lawless businessmen and corrupted children who constitute one of this city's most notorious open-air markets in drugs. There are languid men with magic hands holding glassine bags that pass from person to person and disappear before the brain is sure what the eyes have seen. These are women and children whose eyes are as blank as their drug-blotted minds. It is at once a teeming bazaar and the ultimate in urban desolation.

Those two street scenes in Manhattan, twelve local stops and light years apart, are rigidly connected. The shoppers in the bazaar uptown can require up to $400 per week to feed their cravings. They suffer from being junk-heap Americans: those citizens who are not needed by the economy just now or perhaps ever. The jagged edges and rancid smells of the places where America's affluent has never reached define their current and future lives, their sense of themselves and of their incredibly limited human connections. The drugs sop up the emptiness for a while and the quest for the money for them will be carried to any corner of the city where it is likely to be found.

New York's arteries are thus poisoned by joblessness, hopelessness and dope. The numbers are getting worse. Dr. Robert I. Dupont, director of the National Institute on Drug Abuse, says that, though there was a dip in heroin addiction during 1972 and 1973, the recent upsurge to as much as 300,000 to 400,000 people nationwide demonstrate that the nation is in the grip of a continuing heroin epidemic.

Mexican heroin is gushing into the country and there are indications that Turkish farmers are increasing their poppy crops. With unemployment holding steady at catastrophic levels in the city's minority communities—40 to 50 percent by some expert estimates—the market for the increasing imports is strong. Sterling Johnson Jr., New York's special narcotics prosecutor, asserts that drug use in Manhattan is again reaching the record levels achieved in the early 1970's.

One of the people engaged in fighting the epidemic is an attractive, slender young black man who works as an undercover New York City policeman and who risks his life on the streets of Harlem most working nights. When asked why he persisted in that line of work, he said: "That's what I can do for my brothers and sisters. I can fight to get this poison off the streets. And there's a lot more brothers and sisters on the force who feel like I do, but they're cutting back because of the fiscal crisis."

Indeed, the fight against drugs is being cut back so sharply that a narcotics grand jury which sat in New York from November to January alleged in a special report that the decrease in enforcement personnel had put the drug traffic on "the semi-licit status of speakeasies during Prohibition and street-walking in Times Square." There are figures which seem to support that contention. For example, the funds for the special prosecutor's office are projected to be down from $2.4 million last year to $1.1 million next year, necessitating a decrease in personnel from 122 to 50.

Rehabilitation programs are also being slashed to the bone. State residential treatment programs, which were demonstrably weak and outrageously expensive, have appropriately been cut in the state budget by 64 percent, but the money has not been shifted to more effective efforts. Instead state aid to local programs has also been cut—by a whopping 32 percent. And, there are reliable reports that City Hall is considering the total elimination of the $5.1 million in support it provides local community-based treatment programs such as Phoenix and Odyssey Houses and Daytop Village.

There is no question that austerity is required to restore the fiscal health of both the city and the state but the erosion of the quality of life here has been one of the major factors driving firms and people out of the city and undermining its fiscal stability. Drug-based street crime is central to that decline. Thus, while deep and painful fiscal surgery is clearly required, indiscriminate hacking at the entirety of the anti-drug universe may ultimately prove to be more suicidal than surgical.

I would also like to direct my colleagues to the article which appeared in the Washington Post today which observes that heroin addiction is up 43 percent in the District of Columbia. This is no time to reduce the Federal commitment to drug abuse treatment. I insert Mr. Leon Dash's article at this point:

[From the Washington Post, Apr. 1, 1976]

D.C. HEROIN ADDICTS UP 43 PERCENT IN YEAR

(By Leon Dash)

The number of heroin addicts in the District of Columbia has increased by almost 43 per cent—from 7,000 to 10,000—in the past year, according to estimates prepared by the narcotics treatment administration.

Although this estimate is well below the peak addict population of 16,400 in 1972, the figures show that heroin addicts here now number only 400 fewer than were estimated in 1970. That year was followed by the "heroin epidemic" that engulfed Washington and the nation early in the decade.

Dr. Fred R. West, director of NTA, said he thinks "the increase is due to an influx of a new type of heroin, from Mexico. "It's called 'brown heroin,'" West said, "because of its discoloration."

George E. Powell Jr., NTA's statistician who prepared the figures at the request of The Washington Post, said most of the "brown heroin" is believed to end up in the Mount Pleasant area of the city. But Powell said, "brown heroin" also has been found "all over the city" in varying quantities.

By 1973, the addicted population had dropped to 14,200 in the city and five heroin-overdose deaths were recorded, according to Dr. James Luke, District medical examiner.

But in 1974, overdose deaths totaled 16, Luke said, and peaked at 32 in 1975. The first two months of this year, he said, has recorded about the same level with six deaths.

Dr. Robert L. DuFont, head of the National Institute of Drug Abuse, said recently that heroin addiction is increasing steadily around the country after an 18-month downturn that started in mid-1972.

"The trend is now for a worsening situation in heroin abuse," DuPont said. "The epidemic is continuing. It never really ended."

DuPont estimated that there are 300,000 to 400,000 daily heroin users in the country today compared to 200,000 to 300,000 during the period of the downturn. The number heroin users nationally DuPont added, still has not reached the 1971 peak of 500,000 to 600,000.

DuPont said that he was not surprised by the increase in addiction in Washington. "I think the increase here is part of a national trend," he said.

What is disturbing, DuPont said, "is that the District was very far down. It's coming back from a very low base; the trend is very discouraging, very menacing," he asserted.

Mexico, DuPont said, now supplies 90 per cent of the heroin used in the United States, a percentage that NTA's Powell said corresponds to the amount of "brown heroin" in the District.

A recent National Institute of Drug Abuse report indicated that the price of absolutely pure heroin went up from 95 cents a milligram in mid-1972 to $2.71 a milligram in late 1974, when the drug became scarce. Last year, the price dropped to $2.34 when more Mexican heroin became available.

During the same period, the report stated, the strength or purity of heroin sold on the street increased from a low of 6 per cent to 12.3 per cent.

In a recent interview, District narcotics squad Det. Sgt. Walter Milam said the purity of "a spoon" of heroin—or 1,700 milligrams of a severely cut product—has increased from 1.1 per cent in 1972 to 5.5 per cent today. Milam explained that "a (tea) spoon" of heroin is the measurement of one dosage for the heroin addict.

NTA head West said the number of narcotic treatment agency's patients had increased in the past year from 1,400 to 1,956.

West said the three major reasons for the increase in addiction is the higher percentage of the drug's purity, a lower price and a larger supply. "Because of the larger supply," West said, "the price went down $5 or $10."

HOUSE OF REPRESENTATIVES—*Friday, April 2, 1976*

The House met at 12 o'clock noon.

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

We know that in everything God works for good with those who love Him.—Romans 8: 28.

Eternal God, with faith in Thee may Thy Spirit lead us as we labor together for the welfare of our country. Keep us ever aware of Thy presence among us, around us and within us. Give us wisdom, love, and patience that Thy life may move through us for the good of our people.

Grant us grace fearlessly to contend against evil and to make no peace with oppression; and, that we may reverently use our freedom. Help us to employ it in the maintenance of justice among people and nations to the glory of Thy holy name. 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 bills of the House of the following titles:

H.R. 1466. An act to convey certain federally owned land to the Twentynine Palms Park and Recreation District; and

H.R. 4941. An act for the relief of Oscar H. Barnett.

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

H.R. 12453. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2145) entitled "An act to provide Federal financial assistance to States in order to assist local educational agencies to provide public education to Vietnamese and Cambodian refugee children, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PELL, Mr. RANDOLPH, Mr. WILLIAMS, Mr. KENNEDY, Mr. MONDALE, Mr. EAGLETON, Mr. CRANSTON, Mr. HATHAWAY, Mr. BEALL, Mr. JAVITS, Mr. SCHWEIKER, Mr. STAFFORD, and Mr. TAFT to be the conferees on the part of the Senate.

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

S. 287. An act to provide for the appointment of additional district court judges and for other purposes; and

S. 2286. An act to amend the act of June 9, 1906, to provide for a description of certain lands to be conveyed by the United States to the city of Albuquerque, N. Mex.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 12203, FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS ACT, 1976

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on H.R. 12203, making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

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

There was no objection.

MAKING IN ORDER ON MONDAY OR ANY DAY THEREAFTER CONSIDERATION OF HOUSE JOINT RESOLUTION 890, EMERGENCY SUPPLEMENTAL APPROPRIATIONS, 1976

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order in the House on Monday next or any day thereafter to consider the joint resolution (H.J. Res. 890) making emergency supplemental appropriations for the fiscal year ending June 30, 1976, and for other purposes.

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

There was no objection.

EXTENSION OF LEBANESE VISAS

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

Mr. MICHEL. Mr. Speaker, I am today introducing legislation which will allow Lebanese citizens in this country to remain here rather than be forced to return to that war-torn country at this time. The bill directs the Attorney General to extend the visa of any Lebanese citizen whose visa expires during the 6 months following enactment of the bill.

Humanitarian concerns make it essential that we take this action. It would be cruel, indeed, to ship people out to a country as strife-torn as Lebanon just because of a technicality. We certainly are not trying to set any precedent regarding the regulations and procedures of the U.S. Immigration Office. The overriding concern here is that we not force law-abiding, honest people out of this country at a time when they literally have no place to go—a situation which may be true on any given day, considering the guerrilla-style warfare which has been going on in Lebanon and the effect it can have on airports and other transportation facilities.

I certainly hope, as I am sure all Americans do, that the current 10-day Lebanese truce for elections will turn into the beginnings of a permanent peace there. But we have been disappointed many times in the past, as cease-fires and truces turned to shambles in a matter of hours or days. Much as we hope it will not happen again, it could, and we need to take our actions with that possibility in mind.

In this light, I would hope the Congress would act to provide some assurances for the approximately 2,000 Lebanese aliens who are currently in this country on nonpermanent visas that we are concerned about their safety, as well as the future of Lebanon.

U.S. GRAIN STANDARDS ACT OF 1976

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1120 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1120

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12572) to amend the United States Grain Standards Act to improve the grain inspection and weighing system, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from California (Mr. SISK) is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1120 provides for consideration of H.R. 12572 to amend the United States Grain Standards Act to improve the grain inspection and weighing system.

