Melcher with Mr. James V. Stanton.
Mr. O'Hara with Mr. Steiger of Arizona.
Mr. Hébert with Mr. Steed.
Mr. Pattison of New York with Mr. Wydler.
Mr. Stephens with Mr. Symms.
Mr. Stuckey with Mr. Ryan.
Mr. Ashley with Mr. Derrick.
Mr. Downing of Virginia with Mr. Esch.
Mr. Clay with Mr. Brodhead.
Mr. AuCoin with Mr. Bonker.
Mr. Frenzel with Mr. Hansen.
Mr. Hays of Ohio with Mr. Johnson of Pennsylvania.
Mr. Hayes of Indiana with Mr. du Pont.
Mr. Risenhoover with Mr. Litton.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

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

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

MOTION TO RECOMMIT OFFERED BY MR. MICHEL

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

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MICHEL. I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. MICHEL moves to recommit the bill H.R. 14232 to the Committee on Appropriations.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

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

The bill was passed.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks,

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

H.R. 14239. An act making appropriations for the Department of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1977, and for other purposes, and

H.R. 14261. An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1977, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 14239) entitled "An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1977, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PASTORE, Mr. MCCLELLAN, Mr. MANSFIELD, Mr. HOLLINGS, Mr. MAGNUSON, Mr. EAGLETON, Mr. JOHNSTON, Mr. HUDDLESTON, Mr. HRUSKA, Mr. FONG, Mr. BROOKE, Mr. HATFIELD, Mr. STEVENS, Mr. YOUNG, and Mr. JAVITS to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 14261) entitled "An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1977, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and

appoints Mr. MONTOYA, Mr. BAYH, Mr. EAGLETON, Mr. MCCLELLAN, Mr. MCGEE, Mr. BELLMON, Mr. HATFIELD, Mr. YOUNG, and Mr. STEVENS to be the conferees on the part of the Senate.

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter, on H.R. 14232, the bill just passed, and on the Skubitz amendment to H.R. 14232.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 14261, TREASURY DEPARTMENT, U.S. POSTAL SERVICE, EXECUTIVE OFFICE OF THE PRESIDENT AND INDEPENDENT AGENCIES APPROPRIATIONS, 1977

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 14261) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1977, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. STEED, ADDABBO, ROYBAL, SIKES, FLYNT, PATTEN, LONG of Maryland, MAHON, MILLER of Ohio, MCEWEN, ARMSTRONG, and CEDERBERG.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT TOMORROW, FRIDAY, JUNE 25, 1976, TO FILE CONFERENCE REPORT ON H.R. 14261

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tomorrow night, Friday, June 25, 1976, to file a conference report on the bill (H.R. 14261) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1977, and for other purposes.

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

There was no objection.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE CONFERENCE REPORT ON S. 586

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight tonight to file a conference report on S. 586, the Coastal Zone Management Act Amendments of 1976.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO HAVE UNTIL MIDNIGHT, MONDAY, JUNE 28, 1976, TO FILE A REPORT ON H.R. 14514, ALONG WITH SEPARATE OR MINORITY VIEWS

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight, Monday, June 28, 1976, to file a report, along with any separate or minority views, on H.R. 14514, a bill to permit a State which no longer qualifies for hold-harmless treatment under the supplemental security income program to elect to remain a food stamp cash-out State upon condition that they pass through a part of the 1976 cost-of-living increase in SSI benefits and all of any subsequent increases in such benefits.

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

There was no objection.

STATEMENT OF CONGRESSMAN CORMAN WITH RESPECT TO THE RULE TO BE REQUESTED FOR CONSIDERATION OF H.R. 14514

The SPEAKER. The Chair recognizes the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Speaker, I make the following statement in order to notify my Democratic colleagues of the action of the Committee on Ways and Means with regard to a request for a rule on H.R. 14514. I make this statement in order to comply with the rules of the Democratic Caucus concerning notice relative to closed rules.

I am authorized and directed by the committee to request a hearing before the Committee on Rules for a closed rule on H.R. 14514, providing for 1 hour of general debate, to be equally divided, with the usual one motion to recommit.

STATEMENT ON BEHALF OF CHAIRMAN AL ULLMAN WITH RESPECT TO THE RULE TO BE REQUESTED FOR CONSIDERATION OF H.R. 8125

Further, Mr. Speaker, I wish to make the following statement on behalf of the chairman of the Committee on Ways and Means, Mr. ULLMAN, in order to notify my Democratic colleagues of the action of the Committee on Ways and Means with regard to a request for a rule on H.R. 8125.

Mr. BAUMAN. Mr. Speaker, regular order.

The SPEAKER. The gentleman is making a 1-minute speech.

Mr. BAUMAN. The gentleman asked for no permission. The gentleman from Maryland was not aware that the rules of the Democratic Caucus are now the rules of the House of Representatives. The gentleman asked for no permission to proceed.

The SPEAKER. The Chair understood the gentleman said he wanted to make a statement.

Mr. BAUMAN. The gentleman asked for no permission to proceed.

The SPEAKER. The Chair recognized the gentleman and he proceeded at the sufferance of the Chair and the House. He has almost finished his statement.

PARLIAMENTARY INQUIRY

Mr. BAUMAN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BAUMAN. Mr. Speaker, are the rules of the Democratic Caucus now the rules of the House?

The SPEAKER. No, they are not. This is not a rule of the Democratic Caucus.

Does the gentleman from California desire to make a statement?

Mr. CORMAN. Yes, sir, I do.

The SPEAKER. The Chair recognizes the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Speaker, let me begin again. I make the following statement on behalf of the chairman of the Committee on Ways and Means in order to notify my Democratic colleagues of the action of the Committee on Ways and Means with regard to a request for a rule on H.R. 8125. I make this statement in order to comply with the rules of the Democratic Caucus concerning notice relative to closed rules.

I am authorized and directed by the committee to request a hearing before the Committee on Rules for a closed rule on H.R. 8125 providing for 1 hour of general debate, to be equally divided, with the usual motion to recommit.

PERSONAL EXPLANATION

Mr. O'BRIEN. Mr. Speaker, earlier in the day I was absent on rollcall 449, due to an appointment at the Navy Department. Had I been here, I would have voted "aye."

PROVIDING FOR CONSIDERATION OF H.R. 14260, FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATION BILL, 1977.

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1291 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1291

Resolved, That during the consideration of the bill (H.R. 14260) making appropriations for Foreign Assistance and related programs for the fiscal year ending September 30, 1977, and for other purposes, all points of order against the following provisions in said bill for failure to comply with the provisions of clause 2, Rule XXI and clause 6, Rule XXI are hereby waived: beginning on page 3, lines 5 through 19; beginning on page 4, lines 9 and 10; beginning on page 4, lines 13 and 14; beginning on page 4, line 25 through page 6, line 13; beginning on page 6, line 18 through page 7, line 6; beginning on page 10, lines 5 through 12; the proviso beginning on page 10, lines 19 through 21; beginning on page 11, line 3 through page 12, line 10.

The SPEAKER. The gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from

Illinois (Mr. ANDERSON), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1291 provides that during the consideration of H.R. 14260, the foreign assistance and related programs appropriation bill, fiscal year 1977, all points of order against certain provisions in the bill for failure to comply with the provisions of clauses 2 and 6 of rule XXI are waived. Clause 2, rule XXI prohibits the appropriation of funds which are not authorized by law. All authorizing legislation supporting the appropriations in the bill against which points of order have been waived has passed the House.

Clause 2 of rule XXI also prohibits legislation in a general appropriation bill. The Committee on Appropriations requested and the Committee on Rules has recommended waivers of this rule with respect to 4 sections in the bill, which occur on page 3, lines 5 through 8, page 4, line 25 through page 5, line 22; page 10, lines 19 through 21; and page 11, lines 3 through 8.

In addition, there are provisions in the bill which would reappropriate unexpended balances in violation of clause 6, rule XXI. The Committee on Rules has thus recommended that the provisions of this rule also be waived during the consideration of H.R. 14260.

Mr. Speaker, I urge the adoption of House Resolution 1291 to permit the orderly consideration of H.R. 12460.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1291 would make in order House consideration of the bill H.R. 14260, the foreign assistance appropriations act for fiscal 1977. While appropriations bills ordinarily do not require special rules from the Rules Committee, like many other appropriations bills we have been considering, this rule is necessitated by the fact that not all of the necessary prior authorization legislation has been enacted into law. Thus it is necessary to waive clauses 2 and 6 of rule XXI which prohibit appropriations on unauthorized items and reappropriation of certain unexpended balances, respectively. We have attempted in this rule to designate which portions of the bill require which waivers. Thus you will note that the rule specifies eight distinct parts of the bill which require these waivers:

First, on page 3 of the bill, lines 5 through 19, which includes $300 million for loan allocation, development assistance, and $170 million for international organizations and programs;

Second, on page 4, lines 9 and 10, $5 million for the contingency fund;

Third, page 4, lines 13 and 14, $34 million for international narcotics control;

Fourth, page 4, line 25 through page 6, line 13, which includes the carryover of unobligated balances, $35 million for the Middle East special requirements fund, and $1.66 billion for security supporting assistance;

Fifth, page 6, line 18 through line 6 on page 7, $270 million for military assistance and $25 million for international military education and training;

Sixth, page 10, lines 5 through 12, $840 million for the Foreign Military Sales Act;

Seventh, page 10, lines 19 through 21, the proviso for $10 million in Peace Corps volunteer readjustment allowances; and

Eighth, page 11, line 3, through line 10 on page 12, $50 million for Cambodian, Vietnamese, and Laotian refugee assistance, $10 million under migration and refugee assistance, and $15 million in assistance for refugees from the Soviet Union and other Communist countries.

Mr. Speaker, that completes the listing of those portions of the bill for which these waivers are necessary due to the lack of fiscal 1977 authorization legislation at this time. I urge adoption of this rule so that we may proceed to the consideration of this important foreign assistance appropriations legislation.

However, Mr. Speaker, I would like to take this opportunity, while a great many Members are still on the floor, to inquire of the distinguished gentleman from Hawaii (Mr. MATSUNAGA) if he has been informed by the leadership on his side of the aisle as to what the plan is for the balance of the evening?

Are we really going to adopt the rule, or is further discussion of this bill contemplated?

Mr. MATSUNAGA. Mr. Speaker, if the gentleman will yield, it is my understanding that we will just adopt the rule.

Mr. ANDERSON of Illinois. I thank the gentleman.

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

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

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

Mr. McKINNEY. Mr. Speaker, on that demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 304, nays 45, not voting 82, as follows:

[Roll No. 457]

YEAS—304

Abdnor
Abzug
Addabbo
Alexander
Allen
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Aspin
Badillo
Baldus
Baucus
Beard, R.I.
Bedell
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Carney
Carr
Carter
Cederberg
Chappell
Chisholm
Clausen, Don H.
Cleveland
Cochran
Cohen
Collins, Ill.
Conte
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Danielson
de la Garza
Delaney
Dellums
Devine
Dickinson
Diggs
Dingell
Dodd
Downey, N.Y.
Drinan
Duncan, Oreg.
Early
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
English
Erlenborn
Evans, Ind.
Evins, Tenn.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Flowers
Foley
Ford, Tenn.
Forsythe
Fountain
Fraser
Fuqua
Gaydos
Gilman
Goldwater
Gonzalez
Goodling
Gradison
Gude
Guyer
Hagedorn
Hamilton
Hanley
Harkin
Harris
Harsha
Hawkins
Hechler, W. Va.
Heckler, Mass.
Hefner
Heinz
Henderson
Hightower
Hillis
Holland
Holtzman
Howard
Howe
Hubbard
Hungate
Hutchinson
Hyde
Jacobs
Jarman
Jeffords
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Kasten
Kazen
Kemp
Ketchum
Kindness
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Latta
Leggett
Lehman
Levitas
Lloyd, Calif.
Long, Md.
Lundine
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McHugh
McKay
McKinney
Madden
Madigan
Mahon
Mann
Mathis
Matsunaga
Mazzoli
Meeds
Meyner
Mezvinsky
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nolan
Nowak
Oberstar
Obey
O'Brien
Ottinger
Passman
Patten, N.J.
Patterson, Calif.
Perkins
Pettis
Pickle
Pressler
Preyer
Price
Pritchard
Railsback
Rangel
Regula
Reuss
Rhodes
Richmond
Rinaldo
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roybal
Ruppe
Russo
St Germain
Santini
Sarasin
Sarbanes
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Simon
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Solarz
Spellman
Spence
Staggers
Stanton, J. William
Stokes
Stratton
Studds
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Thompson
Thornton
Traxler
Treen
Tsongas
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Waxman
Weaver
Whalen
Whitehurst
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wylie
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—45

Armstrong
Bafalis
Bauman
Beard, Tenn.
Bevill
Brinkley
Burleson, Tex.
Clawson, Del
Collins, Tex.
Conable
Crane
Davis
Derwinski
Duncan, Tenn.
Edgar
Emery
Flynt
Frey
Gibbons
Ginn
Grassley
Hammerschmidt
Hicks
Holt
Ichord
Jenrette
Johnson, Colo.
Jones, Tenn.
Kastenmeier
Lloyd, Tenn.
Martin
Paul
Poage
Quillen
Roberts
Roush
Rousselot
Runnels
Satterfield
Shuster
Steiger, Wis.
Thone
White
Whitten
Young, Fla.

NOT VOTING—82

Adams
Ashbrook
Ashley
AuCoin
Bolling
Brodhead
Brown, Calif.
Clancy
Clay
Conlan
Conyers
Dent
Derrick
Downing, Va.
du Pont
Esch
Eshleman
Evans, Colo.
Florio
Ford, Mich.
Frenzel
Giaimo
Green
Haley
Hall
Hannaford
Hansen
Harrington
Hayes, Ind.
Hays, Ohio
Hébert
Helstoski
Hinshaw

Horton
Hughes
Johnson, Pa.
Karth
Kelly
Keys
Landrum
Lent
Litton
Long, La.
Lott
Lujan
McDonald
Maguire
Melcher
Metcalfe
Milford
Mills
Mosher
Nix
O'Hara
O'Neill
Pattison, N.Y.
Pepper
Peyser
Pike
Quie
Randall
Rees
Riegle
Risenhoover
Ryan
Schneebeli
Sikes
Sisk
Snyder
Stanton, James V.
Stark
Steed
Steelman
Steiger, Ariz.
Stephens
Stuckey
Sullivan
Symms
Teague
Udall
Ullman
Wydler

The Clerk announced the following pairs:

On this vote:

Mr. Dent for, with Mr. McDonald against.

Mr. Pattison of New York for, with Mr. Derrick against.

Mr. O'Neill for, with Mr. Melcher against.

Until further notice:

Mr. Giaimo with Mr. Ashbrook.
Mr. Udall with Mr. Quie.
Mr. Brown of California with Mr. Landrum.
Mr. Florio with Mr. Clancy.
Mr. Green with Mr. Kelly.
Mr. Hall with Mr. Horton.
Mr. Harrington with Mr. Metcalfe.
Mr. Long of Louisiana with Mr. Lent.
Mr. Hughes with Mr. Conlan.
Mr. Helstoski with Mr. Milford.
Mr. Pepper with Mr. Peyser.
Mr. Riegle with Mr. Randall.
Mr. Sisk with Mr. Rees.
Mr. Karth with Mr. Lott.
Mr. Adams with Mr. Mills.
Mr. Maguire with Mr. Steelman.
Mr. O'Hara with Mr. Lujan.
Mr. Hébert with Mr. Snyder.
Mr. Stephens with Mr. James V. Stanton.
Mr. Stuckey with Mr. Steiger of Arizona.
Mr. Ashley with Mr. Steed.
Mr. Downing of Virginia with Mr. Wydler.
Mr. Clay with Mr. Symms.
Mr. AuCoin with Mr. Ryan.
Mr. Frenzel with Mr. Esch.
Mr. Teague with Mr. Johnson of Pennsylvania.
Mr. Litton with Mr. Hansen.
Mr. Hays of Ohio with Mr. du Pont.
Mr. Risenhoover with Mr. Hayes of Indiana.
Mr. Conyers with Mr. Stark.
Mr. Nix with Mr. Ullman.
Mrs. Keys with Mr. Pike.
Mr. Brodhead with Mr. Eshleman.
Mr. Evans of Colorado with Mr. Haley.
Mr. Sikes with Mr. Ford of Michigan.
Mr. Hannaford with Mrs. Sullivan.
Mr. Mosher with Mr. Schneebeli.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOMMITTING CONFERENCE REPORT ON S. 3295, HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS, TO COMMITTEE OF CONFERENCE

Mr. REUSS. Mr. Speaker, I ask unanimous consent that the conference report to accompany the bill S. 3295, a bill to amend and extend the laws relating to housing and community development, be recommitted to the committee of conference.

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

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, I presume the gentleman can assure us the minority has been consulted and agrees with this action?

Mr. REUSS. Mr. Speaker, the minority has been consulted and agrees.

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

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 12566, NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT, 1977

Mr. SYMINGTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12566) authorizing appropriations to the National Science Foundation for fiscal year 1977, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? The Chair hears none, and appoints the following conferees: Messrs. TEAGUE, SYMINGTON, FUQUA, FLOWERS, MCCORMACK, MOSHER, and ESCH.

PROPOSED BUSING LEGISLATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 94-540)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on the Judiciary and the Committee on Education and Labor and ordered to be printed:

To the Congress of the United States:

I address this message to the Congress, and through the Congress to all Americans, on an issue of profound importance to our domestic tranquility and the future of American education.

Most Americans know this issue as busing—the use of busing to carry out court-ordered assignment of students to correct illegal segregation in our schools.

In its fullest sense the issue is how we protect the civil rights of all Americans without unduly restricting the individual freedom of any American.

It concerns the responsibility of government to provide quality education, and equality of education, to every American.

It concerns our obligation to eliminate, as swiftly as humanly possible, the occasions of controversy and division from the fulfillment of this responsibility.

At the outset, let me set forth certain principles governing my judgments and my actions.

First, for all of my life I have held strong personal feelings against racial discrimination. I do not believe in a segregated society. We are a people of diverse background, origins and interests; but we are still one people—Americans—and so must we live.

Second, it is the duty of every President to enforce the law of the land. When I became President, I took an oath to preserve, protect and defend the Constitution of the United States. There must be no misunderstanding about this: I will uphold the constitutional rights of every individual in the country. I will carry out the decisions of the Supreme Court. I will not tolerate defiance of the law.

Third, I am totally dedicated to quality education in America—and to the principle that public education is predominantly the concern of the community in which people live. Throughout the history of our Nation, the education of our children, especially at the elementary and secondary levels, has been a community endeavor. The concept of public education is now written into our history as deeply as any tenet of American belief.

In recent years, we have seen many communities in the country lose control of their public schools to the Federal courts because they failed to voluntarily correct the effects of willful and official denial of the rights of some children in their schools.

It is my belief that in their earnest desire to carry out the decisions of the Supreme Court, some judges of lower Federal courts have gone too far. They have:

—resorted too quickly to the remedy of massive busing of public school children;
—extended busing too broadly; and
—maintained control of schools for too long.

It is this overextension of court control that has transformed a simple judicial tool, busing, into a cause of widespread controversy and slowed our progress toward the total elimination of segregation.

As a President is responsible for acting to enforce the Nation's laws, so is he also responsible for acting when society begins to question the end results of those laws.

I therefore ask the Congress, as the elected representatives of the American people, to join with me in establishing guidelines for the lower Federal Courts in the desegregation of public schools throughout the land—acting within the framework of the Constitution and particularly the Fourteenth Amendment to the Constitution.

It is both appropriate and constitutional for the Congress to define by law the remedies the lower Federal Courts may decree.

It is both appropriate and constitutional for the Congress to prescribe standards and procedures for accommodating competing interests and rights.

Both the advocates of more busing and the advocates of less busing feel they hold a strong moral position on this issue.

Too many Americans who have been in the long struggle for civil rights, busing appears to be the only way to provide the equal educational opportunity so long and so tragically denied them.

To many other Americans who have struggled much of their lives and devoted most of their energies to seeking the best for their children, busing appears to be a denial of an individual's freedom to choose the best school for his or her children.

Whether busing helps school children get a better education is not a settled question. The record is mixed. Certainly, busing has assisted in bringing about the

desegregation of our schools. But it is a tragic reality that, in some areas, busing under court order has brought fear to both black students and white students—and to their parents.

No child can learn in an atmosphere of fear. Better remedies to right Constitutional wrongs must be found.

It is my responsibility, and the responsibility of the Congress, to address and to seek to resolve this situation.

In the twenty-two years since the Supreme Court ordered an end to school segregation, this country has made great progress. Yet we still have far to go.

To maintain progress toward the orderly elimination of illegal segregation in our public schools, and to preserve—or, where appropriate, restore—community control of schools, I am proposing legislation to:

1. Require that a court in a desegregation case determine the extent to which acts of unlawful discrimination have caused a greater degree of racial concentration in a school or school system than would have existed in the absence of such acts;

2. Require that busing and other remedies in school desegregation cases be limited to eliminating the degree of student racial concentration caused by proven unlawful acts of discrimination;

3. Require that the utilization of court-ordered busing as a remedy be limited to a specific period of time consistent with the legislation's intent that it be an interim and transitional remedy. In general, this period of time will be no longer than five years where there has been compliance with the court order.

4. Create an independent National Community and Education Committee to help any school community requesting citizen assistance in voluntarily resolving its school segregation problem.

Almost without exception, the citizens' groups both for and against busing with which I have consulted told me that the proposed National Community and Education Committee could be a positive addition to the resources currently available to communities which face up to the issue honestly, voluntarily and in the best spirit of American democracy.

This citizens' Committee would be made up primarily of men and women who have had community experience in school desegregation activities.

It would remain distinct and separate from enforcement activities of the Federal Courts, the Justice Department and the Department of Health, Education and Welfare.

It is my hope that the Committee could activate and energize effective local leadership at an early stage:

—To reduce the disruption that would otherwise accompany the desegregation process; and

—To provide additional assistance to communities in anticipating and resolving difficulties prior to and during desegregation.

While I personally believe that every community should effectively desegregate on a voluntary basis, I recognize that some court action is inevitable.

In those cases where Federal court actions are initiated, however, I believe that busing as a remedy ought to be the last resort, and that it ought to be limited in scope to correcting the effects of previous Constitutional violations.

The goal of the judicial remedy in a school desegregation case ought to be to put the school system, and its students, where they would have been if the acts which violate the Constitution had never occurred.

The goal should be to eliminate "root and branch" the Constitutional violations and all of their present effects. This is the Constitutional test which the Supreme Court has mandated—nothing more, nothing less.

Therefore, my bill would establish for Federal courts specific guidelines concerning the use of busing in school desegregation cases. It would require the court to determine the extent to which acts of unlawful discrimination by governmental officials have caused a greater degree of racial concentration in a school or school system than would have existed in the absence of such acts. It would further require the court to limit the relief to that necessary to correct the racial imbalance actually caused by those unlawful acts. This would prohibit a court from ordering busing throughout an entire school system simply for the purpose of achieving racial balance.

In addition, my bill recognizes that the busing remedy is transitional by its very nature and that when a community makes good faith efforts to comply, busing ought to be limited in duration. Therefore, the bill provides that three years after the busing remedy has been imposed a court shall be required to determine whether to continue the remedy. Should the court determine that a continuation is necessary, it could do so only for an additional two years. Thereafter, the court could continue busing only in the most extraordinary circumstances, where there has been a failure or delay of other remedial efforts or where the residual effects of unlawful discrimination are unusually severe.

Great concern has been expressed that submission of this bill at this time would encourage those who are resisting court-ordered desegregation—sometimes to the point of violence.

Let me here state, simply and directly, that this Administration will not tolerate unlawful segregation.

We will act swiftly and effectively against anyone who engages in violence.

I assure the people of this Nation that this Administration will do whatever it must to preserve order and to protect the Constitutional rights of our citizens.

The purpose of submitting this legislation now is to place the debate on this controversial issue in the halls of Congress and in the democratic process—not in the streets of our cities.

The strength of America has always been our ability to deal with our own problems in a responsible and orderly way.

We can do so again if every American will join with me in affirming our historic commitment to a Nation of laws, a people of equality, a society of opportunity.

I call on the Congress to write into law a new perspective which sees court-ordered busing as a tool to be used with the highest selectivity and the utmost precision.

I call on the leaders of all the Nation's school districts which may yet face court orders to move voluntarily, promptly, objectively and compassionately to desegregate their schools.

We must eliminate discrimination in America.

We must summon the best in ourselves to the cause of achieving the highest possible quality of education for each and every American child.

GERALD R. FORD.

THE WHITE HOUSE, *June 24, 1976.*

REQUEST FOR PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO SIT DURING 5-MINUTE RULE TOMORROW

Mr. TRAXLER. Mr. Chairman, I ask unanimous consent that the Committee on House Administration may be permitted to sit during the 5-minute rule tomorrow.

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

Mr. BAUMAN. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

SHORTCHANGING THE NATIONAL PARK SYSTEM

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

Mr. RYAN. Mr. Speaker, yesterday my friend and colleague GILBERT GUDE inserted into the RECORD the first portion of a report by the National Parks and Conservation Association—NPCA—entitled "Shortchanging the National Park System." This description of funding deficiencies of historic and recreation areas summarizes the results of part of the 1975 NPCA Park Resource Survey.

Today I am providing the Members with the second half of the NPCA report, which discusses the impact of personnel ceilings and budgetary deficiencies on natural areas of the National Park System. The conclusions of this study are consistent with the findings and recommendations contained in a report titled "The Degradation of Our National Parks," which was approved recently by the Conservation, Energy, and Natural Resources Subcommittee, of which I am chairman.

On Friday of this week Mr. GUDE will offer two amendments to the Interior Appropriations bill designed to provide money for desperately needed maintenance and personnel in our National Parks. Long recognized as a leading conservationist with a particular knowledge and expertise on National Park matters, Mr. GUDE's decision to offer this amendment is based on his particpation in the Conservation, Energy, and Natural Resources Subcommittee investigation of deterioration in the national parks.

I urge all Members to support this worthwhile amendment.

I compliment the NPCA on its excellent work, and I recommend that each

Member take the time to read their report which follows:

SHORTCHANGING THE NATIONAL PARK SYSTEM: NATURAL AREAS

For nearly three years NPCA has been protesting the budgetary restrictions and low personnel ceilings that the President's Office of Management and Budget (OMB) imposes on the natural resource agencies. After several meetings with NPCA during this time, OMB invited the Association in August 1975 to provide information on specific units within the National Park System where lack of enough funds or personnel has impinged on visitor enjoyment or resource management.

Consequently, NPCA conducted an extensive field survey of its trustees and correspondents and of national park superintendents and other informed citizens. The summary of the survey findings for natural areas printed here is a representative sample of the replies received and does not attempt to be comprehensive for the entire National Park System. A summary of the findings from historic and recreation areas will follow in the March 1976 issue. This information was presented in December 1975 in somewhat different form with testimony on invitation at a congressional oversight hearing called to investigate OMB's imposition of low personnel ceilings on the National Park Service.

Acadia National Park, Maine. Despite heavy visitation resulting in overcrowding of park areas accessible to the public, NPS has been unable, because of insufficient funds and staff to either disperse visitors over a larger area of the park by opening other backcountry camps and trails, or to fully protect either the park resource or the park visitors. On the Schoodic section, vista clearing operations on turnouts and scenic overlooks has in some cases been neglected for as long as ten years. Despite annual visitation of 300,000 in this section, only one park ranger is available. Nearly 75 percent of park maintenance funds is provided by the state through unemployment funds and a program for college students seeking employment in their field of study. Nevertheless, maintenance standards in the park are well below optimum. The natural history interpretation program is severely curtailed by staff constraints with the result that only one ranger was available part time during the month of September 1975 for more than 30,000 visitors. The park master plan has been slowed for more than two and a half years by lack of sufficient staff.

Arches National Park, Utah. Maintenance and cleanup suffer from lack of staff and funds. There is *no* manpower to carry out backcountry patrols, which should be done three times per week in this park. There are not enough personnel to staff entrance fee collection stations for the full prime visitor season; it can now be done only from May to September rather than from April to October as should be done. Law enforcement staff is minimal even during the busy season. Preparation of the park master plan is far behind schedule due to lack of staff. The park has no full-time interpreter.

Badlands National Monument, S.D. All park buildings are in a poor state of repair. Campgrounds and roads have deteriorated considerably. Staff is generally insufficient to patrol remote areas of the monument.

Big Thicket National Preserve, Tex. The National Park Service's lack of personnel for land acquisition functions has greatly slowed acquisitions for this new area and has forced the Park Service to contract with the Corps of Engineers for the land acquisition function. In the meantime, severe damage is being done to the park resource by continued timber cutting by private landowners and private logging companies. Personnel consists of half a dozen people working out of a trailer trying to manage 85,550 acres of scattered units covering some 3,500 square miles of land. This preserve needs high priority for personnel and budget, or it will die on the spot.

Canyonlands National Park, Utah. Maintenance of buildings, grounds, and visitor facilities suffers from lack of funds and staff. Roads are poorly maintained. The park lacks even temporary personnel for trail maintenance. Protection of public health; campground and backcountry patrols; and park interpretation programs suffer from lack of funds and are not up to standard. After fourteen years two major development areas of the park still have only "temporary" facilities for visitors, due to lack of construction money.

Capitol Reef National Park, Utah. Insufficient budget resourves have restricted interpretation, resource management, maintenance, and administration of the area. Several historical structures are in danger of collapse and decay. Roads are maintained on an emergency basis only. There is only one naturalist on the permanent staff for nearly ¼ million acres. Public health and visitor protection are not being adequately provided for. Park interpretive programs (i.e. movie and publications) are out of date but cannot be updated for lack of funds. Contracts let for master planning and environmental statements produced finished products that were unacceptable and unusable; NPS employees, had they been available, could have done a proper job at less cost to the government.

Carlsbad Caverns National Park, N.M. Insufficient manpower has been responsible for a less than acceptable level of protection of the fragile, irreplaceable cavern resource. Permanent staffing in the Visitors Services and Cavern Protection Division dropped from 23 in 1963 to 11 as of June 1975, but during this same period visitor travel to the park increased from 586,000 to more than 800,000 annually, or a 46 percent increase. Surface nature walks and primitive cave tours have been greatly reduced and may have to be eliminated in 1976 due to lack of personnel. Backcountry trails have deteriorated from lack of maintenance to a point that they are open only to very experienced hikers and horsemen. Serious damage to park structures is likely unless funds are made available for roof repair and replacement.

Cedar Breaks National Monument, Utah. The park interpretation program is being handled by two volunteers from the Student Conservation Association, rather than by seasonal or permanent Park Service interpreters. Restrooms are substandard and do not provide an adequate level of protection for public health.

Channel Islands National Monument, Calif. Personnel restrictions have prevented location of staff on either of the two islands comprising the monument; consequently, the islands have not been adequately managed or protected, and visitors services have been minimal or nonexistent. Lack of building maintenance on the islands has resulted in cracked windows, neglected paint jobs, outdated electrical systems—in general, run-down buildings. Due to lack of personnel maintenance of administrative facilities such as boats can presently be provided only when the equipment becomes dangerous or practically inoperative. The monument's interpretive program is often unable to provide rangers for groups that want talks or tours. The park master plan team organized last year was disbanded for lack of funds.

Colorado National Monument, Colo. Paved roads in this area have deteriorated to a system of patches due to lack of funds, with no alternative in sight other than to apply patch after patch. Personnel have been unavailable for routine trail maintenance for the past several years. Seasonal personnel restrictions mandate a heavy reliance on "devices" rather than personnel presentations in the interpretive program. Costs from vandalism are increasing due to lack of enough law enforcement personnel during spring and fall seasons.

Crater Lake National Park, Oreg. The near catastrophe at Crater Lake during the summer of 1975 resulting from a contaminated water supply was largely the result of budgetary cutbacks that had delayed overhauling of the sewerage and water supply systems, which has been needed for years. Protection of the park resource and of public health has suffered from lack of adequate funding.

Death Valley National Monument, Calif. The serious threat of continued extensive strip mining for talc and borates will continue unimpeded unless funds for purchase of these mineral rights are made available. The Furnace Creek campground area is extremely overcrowded and deteriorating physically, with park personnel, due to inadequate funding, unable to control the deterioration. Periodic washouts of roads take years to repair because of insufficient manpower and inadequate funding. No funds have been available for mass transit facilities for visitors, although greatly needed. The Park Service needs greatly increased funds to adequately cope with the feral burro problem, which causes severe destruction in large areas of the monument. Funds for basic research in this area have been lacking for many years.

Devil's Tower National Monument, Wyo. The visitor center built in 1938 is in urgent need of repair and rehabilitation. The last construction in the monument took place in fiscal year 1961. The master plan for the monument has not been updated since 1958. Maintenance programs generally for buildings, campgrounds, lawns, roads, and trails are operating at about 70 percent of the National Park Service standard.

Everglades National Park, Fla. In midsummer (even though not the best time of year to visit this park) the park's mass transit vehicles are too crowded; more are needed. Due to not enough law enforcement personnel some areas have suffered abuses from illegal off-road vehicle activity. Planned installation of new back-country camping sites has been halted because of lack of funds and insufficient personnel for servicing, maintaining, and patrolling them; this results in overcrowding and destruction on established sites. Interpretive programs have been set back severely. Maintenance of buildings has gone unattended, and these facilities have suffered as a result. Certain free tram rides in the park will be cut back or stopped, as in Shark Valley, due to lack of funds. Only 83 of 104 permanent positions are filled. The park has abolished three permanent positions to provide permanent staffing in other areas of the park system, and has relinquished $22,800 for redirection. In addition, $26,700 has been generated for redirection by curtailing existing seasonal and temporary personnel services, support costs, and travel programs. If the $49,500, three permanent positions, and 2.3 man-years of seasonal employment are actually taken from the park, there is serious question whether the park can operate for the remainder of the fiscal year at even minimum standards.

Glacier National Park, Mont. In 1963 this park provided its scenic wonders to 800,000 visitors with 72 permanent and 291 seasonal employees. By 1975, with visitation at 1.6 million, permanent staff had been cut to 56 and seasonals to 273. The seriousness of these personnel cutbacks is compounded by the addition of many necessary tasks such as fee collection in more than twelve campgrounds, preparation of environmental impact statements with the need for public involvement and thus public meetings, backcountry and wilderness management and new park personnel programs. Park maintenance buildings and living quarters (some constructed twenty to fifty years ago) are not even being maintained at the standards existing at the time of their construction. Historic structures are not being ade-

quately preserved, and roads are deteriorating. Trials also are deteriorating rapidly with about 20 percent of the 1,000 miles of trails existing several years ago no longer receiving any maintenance at all. Manpower available for visitor protection and public health programs and for backcountry and campground patrols has declined as visitation has increased, resulting in inadequate protection of both the visitor and the resource. Lack of sufficient personnel for concession management has resulted in a decline in service but a rise in prices. A park spokesman states, "Morale has been going downhill for three years and getting worse. Manpower and budget restraints have passed the breaking point with no hope of future relief. Other land management agencies, especially BLM, seem to be the new stars."

Grand Canyon National Park, Ariz. Permanent Park Service staff at Grand Canyon National Park is more than one hundred man-years below the level that NPS has determined to be necessary for full and complete administration of this world-acclaimed park. Personnel ceilings have resulted in contracting out as much as 40 percent of building and road maintenance with a resultant increase in expenditures for this purpose. But even with the contracting that is done, only one-half the manpower and money needed to meet park standards for building maintenance is available. Due to a severe lack of funds and other higher priorities, many miles of trails receive no maintenance even when emergency situations exist. Park officials estimate that the catch-up maintenance, especially on roads and trails, which will be necessary in Grand Canyon park could result in a doubling to quadrupling of costs over preventive maintenance programs.

Law enforcement, visitor protection, and public health services only approach adequacy in the developed areas of the park during the period of extremely high summer visitation. These services are poor in areas of low visitor density or in off-peak seasons. The concessions management operation is severely understaffed. Only one full-time concession specialist and one part-time sanitarian are available, whereas a doubling of this staff is essential. Concerning the concessioner, Fred Harvey, Inc., one frequent park visitor remarked, "Grand Canyon suffers from almost complete autonomy of the concessioner. Long waits for dinner may be spent. Complaints about food or service, no matter how courteous, are regarded with aloof unconcern. Writing to the National Park Service about these matters may obtain a reply expressing general or complete satisfaction with the concessioner. Whatever the NPS office may say, they give their concessioners almost complete sway. The souvenir shops are universally shoddy monuments to poor taste and irrelevance."

Great Smoky Mountains National Park, N.C. and Tenn. Perhaps the most heavily used park in the system, the park generally and the backcountry in particular suffer from overuse. This problem is exacerbated by a serious lack of law enforcement and backcountry patrol by park rangers due to lack of personnel. Maintenance of facilities including trails suffers from lack of personnel to perform necessary functions. Poor trail maintenance not only increases difficulties and hazards for the visitor but also results in increased erosion; thus the resource suffers from lack of funds.

Guadalupe Mountains National Park, Tex. As a new park, authorized in 1966 and established in 1972, Guadalupe Mountains has never operated with anything but old, temporary facilities with a skeleton staff of four permanent employees and eight to fifteen temporary employees to manage more than 81,000 acres. All four of the National Register historical structures are suffering from lack of repair and stabilization due to lack of funding. Standardized visitor interpretation is nonexistent. There are no park interpreter, summer assistants, office space, or interpretive equipment budget. Often the park must request staff assistance from Carlsbad Caverns National Park to meet special use of interpretive needs, which in turn results in limitation of Carlsbad Caverns operations.

Katmai National Monument, Alaska. Poaching of the Alaskan brown bear in Katmai is a severe problem that the Park Service is unable to adequately address due to insufficient personnel to adequately cover the 2.7 million acres of the monument. A small wildlife patrol plane is needed, but funds are not available.

Lassen Volcanic National Park, Calif. Discovery of a geological fault in the park which could result in a severe landslide resulted in the closure of the park facilities in the lower, more developed and popular areas of the park. However, it seems that the reason for this closure may be financial as much as concern for the safety and health of the visitors. No attempt has been made to replace closed facilities with anything comparable in what is supposed to be a safe area.

Lava Beds National Monument, Calif. The monument lacks the funds for major maintenance projects such as seal-coat of roads, replacement of pumps, and rehabilitation of radios and power lines.

Lehman Caves National Monument, Nev. Insufficient levels of personnel have resulted in increased vandalism to cave formations and in reduced visitor enjoyment and longer waits between tours. The monument is closed to the public at night, and no visitor fee collection can be conducted in the wintertime due to insufficient personnel.

Mammoth Cave National Park, Ky. Interpretive quality and cave resource protection fall far short of satisfaction due to high visitor-to-interpreter ratio. Year-round wildlife poaching is not controlled. Funds are insufficient to establish an immediate program of road maintenance. Cave tour parties are too large to permit a quality park experience. The law enforcement staff is insufficient to provide the necessary resource and visitor protection. The problem is further complicated by the exstence of a 214-man Job Corps center, a 30-man Youth Conservation Corps camp, a campground, and two major concession operations in the park. The park has experienced major incidences of crime, vandalism, traffic violations, and poaching requiring twenty-four-hour patrols by rangers. The park has no financial program for the preservation of its historical properties. The park lacks a full-time research management ecologist to handle the research program. The available staff man-hours are insufficient for adequate administration of the concession contract.

Mount McKinley National Park, Alaska. After the McKinley lodge partially burned in 1972, railroad cars were moved in to serve as visitor accommodations. Thus, visitors stay in a room the size of a double bed, with two single bunks, nonopening windows, and a very inadequate heating system—renting for $21. Inadequate funding has prevented the park from completing plans for restoration of the McKinley lodge. Insufficient numbers of park personnel for campground patrols have resulted in severe damage to the park resources, particularly at Riley Creek campground at Mt. McKinley's entrance, where the forest is being stripped bare for use as firewood, with green trees being cut in some cases. Inadequate funding and insufficient personnel have prevented necessary road maintenance; bus accidents have occurred as a result.

Mount Rainier National Park, Wash. Personnel limitations and shortage of funds have caused a lack of most maintenance operations including reroofing, painting, table and fireplace replacement in campgrounds, relocation of backcountry campsites, and restoration of damaged sites. The lack of funds has deferred needed repairs to wastewater treatment facilities to meet EPA standards. Current funding for law enforcement does not permit twenty-four-hours-a-day patrol and radio dispatch, which are needed especially during the peak visitor season. Professional expertise is needed in the field of concession management to provide competent review, oversight, and enforcement of concession management policies, a lack of which often results in inadequate visitor services and abuse of the park resource. The park is operating with permanent personnel vacancies, which result in failure to meet the minimum standards for this unit of the park system. Due to restrictions of personnel, entrance fees are collected for shorter hours and fewer weeks during the peak visitor season. Consequently less money is collected.

Rocky Mountain National Park, Colo. Backcountry use more than quadrupled between 1964 and 1974; yet, during this time, two permanent park ranger positions were abolished due to personnel ceilings and lack of adequate funding. As a result, thefts and other violations have increased substantially. The GSA–11 management assistant position was abolished, resulting in inadequate attention to land acquisition, public relations, and concession management. The position of park ranger responsible for the wildlife management program was also abolished, resulting in curtailment of the winter elk trapping and tagging operations for several years. Another park range position was abolished, resulting in curtailment of both winter and summer patrol activity with a consequent increase in vandalism in the campgrounds at the Green River Ranger Station and the West Unit visitor center. During 1974 the Volunteers in Parks program and the student assistant program contributed 3,884 man-hours of voluntary time in manning the information desk 24 hours per week and assisting in the dispatch office 16 hours per week. This assistance augmented the services of paid park employees and significantly helped to make up these vital visitors service functions, which could no longer be provided because of lack of funds. However, because of restrictions on the use of these volunteers, they could not perform at the same standard as employees of the Park Service. In 1971 the park road crew had twelve temporary employees; in 1974, only nine. Lack of funds for road maintenance has resulted in a loss of tremendous investment. No chip and seal on the park roads has been done since 1971. In 1974, lack of sufficient personnel resulted in the inability to open old Fall River road to park visitors by plowing; the road was not open until the snow had melted. The positions of civil engineer and landscape architect have also been abolished, with professional services provided by these positions falling under the responsibilities of the chief of maintenance with an adverse effect on the whole maintenance operation. Garbage cans can now be collected only three times a week rather than seven days a week as was done previously, resulting in overflowing cans and scattering by animals.[14]

Shenandoah National Park, Va. There is a lack of enough personnel and funds to properly manage, operate, and maintain the park in accordance with published National Park Service standards. Resources available in FY 1975 provide for 50 man-years of permanent positions and 89 man-years of other-than-permanent positions with funds totaling $2,493,500, whereas to meet standards 128 man-years of permanent personnel and 132 man-years of other-than-permanent personnel with funds totaling $4,304,690 are needed.

Most buildings are thirty-five years old or older and continue to require an increasing amount of repair which cannot be done with funds available. Rotting timbers and sidings,

failing electrical apparatus, and deteriorating roofs continue to be the major building problems. Because of the lack of maintenance in some of the campgrounds the groundcover has almost vanished and now requires major work to reestablish the eroded material, but there are not enough personnel to do this work. Funds normally used for trail maintenance have been diverted to higher priority items with the result that many backcountry trails are now unsafe. The park is unable to meet any of the requirements established by EPA and the Public Health Service for visitor health and safety. Only a few of the water systems employ a disinfection apparatus; more are required to ensure public protection, but the park does not have the money to purchase and operate these units. The sewage systems do not comply with EPA standards because of lack of personnel and funds. Few septic tanks are ever pumped, and some are full of sludge and cannot provide the limited treatment normally expected. Due to personnel limitations, one visitor center, Dickey Ridge, will be closed for the winter season, and evening programs and walks have been placed on a much limited schedule during the spring and fall seasons. Present staffing and funding restrictions limit patrols to areas of heavy use in the summer months and weekends in the off-season. Little-used areas are patrolled infrequently or not at all. Use of backcountry is increasing more rapidly than overall visitation. No hunting patrols to prevent poaching are carried out during the hunting season. Campgrounds are closed for the season early and opened late the next season for lack of staff to operate them. Law enforcement patrol coverage is normally only sixteen hours per day with a resulting increase in vandalism during the other hours. Comprehensive concession management is not possible at present staffing levels.

Timpanogos Cave National Monument, Utah. Maintenance is severely curtailed. Trash pickup schedules have been reduced; lawns are mowed and trimmed less frequently; roadsides are not cleaned, mowed, or stabilized as frequently as needed. Picnic tables are refinished less often; replacement of worn-out fireplaces is not done on a current basis. Foot patrols have been severely cut back, increasing the potential for fire, safety hazards, and vandalism. The number of law enforcement patrols has been reduced in an area subject to vandalism. Funds are not available for badly needed cave research to establish carrying capacities, methods of cleaning information, and environment damage to cave life.

Virgin Islands National Park, V.I. Beach maintenance has been a constant high-priority job for such heavily used areas as Trunk Bay. Daily attention is needed, but only three days a week are available presently due to insufficient manpower. Most park buildings have had little maintenance—even painting—in some cases for as far back as ten years. Funds are not available for stabilization or restoration of historic structures. Visitor protection and public health program positions are filled by seasonal and subject-to-furlough personnel, whereas full-time trained personnel are needed for these vital functions. The interpretation program is heavily oversubscribed, resulting in a very unfavorable interpreter/visitor ratio. Consequently, the park visitor receives an unsatisfactory experience.

Voyageurs National Park, Minn. Although authorized in 1971, Voyageurs has only three to five permanent personnel and has received limited funding for land acquisition. Interpretation programs are virtually nonexistent. Staff for patrols throughout the park are particularly critical because of repeated threats by some local citizens to continue hunting and driving their off-road vehicles throughout the park area.