This is an open rule providing for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture.

H.R. 12572 assigns the responsibility for official inspection at export port locations to the Secretary of Agriculture. The Secretary may require that these inspections be carried out by Department of Agriculture employees or he may delegate the authority to State agencies which would operate under his continuing oversight. The Secretary retains the right to revoke the delegation of authority to State agencies at any time.

Inspections at interior ports would be carried out by State or private agencies designated by the Secretary. These agencies must meet specified criteria including a strengthened conflict of interest rule in order to qualify. The Department of Agriculture would only assume these duties if there is no qualified inspection agency at an interior port.

Weighing of grain at port locations is assigned to the Secretary of Agriculture, but he, again, may delegate this authority to State agencies. No Federal controls would be provided of weighing services at interior ports, but the Secretary would be required to make a study of these operations and report legislative recommendations to the Congress within 1 year of enactment.

In addition, the bill strengthens civil and criminal penalties for knowing violations of the act.

It is my understanding that several amendments will be offered to the bill, but these amendments, so long as they are germane, would be in order under the rule. Therefore, Mr. Speaker, I urge my colleagues to adopt House Resolution 1120 so that we may consider H.R. 12572.

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

Mr. Speaker, I concur in the statement just made by my good friend, the gentleman from California (Mr. SISK). This rule provides for 1 hour of general debate on H.R. 12572, the United States Grain Standards Act of 1976, and makes the bill open to all germane amendments. The rule does not contain any waivers of points or order.

The purpose of this bill is to strengthen the grain inspection and weighing system, to bolster the faith of foreign customers in our export procedures, and to assure that they receive the quality and quantity of grain for which they pay.

Mr. Speaker, I know of no objection to this rule. I have no requests for time and I reserve the balance of my time.

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 295, nays 0, answered "present" 2, not voting 135, as follows:

[Roll No. 158]

YEAS—295

Adams
Alexander
Allen
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Ashbrook
Ashley
Aspin
AuCoin
Bafalis
Baldus
Baucus
Bauman
Beard, R.I.
Bedell
Bennett
Bergland
Bingham
Blanchard
Blouin
Boggs
Boland
Bowen
Brademas
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Mich.
Buchanan
Burgener
Burke, Calif.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Carney
Carr
Carter
Chappell
Clausen, Don H.
Cleveland
Cochran
Cohen
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Cornell
Coughlin
D'Amours
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Danielson
Delaney
Dellums
Derrick
Derwinski
Devine
Diggs
Dodd
Downey, N.Y.
Drinan
Duncan, Tenn.
du Pont
Early
Edgar
Edwards, Ala.
Emery
English
Erlenborn
Evans, Ind.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Flood
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Frey
Fuqua
Gaydos
Gibbons
Gilman
Ginn
Gonzalez
Goodling
Gradison
Grassley
Gude
Hagedorn
Haley
Hall
Hamilton
Hammer-schmidt
Hanley
Hannaford
Hansen
Harkin
Harris
Harsha
Hawkins
Hechler, W. Va.
Helstoski
Hicks
Hightower
Hillis
Holt
Holtzman
Howard
Howe
Hubbard
Hungate
Hutchinson
Hyde
Ichord
Jacobs
Jarman
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Kasten
Kazen
Kelly
Keys
Kindness
Krebs
LaFalce
Lagomarsino
Landrum
Latta
Leggett
Lehman
Lent
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lujan
Lundine
McClory
McCollister
McCormack
McDade
McDonald
McEwen
McFall
McHugh
McKinney
Madden
Madigan
Maguire
Mahon
Mann
Martin
Mathis
Mazzoli
Meeds
Meyner
Mezvinsky
Michel
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Murphy, Ill.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nolan
Nowak
Oberstar
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Perkins
Pettis
Pike
Poage
Pressler
Price
Pritchard
Quie
Railsback
Rangel
Rees
Regula
Reuss
Rhodes
Richmond
Rinaldo
Risenhoover
Rodino
Roe
Roncalio
Rooney
Roush
Rousselot
Roybal
Runnels
Ruppe
Russo
Sarasin
Satterfield
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Shuster
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr
Snyder
Solarz
Spence
Staggers
Stanton, J. William
Stark
Steed
Stuckey
Studds
Symms
Taylor, Mo.
Taylor, N.C.
Thompson
Thone
Thornton
Traxler
Tsongas
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Waxman
Weaver
Whalen
Whitehurst
Whitten
Wiggins
Wilson, Tex.
Wirth
Wolff
Yates
Yatron
Young, Alaska
Young, Fla.
Zablocki

NAYS—0

ANSWERED "PRESENT"—2

Goldwater
Moss

NOT VOTING—135

Abdnor
Abzug
Addabbo
Andrews, N.C.
Armstrong
Badillo
Barrett
Beard, Tenn.
Bell
Bevill
Biaggi
Biester
Bolling
Bonker
Breaux
Brown, Calif.
Brown, Ohio
Broyhill
Burke, Fla.
Burke, Mass.
Burton, John
Burton, Phillip
Cederberg
Chisholm
Clancy
Clawson, Del
Clay
Conlan
Corman
Cotter
Crane
Davis
de la Garza
Dent
Dickinson
Dingell
Downing, Va.
Duncan, Oreg.
Eckhardt
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fithian
Florio
Flowers
Flynt
Fraser
Frenzel
Giaimo
Green
Guyer
Harrington
Hayes, Ind.
Hays, Ohio
Hébert
Heckler, Mass.
Hefner
Heinz
Henderson
Hinshaw
Holland
Horton
Hughes
Johnson, Pa.
Jones, Tenn.
Karth
Kastenmeier
Kemp
Ketchum
Koch
Krueger
Lott
McCloskey
McKay
Macdonald
Matsunaga
Melcher
Metcalfe
Mikva
Milford
Mills
Mink
Moffett
Mosher
Mottl
Murphy, N.Y.
Nichols
Nix
Obey
Pepper
Peyser
Pickle
Preyer
Quillen
Randall
Riegle
Roberts
Robinson
Rogers
Rose
Rosenthal
Rostenkowski
Ryan
St Germain
Santini
Sarbanes
Schneebeli
Sikes
Spellman
Stanton, James V.
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Sullivan
Symington
Talcott
Teague
Treen
Udall
White
Wilson, Bob
Wilson, C. H.
Winn
Wright
Wydler
Wylie
Young, Ga.
Young, Tex.
Zeferetti

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Abdnor.

Mr. Hébert with Mr. Andrews of North Carolina.

Mr. Zeferetti with Mr. Armstrong.

Mr. Dent with Mr. Bell.

Mr. Green with Mr. Frenzel.

Mrs. Chisholm with Mr. Guyer.

Mr. Duncan of Oregon with Mr. Beard of Tennessee.

Mr. Eilberg with Mr. Biester.

Mr. Jones of Tennessee with Mr. Heinz.

Mr. Koch with Mr. Brown of Ohio.

Mr. Badillo with Mr. Horton.

Mr. Pickle with Mr. Kemp.

Mr. Rosenthal with Mr. Wylie.

Mr. Sikes with Mr. Talcott.

Mrs. Spellman with Mr. Broyhill.

Mr. Stratton with Mr. Burke of Florida.

Mr. Teague with Mr. Cederberg.

Mr. Charles H. Wilson of California with Mr. McCloskey.

Mr. Florio with Mr. McKay.

Mr. Hays of Ohio with Mr. Winn.

Mr. Henderson with Mr. Treen.

Mr. Hughes with Mr. Clancy.

Mr. Karth with Mr. Del Clawson.

Mr. Krueger with Mr. Lott.

Mr. Matsunaga with Mr. Quillen.

Mr. Macdonald of Massachusetts with Mr. Robinson.

Mr. Melcher with Mr. Conlan.

Mr. Murphy of New York with Mr. Crane.

Mr. Nichols with Mr. Peyser.

Mr. Moffett with Mr. Steiger of Arizona.

Mr. Mottl with Mr. Stephens.

Ms. Abzug with Mr. Steiger of Wisconsin.

Mr. Barrett with Mrs. Sullivan.

Mr. Bevill with Mr. Dickinson.

Mr. Biaggi with Mr. Esch.

Mr. Breaux with Mr. Bob Wilson.

Mr. Nix with Mr. Bonker.

Mr. Cotter with Mr. Brown of California.

Mr. Burke of Massachusetts with Mrs. Heckler of Massachusetts.

Mr. Hayes of Indiana with Mr. Preyer.

Mr. Fithian with Mr. Riegle.

Mr. Pepper with Mr. Fraser.

Mr. Rogers with Mr. Holland.

Mr. Sarbanes with Mr. Johnson of Pennsylvania.

Mr. James V. Stanton with Mr. Ketchum.

Mr. St Germain with Mr. Mills.

Mr. Stokes with Mr. Edwards of California.

Mr. White with Mr. Downing of Virginia.

Mr. Wright with Mr. Dingell.

Mr. Young of Georgia with Mr. Randall.

Mr. John L. Burton with Mr. Schneebeli.

Mr. Harrington with Mr. Steelman.

Mr. Giaimo with Mr. Symington.

Mr. Flynt with Mr. Roberts.

Mr. Phillip Burton with Mr. Wydler.

Mr. Clay with Mrs. Mink.

Mr. de la Garza with Mr. Mikva.

Mr. Eckhardt with Mr. Eshleman.

Mr. Flowers with Mr. Evins of Tennessee.

Mr. Obey with Mr. Milford.

Mr. Corman with Mr. Evans of Colorado.

Mr. Davis with Mr. Hefner.

Mr. Kastenmeier with Mr. Mosher.

Mr. Metcalfe with Mr. Ryan.

Mr. Rostenkowski with Mr. Rose.

Mr. Santini with Mr. Young of Texas.

So the resolution was agreed to.

The result of the vote was anncunced as above recorded.

A motion to reconsider was laid on the table.

Mr. FOLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12572) to amend the United States Grain Standards Act to improve the grain inspection and weighing system, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Washington (Mr. FOLEY).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12572, with Mr. LANDRUM in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Washington (Mr. FOLEY) will be recognized for 30 minutes, and the gentleman from Nebraska (Mr. THONE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Washington (Mr. FOLEY).

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

Mr. Chairman, I rise in support of H.R. 12572. H.R. 12572 is in response to the growing need to strengthen and improve the grain inspection and weighing systems so as to assure that our customers here and abroad will have faith in the integrity of the system and that they can receive the grade, quality, and quantity of grain for which they contract and pay.

In the last 15 years, the U.S. agricultural policy has become much more export oriented as grain production has increased to meet the growing world demand for food and feed grains. In that short period, U.S. grain exports have increased from slightly more than 1 billion bushels a year to some 3 billion bushels a year.

Last year, the United States exported $21.9 billion worth of agriculture products most of it grain which is subject to inspection under the United States Grain Standards Act.

Earnings from commercial grain exports made an important contribution, not only to farm income, but also to jobs in the transportation and storage industries and to the overall economic recovery in this country in the latter part of 1975.

During this period of export expansion, serious weaknesses in the national grain inspection services developed. Investigations have gone forward in several areas into allegations that grain has been misgraded and short weighted that bribes have been paid to inspectors, that grain has been stolen systematically, and that other Federal laws have been violated. Overall, since August of 1974, there have been a total of 78 separate indictments, including the indictment of 7 firms.

Thus far, there have been 59 convictions resulting in fines and prison sentences for individuals and for the 7 firms involved. Five grain firms convicted of grain inspection irregularities have, additionally, accepted an affirmative action plan laid out by the USDA. Other grain inspection irregularities are still under investigation, and it can be assumed there will be further indictments and convictions.

It is essential to continued economic recovery, and for the economic position of the United States in the world for years to come, that the quality of American grain exports and the integrity of our grain inspection system be maintained at as high a level as possible.

The legislation is designed to correct the defects that have given rise to widespread scandal and caused a loss of confidence in the U.S. grain inspection system. It provides essentially that official inspection at export port locations be the responsibility of the Secretary of Agriculture. The Secretary may provide for the work to be done either directly by USDA employees or, through a delegation of authority, by personnel of State agencies which would operate under his supervision and control. The Secretary would have complete discretion as to whether or not to make a delegation of authority to a particular agency and could revoke it at any time upon notice without a hearing. It is expected that the Secretary would apply uniform standards for official inspection at ports. All the reins of control over standards of inspection, qualification of employees and fee schedules would remain with the Secretary so that the same uniformity of standards and guidelines could be accomplished either directly through Federal employees or through State employees under a delegation of authority. Further, the Secretary could require that the State agency abide by whatever Federal policies and practices are established on fees for inspection and, if he desired, provide that the fees would cover only the actual cost of service and would not be designed to provide revenue for other purposes.

It was deemed desirable by the committee to continue to allow the Secretary to make use of qualified State agencies, if he should desire, in areas where they have been doing a good job. Many such agencies have considerable expertise and have performed inspections services effectively and objectively—some up to 80 years—with no cause for complaint.

The bill also requires the Secretary of Agriculture to undertake supervision of weighing of grain at port elevators. For the first time, there would be Federal regulation of weighing of grain shipped in export channels. As in the case of grain inspection at ports, the Secretary can exercise his authority directly through the use of USDA employees or through a delegation of authority to State agencies subject to his continued supervision and control. Responsibility for supervision of weighing would continue to lie with the Secretary. The Secretary may also, at his discretion, provide for the actual weighing work and certification of weights as well as the testing of scales to be conducted by USDA personnel or designated State or private agencies subject to standards and procedures prescribed by him.

In addition, the bill strengthens the system for official inspection at interior points in the United States by providing for designation of official inspection agencies only if they meet specified criteria, including a strengthened conflict of interest rule. The conflict of interest requirement would prohibit an agency—including its officials and employees—from having a financial interest in any business involving the storage, commercial transportation, merchandising, or handling of grain, except that a governmental agency, grain exchange, board of trade, or chamber of commerce could be designated if the conflict of interest were not such as to jeopardize the integrity or effective and objective operation of the system. If a qualified designated agency was not available to perform official inspection at interior points, the Secretary could step in and provide this service with USDA personnel.

No Federal controls would be provided of weighing services at interior points, but the Secretary would be required to make a study of the weighing system both at interior and export locations and submit legislative recommendations within a year of adoption of the act.

Penalty provisions of the act have also been improved. Specific authorization is given for refusal of official inspection or weighing supervision to persons who violate the act or provisions of criminal law relating to the handling of grain. In addition, provision is made authorizing civil penalties of up to $50,000 for knowing violations subject to evidentiary-type hearings. The criminal penalties have been strengthened by providing that the provisions of the General Criminal Code shall apply to the more egregious offenses; namely, bribery, assault, intimidation, and interference with personnel conducting activities under the act and that other offenses would give rise to penalties of imprisonment of up to a year and a fine of not to exceed $10,000 for initial offenses.

The cost to the USDA under the act would be offset largely by user fees. When inspection and supervision of weighing are performed by USDA personnel, fees would cover the USDA costs of performing the service and 75 percent of its other expenses. When activities are conducted by State or private agencies, fees would cover up to 75 percent of the total USDA expenses.

In the wake of repeated scandals which call into question the integrity and effectiveness of our system for the inspection and weighing of grain, and in response to deep concern on the part of the Congress, the Department of Agriculture has established an affirmative action plan which places strong requirements upon grain exporting firms. The main limitations of this program, however, arise from the fact that, except where compliance is required by court order as the result of criminal proceedings, participation is strictly voluntary.

The bill, H.R. 12572, would place at the Secretary's disposal all the tools he requires for an affirmative action program in addition to providing stronger penalty provisions which would go a long way toward assuring compliance.

What would be the cost of H.R. 12572? It is difficult to assess the cost with certainty because it will depend in part on the extent to which the Secretary will delegate inspection and supervision of weighing functions at port elevators and also on the volume of grain to be inspected and weighed. Our best judgment is that for fiscal year 1977, the total Federal costs should be approximately $50.5 million, and, after deducting user fees, the net Federal cost should be $5.8 million. In addition, the cost to State and private agencies should approximate $31.7 million.

Mr. Chairman, I urge my colleagues to join me in support of H.R. 12572 as an urgently needed tool to improve the grain inspection and weighing system so that buyers will continue to look upon the United States as a source of supply for their grain requirements.

Mr. THONE. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Virginia (Mr. WAMPLER).

Mr. WAMPLER. Mr. Chairman, I rise in general support of the committee bill. However, I reserve the right to vote in favor of what I consider to be perfecting amendments or a substitute which I understand will be offered by Mr. MOORE of Louisiana.

First, I wish to compliment our committee chairman, Mr. FOLEY, for his patient and persistent action to bring this

bill to the floor in what I consider to be an acceptable form which most of us can endorse.

There were a number of scandals involving the intentional misgrading of grain, short weighing and the use of improperly inspected carriers which were exposed in 1974 and 1975. Several persons have been indicted in the eastern district of Louisiana and the southern district of Texas, and several have pleaded guilty and have been sentenced. The temptation exists to rush to the floor with a bill which will temporarily address such problems, and then the permanent legislative solution is delayed or what is perhaps worse never brought to the floor at all.

Grain standards, grain inspection, grain weighing and the methods and procedures used to get our grain from the fields here in our country to our markets, domestic and foreign, is a highly complex business. Given the fact that the U.S. grain crop in 1975 was valued at over $33 billion and that $12.5 billion of grain was exported in 1975, we are talking about big business—one which figures largely in our current favorable balance of payments and contributed $22 billion to our exports in 1975.

The fact that our exports have risen so much and so fast in recent years—from about $2.5 billion in 1970 to more than $11 billion in 1975—has contributed in large part to the problems and scandals which have arisen in the grain trade. In 1945 only 3½ billion bushels of grain were U.S. inspected, and by 1975 that figure had grown to about 10 billion bushels here in the United States and 2 billion bushels of U.S. grain inspected in Canada. The strain that increase placed on personnel, facilities, et cetera, was tremendous. The activity in ports such as New Orleans, where over half of our grain is exported from, has reached the point where the loading of grain is a 24-hour a day business.

Now it is important that we not interrupt or curtail the flow of our grain from this country given our surpluses and the needs in world markets. However, we must rid our grain trade of corruption of scandals, because such activity is bad in and of itself and also because such activity can have an adverse effect on retaining our markets overseas. The United States is currently faced with the pleasant situation where it has grain surpluses in a seller's market. However, there is evidence even now that competition from countries such as Brazil will increase in the future.

This is not to say that U.S. grain inspection is not still at a high standard, which most other countries find difficult to attain. No other country, I understand, uniformly has its grain inspected and weighed and then accepted by purchasers at the point of export as does U.S. grain. Most countries ship their grain overseas subject to inspection and weight at the point of destination. Apparently, the confidence of purchasers throughout world markets permit this important distinction that U.S. grain has enjoyed over the years. It is important that world buyers continue to buy our grain for its quality, grade, weight, and so forth, and that the high degree of confidence in our grain inspection and weighing systems be retained.

The Department of Agriculture was lax in their supervision during a period when the amount of grain being exported and the number of inspections were accelerating. Commencing in fiscal year 1976, an additional $5 million was appropriated for grain supervisory personnel, the Office of Investigation—USDA—increased investigations of the grain system, and the Department, according to Under Secretary Knebel, is moving promptly to impose a voluntary affirmative action program which would require class 1 weights at all export points and elevators and otherwise addresses potential short weighting and inspection problems.

This bill adds some major reforms to existing law, which I believe all of us can endorse and which were endorsed in principle by USDA:

First. It provides that official inspection—or the services related to weighing—may be refused by the Secretary if persons violate proscribed activity standards, are convicted of crime, or where the Secretary's action by providing such service with respect to certain grain would be inimical to the act.

Second. Civil penalties of up to $50,000 for each violation were provided for in the bill.

Third. Of the prohibited acts listed in section 13 of the act, three are made felonies under title 18 of the United States Code and subsequent offenses of the other prohibited acts mentioned in section 13 are made felonies carrying imprisonment of up to 5 years and fines up to $20,000, or both. Second offenses formerly were misdemeanors. The remainder—first offenses—are made misdemeanors, but the penalty is increased to up to 1 year imprisonment, $10,000 fine, or both—formerly $3,000 fine or 6 months in jail or both.