Yellowstone National Park, Wyo., Mont., and Idaho. Insufficient staff and funding have prevented the establishment of a cyclic rehabilitation program for campgrounds, buildings, historic structures, and roads, resulting in gradual deterioration, which, though not attracting immediate attention, ultimately results in higher replacement costs. Only twelve employees are available to maintain more than 1,000 miles of trails; that number is sufficient only for removing blowdowns blocking trails rather than other essential work such as drainage repair. The park's modern sewage disposal system requires more highly trained personnel for operation than heretofore required. Concession management in the canyon and village area has been reported as extremely poor in 1975. Old Faithful Inn, important both as a historic property and for current visitor accommodations, is in a dire state of disrepair. Campgrounds are often closed in the fall before the visitation drops off, because seasonal employees are released on a predetermined time schedule. Many essential jobs are filled by less than full-time employees.

Yosemite National Park, Calif. Campgrounds are in a major state of disrepair in some areas of the park due to insufficient personnel. The campground at Tuolumne Meadows needs to be completely renovated after years of heavy use. The bridge on the John Muir Trail over the Dana Fork of the Tuolumne River is in an extremely dangerous condition of disrepair. Because it is adjacent to a main road, it gets heavy use including use by children and elderly people. Although its unsafe condition warrants immediate replacement on an emergency basis, inadequate funding is available. Insufficient backcountry patrol staff enables inexperienced backpackers to build campfires in new areas and to put up tents in fragile meadows.

Zion National Park, Utah. Permanent employee positions allocated to this park total twenty-eight. However, additional permanent personnel are needed for interpretation, maintenance, and protection; and additional seasonal personnel are needed for visitor protection, fee collection, and interpretation if programs are to operate at standard. The Kolob Terrace Road requires considerable maintenance at present, but funding is not available. In recent years the trail system has received less and less attention, particularly in the backcountry areas of the park. The water and sewage systems for the most part are between thirty and forty years old and will require considerable upgrading in the near future if they are to meet acceptable public health standards and if a repeat of the public health crisis at Crater Lake during the summer of 1975 is to be avoided in Zion. Backcountry patrol has suffered immensely in recent years, because it is one of the first items cut if personnel are required for other duties. Fee collection stations are not currently operated on a twenty-four-hour basis due to lack of manpower. Around-the-clock station operation not only would provide considerable additional revenue but would improve law enforcement and general park protection because of greater control over visitors entering and leaving the park. In recent years the park has experienced an increase in enforcement actions and investigation of crimes against visitors and park property, which warrants an increase in personnel for visitor protection and campground patrols.

THE NEED FOR A SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 60 minutes.

Mr. WOLFF. Mr. Speaker, I have reserved time this evening so that the Members of the Ad Hoc Committee on International Narcotics Control would have an opportunity to elaborate on the need for the House to swiftly create the Select Committee on Narcotics Abuse and Control. I am joined this evening by my distinguished colleagues Mr. RODINO, Mr. MURPHY of Illinois, Mr. RANGEL, and Mr. GILMAN, each of whom has worked over a period of years to combat the problem of drug abuse. We have convened hearings, traveled to the producing countries, and sponsored legislation in our efforts to investigate the scope of the problem, and then propose a constructive Federal response. We feel that the select committee is essential if the Congress is to be able to have an on-going input into the Federal strategy to combat drug abuse.

Last night I introduced 10 identical resolutions which include the names of more than 220 Members of the House from all parts of the country and both sides of the aisle. The cosponsors include the entire leadership of the Democratic Party and seven chairmen of standing committees. The support of the majority of the Members of the House indicates that the Congress is prepared to respond in a constructive way to the drug epidemic which is sweeping the country.

The Members of the Ad Hoc Committee met with President Ford on December 22, 1975, to urge greater coordination of the administration's narcotics control programs and efforts. This January I went to Mexico with Mr. GILMAN where we met with President Luis Echeverria to negotiate a joint United States-Mexican narcotics monitoring commission. The Secretary of State endorsed the commission proposal and President Ford has directed members of his staff to carry through on the initiative in his message to the Congress on drugs, dated April 27, 1976. It is readily apparent, when one notes that a majority of the House has cosponsored the resolution to create a Select Committee on Narcotics, as well as the House Democratic leadership, that the Congress is prepared to act on President Ford's drug message, and that we will do our part in formulating a comprehensive drug abuse strategy.

I have publicly endorsed the President's pledge to do "whatever is necessary" in the war against narcotics. However, the fact is that today we still have chaos in the Federal handling of narcotics control policy where 17 agencies and departments split jurisdiction. The bottom line is that drug addiction, and the estimated $17 billion annual drug-related crime cost, are at all-time record levels, despite some $750 million in appropriations scattered throughout the Federal bureaucracy for narcotics control and treatment.

The initial purpose of the select committee will be to help coordinate congressional policy on all aspects of drug abuse. It will help the seven standing committees of the House which currently exercise jurisdiction over the many facets of drug abuse legislation to formulate comprehensive plans and responses to the problem. We must strike a balance between what are now independent anti-drug abuse approaches. Federal programs which aim at reducing supply must be balanced against those which are geared

toward eliminating demand. Programs of enforcement must be coordinated with programs of treatment and prevention.

The select committee will include members from each of the seven standing committees which currently have jurisdiction over any aspect of narcotics control or treatment. The Select Committee will not have legislative jurisdiction, but will serve an investigative and oversight function for the entire House by conducting a continuing comprehensive study and review of the problems of narcotics abuse and control. These efforts would include, but not be limited to, international trafficking, enforcement, prevention, narcotics-related violations of the Internal Revenue Code of 1954, ininternational treaties, organized crime, drug abuse in the Armed Forces of the United States, treatment and rehabilitation, and the approach of the criminal justice system with respect to narcotics law violations and crimes related to drug abuse.

It is clear that we are now at a crisis period in our efforts to combat drug abuse. The number of heroin addicts has soared to more than 500,000 and shows no signs of tapering off. Even more importantly, the impact of drug abuse has now stretched across the country and includes the small towns of this Nation as well as the urban centers. The destructive affect of drug abuse includes not only the deaths of over 5,000 young Americans annually but also staggering amounts of street crime. It is estimated that more than one-half of all robberies, muggings, and burglaries are committed by drug abusers to support their habits.

The select committee will provide the Congress with a forum and the resources to effectively address the long and short term aspects of drug abuse and thus fulfill its responsibility to the citizens of this Nation.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding and I rise in support of this measure, which I am pleased to cosponsor, establishing a Select Committee on Narcotics Abuse and Control.

I call to my colleagues' attention the continuing diligent efforts by the gentleman from New York (Mr. WOLFF) on behalf of the youth of America to put an end to narcotic trafficking.

Together with a small ad hoc group of my colleagues, we have been battling the evils and crimes of the organized drug business for some time. Our travels have taken us to Southeast Asia, to Turkey, and last winter, to Mexico and Colombia, the origin of the "Latin Manhattan Connection"—the thousands of acres of poppy fields where the U.S. bound heroin crop is grown and the home of the cocaine products in distant cities of Colombia.

Poppy fields are not a pretty sight and neither are the "drug pits" in Harlem where a great deal of those drugs wind up. As a result of our travels we recognized that for the American people to really defeat this problem, they must first know their enemy and then be given the money, manpower, and equipment needed to fight the battle. It is up to the U.S. Congress to provide that information to make the public aware and to provide the tools to do the job.

That is why this Select Committee on Narcotics Abuse is needed, and needed now. Judging from the recent reports of substantial shipments of heroin that have been seized by our Drug Enforcement Administration agents, it is apparent that the tide is beginning to turn in our favor.

But, in order to properly fulfill our obligation to effectively fight this criminal activism, a congressional investigative unit is urgently needed. Such a commission could conduct a continuing comprehensive study and review of the problems emanating from drug trafficking and drug abuse. The select committee could study the problems of controlling drugs, of eradicating foreign sources, of interdiction of narcotic traffic of coordinating our national effort to stamp out this evil. It is more than a national problem—its scope is international.

The cost to the American taxpayer cannot possibly come close to the yearly sacrifice we pay in lives, suffering and drug-related crimes. Last year 5,000 Americans, mostly youngsters who had not reached their 21st birthday, died from drug overdoses; there are currently 500,000 hardcore drug addicts in the United States; and drug-related crimes cost the American public last year an estimated $17 billion.

Now, more than ever, we need concerted congressional action to lower those sad statistics. This proposal would be a start.

Accordingly, I urge my colleagues to join with us in a creation of this important committee, now, while we have a soluion to the problem in sight.

Mr. RANGEL. Mr. Speaker, on Tuesday Congressman LESTER WOLFF introduced legislation which would create a Select Committee on Narcotics Abuse and Control. As a vigorous cosponsor of this resolution, I would like to take a few minutes to highlight the need for such a select committee at this time.

Those of us in Congress who have been concerned about the narcotics problem of this Nation are finding that our efforts to reduce the flow of drugs reaching this Nation are indeed hampered by an inability to coordinate our activities in this regard. Our efforts in Turkey to reduce the amount of opium poppy coming from that nation led to an increase in trafficking from other parts of the world. Simply put, we cannot attempt to reduce the amount of drugs in this Nation by attacking individual trouble spots. Our efforts must be directed at all the drug-producing nations.

This approach by my colleague LESTER WOLFF represents the first significant attempt by Congress to deal with the drug abuse question. By adopting this resolution, we would be allowing those committees of the House that have jurisdiction over the various aspects of the narcotics issue to devise a program for combating this menace. In this way we could deal in a much more rational fashion with programs which are designed to eliminate the drugs while at the same time coordinate our efforts in attempting to treat and rehabilitate those who have become addicted to these drugs.

I am certain that I do not need to point out to my colleagues the need for this important legislation. There is an epidemic which is spreading throughout this land. For a while this epidemic was confined to our central cities. However, now drug use is speading to the small towns in our country. We are spending billions of dollars in attempting to control the drug cancer. Many of the crimes that occur on our streets can be attributed to those people who are looking for funds which will enable them to continue their habit.

In short, the Congress must do something to help to alleviate the drug problem. Although none of us are totally certain of what path will produce the best results, this select committee provides the best vehicle for ideas to be exchanged with the hope that a policy will emerge which will successfully allow us to bring this problem under control. I enthusiastically support this resolution.

Mr. MURPHY of Illinois. Mr. Speaker, it is a distinct privilege for me to join Congressmen LESTER WOLFF, PETER RODINO, CHARLES RANGEL, and BEN GILMAN in a special order to discuss our resolution providing for the establishment of a Select Committee on Narcotics Abuse and Control. I would like to give special mention to my friend and colleague from New York, LESTER WOLFF. Lester was the motivating force behind this resolution. I commend his legislative initiative and his long-standing commitment to the fight against narcotics.

I would like to discuss the rationale for the select committee. We do not need a new look at drug abuse but we do need a comprehensive look at it. We have to coordinate the education programs with the rehabilitation and treatment. We have to be certain that the law enforcement approach is not in conflict with the courts' handling of convicted pushers and users. We have to provide a check on bureaucratic jealousies that have plagued the narcotics fight since its beginning. We have to be certain that State and local efforts are consistent with the Federal Government's role and vice versa.

Agency heads are now answerable to the House Committees on Armed Services, Government Operations, International Operations, Interstate and Foreign Commerce, Judiciary, Merchant Marine and Fisheries and Ways and Means. They wear different hats before different committees. There is no congressional forum where these agency representatives can go beyond the narrow jurisdictions of the committees and talk about drugs in a broad context. Agencies may be holding some of the answers to our drug problem but they are never asked the right questions or given an opportunity to put it all together.

I have joined in floor debates, ad hoc hearings, and presidential briefings with Congressmen WOLFF, RANGEL, RODINO, and GILMAN. We know that we have served a purpose but we are convinced that such a part-time unofficial arrangement is not enough. It is good to know that individual Congressmen respond to drug crises but we must be in the business of predicting and preventing these crises as well.

We need a Select Committee on Nar-

cotics Abuse and Control to focus on the problem. People typically think that a crisis has been resolved when front-page coverage stops. The fact is that we declared war on narcotics some years back but we have not yet begun to fight.

There have been a few skirmishes but the war lacks coordination and planning. My remarks should not be interpreted as a criticism of the men and women involved in stopping narcotics abuse. I am proud to associate myself with them. The point is that men and women in different agencies often work at cross-purposes because we have failed to make hard decisions about goals, and even when we make decisions we fail to equip these people with the tools and the authority to carry them out.

The national picture is not good. Robert DuPont, Director of the National Institute on Drug Abuse—NIDA—admits that heroin use has increased at a steady albeit slow rate since mid-1973. According to NIDA's 1976 Heroin Indicator Trend Report, the street-level purity of the drug has improved and the price to the user has decreased because of its availability.

I would like to get regional in my comments for a few minutes. The Illinois Legislative Investigating Commission—ILIC—issued a report this month entitled "Mexican Heroin." The ILIC examined drug law arrest data for my city of Chicago and confirmed that the cut-off of the Turkish supply resulted in a decline in the total number of active addicts between 1972 and 1973. Once Mexico could establish itself as the new source of the drug, however, the statistics changed drastically. In 1974, there was a significant increase in the total addict population. The report concludes:

> These addicts appear to have only temporarily dropped out of the addict pool by necessity. During the same period, the number of addicts in suburban Cook County appears to have steadily increased.

Using all the data available, the ILIC estimated that there are 37,500 addicts in Cook County. The ILIC admits that the figure is rough but the Commission needed some estimate to determine the quantity of heroin used and the amount of money addicts in Cook County need to support their habits.

Based on Drug Enforcement Administration estimates that the average addict needs approximately 50 milligrams of pure heroin per day to support his habit, and the average price per milligram of pure heroin is $1, addicts must obtain approximately $50 per day to feed their habit. The ILIC report notes that for all the suspected 37,500 addicts in Cook County, this amounts to a cost of $1,875,000 a day or $684,375,000 annually. I think we can all use our imaginations to translate the Chicago need to a national need. Furthermore, we can figure out the criminal costs necessary to pay for these habits.

In a May 17 column in the Chicago Tribune, Bob Wiedrich talked about the hamstringing of law enforcement people in their attempt to cut off drug profits. He said that the American people cannot relate to the narcotics nightmare and have thus been unable to take any effective steps to correct it.

The point is that you cannot rely on cops and agents and our court system to eliminate the drug problem. It will not begin to go away until we squarely face up to our individual responsibilities. We are parents, aunts, uncles, brothers and sisters. We must take an interest in combatting drugs not only for the generation that is young today but for future generations as well.

Ed Bunker in a May 15 article in the Nation warned that it is not enough to defoliate every opium field in the World. He argued that it is as easy to manufacture synthetic narcotics in the laboratories as it is to convert opium to heroin. And the international traffickers are prepared for any switch away from opium. The obvious conclusion is that we cannot spend all our energies and all our dollars tracking down the drug sources. We have to deal with the reasons why people use drugs. We have to ask why life is of so little value to so many that they would waste it on a needle full of heroin.

We have to find answers to our drug problem soon. And I think we can begin with the creation of the Select Committee on Narcotics Abuse and Control.

Mr. RODINO. Mr. Speaker, yesterday along with several of my colleagues, I sponsored a resolution (H. Res. 1337) to establish a Select Committee on Narcotics Abuse and Control.

It has been apparent over the years that one of the most vexing problems concerning the drug issue is that earlier approaches to the drug problem have been extremely fragmented at all levels and in all branches of Government.

Drug addiction is a multifaceted problem involving a variety of complex social, medical, and legal problems, and it is both national and international in scope.

As a result, a coordinated, governmental approach to the problem of drug abuse has been difficult to achieve. This problem of fragmentation has continuously plagued the executive branch in that the Federal program to control drug abuse currently involves the activities of seven Cabinet departments and 17 different executive agencies. The situation in the executive branch prompted the administration to take a number of executive actions to insure better coordination including: the establishment of the Special Action Office for Drug Abuse Prevention—SAODAP—the creation of the Drug Enforcement Administration—DEA—and more recently the creation of two Cabinet-level committees—one on drug abuse prevention, treatment and rehabilitation and one on drug law enforcement.

We have compounded this problem in the legislative branch by having several different committees exercising jurisdiction over different aspects of the narcotics problem. This overlap in jurisdiction has seriously impeded review and consideration of the drug problem as a whole.

In my judgment it is vitally important that Congress develop an effective and comprehensive program to attack the serious problem of drug abuse, and I believe that the resolution we have introduced represents a major step forward in this effort.

The problem of drug abuse in this country has been estimated to cost the American taxpayer between $10–$17 billion per year, in addition to the human suffering which is caused by the drug menace.

As chairman of a committee which has primary jurisdiction over several aspects of the problem, I welcome an extensive and exhaustive review of this subject by a select committee of the House.

Undoubtedly, there will be many who are concerned that the creation of another House Committee will not help to alleviate the problem, and I would agree with those who feel that the establishment of a select committee is an extraordinary measure which should only be taken when an emergent situation arises.

In my opinion the current drug epidemic is just such a situation and the fact that over 200 members of Congress have already cosponsored this resolution is a clear indication that both the Congress and the American people are demanding effective action to eliminate the scourge of drug addiction.

The current parliamentary situation is extremely confusing as recently evidenced by the fact that the administration's draft bill on drug abuse was referred to four different legislative committees. Certainly, this effectively prevents a meaningful and coordinated legislative response to the drug problem. As a result, at the current time progress is only achieved when Members of Congress interested in the drug problem or members of legislative committees with legislative jurisdiction are able to meet informally for the purpose of developing a unified front on a particular issue or problem that may arise in this area.

This ad hoc informal arrangement is often impractical and unworkable, and I sincerely feel that a select committee to deal with this serious problem is urgently needed.

I want to commend the distinguished gentleman from New York (Mr. WOLFF) and the other cosponsors of House Resolution 1337 for their diligent efforts over the years on the drug problem, and I am hopeful that this resolution will be expeditiously considered by the Rules Committee and by the full House of Representatives.

GENERAL LEAVE

Mr. TRAXLER. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks and to include extraneous matter on the subject of the special order today of the gentleman from New York (Mr. WOLFF).

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

There was no objection.

DENIAL OF FLOOR PRIVILEGES FOR LOBBYISTS

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

man from Illinois (Mr. ANDERSON) is recognized for 45 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, today I am joining with the gentleman from California (Mr. JOHN BURTON) in introducing an amendment to House rule XXXII to further clarify and proscribe the floor privileges of ex-Members and former elected officers and minority employees of the House. The effect of our amendment would be to prohibit such floor access when any measure is coming up for consideration in the House in which these persons have a personal or pecuniary interest, and to completely deny these privileges at all times if these persons are employed by organizations for the purpose of influencing legislation pending before the House or any of its committees. The persons covered by this rule would be required to sign a register and make a declaration, on honor, agreeing to these conditions for floor access, and the Doorkeeper would be charged with the enforcement of this rule.

Mr. Speaker, rule XXXII presently states that former Members and elected employees of the House may not be admitted to the Hall of the House or rooms leading thereto if they have an interest "in any claim or directly in any bill pending before Congress." On its face, this rule would seem to deny floor privileges to any former Member or elected officer or minority employee who has a specific interest in any legislation which has been introduced in either body, since once a bill has been introduced, it is "pending before Congress." A broad and liberal construction of the rule would seem to cover not only those who might directly benefit from the passage or defeat of a particular measure, but also those who are engaged in representing the legislative interests of others—so-called lobbyists. Moreover, it would seem to require that such persons completely forfeit their floor privileges for the duration of any Congress in which legislation in which they are so interested is pending. The most recent precedent which I could find that attempts to define and interpret this rule occurred on October 2, 1945, when Speaker Sam Rayburn responded to a parliamentary inquiry on this subject. As summarized in the footnote to rule XXXII—section 920, House Rules and Manual, 94th Congress—the precedent reads as follows:

Former Members of the House do not have the privilege of the Hall of the House nor rooms leading thereto when they are personally interested in legislation being considered or who are in the employ of an organization that is interested in legislation before the Congress.

In reading Speaker Rayburn's ruling directly from the CONGRESSIONAL RECORD of that date (p. 9251), he first indicated that "rooms leading thereto" would include the cloakroom and Speaker's lobby. He then went on to say:

The Chair thinks that not even an ex-Member of Congress when he has a bill he is personally interested in that is coming up for consideration in the House nor any other ex-Member of the House who is in the employ of an organization that has legislation before the Congress should be allowed the privilege of the House or the rooms that the Chair has just said constitutes a part of the House of Representatives.

Mr. Speaker, Speaker Rayburn's ruling would seem to imply a separate set of requirements for two distinct situations: first, an ex-Member who has a personal interest in any bill "coming up for consideration in the House" may not have access to the floor or adjoining rooms; and second, an ex-Member representing the legislative interests of any organization should be denied these privileges so long as legislation in which that organization is interested is "before the Congress." Thus, a distinction is made here between legislation in which an ex-Member has some personal stake—just as current Members may refrain from voting under rule VIII if they have "a direct personal or pecuniary interest in the event of such question"; in such cases, the former Member may not have floor privileges when the bill "is coming up for consideration in the House"—which could logically mean from the time it has been placed on the calendar until it has been finally disposed of by the House. The second situation would involve an ex-Member representing the interests of an organization; he would be denied floor privileges so long as any legislation in which the organization is interested is pending before Congress, or, from the time it is introduced in either body until it has finally been disposed of by the Congress.

Despite this reasonable rule of thumb and what I consider to be the logical interpretation of the Rayburn ruling, the practice in this body has been to permit any former Member floor privileges at all times, except when legislation in which he has a personal or professional interest is actually under consideration in the House.

Mr. Speaker, I think the time has come to impose a literal interpretation and strict enforcement of the Rayburn rule: *former Members and others entitled to floor privileges should be requested to forfeit those privileges if they are employed by organizations for the purpose of influencing legislation; they should be barred from the floor and adjoining rooms at all times during which the House is in session.* The amendment which I am offering today with Mr. BURTON is designed to accomplish that end. It is not offered as an indictment of any former Members; I am not charging that there has been any gross abuse of the present privilege for the purpose of influencing legislation. I think for the most part former Members have operated properly within the bounds of the rule as it is presently interpreted.

But if it is wrong, under present practice, to be on the floor, for whatever reason, when a bill in which a former Member has a personal or professional interest is under consideration, why is it any less wrong for former Members representing the legislative interests of others to be on the floor or rooms adjoining at any other time? Is not the primary concern of this rule the appearance given that they might be using this special privilege to promote their professional interests? And if so, is the appearance of potential abuse of the privilege diminished substantially because a bill they might be interested in is pending before a committee instead of before the House? Do not former Members employed as lobbyists trade on this special access to Members on the floor and in the cloakrooms and Speaker's lobby in order to attract clients? Of course they do, and why should they not, so long as it is permitted under most circumstances.

Mr. Speaker, this question of floor privileges for former Members has been kicking around for nearly 120 years now and has been subject to various conditions, interpretations and procedures. Prior to 1857, former Members had free access to the floor, without condition. In that year, the House moved from the old Hall to the new Hall. Since the new Hall had expanded gallery space, former Members were completely denied floor privileges for a decade.

Then, in 1867, the House adopted a rule which read:

Ex-Members of Congress who are not interested in any claim pending before Congress, and who shall so register themselves, may also be admitted within the Hall of the House.

Congressman Banks, presenting the proposed rule from the Committee on Rules said:

I think that every gentleman will concede that we should extend to ex-Members the courtesy of admission to the floor of this House, as they are admitted in the Senate. There has been a difficulty, heretofore, arising from the fact that some ex-Members of Congress have been professionally engaged in prosecuting claims before Congress. By this proposition persons thus interested are to be excluded; and ex-members of Congress desiring entrance upon the floor will be required to register themselves, in such manner as the Speaker may direct, as not being interested in the prosecution of any claim before Congress.—Congressional Globe, March 15, 1867, p. 119.

A suggestion was made during the debate to exclude not only ex-Members advocating claims, but those "who are interested in land grants or in appropriations or in measures of great importance to themselves." Congressman Banks moved the previous question, thus precluding the offering of such an amendment.

Five years later, in 1872, a resolution was introduced and referred to the Committee on Rules which would have barred all former Members from the floor. The Rules Committee reported instead the following amendment to the rule:

Ex-Members of the House shall be entitled to the privilege of admission to the floor on making declaration, on honor, in a register to be kept for that purpose, that they have no personal or private interest in any legislative measure before the House or any of its committees. . . . and the Doorkeeper shall be held responsible to the House for the execution of this rule.

In presenting the proposed change from the Committee on Rules, Representative Cox explained that the existing rule in effect barred few former Members from the floor since few were prosecuting any private money claims before the Congress. In explaining the proposed

change which would replace the word "claim" with "personal or private interest in any legislative measure before the House or any of its committees," Cox said:

Now, an ex-member of Congress may be an agent or lobbyist here for matters far more important than a mere claim. He may be here for the purpose of forcing a bill through Congress which involves millions and millions of dollars. Our object in reporting this rule was if possible to keep the floor of the House as thoroughly clear of this lobby system as is consistent with our regard for our old members. It is somewhat a delicate matter to report a resolution of this kind. I appreciate as much as perhaps any other member of Congress the amenities and socialities which belong to our old service together here. But I do know this, that some rule is absolutely required by which this House shall protect itself against outsiders, whether they have been members of Congress or whoever they may be.

At a later point, Cox was asked whether he knew of any breach of the privilege by ex-Members, of any wrongdoing. He replied that he did not and had never been tempted by these people. But he went on:

We know that it is a troublesome thing, an abnormal condition of legislation to have these men on the floor of the House dictating to us, taking our seats, usurping our functions, regulating our legislation. If they want to influence our legislation rightly, let them, as in the English Parliament, go to our committees. In England no man, except a member, not even a minister, is allowed on the floor of the House. Outsiders are kept in the lobbies, and if they have good, honest business before Parliament, they go before committees to present that business.—Record, April 23, 1872, p. 2688.

Representative Garfield of Ohio explained that the only thing the proposed amendment did was to change the word "claim" to the broader word "legislation"—

. . . so that the rule shall have what it was intended to have, direct application to the legislation of the House to guard the House against the impropriety of having the privileges of the floor used by persons not members to influence directly the legislation in which they are interested. (Record, p. 2688)

Representative Scofield pointed out in debate the anomalous situation which exists between lobbyists who happen to be ex-Members and those who are not. The former are permitted to influence legislation on the floor, the latter must sit in the gallery:

Now, why should we wish to make such a distinction? Let the people send here anybody they choose to influence legislation; but let all who come be treated alike . . . . I say let all be put upon an equal footing. As one who expects to retire from this body at the end of this Congress, I am perfectly willing if I should ever come back here again, either to take the pledge that I am not coming upon the floor to affect legislation or else to stay out. If I wish to influence legislation, I will go before the committees.—Record, p. 2689.

Following debate, the proposed amendment from the Rules Committee was recommitted to the committee on a teller vote of 32 to 130.

In 1880, the House took up a complete revision of the House rules. The rule respecting the floor privileges of ex-Members was virtually the same as the one adopted in 1880 with the exception that the registration requirement was dropped. Volume VIII of Cannon's Precedents, section 3634, published in 1936, contains the following footnote 2 on the registration requirement:

Although this provision as to registering disappeared from the rule in the revision of 1880, the secretary of the Speaker still keeps the register, and ex-Members are required to sign it before receiving a card of admission.

During the amendment process on the revised House rules of 1880, Representative Warner offered an amendment to the rule on floor privileges for ex-Members to include the words "or directly any bill." This amendment was accepted by the manager for the Rules Committee without debate or even explanation. Thus, the revised rule read:

The persons hereinafter named, and none other, shall be admitted to the Hall of the House or rooms leading thereto . . . ex-Members of the House of Representatives who are not interested in any claim or directly in any bill pending before Congress. . . .

This is essentially the language which has survived to date and is now contained in rule XXXII.

Four important precedents should be noted on this rule, the most recent being the 1945 Rayburn ruling which I have already cited. On May 22, 1884, a point of order was made that an ex-Member, the father of a contestant in a disputed election case, had been on the floor soliciting assistance for his son. The Chair did not rule, saying it was a matter for the House to investigate and determine. A select committee was appointed for that purpose and reported back on July 3, 1884. The majority report held that the words "claim" and "bill" in the rule should be construed "liberally," but that the word "interest" has been "uniformly held to cover only a pecuniary interest." Since the ex-Member did not have a pecuniary interest in the outcome of his son's election contest, it was ruled that he was not in violation of the rule or his floor privileges. The majority report also contains the following finding:

We do report that Jeremiah Wilson, J. H. McGowan, S. S. Burdett, Eppa Hunter, and Green B. Raum were ex-members employed as attorneys for corporations and persons having pecuniary interests in claims or bills pending here during this session of Congress and did come upon the floor of the House. Technically, they had no right to come upon the floor while the House was in session. But your committee reports that nothing in the testimony taken, and which is submitted as part of this report, shows any conduct by them while on the floor calling for animadversion (critical comment).—Precedents, V, 7286, 7287; H. Rept. 48–2136, pp. 1–2.

The minority report was signed by three of the select committee's seven members and concluded that the ex-Member's conduct was improper and a violation of the privileges of the House. The minority report went on:

One of the most important privileges of the House undoubtedly is the immunity of its Members from all influences that would warp their deliberations. The Members of the House discuss the matters that come before them not only publicly, as in open debate, but also in conversation among themselves. Exemption from external influence is intended to be secured by excluding others than Members from the floor of the House. Is it not clear that the entrance of a stranger, admitted not of right, but by courtesy, who for days and weeks is actively engaged in lobbying, is a clear violation of this privilege? It is also the duty of the House to protect itself from scandal. Its integrity, honor, and good name should be held to be sacred. Can it be so regarded and esteemed when that universal servitor and censor, the press of the country, publishes broadcast the news that lobbying is carried on openly on its floor during its deliberations?—H. Rept. 48–2136, pp. 5–6.

After presentation of the above report to the House, a motion to lay the whole subject on the table was carried by a vote of 137 to 72.

On March 12, 1900, the select committee minority in the 1884 case was vindicated on a direct ruling from the Speaker in another election contest in which an ex-Member who was the brother of one of the contestants was excluded from the floor because he was lobbying. The Speaker held that the words "claim" or "bill" "would apply to a contested election case before Congress. He went on to say:

The custom has been, the practice has been, to appoint a select committee to investigate such matters and report to the House. But when it appears that an ex-member of Congress is the attorney of record in a case pending before the House, it seems to the Chair that action should be taken at once, especially when the case is pending and up for consideration.—Precedents, V, 7288.

Although the select committee of 1884 was willing to liberally construe the words "claim" and "bill" and even declared that certain ex-Members who were attorneys for corporations were in violation of the rule by being on the floor, another select committee on admissions to the floor reported a more narrow construction on January 27, 1887. It held that the rule only barred ex-Members having direct pecuniary interest in a pending claim or bill, and not those representing the interests of others:

The committee cannot maintain that an attorney has a direct interest in a claim which he is prosecuting, or in a bill which he is advocating, as attorney for his clients. The proof shows, however, that in some instances the attorneys representing their clients have a contingent interest, that is an interest depending wholly or largely upon the result of their efforts to obtain legislation. In all such cases the committee are of the opinion such an ex-member, who is an attorney, is not entitled to the privileges of the floor under this rule.—H. Rept. 49–3798, p. 2.

The select committee subsequently recommended in its report that the rule be changed to exclude from the floor ex-Members interested as attorneys for persons having claims or bills before Congress. The proposed language read:

Ex-Members of the House of Representatives who are not interested personally, nor as Attorneys, or agents in any claim or bill pending before Congress.

The committee report went on to indicate that the object of the existing rule was—

To exclude from the floor all persons who have any personal interest in the measure while the same is under consideration, to the end that the legislator may be perfectly free and unembarrassed in his action. If the real party is to be excluded though he be an ex-Member of the House, the committee can see no good reason why his attorney shall be given the privilege of the floor. (H. Rept. 49-3798, p. 3.)

The House precedents indicate that while the proposed rule change was not carried out in that Congress, the 49th, it was incorporated in the Rules of the 52d and 53d Congresses. But, since the 53d Congress, the old form of the rule was in use again. (Precedents, V. 7289.)

Mr. Speaker, at this point I think it might be useful to summarize what can be discerned from the legislative history behind this rule as to its meaning and intent. First, when ex-Members were readmitted to the floor under the rule of 1867, after having been excluded altogether since 1857, they were readmitted on the condition that they have no claim pending before Congress and that they so register themselves. The explanation of that rule by the member of the Rules Committee presenting it made quite clear that it applied to ex-Members of Congress "professionally engaged in prosecuting claims before Congress." So any subsequent narrow construction that it only applied to ex-Members having personal claims pending before Congress ignores this original intent.

However, there is no comparable legislative history behind the words "or directly in any bill" since it was offered and accepted as a floor amendment in 1880 without explanation or debate. It might be concluded though, from the report of the select committee of 1887 and its proposed amendment to change the wording to read, "not interested personally, nor as attorneys or agents, in any claim or bill pending before Congress," that the word "directly" was properly and literally construed to mean, having a direct personal interest in pending legislation. This is further bolstered by the adoption of the recommended change in the 52d and 53d Congresses, and the reversion to the old language in subsequent Congresses up to this day. In short, the legislative history would seem to indicate that ex-Members are to be barred from the floor if they have either a personal or professional interest in a pending claim, or a personal interest in a pending bill.

Despite this apparent conscious recognition by the House of the import of the word "directly," the rulings of the Speakers in 1900 and 1945 have broadened the scope of the interest of ex-Members to include their professional interests as representatives for other parties.

This still leaves the larger question of what is meant by "pending before Congress." As I have already pointed out, the practice in recent times has been to only deny floor privileges to ex-Members having a personal or professional interest in legislation when it is actually under consideration in the House. The language of the rule, on the other hand, makes reference to an interest in any bill "pending before Congress" which consists of both Houses, and any bill which has been introduced could be considered pending before Congress. During debate on the original adoption of this language in 1867 there was no elaboration on what was meant by "before Congress." Mr. Banks, who presented the rule from the Rules Committee said:

By this proposition persons thus interested are to be excluded; and ex-members of Congress desiring entrance upon the floor will be required to register themselves, in such manner as the Speaker may direct, as not being interested in the prosecution of any claim before Congress.

When the Rules Committee next attempted, unsuccessfully, to amend this rule in 1872 by barring ex-Members having any personal or private interest "in any legislative measure before the House or any of its committees," it was attempting to clear up the ambiguity in the term "before Congress" by specifying that it applied to any legislation pending in the House or any of its committees. Any ex-Member desiring floor privileges would be required to register and declare that he was not so interested in any pending legislation. That proposed change was recommitted.

The House select committee of 1884 held that certain ex-Members who represented the interests of corporations "technically—had no right to come upon the floor while the House was in session." A select committee on floor privileges in 1887, on the other hand, said, "the object of the rule is to exclude from the floor all persons who have any personal interest in the measure while the same is under consideration." The latter construction is the practice as it is applied today.

In 1900, Speaker Henderson broke with the previous practice of referring an alleged violation of floor privileges to a select committee, and ruled directly to exclude an ex-Member who conceded he was the attorney of record in a pending election case. The Speaker said:

It seems that action should be taken at once, especially when the case is pending and up for consideration.

This language would seem to imply that the Speaker felt it would also be proper to exclude an ex-Member acting as an advocate for a particular interest, even if the matter were not pending and up for consideration.

By the same token, Speaker Rayburn's ruling of 1945 makes a distinction between those ex-Members having a personal interest in a matter "coming up for consideration in the House" and those having a professional interest in "legislation before the Congress." The former would be denied floor privileges during consideration of the legislation in which they were personally interested, while the latter would be denied floor access whenever the House was in session, if they were representing an organization interested in any legislation which had been introduced in that Congress.

Mr. Speaker, the purpose of this rather lengthy recitation of the legislative history behind rule XXXII has been to demonstrate the confusion and ambivalence which has surrounded the rule since its inception. I think it is safe to conclude that, while the original intent may have been to exclude ex-Members representing the private claims of others or having a direct and personal interest in any legislation, even while those claims and bills were still pending in committee, the practice has been to extend the interest to a professional interest in bills, but to limit the floor exclusion to those times when the bills are actually under consideration.

In short, our practice of twisting this rule in an attempt to maintain comity with our former colleagues while maintaining an appearance of propriety at the most critical point on the floor at which their interests are involved, has produced the worst of both worlds. No one is any longer so naive as to believe that the most critical lobbying on a piece of legislation occurs when it comes up for consideration in the House. The most critical lobbying occurs when the measure is still pending in committee and the opportunity for the greatest influence occurs at that stage in the legislative process. I am inclined to agree with my predecessors of a century ago in debating this rule that those interested in influencing legislation should go to our committees which are the proper forum for their views. We should not permit even the appearance of lobbying to take place in this Chamber or in its adjoining rooms, simply because a measure may still be pending in a committee.

Mr. Speaker, the amended rule whch we are proposing today is really nothing new and startling. It contains the registration and declaration requirements which were in effect back in 1867 and language which is nearly identical to the rule proposed by the Rules Committee in 1872. Moreover, it takes into account a literal interpretation of the Rayburn ruling of 1945 in establishing two sets of conditions on floor privileges, depending on the situation. First, an ex-Member may not have the privileges of the floor if a bill in which he might have a personal interest is coming up for consideration in the House. This would permit those who are not lobbyists yet who may derive some benefit from a pending bill, to have floor privileges up until the time that bill has been placed on the calendar and after the matter has been disposed of by the House.

Second, any ex-Member employed by an organization for the purpose of influencing directly or indirectly any legislation which has been introduced in the House would be denied floor privileges for the duration of that Congress. For the most part, former Members would be the

enforcers of this rule since they would be on their honor to agree to these conditions in registering for admission to the floor. The enforcement powers of the Doorkeeper would really be no different than they now are under rules V and XXXII in keeping unauthorized persons off the floor and out of the adjoining rooms. He could not exclude anyone who was properly registered, though any Member would obviously retain the right to raise a point of order if he felt someone had registered under false pretenses.

Mr. Speaker, we have not offered this amendment to embarrass any former Member nor in response to any improper behavior. But we do feel strongly that the appearance of propriety is sometimes just as important as its actual practice. And so long as former Members who are now lobbyists have full and free access to this floor and its adjoining rooms, the perception of the public and press will be that active lobbying is taking place in this Chamber. I do not use the word lobbying in any perjorative sense; it is a very necessary element in our legislative process. But there is a time and place for everything, but this Chamber and its adjoining rooms are not the proper place for non-Members to be advocating the interests of others. We have our office hours, and we have the forum of our committees. There are the appropriate places for advocates, whether former Members or not, to present their cases, and not the House Chamber when this body is deliberating important legislative business.

At this point in the RECORD, Mr. Speaker, I include the text of the amendment to rule XXXII which Mr. JOHN BURTON and I are today introducing:

Resolved, That rule XXXII of the Rules of the House of Representatives is amended in the following way:

Rule XXXII, clause 1, is amended by striking the word "ex-Members" as it first appears, through the word "consideration", and substituting in lieu thereof the following: "the Parliamentarian, elected officers and elected minority employees of the House (other than Members), clerks of committees when business from their committee is under consideration; and ex-Members of the House of Representatives, former Parliamentarians of the House, and former elected officers and former elected minority employees of the House, subject to the provisions of clause 3 of this rule".

Rule XXXII is further amended by adding the following new clause:

"3. Ex-Members of the House of Representatives, former Parliamentarians of the House, and former elected officers and former elected minority employees of the House, shall be entitled to the privilege of admission to the Hall of the House and room leading thereto on making declaration, on honor, in a register to be kept for that purpose, that they do not have any direct personal or pecuniary interest in any legislative measure coming up for consideration in the House, or that they are not in the employ of, or do not represent, any party or organization for the purpose of influencing, directly or indirectly, the passage, defeat, or amendment of any legislative measure before the House or any of its committees. The Doorkeeper shall be held responsible to the House for the execution of this rule.

Mr. JOHN L. BURTON. Mr. Speaker, I am pleased to join with the distinguished gentleman, Congressman JOHN B. ANDERSON, in cosponsoring an amendment to rule XXXII of the Rules of the House which would clarify the present prohibition concerning floor privileges of former Members and former House employees who happen to be lobbyists.

The current rule which pertains to this issue seems to be subject to varying interpretations. It states, in effect, that former Members may have floor privileges at all times except when legislation in which he or she has personal or professional interest is actually under consideration.

The Anderson-Burton amendment to the Rules of the House is designed to clarify the interpretation and enforcement of what is known as the Rayburn Ruling. In 1945 Speaker Sam Rayburn ruled that former Members and others entitled to floor privileges should be required to forego that privilege if they are employed by organizations for the purpose of influencing pending legislation and that they be refused entry to the floor and adjoining rooms at all times when the House is in legislative session.

This amendment defines legislation under consideration to include any legislative measure pending before the House or any of its committees.

The power to enforce the provisions of the proposed amendment would be the responsibility of the Doorkeeper. He now performs a similar task of keeping unauthorized persons off the floor and out of the adjoining rooms. He could not exclude anyone who had legitimate reasons for being on the floor, though any Member would retain the right to raise a point of order if he felt that someone was present under false pretenses.

Mr. Speaker, I am hopeful that the House will give its favorable consideration to this amendment, and adopt this needed clarification in the House rules.

CONSUMER OFFICES IN GOVERNMENT SHOULD EXERCISE THEIR INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MCKINNEY) is recognized for 5 minutes.

Mr. McKINNEY. Mr. Speaker, the media have reported regularly during the past several years on the continuing argument over consumer representation. I am glad that there seems to be unanimous recognition that the public deserves a voice: the debate now focuses on how to make this input most effective in contributing to a representative government responsive to the needs of the American people.

I feel that President Ford has proposed the proper course for us to follow: that each agency and department of the Government take what steps are necessary to see that policies and actions properly reflect the public's interest. To conform with this direction, more emphasis has been placed on the people who are serving as consumer affairs advisors in the various Federal agencies. How they perform will determine the success or failure of such a program.

Recently Mrs. Nancy Harvey Steorts, who serves as Special Assistant for Consumer Affairs to Agriculture Secretary Butz, spoke out publicly in opposition to a decision made by Mr. Butz regarding a decision which she felt was not in the best interests of the public. Supporters of an independent consumer agency have argued that consumer offices within the Government cannot be effective because no advisor would be critical of his employer or superiors. I do not believe that objection and Mrs. Steorts has given support to my argument. I hope that all consumer offices in the Government will exercise their independence and speak out for the public interest. In that way they will be meeting their responsibility and best serving the agency or department in which they are located.

For the interest of my colleagues I would like to insert in the RECORD copies of letters which I sent to President Ford and Secretary Butz commending Mrs. Steorts for her action and expressing my hope that it will become commonplace in our Government.

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 20, 1976.

Hon. GERALD R. FORD,
The President, The White House, Washington, D.C.

DEAR MR. PRESIDENT: A recent article in the Washington Post reported that Nancy Harvey Steorts, consumer affairs aide to Secretary of Agriculture Butz, spoke out in opposition to an appointment made by the Secretary to a consumer advisory committee.

Without passing judgment on the qualifications of this appointee, I want to applaud the action of Ms. Steorts in making her position known publicly. As you have stated in the past, the way to make government more responsive to the needs of the people is not to create more government. Consumer protection is a responsibility of each department and agency.

I congratulate you and your administration for your efforts to make this a reality in our government. I hope that Ms. Steorts and her counterparts throughout the government will speak out with the encouragement of their superiors and colleagues. Responsible dissent from within the government should exist. In this fashion we demonstrate that ours is truly a representative government for all the people.

Sincerely,

STEWART B. MCKINNEY.

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 21, 1976.

Hon. EARL BUTZ,
Secretary of Agriculture, Department of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: Enclosed is a letter which I have written to President Ford commending Ms. Nancy Harvey Steorts, your Special Assistant for Consumer Affairs, for recently publicly opposing an appointment made by you.

Certainly no administrator likes to be second-guessed by his subordinates, but the purpose in establishing advisory positions is to encourage a flow of ideas and contrary opinions when warranted. In my opinion, a consumer affairs office has an even greater responsibility to act as the representative of

the people in such situations. In the role of ombudsman, this advisor must be confident that his voice will be heard by the policy makers as well as by the public.

I hope that you will continue to encourage members of your department to follow Ms. Steorts' example. Through this policy, you will be taking the lead in implementing the President's consumer program and you will be in the vanguard of those who are making our federal government more responsive and more responsible to the American people.

Sincerely,

STEWART B. MCKINNEY.

KERMIT GORDON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, Kermit Gordon is dead, and at an early age. The Nation will miss him.

Kermit Gordon was among those bright young people who came to Washington with John Kennedy; they brought with them fresh vision, faith in the future, and determination to help this country do better. Their faith, their brightness, their eagerness brought a special feeling to Washington, a feeling that we have not seen since. They called it "vigah," and when the new frontier's leader was murdered, we called it all a dream, Camelot.

But Kermit Gordon was no dream. He was a solid economist who believed in moving the country forward, and designed programs to accomplish that. Then he served as Director of the Budget Bureau, responsible for reorienting the whole priority system of the Federal Government. It was Gordon who set into motion the programs of the great society and the new frontier.

He was the man at the center of the Federal establishment, who pushed and pulled dreams into working programs.

Others might have been better known than Kermit Gordon; others after all headed the agencies, held the press conferences and guarded the doors and flanks of the Oval Office. Yet none had more power than he did; none had greater influence.

Kermit Gordon was a committed public servant. He could have left Washington, but stayed to head the Brookings Institution. There, he brought that respectable research house toward the center of things; he made it relevant once again, by focusing its efforts on great issues of the day. He guided Brookings researchers into the task of publishing the first truly useful independent studies of Federal budget priorities—works that are even today the most valuable instruments to use in measuring the alternatives that we have in the Federal budget. Even while doing these things, Kermit Gordon served on various Government commissions.

Washington seemed a brighter and better place in the days when Kermit Gordon and his fellow frontiersmen came in with energy and humor to spur forward a tired and flaccid country. Their frontier was boundless; and they had the energy to match their dreams. They changed the Federal Government in a fundamental way—made possible the belief and reality that the Federal Government need not forget those who are old and sick, or cold and tired and hungry, or who need decent schools, or who want the simple essentials of human rights and justice.

Kermit Gordon brought much to us. He is gone too soon, like the President he first served.