Fourth. A strong conflict of interest provision is contained in the bill such that officers, employees, et cetera, of inspection agencies will purge themselves of interests in transportation, storage, or other commercial handling of grain, and conversely, those with interests in commercial grain handling firms will purge themselves of interests in inspection agencies.

Fifth. Authority is provided to suspend or revoke designations of official inspection agencies.

Sixth. Authority was given the Secretary to require official inspection agencies to meet their responsibilities by increased training, staffing, reporting, et cetera.

Seventh. Persons with a financial interest in grain are given an opportunity to observe the weighing, loading and official inspection of grain under conditions prescribed by the Secretary.

The foregoing reforms—together with the increased attention and emphasis that USDA is giving and will be giving the supervision of grain inspections and weighing—would no doubt largely, if not totally, take care of the problems of the U.S. grain inspection and weighing systems. Thus, I believe those who claim this legislation went beyond the needs of reform—to give total Federal responsibility for inspection and weighing at export port locations to USDA—have considerable validity to their arguments. You will hear the pro and con arguments on whether this bill goes too far or not far enough on its federalization of grain inspection and weighing. Moreover, you will undoubtedly be given an opportunity to vote on various amendments that would lessen or increase that federalization.

Mr. MOORE of Louisiana will have a substitute that would give the Secretary greater discretion to utilize existing local government and private agencies for grain inspection and weighing supervision at export port locations. It is my present intention to vote for the Moore substitute, because I believe it limits the federalization of our grain system sufficiently to reform and correct it.

Others who argue that the committee bill does not go far enough in its federalization—I disagree with. Such amendments go well beyond that needed to reform the existing system. A total Federal system at export port locations, at inland terminals or the establishment of a new Federal agency to handle grain inspection is not in the public interest. Such reforms are unnecessary, costly and get Uncle Sam further involved in our business sector where his—and his millions of employees—intrusion is even now resented by citizens and taxpayers as excessive.

I urge my colleagues to support reasonable amendments offered to H.R. 12572 that would moderate the federalization of grain inspection and weighing at export port locations. However, I would urge you to vote against any amendments which would expand on the Federal intervention and involvement in our U.S. grain inspection and weighing systems. Finally, I would urge your support for the committee bill in its present form, if it cannot be moderated by amendment, as a piece of legislation which is workable and reflects long, hard hours of work and effort by our committee.

In closing, there was quite a stir created a month or so back when the U.S. General Accounting Office recommended in its February 17 report that our present national grain inspection system should be transferred almost exclusively to the Federal Government.

To obtain the views of one of our States, long in the grain export business, on the GAO report, I requested the Commissioner of Agriculture and Commerce of the Commonwealth of Virginia to submit an official review of the GAO report. While agreeing that there is obviously some weakness in the current system, Commissioner Carbaugh informed me that his department is unconvinced that GAO's recommendations are realistic or will solve all problems associated with the inspection and weighing of export grains at U.S. ports.

The complete analysis of the GAO report, on irregularities in the marketing of grain, by the Virginia Department of Agriculture and Commerce follows:

ANALYSIS OF THE GAO REPORT ON IRREGULARITIES IN THE MARKETING OF GRAIN

(By the Virginia Department of Agriculture and Commerce)

INTRODUCTION AND LACK OF OBJECTIVITY IN GAO REPORT

We are deeply concerned that the United States General Accounting Office recommended in its February 17, 1976 report that our present national grain inspection system be transferred almost exclusively to the Federal government. After a careful review and analysis of the GAO report, we are unconvinced that its recommendations are realistic or will solve all problems associated with the inspection and weighing of export grains.

Most objective studies dealing with system or program changes clearly state objectives, define alternatives to meet the stated objectives, present measurement criteria and provide the reader with sound conclusions and recommendations. On the other hand, less objective studies as the one prepared by GAO are filled with such statements as "we believe" and "can" and contain only inferences about changes in program effectiveness and costs, either incremental or total.

It is obvious that some weaknesses have occurred in the current export grain inspection system and as a result there has been some erosion of confidence in the system both domestically and foreign. However, the weaknesses and problem areas appear to be explicitly due to ineffective supervision of the total system. In fact, many of the mentioned problems have arisen from shortcomings of USDA supervision. In our view it seems highly reasonable to strengthen the supervision aspect at the Federal level prior to making drastic program changes.

It is also obvious that action is needed to regain current losses of credibility and confidence. However, to think these losses can automatically be regained by changing to a complete Federal program is very untrue and unrealistic. To the best of our knowledge, such terms as integrity, confidence, uniformity and consistency are not necessarily equilibrated with the terms Federal programs and/or Federal employees. In fact, one could argue the opposite.

SOME CHARACTERISTICS OF VIRGINIA'S GRAIN PROGRAM

We are proud of our grain inspection program in Virginia. Our long record of service speaks for itself and exemplifies the fact that a State-Federal program can operate both efficiently and effectively. We adhere to Federal standards, maintain open communications with Federal personnel and have competent, well-trained and motivated inspectors. Our personnel are carefully supervised and trained and are tested and licensed by USDA personnel. Also, our inspection policies in Virginia follow USDA regulations for exported grain.

It has been inferred that perhaps the Federal government would take over all export inspections and leave all domestic inspections to either State or private firms. Over 90 percent of Virginia's inspection program is geared to export facilities with the remainder being utilized by inland country points. If it is uneconomical for the proposed Federal takeover to cover the inland country points, it would be highly uneconomical for these areas to be covered by State programs.

PROBLEM AREAS NOT DIRECTLY ASSOCIATED WITH STATE SUPERVISION

We call to your attention that indictments have occurred at five major export facilities and we believe only one of these facilities was under State inspection. Therefore, it appears that the majority of problems have occurred in areas where states were not involved. Also, in the past few years, there appears to have been a trend at the Federal level to reduce the number of Federal supervisors at most licensed points throughout the United States. While this reduction was occurring, non-grain inspection duties were added to the present work load of the Federal supervisors. Simultaneously, U.S. grain production and U.S. grain exports were being increased.

Grain is one of the few commodities that can be commingled safely and economically in our marketing channels. The process of commingling necessitates that grain should be inspected more than once. Therefore, a referee system of checks and balances along with program flexibility must be maintained. They can be properly maintained with a State-Federal program.

ADDITIONAL INFORMATION REQUIRED BEFORE A DECISION IS MADE

The House and Senate Agricultural Committees should demand additional information prior to making a decision in this area such as: First, the impact of an all Federal program on the Federal budget must be thoroughly analyzed. Historically, in other areas, an all Federal program has been more expensive. Second the causal effects of a more costly program on lower farm grain prices and higher consumer retail prices must be well understood.

A MAJOR SHORTCOMING OF THE GAO REPORT

We are extremely concerned that the GAO report failed to consider and to recognize the importance of a sound inspection program for non-exported grain. It is well recognized that an effective grading system is a prerequisite to effective movements of grain, both domestically and foreign. In fact, our grading system has been instrumental in building our export programs. Since a majority of U.S. grain production is consumed domestically, it is difficult to conceive that the GAO report was deficient in addressing this area. Those responsible for the GAO report plus other governmental officials and policymakers should be concerned about all producers and ultimate users of grains, i.e., this report shows a lack of concern for users of domestic grain while emphasizing the further development of a system to protect foreign buyers. One should not infer from this that our Department is against U.S. grain exports. Our Department strongly supports U.S. exports of grain because such exports allow us to improve the diets of others, make positive contributions to the U.S. balance of payments, and enable our farm producers to take advantage of economies of size in their overall farming operations.

RECOMMENDATIONS

The long run interests of our grain industries can best be served by establishing a sound State-Federal grain inspection system. The following recommendations are offered: (1) establish a more effective monitoring procedure for the entire system; (2) change the U.S. Warehouse Act to require 100 percent supervision in the weighing of export grains—the same organization that weighs the grain should also inspect and grade the grain; (3) review and update present grain standards and establish more effective criteria to be used in establishing future grades; (4) establish improved administration procedures in USDA that cover such areas as training, sampling procedures, supervision and communications between Federal and non-Federal inspectors; and (5) establish effective means to ensure that field personnel can upgrade their skills and expertise.

However, an alternative to an all Federal system could provide the Secretary of Agriculture with the authority to enter into an agreement with individual states whereby inspection and weighing programs may be continued with State personnel under Federal supervision. Such arrangements could be on an annual, renewable basis and those states with exceptional "track records" could continue to perform the services. Precedents have been established in other Federal programs such as the Federal Food and Drug Administration.

BENEFITS OF A SOUND STATE-FEDERAL GRAIN INSPECTION SYSTEM

The National Association of Marketing Officials, (NAMO), as well as the National Association of State Departments of Agriculture, (NASDA) have gone on record in favor of a State-Federal grain inspection system.

In addition, Secretary of Agriculture Butz appointed a special task force of representatives from key states and USDA in an effort to resolve the present problems associated with the inspection of both domestic and export grains.

We strongly believe a State-Federal grain inspection system will:

1. Eliminate most inherent conflicts of interest by non-State official inspection agencies. No alternative system examined could possibly eliminate all possible conflict of interest. The proposed State-Federal system would go the furtherest in this direction, without overly increasing inspection costs.

2. Provide all inspection points within a given state with the same management.

3. Increase USDA control over the grain inspection system. (Only Federal and State personnel.)

4. Reduce discrimination in responding to trade requests for inspection services.

5. Reduce licensees' allegiance to the trade which can result in susceptibility to improper influence and bribery.

CONCLUSIONS

It is inconceivable and appalling to think that policymakers would change our present system based on information contained in the GAO report. The Virginia Department of Agriculture and Commerce would certainly hope that the committee will give a strong consideration to the recommendations which have been made by individuals and agencies who have been involved in grain inspection systems over the years which the GAO report omits.

(Prepared by S. Mason Carbaugh, Commissioner, Virginia Department of Agriculture and Commerce, March 1, 1976.)

Mr. FOLEY. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. POAGE).

Mr. POAGE. Mr. Chairman, if it is appropriate to pass legislation of this kind, this is a good bill. It has had serious, sympathetic, honest study. I join with the gentleman from Virginia (Mr. WAMPLER) in congratulating our chairman (Mr. FOLEY) on the splendid job that was done in considering this bill. I think it has had one of the best considerations of any piece of legislation that has come out of our committee in a long, long time. He has been fair. Everybody has been heard. Everybody has offered their views and their suggestions.