"GOVERNMENT IN THE SUNSHINE" AND THE FEDERAL RESERVE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG), is recognized for 15 minutes.

Ms. ABZUG. Mr. Speaker, the House will shortly be considering my bill H.R. 11656, the "Government in the Sunshine" bill, which would open to public observation, for the first time in our history, meetings of Federal agencies such as the SEC, the FCC, the Board of Governors of the Federal Reserve System, and the FPC.

A number of questions have been raised regarding the requirement that a transcript or electronic recording be kept of meetings closed under the bill, particularly as that provision impacts upon the Federal Reserve Board of Governors and the Federal Reserve's Open Market Committee. I wish to take just a few minutes to explain this provision of the bill and the respond to these questions.

The bill contains a number of exemptions to its general requirements that agency meetings be open to public observation. Insofar as the Federal Reserve is concerned, the exemptions permit the closing of any meeting that concerns privileged or confidential financial information, bank condition or examination reports, any information whose premature disclosure would be likely to lead to financial speculation or the destabilizing of any financial institution, and any information the premature disclosure of which would be likely to frustrate implementation of any proposed action by the Federal Reserve System. These broad exemptions are more than sufficient to permit the Federal Reserve to close any meeting that deals with sensitive information.

While the bill requires that a transcript be kept of closed meetings, neither the agency nor a reviewing court may release any information contained in a transcript if it falls within an exemption. On the question of "leaks," Arthur Burns, Chairman of the Board of Governors of the Federal Reserve System, testified before the Government Information and Individual Rights Subcommittee, which I chair, that the Federal Reserve System is "virtually free" from such occurrences, although its files contain sensitive documents.

In a speech delivered in San Francisco the other day, Chairman Burns suggested that if a court finds that a meeting was unlawfully closed, it may order the entire transcript disclosed. I have great respect for Dr. Burns and I am certain that he would not intentionally misrepresent the contents of this bill, but the fact is that the bill expressly limits the jurisdiction of the court to the release of nonexempt—I repeat, nonexempt—portions of a transcript, even if a meeting was unlawfully closed. Thus, if a meeting is closed based upon a claim that confidential financial information is to be discussed, and the court later finds that no such information was involved in the meeting, the court could not release a portion of the transcript which contained a discussion of the personal habits of a bank president, since that falls within the bill's personal privacy exemption.

The claims of the Federal Reserve that this bill would destroy the banking system of this country are familiar and groundless ones. This kind of refrain, I regret to say, is heard from the Fed whenever any suggestion is made that they should allow the public to see just what they do and how they do it. Take, for example, the Freedom of Information Act, or FOIA, which was enacted 10 years ago. The FOIA opens up agency documents to public view, just as the Sunshine bill will open up agency meetings. In its comments on the bill that became the Freedom of Information Act, the Federal Reserve said that it—

> Could leave exposed to indiscriminate public demand certain critical records and materials related to the Board's credit and monetary policy functions as well as other statutory directed functions. Such a result could impair the Board's effectiveness both as an instrument of national economic policy and as a regulatory body.

When Dr. Burns testified before my subcommittee on this bill, Congressman TOBY MOFFETT read the above statement to him and asked whether it has turned out to be true. Dr. Burns replied:

> To the best of my knowledge, it has not been true.

I am sure that the Federal Reserve's similarly dire predictions with regard to the "Government in the Sunshine" bill will turn out to be equally groundless.

The "Government in the Sunshine" bill provides ample protection for any discussions of sensitive material, while permitting the public to observe meetings that do not involve sensitive information. When the Federal Reserve System is not dealing with sensitive information, there is no reason why it should fear having the public see what it is doing and how it reaches its decisions on matters of economic policy that vitally affect every American.

PLANNED ACTIVITIES OF THE WAYS AND MEANS COMMITTEE'S SUBCOMMITTEE ON HEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

man from Illinois (Mr. ROSTENKOWSKI), is recognized for 20 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, when the House was debating the conference report on the first concurrent resolution on the budget, I called to the attention of Members the major problem that the targeted reduction of $250 million in medicare spending for fiscal year 1977 poses for the Ways and Means Committee and its Subcommittee on Health. The problem is this: Substantive legislation to achieve these medicare budget cuts—legislation that Members of this body and the Senate will find themselves willing to approve—is quite difficult to devise.

The subcommittee has been grappling with this problem; and while it is still not possible to provide a definitive answer, I believe it is appropriate at this time to inform the House about the progress and status of our deliberations.

In reassessing the options available to the subcommittee in the light of a targeted spending level—which is actually $450 million below the target originally recommended by the subcommittee and the House—we drew several conclusions.

First, it is clear that compliance with the medicare spending target precludes adoption of the comprehensive package of medicare amendments that the subcommittee had earlier been considering and which had served as the basis for the subcommittee's spending recommendations for fiscal year 1977. Those amendments would exceed the budget target by $450 million.

Second, several other options have now been considered and rejected by the subcommittee. These include: First, the development of limited, and necessarily restrictive legislation designed solely to reduce medicare outlays and thus to comply, at least formally, with the budget resolution; and, second, the development of legislation not in conformance with the budget target but reflecting the subcommittee's judgment as to what changes, including benefit improvements, ought to be made in the medicare program.

The proposal to report legislation limited to reducing medicare outlays was rejected as undesirable, because this could only be accomplished by unacceptable means—either cutbacks in medicare benefits, increased out-of-pocket payments by beneficiaries, or reductions in medicare payment levels that would be resisted by providers. We did not see legislation including only such cutbacks as acceptable and likely to be enacted. A similar problem of acceptability would also appear to face a bill incorporating a combination of very modest benefit improvements, the cost of which would, for budget purposes, be more than offset by rather severe reductions in payments to hospitals and, perhaps, also to doctors.

On the other hand, we thought that reporting legislation that significantly exceeds the budget target, however desirable such legislation may appear, would be inconsistent with the subcommittee's responsibility to consider every possible means for achieving the most reasonable degree of compliance with the budget resolution.

Third, because the subcommittee remains vitally concerned about the need to address the problem of rising health costs—a problem which has now become central to the continued stability of the medicare program—we concluded that a major effort should be undertaken to prepare the foundation for an effective long-range solution. No one in this body needs to be reminded of the complexity of this problem or the growing public alarm about the absence of effective measures for restraining rising costs. Thus, the subcommitte has set for itself the task of promptly conducting an intensive analysis of this complex issue.

As part of this undertaking, I am today announcing the subcommittee's intent to hold several brief hearings on specific topics related to medicare reimbursement policy. The first of these hearings will focus on the issues of long-range restraints on rising hospital costs and on ways to reduce the inflationary pressures now widely believed to be inherent in medicare's reimbursement methods. These hearings will be designed to elicit specific and detailed recommendations from individuals and organizations knowledgeable in this field. I am inserting into the RECORD the subcommittee press release announcing the first of the hearings—on the issue of hospital costs and reimbursement.

In addition to these hearings, the subcommittee has directed the staff to conduct an extensive inquiry into the cost effectiveness of several provisions of present medicare law, as well as those proposed legislative changes for which potential cost-savings have been claimed.

It is the subcommittee's intent to embody the results of this examination of medicare issues in a set of detailed recommendations for legislative consideration. How quickly this can be done cannot be projected at this time. However, it is our considered judgment that the public interest will be best served by careful preparation and deliberate action. Moreover, it needs to be clearly understood that the issues we are here discussing in the context of the medicare program are issues that will inevitably arise in the formulation of a national health insurance program. Nothing useful is likely to be gained, therefore, by hasty or inadequately considered responses to the fundamental issues of rising health costs and the financing of health care services.

THE HONORABLE DAN ROSTENKOWSKI (D-ILL.) CHAIRMAN, SUBCOMMITTEE ON HEALTH OF THE COMMITTEE ON WAYS AND MEANS ANNOUNCES A ONE-DAY HEARING ON RECOMMENDATIONS RELATING TO REVISIONS IN THE MEDICARE HOSPITAL REIMBURSEMENT SYSTEM

The Honorable Dan Rostenkowski (D., Ill.), Chairman of the Subcommittee on Health of the Committee on Ways and Means announced today that the Subcommittee will hold a one-day hearing on the issues involved in rising hospital costs and possible revisions in the present retrospective cost reimbursement system used in the medicare program. This hearing will begin at 9:00 a.m. on August 3, 1976, and will be conducted in the Committee's Main Hearing Room, Longworth House Office Building, unless the Committee's schedule at that time necessitates a change of location. A discussion of the specific issues to be considered at this hearing, appears below. The hearing will not cover any other subjects or issues. Witnesses will be required to confine their testimony to a discussion of the issues described below and to a precise, detailed explanation of the specific recommendations they are prepared to make for changes in the present medicare hospital reimbursement system.

BACKGROUND INFORMATION REGARDING THE HEARING TOPIC

The rising cost of hospital care continues to be the major factor driving up medicare expenditures. Yet an underlying premise of most recent discussion about this problem is that much of it is attributable to medicare itself, to the adoption by medicare of retroactive cost-based reimbursement. This view was expounded, for example, by former HEW Secretary Weinberger in his testimony before the Subcommittee on June 12, 1975, during which he said:

"I . . . firmly believe that the faulty design of medicare and medicaid is the principal culprit responsible for . . . inflation in health care costs. [With] The guaranteed government payment of health care costs in virtually any amount submitted by the provider, and with normal market factors absent in the health care area, inflation was bound to happen, and it did."

Proponents of this view hold that the method of retrospective cost reimbursement encourages hospitals to spend freely—since whatever costs are incurred tend to be reimbursed as "reasonable costs"—and leads necessarily to the proliferation and inefficient employment of facilities, over-consumption of services, and a general lack of cost consciousness among consumers and providers.

General dissatisfaction with this situation has given rise to considerable discussion of and experimentation with so-called "prospective reimbursement" approaches under which attempts are made to set rates of payment for a given period into the future. The Congress, in the 1972 amendments to the Social Security Act, reflected the prevailing concern by mandating experimentation with different types of prospective reimbursement. While the basic idea of prospective reimbursement—that incentives for efficiency and the elimination of unnecessary services can be introduced by letting a hospital know its payment rate before it renders its services—has much intuitive appeal and is widely acclaimed, the idea has yet to be translated into a comprehensive and systematic approach to the setting of rates of payment.

SPECIFIC ISSUES TO BE ADDRESSED BY WITNESSES

The Subcommittee desires to receive information and recommendations on a series of specific issues that will need to be addressed in the formulation of a reformed system of hospital reimbursement under medicare. Witnesses are invited to address any or all of the following topics:

1. Factors contributing to the continuing rise in the costs of hospital care.

2. Results of the most recent analyses of experience under alternative prospective reimbursement approaches, including State hospital rate regulation.

3. The role of State rate regulation in a revised medicare hospital reimbursement system.

4. Alternative approaches to setting prospective rates, including recommendations regarding specific issues such as the extent to which retroactive adjustments should be permitted, the unit of payment to be used (e.g., per case, per diem), the need for uni-

form accounting, reporting and cost allocation systems for health care institutions, the financial incentives to providers for achieving costs savings, and the disposition of incentive payments.

5. The feasibility and desirability of providing to hospitals a choice among more than one reimbursement methodology; the conditions under which it might be desirable to recognize and reimburse in accordance with a State rate-setting program that meets specified criteria.

6. Special provisions relating to control of capital expenditures; relationship to the health planning process established by P.L. 93-641.

7. Issues related to the administrative implementation of a prospective reimbursement system; e.g., phasing in various elements of the system; application of the system to different types of providers.

8. Comments on legislation introduced in this Congress (or in a previous Congress) to reform medicare hospital reimbursement, such as S. 3205 (Talmadge) and its House counterpart H.R. 13080 (Duncan of Tennessee).

9. Considerations for and against imposing, prior to the full implementation of a prospective reimbursement system, a ceiling on total hospital cost increases recognized as reasonable by medicare; methods for establishing such a ceiling and for recognizing and allowing exceptions to the ceiling.

10. Other data or recommendations that will assist the Subcommittee in its consideration of revised reimbursement methodology.

ALLOCATION OF TIME TO WITNESSES

In view of the limited time available for this hearing, it will be necessary to allocate the amount of time available to each witness for presentation of his direct oral testimony. The witnesses' full statements, as well as any additional materials they would like to submit, will be included in the record of the hearing.

Cutoff Date for Requests To Be Heard: Requests to be heard must be received by the Committee no later than the close of business Friday, July 23, 1976. Requests should be addressed to John M. Martin, Jr., Chief Counsel, Committee on Ways and Means, U.S. House of Representatives, 1102 Longworth House Office Building, Washington, D.C. 20515, telephone (202) 225-3625. Notification of a witness' scheduled appearance will be made as promptly as possible after the cutoff date. If a witness finds that he cannot appear, he may wish to either substitute another spokesman or file a written statement for the record.

Requests To Be Heard Must Contain the Following Information:

1. The name, full address, and capacity in which the witness will appear.

2. A list of persons or organizations the witness represents; and

3. A topical outline or summary of the comments and recommendations which the witness proposes to make, such outline or summary to indicate in sufficient detail the nature of the specific recommendations for medicate reimbursement changes the witness intends to make.

Persons scheduled to appear before the Subcommittee to testify at this hearing must submit 75 copies of their prepared statements to the Committee office no later than 24 hours prior to their scheduled appearance. An additional 50 copies may be furnished for distribution to the press and the interested public on the date of appearance.

CANADIAN BICENTENNIAL GIFT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MORGAN) is recognized for 5 minutes.

Mr. MORGAN. Mr. Speaker, I would like to introduce into the record today the proceedings of a ceremony held last night at which a group of Canadian Parliamentarians commemorated the U.S. Bicentennial.

Canada commissioned, as a bicentennial gift to the United States, a book of photographs illustrating the friendship between the two nations. This book, "Between Friends/Entri Amis," was presented to the U.S. Congress last night by James A. Jerome, speaker of the Canadian House of Commons. He was accompanied by Renaud Lapointe, speaker of the Senate, and members of the Canadian-United States Interparliamentary Group.

Because Speaker ALBERT was detained by the meeting of the Democratic Caucus, I received the ceremonial presentation on behalf of the House of Representatives. Each Member of Congress will soon be receiving a copy of the book.

Following are the remarks made by Speaker Jerome on presenting the book and the acceptance speech which I delivered on behalf of Speaker ALBERT. The presentation of the book and the remarks fully demonstrate the depth and warmth of Canadian-United States friendship.

REMARKS OF SPEAKER JAMES A. JEROME ON PRESENTATION OF THE COMMEMORATIVE BOOK

It is with great pleasure that we have come here today from the Parliament of Canada to present to you this commemorative book, *Between Friends/Entre Amis,* in honour of your bicentennial. Each member of the United States Congress will receive a copy, and indeed Prime Minister Trudeau came to Washington last week to personally present a copy to President Ford. Through this gift we hope to express to you the warmth and happiness which Canada feels in your celebration and achievement.

The theme of *Between Friends* is the boundary between our two countries. It is a pictorial celebration of the land and the people on both sides of the border. Canada's common frontier with the United States stretches for 5,000 miles along two fronts. For the most part this boundary between us is not a natural one of lakes, rivers or mountains, but an artificial line, drawn arbitrarily across the north-south geographic grain of the continent.

As a result, patterns of similar land, climate and culture cross our border in regional north-south strips defying mere national boundaries. A North Dakota farmer and a Manitoba farmer have more in common with each other than with their fellow-citizens in the neighbouring state or province. And a citizen of Maine leads a pattern of life more like that of a New Brunswicker than of a fellow American from Ohio or Massachusetts. It is perhaps most evident on our West Coast, where a range of mountains interrupts East-West lines and further promotes a North-South affinity. We think this book records these cross-border regional similarities in a striking way.

We share much with you. Drawing our populations as well as the mainsprings of our social and institutional structures from the same sources in the old world, Canada and the United States have evolved in many parallel ways. Both our histories record the westward push of the explorer, the pioneer settler, the prospector, and the railroad. In both nations the rights of the individual are highly prized and jealously guarded. Both countries have developed along fundamentally similar educational and cultural lines, even though Canada is a bilingual country. Our democratic governmental system and structures are both federal. While not alike they have the same origins and are easily understandable to one another.

Notwithstanding these parallel developments and the north-south pulls, the national boundary between us has remained. It has remained in spite of those who, at various times in our histories, have predicted or advocated that it be done away and our two countries joined. It has remainded in spite of those who argue more recently that boundaries are obsolete in the global village. In fact, the border may have remained because it is becoming more rather than less necessary in the contemporary world. Partly it is a matter of the governability of democracies—how large and complex can the state be and still be amenable to the democratic government we cherish? If there is an optimum size for democracies we have both probably surpassed it.

But most important, the border has remained because we are conscious of differences between us which we do not wish to lose. The border symbolizes our distinctiveness one from another and at the same time preserves it. As Mark Twain put it in his own colourful way, "It were not best that we should all think alike, it is the difference of opinion that makes horse races."

The border allows national differences of opinion to be expressed in different approaches to political, economic and social life on this continent. Our parliamentary institutions, our federal systems and our judicial systems are different. This diversity is equally evident in our varied approaches to many of the problems facing modern society, such as urban decay, environmental issues and health care, to name but a few. It is a process of creative experimentation, through which we have been able to learn much from each other.

The larger community of nations has also benefitted from having two democratic North American states bringing their opinions to the council tables. While we have similar backgrounds and are tied together in two formal alliances, our interests and perceptions do not always converge. But this has been a healthy thing, for as the world needs its superpowers, so too it needs those who, unburdened by superpower responsibilities, can try to contribute to international affairs in different ways.

The border portrayed in our gift to you has thus kept us separate and preserved our distinctiveness. But it has also been a witness to a most extraordinary exchange of people, goods and ideas. Cross-border visits now exceed 70 million annually, 38 million of which are from the United States to Canada. A sizeable number of Canadians cross daily to the United States to work and many Americans come daily to work in Canadian jobs. In 1975 the two-way merchandise trade between the two countries reached $42 billion. This is more than between any other two countries in the world. Extensive links between the two countries pervade almost every field of endeavour—investment, business, labour, defence, environment, energy, transportation and culture, to mention a few.

This intense interaction between Canada and the United States has naturally given rise to bilateral irritants. In the fields of automotive, agricultural and other trade, energy, tanker routes, environmental concerns, water boundaries, broadcasting, relations with third countries and innumerable other areas we have had or will have disagreements of varying intensity. Dealing with these irritants is not always easy. It is not that we always hurt the ones we love, but

rather that we have to be terribly attentive if we don't want constantly to hurt, or be hurt by, the millions with whom we share a continent and a permanent state of interdependence.

Mr. Speaker in this respect, may I say a word about our exchange of Diplomats, because we feel that the importance attached on both sides to our good relationship is strongly reflected in the appointment by U.S. Ambassador Tom Enders, and by Canada of Ambassador Jake Warren, both senior and very distinguished members of their respective diplomatic corps. I'm sure you and your colleagues join us in paying tribute to the fine job being done by both of these fine Ambassadors and in wishing them the greatest possible success in the future.

Legislators in both our capitals have recently addressed the problem of how best to deal with current issues. In the past, we have been imaginative and creative in finding new ways of negotiating our differences and in establishing new institutions to deal with them. For example, Canada and the United States can feel justly proud of the creation and achievements of the International Joint Commission which since 1912 has been resolving environmental and water disputes along the whole length of the border. As a bilateral problem-solving institution the IJC has been the focus of admiration by many other nations.

Another joint institution which I cannot fail to mention on this occasion is the Canada-United States Interparliamentary Group. Since 1959, 24 representatives from Congress and the Canadian Parliament have been meeting annually to review the relationship. We trust that these meetings will continue to engender the frank exchange of views and the positive and constructive dialogues that we have had.

It is one of my most interesting and pleasant responsibilities to preside over our interparliamentary program, through which we have benefitted greatly by direct contact between elected representatives in all corners of the world. These new and varied contacts are important for us, but let me underline, so there can be no doubt, that in my opinion the Canada-U.S. Interparliamentary Group is the most important aspect of our entire program. I attended last year's meetings in Quebec, and will be at next year's meetings again in Canada, to reemphasize our continuing and unqualified support for these meetings between American Congressmen and Canadian Parliamentarians.

Between us we have found good ways of coping with our problems in the past. There is every reason to be confident that we can continue to do so. But, the range and complexity of the issues between us will demand increasing attentiveness on both sides to prevent disagreements from becoming disputes.

In the final analysis, however, the vast majority of contacts between our two countries require no attention or regulation from us at all. They are the millions of personal contacts that take place unnoticed between individual Canadians and Americans. More than the boundary line or the land, it is they—with their ties of family and friendship across the border—who are the theme of our gift to you. *They* are the roots of our relationship. They are its continuing strength.

As we join in your celebrations this year, we recognize also how much Canada and all other democracies owe to the United States. The bold experiment in democracy which you launched 200 years ago in Philadelphia, its success and continual revitalization—are constant proof to us all of the freedom and nobility which men can achieve in the political realm.

Between good and close friends—our most sincere congratulations and best wishes to the U.S.A. for a happy 200th birthday.

ACCEPTANCE REMARKS OF SPEAKER CARL ALBERT

Speaker Jerome, Speaker Lapointe, Members of the Canadian Parliament, my colleagues in the House and Senate, honored guests and friends:

It is a great honor and a privilege to accept on behalf of the United States Congress this most meaningful Bicentennial gift, *Between Friends/Entre Amis*. The theme of this beautiful commemorative book, with its many photographs illustrating the warm personal relationship between the citizens of our two countries, could not be more appropriate.

Mr. Speaker, as I listened to your moving tribute, stressing the close ties between Canada and the United States, I was reminded of the lines from a famous poem, "Mending Wall," by one of our most beloved poets, Robert Frost. In this poem, as you will recall, he talks about:

"Something there is that doesn't love a wall . . ."

That has been true of the relationship between Canada and the United States throughout most of our history, and especially since Canada became an independent nation in 1867.

Although the poet's neighbor decrees that, "Good fences make good neighbors," Frost believes otherwise.

"Before I built a wall I'd ask to know
What I was walling in or walling out . . ."

With the exception of the major border-crossing points, there are "no fences" marking our frontiers. Our common borders stretch for more than 3,000 miles along our northern—your southern—boundaries and along nearly 2,000 miles which divide our State of Alaska from your Provinces of Yukon and British Columbia.

We live in an era dominated by tension and strife. During my yearly 30 years of public service, we have seen several heretofore unified countries divided into North/South or East and West. Less than two decades have gone by since the creation of the Berlin Wall in 1961. One professed solution of the current Lebanon crisis calls for partitioning of that country.

Against that background, the spirit of reciprocity and friendship characteristic of Canadian-United States relationships on the North American Continent has been truly remarkable.

Since 1959, under Public Law 86–42, up to 24 members of Congress have been meeting annually with representatives of the House of Commons and the Senate of the Canadian Parliament for the full discussion of common problems. These meetings have been extremely useful in promoting harmony between our two countries.

So it is a great pleasure to have our friends from Canada with us, here, this evening. It can be said, truly, this is a meeting *Between Friends/Entre Amis*.

ENERGY CONSERVATION AMENDMENT TO THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of California. Mr. Speaker, when H.R. 14231, the Interior and related agencies appropriations bill is considered Friday, an amendment will be offered by our colleague, MIKE McCORMACK, to increase the energy conservation appropriations for ERDA to the level approved by the full House during the consideration of the ERDA authorization bill. The difference between the House approved authorization and the Appropriations Committee bill is $67.5 million. This difference is quite significant to ERDA's energy conservation research, development, and demonstration program, and the full authorization deserves your support.

I realize that it is not common to challenge the judgment of the Appropriations Committee on the floor. The decision to do so is not taken lightly, nor is it taken without considerable deliberation and justification. The dispute between the authorization level and the appropriations level is not one over need, because the Appropriations Committee agrees with the need to spend much more in this area. Rather, there appears to be a difference in judgment about who should initiate appropriations. The Appropriations Committee report says that it would entertain a supplemental appropriations request from the administration, but until such a request is made, they would prefer to only appropriate that amount requested by the administration. The Science and Technology Committee met this same obstacle from the administration, which gives lipservice to energy conservation but not money, and as a consequence had to develop its own justification for energy conservation programs.

I must say that I found the final authorization level adopted by the Science and Technology Committee to be quite conservative. In fact, if I believe I could have won a vote on the floor to increase the authorization approved by the committee, I would have attempted to do so. The reason I did not was primarily because I was persuaded that the Appropriations Committee would not go above the figure approved by the Committee on Science and Technology. It is apparent to me that this advice was well founded, but this does not remove the justification for funding levels considerably higher than those in the authorization bill, not to mention the appropriations bill.

The reason that the chairman of the Energy Research, Development, and Demonstration Subcommittee of the Committee on Science and Technology (Mr. McCORMACK) is offering his amendment to add $67.5 million, and the reason most of the members of the Committee on Science and Technology are supporting him is because we believe this minimal amount of funds is necessary for ERDA to conduct even a modest energy conservation program.

More information on this amendment, and energy conservation in general, can be found on pages 19479 to 19505 of the June 21 CONGRESSIONAL RECORD. I strongly urge my colleagues to exercise their own judgment in this matter, and support the funding levels we have al-

ready approved. It would be unwise to wait for the administration to change their opinions on this matter. We know enough to proceed with the programs that we have authorized. Further, we have assurances from the staff who would be responsible for these funds in ERDA that they would be wisely and carefully spent in ways that would increase our energy independence.

I urge every Member interested in doing something about energy conservation to support the McCormack amendment.

TOO MUCH MEDICAL TECHNOLOGY?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, I would like to bring to the attention of my colleagues an excellent article by Dr. Howard Hiatt in today's Wall Street Journal. Dr. Hiatt is dean of the Harvard School of Public Health. The article was adapted from a recent speech he delivered at the National Leadership Conference on America's health policy.

The article follows:

[From the Wall Street Journal, June 24, 1976]

Too Much Medical Technology?

(By Howard H. Hiatt, M.D.)

With the United States currently investing 8.3% of its GNP in medical care, the costs of proliferating medical technology are receiving increasing attention. In searching for ways to set limits on these costs, many analysts focus almost automatically on such questions as how much of our resources should be devoted to an artificial heart and how much to kidney dialysis. Although these issues are extremely important, the problem has many other facets.

The question how much medical technology is enough could, more properly, be answered in three different ways: (1) none is enough; (2) some, although less than at present, is enough, and (3) more than at present, but with limitations, is enough. "Technology" in this context is used to describe not only equipment but diagnostic and therapeutic procedures, organizational arrangements and certain other components of medical practice.

1. None is enough.—

Many situations can be described in which technology has proved to be of no benefit or even harmful. A recent, often cited example is "freezing" of the stomach for ulcer disease. First used in 1962, gastric freezing was finally abandoned in 1969. In 1963, at a panel symposium sponsored by the American Gastroenterological Association, it was recommended that adoption of the procedure be delayed to allow time for further testing, but the procedure was widely accepted by the profession. By 1964, doctors were using 1,000 gastric freezing machines to treat 10,000–15,000 patients per year in the U.S. By 1969, 2,500 machines were in use. Between 1964–67, 16 different studies were carried out on the effects of gastric freezing, but they produced conflicting data. Finally, the results of a large-scale, carefully controlled clinical trial, published in 1969, proved definitely that gastric freezing was no more effective than doing nothing. At this point, "no technology" was enough. The procedure was rather quickly discarded.

However, technology is not always abandoned when it is known to be ineffective. Nor is its inappropriate use limited to surgical and other invasive procedures. Witness, for example, the continued widespread use of antibacterial drugs (such as penicillin) for viral infections, without benefit and at considerable cost. Another example is the use of laboratory tests without medical justification, in some cases to avoid malpractice, in some cases to avoid malpractice suits. In 1971, an estimated 2.9 billion laboratory tests were carried out at a cost of $5.6 billion. Costs had risen to $8.5 billion by 1974, and to an estimated $12 billion in 1975, more than 10% of the national health expenditure. The number of tests is projected to continue to rise at an annual rate of 11%.

SAVING RESOURCES

Even if we leave aside the large fraction of laboratory tests ordered without medical justification, studies show that some physicians fail to follow up abnormal test results with appropriate procedures. If we could halt the use of this technology where none is medically indicated, we could not only save resources but perhaps give increased attention to important abnormal laboratory findings. In part, this requires resolution of the malpractice problem.

A very different situation in which "no technology" is often enough relates to patients with medical problems that can be effectively managed technologically but whose overall condition does not justify intervention. An obvious example is the person with terminal illness whose vital functions, but no more, can be sustained by heroic measures.

2. Some technology—but less than presently in use—is enough—

Here I refer first to technology of as yet unproven effectiveness. Examples include coronary bypass survery and brain scans by computerized axial tomography (the so-called CAT scanner). As of December, 1975, the leading manufacturer had 340 CAT scanners on order, mostly for U.S. clients. The current estimated yearly operating cost is $500,000 per scanner. If 5,000 hospitals were each to purchase one CAT scanner, the total operating expenditure would equal $2.5 billion per year for this single piece of medical equipment. There is no doubt that the scanner sometimes provides additional diagnostic information, and frequently with less discomfort and hazard to the patient. However, it is not clear that the diagnostic information very often leads to a better outcome for the patient. Until this important information is available (from careful studies), would we not be better served by limiting the use of such expensive technology?

Many preventable conditions also fit into the category where less technology could suffice. Greater use of seat belts, to take one frequently cited example, could lead to substitution of much less, and less expensive, technology in place of the complicated and costly technology required to care for accident victims. (The added benefits of lives saved and suffering reduced apply here as in many other examples where preventive measures are well known, but not adequately practiced.)

Another example of potential technology conservation relates to what until recently has been a laissez-faire policy relating to purchase of costly hospital equipment. This policy has resulted in excessive investment in highly skilled personnel and expensive equipment for such specialized activities as radiation therapy, cardiac surgery and neurosurgery. For example, more than 800 of our 6,600 hospitals had facilities for closed heart surgery by the mid-1960s, and over 90% of such units carried out fewer than one procedure per week. Since specialists must be frequently active to maintain their skills, there are compelling medical as well as economic reasons for instituting regional planning to prevent oversupply.

3. More technology than at present, though obviously not unlimited amounts—

This category includes relatively simple technology that might improve presently neglected problems, such as the need for wider *access* to medical care. One example is the use of problem-oriented protocols, simple but detailed guides that have been developed for physicians' assistants. Utilizing protocols, physicians' assistants manage patients with certain common medical problems with a high level of patient and physician acceptance. This is a promising approach both for improving access to medical care and for containing costs.

Another problem area in which increased technology could be beneficial pertains to the quality of medical care. The effectiveness of many medical encounters could be improved if additional relevant information were readily available to the physician in charge. Physicians often make decisions largely or exclusively on the basis of their own (necessarily limited) clinical experience. Individual physicians, lacking the technology for collecting, storing, and utilizing comprehensive data pretaining to any given medical problem, are usually not in a position to compare their own results with those of large numbers of colleagues. Uniform data systems covering large population groups, utilizing progressively less expensive computer services, hold the potential for improving significantly the quality of medical care, without compromising confidentiality.

How do we decide how much technology is enough?

To optimize the use of our resources it makes sense first to reform the first two areas—those where no technology or less technology would be appropriate. Changes there could not only lead to improved quality of medical care, but also make more resources available for presently neglected problems. We must also place greater emphasis on development of cost-reducing technology, a trend followed in virtually all areas other than health care, where new technology is almost invariably cost-inducing. However even with cost reductions, the need to make choices among many desirable goals will be increasingly before us.

The physician has always been confronted with the need to set priorities in his practice. Indeed, he does so daily in deciding how to divide his time and how to ration scarce medical resources. For example, when the number of patients with heart attacks exceeds the number of beds in a hospital's coronary care unit, the physician in charge must make choices based on such factors as the gravity of each patient's illness, the presence of other medical conditions, and sometimes even the patient's age. Limited resources and increased capabilities will more and more frequently require priority setting. Society must devise mechanisms to deal with such decisions at the level of the needs and demands of population groups.

SOME GUIDELINES

Let us state a few guidelines that I think important in meeting these challenges. First, I believe we should seek to insure that minimal standards of health care are available to all as a prerequisite to the development of further heroic measures for some.

We must devise ways of insuring optimal utilization of available technology, including, where appropriate, organizational changes. We must attempt to make the most of utilization review, Professional Standards Review Organizations (PSRO's), certificate of need programs, and third party reimbursement policies. I suggest that we require a

stage of limited introduction of expensive or risky new technology for evaluation purposes before permitting widespread adoption. One way to facilitate this would be to deny third party reimbursement for unproven technology.

Programs in consumer education must be designed to inform the public that new technology almost invariably means higher costs. We must emphasize how preventive measures—seat belts, cigaret smoking reduction, better programs directed at alcoholism and drug addiction—would reduce the need for technology.

Finally, we urgently need changes in our decision-making processes. More sophisticated research in decision theory applied to health is required. For example, "proof" of effectiveness by itself cannot justify the unlimited spread of new technology. Some technologies will be so costly in relation to benefits that society will be forced to renounce or limit them.

The business community has an important stake in such decisions, as reflected in recent concern over increasing payroll costs of medical benefits. How can industry help develop useful medical technologies without promoting the premature spread of a new generation of "gastric freezers"? Should the government share the financial risks of technology development before effectiveness is tested? What measures should be introduced to protect the public interest?

Priority setting will require the input of many kinds of professionals—statisticians, economists, behavioral scientists, lawyers, political scientists, engineers, business leaders, and others—and the public and their representatives. However, the medical profession must continue to play a central role. It would be unfair to leave matters of *societal* priority in the hands of the individual physician dealing with an individual patient, for the former *must* give first call to the needs of that patient within any limits imposed by society.

On the other hand, the process of priority setting would be sterile and even destructive without physicians playing a central role. I believe the medical profession to be at a crossroad: Will it take the leadership in experimenting with new approaches to such decision making, or will it let the critical responsibility go by default to the government?

TRIBUTE TO THE LATE WES BARTHELMES, JR., WASHINGTON JOURNALIST AND CONGRESSIONAL STAFF AIDE

(Mr. BOLLING asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BOLLING. Mr. Speaker, A. Wesley Barthelmes, Jr., Washington journalist and a top congressional staff aide for the past 14 years, died Tuesday evening at his home in Bethesda.

A former reporter and editor for the Washington Post and the Worcester, Mass., Telegram-Gazette, Mr. Barthelmes was administrative assistant to Senator JOSEPH R. BIDEN, JR., at the time of his death.

Mr. Barthelmes was born May 10, 1922, in Winchester, Mass. He served for 3 years in the Army during World War II as a paratrooper, and participated in the Normandy invasion on June 6, 1944, parachuting into France behind enemy lines.

Following his discharge from the Army in 1946, he returned to Tufts University, where he received his bachelor's degree in 1947. Mr. Barthelmes then studied for a year at the University of Geneva, Switzerland. In 1949, he was awarded a master's degree from the Columbia University School of Journalism.

Between June of 1950 and July of 1953, Mr. Barthelmes served as a reporter and then as an editor of the Worcester Telegram-Gazette. In 1953, he moved to Washington to take a job with the Washington Post, where he served as a reporter and later as assistant city editor.

In January of 1962, Mr. Barthelmes left the Post to become administrative assistant to Representative EDITH GREEN, where he worked until early 1965, when he joined the staff of the late Senator Robert Kennedy, as press secretary.

In the fall of 1966, Mr. Barthelmes worked in Oregon for Representative ROBERT DUNCAN, during DUNCAN's campaign for the U.S. Senate. Following that campaign, he returned to Washington, where he became administrative assistant to Representative RICHARD BOLLING.

In February of 1970, Mr. Barthelmes joined the staff of Senator FRANK CHURCH as a special assistant, serving until January of 1973, when he joined the staff of Senator BIDEN. A prolific writer, Mr. Barthelmes collaborated with Representative BOLLING on two books, "House Out of Order," published in 1965, and "Power in the House," published in 1968.

Although he had left his full-time career as a journalist when he joined the staff of Representative GREEN, Mr. Barthelmes continued to contribute articles to various publications. For a number of years, he wrote the "Washington Report" column for Commonweal magazine under the pen name Sisyphus. Those columns appeared regularly until a short time before his death.

In 1975, the Catholic Press Association awarded "Sisyphus" its journalism award for the best regular column.

Mr. Barthelmes was a strong supporter of the American Newspaper Guild, and served as president of the Washington unit of the guild in 1956. The same year he was named Guildsman of the Year. He continued to carry his guild card until his death.

Long active in Maryland Democratic politics, Mr. Barthelmes served as a member of the Montgomery County and Maryland State Democratic Central Committees between 1970 and 1974.

Mr. Barthelmes is survived by his wife, Dorothy, of 6006 Welborn Drive, Bethesda; his mother, Mrs. A. Wesley Barthelmes, Sr., of Washington; by two sisters, Mrs. Ann Barthelmes Drew of Malibu, Calif., and Mrs. Jane Traumann of Rolandia, Brazil; and two daughters, a step-daughter, and step-son; Lisa, 26, of Paris, France; Victoria, 21, of London, United Kingdom; Elizabeth, 22, of Cotati, Calif.; and Robert, 20, of Madison, Wis.

Memorial services will be held Sunday at 2 p.m. at the River Road Unitarian Church, Bethesda.

The family requests that in lieu of flowers, contributions be made to the donor's favorite charity.

AMERICAN FOLKLIFE CENTER BOARD OF TRUSTEES CONVENE

(Mr. ALBERT (at the request of Mr. TRAXLER) asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, it is with a great deal of personal pleasure that I take this opportunity to note that on June 10, the first meeting of the Board of Trustees of the American Folklife Center was held under the auspices of the Library of Congress. As you will recall, the American Folklife Center was created pursuant to Public Law 94-201.

Under the provisions of Public Law 94-201, I was charged with selecting 4 members of the 16-person board. Thus, my personal interest in the activities of the Center is readily understood.

One of the first orders of business for the directors of the Center was the passage of a resolution honoring and highlighting the career of noted folkloric scholar, Dr. Archie Green, who recently retired from the faculty of the University of Texas, Austin.

I commend the following information provided by the Library of Congress to my colleagues' attention:

AMERICAN FOLKLIFE CENTER BOARD OF TRUSTEES MEETS IN WASHINGTON

The Board of Trustees of the American Folklife Center, established in the Library of Congress by the American Folklife Preservation Act, met for the first time on Thursday, June 10. Public Law 94-201 (89 Stat. 1129) provided for the appointment of 12 members, four by the President of the United States, four by the Speaker of the House of Representatives, and four by the President pro tempore of the U.S. Senate. The act named to the Board, in addition, the Librarian of Congress, the Secretary of the Smithsonian Institution, the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, and, when appointed by the Librarian of Congress after consultation with the Board, the Director of the Center.

When the Presidential appointments, which made the Board complete, were announced on June 2, the Librarian of Congress was able to call the first meeting. In welcoming the Board members to the Library of Congress, Librarian Daniel J. Boorstin expressed what "folklife" meant to him. "I've spent most of my life trying to discover the meaning of our civilization," he said, "and folklife is it. History always faces the mystery of what happened—but part of the mystery is who made it happen; this is what we seek now, exciting new avenues to discover ourselves." He called upon the members to help the Library of Congress discover, open, and widen its resources and to teach the Library to be useful in the meaning of the American Folklife Preservation Act.

At this first meeting the Board elected as chairman Wayland D. Hand, emeritus professor of German and Folklore at the University of California at Los Angeles. Dr. Hand is the founder and first director (1961-1974) of UCLA's Center for the Study of Comparative Folklore and Mythology. Vice chairman is David K. Voight of the National Federation of Independent Business, Washington, D.C.

These officers and an executive committee from the Board will consult further with the Librarian of Congress on the selection of the Center's Director, which was discussed at the meeting.

The four members of the Board appointed by the President from among officials of Federal departments and agencies concerned with some aspect of American folklife traditions and arts are Mitchell P. Kobelinski, Administrator, Small Business Administration; Morris Thompson, Commissioner of Indian Affairs, Bureau of Indian Affairs, Michael P. Balzano, Jr., Director of ACTION; and Gary T. Everhardt, Director of the National Park Service.

The Speaker of the House of Representatives named Mrs. Raye Virginia Allen of Temple, Texas, co-founder of the Cultural Activities Center of Temple and a former member of the Texas American Revolution Bicentennial Commission; St. John Terrell, actor, producer, and folklorist of Trenton, New Jersey; Edward Bridge Danson, President of the Board of Trustees of the Museum of Northern Arizona, Flagstaff; and Dr. Hand.

Appointed by the President pro tempore of the Senate were Don Yoder, professor of folklife studies at the University of Pennsylvania; David E. Draper, assistant professor of anthropology, California State College at Bakersfield; K. Ross Toole, Hammond professor of western history at the University of Montana; and Mr. Voight.

The American Folklife Center is a part of the Office of The Librarian of Congress. For administrative purposes it is attached to the Office of the Assistant Librarian (American and Library Studies), Mrs. Elizabeth Hamer Kegan.

ARCHIE GREEN, FOLKLORIST, HONORED BY BOARD OF AMERICAN FOLKLIFE CENTER

The Board of Trustees of the American Folklife Center, meeting for the first time on June 10 at the Library of Congress in Washington, D.C., paid tribute to Archie Green, the distinguished folklorist who recently retired from the faculty of the University of Texas at Austin, for his contribution to the passage of the American Folklife Preservation Act.

Dr. Green, a native Californian, holds a library degree from the University of California at Berkeley and a Ph. D. in folklore from the University of Pennsylvania. He has taught labor and industrial relations and most recently he has been assistant professor of folklore at the University of Texas at Austin. Since his recent retirement from the Texas faculty, he has been living in California.

In a resolution introduced by Raye Virginia Allen of Temple, Texas, and passed unanimously, the Board said:

"Whereas, Archie Green . . . Folklorist, Teacher, Author, Labor Lore Scholar, Collector, Folkloric Theorist, Lecturer, Folklife Leader . . . worked persistently without remuneration for ten years for the passage of the American Folklife Preservation Act, P.L. 94–201; and

"Whereas, Professor Green indefatigably conducted informal seminars in American folklife in almost every Congressional office on Capitol Hill; and

"Whereas, Archie Green's vision, singleness of purpose, and powers of persuasion won him the title of "Great American Lobbyist" and affectionate "armtwister supreme"; and

"Whereas, Dr. Green set a valiant example for folklorists both young and old to stand steadfastly for their beliefs in the public and private sectors; and

"Whereas, Dr. Green single-handedly brought contrasting values together and convinced political leaders that attention should be paid to the preservation and presentation of America's rich folk culture at the local, state, regional, and national levels; now

"*Therefore, be it Resolved* in this Bicentennial year which is an appropriate and symbolic time to recognize the beauty and strength of our diverse folk cultures in the United States, that the Board of Trustees of the American Folklife Center in the Library of Congress in the first official meeting, June 10, 1976, do hereby declare our gratitude to Archie Green for his heroic and sacrificial efforts in helping to create a national consciousness honoring our American folk heritage."

BRIEF BIOGRAPHIES OF BOARD MEMBERS

RAYE VIRGINIA ALLEN

Mrs. Allen is a graduate of the University of Texas with a master's degree in American studies and American civilization. She has served a 4-year term on the Texas American Revolution Bicentennial Commission and is co-founder of one of the oldest art councils in Texas, the Cultural Activities Center of Temple. She is a member of the executive board of the University of Texas Ex-Students Association and its Bicentennial Chairman, as well as Vice Chairman and Projects and Goals Committee Chairman of the Temple Bicentennial Commission.

MICHAEL P. BALZANO, JR.

Michael Balzano, Jr., Director of ACTION since 1973, is a native of New Haven, Connecticut. He received his B.A., magna cum laude, from the University of Bridgeport in 1966 ad his Ph.D. from Georgetown University in 1971.

In 1969 he was named Outstanding Young Man of America; in 1969–70 he lectured on political theory at Goucher College; and he was staff assistant to the President from 1971 to 1973.

RONALD S. BERMAN

Ronald S. Berman, Chairman of the National Endowment for the Humanities since 1971, received his B.A. degree from Harvard University in 1952 and his Ph.D. from Yale University in 1959. He was a member of the faculties of Columbia University, 1959–62; Kenyon College, 1962–65; and the University of California, San Diego, 1965–71. He is a trustee of the Woodrow Wilson Center for International Studies and is the author of *A Reader's Guide to Shakespeare's Plays* (1965) and *America in the Sixties* (1968).

DANIEL J. BOORSTIN

Daniel J. Boorstin was sworn in as the 12th Librarian of Congress in the Library's 175-year history on November 12, 1975. Dr. Boorstin, distinguished American historian, educator, and prize-winning author, served as Director of the National Museum of History and Technology, Smithsonian Institution, from 1969 to 1973, and as Senior Historian of the Smithsonian until his nomination by the President to the Librarianship.

A native of Atlanta, Georgia, he received degrees at Harvard and Balliol College, Oxford. He was a member of the faculty of the History Department at the University of Chicago from 1944 to 1969.

EDWARD BRIDGE DANSON

Edward Bridge Danson, a native of Glendale, Ohio, received his B.A. degree from the University of Arizona, and his M.A. and Ph. D. degrees from Harvard University.

He has been an Assistant Professor of Anthropology at the universities of Colorado and Arizona. From 1942–45, he went from Ensign to Lieutenant Commander in the U.S. Naval Reserve. At present, he is President of the Board of Trustees, Northern Arizona Society of Science and Art, Incorporated. He has published numerous short papers, and, in addition, has done "An Archaeological Survey of West Central New Mexico and East Central Arizona."

DAVID ELLIOTT DRAPER

Born in Greenville, Mississippi, Mr. Draper received his degrees from the College-Conservatory of Music of the University of Cincinnati and Tulane University, specializing in music and ethnomusicology. In the course of his studies, he did various field researches, one of them conducted on the Choctaw Indian Reservation, where he studied the cognitive aspects of music, curing practices, and native medicine in 1974.

Included on the list of courses taught by him are Primitive Religion, Folklore and Myth, and Afro-America. At present he is Assistant Professor of Anthropology at California State College, Bakersfield.