I find no fault with the drafting of the bill. I find no fault with the effect of the bill, if we accept the philosophy that the Federal Government should assume this responsibility. I do, however, challenge the philosophy. I do not believe it is the responsibility of the Federal Government to determine these grades for the purchasers. Of course, I recognize, as we all do, that to the extent that the United States exports high quality goods of any kind, that we add to the credibility of our producers and that we expand our markets. It is a good thing. I believe in exporting good quality products; but let me call attention to this bill and what it does.

The basis of this bill is to control the grading and the weighing of grain at export ports. It does not materially affect the grading at inland markets in our home areas. That will go on substantially as it has gone on, where we are dealing with ourselves, with our own standards; but this is grading and weighing the grain that moves, as the gentleman from Virginia pointed out, $12 billion of it last year in export. It is important that we try to keep that as good quality as we can. I think it is also important that we try to maintain the credibility of the U.S. Government. What this bill does, or any bill that is passed upon that assumption does, is to put the stamp of the United States of American on that grain and say that this is No. 1, this is No. 2, and when it gets to Rotterdam or Tokyo, it turns out to be No. 4, what have we done to the credibility of our country?

I think we are destroying the credibility of the United States when we have a U.S. inspector put the stamp of the American Government on that grain and say what it is.

Mr. Chairman, I am in thorough accord with the idea that that purchaser should have a right to know what he is getting, but let him send his inspector or his representative. Let him go to the ports. Let us give him adequate facilities. I am very much in favor of providing all the space, all the facilities, that they need. Let the representatives of the purchasers make their own inspections and keep the stamp of the United States off of this.

Mr. Chairman, I think we are making a great mistake when we lead people to believe this; that the United States is standing behind these grades. I know we are not going to lead the Russian state trading company to believe they are getting a guarantee from the United States, but we are going to mislead a great many of the smaller, uninitiated buyers, to believe they are getting a guarantee from the U.S. Government and when the United States repudiates that guarantee, as we must, then I think it is a bad thing for our Government.

I would much prefer to simply provide the facilities. Let the buyer make his own decision. That is why I am personally going to vote against this bill.

This bill is going to pass. There is enough criticism of what has been going on; well-founded criticism. There are enough people who believe this will cure these abuses to assure its passage.

I hope this will cure the corrupt practices. I sincerely hope it will help, because this bill will very likely become law. It is a very well thought out bill, but it is going to involve the credibility of the United States. I fear that it is going to make many people feel that Uncle Sam has run out on his promises. I do not like to see this happen. I do not think that we can put the U.S. stamp of approval on a commodity without backing that approval up with a Government guarantee of quality to the foreign buyer. This bill contains no such guarantee, and I do not think we can afford to give such a guarantee, but without it will not the foreign buyer who does not get what he understood he was to get, feel that our Government—not some inspector—has defrauded him? And I cannot but feel he will be justified in that feeling.

Mr. THONE. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Iowa (Mr. GRASSLEY).

Mr. GRASSLEY. Mr. Chairman, I thank the gentleman from Nebraska for yielding time to me. The private discussion around the Chamber this afternoon is whether or not this bill is really needed. Yes, this bill is needed, and I am going to vote for it and I am going to vote against any weakening amendments.

Obviously, one is entitled to ask the question, why is this bill needed? It is needed to restore foreign customer faith in our grain quality, its delivery and its weight. Such faith does not now exist. That is why the U.S. portion of the worldwide sales of grain has gone down. We have to restore this confidence, to restore our proper role in the world marketplace.

It does not benefit just the farmers either, because the entire economy of the United States, both urban interests and rural interests, is predicated upon the ability of the U.S. farmer to sell surplus products overseas in order to have a favorable balance of trade and in order to have a strong economy for urban dwellers as well as rural residents.

The present law contains serious inherent weaknesses.

It lacks sufficient controls and clearly defined lines of authority. It presently tolerates conflicts of interest, and the inspection system is not responsive to the Department of Agriculture's own supervision. It is suggested through this legislation that grain inspection at all export points be regulated and done by the Federal Government, that the Federal Government supervise grain weight at export points. The bill strengthens the inspection system at interior elevators, and it increases civil and criminal penalties of the existing laws, all things that are going to have to be done if we are going to reestablish the faith of the foreign buyer in our system.

People can legitimately ask if this is a proper role for the Federal Government to play. The answer is very definitely yes, because the Federal Government is playing no more than that traditional role that it can constitutionally play as a referee in the economy of the United States. This bill does not make the Federal Government a partner with free enterprise, nor does it make it a competitor with the free enterprise segment of our economy, but it legitimately and rightly makes the Federal Government a referee. This is a rightful role for the Federal Government to play. It is a proper role for the Federal Government in grain inspection, especially as to overseas sales. If the full weight of the Federal Government is going to be behind these sales, then legitimately the Federal Government has to have the authority to back up its responsibility.

I would only have one word of caution for anybody who feels that, whether this bill or anything stronger that will be offered this afternoon, is the solution to all of the problems in this area. The answer is no. Because as I read about the operations of the cheaters at the Gulf ports, I can only say that, looking at the sophistication of their operation and their modes of cheating both in inspection and in weighing, that any law we put on the books will allow that type of people to get around it.

So, in closing, whatever law we put on the books, oversight of the Congress is going to be very essential to keep it working properly.

Mr. FOLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. HIGHTOWER).

Mr. HIGHTOWER. Mr. Chairman, I rise in support of H.R. 12572.

Mr. Chairman, it is personally gratifying for me to know that I am part of a system of Government that has the ability and the will to correct itself when deficiencies are detected.

No one in this Congress would deny the necessity of our intended action today. The purpose of the bill under consideration is to correct deficiencies in the grain inspection, which was established by an act of Congress. Deficiencies in the system have enabled a scandal to develop, a scandal that has diminished our Nation's credibility in the eyes of nations who have purchased American grain.

The judiciary branch is exercising its responsibility. Since August of 1974 there have been 78 separate indictments and 59 convictions for theft of grain, misgrading, short weighing and improper storage examination, bribery, violation of the Grain Standards Act, conspiracy to defraud and violations of the Internal Revenue Act.

We are exercising our responsibility by modifying the Grain Standards Act to correct its deficiencies. The bill we are considering is a compromise between extremes, and I recommend it as a workable and effective compromise.

The House Agriculture Committee conducted extensive hearings and carefully studied the comments and recommendations expressed by all sectors of the grain inspection system, as well as from those affected by it. Final committee deliberations on the bill were postponed until we could examine the recommendations of the General Accounting Office, which conducted an exhaustive investigation of the grain inspection system.

It is a tribute to my colleagues on the committee that we were able to report a bill with 32 of the 37 members who voted recommending its enactment.

Although there was strong sentiment by many members of the committee that we should recommend a completely federalized inspection system, the provisions of this bill reflect the committee's recognition of the fact that the vast majority of agencies implementing the present system have performed in an exemplary manner. It is also recognition of the tested principle that guilt by association is repugnant in a democracy.

Amendments will be offered today that would mandate either fully federalized inspection at export points or at both inland and export points. Advocacy of such measures presents a basic assump-

tion that I am unable to accept. As a participant in the Federal Government, I like to believe it is the best system in the world, but my belief is tempered by the knowledge that it is imperfect. Recognition of that fact prevents me from assuming that Federal employees are blessed with a higher degree of integrity than the people we serve. The Federal Government is representative of the people, sharing both the perfect and the imperfect.

I believe it is unreasonable to assume that Federal employees, just because they are Federal employees, can usurp the roles of private or State agencies and perform their functions with greater efficiency and integrity.

The point we must keep in mind is not who does it, but how it is done. It is our responsibility to enact the laws that provide the guidelines for those who perform the functions and prescribe penalties for violation of those laws.

Our responsibility will have been fulfilled by enactment of this bill.

Mr. THONE. Mr. Chairman, I yield 5 minutes to the distinguished minority whip, the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, I think that the Agriculture Committee, and particularly the chairman, Mr. FOLEY, and the ranking minority member, Mr. WAMPLER, deserve a great deal of credit for the earnest and studious manner in which they have pursued this matter, and indeed for the bill they have produced.

It is, in my view, a moderate piece of legislation, well designed to solve the problem that exists with regard to the inspection and weighing of export grain, while at the same time avoiding the kind of sweeping approach we all too often get into when we go far beyond what is needed.

That sort of approach generally carries some very unsatisfactory side effects with it, and needs to be resisted. Therefore, I shall oppose the amendments to this bill which would broaden and extend the federalization of these functions to areas where no demonstrable problem exists.

I would also like to say that I hope that having passed this bill in its present form, we would insist on our points in conference, as I understand that our friends in the Senate are likely to go much too far on this matter.

Mr. Chairman, my hometown of Peoria is one of the great centers of grain trading in the Nation; indeed, we are the second largest volume shipper of grain. The inspection and weight supervision functions there are carried out by the Peoria Board of Trade, and I know of no suggestion that it is not done fairly and efficiently.

I regard it, therefore, as most commendable that this bill would not impose upon interior locations such as Peoria a massive new federalized inspection and weighing operation, but rather permits the Secretary of Agriculture to designate a State or local government agency, or a private agency, such as the Peoria Board of Trade, to perform these functions.

The bill also contains safeguards against conflicts of interest with regard to such agencies by prohibiting agency officials and employees from holding a financial interest in any business involving grain handling, except that a governmental agency, grain exchange, board of trade or chamber of commerce can be designated if, in the opinion of the Secretary, the integrity of the system is not jeopardized.

This is a sensible approach. And we can be assured that the integrity will not be jeopardized if the agency involved contains in its membership a mix of interests, that is, if neither buyers nor sellers predominate.

The well-run boards of trade in Peoria, St. Louis, Chicago, Omaha, Lincoln, Minneapolis and other interior locations all operate on the basis of this kind of a mix, and that is as it should be.

A recent study by the Interstate Commerce Commission, which focused on the matter of railroad claims for losses in shipments, examined the operation of these markets in some detail, and uncovered no problems.

It is, therefore, right and proper that this bill, in moving to clear up some of the problems which have existed in some very localized areas on the gulf coast, recognizes the honest and efficient operation of these interior markets locations, and does not disrupt their proceedings by imposing a heavy-handed Federal system.