GARY E. EVERHARDT

Gary E. Everhardt, Director of the National Park Service, began his Park Service career as an engineer on the Blue Ridge Parkway in North Carolina, Virginia, and Georgia, immediately after graduation from North Carolina State College in 1957. He served for 17 years in engineering positions in the Park Service before he became Assistant Superintendent for Operations at Yellowstone National Park in 1969. He became Superintendent of the Grand Teton National Park in 1972.

Mr. Everhardt is a native of Lenoir, North Carolina. He entered on active duty in the U.S. Army Reserve in 1958 and retired with the rank of Captain in 1966.

WAYLAND D. HAND

Wayland D. Hand, who retired in 1974 as the Emeritus Professor of German and Folklore at UCLA, was also the founder and director of UCLA's Center for the Study of Comparative Folklore and Mythology. His numerous specialties include folk belief, custom, legend, and medicine. Throughout his career he has been editor of the *Journal of American Folklore, Western Folklore,* and *Dictionary of American Popular Beliefs and Superstition.*

MITCHELL KOBELINSKI

Mitchell Kobelinski of Chicago, Illinois, succeeded Thomas S. Kleppe as Administrator, Small Business Administration, in December 1975. He has been a member of the Board of Directors of the Export-Import Bank of the United States since June 1973. Before that appointment, he had been Vice President and Director of the Parkway Bank in Harwood Heights, Illinois, General Counsel and a Director of the First State Bank of Chicago, and a partner in Parkway Developers in Harwood Heights. He holds a Ph.D. and J.D. degrees from Loyola University and its law school.

S. DILLON RIPLEY, JR.

Mr. Ripley, born in New York City, holds B.A. and M.A. degrees from Yale University. From 1946 to 1952, he was a lecturer and Associate Curator and later an Assistant Professor there. He has been on expeditions to the South Pacific, Southeast Asia, India, and Nepal. He was director of the Peabody Museum of Natural History from 1959–64, and since 1968 has been Vice President of the International Council of Museums. In 1964 he was appointed Secretary of the Smithsonian Institution.

ST. JOHN TERRELL

Mr. Terrell, eminent actor, producer, and folklorist, is well known for his portrayal of the title role in the radio serial "Jack Armstrong, All-American Boy." The founder of the music circus theatre in Lambertsville, New Jersey, he developed the concept of theatre-in-the-round and organized theatri-

cal groups to tour in New Jersey and Pennsylvania. He organized and took part in the pageant commemorating Washington's crossing of the Delaware. Since the initiation of this pageant in 1953, it has grown into a major community event.

In the course of his work as a theatrical producer, Mr. Terrell became interested in folksong. He collaborated with Alan Lomax, former Director of the Archive of Folk Song in the Library of Congress, in the collection of folk ballads. He is Chairman of New Jersey's Tercentenary Commission and a former member of New Jersey's Council on the Arts.

MORRIS THOMPSON

Morris Thompson, the Commissioner of Indian Affairs in the Bureau of Indian Affairs, is a native of Alaska. He is a graduate of the University of Alaska.

Mr. Thompson worked as an electronic technician for RCA from 1963–67, Assistant Director and then Deputy Director of the Alaska Rural Development Administration, 1967–68, and Executive Director of the North Commission Office, Alaskan Government, 1968–69. Since coming to the Department of the Interior, he has served as Assistant to the Secretary of the Interior on Indian Affairs (Alaska area), 1969–71; as the Director of the Bureau of Indian Affairs, 1971–73; and, since 1974, as Commissioner of Indian Affairs.

K. ROSS TOOLE

K. Ross Toole, whose field of specialization is American Western history, is a native of Montana. He has received his degrees from the University of Montana and the University of California at L.A. He served as Director of History at the Montana State Historical Society, 1951–57; the Museum of the City of New York, 1958–60; and the Museum of New Mexico 1960–63. Since 1965 he has been Hammond Professor of Western History at the University of Montana.

Dr. Toole has served as editor of the *Montana Magazine of Western History*, 1951–55, and as regional editor, 1955–69. During World War II, he served in the U.S. Navy as Lieutenant. He is co-author of *History of Montana* and *Essays on History of Montana and the Northwest*, and author of *Montana, an Uncommon Land*.

DAVID K. VOIGHT

David K. Voight served as Legislative Assistant to Senator Abourezk of South Dakota before taking his position with the National Federation of Independent Business. Mr. Voight was born in Billings, Montana, in 1941. He received his B.A. degree from the University of Montana.

DON YODER

Don Yoder, Professor of Folklife Studies at the University of Pennsylvania, was born in Altoona, Pennsylvania. He received his degrees from Franklin and Marshall College and the University of Chicago. From 1949–54, he was Assistant Professor of Religion at Franklin and Marshall College, and Assistant Professor of Religious Thought at the University of Pennsylvania from 1956–64. He is currently Associate Professor of Religious Thought at the university.

Dr. Yoder was co-founder and has been Director of the Pennsylvania Folklife Society since 1949. He has served as co-editor of the *Pennsylvania Dutchman*, 1949–58; of *Pennsylvania Folklife*, 1958–62; and of *American Folklife*, 1968–74. Dr. Yoder has served as consultant in folklife studies to the Smithsonian Institution since 1973.

SUNSHINE BILL REVISED TO MEET AGENCY OBJECTIONS

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, the House is scheduled to take up the "Government in the Sunshine" bill, H.R. 11656, next week.

In view of the importance of this legislation, I would like to review briefly the steps taken to assure that the bill is workable and fair from the standpoint of the governmental agencies affected by its provisions.

First, it should be pointed out that Congress has considered such legislation for more than 5 years. The first House bill, H.R. 16450, was introduced in 1972. The measure was reintroduced in the 93d Congress with almost 50 sponsors. In the present Congress there are 85 cosponsors.

Hearings have been held in both the House and Senate over a span of the last two Congresses. The bill itself stems from extensive work done by the American Bar Association and the Administrative Conference of the United States. Exhaustive efforts have been made to secure the views and recommendations of some 50 agencies in developing the specific language.

At each stage of congressional consideration of this bill, important revisions have been made in order to accommodate the concerns of the agencies involved. Other changes have been made on the initiative of Members of Congress. Still other amendments were considered and voted on, but not accepted.

As a result of these years of effort, H.R. 11656 meets the legitimate concerns of Federal agencies and carefully balances their administrative needs against the public need for full information. Any further amendments to weaken the bill would distort this balance in favor of the agencies and against the public.

To show the extent to which the agencies have been accommodated, I would like to list some of the major amendments approved as a result of agency requests.

On November 6 and 12, 1975, the Subcommittee on Government Information and Individual Rights of the House Committee on Government Operations held hearings on H.R. 10315 and H.R. 9868, Government in the sunshine legislation. H.R. 9868 is identical to S. 5—as reported in the Senate—which, with two major changes, passed the Senate 94 to 0 on November 6. H.R. 10315 is almost identical to H.R. 9868, but included a number of changes, mostly of a technical and clarifying nature. A number of the changes between H.R. 9868 and H.R. 10315 were made to accommodate agency objections:

First. The exemption regarding premature disclosure of information, as set forth in H.R. 9868, permitted withholding of such material only if its release "would" have certain undesirable effects. In H.R. 10315, the agency may withhold such material if its disclosure "is likely" to have such effects.

Second. Under H.R. 9868, an agency was required to release all of a transcript of a closed meeting if "no significant portion" of the transcript contained exempt material. H.R. 10315 permits the deletion of exempt material from the transcript, no matter how insignificant a portion of the transcript that material represents.

In the light of agency testimony at the subcommittee hearings and written agency comments, H.R. 10315 was revised and introduced as a clean bill, H.R. 11007, on December 4, 1975. Among the many changes made to accommodate the agencies were the following:

Third. The SEC and other agencies had suggested that their right to withhold information if its "premature" disclosure would cause certain adverse effects might be interpreted to permit withholding only before the agency took the agency action to which the information related. They contended that certain information relevant to an agency action should be withheld even after the action had been concluded. Accordingly, the word "premature" was changed to permit withholding where disclosure would be "untimely."

Fourth. H.R. 11007 eliminates the requirement that a change in a previously announced meeting be published in the Federal Register.

Fifth. The judicial review provisions of H.R. 10315 prevent a court from setting aside or invalidating agency action because of a violation of the open meetings requirements of this legislation—when the court is acting solely under this act. At the request of the Department of Justice, the word "enjoin" was added to the list of acts forbidden to a court in such circumstances.

Sixth. At the request of the Administrative Conference of the United States, a provision in the section of the bill relating to ex parte communications was deleted. The conference was of the opinion that a provision of existing law forbidding agency decisionmaking personnel from communicating with their superiors in certain circumstances should not be disturbed, and H.R. 9868 would have removed most of that section.

Markup of H.R. 11007 began on December 15, 1975, continued on the 2 following days, and was concluded on January 20 and 21, 1976. At the request of Mr. MCCLOSKEY, a clean bill reflecting the subcommittee amendments was introduced (H.R. 11656) and was reported by the subcommittee on February 10. At the markup stage, too, numerous changes were made at the suggestion of executive agencies:

Seventh. At the request of the FTC and other agencies, the bill's exemption relating trade secrets was amended to track the language of exemption (4) of the Freedom of Information Act.

Eighth. At the request of the FTC and several other agencies, provisions suggesting that Government employees had fewer rights of privacy than the public at large were deleted.

Ninth. At the request of the SEC and OMB, an exemption permitting withholding of material if its disclosure would result in "serious" speculation was changed to apply to any "significant" speculation.

Tenth. A provision prohibiting withholding of information where the agency action to which it relates must be made public prior to the final decision of the agency was made inapplicable to instances involving possible speculation or possible adverse effect upon the stability of a financial institution. This change was at the request of the SEC and the Federal Reserve Board.

Eleventh. The FTC and the SEC contended that the exemption permitting the closing of meetings dealing with adjudicatory proceedings did not cover actions preparatory to such proceedings. Accordingly, the exemption—now numbered exemption 10—was amended to include discussions relating to the agency's issuance of a subpena.

Twelfth. OPIC, the Export-Import Bank, and the Office of Management wanted an exemption for discussions of proceedings in foreign courts and international tribunals, and arbitration proceedings. This change was made and appears in exemption 10.

Thirteenth. The provision in H.R. 11007 dealing with transcripts of closed meetings required that any deletion from a transcript be replaced by the reason and statutory basis for it and a summary or paraphrase of the material deleted. At the request of the Federal Reserve Board, the requirement for a summary or paraphrase was deleted.

Fourteenth. OMB raised the point that the judicial review provisions permitting a court challenge to an agency's regulations under this act had no statute of limitations on its face. Accordingly, the provision was amended to make applicable for such regulations the same statute of limitations applicable to regulations of agencies generally—there are different such statutes of limitations, but each agency has one that covers all of its rulemaking orders.

Fifteenth. OMB and other agencies claimed that the requirement that court actions be answered within 20 days was unduly burdensome, despite the fact that a single transcript is relatively easy to locate and analyze. Nevertheless, the provision was amended to permit the court to allow an additional 20 days in appropriate instances.

Sixteenth. It was argued that the provision permitting a court to release a transcript if it determined that a meeting had been unlawfully closed was not clear as to the release of exempt information contained within such a transcript. The bill was, therefore, amended to state that even if the transcript of an unlawfully closed meeting is to be released, discrete portions within it that are themselves exempt may still be deleted.

Seventeenth. OMB contended that the bill was unclear as to whether the open meetings provisions cover those meetings that may also be covered under the Federal Advisory Committee Act (5 United States Code, Appendix I). Accordingly, a provision was added making this act applicable in cases of dual coverage.

After being reported by the full Committee on Government Operations, H.R. 11656 was sequentially referred to the Committee on the Judiciary. The bill was considered by the Subcommittee on Administrative Law and Governmental Relations during several days of markup and then by the full committee. A number of additional changes to accommodate administration suggestions were included in the bill as reported by the committee:

Eighteenth. The OMB was concerned that the bill did not contain an express standard of compliance with open meeting requirements. A new provision was added, therefore, specifically barring agency business other than in an open meeting as provided in the bill or in a closed portion authorized by the exceptions set forth in the bill.

Nineteenth. Since many statutes allow discretion in the withholding of information, the committee adopted the CIA's request that the words "or permitted" be added to the bill's provision allowing the withholding of information required to be withheld by statute.

Twentieth. A clarification sought by OMB and the Justice Department makes clear that the bill's exceptions to the open meeting requirements with respect to law enforcement information apply to information given orally as well as to written records.

Twenty-first. Another change made at the request of OMB makes it clear that the exception for information whose premature disclosure would lead to significant financial speculation or frustrate the implementation of a proposed agency action does not apply after notice of rulemaking has been given under section 553.

Twenty-second. OMB asked that agency heads not be required to vote on each transcript deletion. The requirement was dropped.

Twenty-third. Many agencies objected to the provision under which individual agency members could face legal action for acts in violation of the openness provisions, and these provisions were stricken. Actions could be brought only against an agency.

Twenty-fourth. Following Justice Department criticism of the bill's venue provisions, the measure was amended to require that challenges be brought in the district in which the agency meeting is held, or in the District of Columbia, or in the judicial district in which the agency has its headquarters. Previously, actions could have been brought in any judicial district.

Twenty-fifth. At the urging of the Justice Department and OMB, language was stricken which might have been construed to permit a court to invalidate an agency action because of a violation of the provisions of the bill, incident to a review of the merits. The Administrative Procedures Act already provides adequate authority for such reviews.

Twenty-sixth. Many agencies requested deletion of a provision permitting the assessment of attorneys' fees and costs against individual agency members in the event of legal actions brought under provisions of the bill, and the provision was dropped.

Twenty-seventh. A number of agencies also objected to the bill's provisions amending the Freedom of Information Act to limit the exception for information covered by statutes to only information covered by statutes which require that information of a particular type be withheld. An amendment was adopted which provides for an exception in the case of statutes which permit the agency to determine whether such information should be released or not.

SPAIN-UNITED STATES AGREEMENT ON TRANSMISSION FACILITIES FOR RADIO LIBERTY

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, the Senate has not ratified the Treaty of Friendship and Cooperation with Spain, a treaty which involves numerous commitments—including financial commitments—over the next 5 years. We hope this treaty will lead to a broadening of the cooperation between Spain and the United States, even as Spain herself evolves into a more democratic society.

Members of this House have made clear that the obligations set forth in the treaty do not in any way supersede the normal congressional authorization and appropriation processes, and will be reviewed each year in the context of the congressional budget resolution.

I should like to note here that these annual authorizations will have to be viewed in the total context of United States-Spanish relations. This context, insofar as I am concerned, definitely includes the status of the Radio Liberty transmission facilities which have been leased from the Spanish Government since 1957. The lease expired in April, and the Board for International Broadcasting is seeking a long-term renewal; the site is ideal from the technical viewpoint, and relocation to a technically inferior site would cost upwards of $20 million.

In our report on the BIB authorization, the Committee on International Relations has stated our hope that—

> Spain will continue to enable the United States to make use of the RL facilities as part of a common effort of the West to insure that the people of the Soviet Union continue to have access to information denied them by their own government.

The ratification of the Treaty of Friendship and Cooperation in no way diminishes—on the contrary, it intensifies—our interest in seeing a mutually satisfactory long-term agreement concluded for the renewal of the Radio Liberty transmitter lease.

I understand that negotiations on such a renewal will be resumed in Madrid at the end of this month, and I am pleased to learn that the administration fully supports the Board for International Broadcasting in its efforts to secure a long-term agreement. It is my hope that

Spain and the United States will be able to complement the new treaty with a mutually satisfactory agreement to continue use of this facility by Radio Liberty.

RESTORING THE PARTNERSHIP

(Mr. WYLIE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WYLIE. Mr. Speaker, recently Dr. Harold L. Enarson, president of the Ohio State University located in that part of Columbus, Ohio, in the 15th Congressional District presented to the Members of the Ohio Congressional Delegation a significant well-thought-out talk on "Restoring the Partnership." His genuine concern about the impact of big Federal Government on our Nation's colleges and universities deserves our attention because of his expertise and his position as the president of our largest university on one campus. I feel President Enarson's ideas deserve public dissemination and with this in mind, I insert President Enarson's remarks in the CONGRESSIONAL RECORD:

RESTORING THE PARTNERSHIP

(Excerpts from remarks by President Harold L. Enarson)

I welcome this opportunity to visit with you for a few minutes. Since there are 49,000 of your constituents getting their education at Ohio State, I think we have a mutual interest in getting better acquainted.

First I want to express my appreciation and that of the University for your continuing support. I know that we won't always agree on every issue. But I also know that the people of Ohio are proud of Ohio State, and I find that same kind of feeling reflected in our contacts with you and your staffs. Ohio State is a fine university. It serves all the state—every county and Congressional district. And we need to work together to keep it strong.

I am here out of a sense of urgency and concern to say a few frank words. If I have any message it is this:

A fundamental change is taking place in the relationship between Washington and the nation's colleges and universities, a change which I find deeply disturbing.

Once we were partners working together to solve national problems. Now we view each other with suspicion, almost as adversaries. We overregulate on one hand and overreact on the other. We have placed the partnership in peril. And if it is to be restored, it urgently needs our attention and understanding.

Neither higher education nor the federal government fully understands what is happening, in all its subtleties and side effects. Certainly we don't.

I had hoped to come before you with statistics honed to a sharp edge. If not that, at least some reasonably accurate picture of the total federal impact on Ohio State.

What folly. I soon discovered that our search for precision was an exercise in frustration. Yet the reality is undeniable: the federal presence is everywhere in the university.

As president of Ohio State, my position may be unique in that I can see on one campus the federal impact on public higher education in all its manifestations. This year one-eighth of our total budget ($43 million) will come from federal sources. And here is what I see which is so disturbing:

I see dollar costs—out-of-pocket expenses on a staggering scale.

I see debilitation—a draining away of time and energy from the primary tasks of teaching and research.

I see bureaucratization—the entanglement by and with government in ways which serve neither of us well.

And I see no end to it all—to the overregulation of the American people.

Consider first the dollar costs. In a recent study, the American Council on Education concluded that it costs colleges and universities between one and four percent of their operating budgets to comply with federally mandated programs, such as social security, affirmative action, occupational safety, and the rest. For schools such as ours which don't come under social security, the range is roughly one-half to two percent.

If we apply this yardstick to Ohio State's budget, it means that this year such programs will cost us several million dollars. And this estimate may well be understated. As ACE points out, its study did not include costs imposed by state government, expenses resulting from less than full recovery of indirect costs on federal contracts, and staff time devoted to implementing federally mandated programs.

When the cold dollars for such programs are laid out on a multi-million dollar scale, our first reaction is utter disbelief. Then the bills start coming in . . .

. . . $50,000 a year in new costs to haul waste to a land-fill, the result of EPA requirements.

. . . An estimated $250,000 in staff time and computer changes to protect the privacy of students under the Family Educational Rights and Privacy Act.

. . . Some $885,000 the last two years, in anticipation of OSHA requirements, and as much as $9.1 million in the years ahead to bring our buildings into compliance.

At this point, so that there is no misunderstanding, let me make it clear: Ohio State University supports the goals of the federally mandated social programs with which we must comply. There is no question or equivocation on that score.

Yet our alarm is nonetheless as real as the mounting costs we face each day. And one is tempted to observe in a moment of black humor that the lamp of learning, with its hazardous open flame and its environmentally polluting smoke, is fast becoming an inappropriate symbol for education in this country.

The burden of intense regulation also forces the university to bear a second kind of cost—debilitation. It results from the maddening business of trying to fill out forms that seem unfair or inappropriate, of trying to understand regulations that are needlessly complex, of rushing to meet deadlines that are unrealistically short.

These exercises in compliance effectively drain morale and frustrate people at every level of the university. They reverberate throughout the organization, consuming our time and energy and diverting us from other tasks.

The third change which troubles me is the bureaucratization of our colleges and universities which is taking place, a kind of mummification under layer upon layer of rules and requirements. At Ohio State, we struggle and survive under the rules of some 275 to 300 agencies, bureaus, departments, and regulatory bodies.

We comply with a dozen or more mandated activities. We submit regularly a series of major compliance reports, plus a growing number of special reports and data profiles required by HEW, EEOC, and others.

But information is not free. In a bureaucracy, paperwork equals people. Someone has to keep the records, fill out the forms, summarize the data, write the reports—only to have to do it again next month for a different agency and invariably in a different format.

We find ourselves caught between software and hard deadlines. And the only real option open to many schools is to add more staff and create new layers of bureaucrats.

Finally, and perhaps most troubling, is the fact that I see no end to the federal tendency to govern by decree rather than consent, as one observer put it. Laws beget regulations and court decisions and new laws and new regulations. And as each new Congress convenes, with its renewed sense of urgency, the cycle begins again.

I will leave it to you, in your quiet moments, to conjure up your own private nightmare of a nation immobilized by government regulation.

Admittedly, a university president's view of the federal impact is only one perspective. We also need to hear from those in the trenches—in student aid, research, the health professions, and many others who daily try to make federal programs work.

As I listen to them describe the problems they face in doing business with Washington, I hear several common themes. For quick reference we might give them these labels:

"Flying Blind"—the bizarre experience of attempting to comply with federal law in the absence of regulations. Or, more commonly, of trying to understand forms or regulations which are simply not clear.

The "Moving Target" problem—particularly familiar to those in research who try to follow shifting federal priorities. Yesterday it was space, today it is energy. What will it be tomorrow?

A third theme of complaint is the "Short Fuse," the "Long Delay" and other timing problems. Too little lead-time—either to apply for programs or to meet compliance deadlines. Delayed release of funds. Long uncertainties about appropriations, an agonizing waiting game for the student in mid-program or the scientist in mid-project.

"Feast or Famine," sometimes known as the "Spigot" problem, caused by lack of commitment and continuity in some federal programs and readily recognized on campus by the frantic annual scramble for funds by those involved.

"The Nose in the Tent" problem—the dangerous business of government attempting to dictate curriculum, organizational structure, or in other ways moving into academic territory where it does not belong.

So much for catchy nomenclature. It is useful only to a point. Let's get down to cases—

Our University radio and TV stations, under recent FCC order, are now required to pursue a new and complex procedure called "ascertainment of community problems." This is an additional FCC effort to insure that broadcasters operate in the public interest. Yet somehow our stations are expected to include this complicated review in their normal operations and absorb the staff costs involved.

Capitation grants. When Washington said there was an urgent national need to train more health professionals, we responded as readily as the next. Now the phase-out has begun. In just two years our support has dropped $1 million, and the deans of the health colleges are filing these bleak reports about what could happen if funds are cut off:

Medicine: Reduce non-tenured faculty and staff; possible cut in first-year admissions; increase teaching load of tenured faculty; less time for research and public service.

Dentistry: One-fourth of the faculty and staff now supported by capitation. Cut-off could jeopardize the integrity of the entire program.

Veterinary Medicine: Capitation now pays 14 percent of the net cost of educating each student. Cut-off would mean reduction in non-tenured faculty; possible enrollment cut.

And so the capitation story goes.

Negotiation of indirect cost recovery now goes on continuously and costs the university an estimated $50,000 a year. Recently the Business Office created a full-time position for this purpose.

Last year it cost our student aid office nearly $55,000 in unreimbursed expenses to administer federal aid programs. This year it will be higher due to the enormous growth in the BEOG program which is much more complex to administer. We have just added a full-time person to keep pace. Yet no administrative allowance is provided for BEOG. Hopefully, new legislation will soon change this situation.

New regulations protecting human subjects in research now cost us an estimated $25,000 out-of-pocket and probably as much again in staff time. No one disagrees with the intent of these rules. But we question whether the new review system imposed will be any better than the system of committees which we had for a long time. And it is certainly not self-evident that non-federal research should be subject to these controls. Nor is it self-evident that we should be threatened with the cutoff of all federal money if we do not comply.

But enough of problems and frustrations. It is not my purpose to bring to you an unrelieved litany of complaint. We also need to keep clearly in mind the good things which federal programs continue to accomplish at Ohio State. The record is impressive. Consider these examples.

A medical center with facilities which are among the finest in the nation, made possible, in part, by $24.5 million in federal funds received during the past 10 years.

A Comprehensive Cancer Research and Demonstration Center, which some of you helped us achieve, providing a growing array of services for Ohio.

Natural disaster preparedness programs, through our Continuing Education Division, helping schools, hospitals, and others learn how to prepare for tornadoes.

A veterans clinic, offering outstanding medical care for 70,000 veterans from 32 counties, and exceptional clinical experience for those preparing for the health professions.

A National Center for Vocational Education, working with state leaders and conducting research into the problems of worker adjustment, the disadvantaged, and careers for women—a total effort serving Ohio and all 50 states.

A Slavic Center, the only major program of its kind in Ohio, a valuable resource in developing international trade.

A modern veterinary teaching hospital, largely federally funded.

An estimated 10,000 students who are getting a chance to go to college thanks to financial aid from one or more federal programs.

Clearly, the ultimate payoff of the federal partnership with higher education is better and more humane lives for people. And these few illustrations from our experience at Ohio State convey some sense of why it is absolutely essential that the partnership not be allowed to fall into disrepair.

Having come this far, I don't intend to leave you with only the problem. After all, the problem is not yours, nor is it mine. It is ours. The real question we face is: How do we go about restoring the partnership?

Briefly, I think there are some things higher education is obliged to do.

First, we have a moral duty to cry with pain and anguish when we are hurt, to complain bitterly and to publicize it. I can't guarantee that in the short run we will get anywhere. But if enough of us are outraged and the cause is just, something will happen. To be numb in the face of gross imposition is terribly wrong.

Second, we in higher education have an obligation—as well as a strategic necessity—to work together to effect change. The bedrock on which we stand is common ground, and there is much about which we can speak with a unified voice.

Third, we have an obligation to work closely with government. Only in this way can we meet the needs of government for accountability and responsiveness, and the needs of the universities for basic autonomy.

I sense a kind of mutual exhaustion in higher education and government, not surprising after a decade of upheaval and rapid change. I think we both could use a breather from several things, including—

New laws passed too quickly, without adequate consultation with those affected.

From excessive regulations, over-long in gestation, tortured in delivery, and malfunctioning from the start.

From new programs created but never funded. Translation: promises made but never kept.

We need to restore our mutual respect by remembering the accomplishments of the past and reminding ourselves that the partnership can work. The GI bill worked, and it changed the lives of millions. The Cooperative Extension Service continues to work, a good example of a program that has not bogged down in regulations.

We in higher education need your renewed understanding of the fundamental fact that a university is not a public utility, nor is it a business selling items off the shelf. Our services do not lend themselves to hardware contracting. Rather, university is a distinctive institution in society—and a fairly fragile one at that—with a distinctive job to do.

Ohio State University is not a supplicant beseeching the powerful government for a handout: We take on major federal responsibilities because there is a *joint* interest involved. When we enter into a partnership to help fulfill a national goal, it does not follow that we should be subject to every regulation or constraint imaginable.

In a partnership, if it is to succeed, one partner does not heavy-hand the other. Their common interest must be their guide.

At the same time, if the partnership between Washington and higher education is to be restored, it must be restored on the basis of reality. To say to a university such as ours—"You want the money, you accept the controls"—is too simplistic. The fact is, we have no choice whether to be involved in major federal programs. There is no way that the president of Ohio State can say that we will not participate in federal student aid, research, or health assistance. Consequently—and this is the point to remember—all laws, rules, and regulations affecting higher education thus have a direct, immediate, and forceful impact on us.

The reality on which we rebuild our partnership must also recognize the fact that Washington's total impact on higher education is fast reaching "critical mass." A recent Library of Congress study identified 439 separate laws on the books affecting postsecondary. education. Do we dare add more laws and more controls without first understanding the consequences?

Should we not require Washington to file an educational impact statement each time it proposes to tamper further with the academic landscape? To our credit as a people we have recognized the value and fragility of our natural resources, and we proceed now to alter them only with caution. Too much caution, some say, too little to suit others. But we generally agree that we want to understand consequences of our actions before we take them.

Are the places where we train the minds of our people any less important to our future as a nation than our land, air, and water? I think not. Yet there is presently no one place in the government which has a total view of the federal impact on higher education. Agencies operate in isolation, spinning out regulations to suit their separate needs. At no point is the price tag added up.

Finally, and perhaps most urgent, we need to make the regulatory process more sane and sensible. Higher education must find ways to participate intimately in the drafting of regulations which are of utter and basic concern.

I applaud the efforts of Secretary Mathews in creating an Office of Regulatory Review for the specific purpose of improving the writing of regulations in HEW. I have been in touch with Dr. Mathews, and we are working with his staff to give them reactions and suggestions from Ohio State's vantage point.

I remain hopeful, but I don't expect miraculous change. Regulations are not going to go away. But I do see an encouraging awareness of the problem in Congress and the Administration, and I hope it continues after November.

Meanwhile, higher education must become much more expert and systematic in dealing with regulations and the process by which they are developed. Does this mean adding more staff, technical and legal experts we do not now have? That prospect goes against the grain. Yet most colleges and universities are ill-equipped to deal with the massed forces of the federal bureaucracy. We are on unfamiliar territory and losing ground fast.

There are some in higher education who already feel that their backs are against the wall. Their growing cries of alarm and anger—indeed, my visit with you today—should be a signal to Congress and the Administration that something dangerously wrong is happening, wrong, not for the federal government, nor for higher education. Wrong for the people and the country and whatever hopes we hold for the future.

Will the partnership be restored? I think that remains an open question.

CONFERENCE REPORT ON S. 586

Mrs. SULLIVAN submitted the following conference report and statement on the bill (S. 586), to amend the Coastal Zone Management Act of 1972 to authorize and assist the coastal States to study plan for, manage, and control the impact of energy facility and resource development which affects the coastal zone and for other purposes:

CONFERENCE REPORT (H. REPT. No. 94–1298)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 586), to amend the Coastal Zone Management Act of 1972 to authorize and assist the coastal States to study, plan for, manage, and control the impact of energy facility and resource development which affects the coastal zone, and for other purposes, have agreed to recommend and do recommend to their respective Houses as follows:

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

That this Act may be cited as the "Coastal Zone Management Act Amendments of 1976".

SEC. 2. FINDINGS.

Section 302 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451) is amended—

(1) by inserting "ecological," immediately after "recreational," in subsection (b):

(2) by striking out—

(A) the semicolon at the end of subsections (a), (b), (c), (d), (e), and (f), respectively, and

(B) "; and" at the end of subsection (g), and inserting in lieu of such matter at each such place a period; and

(3) by inserting immediately after subsection (h) the following:

"(i) The national objective of attaining a greater degree of energy self-sufficiency would be advanced by providing Federal financial assistance to meet state and local needs resulting from new or expanded energy activity in or affecting the coastal zone.".

SEC. 3. DEFINITIONS.

Section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453) is amended—

(1) by redesignating paragraph (a) as paragraph (1), and by amending the first sentence of such paragraph (1) (as so redesignated)—

(A) by striking out "Coastal" and inserting in lieu thereof "The term coastal"; and

(B) by inserting immediately after "and includes" the following: "islands.";

(2) by redesignating paragraph (b) as paragraph (2), and by amending such paragraph (2) (as so redesignated)—

(A) by striking out "'Coastal" and inserting in lieu thereof "The term 'coastal"; and

(B) by striking out "(1)" and "(2)" and inserting in lieu thereof "(A" and "(B)", respectively;

(3) by striking out "(c) 'Coastal" and inserting in lieu thereof "(3) The term 'coastal";

(4) by inserting immediately before paragraph (d) thereof the following:

"(4) The term 'coastal energy activity' means any of the following activities if, and to the extent that (A) the conduct, support, or facilitation of such activity, requires and involves the siting, construction, expansion, or operation of any equipment or facility; and (B) any technical requirement exists which, in the determination of the Secretary, necessitates that the siting, construction, expansion, or operation of such equipment or facility be carried out in, or in close proximity to, the coastal zone of any coastal state:

"(i) Any outer Continental Shelf energy activity.

"(ii) Any transportation, conversion, treatment, transfer, or storage of liquefied natural gas.

"(iii) Any transportation, transfer, or storage of oil, natural gas, or coal (including, but not limited to, by means of any deepwater port, as defined in section 3(10) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(10)).

For purposes of this paragraph, the siting, construction, expansion, or operation of any equipment or facility shall be 'in close proximity to' the coastal zone of any coastal state if such siting, construction, expansion, or operation has, or is likely to have, a significant effect on such coastal zone.

"(5) The term 'energy facilities' means any equipment or facility which is or will be used primarily—

"(A) in the exploration for, or the development, production, conversion, storage, transfer, processing, or transportation of, any energy resource; or

"(B) for the manufacture, production, or assembly of equipment, machinery, products, or devices which are involved in any activity described in subparagraph (A).

The term includes, but is not limited to (i) electric generating plants; (ii) petroleum refineries and associated facilities; (iii) gasification plants; (iv) facilities used for the transportation, conversion, treatment, transfer, or storage of liquefied natural gas; (v) uranium enrichment or nuclear fuel processing facilities; (vi) oil and gas facilities, including platforms, assembly plants, storage depots, tank farms, crew and supply bases, and refining complexes; (vii) facilities, including deepwater ports, for the transfer of petroleum; (viii) pipelines and transmission facilities; and (ix) terminals which are associated with any of the foregoing.";

(5) by striking out "(d) 'estuary'" and inserting in lieu thereof "(6) The term 'estuary'";

(6) by redesignating paragraph (e) as paragraph (7) and by amending such paragraph (7) (as so redesignated)—

(A) by striking out "'Estuarine" and inserting in lieu thereof "The term 'estuarine", and

(B) by striking out "estuary, adjoining transitional areas, and adjacent uplands, constituting" and inserting in lieu thereof the following: "estuary and any island, transitional area, and upland in, adjoining, or adjacent to such estuary, and which constitutes";

(7) by striking out paragraph (f) and inserting in lieu thereof the following:

"(8) The term 'Fund' means the Coastal Energy Impact Fund established by section 308(h).

"(9) The term 'land use' means activities which are conducted in, or on the shorelands within, the coastal zone, subject to the requirements outlined in section 307(g).

"(10) The term 'local government' means any political subdivision of, or any special entity created by, any coastal state which (in whole or part) is located in, or has authority over, such state's coastal zone and which (A) has authority to levy taxes, or to establish and collect user fees, or (B) provides any public facility or public service which is financed in whole or part by taxes or user fees. The term includes, but is not limited to, any school district, fire district, transportation authority, and any other special purpose district or authority.";

(8) by striking out "(g) 'Management' and inserting in lieu thereof "(11) The term 'management'";

(9) by inserting immediately after paragraph (11) (as redesignated by paragraph (8) of this section) the following:

"(12) The term 'outer Continental Shelf energy activity' means any exploration for, or any development or production of, oil or natural gas from the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 (a)), or the siting, construction, expansion, or operation of any new or expanded energy facilities directly required by such exploration, development, or production.

"(13) The term 'person' means any individual; any corporation, partnership, association, or other entity organized or existing under the laws of any state; the Federal Government; any state, regional, or local government; or any entity of any such Federal, state, regional, or local government.

"(14) The term 'public facilities and public services' means facilities or services which are financed, in whole or in part, by any state or political subdivision thereof, including, but not limited to, highways and secondary roads, parking, mass transit, docks, navigation aids, fire and police protection, water supply, waste collection and treatment (including drainage), schools and education, and hospitals and health care. Such term may also include any other facility or service so financed which the Secretary finds will support increased population.

"(15 The term 'Secretary' means the Secretary of Commerce.";

(10) by striking out "(h) 'Water" and inserting in lieu thereof

"(16) The term 'water'"; and

(11) by striking out paragraph (i).

SEC. 4. MANAGEMENT PROGRAM DEVELOPMENT GRANTS.

Section 305 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1454) is amended to read as follows:

"MANAGEMENT PROGRAM DEVELOPMENT GRANTS

"SEC. 305. (a) The Secretary may make grants to any coastal state—

"(1) under subsection (c) for the purpose of assisting such state in the development of a management program for the land and water resources of its coastal zone; and

"(2) under subsection (d) for the purpose of assisting such state in the completion of the development, and the initial implementation, of its management program before such state qualifies for administrative grants under section 306.

"(b) The management program for each coastal state shall include each of the following requirements:

"(1) An identification of the boundaries of the coastal zone subject to the management program.

"(2) A definition of what shall constitute permissible land uses and water uses within the coastal zone which have a direct and significant impact on the coastal waters.

"(3) An inventory and designation of areas of particular concern within the coastal zone.

"(4) An identification of the means by which the state proposes to exert control over the land uses and water uses referred to in paragraph (2), including a listing of relevant constitutional provisions, laws, regulations, and judicial decisions.

"(5) Broad guidelines on priorities of uses in particular areas, including specifically those uses of lowest priority.

"(6) A description of the organizational structure proposed to implement such management program, including the responsibilities and interrelationships of local, areawide, state, regional, and interstate agencies in the management process.

"(7) A definition of the term 'beach' and a planning process for the protection of, and access to, public beaches and other public coastal areas of environmental, recreational, historical, esthetic, ecological, or cultural value.

"(8) A planning process for energy facilities likely to be located in, or which may significantly affect, the coastal zone, including, but not limited to, a process for anticipating and managing the impacts from such facilities.

"(9) A planning process for (A) assessing the effects of shoreline erosion (however caused), and (B) studying and evaluating ways to control, or lessen the impact of, such erosion, and to restore areas adversely affected by such erosion.

No management program is required to meet the requirements in paragraphs (7), (8), and (9) before October 1, 1978.

"(c) The Secretary may make a grant annually to any coastal state for the purposes described in subsection (a)(1) if such state reasonably demonstrates to the satisfaction of the Secretary that such grant will be used to develop a management program consistent with the requirements set forth in section 306. The amount of any such grant shall not exceed 80 per centum of such state's costs for such purposes in any one year. No coastal state is eligible to receive more than four grants pursuant to this subsection. After the initial grant is made to any coastal state pursuant to this subsection, no subsequent grant shall be made to such state pursuant to this subsection unless the Secretary finds that such state is satisfactorily developing its management program.

"(d)(1) The Secretary may make a grant annually to any coastal state for the purposes described in subsection (a)(2) if the Secretary finds that such state meets the eligibility requirements set forth in paragraph (2). The amount of any such grant shall not exceed 80 per centum of the costs for such purposes in any one year.

"(2) A coastal state is eligible to receive grants under this subsection if it has—

"(A) developed a management program which—

"(i) is in compliance with the rules and regulations promulgated to carry out subsection (b), but

"(ii) has not yet been approved by the Secretary under section 306;

"(B) specifically identified, after consultation with the Secretary, any deficiency in such program which makes it ineligible for approval by the Secretary pursuant to section 306, and has established a reasonable time schedule during which it can remedy any such deficiency;

"(C) specified the purposes for which any such grant will be used;

"(D) taken or is taking adequate steps to meet any requirement under section 306 or 307 which involves any Federal official or agency; and

"(E) complied with any other requirement which the Secretary, by rules and regulations, prescribes as being necessary and appropriate to carry out the purposes of this subsection.

"(3) No management program for which grants are made under this subsection shall be considered an approved program for purposes of section 307.

"(e) Grants under this section shall be made to, and allocated among, the coastal states pursuant to rules and regulations promulgated by the Secretary; except that—

"(1) no grant shall be made under this section in an amount which is more than 10 per centum of the total amount appropriated to carry out the purposes of this section, but the Secretary may waive this limitation in the case of any coastal state which is eligible for grants under subsection (d); and

"(2) no grant shall be made under this section in an amount which is less than 1 per centum of the total amount appropriated to carry out the purposes of this section, but the Secretary shall waive this limitation in the case of any coastal state which requests such a waiver.

"(f) The amount of any grant (or portion thereof) made under this section which is not obligated by the coastal state concerned during the fiscal year for which it was first authorized to be obligated by such state, or during the fiscal year immediately following, shall revert to the Secretary who shall add such amount to the funds available for grants under this section.

"(g) With the approval of the Secretary, any coastal state may allocate to any local government, to any areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, to any regional agency, or to any interstate agency, a portion of any grant received by it under this section for the purpose of carrying out the provisions of this section.

"(h) Any coastal state which has completed the development of its management program shall submit such program to the Secretary for review and approval pursuant to section 306. Whenever the Secretary approves the management program of any coastal state under section 306, such state thereafter—

"(1) shall not be eligible for grants under this section; except that such state may receive grants under subsection (c) in order to comply with the requirements of paragraphs (7), (8), and (9) of subsection (b); and

"(2) shall be eligible for grants under section 306.

"(i) The authority to make grants under this section shall expire on September 30, 1979.".

SEC. 5. ADMINISTRATIVE GRANTS.

Section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455) is amended—

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

"(a) The Secretary may make a grant annually to any coastal state for not more than 80 per centum of the costs of administering such state's management program if the Secretary (1) finds that such program meets the requirements of section 305(b), and (2) approves such program in accordance with subsections (c), (d), and (e).";

(2) by amending subsection(c)(2)(B) by striking out the period at the end thereof and inserting in lieu thereof the following:

"; except that the Secretary shall not find any mechanism to be 'effective' for purposes of this subparagraph unless it includes each of the following requirements:

"(i) Such management agency is required, before implementing any management program decision which would conflict with any local zoning ordinance, decision, or other action, to send a notice of such management program decision to any local government whose zoning authority is affected thereby.

"(ii) Any such notice shall provide that such local government may, within the 30-day period commencing on the date of receipt of such notice, submit to the management agency written comments on such management program decision, and any recommendation for alternatives thereto, if no action is taken during such period which would conflict or interfere with such management program decision, unless such local government waives its right to comment.

"(iii) Such management agency, if any such comments are submitted to it, within such 30-day period, by any local government—

"(I) is required to consider any such comments,

"(II) is authorized, in its discretion, to hold a public hearing on such comments, and

"(III) may not take any action within such 30-day period to implement the management program decision, whether or not modified on the basis of such comments.";

(3) by amending subsection (c)(8) to read as follows—

"(8) The management program provides for adequate consideration of the national interest involved in planning for, and in the siting of, facilities (including energy facilities in, or which significantly affect, such state's coastal zone) which are necessary to meet requirements which are other than local in nature. In the case of such energy facilities, the Secretary shall find that the state has given such consideration to any applicable interstate energy plan or program.";

(4) by amending subsection (g) to read as follows:

"(g) Any coastal state may amend or modify the management program which it has submitted and which has been approved by the Secretary under this section, pursuant to the required procedures described in subsection (c). Except with respect to any such amendment which is made before October 1, 1978, for the purpose of complying with the requirements of paragraphs (7), (8), and (9) of section 305(b), no grant shall be made under this section to any coastal state after the date of such an amendment or modification, until the Secretary approves such amendment or modification.".

SEC. 6. CONSISTENCY AND MEDIATION.

Section 307 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456) is amended—

(1) by striking out "INTERAGENCY" in the title of such section;

(2) by striking out the last sentence of subsection (b);

(3) by amending subsection (c)(3) by inserting "(A)" immediately after "(3)", and by adding at the end thereof the following:

"(B) After the management program of any coastal state has been approved by the Secretary under section 306, any person who submits to the Secretary of the Interior any plan for the exploration or development of, or production from, any area which has been leased under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and regulations under such Act shall, with respect to any exploration, development, or production described in such plan and affecting any land use or water use in the coastal zone of such state, attach to such plan a certification that each activity which is described in detail in such plan complies with such state's approved management program and will be carried out in a manner consistent with such program. No Federal official or agency shall grant such person any license or permit for any activity described in detail in such plan until such state or its designated agency receives a copy of such certification and plan, together with any other necessary data and information, and until—

"(i) such state or its designated agency, in accordance with the procedures required to be established by such state pursuant to subparagraph (A), concurs with such person's certification and notifies the Secretary and the Secretary of the Interior of such concurrence;

"(ii) concurrence by such state with such certification is conclusively presumed, as provided for in subparagraph (A); or

"(iii) the Secretary finds, pursuant to subparagraph (A), that each activity which is described in detail in such plan is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

If a state concurs or is conclusively presumed to concur, or if the Secretary makes such a finding, the provisions of subparagraph (A) are not applicable with respect to such person, such state, and any Federal license or permit which is required to conduct any activity affecting land uses or water uses in the coastal zone of such state which is described in detail in the plan to which such concurrence or finding applies. If such state objects to such certification and if the Secretary fails to make a finding under clause (iii) with respect to such certification, or if such person fails substantially to comply with such plan as submitted, such person shall submit an amendment to such plan, or a new plan, to the Secretary of the Interior. With respect to any amendment or new plan submitted to the Secretary of the Interior pursuant to the preceding sentence, the applicable time period for purposes of concurrence by conclusive presumption under subparagraph (A) is 3 months."; and

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

"(h) In case of serious disagreement between any Federal agency and a coastal state—

"(1) in the development or the initial implementation of a management program under section 305; or

"(2) in the administration of a management program approved under section 306; the Secretary, with the cooperation of the Executive Office of the President, shall seek to mediate the differences involved in such disagreement. The process of such mediation shall, with respect to any disagreement described in paragraph (2), include public hearings which shall be conducted in the local area concerned.".

SEC. 7. COASTAL ENERGY IMPACT PROGRAM.

The Coastal Zone Management Act of 1972 is further amended by redesignating sections 308 through 315 as sections 311 through 318, respectively; and by inserting immediately after section 307 the following:

"COASTAL ENERGY IMPACT PROGRAM

"SEC. 308. (a)(1) The Secretary shall administer and coordinate, as part of the coastal zone management activities of the Federal

Government provided for under this title, a coastal energy impact program. Such program shall consist of the provision of financial assistance to meet the needs of coastal states and local governments in such states resulting from specified activities involving energy development. Such assistance, which includes—

"(A) grants, under subsection (b), to coastal states for the purposes set forth in subsection (b)(4) with respect to consequences resulting from the energy activities specified therein;

"(B) grants, under subsection (c), to coastal states for study of, and planning for, consequences relating to new or expanded energy facilities in, or which significantly affect, the coastal zone.

"(C) loans, under subsection (d)(1), to coastal states and units of general purpose local government to assist such states and units to provide new or improved public facilities or public services which are required as a result of coastal energy activity;

"(D) guarantees, under subsection (d)(2) and subject to the provisions of subsection (f), of bonds or other evidences of indebtedness issued by coastal states and units of general purpose local government for the purpose of providing new or improved public facilities or public services which are required as a result of coastal energy activity;

"(E) grants or other assistance, under subsection (d)(3), to coastal states and units of general purpose local government to enable such states and units to meet obligations under loans or guarantees under subsection (d)(1) or (2) which they are unable to meet as they mature, for reasons specified in subsection (d)(3); and

"(F) grants, under subsection (d)(4), to coastal states which have suffered, are suffering, or will suffer any unavoidable loss of a valuable environmental or recreational resource;

shall be provided, administered; and coordinated by the Secretary in accordance with the provisions of this section and under the rules and regulations required to be promulgated pursuant to paragraph (2). Any such financial assistance shall be subject to audit under section 313.

"(2) The Secretary shall promulgate, in accordance with section 317, such rules and regulations (including, but not limited to, those required under subsection (c)) as may be necessary and appropriate to carry out the provisions of this section.

"(b)(1) The Secretary shall make grants annually to coastal states, in accordance with the provisions of this subsection.

"(2) The amounts granted to coastal states under this subsection shall be, with respect to any such state for any fiscal year, the sum of the amounts calculated, with respect to such state, pursuant to subparagraphs (A), (B), (C), and (D):

"(A) An amount which bears, to one-third of the amount appropriated for the purpose of funding grants under this subsection for such fiscal year, the same ratio that the amount of outer Continental Shelf acreage which is adjacent to such state and which is newly leased by the Federal Government in the immediately preceding fiscal year bears to the total amount of outer Continental Shelf acreage which is newly leased by the Federal Government in such preceding year.

"(B) An amount which bears, to one-sixth of the amount appropriated for such purpose for such fiscal year, the same ratio that the volume of oil and natural gas produced in the immediately preceding fiscal year from the outer Continental Shelf acreage which is adjacent to such state and which is leased by the Federal Government bears to the total volume of oil and natural gas produced in such year from all of the outer Continental Shelf acreage which is leased by the Federal Government.

"(C) An amount which bears, to one-sixth of the amount appropriated for such purpose for such fiscal year, the same ratio that the volume of oil and natural gas produced from outer Continental Shelf acreage leased by the Federal Government which is first landed in such state in the immediately preceding fiscal year bears to the total volume of oil and natural gas produced from all outer Continental Shelf acreage leased by the Federal Government which is first landed in all of the coastal states in such year.

"(D) An amount which bears, to one-third of the amount appropriated for such purpose for such fiscal year, the same ratio that the number of individuals residing in such state in the immediately preceding fiscal year who obtain new employment in such year as a result of new or expanded outer Continental Shelf energy activities bears to the total number of individuals residing in all of the coastal states in such year who obtain new employment in such year as a result of such outer Continental Shelf energy activities.

"(3)(A) The Secretary shall determine annually the amounts of the grants to be provided under this subsection and shall collect and evaluate such information as may be necessary to make such determinations. Each Federal department, agency, and instrumentality shall provide to the Secretary such assistance in collecting and evaluating relevant information as the Secretary may request. The Secretary shall request the assistance of any appropriate state agency in collecting and evaluating such information.

"(B) For purposes of making calculations under paragraph (2), outer Continental Shelf acreage is adjacent to a particular coastal state if such acreage lies on that state's side of the extended lateral seaward boundaries of such state. The extended lateral seaward boundaries of a coastal state shall be determined as follows:

"(i) If lateral seaward boundaries have been clearly defined or fixed by an interstate compact, agreement, or judicial decision (if entered into, agreed to, or issued before the date of the enactment of this paragraph), such boundaries shall be extended on the basis of the principles of delimitation used to so define or fix them in such compact, agreement, or decision.

"(ii) If no lateral seaward boundaries, or any portion thereof, have been clearly defined or fixed by an interstate compact, agreement, or judicial decision, lateral seaward boundaries shall be determined according to the applicable principles of law, including the principles of the Convention on the Territorial Sea and the Contiguous Zone, and extended on the basis of such principles.

"(iii) If, after the date of enactment of this paragraph, two or more coastal states enter into or amend an interstate compact or agreement in order to clearly define or fix lateral seaward boundaries, such boundaries shall thereafter be extended on the basis of the principles of delimitation used to so define or fix them in such compact or agreement.

"(C) For purposes of making calculations under this subsection, the transitional quarter beginning July 1, 1976, and ending September 30, 1976, shall be included within the fiscal year ending June 30, 1976.

"(4) Each coastal state shall use the proceeds of grants received by it under this subsection for the following purposes (except that priority shall be given to the use of such proceeds for the purpose set forth in subparagraph (A)):

"(A) The retirement of state and local bonds, if any, which are guaranteed under subsection (d)(2); except that, if the amount of such grants is insufficient to retire both state and local bonds, priority shall be given to retiring local bonds.

"(B) The study of, planning for, development of, and the carrying out of projects and programs in such state which are—

"(i) necessary, because of the unavailability of adequate financing under any other subsection, to provide new or improved public facilities and public services which are required as a direct result of new or expanded outer Continental Shelf energy activity; and

"(ii) of a type approved by the Secretary as eligible for grants under this paragraph, except that the Secretary may not disapprove any project or program for highways and secondary roads, docks, navigation aids, fire and police protection, water supply, waste collection and treatment (including drainage), schools and education, and hospitals and health care.

"(C) The prevention, reduction, or amelioration of any unavoidable loss in such state's coastal zone of any valuable environmental or recreational resource if such loss results from coastal energy activity.

"5) The Secretary, in a timely manner, shall determine that each coastal state has expended or committed, and may determine that such state will expend or commit, grants which such state has received under this subsection in accordance with the purposes set forth in paragraph (4). The United States shall be entitled to recover from any coastal state an amount equal to any portion of any such grant received by such state under this subsection which—

"(A) is not expended or committed by such state before the close of the fiscal year immediately following the fiscal year in which the grant was disbursed, or

"(B) is expended or committed by such state for any purpose other than a purpose set forth in paragraph (4).

Before disbursing the proceeds of any grant under this subsection to any coastal state, the Secretary shall require such state to provide adequate assurances of being able to return to the United States any amounts to which the preceding sentence may apply.

"(c) The Secretary shall make grants to any coastal state if the Secretary finds that the coastal zone of such state is being, or is likely to be, significantly affected by the siting, construction, expansion, or operation of new or expanded energy facilities. Such grants shall be used for the study of, and planning for (including, but not limited to, the application of the planning process included in a management program pursuant to section 305(b)(8)) any economic, social, or environmental consequence which has occurred, is occuring, or is likely to occur in such state's coastal zone as a result of the siting, construction, expansion, or operation of such new or expanded energy facilities. The amount of any such grant shall not exceed 80 per centum of the cost of such study and planning.

"(d)(1) The Secretary shall make loans to any coastal state and to any unit of general purpose local government to assist such state or unit to provide new or improved public facilities or public services, or both, which are required as a result of coastal energy activity. Such loans shall be made solely pursuant to this title, and no such loan shall require as a condition thereof that any such state or unit pledge its full faith and credit to the repayment thereof. No loan shall be made under this paragraph after September 30, 1986.

"(2) The Secretary shall, subject to the provisions of subsection (f), guarantee, or enter into commitments to guarantee, the payment of interest on, and the principal amount of, any bond or other evidence of indebtedness if it is issued by a coastal state or a unit of general purpose local government for the purpose of providing new or improved public facilities or public services, or both, which are required as a result of a coastal energy activity.

"(3) If the Secretary finds that any coastal state or unit of general purpose local government is unable to meet its obligations pursuant to a loan or guarantee made under paragraph (1) or (2) because the actual increases in employment and related population resulting from coastal energy activity and the facilities associated with such activity do not provide adequate revenues to enable such state or unit to meet such obligations in accordance with the appropriate repayment schedule, the Secretary shall, after review of the information submitted by such state or unit pursuant to subsection (c)(3), take any of the following actions:

"(A) Modify appropriately the terms and conditions of such loan or guarantee.

"(B) Refinance such loan.

"(C) Make a supplemental loan to such state or unit the proceeds of which shall be applied to the payment of principal and interest due under such loan or guarantee.

"(D) Make a grant to such state or unit the proceeds of which shall be applied to the payment of principal and interest due under such loan or guarantee.

Notwithstanding the preceding sentence, if the Secretary—

"(i) has taken action under subparagraph (A), (B), or (C) with respect to any loan or guarantee made under paragraph (1) or (2), and

"(ii) finds that additional action under subparagraph (A), (B), or (C) will not enable such state or unit to meet, within a reasonable time, its obligations under such loan or guarantee and any additional obligations related to such loan or guarantee;

the Secretary shall make a grant or grants under subparagraph (D) to such state or unit in an amount sufficient to enable such state or unit to meet such outstanding obligations.

"(4) The Secretary shall make grants to any coastal state to enable such state to prevent, reduce, or ameliorate any unavoidable loss in such state's coastal zone of any valuable environmental or recreational resource, if such loss results from coastal energy activity, if the Secretary finds that such state has not received amounts under subsection (b) which are sufficient to prevent, reduce, or ameliorate such loss.

"(e) Rules and regulations with respect to the following matters shall be promulgated by the Secretary as soon as practicable, but not later than 270 days after the date of the enactment of this section:

"(1) A formula and procedures for apportioning equitably, among the coastal states, the amounts which are available for the provision of financial assistance under subsection (d). Such formula shall be based on, and limited to, the following factors:

"(A) The number of additional individuals who are expected to become employed in new or expanded coastal energy activity, and the related new population, who reside in the respective coastal states.

"(B) The standardized unit costs (as determined by the Secretary by rule), in the relevant regions of such states, for new or improved public facilities and public services which are required as a result of such expected employment and the related new population.

"(2) Criteria under which the Secretary shall review each coastal state's compliance with the requirements of subsection (g)(2).

"(3) Criteria and procedures for evaluating the extent to which any loan or guarantee under subsection (d)(1) or (2) which is applied for by any coastal state or unit of general purpose local government can be repaid through its ordinary methods and rates for generating tax revenues. Such procedures shall require such state or unit to submit to the Secretary such information which is specified by the Secretary to be necessary for such evaluation, including, but not limited to—

"(A) a statement as to the number of additional individuals who are expected to become employed in the new or expanded coastal energy activity involved, and the related new population, who reside in such state or unit;

"(B) a description, and the estimated costs, of the new or improved public facilities or public services needed or likely to be needed as a result of such expected employment and related new population;

"(C) a projection of such state's or unit's estimated tax receipts during such reasonable time thereafter, not to exceed 30 years, which will be available for the repayment of such loan or guarantee; and

"(D) a proposed repayment schedule.

The procedures required by this paragraph shall also provide for the periodic verification, review, and modification (if necessary) by the Secretary of the information or other material required to be submitted pursuant to this paragraph.

"(4) Requirements, terms, and conditions (which may include the posting of security) which shall be imposed by the Secretary, in connection with loans and guarantees made under subsection (d)(1) and (2), in order to assure repayment within the time fixed, to assure that the proceeds thereof may not be used to provide public services for an unreasonable length of time, and otherwise to protect the financial interests of the United States.

"(5) Criteria under which the Secretary shall establish rates of interest on loans made under subsection (d)(1) and (3). Such rates shall not exceed the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturity of such loans.

In developing rules and regulations under this subsection, the Secretary shall, to the extent practicable, request the views of, or consult with, appropriate persons regarding impacts resulting from coastal energy activity.

"(f)(1) Bonds or other evidences of indebtedness guaranteed under subsection (d)(2) shall be guaranteed on such terms and conditions as the Secretary shall prescribe, except that—

"(A) no guarantee shall be made unless the indebtedness involved will be completely amortized within a reasonable period, not to exceed 30 years;

"(B) no guarantee shall be made unless the Secretary determines that such bonds or other evidences of indebtedness will—

"(i) be issued only to investors who meet the requirements prescribed by the Secretary, or, if an offering to the public is contemplated, be underwritten upon terms and conditions approved by the Secretary;

"(ii) bear interest at a rate found not to be excessive by the Secretary; and

"(iii) contain, or be subject to, repayment, maturity, and other provisions which are satisfactory to the Secretary;

"(C) the approval of the Secretary of the Treasury shall be required with respect to any such guarantee, unless the Secretary of the Treasury waives such approval; and

"(D) no guarantee shall be made after September 30, 1986.

"(2) The full faith and credit of the United States is pledged to the payment, under paragraph (5), of any default on any indebtedness guaranteed under subsection (d)(2). Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligation involved for such guarantee, and the validity of any such guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligation, except for fraud or material misrepresentation on the part of the holder, or known to the holder at the time acquired.

"(3) The Secretary shall prescribe and collect fees in connection with guarantees made under subsection (d)(2). These fees may not exceed the amount which the Secretary estimates to be necessary to cover the administrative costs pertaining to such guarantees.

"(4) The interest paid on any obligation which is guaranteed under subsection (d)(2) and which is received by the purchaser thereof (or the purchaser's successor in interest), shall be included in gross income for the purpose of chapter 1 of the Internal Revenue Code of 1954. The Secretary may pay out of the Fund to the coastal state or the unit of general purpose local government issuing such obligations not more than such portion of the interest on such obligations as exceeds the amount of interest that would be due at a comparable rate determined for loans made under subsection (d)(1).

"(5)(A) Payments required to be made as a result of any guarantee made under subsection (d)(2) shall be made by the Secretary from sums appropriated to the Fund or from moneys obtained from the Secretary of the Treasury pursuant to paragraph (6).

"(B) If there is a default by a coastal state or unit of general purpose local government in any payment of principal or interest due under a bond or other evidence of indebtedness guaranteed by the Secretary under subsection (d)(2), any holder of such bond or other evidence of indebtedness may demand payment by the Secretary of the unpaid interest on and the unpaid principal of such obligation as they become due. The Secretary, after investigating the facts presented by the holder, shall pay to the holder the amount which is due such holder, unless the Secretary finds that there was no default by such state or unit or that such default has been remedied.

"(C) If the Secretary makes a payment to a holder under subparagraph (B), the Secretary shall—

"(i) have all of the rights granted to the Secretary or the United States by law or by agreement with the obligor; and

"(ii) be subrogated to all of the rights which were granted such holder, by law, assignment, or security agreement between such holder and the obligor.

Such rights shall include, but not be limited to, a right of reimbursement to the United States against the coastal state or unit of general purpose local government for which the payment was made for the amount of such payment plus interest at the prevailing current rate as determined by the Secretary. If such coastal state, or the coastal state in which such unit is located, is due to receive any amount under subsection (b), the Secretary shall, in lieu of paying such amount to such state, deposit such amount in the Fund until such right of reimbursement has been satisfied. The Secretary may accept, in complete or partial satisfaction of any such rights, a conveyance of property or interests therein. Any property so obtained by the Secretary may be completed, maintained, operated, held, rented, sold, or otherwise dealt with or disposed of on such terms or conditions as the Secretary prescribes or approves. If, in any case, the sum received through the sale of such property is greater than the amount paid to the holder under subparagraph (B) plus costs, the Secretary shall pay any such excess to the obligor.

"(D) The Attorney General shall, upon the request of the Secretary, take such action as may be appropriate to enforce any right accuring to the Secretary or the United States as a result of the making of any guarantee under subsection (d)(2). Any sums received through any sale under subparagraph (C) or recovered pursuant to this subparagraph shall be paid into the Fund.

"(6) If the moneys available to the Secretary are not sufficient to pay any amount which the Secretary is obligated to pay un-

der paragraph (5), the Secretary shall issue to the Secretary of the Treasury notes or other obligations (only to such extent and in such amounts as may be provided for in appropriation Acts) in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury prescribes. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States on comparable maturities during the month preceding the issuance of such notes or other obligations. Any sums received by the Secretary through such issuance shall be deposited in the Fund. The Secretary of the Treasury shall purchase any notes or other obligations issued under this paragraph, and for this purpose such Secretary may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force. The purposes for which securities may be issued under that Act are extended to include any purchase of notes or other obligations issued under this paragraph. The Secretary of the Treasury may at any time sell any of the notes or other obligations so acquired under this paragraph. All redemptions, purchases, and sales of such notes or other obligations by the Secretary of the Treasury shall be treated as public debt transactions of the United States.

"(g)(1) No coastal state is eligible to receive any financial assistance under this section unless such state—

"(A) has a management program which has been approved under section 306;

"(B) is receiving a grant under section 305 (c) or (d); or

"(C) is, in the judgment of the Secretary, making satisfactory progress toward the development of a management program which is consistent with the policies set forth in section 303.

"(2) Each coastal state shall, to the maximum extent practicable, provide that financial assistance provided under this section be apportioned, allocated, and granted to units of local government within such state on a basis which is proportional to the extent to which such units need such assistance.

"(h) There is established in the Treasury of the United States the Coastal Energy Impact Fund. The Fund shall be available to the Secretary without fiscal year limitation as a revolving fund for the purposes of carrying out subsections (c) and (d). The Fund shall consist of—

"(1) any sums appropriated to the Fund;

"(2) payments of principal and interest received under any loan made under subsection (d)(1);

"(3) any fees received in connection with any guarantee made under subsection (d)(2); and

"(4) any recoveries and receipts under security, subrogation, and other rights and authorities described in subsection (f).

All payments made by the Secretary to carry out the provisions of subsections (c), (d), and (f) (including reimbursements to other Government accounts) shall be paid from the Fund, only to the extent provided for in appropriation Acts. Sums in the Fund which are not currently needed for the purposes of subsections (c), (d), and (f) shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(i) The Secretary shall not intercede in any land use or water use decision of any coastal state with respect to the siting of any energy facility or public facility by making siting in a particular location a prerequisite to, or a condition of, financial assistance under tihs section.

"(j) The Secretary may evaluate, and report to the Congress, on the efforts of the coastal states and units of local government therein to reduce or ameliorate adverse consequences resulting from coastal energy activity and on the extent to which such efforts involve adequate consideration of alternative sites.

"(k) To the extent that Federal funds are available under, or pursuant to, any other law with respect to—

"(1) study and planning for which financial assistance may be provided under subsection (b)(4)(B) and (c), or

"(2) public facilities and public services for which financial assistance may be provided under subsection (b)(4)(B) and (d), the Secretary shall, to the extent practicable, administer such subsections—

"(A) on the basis that the financial assistance shall be in addition to, and not in lieu of, any Federal funds which any coastal state or unit of general purpose local government may obtain under any other law; and

"(B) to avoid duplication.

"(l) As used in this section—

"(1) The term 'retirement', when used with respect to bonds, means the redemption in full and the withdrawal from circulation of those which cannot be repaid by the issuing jurisdiction in accordance with the appropriate repayment schedule.

"(2) The term 'unavoidable', when used with respect to a loss of any valuable environmental or recreational resource, means a loss, in whole or in part—

"(A) the costs of prevention, reduction, or amelioration of which cannot be directly or indirectly attributed to, or assessed against, any identifiable person; or

"(B) cannot be paid for with funds which are available under, or pursuant to, any provision of Federal law other than this section.

"(3) The term 'unit of general purpose local government' means any political subdivision of any coastal state or any special entity created by such a state or subdivision which (in whole or part) is located in, or has authority over, such state's coastal zone, and which (A) has authority to levy taxes or establish and collect user fees, and (B) provides any public facility or public service which is financed in whole or part by taxes or user fees.".

SEC. 8. INTERSTATE GRANTS.

The Coastal Zone Management Act of 1972 is further amended by adding immediately after section 308 (as added by section 7 of this Act) the following:

"INTERSTATE GRANTS

"SEC. 309. (a) The coastal states are encouraged to give high priority—

"(1) to coordinating state coastal zone planning, policies, and programs with respect to contiguous areas of such states; and

"(2) to studying, planning, and implementing unified coastal zone policies with respect to such areas.

Such coordination, study, planning, and implementation may be conducted pursuant to interstate agreements or compacts. The Secretary may make grants annually, in amounts not to exceed 90 per centum of the cost of such coordination, study, planning, or implementation, if the Secretary finds that the proceeds of such grants will be used for purposes consistent with sections 305 and 306.

"(b) The consent of the Congress is hereby given to two or more coastal states to negotiate, and to enter into, agreements or compacts, which do not conflict with any law or treaty of the United States, for—

"(1) developing and administering coordinated coastal zone planning, policies, and programs pursuant to sections 305 and 306; and

"(2) establishing executive instrumentalities or agencies which such states deem desirable for the effective implementation of such agreements or compacts.

Such agreements or compacts shall be binding and obligatory upon any state or party thereto without further approval by the Congress.

"(c) Each executive instrumentality or agency which is established by an interstate agreement or compact pursuant to this section is encouraged to adopt a Federal-State consultation procedure for the identification, examination, and cooperative resolution of mutual problems with respect to the marine and coastal areas which affect, directly or indirectly, the applicable coastal zone. The Secretary, the Secretary of the Interior, the Chairman of the Council on Environmental Quality, the Administrator of the Environmental Protection Agency, the Secretary of the department in which the Coast Guard is operating, and the Administrator of the Federal Energy Administration, or their designated representatives, shall participate ex officio on behalf of the Federal Government whenever any such Federal-State consultation is requested by such an instrumentality or agency.

"(d) If no applicable interstate agreement or compact exists, the Secretary may coordinate coastal zone activities described in subsection (a) and may make grants to assist any group of two or more coastal states to create and maintain a temporary planning and coordinating entity to—

"(1) coordinate state coastal zone planning, policies, and programs with respect to contiguous areas of the states involved;

"(2) study, plan, and implement unified coastal zone policies with respect to such areas; and

"(3) establish an effective mechanism, and adopt a Federal-State consultation procedure, for the identification, examination, and cooperative resolution of mutual problems with respect to the marine and coastal areas which affect, directly or indirectly, the applicable coastal zone.

The amount of such grants shall not exceed 90 per centum of the cost of creating and maintaining such an entity. The Federal officials specified in subsection (c), or their designated representatives, shall participate on behalf of the Federal Government, upon the request of any such temporary planning and coordinating entity.".

SEC. 9. RESEARCH AND TECHNICAL ASSISTANCE.

The Coastal Management Act of 1972 is further amended by adding immediately after section 309 (as added by section 8 of this Act) the following:

"RESEARCH AND TECHNICAL ASSISTANCE FOR COASTAL ZONE MANAGEMENT

"SEC. 310. (a) The Secretary may conduct a program of research, study, and training to support the development and implementation of management programs. Each department, agency, and instrumentality of the executive branch of the Federal Government may assist the Secretary, on a reimbursable basis or otherwise, in carrying out the purposes of this section, including, but not limited to, the furnishing of information to the extent permitted by law, the transfer of personnel with their consent and without prejudice to their position and rating, and the performance of any research, study, and training which does not interfere with the performance of the primary duties of such department, agency, or instrumentality. The Secretary may enter into contracts or other arrangements with any qualified person for the purposes of carrying out this subsection.

"(b) The Secretary may make grants to coastal states to assist such states in carrying out research, studies, and training required with respect to coastal zone management. The amount of any grant made under this subsection shall not exceed 80 per centum of the cost of such research, studies, and training.

"(c) (1) The Secretary shall provide for the coordination of research, studies, and training activities under this section with any other such activities that are conducted by, or subject to the authority of, the Secretary.

"(2) The Secretary shall make the results of research conducted pursuant to this section available to any interested person.".

SEC 10. REVIEW OF PERFORMANCE.

Section 312(a) of the Coastal Zone Management Act of 1972, as redesignated by section 7 of this Act (16 U.S.C. 1458(a)) is amended to read as follows:

"(a) The Secretary shall conduct a continuing review of—

"(1) the management programs of the coastal states and the performance of such states with respect to coastal zone management; and

"(2) the coastal energy impact program provided for under section 308.".

SEC. 11. AUDIT OF TRANSACTION.

Section 313 of the Coastal Zone Management Act of 1972, as redesignated by section 7 of this Act (16 U.S.C. 1459), is amended—

(1) by inserting "AND AUDIT" after "RECORDS" in the title of such section;

(2) by amending subsection (a)—

(A) by inserting immediately after "grant under this title" the following: "or of financial assistance under section 308", and

(B) by inserting after "received under the grant" the following: "and of the proceeds of such assistance"; and

(3) by amending subsection (b) to read as follows:

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall—

"(1) after any grant is made under this title or any financial assistance is provided under section 308(d); and

"(2) until the expiration of 3 years after—

"(A) completion of the project, program, or other undertaking for which such grant was made or used, or

"(B) repayment of the loan or guaranteed indebtedness for which such financial assistance was provided,

have access for purposes of audit and examination to any record, book, document, and paper which belongs to, or is used or controlled by, any recipient of the grant funds or any person who entered into any transaction relating to such financial assistance and which is pertinent for purposes of determining if the grant funds or the proceeds of such financial assistance are being, or were, used in accordance with the provisions of this title.".

SEC. 12. ACQUISITION OF ACCESS TO PUBLIC BEACHES AND OTHER PUBLIC COASTAL AREAS.

Section 315 of the Coastal Zone Management Act of 1972, as redesignated by section 7 of this Act (16 U.S.C. 1461), is amended to read as follows:

"ESTUARINE SANCTUARIES AND BEACH ACCESS

"SEC. 315. The Secretary may, in accordance with this section and in accordance with such rules and regulations as the Secretary shall promulgate, make grants to any coastal state for the purpose of—

"(1) acquiring, developing, or operating estuarine sanctuaries, to serve as natural field laboratories in which to study and gather data on the natural and human processes occurring within the estuaries of the coastal zone; and

"(2) acquiring lands to provide for access to public beaches and other public coastal areas of environmental, recreational, historical, esthetic, ecological, or cultural value, and for the preservation of islands.

The amount of any such grant shall not exceed 50 per centum of the cost of the project involved; except that, in the case of acquisition of any estuarine sanctuary, the Federal share of the cost thereof shall not exceed $2,000,000.".

SEC. 13. ANNUAL REPORT.

The second sentence of section 316(a) of the Coastal Zone Management Act of 1972, as redesignated by section 7 of this Act (16 U.S.C. 1462(a)), is amended by striking out "and (9)" and inserting in lieu thereof "(12)"; and by inserting immediately after clause (8) the following: "(9) a description of the economic, environmental, and social consequences of energy activity affecting the coastal zone and an evaluation of the effectiveness of financial assistance under section 308 in dealing with such consequences; (10) a description and evaluation of applicable interstate and regional planning and coordination mechanisms developed by the coastal states; (11) a summary and evaluation of the research, studies, and training conducted in support of coastal zone management; and".

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

Section 318 of the Coastal Zone Management Act of 1972, as redesignated by section 7 of this Act (16 U.S.C. 1464), is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 318. (a) There are authorized to be appropriated to the Secretary—

"(1) such sums, not to exceed $20,000,000 for each of the fiscal years ending September 30, 1977, September 30, 1978, and September 30, 1979, respectively, as may be necessary for grants under section 305, to remain available until expended;

"(2) such sums, not to exceed $50,000,000 for each of the fiscal years ending September 30, 1977, September 30, 1978, September 30, 1979, and September 30, 1980, respectively, as may be necessary for grants under section 306, to remain available until expended;

"(3) such sums, not to exceed $50,000,000 for each of the 8 fiscal years occurring during the period beginning October 1, 1976, and ending September 30, 1984, as may be necessary for grants under section 308(b);

"(4) such sums, not to exceed $5,000,000 for each of the fiscal years ending September 30, 1977, September 30, 1978, September 30, 1979, and September 30, 1980, respectively, as may be necessary for grants under section 309, to remain available until expended;

"(5) such sums, not to exceed $10,000,000 for each of the fiscal years ending September 30, 1977, September 30, 1978, September 30, 1979, and September 30, 1980, respectively, as may be necessary for financial assistance under section 310, of which 50 per centum shall be for financial assistance under section 310(a) and 50 per centum shall be for financial assistance under section 310(b), to remain available until expended;

"(6) such sums, not to exceed $6,000,000 for each of the fiscal years ending September 30, 1977, September 30, 1978, September 30, 1979, and September 30, 1980, respectively, as may be necessary for grants under section 315(1), to remain available until expended;

"(7) such sums, not to exceed $25,000,000 for each of the fiscal years ending September 30, 1977, September 30, 1978, September 30, 1979, and September 30, 1980, respectively, as may be necessary for grants under section 315(2), to remain available until expended; and

"(8) such sums, not to exceed $5,000,000 for each of the fiscal years ending September 30, 1977, September 30, 1978, September 30, 1979, and September 30, 1980, respectively, as may be necessary for administrative expenses incident to the administration of this title.

"(b) There are authorized to be appropriated until October 1, 1986, to the Fund, such sums, not to exceed $800,000,000, for the purposes of carrying out the provisions of section 308 other than subsection (b), of which not to exceed $50,000,000 shall be for purposes of subsections (c) and (d)(4) of such section.

"(c) Federal funds received from other sources shall not be used to pay a coastal state's share of costs under section 305, 306, 309, or 310.".

SEC. 15. ADMINISTRATION.

(a) There shall be in the National Oceanic and Atmospheric Administration an Associate Administrator for Coastal Zone Management, who shall be appointed by the President, by and with the advice and consent of the Senate. Such Associate Administrator shall be an individual who is, by reason of background and experience, especially qualified to direct the implementation and administration of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.). Such Associate Administrator shall be compensated at the rate now or hereafter provided for level V of the Executive Schedule Pay Rates (5 U.S.C. 5316).

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

"(140) Associate Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration.".

(c) The Secretary may, to carry out the provisions of the amendments made by this Act, establish, and fix the compensation for, four new positions without regard to the provision of chapter 51 of title 5, United States Code, at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title. Any such appointment may, at the discretion of the Secretary, be made without regard to the provisions of such title 5 governing appointments in the competitive service.

"SEC. 16. SHELLFISH SANITATION REGULATIONS.

(a) The Secretary of Commerce shall—

(1) undertake a comprehensive review of all aspects of the molluscan shellfish industry, including, but not limited to, the harvesting, processing, and transportation of such shellfish: and

(2) evaluate the impact of Federal law concerning water quality on the molluscan shellfish industry.

The Secretary of Commerce shall, not later than April 30, 1977, submit a report to the Congress of the findings, comments, and recommendations (if any) which result from such review and evaluation.

(b) The Secretary of Health, Education, and Welfare shall not promulgate final regulations concerning the national shellfish safety program before June 30, 1977. At least 60 days prior to the promulgation of any such regulations, the Secretary of Health, Education, and Welfare, in consultation with the Secretary of Commerce, shall publish an analysis (1) of the economic impact of such regulations on the domestic shellfish industry, and (2) the cost of such national shellfish safety program relative to the benefits that it is expected to achieve.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the

title of the Senate bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the Senate bill, insert the following: "An Act to improve coastal zone management in the United States, and for other purposes.".

And the House agree to the same.

LEONOR K. SULLIVAN,
PAUL G. ROGERS,
JOHN M. MURPHY,
PIERRE S. DU PONT,
DAVID C. TREEN,
Managers on the Part of the House.

WARREN G. MAGNUSON,
ERNEST F. HOLLINGS,
JOHN V. TUNNEY,
TED STEVENS,
LOWELL P. WEICKER, Jr.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 586), to amend the Coastal Zone Management Act of 1972 to authorize and assist the coastal states to study, plan for, manage, and control the impact of energy facility and resource development which affects the coastal zone, and for other purposes, submit the following *joint statement to the House and the Senate* in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendments struck out all of the Senate bill after the enacting clause and inserted a substitute text and provided a new title for the Senate bill, and the Senate disagreed to the House amendments.

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House to the text of the Senate bill, with an amendment which is a substitute for both the text of the Senate bill and the House amendment to the text of the Senate bill. The committee of conference also recommends that the House recede from its amendment to the title of the Senate bill, with an amendment which is a substitute for both the title of the Senate bill and the House amendment to the title of the Senate bill.

The provisions of the amendment recommended by the committee of conference are set forth below in a manner sufficiently detailed and explicit to inform the House and the Senate as to the effect which the amendment contained in the accompanying conference report will have upon the measure to which it relates.

SUMMARY AND DESCRIPTION

The purpose of the conference substitute is to improve and strengthen coastal zone management in the United States and to coordinate and further the objectives of national energy policy by directing the Secretary of Commerce to administer and coordinate, as part of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) (hereinafter referred to as "the 1972 Act"), a coastal energy impact program.

The 1972 Act was enacted before the advent of the current and continuing energy crisis; i.e., before attainment of a greater degree of energy self-sufficiency became a recognized national objective of the highest importance and priority. The conference substitute follows both the Senate bill and the House amendment in amending the 1972 Act to encourage new or expanded oil and natural gas production in an orderly manner from the Nation's outer Continental Shelf (OSC) by providing for financial assistance to meet state and local needs resulting from specified new or expanded energy activity in or affecting the coastal zone.

The conferees believe (1) that there is a real possibility of delay or disruption in Federal plans for needed new and expanded OCS oil and gas production unless coastal states and coastal communities are assured of the means of coping with and ameliorating the impacts from such activities; (2) that the coastal states are concerned about furthering national energy objectives; (3) that a strengthened coastal zone management program, with full participation by the states, is vital to the protection and proper management of irreplaceable coastal resources and is the best means of dealing with impacts from new or expanded coastal energy activity; (4) that the Federal Government, because of the national need to increase domestic energy production to reduce reliance on imports, should provide assurance of timely and practicable financial assistance related and tailored to these needs; (5) that the coastal states and localities, which are closer to and more cognizant of the situation, should make the basic decisions as to the particular needs which result from such new or expanded energy activity; and (6) that the discretion of the Secretary of Commerce and other Federal officials should be correspondingly limited.

The conference substitute, like the House amendment, does not provide for formula grants to coastal states based solely on OCS oil and gas production and first landings of such production, because production-related payments per se might not be distributed in time to meet the total needs of recipients. Instead, the conference substitute would provide formula grants based on a formula which follows criteria set forth in the Senate bill and the House amendment. The conference substitute, like the Senate bill, does not provide for all Federal financial assistance to be in the form of grants or guarantees, because ordinary taxation by the states and localities affected may be adequate to pay for, over a reasonable period of time, the cost of new or improved (expanded or renovated to meet the new requirements) public facilities and public services.

For example, new energy employment and related populations will create a need for such facilities and services, but they will also increase the total amount of tax revenues collected in or from the impacted area, on the basis of which the cost of these facilities and services can be amortized.

The primary impact assistance would be provided through a revolving account in the Treasury of the United States which shall be known as the Coastal Energy Impact Fund. The Fund will be based on annual appropriations (together with miscellaneous receipts in the form of fees, etc.).

Under the conference substitute, the bulk of the Federal energy impact assistance is authorized to be appropriated to the Fund for (1) Federal loans to coastal states, and units of general purpose local government in coastal states; (2) Federal guarantees of bonds and other indebtedness issued or entered into by such states and units; (3) backup or adjustment grants to be awarded when the states and localities cannot meet their obligations under these loans and guarantees with ordinary tax revenues; and (4) special grants for (i) the prevention, reduction or amelioration of unavoidable losses of environmental and recreational resources, and for (ii) the study and planning for the consequences of energy-related activity in the coastal zone. A total of $800 million is authorized to be appropriated to the Fund, for these purposes. These loans and guarantees would be made, pursuant to an allotment for each coastal state, for the purpose of financing new or improved public facilities and public services which are required as a result of new or expanded coastal energy activity.

Formula grants will be made to coastal states on the basis of a statutory formula that relates to state and local needs resulting directly from new or expanded outer Continental Shelf energy activity. The conference substitute follows the House amendment in authorizing a total of $400 million, over 8 years for such formula grants. The formula in the conference substitute also contains built-in incentives for coastal states to assist in achieving the underlying national objective of increased domestic oil and gas production. The formula follows the House amendment.

Under it, one-third of each coastal state's formula grant will be based on the amount of new OCS acreage leased adjacent to all of the coastal states in that year; one-sixth will be based on the volume of oil and natural gas produced in such year from such acreage adjacent to such state by comparison with the total such production from such acreage adjacent to all of the coastal states; one-sixth will be based on the volume of such production which is first landed in such state in such year by comparison with the total first landings of such production in such year in all of the coastal states; and one-third will be based on the number of individuals residing in such state in the immediately preceding fiscal year who obtain new employment in such years as a result of new or expanded outer Continental Shelf energy activities by comparison with the total number of individuals residing in all of the coastal states in such year who obtain new employment in such year as a result of such outer Continental Shelf activities. Formula grant payments which are not used for the purposes specified in the conference substitute must be returned to the Secretary.

The formula, as so constructed, provides incentives to coastal states (if they are interested in increasing their share of the funds appropriated for this purpose) to encourage and facilitate the achievement of the basic national objective of increasing domestic energy production. This provision would be in harmony with sound coastal zone management principles because Federal aid would be available only for states acting in accord with such principles. For example, since the grant is based on new leasings, production, first landings, and new employment, it is to the state's interest to apply the "consistency" provisions and related processes to the issuance of oil exploration, development and production plans, licenses, and permits as quickly as possible rather than to postpone decisionmaking for the statutory 6-month period.

Coastal energy impact assistance would be available under the conference substitute (as under the Senate bill and the House amendment) to any coastal state which (1) has a coastal zone management program which has been approved under section 306 (2) is receiving a grant under section 305(c) or (d) of the basic act; or (3) is, in the judgment of the Secretary, making satisfactory progress toward the development of a management program consistent with the policies set forth in section 303.

Thus, under the conference substitute, all Federal financial assistance for energy impacts is specifically related to needs resulting from specified energy activities. The conferees believe that such a nexus is required in order to maximize, at the lowest reasonable cost to the Federal taxpayer, the attainment of the national objective of energy self-

sufficiency, with respect to offshore oil and gas development, and to assure that such development takes place in accordance with sound environmental principles.

New section 308 of the Coastal Zone Management Act of 1972, which includes these provisions and which is entitled "Coastal Energy Impact Program", sets forth and provides for a flexible and coordinated approach to the respective responsibilities of the Federal Government in providing, and the state and local governments in using, Federal financial assistance required to meet state and local needs resulting from new or expanded coastal energy activity, and tailors the form of the assistance to the necessity therefor. The conference substitute would provide for grants to state or local governments to pay off loans or guaranteed indebtedness in those cases where it can be clearly demonstrated to the Secretary that (1) ordinary tax revenues will not meet the cost of providing required new or improved public facilities and public services, (2) the projected revenues based on projected new employment and related populations and facilities fail to materialize in fact, or (3) if the very nature of the state or local need is so diffuse (i.e., planning) or indirectly relatable (i.e., prevention, reduction, or amelioration of unavoidable losses of valuable ecological and recreational resources) to the usual revenue-collection mechanisms as to make repayment difficult or impossible to achieve or assure. Such grant shall be made without any obligation other than that the proceeds in fact be expended for proper purposes.

If costs can be recouped, however, through such ordinary methods, the moneys involved could be used again and again to meet the similar needs of other communities and states.

The provisions of new section 308 are set forth in detail below in the section-by-section discussion of section 7 of the conference substitute.

The conference substitute also follows the Senate bill, the House amendment, or both, in making a number of other changes in or modifications to the 1972 Act. These changes and modifications, which are also discussed in detail below, include—

(1) the establishment of three additional requirements for state coastal zone management programs;

(2) a new program of financial assistance for coastal states which have already developed management programs which are in compliance with the requirements of section 305(b) but which do not yet qualify for approval and administrative grants under section 306;

(3) a new incentive for an expeditious determination of whether particular offshore energy activity is consistent with a coastal state's approved management program, on an overall plan basis rather than on an individual license/permit by license/permit basis;

(4) a new provision under which the Congress grants its assent to the formulation of interstate compacts and to interstate agreements for the development and administration of coordinated coastal zone planning, policies, and programs and for the establishment of implementing instrumentalities or agencies, pursuant to which Federal financial assistance will be provided;

(5) a new provision for research and training to support coastal zone management programs;

(6) an authorization for new matching grants to enable coastal states to acquire access to public beaches and other public coastal areas of value and to preserve islands, to help meet the growing need for more recreational outlets in coastal areas; and

(7) authorization of appropriations for the next 4 years of the Nation's coastal zone management effort.

The bill, in addition—

(1) creates the new Office of Associate Administrator for Coastal Zone Management within the National Oceanic and Atmospheric Administration who shall administer the provisions of the 1972 Act, including amendments of this conference substitute;

(2) authorizes four special positions to the extent necessary for administration of the amendments made by this legislation; and

(3) directs the Secretary of Commerce to review all aspects of the molluscan shellfish industry and to evaluate the impact on that industry of Federal law concerning water quality, and to report thereon to the Congress by April 30, 1977.

SECTION-BY-SECTION DISCUSSION

The first section of the conference substitute follows the Senate bill and the House amendment in providing that the short title of this legislation is the "Coastal Zone Management Act Amendments of 1976."

Section 2. Findings

Section 2 follows the Senate bill and the House amendment in expanding the finding in section 302(b) of the Coastal Zone Management Act of 1972 which declares that the coastal zone is rich in "a variety of natural, commercial, recreational, industrial, and esthetic resources"; the amendment finds that the coastal zone is also rich in ecological resources. The section also makes changes in punctuation between the subsections and adds an additional subsection which conforms section 302's findings to the major new provision added to the existing law by the conference substitute (new section 308 with respect to financial assistance to meet state and local needs resulting from new or expanded energy activity in or affecting the coastal zone).

Section 3. Definitions

Section 3 follows the Senate bill or the House amendment, or both, in modifying certain definitions in section 304 of the Coastal Zone Management Act of 1972 and in adding certain additional definitions thereto. The changes are as follows:

The definition of "coastal zone" is expanded to include "islands."

The definition of "estuarine sanctuary" is amended to include any islands within the area in, adjoining, or adjacent to an estuary.

The section adds a definition of the term "coastal energy activity". The term means (1) any OCS energy activity; (2) any transportation, conversion, treatment, transfer, or storage of liquefied natural gas; and (3) any transportation, transfer, or storage of oil, natural gas, or coal (including, but not limited to, by means of any deepwater port, as defined in the Deepwater Port Act of 1974); the above activities are included in such term if, and to the extent that, such activity requires and involves the siting, construction, expansion or operation of any equipment or facility and if technical requirements necessitate that such siting, construction, expansion or operation be carried out in, or in close proximity to, the coastal zone of any coastal state. This definition follows the House amendment.

The definition of the term "energy facilities" follows that in the Senate bill and the House amendment. The term means equipment and facilities which are or will be used primarily in exploration for or in development, production, conversion, storage, transfer, processing, or transportation of any energy resource; or primarily for the manufacture, production, or assembly of equipment, machinery, products, or devices which are involved in any such activity. The definition includes a list, which is not exclusive, of equipment and facilities which come within this description.

The section follows the House amendment in adding a definition of "local government". A local government means any political subdivision of, or any special entity created by, any coastal state which (in whole or in part) is located in or has authority over such state's coastal zone and which either has authority to levy taxes or to establish and collect user fees or which provides any public facility or public service which is financed by taxes or user fees.

The section also follows the House amendment in adding a definition of "outer Continental Shelf energy activity". The terms means any exploration for, or development or production of, oil or natural gas from the outer Continental Shelf, or the siting, construction, expansion, or operation of any new or expanded energy facilities directly required by such exploration, development, or production. [The term "outer Continental Shelf" has the same meaning as set forth in section 2(a) of the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331(a))].

The section follows the Senate bill in adding a definition of the term "person" for purposes of the Coastal Zone Management Act of 1972. The definition is different from the definition of the term "person" in section 1 of title 1 of the United States Code (which applies to all U.S.C. provisions unless otherwise provided) in that it includes the Federal Government, any state, local, or regional government, or any entity of any such government.

The section follows the Senate bill and the House amendment in adding a definition of the term "public facilities and public services". The term means specified facilities and services which are financed, in whole or in part, by any state or political subdivision thereof. This list of facilities and services are not intended to be exclusive and the Secretary may add to the enumerated list if he determines that other facilities or services so financed will support increased population.

Section 4. Management program development grants

The conference substitute makes a significant number of additions to and changes in section 305 of the Coastal Zone Management Act of 1972. These amendments are combined with the existing and unchanged provisions in the interest of clarity.

The conference substitute follows the Senate bill and the House amendment in adding additional requirements to the listing within section 305(b) of the mandatory provisions to be included in a coastal zone management program: (1) a definition of the term beach and a planning process for the protection of, and access to, public beaches and other public coastal areas of specified value; and (2) a planning process for energy facilities likely to be located in, or which may significantly affect, the coastal zone, including impact management. The conference substitute also follows the House amendment in adding another requirement to the section 305(b) list: a planning process for assessing the effects of shoreline erosion and for evaluating ways to control or lessen the consequences of such erosion or to restore areas adversely affected thereby.

The conference substitute also amends section 305 by inserting as a new subsection (d) (existing subsection (d) is redesignated as subsection (h)) an authorization for the Secretary of Commerce to make grants annually to coastal states (in amounts up to 80 per centum of the costs) for the purpose of assisting such a state to complete and initially implement its coastal zone management program, before it qualifies for administrative grants under section 306.

Paragraph (2) of this new subsection (d) sets forth the eligibility prerequisites for these initial implementation grants. A coastal state is eligible to receive grants under this subsection if (1) it has developed a management program which meets the requirement of section 305(b), but which has not yet been approved under section 306; (2) it has specifically identified, after consultation with the Secretary, any deficiencies in its management program which make it ineligible for such approval and has established a reasonable time schedule for remedying any such deficiencies; (3) it has specified the purposes for which these grants will be used; (4) it is taking or has taken adequate steps to meet requirements involving Federal officials or agencies as set forth in section 306 or 307; and (5) it has complied with any other requirement prescribed by regulations to carry out this subsection.

Subsection (h) (formerly subsection (d)) is modified to permit a coastal state whose management program is approved under section 306 (qualifying it for section 306 administrative grants) to receive grants under section 305(c) for the sole purpose of assisting it in developing planning processes that will satisfy the new subsection (b) requirements indicated above.