For these reasons, I shall support this bill, and vigorously resist any amendments which lean in the direction of increased federalization of grain inspection.

Mr. FOLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. BURLISON).

Mr. BURLISON of Missouri. Mr. Chairman, I am very disappointed in this bill. I think that not enough is done with respect to the conflict of interest problems that we have had in our inspection system. Very little has been done to add uniformity to our inspection and our grading and weighing system.

I think that the bill lacks a lot from the standpoint of going far enough. There is virtually nothing done in the bill with respect to the problems of our interior or inland terminals. Whatever good there is in the bill seems to be directed totally toward our export problems. Certainly those are tremendous problems, but we should not stop with trying to solve those problems.

It is obvious, at least in this Member's mind, Mr. Chairman, that this is a grain trade bill; this is a grain trade association bill; this is a chamber of commerce bill. This is not a bill structured to lend any great assistance to farm producers nor to the importers of our exported grain.

I suppose, Mr. Chairman, that I may vote for the bill on final passage, but that will only be because the prospects seem fairly promising that we can get a decent bill out of the Senate and, therefore, hopefully, a decent conference report. Pending that, it is hoped that the bill may be improved on the floor this afternoon.

Mr. THONE. Mr. Chairman, I yield 4 minutes to the Congressman from the big First District of Kansas, the gentleman from Kansas (Mr. SEBELIUS).

Mr. SEBELIUS. Mr. Chairman, I thank the gentleman from Nebraska (Mr. THONE) for that kind introduction.

Mr. Chairman, I appreciate this opportunity to discuss H.R. 12572, legislation to amend the U.S. Grain Standards Act.

Let me say at the outset, I have a very strong interest in this bill in that the district I am privileged to represent grows more wheat than any State in the Nation. Grain producers in my district and throughout the United States are depending upon this body to end recent abuses within the inspection system and restore the American farmer's rightful and legitimate image as the world's leading producer of quality grain.

All of us are familiar with the recent grain inspection scandals and the abuse at certain export points that have prompted this legislation. The House Agriculture Committee under the able leadership of Chairman TOM FOLEY and the ranking minority member, BILL WAMPLER, are to be commended for their practical and reasonable approach to this controversy.

Understandably, with all of the publicity given to recent abuses within the inspection system at the ports, overreaction to this problem can be expected. There has been pressure for total federalization of the inspection system. In typical fashion, in response to a serious problem where legislative reform is obviously needed, we have had those who automatically propose Federal control. Instead, however, the committee has rolled up its sleeves and tried to remove the spoiled apple instead of throwing away the entire barrel. The majority within the committee has tried to build on the strengths of the present grain inspection system and correct its glaring weaknesses.

In essence, this bill establishes Federal inspection at export points. It also provides the Secretary of Agriculture the discretion to delegate authority to proven State agencies with ongoing Federal oversight. The Secretary would also be charged with the responsibility for supervision of all weighing of grain at export points. Official inspection at interior points would be designated by the Secretary to qualified private or State agencies with inspection programs which meet Federal guidelines. This bill further strengthens the U.S. Grain Standards Act by providing a strict conflict of interest requirement and increased civil and criminal penalties for violation of the act. And, if the Secretary determines an agency is in violation of the act, he may designate the Federal system at that point.

Mr. Chairman, I believe this to be a most reasonable approach. Let me be

parochial for a moment and for the benefit of my colleagues, relate this approach to the Kansas grain inspection system.

Our Kansas system has been grading and testing grain since 1897. The system employs 193 full-time and 67 seasonal employees. If any shipper or buyer is not satisfied with the results of State inspection he has the right of appeal and a Federal inspection is conducted.

I know of no serious complaint against the Kansas system. It is efficient. It is self-supporting. In fact, the system pays 20 percent of all charges and fees into the Kansas general fund, State revenue that would be lost under a more costly Federal system. It was the opinion of the majority of the committee that minor problems within proven State systems could be better remedied by increased Federal oversight rather than a complete Federal takeover and abolishment of the State systems.

Mr. Chairman, I do not see what can be gained by federalizing a successful inspection system like we have in Kansas. Conversely, there could be serious problems. To whom would the farmer appeal? Who will pay for the increased cost? If Uncle Sam pays the bill, this program will compete for dollars needed for other vital agricultural programs. How is a Federal employee any more honest or experienced than our present State employees who have domonstrated both qualities to the satisfaction of Kansas farmers over the years? How could the Kansas system survive if the terminals with 50 million or more bushels storage come under Federal control? These five Kansas terminals produce most of the revenue needed to support the entire system.

Mr. Chairman, the problem at hand has been abuse within the private inspection systems at various export points. This bill provides Federal grain inspection, supervision of weighing at these locations. The Secretary of Agriculture may delegate Federal authority and supervision to State agencies of proven ability and experience as long as they satisfy Federal requirements. This bill provides the necessary corrective measures without unnecessary and costly action that could eliminate the Kansas grain inspection system.

I urge the consideration and support of my colleagues in behalf of H.R. 12572 as reported by the committee.

Mr. FOLEY. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Chairman, I appreciate the opportunity to say a few words in behalf of this bill.

I want to say, to start with, that I agree with those, and have for some time, who say that grain exports are no longer just the concern of producers in this country or of the people who happen to be processors or handlers of grain. There are national concerns. Grain exports are a national asset, and without them, we would have inflation running much more rampant than it is at the present time. Without the opportunity of earning the money that we earn in selling grain, the cost of petroleum imports would undermine the value of our dollar greatly.

Mr. Chairman, I have become convinced that we do need some independent inspectors grading grain. It is not practical to say that foreign countries can have somebody standing there as each ship is loaded. If we are going to be the storekeeper and the seller and promote our grain sales, we ought to provide inspectors, graders, and weighometers which the users pay for, especially at the export points. It saves personnel and costs the users less if we have an independent referee there to do it instead of requiring the people in the trade, both sides to have people standing around waiting for a shipload of grain that they might be interested in.

Mr. Chairman, it is a lot less costly and a lot more efficient to have the Government doing the job and they pay a fee for the service.

In addition to that, we have had an adulteration problem. I have been to Houston, to New Orleans, and to Seattle. At several of these ports, while there is a great deal of difference in the amount of adulteration of products that have been added to, it just made me sick 3 or 4 years ago when I saw a ship loaded with dirty grain. It happened to be from Japan. It had come in loaded with automobiles. They knocked down the decks to the bottom and filled that ship with grain. It just made me sick when I saw the corn that went into that ship. It did not look anything like the corn we raise in Iowa. It had rice hulls and trash in it. It had all kinds of dirt and debris in it.

Mr. Chairman, the reason they do it is because the standards have been too lax. We permit that foreign material to be added.

They are not docked for foreign material and are paid for it. There is an economic incentive to add stuff to all material to our grain because the payment for the added weight is greater than the cost of adding it.

Mr. Chairman, weighing also is a very important thing. I found this out from some shippers who ship on the Illinois Central Railroad and also had barge transportation available. They said that, in spite of their advantages, they were not sending more grain to New Orleans because they were afraid of short weighing down there. So that denies the producers in that area the best possible market for their grain.

Mr. Chairman, I would like to have a better bill than this. I would like to have had several additional provisions such as making foreign material a dockage item. I would like to have prohibited outright the adulteration of the grain at this time instead of having it studied, but I think there is a lot of good in this bill. We need this vehicle to get to the Senate and, hopefully, get a better bill. We may have to take two bites to get what we want, but I do want, at the same time, to commend this committee for having moved on this last bill. Senators were saying that they would not do anything while awaiting for a GAO report which, in my opinion, was not needed. We knew what was wrong. A GAO report would not add evidence we needed to know what to do. It just delayed the matter and gave an opportunity to those who really were opposed to doing anything to water down what we were doing.

Therefore, Mr. Chairman, I commend the House committee for moving ahead with this bill. I also want to say, in commendation of the committee, that this is one of the few bills that we have had in the last few years where the initiative for the bill originated in the Congress.

Too often we have waited and waited until someone from downtown asks us to act but this is a bill where the initiative started on the Hill. The bill was drafted on the Hill and whatever is going to be done is going to be done because the legislative branch of the Government is standing up and taking care of its responsibilities in this particular area as we see them after talking to our constituents and seeing firsthand what has happened to the grain in this country before it reaches our customers.

Mr. THONE. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. MOORE).

Mr. MOORE. Mr. Chairman, I think all of us agree today that this bill is coming to us as a result of a problem. However, I do not believe the comments we have heard thus far about the farmers being shortchanged, underweighed, or poorly graded is the problem. I do not believe that losing our foreign markets is the problem but are all symptoms of the problem.

What is the problem? The first part of the problem is the fact that we have had very poor USDA supervision or administration of weighing and grading of grain, which they presently have the authority and duty to do.

The second part is that we have had some dishonest individuals who saw a chance to make money at somebody else's expense in addition to poor administration and possible administrative dishonesty. I submit that you cannot legislate honesty and better administration. What we can do, and what this bill proposes to do is to tighten up the administrative procedure as far as is possible by giving the Secretary of Agriculture more power and providing significant deterrents to keep people from becoming dishonest in the future.

In this regard I support the committee bill and I support the chairman and members of the committee who have assisted in accomplishing this. But, Mr. Chairman, the bill went one step beyond and in so doing it went too far. The bill provides that no longer can local governments, local chambers of commerce, grain exchanges, local boards of trade weigh and inspect grain. We have wiped them out under the bill. We have done this in an effort to insure that we will no longer have any dishonesty or poor administration by USDA. This will not solve the problem. It seems that this solution is an example of what some always attempt to do when attempting to solve a

problem, simply throw more Federal money at it, more Federal employees, and more Federal bureaucracies.

If there is one thing that every Presidential candidate has talked about—save maybe one or two—is that we do not need more Federal Government.

We now have the biggest deficit in the history of our country and the highest taxes ever. We have seen the Government payrolls go from 1 out of 10 people working for the Government 10 years ago to 1 out of 7 today.

The people rightly feel that there has been set up in Washington too much bureaucracy and too many regulations and we do not need any more.