Subsection (i) (formerly subsection (h)) is amended to extend the date of expiration of authority to make grants under this section from June 30, 1977 to September 30, 1979.

Section 5. Administrative grants

The conference substitute follows both the Senate bill and the House amendment in amending subsection (a) to raise from 66⅔ per centum to 80 per centum, the Federal share of grants under section 306.

The conference substitute follows the House amendment in specifying what is meant by "effective" in the provision in subsection (c)(2)(B) which requires that the Secretary find, before a state's management program can be approved, that the state has "established an effective mechanism for continuing consultation and coordination" before such state's management program can be approved under section 306.

The state's coastal zone management agency is required, before implementing a management program decision which would conflict with any local zoning ordinance, decision or other related zoning action, to send a notice of such management program decision to any local government whose zoning authority would be affected. The local government would have the right to submit comments to the management agency within a thirty-day period following such government's receipt of the notice of management program decision, and no action can be taken during such period which would interfere or conflict with such program decision. The management agency is required to consider any comments submitted and is authorized to conduct a public hearing thereon. During the thirty-day comment period, the management agency may not take any action to implement the decision, unless any local government affected waives its right to comment.

The conference substitute follows the Senate bill and the House amendment in amending subsection (c)(8) of section 306 to require the Secretary to find, as part of a state's mandatory consideration of the national interest involved in the planning and siting of energy facilities, that such state has given consideration to any applicable interstate energy plan or program promulgated by an interstate entity which is established under the new section 309 added by the conference substitute.

As a conforming change, subsection (g) (on amendments to approved management plan) is amended to permit section 306 administrative grants to be made to states whose plans are approved prior to October 1, 1978, but whose 305(b) (7), (8), and (9) processes are not approved as of this date.

Section 6. Consistency and mediation

The conference substitute follows the Senate bill in amending the Federal consistency requirement to section 307(c)(3) of the Coastal Zone Management Act of 1972. The Senate bill required that each Federal lease (for example, offshore oil and gas leases) had to be submitted to each state with an approved coastal zone management program for a determination by that state as to whether or not the lease was consistent with its program. The conference substitute further elaborates on this provision and specifically applies the consistency requirement to the basic steps in the OCS leasing process—namely, the exploration, development and production plans submitted to the Secretary of the Interior. This provision will satisfy state needs for complete information, on a timely basis, about the details of the oil industry's offshore plans.

Also, under the substitute, any subsequent OCS Federal license or permit required for activities specified in any exploration, development, and production plan are presumed to be consistent once the plan is certified as being so consistent. This important change will significantly expedite OCS oil and gas development. Under present Department of Interior regulations, Federal permits are required for a large number of individual activities, including geophysical exploration, bottom sampling, well drilling for exploration or production, pipeline right-of-way, structure placement, waste discharge, and dredging and filling operations. Thus, separate consistency determinations on each activity, described in detail in an exploration, development or production plan, will not be necessary.

The conference substitute additionally provides that any amendment to an OCS exploration, development or production plan requires a consistency determination within three months (rather than the present requirement of six months) by the coastal states.

The conference substitute also amends section 307 to direct the Secretary to seek, in cooperation with the Executive Order of the President, to mediate any serious disagreement between any Federal agency and a coastal state with respect to the initial implementation of a management program or to the administration of an approved management program.

During their deliberations, the conferees raised a number of questions regarding the advisability and workability of the present Federal consistency provision in the 1972 Act. Particular attention was focused on certain ambiguities in critical procedural determinations and the necessity of the six-month period for conclusive presumption. It was determined that these matters will be the subject of subsequent in-depth oversight hearings on the coastal zone management program in the next Congress.

Section 7. Coastal energy impact program

Section 7 of the conference substitute follows the Senate bill and the House amendment by adding a new section 308 to the Coastal Zone Management Act of 1972. This new section 308, which is entitled "Coastal Energy Impact Program", follows the content of the new section 308 added by the Senate bill and the new section 308 added by the House amendment and also the content of the new section 319 added by the Senate bill and the House amendment.

Subsection (a) of the new section 308 directs the Secretary of Commerce to administer and coordinate, as part of the coastal zone management activities of the Federal Government, the various forms of financial assistance which are authorized to be provided under this section to coastal states or to units of general purpose local government therein, or to both, as a coastal energy impact program.

Subsection (b) of the conference substitute follows new section 308 (k) and (l) of the Senate bill and new section 308(a) of the House amendment in providing for formula grants to coastal states. Paragraph (1) of this subsection requires the Secretary to make grants annually under this subsection.

Paragraph (2) sets forth the rules to be applied in calculating each coastal state's share of the amount appropriated for purposes of grants under this subsection. (The conference substitute follows the House amendment in authorizing the appropriation of a total of $400 million for the purpose of these formula grants.)

The formula follows both the Senate bill and the House amendment in making the state's share dependent upon (1) the volume of oil and natural gas produced from the outer Continental Shelf acreage adjacent to the coastal state involved by comparison with the amount produced from all such acreage, during the immediately preceding fiscal year; and (2) the volume of oil and natural gas produced from outer Continental Shelf acreage leased by the Federal Government which is first landed in the coastal state involved in the immediately preceding fiscal year by comparison with the volume landed in all of the coastal states in such year. (In the computation of such volumes, the conferees, following the Senate bill, intend that 6,000 cubic feet of natural gas be considered the equivalent of one barrel of oil.)

In the Senate bill, the amount of these grants was to be determined exclusively on the basis of these two factors; in the House amendment, the amount was to be determined on the basis of these factors plus four additional measures. The conference substitute follows the House amendment and includes in the formula two additional factors which follow the House measures which most closely approximate the extent to which a coastal state is likely to sustain adverse consequences as a result of new or expanded OCS energy activity. The first of these is the amount of outer Continental Shelf acreage which is adjacent to the coastal state involved and which is newly leased by the Federal Government in the immediately preceding fiscal year by comparison with the total amount of OCS acreage newly leased by the Federal Government in such year.

The second of these is the number of individuals residing in such state in the immediately preceding fiscal year who obtain new employment in such year as a result of new or expanded outer Continental Shelf energy activities by comparison with the total number of such individuals residing in all of the coastal states in such year. This last factor necessarily requires that the year preceding the immediately preceding fiscal year be considered, for purposes of calculating formula grants, the "base year" against which the number of individuals who obtain new employment in the immediately preceding fiscal year as a result of new or expanded OCS energy activities is to be measured. The concept of "new employment" is intended to refer to new workers. For example, a construction worker who changes from a job on the Alaska pipeline to a job on an OCS drilling platform, or a drilling-platform worker who is relocated to a geographically different area to do the same work, in the immediately preceding fiscal year, is an individual who obtains new employment in such year as a result of new or expanded outer Continental Shelf energy activities. By contrast, an individual who is promoted from being a worker on a drilling rig to being the foreman of a rig or from being a rig construction worker to a rig production worker in the same geographical area is not such an individual.

Paragraph (3) of new section 308(b) fol-

lows paragraphs (2) and (3) of new section 308(a) in the House amendment in directing the Secretary of Commerce to collect and evaluate the information that is necessary to apply the foregoing formula and in providing statutory guidelines for determining which coastal state is the state which is "adjacent" to a particular outer Continental Shelf acreage for purposes of this subsection.

The conferees expect the Secretary to make the necessary determinations for extending lateral seaward boundaries in a timely manner, and to publish such determinations within 270 days after the date of enactment of this subsection. It is further intended by the conferees that the statutory guidelines set forth in this paragraph be applied solely for the purpose of determining which coastal state is the state which is "adjacent" to particular outer Continental Shelf acreage under this Act, and that such guidelines not be construed to have application to any other law or treaty of the United States, either retrospectively or prospectively.

Paragraph (4) of this subsection follows paragraph (4) of the corresponding House subsection and the opening provisions of the corresponding Senate subsection in setting forth the purposes for which the proceeds of formula grants are to be used (with priority to be given to the use of such proceeds for the retirement of state and local bonds). The purposes are—

(1) the retirement of state and local bonds, if any, which are guaranteed under subsection (d)(2) (and if the amount is insufficient to retire both state and local bonds, priority shall be given to retiring local bonds);

(2) the study of, planning for, development of, and the carrying out of projects and programs in such state which are (A) necessary, because of the unavailability of adequate financing under any other subsection, to provide new or improved public facilities and public services that are required as a direct result of new or expanded outer Continental Shelf energy activity; and (B) of a type approved by the Secretary as eligible for grants under this paragraph, except that the Secretary may not disapprove any project or program for highways and secondary roads, docks, navigation aids, fire and police protection, water supply, waste collection and treatment (including drainage), schools and education, and hospitals and health care; and

(3) the prevention, reduction, or amelioration of any unavoidable loss in such state's coastal zone of any valuable environmental or recreational resource where such loss results from coastal energy activity. Formula grants could indeed be used for "bricks and mortar", for environmental problems, for planning, etc., but in the case of public facilities and public services referred to in paragraph (2), the coastal states would have to turn first to the loan and guarantee provisions under subsection (d); and if such loans and guarantees are not available because apportionments to such states from, or sums in the Fund are insufficient. if the amount of such loans or guarantees, if available, is not adequate, or if such states could not qualify for assistance under subsection (d), then they could tap their allocations for formula grants.

Paragraph (5) follows new section 308(a)(5) of the House amendment and new section 308(e) of the Senate bill by providing that the Secretary, in a timely manner, shall determine that each coastal state has expended or committed, and may determine that such state will expend or commit, grants which such state has received under this subsection in accordance with the purposes set forth in paragraph (4). The United States would be entitled to recover from any coastal state an amount equal to any portion of any such grant received by such state under this subsection which (A) is not expended or committed by such state before the close of the fiscal year immediately following the fiscal year in which the grant was disbursed, or (B) is expended or committed by such state for any purpose other than a purpose set forth in paragraph (4).

The conference substitute further provides that before disbursing the proceeds of any grant under this subsection to any coastal state, the Secretary shall require such state to provide adequate assurances of being able to return to the United States any amounts to which the preceding sentence may apply.

Subsection (c) of the conference substitute follows new section 308(a) of the Senate bill and new section 308(b)(1) of the House amendment in providing for the making of planning grants to the coastal states for use by them (or by localities through required suballocation under subsection (g)(2)) in studying and planning for any economic, social, or environmental consequence which has occurred, is occurring, or is likely to occur in the coastal zone from the siting, construction, expansion, or operation of new or expanded energy facilities. The maximum Federal share of such a grant may not, as under the House amendment, exceed 80 per centum of the cost of such study and planning.

Subsection (d) follows (1) new section 308 (b) and (c)(1) of the Senate bill and new section 308(b)(2) in providing for grants; (2) new section 308 (b) and (c)(2) of the Senate bill in providing for loans; and (3) new section 319 of the Senate bill and new section 319 of the House amendment in providing for guarantees of state and local bonds and other evidences of indebtedness, as part of the coastal energy impact program. Paragraph (1) provides for the making of loans to coastal states and units of general purpose local government to assist such states or units to provide new or improved public facilities or public services, or both, which are required as a result of coastal energy activity. Such loans will be subject to various prerequisites, terms, conditions, and requirements under regulations which are required to be issued under subsection (e) (as to security, repayment schedule and other submissions, maximum interest rate, etc.) and may by subject to regulations issued under section 317 (as redesignated) of the 1972 Act as amended by the conference substitute, except that such loan shall be made solely pursuant to this title, and no such loan shall require, as a condition thereof, that a state or local unit pledge its full faith and credit to repayment.

Paragraph (2) provides for the guaranteeing of bonds or other evidences of indebtedness issued by coastal states or units of general purpose local government for the purpose of providing new or improved public facilities or public services, or both, which are required as a result of coastal energy activity. The prerequisites, terms and conditions, requirements, and procedures with respect to such guaranteed bonds and other evidences of indebtedness and the obligations of the United States in the event of default are set forth in subsection (f) of new section 308.

If the Secretary finds that any coastal state or unit of general purpose local government is unable to meet its obligations pursuant to a loan under a paragraph (1) or a guarantee under paragraph (2), because the actual new increases in employment and related population resulting from coastal energy activity and facilities associated therewith do not provide adequate revenues to enable such state or unit to meet those obligations in accordance with the repayment schedule submitted, reviewed, and approved pursuant to subsection (e)(3), the Secretary is required to provide relief as specified in paragraph (3). The Secretary shall (1) modify appropriately the terms and conditions of the loan or guarantee involved so that such state or unit may meet its obligations as so modified; (2) refinance the loan involved so that the payment obligations can be met; (3) make a supplemental loan whose proceeds are to be applied to the payment of the outstanding obligation; or (4) make a grant whose proceeds are to be applied to the payment of the outstanding obligations. If the Secretary has taken one of the first three courses of action but finds pursuant to the criteria and procedures of subsection (e)(3) that additional action under these three courses will not enable the state or unit involved to met all its outstanding obligations resulting from the loan or guarantee, within a reasonable period of time, then the Secretary shall make a grant to such state or unit in an amount sufficient to enable it to meet such obligations.

Assistance under this paragraph is intended to be granted automatically when these conditions exist, as soon as the inability of the coastal state or local unit to meet its repayment obligations under paragraph (1) loan or under the indebtedness guaranteed under paragraph (2) is apparent.

Paragraph (4) provides for grants to coastal states to enable them to prevent, reduce, or ameliorate any unavoidable loss of a valuable environmental or recreational resource described in subsection (b)(4)(C) if and to the extent that the state involved has not received amounts under subsection (b) which are sufficient to prevent, reduce, or ameliorate such loss. This provision, which follows new section 308(b)(2) and the definition of net adverse impacts in new section 304(n)(2) of the House amendment, is the one situation in which assistance under subsection (b) is primary. The term "valuable", for purposes of this paragraph and of subsection (b)(4)(C), does not refer solely to economic value, but includes value to the eco-system and for recreational purposes, and any other present and future value. If such a loss "results" from coastal energy activity, such funds may be used for the reduction or amelioration of any present consequence of such activity, regardless of the date of such activity or the date on which such consequence was first suffered, as well as for the prevention of similar such losses which may otherwise occur in the future.

Subsection (e) sets a time limitation on the issuance of certain rules and regulations by the Secretary. The rules and regulations described in this subsection must be promulgated within 270 days after the date of enactment of new section 308. This subsection follows new section 308(e) as added by the Senate bill. The rules and regulations required within this time period include (1) a formula and procedures for allocating each coastal state's share of amounts appropriated and available in the fund for such purpose; (2) criteria under which the Secretary shall review each coastal state's compliance with the requirements of subsection (g)(2); (3) criteria and procedures for evaluating the extent to which any subsection (d)(1) or (2) loan or guarantee can be repaid the applicable state's or units ordinary methods and rates for generating tax revenues (which shall include the submission of specified information and materials, including a populations statement, description, tax projection, and a proposed repayment schedule); (4) requirements, terms, and conditions which may be imposed to assure repayment, to limit the duration of public service financing, and to protect the interests of the United States; and (5) criteria under which the Secretary shall establish the rate of interest on loans (not to exceed current average market yield on comparable U.S. obligations). The Secretary is directed to request the views of or consult with appropriate persons in developing these rules and regulations.

Subsection (f) follows subsections (c)

through (k) of new section 319 as added by the House amendment and new section 319 as added by the Senate bill in providing the detailed provisions and requirements applicable to the guarantee of bonds and other evidences of indebtedness.

Paragraph (1) of subsection (g) follows the Senate bill and the House amendment in providing that no coastal state is eligible to receive any financial assistance under this section unless such state (1) has an approved coastal zone management program; (2) is receiving a coastal zone management development or completion and initial implementation grant; or (3) is making satisfactory progress toward the development of a management program consistent with the policies set forth in section 303 of the 1972 Act, as amended. Paragraph (2) requires each coastal state to provide, to the maximum extent practicable, that financial assistance provided under this section be apportioned, allocated, and granted to units of local government of such state on a basis which is proportional to the extent to which such units need such assistance.

Subsection (h) establishes the Coastal Energy Impact Fund in the Treasury of the United States, as a revolving fund based on appropriated funds and miscellaneous receipts related thereto. The Fund shall be available to the Secretary for the purposes of subsections (c) and (d).

Subsection (i) prohibits the Secretary from interceding in any land use or water use decision of any coastal state with respect to the siting of energy facilities or public facilities by making siting in a particular location a prerequisite to financial assistance under this section.

Subsection (j) authorizes the Secretary to evaluate and report to the Congress on the efforts of the coastal states to reduce or ameliorate any adverse consequences resulting from coastal energy activity and the extent to which such efforts involve adequate consideration of alternative sites for such activity.

Subsection (k) provides that to the extent that Federal funds are available under any other law with respect to (1) study and planning for which financial assistance may be provided under subsection (b)(4)(B) and (c), or (2) public facilities and public services for which financial assistance may be provided under subsection (b)(3)(B) and (d), the Secretary shall administer such subsection to the extent practicable (A) on the basis that the financial assistance shall be in addition to, and not in lieu of, any federal funds which any coastal state or unit of general purpose local government may obtain under any other law; and (B) to avoid duplication.

Subsection (l) defines the terms "retirement", "unavoidable", and "unit of general purpose local government" as used in section 308.

Section 8. Interstate Grants

Section 8 of the conference substitute follows the Senate bill and the House amendment in adding a new section 309 to the Coastal Zone Management Act of 1972. This new section 309, which is entitled, "Interstate Grants", follows the content of the new section 309 added by the Senate bill and the new section 309 added by the House amendment.

Subsection (a) encourages the coastal states to coordinate coastal zone planning, policies, and programs with respect to contiguous areas of such states and to study, plan and implement unified coastal zone policies with respect to such areas. Such coordination, study, planning and implementation may be conducted pursuant to interstate agreements or compacts. The Secretary is authorized to assist therein through the making of grants in an amount not to exceed 90 per centum of the cost of such coordination, study, planning, or implementation. Such grants may only be made if the Secretary finds that the proceeds thereof will be used for purposes consistent with sections 305 and 306 of the Coastal Zone Maangement Act of 1972.

In subsection (b), the Congress grants its consent to any two or more coastal states to negotiate and enter into agreements or compacts for coordinated coastal zone activities and the establishment of such executive instrumentalities or agencies as such states deem desirable for implementation of such agreements or compacts; so long as such agreement or compact is not in conflict with any law or treaty of the United States.

Subsection (c) encourages each executive instrumentality or agency which is established by such an interstate agreement or compact to adopt a Federal-State consultation procedure as to mutual problems affecting the coastal zone. Specified Federal officials are authorized and directed to participate in such consultations whenever requested by such an instrumentality or agency.

Subsection (d) provides for coordination by the Secretary of coastal zone activities described in subsection (c) and for the making of grants for temporary planning and coordinating agencies established and maintained by any interstate instrumentality or any group of coastal states, if no applicable interstate agreement or compact exists, to provide, inter alia, an effective mechanism and a Federal-State consultation procedure.

Section 9. Research and technical assistance

Section 9 of the conference substitute follows the Senate bill and the House amendment in adding a new section 310 to the Coastal Zone Management Act of 1972. (The conference substitute renumbers existing sections 308 through 315 of the 1972 Act as sections 311 through 318, respectively.) This new section 310, which is entitled, "Coastal Research and Technical Assistance for Coastal Zone Management", follows the content of the new section 310 added by the Senate bill and subsections (a) and (b) of the new section 310 added by the House amendment.

Subsection (a) authorizes the Secretary to conduct a program of research, study, and training to support the development and implementation of coastal zone management programs. The Secretary is authorized to enter into contracts and other arrangements for these purposes and other Federal agencies are to assist in carrying out these purposes.

Subsection (b) authorizes the Secretary to make grants to any coastal state to assist such state in carrying out research, studies, and training required in support of coastal zone management, in an amount not to exceed 80 per centum of the cost of such research, studies and training.

Subsection (c) requires the Secretary to provide for the coordination of these research and training activities with other such activities conducted by the Secretary. The Secretary shall make the results of any such research available to any interested person.

Section 10. Review of performance

Section 10 of the conference substitute makes a conforming change in section 312 of the 1972 Act (formerly section 309) to apply the performance review requirement of that section to the Coastal Energy Impact Program provided for under section 308.

Section 11. Audit of transactions

Section 11 of the conference substitute follow the House amendment by making a conforming change in section 313 of the 1972 Act (formerly section 310) to provide for recordkeeping and auditing, by the Secretary and the Comptroller General of the United States, with respect to financial assistance and transactions under section 308.

Section 12. Acquisition of access to public beaches and other public coastal areas

Section 12 of the conference substitute follows the House amendment in amending sectin 315 of the Coastal Zone Management Act of 1972 (formerly section 312) to authorize the Secretary to make grants to coastal states for up to 50 per centum of the cost of acquisition of access to public beaches and other public coastal areas of specified value and follows new section 320(6) of the Senate bill in including in such authorization grants for the preservation of islands. The amendment and the existing section are conformed for the sake of greater clarity.

Section 13. Annual report

Section 13 of the conference substitute follows the Senate bill and the House amendment in adding three more mandatory subjects to the required annual report on the administration of the Coastal Zone Management Act of 1972, under section 316(a) of the 1972 Act (formerly section 313). The three new topics follow the three new sections added by the conference substitute.

Section 14. Authorization of appropirations

Section 14 of the conference substitute amends section 318 of the Coastal Zone Management Act of 1972 (formerly section 315) to provide for appropriation authorizations for each of the several programs for which funds may be expended under the 1972 Act and the conference substitute amendments to that Act. In each case, the authorization figure included in the conference substitute is the lower amount authorized as between the amounts authorized for the same purpose in sections 308, 319, and 320 as redesignated and amended by the Senate bill and in sections 308, 319, and 320 as redesignated and amended by the House amendment.

Section 318(c) sets forth existing law and follows the House amendment by providing that Federal funds from other sources shall not be used to pay a coastal state's share of costs under section 305, 306, 309 or 310.

Section 15. Administration

Section 15 of the conference substitute follows section 103 of the Senate bill and section 3 of the House amendment in creating in the National Oceanic and Atmospheric Administration a new officer to be known as the Associate Administrator for Coastal Zone Management. This Associate Administrator shall be an individual who is especially qualified to direct the implementation and administration of the Coastal Zone Management Act of 1972. The section also authorizes the Secretary to create four new management positions to carry out the provisions of the amendments made by this legislation.

Section 16. Shellfish sanitation regulations

Section 16 of the conference substitute follows new section 310(c) and (d) of the House amendment in providing for a special study of shellfish. The Secretary of Commerce is directed to undertake a comprehensive review of all aspects of the molluscan shellfish industry and to evaluate the impact upon such industry of Federal law concerning water quality. By not later than April 30, 1977, the Secretary is required to submit to the Congress a report of the findings, comments, and recommendations (if any) which result from this review and evaluation.

The section further provides that the Secretary of Health, Education and Welfare shall not promulgate final regulations concerning the national shellfish safety program before June 30, 1977 and that such Secretary, in consultation with the Secretary of Commerce, shall publish an analysis of the economic impact of such regulation on the domestic shellfish industry and of the cost of the national shellfish sanitation program relative to the benefits that it is expected

to achieve. This analysis shall be published at least 60 days prior to the promulgation of any such final regulations. This analysis, with respect to cost relative to the benefits means the publication in the Federal Register of (1) an estimate, based on the best data available to the Secretary of Health, Education and Welfare, of the probable cost (in terms of annual impact or other appropriate measure) to the shellfish industry, the consuming public, and the Federal Government which is likely as a consequence of the implementation of these final regulations and (2) a description of the probable benefits which might be expected from such implementation in terms, for example, of the prevention of serious illness or death or in the reduction of the risk of illness to consumers of shellfish. Since the conferees are aware that in the area of food safety regulation the quantification of public health benefits is extremely difficult, if not impossible, this provision is not intended to require a formal cost-benefit analysis with respect to quantifiable benefits, but an effort should be made to weigh the costs and benefits as objectively as possible.

LEONOR K. SULLIVAN,
THOMAS N. DOWNING,
PAUL G. ROGERS,
JOHN M. MURPHY,
PIERRE S. DU PONT,
DAVID C. TREEN,
Managers on the Part of the House.
WARREN G. MAGNUSON,
ERNEST F. HOLLINGS,
JOHN V. TUNNEY,
TED STEVENS,
LOWELL P. WEICKER, Jr.,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 14236

Mr. EVINS of Tennessee submitted the following conference report and statement on the bill (H.R. 14236) "making appropriations for public works for water and power development and energy research, including the Corps of Engineers—Civil, the Bureau of Reclamation, power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Nuclear Regulatory Commission, the Energy Research and Development Administration, and related independent agencies and commissions for the fiscal year ending September 30, 1977, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 94-1297)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14236) "making appropriations for public works for water and power development and energy research, including the Corps of Engineers—Civil, the Bureau of Reclamation, power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Nuclear Regulatory Commission, the Energy Research and Development Administration, and related independent agencies and commissions for the fiscal year ending September 30, 1977, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 6, 8, 10, 11, 13, 14, 15, 18, 20, 24 and 25, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,147,563,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,572,410,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$71,920,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,436,745,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$348,811,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$27,495,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$303,000,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$125,930,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$12,665,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 3, 5, 12 and 17.

JOE L. EVINS,
EDWARD P. BOLAND,
JAMIE L. WHITTEN,
JOHN M. SLACK,
OTTO E. PASSMAN,
TOM BEVILL,
GEORGE MAHON,
JOHN T. MYERS,
CLAIR W. BURGENER,
ELFORD A. CEDERBERG,
Managers on the Part of the House.
JOHN C. STENNIS,
JOHN L. McCLELLAN,
WARREN G. MAGNUSON,
JOHN O. PASTORE,
JOSEPH M. MONTOYA,
J. BENNETT JOHNSTON,
WALTER D. HUDDLESTON,
JENNINGS RANDOLPH,
MARK O. HATFIELD,
MILTON R. YOUNG,
ROMAN L. HRUSKA,
RICHARD S. SCHWEIKER,
HENRY BELLMON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14236) making appropriations for public works for water and power development and energy research, including the Corps of Engineers—Civil, the Bureau of Reclamation, power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Nuclear Regulatory Commission, the Energy Research and Development Administration, and related independent agencies and commissions for the fiscal year ending September 30, 1977, and for other purposes, submit the following Joint Statement of the House and the Senate in explanation of the effects of the action agreed upon by the Managers and recommended in the accompanying conference report.

TITLE I—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Operating expenses

Amendment No. 1: Appropriates $4,147,563,000 for Operating expenses instead of $4,172,783,000 as proposed by the House and $4,118,186,000 as proposed by the Senate.

The funds appropriated for Operating expenses are allocated as shown in the following table:

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

FISCAL YEAR 1977 BUDGET, PUBLIC WORKS APPROPRIATION, OPERATING EXPENSES BUDGET AUTHORITY

Item	Fiscal year 1977	
	Budget estimate	Conference allowance
OPERATING EXPENSES BUDGET AUTHORITY		
Solar energy development:		
Direct thermal applications:		
A. Solar heating and cooling of buildings:		
1. Commercial demonstrations	$16,700,000	$33,000,000
2. Residential demonstrations	8,100,000	21,100,000
3. Research and development	10,500,000	13,700,000
Development in support of demonstration	10,000,000	17,000,000
B. Agricultural process heat applications	3,900,000	7,800,000
Technology support and utilization:		
A. Solar energy resource assessment	1,500,000	6,000,000
B. Solar Energy Research Institute	1,500,000	2,500,000
C. Technology utilization and information dissemination	1,000,000	3,000,000
Solar electric applications:		
A. Solar thermal electric conversion	30,900,000	51,300,000
B. Photovoltaic energy conversion	28,200,000	59,400,000
C. Wind energy conversion	16,000,000	20,500,000
D. Ocean thermal energy conversion	9,200,000	13,500,000

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION—Continued

FISCAL YEAR 1977 BUDGET, PUBLIC WORKS APPROPRIATION, OPERATING EXPENSES BUDGET AUTHORITY—Continued

Item	Fiscal year 1977 Budget estimate	Fiscal year 1977 Conference allowance
Fuels from biomass	$4,300,000	$9,700,000
Total, solar energy development	141,800,000	258,500,000
Geothermal energy development:		
Engineering R. & D	11,500,000	13,500,000
Resource exploration and assessment	10,000,000	9,000,000
Hydrothermal technology applications	12,200,000	14,000,000
Advanced technology applications	10,100,000	11,900,000
Environmental control and institutional studies	4,800,000	4,800,000
Total, geothermal energy development	48,600,000	53,200,000
Conservation research and development:		
Electric energy systems	20,960,000	23,000,000
Energy storage	20,840,000	31,000,000
Total, conservation research and development	41,800,000	54,000,000
Fusion power research and development:		
Magnetic fusion	168,000,000	195,000,000
Laser fusion	71,400,000	80,000,000
Total, fusion power research and development	239,400,000	275,000,000
Fuel cycle research and development:		
Uranium resource assessment	31,335,000	31,335,000
Support of nuclear fuel cycle	56,700,000	56,700,000
Waste management (commercial)	75,000,000	82,500,000
Total, fuel cycle research and development	163,035,000	170,535,000
Fission power reactor development	630,260,000	630,260,000
Environmental research and safety:		
Biomedical and environmental research	182,916,000	197,316,000
Operational safety	7,707,000	8,307,000
Environmental control technology	15,577,000	19,077,000
Reactor safety facilities	33,300,000	28,300,000
Total, environmental research and safety	239,500,000	253,000,000
High energy physics	167,500,000	170,000,000
Basic energy sciences:		
Nuclear science	81,200,000	90,500,000
Material sciences	51,100,000	56,400,000
Molecular, mathematical and geosciences	50,500,000	50,500,000
Total, basic energy sciences	182,800,000	197,400,000
Nuclear materials security and safeguards	$25,740,000	$27,420,000
Naval reactor development	191,500,000	191,500,000
Space nuclear systems	31,000,000	31,000,000
Nuclear explosives applications	1,300,000	1,300,000
Uranium enrichment activities:		
Uranium enrichment	[1] 888,345,000	888,345,000
Advanced isotope separation technology	36,830,000	36,830,000
Total, uranium enrichment activities	925,175,000	925,175,000
National security:		
Weapons activities	1,012,005,000	999,500,000
Weapons materials production	354,635,000	362,735,000
Total, national security	1,366,640,000	1,362,235,000
Program support:		
Program direction	[1] 214,860,000	216,085,000
Supporting activities:		
Community operations	6,415,000	10,507,000
Security investigations	10,050,000	10,050,000
Information services	10,905,000	10,905,000
General systems studies	11,000,000	10,000,000
General technology transfer	2,000,000	2,000,000
Manpower development	700,000	700,000
EEO assigned facilities	2,075,000	2,075,000
Total, supporting activities	43,145,000	46,237,000
Cost of work for others	20,100,000	20,100,000
Total, program support	278,105,000	282,422,000
Change in working capital and inventories	78,016,000	78,016,000
Subtotal, budget authority	4,752,171,000	4,960,963,000
Revenues applied:		
Enrichment revenues	−539,100,000	−661,900,000
Miscellaneous revenues	−76,000,000	−76,000,000
Total, revenues applied	−615,100,000	−737,900,000
Net budget authority	4,137,071,000	4,223,063,000
Appropriation transfer	500,000	500,000
Change in unobligated balances	0	−76,000,000
Total, operating budget authority	4,137,571,000	4,147,563,000

[1] Amended budget request.

The Conferees are in agreement with the language in the House Report on the Magnetic Fusion Program and with the language in the Senate Report on the Biomedical and Environmental Research Program.

The Conferees agree that no less than $10,000,000 of the total amount for the laser fusion program is to continue the on-going research and development work at KMS during fiscal year 1977.

The Conferees are agreed that the reduction applied to the weapons program is a general reduction.

Amendment No. 2: Deletes limitation proposed by the House.

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate making the appropriation for Operating expenses available only upon enactment of authorizing legislation.

Plant and capital equipment

Amendment No. 4: Appropriates $1,572,410,000 for Plant and capital equipment instead of $1,525,500,000 as proposed by the House and $1,610,485,000 as proposed by the Senate.

The funds appropriated for Plant and capital equipment are allocated as shown in the following table:

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PLANT AND CAPITAL EQUIPMENT, FISCAL YEAR 1977

Project No.	Project title	Fiscal year 1977 budget estimate	Conference allowance
	CONSTRUCTION PROJECTS		
	Solar Energy Development		
77-18	Solar energy facilities, various locations		$10,000,000
	Fusion Power Research and Development		
77-2-a	Magnetic fusion: Computer building, Lawrence Livermore Laboratory, Livermore, California	$5,000,000	5,000,000
77-3-a	Laser fusion: Electron beam fusion facilities, Sandia Laboratories, Albuquerque, N. Mex	9,100,000	9,100,000
	Fission Power Reactor Development		
77-4-a	Modifications to reactors	5,000,000	5,000,000
77-4-b	Breeding nondestructive assay facility, Idaho National Engineering Laboratory, Idaho	9,500,000	9,500,000
77-4-c	High performance Fuel Laboratory, Richland, Wash		1,500,000
77-4-d	Fuel storage facility, Richland, Wash		1,500,000
77-5-a	Computer building acquisition, Idaho National Engineering Laboratory, Idaho Falls, Idaho	950,000	950,000
	Environmental Research and Safety		
77-6-a	Modifications and additions to biomedical and environmental research facilities, various locations	4,200,000	3,200,000
	High-Energy Physics		
77-7-a	Accelerator improvements and modifications, various locations	$3,600,000	$3,600,000
	Basic Energy Sciences		
77-8-a	Accelerator and reactor improvements and modifications, various locations	1,300,000	1,300,000
77-8-b	Expanded experimental capabilities, Bates Linear Accelerator, Massachusetts Institute of Technology, Mass	5,000,000	5,000,000
77-8-c	Increased flux, high flux beam reactor, Brookhaven National Laboratory, N.Y	2,500,000	2,500,000
77-8-d	Conversion of steam plant facilities, Oak Ridge National Laboratory, Tenn	12,200,000	10,200,000
	Uranium Enrichment Activities		
77-9-a	Expansion of feed vaporization and sampling facilities, gaseous diffusion plants, multiple sites	9,000,000	8,000,000
77-9-b	Air and nitrogen system uprating, gaseous diffusion plant, Oak Ridge, Tenn	5,200,000	5,200,000
77-9-c	Upgrade ventilation systems, technical services building, gaseous diffusion plant, Portsmouth, Ohio	3,000,000	3,000,000
77-9-d	Centrifuge plant demonstration facility, Oak Ridge, Tenn	30,000,000	25,000,000

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION—Continued

PLANT AND CAPITAL EQUIPMENT, FISCAL YEAR 1977—Continued

Project No.	Project title	Fiscal year 1977 budget estimate	Conference allowance
77-10-a	Fire protection upgrading, gaseous diffusion plants, multiple sites	$8,300,000	$8,300,000
77-10-b	Modifications to comply with the Occupational Safety and Health Act, gaseous diffusion plants, and Feed Materials Production Center, Fernald, Ohio	8,200,000	8,200,000
	National Security		
	Weapons activities:		
77-11-a	Safeguards and research and development laboratory facility, Sandia Laboratories, Albuquerque, N. Mex	3,000,000	4,000,000
77-11-b	Safeguards and site security improvements, various locations	5,700,000	5,700,000
77-11-c	8-inch artillery fired atomic projectile production facilities, various locations	12,000,000	10,000,000
77-11-d	Tritium confinement system, Savannah River, S.C	3,500,000	3,500,000
77-12-a	Fire and safety project, Lawrence Livermore Laboratory, Calif	2,300,000	2,300,000
77-12-b	Life safety corridor modifications, Bendix Plant, Kansas City, Mo	3,100,000	3,100,000
77-12-c	Modifications to comply with the Occupational Safety and Health Act, Y-12 Plant, Oak Ridge, Tenn	6,400,000	6,400,000
77-12-d	Upgrade reliability of fire protection, Bendix Plant, Kansas City, Mo	7,800,000	7,800,000
77-12-e	Sludge disposal facility, Y-12 Plant, Oak Ridge, Tenn	3,000,000	3,000,000
	Weapons Materials Production:		
77-13-a	Fluorinel dissolution process and fuel receiving improvements, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, (A-E and long-lead procurement)	10,000,000	10,000,000
77-13-b	Improved confinement of radioactive releases, reactor areas, Savannah River, S.C	6,000,000	6,000,000
77-13-c	Seismic protection, reactor areas, Savannah River, S.C	3,000,000	3,000,000
77-13-d	High level waste storage and waste management facilities, Savannah River, S.C	25,000,000	25,000,000
77-13-e	High level waste storage and handling facilities, Richland, Wash	18,000,000	18,000,000
77-13-f	Waste isolation pilot plant, site undesignated, (A-E, land acquisition, and long-lead procurement)	6,000,000	6,000,000
77-13-g	Safeguards and security upgrading, production facilities, multiple sites	7,700,000	7,700,000
77-13-h	Personnel protection and support facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho	10,500,000	10,500,000
77-14	General plant projects	74,610,000	74,610,000
77-15	Construction planning and design	7,200,000	7,200,000
	INCREASE IN PRIOR YEAR PROJECTS		
	Solar energy development		
76-2-a	5-megawatt solar thermal test facility	10,000,000	12,000,000
76-2-b	10-megawatt central receiver solar thermal powerplant (A-E and long-lead procurement)	2,500,000	2,500,000
	Fusion power research and development		
	Magnetic fusion:		
76-5-a	Tokamak fusion test reactor, Princeton Plasma Physics Laboratory, Plainsboro, N.J	80,000,000	75,000,000
76-5-b	14-Mev intense neutron source facility, Los Alamos Scientific Laboratory, N. Mex	14,400,000	14,400,000
76-5-c	14-Mev high-intensity neutron facility, Lawrence Livermore Laboratory, California	2,500,000	2,500,000
75-3-b	Laser fusion: High-energy laser facility, Los Alamos Scientific Laboratory, N. Mex	9,700,000	9,700,000
	Fission power reactor development		
67-3-a	Fast flux test facility	80,000,000	75,000,000
	High Energy Physics		
75-6-c	Positron-electron joint project, Lawrence Berkeley Laboratory and Stanford Linear Accelerator Center	25,000,000	25,000,000
	Uranium enrichment activities		
76-8-e	Conversion of existing steam plants to coal capability, gaseous diffusion plants and Feed Materials Production Center, Fernald, Ohio	$5,300,000	$5,300,000
76-8-g	Enriched uranium production facilities, Portsmouth, Ohio	170,000,000	170,000,000
76-14	Safeguards and security upgrading Portsmouth, Ohio	5,350,000	5,350,000
74-1-g	Cascade uprating program, gaseous diffusion plants	161,000,000	161,000,000
71-1-f	Process equipment modifications, gaseous diffusion plants	267,800,000	267,800,000
	National security		
	Weapons activities:		
86-10-c	Phermex enhancement, Los Alamos Scientific Laboratory, N. Mex	4,150,000	4,150,000
76-14	Safeguards and security upgrading	7,800,000	7,800,000
71-9(1)	New plutonium recovery facility, Rocky Flats, Colo	25,300,000	23,300,000
71-9(5)	DP site plutonium processing facility, Los Alamos Scientific Laboratory, N. Mex	13,400,000	13,400,000
	Weapons materials production:		
76-8-a	Additional facilities, high level waste storage, Savannah River, S.C	26,000,000	26,000,000
76-8-b	Additional high level waste storage facilities, Richland, Wash	9,900,000	9,900,000
76-5-1-c	New waste calcining facility, Idaho Chemical Processing Plant, National Reactor Testing Station, Idaho	29,000,000	29,000,000
	General reduction, anticipated slippage		−11,675,000
	Total, fiscal year 1977 construction budget authority	1,285,960,000	1,267,285,000
	CAPITAL EQUIPMENT NOT RELATED TO CONSTRUCTION		
	Capital equipment—Obligations:		
	Solar energy development	5,700,000	7,400,000
	Geothermal energy development	1,500,000	1,500,000
	Conservation research and development: electric energy systems and energy storage	5,000,000	6,000,000
	Fusion power research and development:		
	Magnetic fusion	19,800,000	23,000,000
	Laser fusion	10,800,000	12,800,000
	Total fusion power research and development	30,600,000	35,800,000
	Fuel cycle research and development	15,600,000	14,000,000
	Fission power reactor development	49,002,000	49,002,000
	Environmental research and safety:		
	Biomedical and environmental research	10,418,000	11,418,000
	Operational safety	1,000,000	1,100,000
	Environmental control technology	560,000	560,000
	Total environmental research and safety	11,978,000	13,078,000
	High energy physics	20,800,000	21,800,000
	Basic energy sciences	15,400,000	16,400,000
	Nuclear materials security and safeguards	2,400,000	3,932,000
	Naval reactor development	6,000,000	6,000,000
	Space nuclear systems	3,200,000	3,200,000
	Uranium enrichment activities:		
	Uranium enrichment	17,243,000	17,000,000
	Advanced isotopes separation technology	7,000,000	7,000,000
	Total uranium enrichment activities	24,243,000	24,000,000
	National security:		
	Weapons activities	73,100,000	70,000,000
	Weapons materials production	23,691,000	29,691,000
	Total national security	96,791,000	99,691,000
	Program support:		
	Program direction	4,325,000	4,325,000
	Supporting activities: Information services	900,000	900,000
	Total program support	5,225,000	5,225,000
	Total program obligations	293,439,000	307,028,000
	Unobligated balance brought forward		−1,903,000
	Total capital equipment budget authority	293,439,000	305,125,000
	Grand total, plant and capital equipment	1,579,399,000	1,572,410,000

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate making the appropriation for Plant and capital equipment available only upon enactment of authorizing legislation.

Geothermal resources development fund

Amendment No. 6: Adds limitation on the indebtedness of the Geothermal resources development fund as proposed by the Senate.

TITLE II—DEPARTMENT OF DEFENSE—CIVIL

Department of the Army

Corps of Engineers—Civil

General investigations

Amendment No. 7: Appropriates $71,920,000 for General investigations instead of $70,110,000 as proposed by the House and $72,180,000 as proposed by the Senate:

The funds appropriated are to be allocated as shown in the following table:

	General investigations, State and project	Budget estimate, 1977	Conference allowance, 1977
	Alabama:		
(FC)	Brewton and East Brewton		$50,000
(N)	Mobile Harbor	$92,000	92,000
(SPEC)	Tennessee-Tombigbee Waterway urban study		150,000
(FC)	Village Creek	50,000	50,000
(N)	Warrior-Tombigbee Rivers		100,000
	Alaska:		
(N)	Cook Inlet Shoals, Alaska	41,000	41,000
(FC)	Metropolitan Anchorage	349,000	349,000
(FC)	Rivers and harbors in Alaska (Hydro interim)	210,000	210,000
(N)	Seward Harbor		30,000
(FC)	Southcentral Railbelt area	60,000	60,000
	American Samoa:		
(N)	Harbors and rivers in American Samoa	50,000	50,000
	Arizona:		
(FC)	Gila River and tributaries (Gila drain), Ariz. and N. Mex	40,000	40,000
(FC)	Phoenix metropolitan area	465,000	465,000
	Arkansas:		
(FC)	Little Rock metropolitan area	470,000	470,000
(FC)	Ouachita River Basin, Ark	100,000	100,000
(FC)	Pine Bluff metropolitan area	242,000	242,000
(COMP)	Red River below Denison Dam (Auth. report) Ark., La., Okla., Tex	55,000	55,000
(C)	White River Basin, Ark. and Mo. (Auth. Rpt.)	75,000	75,000
(FC)	White River Basin reservoirs	125,000	125,000
	California:		
(FC)	Alameda Creek Upper Basin	160,000	160,000
(FC)	Antelope Valley	40,000	150,000
(N)	Coast of Northern California	30,000	30,000
(FC)	Eel River	50,000	50,000
(FC)	Guadalupe River	80,000	80,000
(N)	Humboldt Harbor and Bay, Calif	60,000	60,000
(FC)	Los Angeles County drainage area review	100,000	100,000
(N)	Los Angeles-Long Beach Harbors (Inc. San Pedro Bay model study)	365,000	725,000
(N)	North Coast of Los Angeles County, Calif	15,000	15,000
(FC)	Northern California streams	220,000	220,000
(N)	Oceanside Harbor	75,000	75,000
(FC)	Sacramento River and tribs-bank protection and erosion control		75,000
(N)	Sacramento River Deepwater Ship Channel	150,000	150,000
(FC)	Sacramento River-San Joaquin Delta	200,000	200,000
(N)	Sacramento Valley nav., Calif	40,000	70,000
(FC)	Salinas River incl. part of Salinas-Monterey metropolitan area	420,000	420,000
(FC)	San Diego County streams flowing into the Pacific Ocean	50,000	200,000
(BE)	San Diego County, vicintty of Oceanside	70,000	125,000
(N)	San Diego Harbor and Sweetwater River, Calif	15,000	15,000
(FC)	San Fran. Bay and Sac.-San Joaquin Delta, water qual. and waste disposal	80,000	100,000
(N)	San Francisco Bay area (in-depth study)	270,000	270,000
(N)	San Francisco Harbor and Bay (Coll. and disp. debris), California	25,000	25,000
(FC)	San Joachin River Basin	200,000	320,000
(FC)	San Luis Obispo County	50,000	50,000
(FC)	Santa Ana River Basin and Orange County	300,000	300,000
(FC)	Santa Clara River	45,000	125,000
(N)	Sunset Harbor	30,000	30,000
(BE)	Ventura County	75,000	75,000
(FC)	Ventura River		50,000
(FC)	Walnut Creek Basin	20,000	20,000
	Colorado:		
(FC)	Metro Denver and South Platte River and tributaries Colorado, Nebraska, and Wyoming	385,000	385,000
	Connecticut:		
(COMP)	Connecticut River Basin Auth. Report Connecticut, Massachusetts, New Hampshire, and Vermont	75,000	175,000
(N)	New Haven Harbor	89,000	89,000
(FC)	Rippowam River, Conn	40,000	100,000
(BE)	Sherwood Island State Park	30,000	30,000
	Delaware:		
(FC)	Christina River Basin	50,000	50,000
(N)	Murderkill and St. Jones River		10,000
	District of Columbia:		
(SPEC)	Metropolitan Washington, D.C., water supply	600,000	600,000
	Florida:		
(N)	Apalachicola River below Jim Woodruff lock and dam	59,000	59,000
(FC)	Four River Basins	377,000	377,000
(N)	Jacksonville Harbor (Mill Cove)	40,000	40,000
(FC)	Jacksonville metropolitan area	390,000	390,000
(N)	Manatee Harbor, Fla	25,000	62,000
(BE)	Martin County		25,000
(BE)	Monroe County	50,000	50,000
(N)	Okeechobee Waterway (St. Lucie Canal)	75,000	75,000
(N)	Pensacola Harbor		50,000
(FC)	Pensacola-Tallahassee metropolitan and other urban areas	235,000	375,000
(BE)	Saint Johns County	88,000	88,000
(BE)	Shores of Northwest Florida	90,000	150,000
(BE)	Volusia County Shores	50,000	100,000
	Georgia:		
(FC)	Metro Savannah Area, Ga	100,000	100,000
(FC)	Metropolitan Atlanta Area	350,000	350,000
(FC)	Satilla River Basin	75,000	75,000
(FC)	Savannah River Basin, Ga., N.C., and S.C	104,000	104,000
	Guam:		
(N)	Harbors and rivers in the Territory of Guam	100,000	230,000

Footnote at end of table.

	General investigations, State and project	Budget estimate, 1977	Conference allowance, 1977
	Hawaii:		
(FC)	Harbors and rivers in Hawaii	$240,000	$240,000
(N)	Kaneohe Bay and part of Metropolitan Honolulu	360,000	360,000
(FC)	Kihei District		75,000
(FC)	Lava flow control, Island of Hawaii		40,000
	Idaho:		
(FC)	Big Wood River and tributaries	142,000	142,000
(FC)	Columbia River and tributaries, Idaho, Montana, Oregon, Washington, and Wyoming	950,000	950,000
(COMP)	Pacific Northwest River Basin, Idaho, Montana, Oregon, and Washington	30,000	30,000
	Illinois:		
(FC)	Chicago-South end of Lake Michigan, Ill. and Ind	280,000	280,000
(FC)	Degognia and Fountain Bluff Drain and Levee Dist. and Grand Tower, Ill	86,000	86,000
(FC)	E. C. Girardeau, Clr. Cr., N. Alex., Preston, and Miller Pond D. & I. District	75,000	75,000
(FC)	Fox River, Ill. and Wis	300,000	300,000
(N)	Mississippi River year round navigation, Illinois, Missouri, Iowa, Wisconsin, Minnesota (funds in R.I.)	40,000	40,000
(FC)	Mississippi River, Cassville, Wis. to mi 300, Ill., Iowa, Mo., and Wis	53,000	53,000
(FC)	Miss. River, Coon Rapids Dam to Ohio River, Ill., Iowa, and Mo	124,000	124,000
(FC)	Quad Cities urban study		75,000
(FC)	Rock River at Rockford	150,000	150,000
(N)	Saline River navigation		30,000
(FC)	Silver Creek, Ill	135,000	135,000
	Indiana:		
(FC)	Columbus	85,000	85,000
(FC)	Fort Wayne, Ind., metropolitan area	80,000	120,000
(BE)	Indiana shoreline erosion, Lake Michigan	50,000	80,000
(COMP)	Wabash River Basin auth. report, Indiana and Illinois	100,000	100,000
(N)	Wabash River navigation, Indiana and Illinois	150,000	150,000
	Iowa:		
(FC)	Des Moines River bank erosion, Iowa	110,000	200,000
(FC)	Iowa and Cedar Rivers, Iowa and Minn	150,000	150,000
(FC)	Lake Manawa		5,000
(FC)	Metro Sioux City and Missouri River, South Dakota, Nebraska, Iowa	100,000	100,000
	Kansas:		
(FC)	Arkansas River, Great Bend, Kans., to John Martin Dam, Colo	170,000	170,000
(FC)	Arkansas River, Great Bend, Kans., to Tulsa, Okla	260,000	330,000
(FC)	Kansas River and tributaries	290,000	290,000
(FC)	Marysville, Kans	40,000	40,000
(FC)	Verdigris River, Kans., and Okla	225,000	225,000
	Kentucky:		
(FC)	Clarks River Basin		30,000
(N)	Green and Barren Rivers, Ky	112,000	112,000
(N)	Louisville Harbor, Ky	30,000	30,000
(N)	Lower Cumberland and Tennessee Rivers below Barkley Canal, Ky., and Tenn	180,000	180,000
(FC)	Metropolitan Lexington region	153,000	153,000
(FC)	Upper Cumberland River Basin	80,000	80,000
	Louisiana:		
(N)	Barataria Bay Waterway (Dupre Cut)	50,000	50,000
(N)	Barataria Bay Waterway, entrance channel	50,000	50,000
(N)	Bayou Manchac and Amite		10,000
(N)	Gulf IWW-Louisiana section, high level highway crossings	65,000	65,000
(N)	Gulf IWW-Texas section, Louisiana and Texas	150,000	150,000
(FC)	Louisiana coastal area	160,000	160,000
(FC)	New Orleans-Baton Rouge metropolitan area	421,000	421,000
(FC)	West Bank Mississippi River in vicinity of New Orleans, La	50,000	50,000
	Maine:		
(N)	Fore River channel, Portland Harbor, Me	76,000	76,000
(SPEC)	Passamaquoddy tidal study	50,000	500,000
(FC)	St. John River	90,000	150,000
	Maryland:		
(FC)	Baltimore metropolitan streams	200,000	200,000
(FC)	Beaver Dam Creek and Cabin Branch		20,000
(SPEC)	Chesapeake Bay study, Maryland and Virginia	1,840,000	1,840,000
(N)	Chesapeake City Bridge		40,000
(FC)	Monongahela-Youghiogheny River Basin, Md., Pa., W. Va	50,000	50,000
(FC)	Smith Island		25,000
	Massachusetts:		
(N)	Boston Harbor (debris)	52,000	102,000
(N)	Boston Harbor (35-ft channel)		50,000
(BE)	Cape Cod Easterly Shores	40,000	80,000
(FC)	Hoosic River, Mass., N.Y., and Vt	40,000	40,000
	Michigan:		
(N)	Grand Haven Harbor	42,000	42,000
(N)	Grand Haven Harbor and River (small boat)	25,000	25,000
(N)	Great Lakes connecting channels and harbors, Michigan	80,000	80,000
(FC)	Great Lakes, Ontario and Erie, (Metro Duluth-Superior), Mich., Minn., N.Y., Ohio, Pa., and Wis	427,000	427,000
(SPEC)	Great Lakes-St. Lawrence Seaway, nav ssn. est., Mich., Ill., Ind., Minn., N.Y., Ohio, Pa., Wis	650,000	760,000
(N)	Little Girl's Point		70,000
(N)	Monroe Harbor, Mich	30,000	100,000
(SPEC)	Water levels of the Great Lakes, Mich., Ill., Ind., Minn., N.Y., Ohio, Pa., and Wis	220,000	880,000
	Minnesota:		
(N)	Reservoirs at the headwaters of the Mississippi River	100,000	150,000
(N)	Upper Mississippi (small craft locks), Minnesota, Iowa, Missouri, and Wisconsin	140,000	140,000
	Mississippi:		
(N)	Pascagoula Harbor	60,000	60,000
(FC)	Pascagoula River Basin	100,000	100,000

	General investigations, State and project	Budget estimate, 1977	Conference allowance, 1977
(N)	Pearl River	$40,000	$40,000
	Missouri:		
(FC)	Cape Girardeau Jackson metro area	100,000	100,000
(FC)	Metropolitan region of Kansas City, Mo. and Kans	414,000	414,000
(FC)	Mississippi River, Old Channel Mile 111-117		100,000
(FC)	Plattin Creek	50,000	50,000
(FC)	St. Genevieve	50,000	50,000
(N)	St. Louis Harbor, Mo. and Ill	50,000	50,000
(FC)	St. Louis metropolitan area, Missouri and Illinois	165,000	165,000
	Montana:		
(FC)	Flathead and Clark Fork River Basins	75,000	220,000
	Nebraska:		
(FC)	Platte River and tributaries	75,000	75,000
	Nevada:		
(FC)	Truckee Meadows	30,000	30,000
	New Hampshire:		
(FC)	Connecticut River strbk. eros. (Wilder Lake, N.H. and Vt. to Turners Falls Dam, Mass)	80,000	110,000
(BE)	North and Foss Beaches	40,000	40,000
(N)	Portsmouth Harbor		20,000
	New Jersey:		
(FC)	Camden metropolitan area	285,000	285,000
(FC)	Delaware Bay, Shore of New Jersey	40,000	40,000
(FC)	Hackensack River, N.J. and N.Y	115,000	115,000
(N)	Kill Van Kull Channel, Newark Bay Channel, N.J. and N.Y.	35,000	35,000
(FC)	Rahway River	146,000	146,000
(FC)	Raritan River Basin	174,000	174,000
(FC)	Third River		70,000
	New Mexico:		
(FC)	Pecos River and tributaries at Carlsbad	60,000	60,000
(FC)	Puerco River at Gallup	50,000	50,000
(FC)	Rio Grande and tributaries, New Mexico and Colorado	565,000	565,000
	New York:		
(N)	Big Sandy Creek, Mexico Bay	50,000	50,000
(FC)	Delaware River tributaries in New York State	50,000	50,000
(N)	Gowanus Creek Channel, N.Y	40,000	40,000
(N)	Great Lakes to Hudson River Waterway	50,000	50,000
(FC)	Irondequoit Creek, N.Y	40,000	40,000
(FC)	Morrisonville and vicinity, N.Y	30,000	30,000
(N)	Ogdensburg Harbor, N.Y	40,000	40,000
(FC)	Oswego River Basin	464,000	464,000
(N)	St. Lawrence Seaway, additional locks	200,000	250,000
(COMP)	Susquehanna River Basin Auth. Report, New York, Pennsylvania, and Maryland	400,000	400,000
(FC)	Upper Allegheny River Basin, N.Y. and Pa	50,000	50,000
(FC)	Wallkill River, N.Y. and N.J	50,000	50,000
(FC)	Westchester County streams, N.Y. and Byram River, Conn.	160,000	180,000
	North Carolina:		
(BE)	Bogue Banks and Bogue Inlet, N.C	60,000	60,000
(N)	Carolina Beach Inlet	48,000	48,000
(FC)	Lumber River, N.C. and S.C	35,000	35,000
(FC)	Neuse River	75,000	75,000
(FC)	Roanoke River (South Boston and vicinity), North Carolina and Virginia	85,000	85,000
(FC)	Sugar Creek Basin, N.C. and S.C	230,000	230,000
	North Dakota:		
(FC)	Red River of the North, N.D. and Minn	335,000	335,000
	Ohio:		
(FC)	Central Ohio Survey	110,000	110,000
(FC)	Cuyahoga River Basin	130,000	130,000
(SPEC)	Lake Erie-Wastewater management (Sec. 108A, Public Law 92-500), Ohio, Michigan, New York, Pennsylvania	770,000	770,000
(FC)	Miami River, Little Miami River and Mill Creek, Ohio	100,000	100,000
(FC)	Milton Dam and Reservoir		25,000
(FC)	Muskingum River Basin	50,000	50,000
(N)	Ohio Port development, Ohio	50,000	50,000
	Oklahoma:		
(FC)	Canadian River and tributaries, Oklahoma, Texas, New Mexico	100,000	200,000
(FC)	Tenkiller Ferry Lake	45,000	45,000
(FC)	Tulsa urban study	170,000	400,000
	Oregon:		
(N)	Columbia River at the mouth, Oregon and Washington	82,000	82,000
(FC)	Portland-Vancouver metropolitan area	358,000	620,000
(FC)	Silvies River and tributaries	131,000	131,000
(N)	Tillamook Bay and Bar	10,000	80,000
(COMP)	Willamette River Basin Auth Report, Oregon	92,000	92,000
	Pennsylvania:		
(FC)	Beaver River Basin, Pa. and Ohio	250,000	250,000
(FC)	Chester Creek Watershed	70,000	70,000
(FC)	Potomac River, North Branch (mine drainage), Pennsylvania, Maryland, and West Virginia	250,000	250,000
(FC)	Raystown Lake—Hydro study	138,000	138,000
(N)	Schuylkill River review	50,000	50,000
(FC)	Susquehanna River Basin, mine drainage, Pennsylvania, Maryland, and New York	137,000	137,000
	Rhode Island:		
(FC)	Pawcatuck River and Narragansett Bay drainage basin, Rhode Island, Massachusetts and Connecticut	599,000	800,000
(N)	Providence Harbor (debris)	39,000	39,000
(N)	Sakonnet Harbor		30,000
	South Carolina:		
(BE)	Folly Beach	$25,000	$50,000
(N)	Georgetown Harbor	42,000	42,000
	South Dakota:		
(FC)	Missouri River, S. Dak., Mont., Nebr. and N. Dak	81,000	81,000
(FC)	Upper Big Sioux River and Eastern South Dakota water supply, South Dakota and Iowa	140,000	140,000
	Tennessee:		
(FC)	Metropolitan region of Memphis	196,000	196,000
(FC)	Metropolitan region of Nashville	300,000	300,000
	Texas:		
(FC)	Bear Creek and tributaries		75,000
(FC)	Brazos River and tributaries	236,000	236,000
(FC)	Buffalo Bayou and tributaries	70,000	110,000
(FC)	Colorado River and tributaries	180,000	200,000
(N)	Colorado River channel to Bay City	50,000	100,000
(N)	Corpus Christi ship channel, Harbor Island	150,000	150,000
(N)	Galveston Bay area navigation study	105,000	150,000
(BE)	Galveston County shore erosion	100,000	315,000
(FC)	Johnson Creek	154,000	154,000
(FC)	Linnville Bayou and Caney Creek, Tres Palcaios	65,000	65,000
(FC)	Lower Sabine River, Tex	100,000	250,000
(N)	Matagorda ship channel		40,000
(FC)	Nueces River and tributaries		50,000
(FC)	Palo Blanco Creek and Cibolo Creek in vicintiy of Falfurrias		50,000
(N)	Sarbine-Neches Waterway	95,000	95,000
(FC)	San Diego Creek	45,000	45,000
(FC)	San Jacinto River and tributaries	75,000	100,000
(SPEC)	Texas Coast Hurricane, Texas	310,000	400,000
	Utah:		
(FC)	Colorado river and tributaries above Lee Ferry, Utah, Ariz., Colo., N. Mex. and Wyo	30,000	30,000
(FC)	Jordan River Basin	50,000	50,000
	Virgin Islands:		
(FC)	Virgin Islands (Crown Bay)	60,000	60,000
	Virginia:		
(FC)	Chowan River, Va. and N.C	200,000	200,000
(N)	Hampton Roads drift removal		50,000
(N)	Norfolk Harbor and Channels (anchorages)	50,000	50,000
(BE)	Norfolk vicinity of Willoughby Spit		25,000
(FC)	Roanoke River, Upper Basin	90,000	90,000
	Washington:		
(FC)	Chehalis River and tributaries	100,000	150,000
(FC)	Metropolitan Spokane and Spokane River and tributaries, Washington and Idaho	55,000	55,000
(FC)	Okanogan River and tributaries	80,000	80,000
(COMP)	Puget Sound and adjacent waters Auth Report, Washington	150,000	200,000
(N)	Seattle Harbor, Elliott Bay, Wash	63,000	63,000
(N)	Snohomish River and tributaries	142,000	142,000
(FC)	Yakima Valley, regional water management	80,000	150,000
	West Virginia:		
(FC)	Gauley River	280,000	280,000
(FC)	Island Creek		50,000
(COMP)	Kanawha River Basin Auth Report, West Virginia, North Carolina, and Virginia	200,000	200,000
(FC)	Metro region of Huntington, W. Va., (Ashland, Ky., Portsmouth, Ohio)	450,000	450,000
(FC)	Metropolitan region of Wheeling, W. Va., and Ohio	220,000	220,000
	Wisconsin:		
(FC)	Chippewa River	100,000	100,000
(N)	Harbors between Kenosha and Kewaunee	120,000	120,000
(FC)	Wisconsin River portage		40,000
	Total, all States	33,625,000	40,420,000
	Coordination studies with other agencies	3,100,000	3,000,000
	Review of authorized projects:		
	Restudies of deferred projects	75,000	[1] 145,000
	Review of completed projects (Sec. 216, Public Law 91-611)	720,000	720,000
	Review for deauthorization (Sec. 12, Public Law 93-251)	375,000	375,000
	Total	1,170,000	1,240,000
	Collection and study of basic data:		
	Stream gaging (U.S. Geological Survey)	465,000	465,000
	Precipitation studies (National Weather Service)	280,000	280,000
	Fish and wildlife studies (USF and WS)	2,000,000	2,000,000
	International water studies	300,000	300,000
	Flood plain management services	10,000,000	10,000,000
	Hydrologic studies	290,000	290,000
	Scientific and technical information centers	125,000	125,000
	Coastal data collection	400,000	300,000
	Total	13,860,000	13,760,000
	Research and Development	12,500,000	13,500,000
	Total, general investigations	64,255,000	71,920,000

[1] Includes $70,000 for Kaunakakai Deep Draft Harbor, Hawaii.

Amendment No. 8: Provides limitation of $2,000,000 for transfer to the United States Fish and Wildlife Service as proposed by the Senate instead of $1,800,000 as proposed by the House.

Construction, general

Amendment No. 9: Appropriates $1,436,745,000 for Construction, general instead of $1,416,477,000 as proposed by the House and $1,436,759,000 as proposed by the Senate.

The Conferees agree that not to exceed $1,500,000, within available funds, may be used, if needed, for the relocation of Route 209 at the Tocks Island project, Pennsylvania.

The funds appropriated for Construction, general are to be allocated as shown in the following tabulation:

	Construction, general, State and project	Budget estimate fiscal year 1977		Conference allowance fiscal year 1977	
		Construction	Planning	Construction	Planning
	ALABAMA				
(N)	John Hollis Bankhead lock and dam (rehab)	$591,000		$591,000	
(MP)	Jones Bluff lock and dam	1,700,000		4,000,000	
(N)	Tennessee-Tombigbee Waterway, Ala. and Miss.	84,000,000		104,000,000	
	ALASKA				
(FC)	Chena River Lakes, Fairbanks	24,000,000		24,000,000	
(MP)	Snettisham	4,500,000		4,500,000	
	ARIZONA				
(FC)	Indian Bend Wash	4,000,000		4,000,000	
(FC)	Phoenix and vicinity (including new river) stage 1	1,500,000		1,500,000	
(FC)	Phoenix and vicinity (including new river) stage 2		$394,000		$394,000
	ARKANSAS				
(MP)	Degray Lake	2,000,000		2,000,000	
(FC)	Dequeen Lake	896,000		896,000	
(FC)	Gillham Lake	682,000		682,000	
(N)	McClellan-Kerr Arkansas River Nav System, locks and dams, Ark. and Okla.	2,247,000		2,247,000	
(MP)	Norfork Lake—Highway bridge		625,000		625,000
(MP)	Norfork Lake—Units 3 and 4		470,000		470,000
(N)	Ouachita and Black Rivers, Ark. and La.	3,700,000		7,000,000	
(FC)	Pine Mountain Lake		365,000		365,000
(FC)	Posten Bayou		75,000		75,000
(FC)	Red River levees and bank stab below Denison Dam, Ark., La. and Tex.	2,000,000		2,000,000	
(FC)	Village Creek, Jackson and Lawrence Counties		100,000		100,000
	CALIFORNIA				
(N)	Bodega Bay		115,000		115,000
(FC)	Buchanan Dam-H.V. Eastman Lake	2,060,000		2,760,000	
(FC)	Butler Valley Dam-Blue Lake				351,000
(FC)	Cottonwood Creek				370,000
(FC)	Cucamonga Creek	5,100,000		7,000,000	
(FC)	Dry Creek (Warm Springs) Lake and Channel	3,300,000		750,000	
(FC)	Fairfield Vicinity Streams			300,000	
(FC)	Hidden Dam-Hensley Lake	1,901,000		2,101,000	
(N)	Humbolt Harbor and Bay			500,000	
(BE)	Imperial Beach	90,000		90,000	
(FC)	Lytle and Warm Creeks	2,700,000		2,700,000	
(MP)	Marysville Lake		500,000		500,000
(FC)	Merced County streams		650,000		650,000
(FC)	Napa River Basin	6,000,000		6,000,000	
(MP)	New Melones Lake	59,000,000		64,000,000	
(N)	Port San Luis			1,500,000	
(FC)	Sacramento River and major and minor tributaries	200,000		200,000	
(FC)	Sacramento River bank protection	2,500,000		2,500,000	
(FC)	Sacramento River, Chico Landing to Red Bluff			1,500,000	
(BE)	San Diego (Sunset Cliffs) (seg. A)		75,000		100,000
(N)	San Diego Harbor	9,030,000		7,480,000	
(N)	San Diego River and Mission Bay	90,000		90,000	
(FC)	San Diego River (Mission Valley)		240,000		100,000
(N)	San Francisco Bay to Stockton (J. F. Baldwin and Stockton Ship chans)	1,100,000		1,100,000	
(FC)	San Luis Rey River		350,000		350,000
(FC)	Santa Paula Creek			400,000	
(BE)	Surfside-Sunset and Newport Beach	100,000		100,000	
(FC)	Sweetwater River	200,000		300,000	
(FC)	Walnut Creek	5,800,000		5,800,000	
(FC)	Wildcat San Pablo Creeks				200,000
	COLORADO				
(FC)	Arkansas River and tributaries above John Martin Dam (phase I)		350,000		35 ,000
(FC)	Bear Creek Lake	12,500,000		12,500,000	
(FC)	Chatfield Lake	5,500,000		5,500,000	
(FC)	Las Animas	1,400,000		1,400,000	
(FC)	Trinidad Lake	5,500,000		5,500,000	
	CONNECTICUT				
(FC)	Danbury	1,600,000		1,600,000	
(FC)	New London hurricane barrier			200,000	
(FC)	Park River	9,000,000		10,000,000	

	Construction, general, State and project	Budget estimate fiscal year 1977		Conference allowance fiscal year 1977	
		Construction	Planning	Construction	Planning
	DELAWARE				
(FC)	Delaware coast protection			$500,000	
	DISTRICT OF COLUMBIA				
	Potomac estuary pilot water treatment plant			1,000,000	
	FLORIDA				
(FC)	Central and southern Florida	$6,000,000		6,000,000	
(FC)	Dade County			2,800,000	
(BE)	Duval County			3,900,000	
(FC)	Four River Basins	5,000,000		8,000,000	
(N)	Jacksonville Harbor (1965 Act)	7,868,000		5,368,000	
(BE)	Manatee County				$50,000
(N)	Panama City Harbor	600,000		600,000	
(N)	Port Everglades Harbor		$200,000		200,000
(N)	Saint Lucie Inlet		45,000		45,000
(N)	Tampa Harbor (main channel)	5,000,000		8,500,000	
	GEORGIA				
(MP)	Carters Lake	1,200,000		1,200,000	
(MP)	Hartwell Lake (Fifth Unit) Ga. and S.C.		210,000		210,000
(MP)	Richard B. Russell Dam and Lake, Ga. and S.C.	10,300,000		10,300,000	
(N)	Savannah Harbor extension				200,000
(N)	Savannah Harbor (widening and deepening)	1,986,000		1,986,000	
(MP)	West Point Lake, Ga. and Ala.	5,000,000		6,500,000	
	HAWAII				
(N)	Barbers Point (deep draft) Harbor, Oahu		36,000		36,000
(FC)	Jao Stream			1,000,000	
(FC)	Kaneohe-Kailua Area	8,200,000		8,200,000	
(N)	Waianae small boat harbor			1,000,000	
	IDAHO				
(MP)	Dworshak Dam and Reservoir	5,500,000		5,500,000	
(FC)	Ririe Lake	6,800,000		6,800,000	
	ILLINOIS				
(FC)	Carlyle Lake	1,020,000		1,020,000	
(FC)	Columbia Drainage and Levee District No. 3	900,000		900,000	
(FC)	East Moline			400,000	
(FC)	Eldred and Spankey Drainage and Levee District				100,000
(FC)	Freeport	100,000		100,000	
(FC)	Fulton			400,000	
(FC)	Harrisonville and Ivy Landing Drainage and Levee District No. 2	2,189,000		2,189,000	
(N)	Illinois Waterway, Calumet—SAG modification pt. I, Illinois and Indiana	2,259,000		2,259,000	
(N)	Illinois Waterway, duplicate docks, Illinois and Indiana		130,000		
(FC)	Kaskaskia Island Drainage and Levee District		300,000		300,000
(N)	Kaskaskia River navigation	5,000,000		5,800,000	
(FC)	Little Calumet River	100,000		100,000	
(N)	Lock and dam 53 (temporary lock), Illinois and Kentucky	8,800,000		8,800,000	
(FC)	Louisville Lake		150,000		150,000
(N)	Mississippi River, Chain of Rocks, Illinois and Missouri			500,000	
(N)	Mississippi River between the Ohio and Missouri Rivers (regulating works), Illinois and Missouri	3,500,000		4,500,000	
(FC)	Moline		250,000		250,000
(FC)	Rock Island	220,000		220,000	
(FC)	Rockford	2,600,000		2,600,000	
(N)	Smithland Locks and dam, Illinois, Indiana, and Kentucky	34,000,000		39,000,000	
(FC)	Sny Island Levee and drainage				50,000
(FC)	South Beloit		100,000		100,000
(FC)	Wood River Drainage and levee district		100,000		100,000
	INDIANA				
(FC)	Big Blue Lake		300,000		300,000
(FC)	Big Walnut Lake (land acquisition)	1,400,000		450,000	
(FC)	Brookville Lake	1,740,000		1,740,000	

	Construction, general, State and project	Budget estimate fiscal year 1977		Conference allowance fiscal year 1977	
		Construction	Planning	Construction	Planning
	INDIANA—Continued				
(N)	Cannelton locks and dams, Indiana and Kentucky	$300,000		$300,000	
(FC)	Evansville	1,400,000		1,200,000	
(FC)	Lafayette Lake	1,300,000			
(FC)	Levee unit No. 5	750,000		750,000	
(FC)	Marion		$175,000		$175,000
(FC)	Mason J. Niblack Levee (pumping facilities)	103,000		103,000	
(N)	Newburgh locks and dam, Indiana and Kentucky	1,100,000		1,100,000	
(FC)	Patoka Lake	11,300,000		10,000,000	
(N)	Uniontown locks and dam, Indiana and Kentucky	2,200,000		1,700,000	
	IOWA				
(FC)	Big Sioux River at Sioux City, Iowa and S. Dak.	1,700,000		1,700,000	
(FC)	Clinton	7,400,000		7,400,000	
(FC)	Davenport		139,000		139,000
(FC)	Marshalltown	1,639,000		1,359,000	
(FC)	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska	3,200,000		3,200,000	
(N)	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska	2,200,000		2,200,000	
(FC)	Ottumwa	101,000		101,000	
(FC)	Saylorville Lake	3,500,000		4,600,000	
(FC)	Waterloo	6,100,000		6,100,000	
	KANSAS				
(FC)	Big Hill Lake	500,000		1,000,000	
(FC)	Clinton Lake	6,550,000		6,550,000	
(FC)	Dodge City	2,380,000		174,000	
(FC)	El Dorado Lake	15,800,000		15,800,000	
(FC)	Great Bend		100,000		100,000
(FC)	Grove Lake			500,000	
(FC)	Hillsdale Lake	8,000,000		9,000,000	
(FC)	Kansas City 1962 modifications	3,800,000		3,800,000	
(N)	Kansas River Navigation		140,000		140,000
(FC)	Lawrence	2,600,000		2,600,000	
(FC)	Marion	1,300,000		2,168,000	
(FC)	Onaga Lake		137,000		137,000
(FC)	Perry Lake Area (road improvements)	700,000		700,000	
(FC)	Towanda Lake				100,000
	KENTUCKY				
(FC)	Big South Fork National River and Recreation Area, Ky. and Tenn.		350,000		350,000
(FC)	Boone County			367,000	
(FC)	Cave Run Lake	1,900,000		2,900,000	
(FC)	Dayton Floodwall			150,000	
(FC)	Kehoe Lake	3,000,000		3,375,000	
(MP)	Laurel River Lake	3,200,000		3,200,000	
(FC)	Martins Fork Lake	6,500,000		6,500,000	
(FC)	Paintsville Lake	3,300,000		3,300,000	
(FC)	Southwestern Jefferson County	4,800,000		6,300,000	
(FC)	Taylorsville Lake	5,300,000		5,300,000	
(FC)	Tug Fork Valley (phase I)		150,000		150,000
(MP)	Wolf Creek Dam—Lake Cumberland (Rehab)	22,000,000		26,000,000	
(FC)	Yatesville Lake	3,800,000		3,800,000	
	LOUISIANA				
(N)	Atchafalaya River and Bayous Chene, Boeuf and Black	2,000,000		2,000,000	
(FC)	Bayou Bodcau and tributaries	400,000		1,000,000	
(FC)	Lake Pontchartrain and vicinity	12,000,000		12,000,000	
(FC)	Larose to Golden Meadow	2,600,000		2,600,000	
(N)	Mississippi River outlets, Venice, La.	2,810,000		2,810,000	
(N)	Mississippi River, Gulf outlet	100,000		100,000	
(FC)	New Orleans to Venice	5,600,000		5,600,000	
(N)	Overton-Red River Waterway (lower 31 miles only)	1,645,000		1,645,000	
(N)	Red River emergency bank protection, Louisiana, Arkansas, Oklahoma, and Texas	2,326,000		5,000,000	
(N)	Red River Waterway, Mississippi River to Shreveport, La.	11,200,000		16,200,000	
(N)	Red River Waterway, Shreveport, La. to Index, Ark.				100,000
	MAINE				
(MP)	Dickey-Lincoln School Lakes		500,000		2,000,000
	MARYLAND				
(N)	Baltimore Harbor and Channels.		$280,000		$280,000
(FC)	Bloomington Lake, Md. and W. Va.	$11,800,000		$14,400,000	
	MASSACHUSETTS				
(FC)	Charles River Dam	9,930,000		10,500,000	
(FC)	Charles River National storage areas (LA)			1,000,000	
(FC)	North Nashua River		160,000		160,000
(FC)	Saxonville	2,000,000		2,000,000	
(N)	Weymouth-Fore and town rivers	2,470,000		2,470,000	
	MICHIGAN				
(N)	Great Lakes connecting channels			100,000	
(N)	Lexington Harbor	403,000		403,000	
(N)	Ludington Harbor			800,000	
(N)	Ottawa River Harbor, Michigan and Ohio		100,000		100,000
(FC)	Red Run Drain and Lower Clinton River		650,000		650,000
(FC)	River Rouge 1962 Act	2,959,000		2,959,000	
(FC)	Saginaw River 1958 Act	4,050,000		4,050,000	
(N)	Tawas Bay Harbor	800,000		800,000	
	MINNESOTA				
(FC)	Big Stone Lake—Whetstone River, Minn. and S. Dak.	1,900,000		1,900,000	
(FC)	Mankato and North Mankato	7,200,000		7,200,000	
(FC)	Rochester (phase I)		200,000		200,000
(FC)	Roseau River	3,600,000		3,600,000	
(FC)	Twin Valley Lake		400,000		400,000
(FC)	Winona		364,000		364,000
	MISSISSIPPI				
(FC)	Edinburg Lake (phase I)		75,000		75,000
(FC)	Tallahala Creek Lake	3,000,000		3,000,000	
(FC)	Tombigbee River and tributaries, Miss. and Ala.	3,000,000		3,000,000	
	MISSOURI				
(FC)	Blue River Channel, Kansas City		500,000		500,000
(MP)	Clarence Cannon Dam nd reservoir	40,000,000		44,000,000	
(MP)	Harry S. Truman Dam and reservoir	73,500,000		79,000,000	
(FC)	Little Blue River Channel	4,000,000		4,000,000	
FC)	Little Blue River Lakes	2,200,000		2,200,000	
(FC)	Long Branch Lake	3,880,000		3,880,000	
(FC)	Meramec Park Lake	4,500,000		9,500,000	
(FC)	Perry County D&DL No. 1, 2 and 3			500,000	
(FC)	Pine Ford Lake		500,000		500,000
(FC)	Prosperity Lake (phase I)				75,000
(FC)	Smithville Lake	15,700,000		16,700,000	
(MP)	Stockton Lake	800,000		800,000	
(FC)	Union Lake, State Highway 185 advance participation	700,000		700,000	
	MONTANA				
(MP)	Libby Dam, Lake Koocanusa	6,000,000		8,000,000	
(MP)	Libby reregulating dam power units		260,000		260,000
(MP)	Libby addtl units and rereg dam			2,000,000	
(FC)	Miles City		85,000		85,000
	NEBRASKA				
(FC)	Papillion Creek and tributaries lakes	1,100,000		550,000	
	NEVADA				
(FC)	Gleason Creek Dam (channel alternative)		75,000		75,000
	NEW JERSEY				
(N)	Corson Inlet-Ludlam Beach		197,000		197,000
(FC)	Elizabeth	1,780,000		1,780,000	
(N)	Great Egg Harbor inlet and Peck Beach		142,000		142,000
(N)	Newark Bay, Hackensack, and Passaic Rivers	980,000		980,000	
	NEW MEXICO				
(FC)	Cochiti Lake	3,300,000		3,900,000	
(FC)	Los Esteros Lake	7,800,000		7,800,000	

	Construction, general, State and project	Budget estimate fiscal year 1977		Conference allowance fiscal year 1977	
		Construction	Planning	Construction	Planning
	NEW YORK				
(FC)	Dansville and vicinity		$100,000		$100,000
(N)	Dunkirk Harbor		180,000		180,000
(BE)	East Rockaway Inlet to Rockaway Inlet and Jamacia Bay (part I)	$1,200,000		$3,000,000	
(FC)	Ellicott Creek		240,000		240,000
(FC)	Endicott, Johnson City and Vestal			1,000,000	
(BE)	Fire Island Inlet to Jones Inlet	1,780,000		1,780,000	
(N)	Irondequoit Bay	100,000		100,000	
(FC)	Ithaca	105,000		105,000	
(N)	New York Harbor collection and removal of drift	790,000		2,500,000	
(N)	New York Harbor, anchorages	2,340,000		2,340,000	
(N)	Port Ontario Harbor		150,000		240,000
(FC)	Sawmill at Elmsford and Greenburgh, N.Y.				60,000
(FC)	Scajaquada Creek			400,000	
(FC)	Wellsville	420,000		420,000	
(FC)	Yonkers	1,300,000		1,300,000	
	NORTH CAROLINA				
(FC)	B. Everett Jordan Dam and Lake	11,000,000		12,000,000	
(FC)	Falls Lake	6,800,000		8,000,000	
(FC)	Howards Mill Lake		50,000		25,000
(N)	Masonboro Inlet			250,000	
(N)	Morehead City Harbor (1970 Act)	1,000,000		1,000,000	
(FC)	Randleman Lake		250,000		100,000
(FC)	Reddies River Lake		125,000		75,000
(FC)	Roaring River Lake (phase I)		185,000		185,000
	NORTH DAKOTA				
(FC)	Burlington Dam		690,000		930,000
(MP)	Garrison Dam—Lake Sakakawea	1,000,000		1,000,000	
(FC)	Kindred Lake		200,000		200,000
(FC)	Minot	6,082,000		6,082,000	
(FC)	Missouri River, Garrison Dam to Lake Oahe	800,000		800,000	
	OHIO				
(FC)	Alum Creek Lake	4,500,000		4,500,000	
(N)	Ashtabula Harbor	1,900,000		1,900,000	
(FC)	Caesar Creek Lake	6,100,000		6,100,000	
(FC)	Chillicothe	700,000		700,000	
(FC)	Cuyahoga River Basin	250,000		250,000	
(FC)	East Fork Lake	5,000,000		5,000,000	
(N)	Huron Harbor			2,000,000	
(BE)	Lakeview Park			1,260,000	
(FC)	Mill Creek	1,400,000		600,000	
(FC)	Muskingum River Lakes (Rehab)	500,000		500,000	
(FC)	Newark (Log Pond Run)			500,000	
(FC)	Point Place		90,000		90,000
(N)	West Harbor				65,000
(N)	Willow Island locks and Dam, Ohio and West Virginia	900,000		900,000	
	OKLAHOMA				
(FC)	Arcadia Lake		428,000		428,000
(FC)	Arkansas-Red River Basins chloride control, Oklahoma, Kansas, and Texas		1,850,000		2,400,000
(FC)	Birch Lake	1,900,000		2,850,000	
(FC)	Candy Lake	1,000,000		1,000,000	
(FC)	Clayton Lake	2,000,000		2,000,000	
(FC)	Copan Lake	7,000,000		9,000,000	
(MP)	Fort Gibson Lake—Units 5 and 6		350,000		350,000
(FC)	Kaw Lake	4,600,000		6,000,000	
(FC)	Lukfata Lake	500,000		500,000	
(FC)	Optima Lake	5,000,000		5,000,000	
(FC)	Skiatook Lake	2,500,000		5,500,000	
(FC)	Waurika Lake	21,000,000		21,000,000	
	OREGON				
(FC)	Applegate Lake	3,000,000		3,000,000	
(FC)	Beaver Drainage District	1,399,000		1,399,000	
(MP)	Bonneville Second Powerhouse—Oregon and Washington	48,000,000		48,000,000	
(N)	Coos Bay	10,000,000		10,000,000	
(MP)	Cougar Lake	871,000		871,000	
(FC)	Days Creek Lake (phase I)		100,000		500,000
(MP)	John Day lock and dam—Lake Umatilla, Oregon and Washington	3,100,000		3,100,000	
(MP)	Lost Creek Lake	7,500,000		7,500,000	
(FC)	Lower Columbia River bank protection, Oregon and Washington	300,000		300,000	
(MP)	McNary lock and dam, Lake Wallula, Oregon and Washington	700,000		700,000	
(FC)	Scappoose Drainage District	2,880,000		2,880,000	
(MP)	Strube Lake and Cougar additional unit				$150,000
(FC)	Willamette River Basin bank protection	$450,000		$1,000,000	
	PENNSYLVANIA				
(FC)	Blue Marsh				
(FC)	Chartiers Creek				
(FC)	Cowanesque Lake				
(N)	Elk Creek Harbor				
(N)	Grays Landing lock and dam				
(N)	Point Marion lock				
(FC)	Pottstown				
(BE)	Presque Isle peninsula				
(FC)	Raystown Lake				
(FC)	Tamaqua				
(FC)	Tioga-Hammond Lakes				
(MP)	Tocks Island Lake				
(FC)	Trexler dam				
(FC)	Tyrone				
	PUERTO RICO				
(FC)	Portugues and Bucana Rivers	6,250,000		6,250,000	
	SOUTH CAROLINA				
(FC)	Broadway Lake				90,000
(N)	Cooper River, Charleston Harbor	3,000,000		3,000,000	
(BE)	Hunting Island Beach	1,194,000		1,194,000	
(N)	Little River Inlet, S.C. and N.C.		$227,000		227,000
(N)	Murrells Inlet			800,000	
	TENNESSEE				
(MP)	Cordell Hull Dam and Reservoir	1,761,000		1,761,000	
	TEXAS				
(FC)	Alpine		200,000		200,000
(FC)	Aquilla Lake	1,400,000		3,000,000	
(FC)	Arkansas-Red River Basins chloride control, area VIII	3,000,000		6,000,000	
(FC)	Aubrey Lake	1,000,000		500,000	
(FC)	Big Pine Lake		250,000		250,000
(FC)	Big Spring		110,000		110,000
(FC)	Carl L. Estes Dam and Lake		500,000		300,000
(FC)	Clear Creek		140,000		200,000
(FC)	Clopton Crossing Lake (phase I)		250,000		250,000
(FC)	Cooper Lake and channels	1,260,000		1,260,000	
(BE)	Corpus Christi Beach	700,000		1,179,000	
(N)	Corpus Christi Ship Channel (1968 Act)	3,100,000		3,100,000	
(FC)	El Paso	2,300,000		2,300,000	
(FC)	Freeport and vicinity, hurricane flood protection	4,500,000		4,500,000	
(N)	Freeport Harbor		121,000		121,000
(N)	GIWW-Harbor of refuge at seadrift		38,000		38,000
(N)	GIWW-Texas Section—Relocation in Matagorda Bay		75,000		75,000
(FC)	Highland Bayou	1,300,000		1,300,000	
(FC)	Lakeview Lake	1,000,000		1,000,000	
(FC)	Lavon Lake Mod and East Fork channel improvement	1,900,000		4,100,000	
(FC)	Lower Rio Grande Basin (phase I)		250,000		250,000
(FC)	Millican Lake		435,000		435,000
(N)	Mouth of Colorado River		60,000		100,000
(FC)	Plainview		200,000		200,000
(FC)	Port Arthur and vicinity (hurricane flood protection)	4,300,000		4,300,000	
(FC)	San Antonio channel improvement	3,500,000		3,500,000	
(FC)	San Gabriel River	10,500,000		10,500,000	
(FC)	Taylors Bayou	300,000		300,000	
(FC)	Tennessee Colony Lake (land acquisition)			1,000,000	
(N)	Texas City channel industrial canal			200,000	
(FC)	Texas City and vicinity (hurricane flood protection)	600,000		600,000	
(FC)	Three Rivers		150,000		150,000
(FC)	Trinity River project		800,000		800,000
(FC)	Vince and Little Vince Bayous	945,000		945,000	
	VIRGINIA				
(FC)	Buena Vista (phase I)		200,000		200,000
(FC)	Fourmile Run, City of Alexandria and Arlington County	8,300,000		10,000,000	
(FC)	Gathright Lake	11,500,000		11,500,000	
(FC)	Verona Lake (phase I)		240,000		240,000
(BE)	Virginia Beach (reimb)	260,000		260,000	

Construction, general, State and project	Budget estimate fiscal year 1977		Conference allowance fiscal year 1977	
	Construction	Planning	Construction	Planning
WASHINGTON				
MP) Chief Joseph Dam additional units	$78,000,000		$78,000,000	
(BE) Ediz Hook			2,000,000	
(MP) Ice Harbor additional units	2,100,000		2,100,000	
(MP) Little Goose additional units	24,600,000		25,075,000	
(MP) Lower Granite additional units	21,900,000		21,900,000	
(MP) Lower Granite lock and dam	11,000,000		11,475,000	
(MP) Lower Monumental additional units	19,900,000		19,900,000	
(FC) Skagit River Levee				$100,000
(MP) The Dalles additional units	300,000		600,000	
(FC) Vancouver Lake area				200,000
(FC) Wahkiakum County consolidated Diking District No. 1	600,000		600,000	
WEST VIRGINIA				
(FC) Beech Fork Lake	2,700,000		2,700,000	
(FC) Burnsville Lake	6,000,000		6,000,000	
(FC) East Lynn Lake	1,000,000		1,000,000	
(FC) R. D. Bailey Lake	7,500,000		10,300,000	
(FC) Rowlesburg Lake		$145,000		145,000
WISCONSIN				
(FC) LaFarge Lake and channel improvement	1,000,000		1,000,000	
(N) Northport Harbor		125,000		125,000
(FC) Prarie du Chien		50,000		50,000
(FC) State road and Ebner Coulees		300,000		300,000
MISCELLANEOUS				
(N) Small navigation projects not requiring specific legislation costing up to $1,000,000 (sec. 107)			4,500,000	
(FC) Small projects for flood control and related proposes not requiring specific legislation costing up to $1,000,000 (sec. 205)			$13,000,000	
(BE) Small beach erosion projects not requiring specific legislation costing up to $1,000,000 (sec. 103)			1,000,000	
(FC) Emergency streambank and shoreline protection (sec. 14)			2,000,000	
Recreation facilities at completed projects	$22,000,000		22,000,000	
Small snagging and clearing (sec. 208)			500,000	
Fish and wildlife studies (U.S. Fish and Wildlife Service)	2,000,000		2,000,000	
Mitigation of shore damages attributible to navigation projects (sec. 111)			1,000,000	
Streambank erosion control evaluation and demonstration (sec. 32, 1974 act)			3,000,000	
Shoreline erosion control demonstration (sec. 54, 1974 act)			1,500,000	
Aquatic plant control (1965 act)	1,600,000		2,300,000	
Employees compensation	2,108,000		2,108,000	
Reduction for anticipated savings and slippages	—79,640,000		—80,300,000	
Total	1,244,049,000	$22,283,000	1,409,756,000	$26,989,000
Total, construction, general	(1,266,332,000)		(1,436,745,000)	

Amendment No. 10: Deletes earmarking language proposed by the House which is no longer needed.

Flood control, Mississippi River and tributaries

Amendment No. 11: Appropriates $231,-497,000 for Flood control, Mississippi River and tributaries as proposed by the Senate instead of $227,667,000 as proposed by the House.

Revolving fund

Amendment No. 12: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $6,600,000 for design and construction of hopper dredges.

The Committee of Conference is agreed that provided the dredging industry is capable of performing the service within the procedures prescribed by the Corps of Engineers under the testing of the market program, which gives private industry up to a 25 percent cost differential, private dredging interests will be awarded the work.

The Committee supports a public and private mixture of hopper dredges which should be maintained and the Committee urges the development of private hopper dredges.

Flood control and coastal emergencies

Amendment No. 13: Appropriates $22,140,-000 for flood control and coastal emergencies as proposed by the Senate instead of $30,000,-000 as proposed by the House.

Administrative provisions

Amendment No. 14: Provides limitation of $291,000,000 on the capital of the revolving fund as proposed by the Senate instead of $285,000,000 as proposed by the House.

TITLE III—DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

General investigations

Amendment No. 15: Appropriates $24,762,-000 for General investigations as proposed by the Senate instead of $24,487,000 as proposed by the House.

Construction and rehabilitation

Amendment No. 16: Appropriates $348,-811,000 for Construction and rehabilitation instead of $351,386,000 as proposed by the House and $347,811,000 as proposed by the Senate.