So I submit that the bill in all other respects will cure the problem insofar as it can be cured and will certainly alleviate some of the symptoms we have been discussing such as dishonesty and poor administration and does not need this additional next step. Therefore, Mr. Chairman, I intend to offer a substitute near the end of the deliberations on the bill today that will simply allow these people that are inspecting and weighing grain today to continue to do so but under the increased civil and criminal penalties that this bill calls for and under the increased supervision of the USDA which this bill calls for, and under the conflict of interest section which this bill calls for.

They can have, and will do the job as good or better than Federal employees.

Mr. BERGLAND. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. WEAVER).

Mr. WEAVER. Mr. Chairman, I rise in support of the bill we have before us. A Federal system of export grain inspection is essential. I would like to point out, however, that the State of Oregon has its own inspection system presently working. It is irreproachable, and this bill would allow the Secretary of Agriculture to contract with the State of Oregon and maintain the Oregon system. The Secretary would still have the ultimate responsibility, and the Federal system would remain integral.

Mr. Chairman, exports must be irreproachable and uniform to maintain our No. 1 status in grain exports in the world.

I would like to mention a little-recognized condition. We hear much today about how America is slipping from No. 1 position. The Soviet Union is forging ahead—ahead in what? While we have the military capacity to obliterate any potential enemy, so does the Soviet Union. It is a standoff. But the United States is clearly and absolutely No. 1 in food production. We export over half of all grains moving in world trade. We have the most magnificent farm establishment the world has ever known. And the Soviet Union must come to us to make up their food deficits.

Mr. Chairman, the nation that dominates food production has the potential to secure unto itself a power far greater than any military might provides, for food is living power, not deadly power. Yet we have no policies to use this living power, this food power. We should build massive grain reserves by buying today when farm prices are low and slipping. We should create a single agency to bargain for prices in world grain export markets.

Mr. Chairman, this bill is a step in that direction. It should be passed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THONE. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. HAGEDORN).

Mr. HAGEDORN. Mr. Chairman, I rise to support H.R. 12572. I believe it is a step forward in cleaning up the system. I am going to support a strengthening amendment later, but I generally approve the thrust of it and commend the committee for moving forward.

I think the most essential part of this important amendment to the Grain Standards Act is the fact that the Congress is going to impose some stiff penalties for people who do violate the law. Obviously, the weakness in the past is the fact that we have been very deficient in applying stiff penalties and, therefore, we have not had the strong deterrent to illegal activities that have taken place and that have brought us to this point in time where the Congress is asked to respond in a strong, forthright manner to insure the purchasing countries that they are going to have clean grain; and that they are going to receive grain which meets the high standards which they believe they are purchasing at the time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BERGLAND. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. HARKIN).

Mr. HARKIN. Mr. Chairman, again this bill represents a long, hard effort by the Committee on Agriculture, of which I am a member. I also want to commend the chairman of the committee for his hard work and diligence in getting this bill out. I voted against this bill when it came out of committee basically because I thought it was too weak and was not as strong as it should have been. Like the gentleman from Missouri (Mr. BURLISON) who spoke earlier, I will probably vote for it here today because it is better than nothing.

What this bill is like is putting a bandaid on a gaping wound. We have the ability and power here to get more than just a bandaid. There are three areas in which I think this bill needs to be strengthened: First of all, regarding Federal inspections in our export terminals. I would like to have Federal inspections not only at the export terminals but also at the major inland terminals. However, I understand there is a problem with this, and we probably could not get it passed. But all the GAO recommendations indicate that if we are really going to clean it up, those are the two areas in which we have got to have Federal inspection.

Also we must have Federal supervision of weighing at the export port. I understand there may be an amendment offered today that would clean up this bill by requiring Federal supervision of grading at the export terminals. I will then have an amendment to that amendment to make the weighing conform to that, and to also have Federal supervision of weighing at the export terminals.

This is one of the biggest problems that the GAO found, and that was the problem of weighing not only at the export terminals, but also at the inland terminals. So I will have an amendment this afternoon, if there is an amendment offered, to provide for Federal inspection and Federal supervision of weighing only at the export terminals.

There is one other problem area and that concerns the gag rule on page 29 of the bill, section 15. It is nothing more than that—a gag rule. We have already on the books enough laws to prevent the disclosure of trade secrets and company policy and things like that. If it were not for the diligent efforts of an intrepid news reporter, we would not even know about the scandals in the grain trade. He got this information from talking to the people directly involved at the export location. If we go ahead and keep this gag rule which can be held over the heads of these personnel who are working there, they are going to be very quiet, and they are not going to want to give out this kind of information to news reporters and other interested persons.

The reason given for keeping this gag rule in there, as I call it, is to keep trade secrets, and to protect companies from individuals divulging company policies. Again, I submit we have adequate laws on the books to prevent that, so I will be offering an amendment today to strike out that section, section 15 appearing on page 29 of the bill, so that we will not have this hanging over the heads of employees who will be doing the inspecting and who will be doing the weighing.

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

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

Mrs. FENWICK. I thank the gentleman for yielding.

I am interested in the gentleman's point about the Federal inspectors at inland weighing terminals. Would not the point really be to check the weight of the grain before it goes on the ship? Would there be a discrepancy between the two?

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

Mr. FOLEY. Mr. Chairman, I yield an additional minute to the gentleman from Iowa (Mr. HARKIN).

Mr. HARKIN. Mr. Chairman, in reply to the gentlewoman from New Jersey (Mrs. FENWICK), I do believe that, first, in the export terminals there might be some discrepancies in receipt, but they are small individual amounts now in

their case. We commonly have a discrepancy of 100 pounds per car or something like that, which is what the GAO found; but when we add them all up, they found that in a 2-month period of time their shortages added up to 200,000 pounds. That is why we have to extend it to the export terminals.

Mrs. FENWICK. Mr. Chairman, if the gentleman will yield further, is there a feeling there is pilfering between the two points?

Mr. HARKIN. Surely; they are short-weighing, that is what they are doing, but it is such a minor amount that most people do not say anything about it. In fact, that was one company's policy; for every car that came in they shorted the weight by 100 pounds. A hundred pounds out of a couple thousand or 4,000 or 5,000 pounds does not amount to much.

Mr. THONE. Mr. Chairman, I yield 1 minute to the gentlewoman from Nebraska (Mrs. SMITH).

Mrs. SMITH of Nebraska. Mr. Chairman, I rise in support of H.R. 12572, the United States Grain Standards Act of 1976, as reported by the Committee on Agriculture. I commend the members of the committee, and especially my esteemed colleague from Nebraska (Mr. THONE) for dealing forthrightly with the serious problems this legislation seeks to correct.

We all acknowledge with some shame and embarrassment the illegalities which have been brought to light over the past 18 months in the operation of our grain inspection and weighing system. These misdeeds reflect upon the integrity and reliability of the United States, and therefore, they reflect on each of us.

We pride ourselves on the quality of food and fiber we produce in this country. We feel we have the best. We know our agricultural commodities are in demand by other countries around the world. This commerce is vital to our economic well-being. We would suffer seriously if we were to lose even a small number of these customers and the billions in business they represent.

It is inexcusable, therefore, that our overseas customers have had to suffer from such shoddy practices as misgrading, short weights, and the violation of cleanliness standards in some of the grain shipments they have received. It is a known fact that some of our valued customers went elsewhere. We may never recover some of this business.

The continuation of the scandals in this business cannot be tolerated, and measures to guard against repetition in the future must be taken. This legislation addresses itself to the correction of the defects in our grain inspection and weighing system which have permitted the abuses that have been brought to light.

Mr. Chairman, I feel this bill takes the proper approach in vesting with the Secretary of Agriculture the responsibility for the official inspection and weighing of grain at both the export ports and the interior elevators. He is given the option of performing these requirements with employees of the Department of Agriculture or he can use other agencies under the Department's supervision. This permits him to continue to use qualified State agencies which have good records and thus avoid serious disruption in the operation of the system. Many of these State agencies have served honorably and efficiently for years without violation or complaint. This is also true at the local elevator level where the system has been strengthened through the designation of official inspection agencies which meet specified criteria.

By strengthening the penalties for criminal violations of the system, the legislation provides a stiff deterrent to anyone engaging in bribery, theft, intimidation, and illegal practices in the inspection and weighing of grain.

This is a good bill, Mr. Chairman, to deal with the prevention of scandals of the kind which weigh upon the Nation's conscience because of the indiscretions of a few. It is needed and I urge its adoption.

Mr. THONE. Mr. Chairman, I yield myself the balance of the time remaining for the minority.

Mr. Chairman, first I too would like to acknowledge the work on this bill of our personable and persuasive and most able chairman of the committee, the gentleman from Washington (Mr. FOLEY), and the equally accomplished and dedicated ranking Republican member, the gentleman from Virginia (Mr. WAMPLER). Both of them introduced the initial legislation, H.R. 9467, of which this bill is now a refinement.

This is not a routine or necessarily a simple piece of legislation. It is in some respects far reaching. It is a consensus bill after exhaustive hearings, field inspection trips, reports, and careful and patient markup sessions. I think several of the speakers here have reiterated this. The bill does not include all the provisions I had hoped would be included in the bill, but it is clearly the "will" of the majority of the committee after a thorough and orderly process. It has my support as a positive approach to a bad situation.

The situation as I see it in the gulf ports is crying out for harsher law enforcement, better supervision, and legislative reform.

As busy and as preoccupied as most of us are here, we only too often do not give legislative reports the attention they deserve. The reports frequently gather dust rather than gain Members' review. I would like to strongly recommend to each Member here that he or she look over carefully this Report No. 966 which accompanies this legislation. It is one of the best reports I have seen. On page 2 is a good list of what this bill does. All these are needed and effective reforms.

The first point listed specifies that official inspection at export port locations would be carried out by the Federal Government either through USDA personnel or, at the discretion of the Secretary of Agriculture, through State agencies. That provision will receive more attention later this afternoon.

There is an excellent minority report regarding this on page 81, led by the gentleman from Minnesota (Mr. BERGLAND). As I understand it, the gentleman intends to have further discussion regarding his amendment on this important provision.

But, Mr. Chairman, I find myself in strong agreement with all the other provisions in this bill strengthening the Grain Standards Act.