The change from the Senate allowance provides a total of $3,500,000 for the Nueces River project, Texas.

Amendment No. 17: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that $300,000 is to be made available to the Secretary for expenses related to investigations of the Teton River Dam structure failure.

Colorado River basin salinity control projects

Amendment No. 18: Appropriates $44,680,-000 for the Colorado River basin salinity control projects as proposed by the Senate instead of $44,700,000 as proposed by the House.

Loan Program

Amendment No. 19: Appropriates $27,495,-000 for the Loan program instead of $22,209,-000 as proposed by the House and $28,495,000 as proposed by the Senate.

The change from the Senate allowance provides a total of $1,000,000 for the Graham-Curtis Canal Companies, Arizona loan.

Emergency Fund

Amendment No. 20: Appropriates $1,-000,000 for the Emergency fund as proposed by the Senate instead of $400,000 as proposed by the House.

TITLE IV—INDEPENDENT OFFICES

Funds Appropriated to the President

Appalachian Regional Development Programs

Amendment No. 21: Appropriates $303,000,-000 for the Appalachian regional development programs instead of $300,500,000 as proposed by the House and $306,000,000 as proposed by the Senate.

The change from the House bill adds $2,-500,000 for Area development.

Tennessee Valley Authority

Payment to Tennessee Valley Authority Fund

Amendment No. 22; Appropriates $125,-930,000 for Payment to Tennessee Valley Authority Fund instead of $120,930,000 as proposed by the House and $127,130,000 as proposed by the Senate. The change from the House bill adds $2,500,000 for work on Pickwick Lock, $2,500,000 for strip mine reclamation demonstrations, $1,000,000 for fertilizer research and development and deducts $1,000,000 for savings and slippage.

The Conferees express concern over the recent pattern of continued escalating power rate increases by Tennessee Valley Authority. As the TVA Board announced a further increase effective in July, this represents the fifteenth power rate increase by the Authority in the past nine years.

The Conferees believe that TVA has ample sources of revenue to effectively function without continuing a rate escalation policy.

The Conferees urge the Board of Directors of TVA to reexamine their policy on escalating power rates, to study all possible alternatives and proposals to avoid any further power rate increase and to take all possible steps to restore its position as the low-cost power yardstick agency of the Nation, in the public interest.

Water Resources Council

Water Resources Planning

Amendment No. 23: Appropriates $12,-665,000 for Water resources planning instead of $11,965,000 as proposed by the House and $14,665,000 as proposed by the Senate.

Amendment No. 24: Provides limitation for Administration and coordination of $1,648,-000 as proposed by the Senate instead of $1,-524,000 as proposed by the House. The Conferees have included $75,000 for the special study of the Connecticut River Basin.

Amendment No. 25: Provides limitation of $3,248,000 as proposed by the Senate, instead of $3,172,000 as proposed by the House for preparation of assessment and plans.

Amendment No. 26: Provides limitation of $3,000,000 for grants to states instead of $2,-

500,000 as proposed by the House and $5,000,000 as proposed by the Senate.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1977 recommended by the Committee of Conference, with comparisons to the fiscal year 1976 amount, the 1977 budget estimates, and the House and Senate bills for 1977 follows:

New budget (obligational) authority, fiscal year 1976	$7,514,156,500
Budget estimates of new (obligational) authority, fiscal year 1977	[1] 9,398,895,000
House bill, fiscal year 1977	9,645,609,000
Senate bill, fiscal year 1977	9,718,885,000
Conference agreement	9,703,713,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1976	+2,189,556,500
Budget estimates of new (obligational) authority, fiscal year 1977	+304,818,000
House bill, fiscal year 1977	+58,104,000
Senate bill, fiscal year 1977	−15,172,000

[1] Includes $178,800,000 of budget estimates not considered by the House, contained in S. Doc. 94–208. Excludes $200 million contained in this bill submitted as a FY 1976 supplemental in H. Doc. 94–523.

JOE L. EVINS,
EDWARD P. BOLAND,
JAMIE L. WHITTEN,
JOHN M. SLACK,
OTTO E. PASSMAN,
TOM BEVILL,
GEORGE MAHON,
JOHN T. MYERS,
CLAIR W. BURGENER,
ELFORD A. CEDERBERG,
Managers on the Part of the House.

JOHN C. STENNIS,
JOHN L. MCCLELLAN,
WARREN G. MAGNUSON,
JOHN O. PASTORE,
JOSEPH M. MONTOYA,
J. BENNETT JOHNSTON,
WALTER D. HUDDLESTON,
JENNINGS RANDOLPH,
MARK O. HATFIELD,
MILTON R. YOUNG,
ROMAN L. HRUSKA,
RICHARD S. SCHWEIKER,
HENRY BELLMON,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

(By unanimous consent, leave of absence was granted to:)

Mr. KELLY (at the request of Mr. RHODES), from 6:30 p.m. today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GRASSLEY) to revise and extend their remarks and include extraneous matter.)

Mr. ANDERSON of Illinois, for 45 minutes, today.

Mr. MCKINNEY, for 5 minutes, today.

Mr. GILMAN, for 10 minutes, today.

(The following Members (at the request of Mr. TRAXLER) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Ms. ABZUG, for 15 minutes, today.

Mr. ROSTENKOWSKI, for 20 minutes, today.

Mr. MORGAN, for 5 minutes, today.

Mr. BROWN of California, for 5 minutes, today.

Mr. COTTER, for 5 minutes, today.

Ms. ABZUG, for 15 minutes, June 25, 1976.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ROUSH to extend his remarks immediately prior to the vote on the Skubitz substitute amendment.

Mr. SKUBITZ to revise and extend his remarks immediately preceding vote on Randall amendment.

Mr. KOCH to revise and extend his remarks immediately preceding passage of Hyde amendment.

Mr. MATSUNAGA, and to include extraneous matter, during debate on the Randall amendment on H.R. 14232 in the Committee of the Whole.

Mr. BINGHAM immediately prior to the vote on the Randall amendment to H.R. 14232.

Mr. MATSUNAGA immediately prior to the vote on the Randall amendment to H.R. 14232.

Mr. GRASSLEY, to revise and extend his remarks during the debate on the Randall amendment on the Labor-HEW bill.

Mr. ALBERT (at the request of Mr. TRAXLER), to revise and extend his remarks and to include extraneous material.

(The following Members (at the request of Mr. GRASSLEY) and to include extraneous matter:)

Mr. WIGGINS.
Mr. BROWN of Ohio.
Mr. FINDLEY.
Mr. MOSHER.
Mr. PRESSLER.
Mr. CARTER.
Mr. SKUBITZ.
Mr. ESCH.
Mr. KASTEN in three instances.
Mr. WALSH in two instances.
Mr. MCKINNEY.
Mr. QUIE.
Mr. HORTON.
Mr. DERWINSKI.
Mr. HARSHA.
Mr. EMERY.
Mr. SPENCE.
Mr. GILMAN.

(The following Members (at the request of Mr. TRAXLER) and to include extraneous material:)

Mr. GONZALEZ in three instances.
Mr. ANDERSON of California in three instances.
Mr. BEDELL.
Mrs. SCHROEDER.
Mr. SIMON in two instances.
Mr. FISHER.
Mrs. MINK.
Mr. RANGEL.
Mr. DANIELSON.
Mr. ROE.
Mr. FORD of Michigan.
Mr. BADILLO.
Mr. EILBERG in two instances.
Mr. ULLMAN.
Mr. DOWNEY of New York.
Mr. BRINKLEY.
Mr. CHAPPELL.

ENROLLED BILLS SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5621. An act to authorize the Secretary of the Interior to establish the Valley Forge National Historical Park in the Commonwealth of Pennsylvania, and for other purposes;

H.R. 5630. An act to amend the Federal Boat Safety Act of 1971 in order to increase and extend the authorization for appropriations for financial assistance for State boating safety programs;

H.R. 11439. An act to amend title 5, United States Code, to restore eligibility for health benefits coverage to certain individuals whose survivor annuities are restored;

H.R. 12188. An act to amend the Community Services Act of 1974 to make certain technical and conforming amendments;

H.R. 12567. An act to authorize appropriations for the Federal Fire Prevention and Control Act of 1974 and the act of March 3, 1901, for fiscal years 1977 and 1978, and for other purposes; and

H.R. 13380. An act to amend the Central, Western, and South Pacific Fisheries Development Act to extend the appropriation authorization through fiscal year 1979, and for other purposes.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and a joint resolution of the Senate of the following title:

S. 3201. An act to authorize a local public works capital development and investment program, to establish an antirecessionary program, and for other purposes; and

S.J. Res. 49. A joint resolution to amend the joint resolution entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America."

ADJOURNMENT

Mr. TRAXLER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 48 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, June 25, 1976, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3547. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee and insurance transactions supported by Eximbank during April 1976 to Commu-

nist countries; to the Committee on Banking, Currency and Housing.

3548. A letter from the Director, National Science Foundation, transmitting notice of two proposed new records systems for Foundation, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3549. A letter from the Assistant Secretary of State for Congressional Relations, to amend the International Claims Settlement Act of 1949 to provide for the determination of the validity and amounts of claims of nationals of the United States against the German Democratic Republic; to the Committee on International Relations.

3550. A letter from the vice president for Government Affairs, National Railroad Passenger Corporation, transmitting the financial report of the Corporation for March 1976, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

3551. A letter from the Vice Chairman, U.S. Consumer Product Safety Commission, transmitting a copy of his letter to the Office of Management and Budget in response to a request for the Commission's views on Senate Report No. 94–863, a report to accompany S. 2715, a bill "to amend chapter 5 of title 5, United States Code (commonly known as the Administrative Procedure Act), to permit awards of reasonable attorney's fees and other expenses for public participation in proceedings before Federal agencies, and for other purposes," pursuant to section 27(k)(2) of Public Law 92–573; to the Committee on the Judiciary.

3552. A letter from the executive director, Military Chaplains Association of the U.S.A., transmitting the audit report of the association for calendar year 1975, pursuant to section 3 of Public Law 88–504; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

3553. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during May 1976, pursuant to section 234 of Public Law 91–510; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REUSS: Committee on Banking, Currency and Housing. Report on allocation of budget authority and outlays for fiscal year 1977 in accordance with section 302(b)(2) of the Congressional Budget Act of 1974 (Rept. No. 94–1294). Referred to the Committee of the Whole House on the State of the Union.

Mr. STRATTON: Committee on Armed Services. H.R. 13958. A bill to amend titles 10 and 37, United States Code, relating to the appointment, promotion separation, and retirement of members of the armed forces, and for other purpose; with amendment (Rept. No. 94–1295). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 14484. A bill to make permanent the existing temporary authority for reimbursement of States for interim assistance payments under title XVI of the Social Security Act, to extend for 1 year the eligibility of supplemental security income recipients for food stamps, and to extend for 1 year the period during which payments may be made to States for child support collection services under part D of title IV of such act. (Rept. No. 94–1296). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Committee of conference. Conference report on H.R. 14236 (Rept. No. 94–1297). Ordered to be printed.

Mrs. SULLIVAN: Committee of conference. Conference report on S. 586 (Rept. No. 94–1298). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY (for himself and Mr. MCKINNEY):

H.R. 14534. A bill to stimulate the purchase of new existing housing, to assure the steady flow of capital into the mortgage market, and for other purposes; to the Committee on Banking, Currency and Housing.

By Mr. EILBERG (for himself, Mr. RODINO, Mr. SARBANES, Ms. HOLTZMAN, Mr. DODD, Mr. FISH, and Mr. COHEN):

H.R. 14535. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. EMERY:

H.R. 14536. A bill to amend title V of the Housing Act of 1949 to allow certain property held by the United States under such title to be subject to certain taxation by appropriate State and local entities; to the Committee on Banking, Currency and Housing.

By Mr. MINISH:

H.R. 14537. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. OBERSTAR:

H.R. 14538. A bill to establish a national system of maternal and child health care; jointly to the Committees on Interstate and Foreign Commerce, and Ways and Means.

By Mr. PEPPER:

H.R. 14539. A bill to provide for a long-range plan for the use and organization of national resources to deal with digestive diseases and to amend the Public Health Service Act to provide for the coordination of Federal activities respecting such diseases; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H.R. 14540. A bill to amend title IV of the Social Security Act 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.

By Mr. WOLFF (for himself and Ms. BURKE of California):

H.R. 14541. 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, Currency and Housing.

By Mr. YOUNG of Alaska:

H.R. 14542. A bill to provide temporary authority for the Secretary of Agriculture to sell timber from the U.S. Forest Service lands created from the public domain, and lands otherwise acquired by the United States, in Alaska consistent with various acts; jointly to the Committees on Interior and Insular Affairs, and Agriculture.

By Ms. ABZUG:

H.R. 14543. A bill to amend section 311(a) of the Federal Water Pollution Control and for other purposes; to the Committee on Public Works and Transportation.

By Mr. BROWN of California (by request):

H.R. 14544. A bill to extend the appropriations authorization for reporting of weather modification activities; to the Committee on Science and Technology.

By Mr. D'AMOURS (for himself and Mr CLEVELAND):

H.R. 14545. A bill to designate the Federal office building located in Manchester, N.H. as the Norris Cotton Building, to the Committee on Public Works and Transportation

By Mr. GIBBONS:

H.R. 14546. A bill to provide that th income tax basis of property owned by decedent shall the same in the hands of hi executor and heirs as it was in the hands o the decedent immediately before his death to the Committee on Ways and Means.

By Mr. HANSEN (for himself, Mr RYAN, Mr. GUDE, Mr. SYMMS, an Mr. CRANE):

H.R. 14547. A bill to authorize the Sec retary of the Interior to make compensatio for damage arising out of the failure of th Teton Dam a feature of the Teton Basi Federal Reclamation Project in Idaho, an for other purposes; to the Committee on th Judiciary.

By Mr. KASTEN:

H.R. 14548. A bill to repeal the recent enacted provisions authorizing increases i the salaries of Senators and Represent tives; to the Committee on Post Office ar Civil Service.

H.R. 14549. A bill to amend title II the Social Security Act so as to remo the limitation upon the amount of outsi income which an individual may earn whi receiving benefits thereunder: to the Cor mittee on Ways and Means.

By Mr. KOCH (for himself, Mr. ME VINSKY, and Mr. MAGUIRE):

H.R. 14550. A bill to amend the Intern Revenue Code of 1954 to disallow the bu ness expense tax deduction for first cla air and rail travel in excess of the coa fare for such travel and for other expens to the Committee on Ways and Means.

By Mr. PATTEN:

H.R. 14551. A bill to provide for a lor range plan for the use and organization national resources to deal with digest diseases and to amend the Public Hea Service Act to provide for the coordinati of Federal activities respecting such d eases; to the Committee on Interstate a Foreign Commerce.

By Mr. RANGEL:

H.R. 14552. A bill to amend title II the Social Security Act so as to liberal the conditions governing eligibility of bl persons to receive disability insurance be fits thereunder; to the Committee on W and Means.

By Mr. RHODES (for himself, MICHEL, Mr. CONABLE, Mr. DEVI Mr. EDWARDS of Alabama, Mr. F Mr. VANDER JAGT, Mr. QUILLEN, QUIE, and Mr. HUTCHINSON):

H.R. 14553. A bill to establish proced and standards for the framing of relie suits to desegregate the Nation's elemen and secondary public schools, to provide

assistance to voluntary desegregation efforts, to establish a National Community and Education Committee to provide assistance to encourage and facilitate constructive and comprehensive community involvement and planning in the desegregation of schools, and for other purposes; jointly to the Committees on the Judiciary, and Education and Labor.

By Mr. SEIBERLING (for himself and Mr. JACOBS):

H.R. 14554. A bill to amend title II of the Social Security Act to require that procedures be established for the expedited replacement of undelivered benefit checks, to require that decisions on benefit claims be made within specified periods and to require that payment of benefits on approved claims begin promptly; to the Committee on Ways and Means.

By Mr. SYMINGTON:

H.R. 14555. A bill to authorize the Comptroller General of the United States to audit financial transactions and accounts of Members and committees of the House, and for other purposes; to the Committee on House Administration.

By Mr. ARCHER:

H.J. Res. 1002. Joint resolution proposing an amendment to the Constitution of the United States relating to the compensation of Senators and Representatives; to the Committee on the Judiciary.

By Mr. BUCHANAN (for himself, Mr. BEARD of Rhode Island, Mr. BURKE of Florida, Mr. BENITEZ, Mr. CARTER, Mr. CRANE, Mr. ROBERT W. DANIEL, Jr., Mr. DERRICK, Mrs. FENWICK, Mr. GINN, Mr. GILMAN, Mr. GRASSLEY, Mr. HICKS, Mr. HINSHAW, Mr. HYDE, Mr. LAFALCE, Mr. MCDADE, Mr. MCDONALD of Georgia, Mr. PATTISON of New York, Mr. REGULA, Mr. SPENCE, Mr. WAMPLER, Mr. CHARLES WILSON of Texas, Mr. WIRTH, and Mr. WON PAT):

H. Con. Res. 661. Concurrent resolution to ırge the Soviet Union to release Georgi Vins nd permit religious believers within its borlers to worship God according to their own onscience; to the Committee on International Relations.

By Mr. ROYBAL:

H. Con. Res. 662. Concurrent resolution equesting the President to negotiate with he Republic of Mexico for the exchange of .S. citizens incarcerated in Mexico for Mexian citizens incarcerated in the United tates; to the Committee on International elations.

By Mr. WALSH:

H. Con. Res. 663. Concurrent resolution xpressing the sense of Congress that the onstitution does not grant immunity from rest to a Member of Congress, and for her purposes; to the Committee on the ıdiciary.

By Mr. DINGELL (for himself, Mr. STAGGERS, Mr. MOSS, Mr. ECKHARDT, Mr. BRODHEAD, and Mr. MOFFETT):

H. Res. 1362. Resolution to disapprove the oposed exemption of No. 2 heating oil and). 2-D diesel fuel from the mandatory troleum allocation and price regulations nergy Action No. 3); to the Committee on terstate and Foreign Commerce.

By Mr. DINGELL (for himself, Mr. STAGGERS, Mr. MOSS, Mr. ECKHARDT, Mr. BRODHEAD, and Mr. MOFFETT):

H. Res. 1363. Resolution to disapprove the oposed exemption of middle distillates om the mandatory petroleum allocation d price regulations (Energy Action No. 4); the Committee on Interstate and Foreign mmerce.

By Mr. ANDERSON of Illinois (for himself and Mr. JOHN L. BURTON):

H. Res. 1364. Resolution to amend rule XXXII of the Rules of the House of Representatives to specify conditions for the admission of ex-Members and certain other persons to the Hall of the House and rooms leading thereto; to the Committee on Rules.

By Mr. MOTTL:

H. Res. 1365. Resolution directing the Committee on Ways and Means to investigate and study the feasibility of increasing the Social Security Trust Fund through the imposition of a severance tax on certain natural resources and, if such tax is found to be feasible, to direct such committee to draft legislation based on the findings of that investigation and study; to the Committee on Rules.

By Mr. PRESSLER:

H. Res. 1366. Resolution to provide that Members of the House of Representatives shall include information relating to the salaries of their employees in newsletters mailed by such Members; to the Committee on House Administration.

By Mr. SYMINGTON:

H. Res. 1367. Resolution to provide that the establishment or adjustment of certain allowances to Members of the House of Representatives shall not take effect until approved by the House, to carry out certain reforms regarding allowances available to such Members, and for other purposes; jointly, to the Committees on House Administration, and Standards of Official Conduct.

MEMORIALS

Under clause 4 of rule XXII,

409. The SPEAKER presented a memorial of the Legislature of the Commonwealth of Pennsylvania, relative to extending emergency unemployment compensation benefits for an additional 13 weeks; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 10498

By Mr. CHAPPELL:

Section 108 is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

SEC. 108. The Clean Air Act is amended by inserting a new section 315 and renumbering succeeding sections accordingly:

"NATIONAL COMMISSION ON AIR QUALITY

"SEC. 315(a) There is established a National Commission on Air Quality which shall study and report to the Congress on—

"(1) the effects of the implementation of any proposed or existing requirement on the states or the Federal government under this Act to identify and protect from significant deterioration of air quality, areas which have existing air quality better than that specified under current national primary and secondary standards;

"(2) the economic, technological, and environmental consequences of achieving or not achieving the purposes of this Act and programs authorized by it;

"(3) available alternatives, including enforcement mechanisms to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population, and to achieve the other purposes of the Act;

"(4) the technological capability of achieving and the economic, energy, and environmental impacts of achieving or not achieving required emission control levels for mobile sources of oxides of nitrogen (including the research objective of 0.4 gram per vehicle mile) in relation to and independent of regulation of emissions of oxides of nitrogen from stationary sources;

"(5) air pollutants not presently regulated, which pose or may in the future pose a threat to public health or public welfare and options available to regulate emissions of such pollutants;

"(6) the adequacy of research, development, and demonstrations being carried out by Federal, State, local, and nongovernmental entities to protect and enhance air quality;

"(7) the ability of (including financial resources, manpower, and statutory authority) Federal, State, and local institutions to implement the purposes of the Act.

"(b) Studies and investigations conducted pursuant to paragraphs (1) and (2) of subsection (a) shall include—

"(1) the effects of existing or proposed national ambient air quality standards on employment, energy, and the economy (including state and local), their relationship to objective scientific and medical data collected to determine their validity at existing levels, as well as their other social and environmental effects;

"(2) the effects of any existing or proposed policy or prohibiting deterioration of air quality in areas identified as having air quality better than that required under existing or proposed national ambient standards on employment, energy, the economy (including state and local), the relationship of such policy to the protection of the public health and welfare as well as other national priorities such as economic growth and national defense, and its other social and environmental effects.

"(c) The Commission shall, as a part of any study conducted under subsection (a)(1) of this section, specifically identify any loss or irretrievable commitment of resources (taking into account economic feasibility), including mineral, agricultural and water resources, as well as land surface-use resources.

"(d) Such Commission shall be composed of fifteen members, including the chairman and the ranking minority Member of the Senate Committee on Public Works and the House Committee on Interstate and Foreign Commerce, who shall serve on such Commission ex officio and without vote, and eleven members of the public appointed by the President. The Chairman of such Commission shall be elected from among its members.

"(e) The heads of the departments, agencies, and instrumentalities of the executive branch of the Federal Government shall cooperate with the Commission in carrying out the requirements of this section, and shall furnish to the Commission such information as the Commission deems necessary to carry out this section.

"(f) A report, together with any appropriate recommendations, shall be submitted to the Congress on the results of the investigation and study concerning section (a)(4) of this section no later than March 1, 1977, and the results of the investigation and study concerning section (a)(1) of this section no later than two years after the date of enactment of the Clean Air Act Amendments of 1966.

"(g) A report shall be submitted with regard to all other Commission studies and investigations, together with any appropriate recommendations, not later than three years after the date of enactment of this section.

"(h) The members of the Commission who are not officers or employees of the United States, while attending conferences or meetings of the Commission or while otherwise serving at the request of the Chairman shall be entitled to receive compensation at a rate not in excess of the maximum rate of pay for grade GS-18, as provided in the General Schedule under section 5332 of title V of the United States Code, including traveltime and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

"(i) There is authorized to be appropriated, for use in carrying out this section, not to exceed $17,000,000.

"(j) In the conduct of the study, the Commission is authorized to contract with nongovernmental entities that are competent to perform research or investigations in areas within the Commission's mandate, and to hold public hearings, forums, and workshops to enable full public participation."

H.R. 14231

By Ms. ABZUG:

Page 27, lines 11 through 18, strike out all of section 108.

By Mr. DINGELL:

Page 36, line 23, strike out "$145,298,000" and insert in lieu thereof "$166,464,000".

By Mr. HECHLER of West Virginia:

On page 36, line 6, before the words "to remain available" insert the following: "and an additional $10,000,000, all".

By Mr. McCORMACK:

Page 34, line 23, strike out "$488,125,000" and insert in lieu thereof "$544,275,000".

Page 36, line 6, strike out "$57,220,000" and insert in lieu thereof "$68,570,000".

By Mr. TSONGAS:

Page 47, immediately after line 9, insert the following new section:

SEC. 304. Funds appropriated to the Lowell Historic Canal District Commission in the Department of the Interior and Related Agencies Appropriation Act, 1976, including funds appropriated for the period ending September 30, 1976 (P.L. 94-165; 89 Stat. 977), shall remain available until expended.

Renumber the subsequent sections accordingly.

FACTUAL DESCRIPTIONS OF BILLS AND RESOLUTIONS INTRODUCED

Prepared by the Congressional Research Service pursuant to clause 5(d) of House rule X. Previous listing appeared in the CONGRESSIONAL RECORD of June 23, 1976, page 20123:

HOUSE BILLS

H.R. 14101. June 1, 1976. Interstate and Foreign Commerce; Ways and Means. Amends the Social Security Act to prohibit nursing homes and skilled nursing facilities participating in the Medicare or Medicaid program from requiring patients to turn over their social security benefit checks after giving advance notice of their intent to leave such homes.

H.R. 14102. June 1, 1976. Interstate and Foreign Commerce. Amends the Health Revenue Sharing and Health Services Act and the Social Security Act to allow the Secretary of Health, Education, and Welfare to make grants and loans to fund home health services, annual health fairs, community care services, and mobile health faclities for the elderly. Expands the medical coverage of the Social Security Act to include preventive health care, diagnostic services, hearing aids, foot care, dental care, vision aids, and specified care and services for the elderly.

Amends the Public Health Service Act to require that $20,000,000 be obligated for grants and contracts for emergency medical services systems for the elderly.

H.R. 14103. June 1, 1976. Interstate and Foreign Commerce. Amends the Health Revenue Sharing and Health Services Act and the Social Security Act to allow the Secretary of Health, Education, and Welfare to make grants and loans to fund home health services, annual health fairs, community care services, and mobile health facilities for the elderly. Expands the medical coverage of the Social Security Act to include preventive health care, diagnostic services, hearing aids, foot care, dental care, vision aids, and specified care and services for the elderly.

Amends the Public Health Service Act to require that $20,000,000 be obligated for grants and contracts for emergency medical services systems for the elderly.

H.R. 14104. June 1, 1976. Ways and Means; Interstate and Foreign Commerce. Amends the Medicare program of the Social Security Act: (1) to remove all limits on the number of home health visits for which payment will be made under such programs; (2) to provide coverage for specified preventive health care services; (3) to extend coverage to outpatient rehabilitative services and services furnished in elderly day care centers; and (4) to extend the scope of professional standards review organizations to health care facilities in addition to hospitals and to health professionals in addition to physicians.

H.R. 14105. June 1, 1976. Ways and Means; Interstate and Foreign Commerce. Amends the Medicare program of the Social Security Act: (1) to remove all limits on the number of home health visits for which payment will be made under such program; (2) to provide coverage for specified preventive health care services; (3) to extend coverage to outpatient rehabilitative services and services furnished in elderly day care centers; and (4) to extend the scope of professional standards review organizations to health care facilities in addition to hospitals and to health professionals in addition to physicians.

H.R. 14106. June 1, 1976. Interstate and Foreign Commerce; Ways and Means. Establishes a Long-Term Care Services program under the Medicare program of the Social Security Act to provide home health, homemakers, nutrition, long-term institutional care, day care, foster home, and outpatient mental health services. Specifies that these services shall be delivered by community long-term care centers under the direction and control of a State long-term care agency.

H.R. 14107. June 1, 1976. Interstate and Foreign Commerce; Ways and Means. Establishes a Long-Term Care Services program under the Medicare program of the Social Security Act to provide home health, homemakers, nutrition, long-term institutional care, day care, foster home, and outpatient mental health services. Specifies that these services shall be delivered by community long-term care centers under the direction and control of a State long-term care agency.

H.R. 14108. June 1, 1976. Ways and Means. Amends the Social Security Act by including the services of optometrists under the Medicare supplementary medical insurance program.

H.R. 14109. June 1, 1976. Ways and Means. Amends the Tariff Schedules of the United States (1) to reorganize the classification of certain iron or steel pipes and tubes, and blanks therefor, and (2) to revise the customs duties imposed on such products.

H.R. 14110. June 1, 1976. Ways and Means. Amends the Tariff Schedules of the United States to repeal the duty imposed on (1) articles assembled abroad with components produced in the United States, and (2) certain metal articles manufactured in the United States and exported for further processing.

H.R. 14111. June 1, 1976. Education and Labor. Amends the Occupational Safety and Health Act to provide that persons employing fewer than 25 employees in connection with a farming operation, or persons entering into a contract or other arrangement for the furnishing and operation of any machinery used in connection with a farming operation shall not be considered employers for purposes of such Act.

H.R. 14112. June 1, 1976. Ways and Means. Amends the Internal Revenue Code to exempt until January 1, 1977, specified sales, exchanges, or other dispositions of property by a private foundation to a disqualified person from the 5 percent tax on self-dealing.

H.R. 14113. June 1, 1976. Interior and Insular Affairs. Permits any State or local government receiving payments based upon the amount of certain public lands within its jurisdiction to elect to receive in lieu of such payments an amount equal to 75 cents for each acre of land with respect to which such payments are presently being made.

H.R. 14114. June 1, 1976. Ways and Means. Amends the Second Liberty Bond Act to increase the temporary public debt limit.

H.R. 14115. June 1, 1976. Ways and Means. Amends the Internal Revenue Code to provide a single unified rate schedule for estate and gift taxes. Repeals the estate and gift tax exemptions. Substitutes for such exemptions a credit against estate and gift taxes. Provides an additional credit against the estate tax for certain farms and closely held businesses passing to a qualified heir. Increases the estate and gift tax marital deduction. Imposes a tax on the unrealized appreciation of property transferred by a decedent. Allows the executor of an estate which includes real farm property to value the property as a farm, rather than at its fair market value basis on its best use.

H.R. 14116. June 1, 1976. Ways and Means. Amends the Internal Revenue Code to provide a single unified rate schedule for estate and gift taxes. Repeals the estate and gift tax exemptions. Substitutes for such exemptions a credit against estate and gift taxes. Provides an additional credit against the estate tax for certain farms and closely held businesses passing to a qualified heir. Increases the estate and gift tax martial deduction. Imposes a tax on the unrealized appreciation of property transferred by a decedent. Allows the executor of an estate which includes real farm property to value the property as a farm, rather than at its fair market value basis on its best use.

H.R. 14117. June 1, 1976. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified

findings in connection with Commission actions authorizing specialized carriers.

H.R. 14118. June 1, 1976. Public Works and Transportation. Amends the Federal Aviation Act of 1958 to require the Civil Aeronautics Board to insure that each community which was receiving scheduled interstate air transportation service on January 1, 1975, by an air carrier holding a certificate of public convenience and necessity, shall receive essential air transportation service until January 1, 1986, in accordance with specified requirements.

H.R. 14119. June 1, 1976. Ways and Means. Amends the Old-Age, Survivors, and Disability Insurance program of the Social Security Act: (1) to permit married couples filing joint tax returns to share their income for OASDI purposes as well; (2) to allow certain recipients of spouses' or survivors' benefits to include such benefits as income in determining their average monthly wage; (3) to lower the age of eligibility for such benefits to 50; (4) to eliminate the special dependency requirements for husband's and widower's benefits; and (5) to authorize children entitled to more than one child's insurance benefit to receive the total amount available.

H.R. 14120. June 1, 1976. Ways and Means. Authorizes any amount received from appropriated funds as a scholarship by a member of a uniformed service who is receiving training under the Armed Forces Health Professions Scholarship Program from an educational institution to be continued to be treated as a scholarship, excludable from gross income under the Internal Revenue Code.

H.R. 14121. June 1, 1976. Interstate and Foreign Commerce; Judiciary; Banking, Currency and Housing; Ways and Means. Amends the Comprehensive Drug Abuse Prevention and Control Act of 1970 to impose minimum penalties for specific opiate-related offenses. Amends the Federal Rules of Criminal Procedure to require a hearing to determine whether a term of imprisonment and parole eligibility is mandatory for an opiate-related offense.

Establishes considerations for judicial officers setting conditions for release of any person charged with an opiate-related offense. Makes proceeds of such offenses subject to forfeiture to the United States.

Requires persons exporting or importing monetary instruments in amounts exceeding $5,000 to file a report of such transport.

H.R. 14122. June 1, 1976. Ways and Means. Amends the Internal Revenue Code to allow a tax deduction in an amount not to exceed $1,000 for amounts paid by the taxpayer to an eligible educational institution for tuition for the attendance of the taxpayer or any eligible dependent.

H.R. 14123. June 1, 1976. Banking, Currency and Housing. Directs the Administrator of the Energy Research and Development Administration to assist communities in developing solar energy community utility programs. Establishes a revolving fund for continued financing of such program.

H.R. 14124. June 1, 1976. Judiciary. Replaces Federal criminal statutory provisions penalizing "rape" and "carnal knowledge of females under 16" with provisions penalizing "sexual assault." Designates guilty of sexual assault any person who knowingly engages in sexual contact or penetration of another person without such person's consent.

H.R. 14125. June 1, 1976. Interstate and Foreign Commerce. Amends the Regional Rail Reorganization Act to require the Consolidated Rail Corporation to maintain and preserve for the period of 1 year after conveyance all rail properties designated in the final system plan for conveyance to a profitable railroad and subsequently conveyed to the Corporation.

Authorizes States to purchase such rail properties during such period.

Authorizes an acquiring railroad to enter into a purchase agreement for rail properties in the absence of an employment offer to the employees of the selling railroad.

H.R. 14126. June 1, 1976. Judiciary. Amends the Bankruptcy Act to permit political subdivisions which are creditors of a railroad to seize real estate of the railroad under specified conditions.

H.R. 14127. June 1, 1976. Judiciary. Grants, under the Immigration and Nationality Act, to Chilean nationals, their parents, spouses, and children, status as permanent residents of the United States if such Chileans are being persecuted or are attempting to avoid persecution in Chile on account of their political opinions.

H.R. 14128. June 1, 1976. Ways and Means. Amends the Internal Revenue Code to establish graduated corporate income tax rates. Increases the estate tax exemption and establishes a new rate schedule for the estate tax. Increases the gift tax exclusion and exemption and establishes a new gift tax rate. Provides special treatment for the sale of stock in a closely held corporation when sold to pay estate taxes. Redefines a subchapter S corporation. Allows tax credits for the hiring of new employees. Redefines section 1244 stock (small business stock, losses on which are treated as ordinary losses).

H.R. 14129. June 1, 1976. Education and Labor. Establishes the George Washington Peace Academy to instruct and train selected individuals in the peaceful resolution of conflicts and international development and cooperation. Authorizes stipends for Academy students.

H.R. 14130. June 1, 1976. Banking, Currency and Housing. Amends the Federal Reserve Act to require that paper money printed after January 1, 1977, be in such form to enable blind persons to clearly identify the denomination of such note.

H.R. 14131. June 2, 1976. Ways and Means. Amends the Old-Age, Survivors, and Disability Insurance program of the Social Security Act: (1) to eliminate the special dependency requirements for entitlement to husband's and widower's insurance benefits; (2) to provide benefits for certain divorced husbands and former husbands; (3) to provide benefits to husbands who have minor children in their care; and (4) to provide benefits for widowed fathers with minor children on the same basis as benefits for wives, widows, and mothers.

H.R. 14132. June 2, 1976. Ways and Means. Amends the Old-Age, Survivors, and Disability Insurance program of the Social Security Act to provide for the payment of full wife's, husband's, widow's, and widower's insurance benefits without regard to age in cases of disability.

Entitles individuals who qualify for such benefits by reason of disability to hospital in surance benefits under the Medicare program.

H.R. 14133. June 2, 1976. Government Operations Rules. Requires the President to report to the Congress yearly to make suggestions for the reform of independent regulatory bodies in order to decrease their inflationary effects and to increase competition.

H.R. 14134. June 2, 1976. Banking, Currency and Housing. Amends the National Housing Act to authorize the Government National Mortgage Association to make monthly housing investment interest differential payments to lenders in order to stimulate housing purchases.

H.R. 14135. June 2, 1976. Ways and Means. Amends the Internal Revenue Code to require the annual Publication of Statistics of Income on Individual Income Tax Returns to set forth certain information with regard to income tax returns which show an economic income in excess of $200,000.

H.R. 14136. June 2, 1976. Ways and Means. Authorizes any amount received from appropriated funds as a scholarship by a member of a uniformed service who is receiving training under the Armed Forces Health Professions Scholarship Program from an educational institution to be treated as a scholarship, excludable from gross income under the Internal Revenue Code.

H.R. 14137. June 2, 1976. Banking, Currency and Housing. Creates the National Consumer Cooperative Bank, the Self-Help Development Fund, and the Cooperative Bank and Assistance Administration to assist the formation and growth of consumer and other types of self-help cooperatives.

H.R. 14138. June 2, 1976. Ways and Means. Amends the Social Security Act to authorize payment under the Medicare program for specified services performed by chiropractors, including x-rays, and physical examination, and related routine laboratory tests.

H.R. 14139. June 2, 1976. Interstate and Foreign Commerce. Sets forth labeling requirements for gold items sold in the United States by requiring that the fineness of such items be within specified tolerances of the fineness indicated by the label.

H.R. 14140. June 2, 1976. Ways and Means. Amends the Tariff Schedules of the United States to suspend until the close of June 30, 1979, the duty on concentrate of poppy straw used in producing codeine or morphine.

H.R. 14141. June 2, 1976. Judiciary; Standards of Official Conduct. Creates a Federal Lobbying Disclosure Commission. Requires lobbyists to (1) register with the Commission; (2) make and retain certain records; and (3) file reports with the Commission regarding their activities.

Repeals the Federal Regulation of Lobbying Act.

H.R. 14142. June 2, 1976. Judiciary. Incorporates the Gold Star Wives of America.

H.R. 14143. June 2, 1976. Veterans' Affairs. Extends the delimiting period in the case of any eligible veteran who is pursuing, during his or her 10th year of eligibility, a program of education.

H.R. 14144. June 2, 1976. Veterans' Affairs. Extends the delimiting period in the case of any eligible veteran who is pursuing, during his or her 10th year of eligibility, a program of education.

H.R. 14145. June 2, 1976. Veterans' Affairs. Extends the delimiting period in the case of any eligible veteran who is pursuing, during his or her 10th year of eligibility, a program of education.

H.R. 14146. June 2, 1976. Judiciary. Requires a hearing at which an individual may be represented by counsel before such individual's refusal to testify when appearing in a grand jury proceeding may result in a finding of contempt. Limits imprisonment for such contempt to a period of 6 months (formerly 18 months).

Prohibits fining or imprisoning a witness for a refusal to testify in a grand jury proceeding if such witness has been fined or imprisoned for a previous refusal to testify on the same transaction or events.

H.R. 14147. June 2, 1976. Ways and Means. Amends the Medicare program of the Social Security Act to authorize payment under the supplementary medical insurance program for specified diagnostic tests and physical examinations given for the detection of breast cancer.

H.R. 14148. June 2, 1976. Ways and Means.

Amends the Internal Revenue Code and the Medicare program of the Social Security Act: (1) to repeal the hospital insurance tax on wages and self-employment income; (2) to increase the rate of the Old-Age, Survivors, and Disability Insurance tax; and (3) to provide that the Hospital Insurance Trust Fund, from which the Medicare program is financed, be funded from general revenues, and not from the hospital insurance tax.

H.R. 14149. June 2, 1976. Ways and Means. Amends the Old-Age, Survivors, and Disability Insurance program of the Social Security Act to entitle widows and widowers who are under a disability to receive unreduced widow's and widower's benefits without regard to age.

H.R. 14150. June 2, 1976. Judiciary. Declares that the claim of a certain individual against the United States, arising from certain injuries, shall be considered a timely claim.

H.R. 14151. June 2, 1976. Judiciary. Declares that certain individuals shall be deemed to have a specified priority date on the fifth preference foreign state limitation for Korea, for purposes of the Immigration and Nationality Act.

H.R. 14152. June 3, 1976. Judiciary. Permits the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries conducted by a nonprofit organization and authorized by State law.

H.R. 14153. June 3, 1976. Interstate and Foreign Commerce. Amends the Railroad Retirement Act of 1974 to provide that amounts of excess earnings which result in a reduction of monthly Social Security benefits for a surviving spouse of a railroad employee shall not be used in making deductions from such survivor's benefits under the railroad retirement system.

H.R. 14154. June 3, 1976. Judiciary. Grants under the Immigration and Nationality Act, an immigrant visa to any alien who is a resident of the Friuli region of Italy and whose residence or place of business was destroyed in the earthquake that occurred on May 6, 1976. Grants an immigrant visa to an alien spouse, child, or parent of such Italian national if such relative is not in the United States and resides with such Italian national.

H.R. 14155. June 3, 1976. Interstate and Foreign Commerce. Directs the Secretary of Health, Education, and Welfare to establish a National Diabetes Advisory Board to insure the implementation of a long range plan to combat diabetes. Authorizes the Secretary to make grants to scientists who have shown productivity in diabetes research for the purpose of continuing such research. Authorizes, under the Public Health Service Act, the appropriation of specified sums for the purpose of making grants to centers for research and training in diabetic related disorders.

H.R. 14156. June 3, 1976. Ways and Means. Amends the Internal Revenue Code to make it unlawful to sell reprints of Federal tax publications unless such documents are identified as copies and display the price for which they may be purchased from the Federal Government.

H.R. 14157. June 3, 1976. Ways and Means. Amends the Internal Revenue Code to allow a tax deduction in an amount not to exceed $1,000 for amounts paid by the taxpayer to an eligible educational institution for tuition for the attendance of the taxpayer or any eligible dependent.

H.R. 14158. June 3, 1976. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

H.R. 14159. June 3, 1976. Judiciary. Imposes additional reporting requirements on persons transporting cigarettes into States which tax their sale or use. Prohibits the transportation of more than 4,000 cigarettes into a State in violation of State law imposing a tax on the sale or use of cigarettes.

H.R. 14160. June 3, 1976. Judiciary. Amends the Bankruptcy Act to include among debts which have priority specified debts to consumers of deposits of money made in connection with the purchase of goods or services for personal or household uses not delivered on the date of bankruptcy.

H.R. 14161. June 3, 1976. Government Operations. Requires, under the Office of Federal Procurement Policy Act, that Federal agencies pay interest at an annual rate of at least 12 percent on any payment which is overdue by more than two weeks on a contract with a small business concern.

H.R. 14162. June 3, 1976. Education and Labor. Establishes a National Commission on Alternatives to Busing to study various means of achieving desegregation and assuring equal educational opportunity in elementary and secondary school systems. Requires the Commission to convene a National Conference on Alternatives to Busing to solicit and receive the opinions and recommendations of interested persons concerning such means.

H.R. 14163. June 3, 1976. Ways and Means. Amends the Internal Revenue Code to permit an individual to deduct amounts paid by that individual for retirement savings for the benefit of his spouse.

H.R. 14164. June 3, 1976. Merchant Marine and Fisheries; Interior and Insular Affairs. Revises the boundaries of Sequoia National Park, California, to include Mineral King Valley.

H.R. 14165. June 3, 1976. Ways and Means. Amends the Internal Revenue Code of 1954 and the Old-Age, Survivors, and Disability Insurance program of the Social Security Act to authorize individuals who are enrolled in private retirement, disability, and hospital insurance programs, to voluntarily exempt themselves from Federal Insurance Contributions Act taxes and from the Old-Age, Survivors, and Disability Insurance and Medicare programs.

States that any election of such exemption shall be irrevocable.

H.R. 14166. June 3, 1976. Armed Services. Repeals the provision of the Strategic and Critical Materials Stock Piling Act which forbids the President from prohibiting or regulating the importation into the United States of strategic or critical materials from non-Communist countries.

H.R. 14167. June 3, 1976. International Relations. Amends the United Nations Participation Act of 1945 to make the provision of the Strategic and Critical Materials Stock Piling Act which forbids the President from prohibiting or regulating the importation into the United States of strategic or critical materials from non-Communist countries, inapplicable to prohibitions and regulations established under the authority of the United Nations Participation Act, which permit the President to regulate economic relations or other communications with any foreign country at the request of the Security Council of the United Nations.

H.R. 14168. June 3, 1976. Ways and Means. Amends the Medicare and Medicaid programs of the Social Security Act to include rural health facilities of 50 beds or less within the definition of the term "hospital."

H.R. 14169. June 3, 1976. Ways and Means. Amends the Medicare and Medicaid programs of the Social Security Act to include rural health facilities of 50 beds or less within the definition of the term "hospital."

H.R. 14170. June 3, 1976. Veterans' Affairs. Extends the delimiting period in the case of any eligible veteran who is pursuing, during his or her tenth year of eligibility, a program of education.

H.R. 14171. June 3, 1976. Ways and Means. Permits the President to restrict the importation of protected articles of archeological or ethnological interest pursuant to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property.

Directs the Secretary of the Treasury to promulgate regulations regarding the importation of protected objects.

Requires that such protected objects be accompanied by certification of the country of origin. Prohibits the importation of articles stolen from museums or similar institutions. Sets forth procedures for treatment, seizure, forfeiture, return, and disposal of such articles.

H.R. 14172. June 3, 1976. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

H.R. 14173. June 3, 1976. Ways and Means; Interstate and Foreign Commerce. Amends the Professional Standards Review program of the Social Security Act to assure the participation by registered professional nurses in the peer review and related activities authorized under such program.

H.R. 14174. June 3, 1976. Interstate and Foreign Commerce. Requires the President, under the Interstate Commerce Act, to designate two of the Commissioners of the Interstate Commerce Commission to serve as Chairman and Vice Chairman of the Commission for two-year terms beginning January 1, 1977. Stipulates that every two years thereafter the members of the Commission shall elect a Chairman and Vice Chairman from among its members.

H.R. 14175. June 3, 1976. Ways and Means. Amends the Internal Revenue Code to establish graduated corporate income tax rates. Increases the gift tax exclusion and exemption and establishes a new gift tax rate. Provides special treatment for the sale of stock in a closely held corporation when sold to pay estate taxes. Redefines a subchapter S corporation. Redefines section 1244 stock (small business stock, losses on which are treated as ordinary losses).