The report also contains some other excellent dissenting views, and as has been discussed here before, some of the Members think the bill goes too far. The gentleman from Florida (Mr. KELLY) and the gentleman from Louisiana (Mr. MOORE) have dissenting views in that regard. The gentleman from Missouri (Mr. BURLISON) and the gentleman from Iowa (Mr. SMITH) have articulated on the floor their contrary views in this regard.

Nobody denies that proper inspection and weighing are vital in preserving confidence in the functioning of the U.S. grain marketing system. Both buyers and sellers have an interest in having the inspection and weighing done fairly and accurately and in accordance with the rules and regulations and laws. This has just not been the case. Without doubt confidence in the U.S. grain marketing system has been shaken. We have had much colloquy already on that. During the 1974 and 1975 marketing years exports accounted for about 51 percent of the wheat, 30 percent of the soybeans, and 22 percent of the corn production in this entire country. In fiscal 1975 the volume of all agriculture exports was 21.6 billion, and 12.5 billion was for corn, wheat, soybeans, and other grains.

No one disagrees that reforms are needed. In all of the information available it has been pointed out that there has been widespread abuses such as theft of grain, misgrading, short weighing, and faulty inspection of ships, among other things. Numerous charges of bribery and conspiracy to violate the grain standards, and the Warehouse Acts have resulted in fines and prison sentences for many.

I, along with several of my colleagues on the House Agriculture Committee, had the opportunity to visit New Orleans in January and see firsthand what was actually going on at the export ports. Although a 3-day visit does not make one an instant expert, I came away from there somewhat shaken and downcast with additional information based on interviews and onsite inspections that convinced me that drastic action was needed. We had the opportunity to visit with Mr. Gallinghouse, the U.S. attorney for the eastern district of Louisiana, who has been most instrumental in cleaning up this mess in New Orleans, and I can say here and now he is deserving of our Nation's thanks for such a fine job.

So far as meaningful reform is concerned at the export level, I think Mr. Gallinghouse said it well.

This legislation is essential if those abuses are to be corrected. Private inspection has

been a dismal failure at the gulf ports. They work seven days a week, three shifts a day, and mere souping up of supervisory personnel just won't cut the mustard here.

Further, Mr. Gallinghouse in a colloquy with Senator DOLE during Senate hearings on September 25, 1975, said:

Please understand, you suggested that I seemed to be talking about a federalized system. I want to make it clear, and I think you should know this so you could evaluate my observation. I am not one who believes that the arm of the Federal Government is long enough or strong enough to reach out into every part of the country and solve all the problems. I am not suggesting that the people in Federal Government have a monopoly on integrity. Basically, my philosophy is if we can do something through private enterprise, local or State government, we should try to do it and not extend the authority of the Federal Government.

I can tell you this, speaking as a man who has some pretty conservative philosophical viewpoints; and, I have studied government carefully and thoroughly. I have been a State official. I can tell you if I have ever seen anything that requires a national strategy, a national system, a national direction, and a national responsibility, it is in this very sensitive grain-handling area.

Senator DOLE. Do you think this extends internationally?

Mr. GALLINGHOUSE. Yes, sir, and that is what makes this thing, as we view it, so serious and significant. I am thinking about what the people in the rest of the world are thinking about the United States of America, too.

This bill will help restore confidence in our grain trade throughout the world. The selling of our grain to foreign buyers is so every important to our Nation's economic well-being and is particularly important to our Midwest farmers, a portion of whom I am trying to faithfully represent.

Let me also make a needed point, a positive point.

Our great ability to produce grain in abundance in the United States is matched only by our ability to efficiently market and handle such tremendous quantities. Efficiency of that system must not be unnecessarily impaired if the United States is to continue to be the undisputed world leader. H.R. 12572 will not unduly restrict our preeminence in world-wide grain commerce. With the proper attitude of the exporters, and all others concerned, this legislation will be a long-term plus in this regard, not a minus. This is important. The world currently likes the American system. It is easy to deal with, and price is competitive.

Other points that again merit enumeration:

First. Every bushel of grain that leaves the farm must be marketable. The success of the marketing services performed is measured by how great a proportion of the total crop is made merchantable.

Second. Grain inspection reflects the evaluation of certain quality characteristics, but it cannot improve or alter those characteristics as they exist. Grain is a raw field crop—not a manufactured product. Nature controls its basic inherent quality, not the decisions people make.

Third. The business is conducted on a wholesale rather than a retail basis. Commodities are handled on a rapid, bulk, high-volume basis. The resulting economies of volume provide maximum returns to the grower and minimum costs to the end user. Grain inspection practices must protect the productivity of the handling system. Any time-consuming inspection constraints not warranted which reduce handling below full capacity will prevent meeting even current USDA export projections.

Fourth. Grain standards must be broad enough to accommodate technological advances. They must also be narrow enough to adequately serve the end user's requirements consistently.

Fifth. The grain marketing system must remain free, honest, and fully competitive. Such free competition remains the most effective discipline in protecting a sound system. This will fulfill the requirement in the act's declaration of policy "that grain may be marketed in an orderly manner and that trading in grain may be facilitated."

It is my view that this legislation should be passed. It should restore public confidence both at home and abroad in our grain inspection and weighing system, thus allowing the continuation of our expansion of the Nation's farm exports.

We have had a breakdown in a very significant link of the U.S. grain marketing system and H.R. 12572 is needed to insure adequate inspection, handling, grading, and weighing of grain.

Mr. Chairman, let me conclude by saying this. I think this is a good consensus bill. It is not a perfect bill, but we unquestionably have a real problem here. I hope we have a resoundingly affirmative vote on final passage.

Mr. FOLEY. Mr. Chairman, I wish to take the time remaining to express my appreciation to the gentleman from Virginia (Mr. WAMPLER) and the gentleman from Texas (Mr. POAGE) and all the Members who have worked long and hard on this bill.

Hearings began on H.R. 12572 in September of last year and the bill has been involved in markup for many months. It does not represent what every member of the committee would wish to have in the bill but it does represent the best judgment that the committee as a whole can make on this complicated and difficult issue. I am satisfied the bill takes an enormous step forward in improving the inspection and weighing of grain so essential to the vital export trade.

I hope at the conclusion of the reading of the bill under the 5-minute rule when time comes for final passage it will merit the overwhelming support of the Members of the House.

Mr. HAGEDORN. Mr. Chairman, I would like to speak in behalf of H.R. 12572, a bill amending the United States Grain Standards Act. Serious problems currently exist in our national grain inspection system, problems that are having an increasingly severe impact upon U.S. grain exports and balance of payments. The General Accounting Office has determined that many foreign customers believed that they had regularly received lower quality and weight grain from the United States than they had contracted for. As a result, many had reduced their purchases of U.S. grain to the extent possible, while several had discontinued purchases entirely. This has been noticed most particularly with respect to corn, soybeans, and wheat.

While I am certainly not one who believes that every problem in our society calls for a federally imposed solution, I believe that our Constitution fully recognizes the major role that must be played by the Federal Government with respect to foreign and interstate commerce. I believe also that H.R. 12572 attempts to build upon the existing Federal-State-private grain inspection system as well as possible, limiting the Federal Government to a supervisory role where this is feasible, and in all instances attempting to rely upon the current structure where that structure has proven effective.

This legislation would provide for the Federal inspection of grain at all export port terminals, with the Department of Agriculture allowed to delegate their primary authority to responsible State agencies. Such State agencies would continue to enforce federally mandated standards and would be subject to continuing oversight by the Department of Agriculture. At inland points, where grain to be trafficked in interstate commerce is inspected, the Department of Agriculture is authorized with designating either a State or local agency, or a private agency to operate the official inspection program. As a last resort, Agriculture Department personnel would be authorized to directly enforce the program.

An important provision of H.R. 12572 insures that conflicts of interest shall be minimized in the inspection and weighing of grain, with the Secretary of Agriculture charged with insuring that the integrity and effectiveness of the system is not threatened by interested administrators. While I do not believe that USDA personnel are generally any more honest or reliable than personnel employed by the private inspection network, reducing conflicts of interest, such as where boards of trade or other groups in which grain merchandisers hold influence in official inspection agencies, can only be beneficial, to the farmer, the merchandiser, and to the purchaser of grain. That it is simply a structural conflict that exists, and not an aspersion upon the integrity of individuals employed within the system, is well illustrated by provisions in H.R. 8572 requiring USDA to give preference in hiring to personnel displaced under the provisions of this act from the existing system.

Other provisions of this bill give the Secretary increased supervisory authority over the weighing services involved in grain trade, while continuing to rely primarily upon the private weighing companies that already operate. These would apply only to export terminals, with interior terminals remaining free from new Federal regulations. Many States, however, license grain weighers and grain scales. The Secretary is also given revised authority to impose effective sanctions against those who violate the rules of the new grain inspection system, with such persons being liable to

sharply increased civil and criminal penalties.

I believe that this bill will improve the position of our country in world grain markets, restoring our ability to compete for the confidence of the foreign purchaser. Our exports having increased by 200 percent, from 1 billion to 3 billion bushels annually over the past 15 years, it is not surprising that our grain inspection is in need of an overhaul. Minor problems that have been left unattended have gradually swelled into problems which have great impact upon the American farmer. This legislation is a major step toward insuring that our exports are judged solely on their quality, and are not shadowed by doubts arising out of our domestic inspection system. I am confident that American farmers can compete quite favorably on these terms, and believe that H.R. 12572 is designed to allow this. With a minimum upheaval, this bill offers an important potential contribution to the economic recovery of the United States.

Mr. GRASSLEY. Mr. Chairman, the United States is the most efficient producer of food in the world. The United States is, as well, the largest exporter of food in the world. Foreign nations in need of dependable, high quality imported food supplies count on the United States to fulfill those needs that they cannot meet themselves. Unfortunately, the faith of foreign nations in our ability to deal with them squarely has been eroded by deceptive and criminal practices on the part of those responsible for inspecting and weighing American exports of grain. This loss of confidence in the American willingness to deal fairly and forthrightly threatens both our national image, and the welfare of the most efficient producer of food in the world, the American farmer.

I believe that our credibility abroad can be restored. That restoration requires that Congress take quick, affirmative action. It is mandatory that Congress prove its willingness to insure a consistently high quality of American exports of grain by putting into law H.R. 12572, the bill under consideration today.

This measure strikes at the roots of the criminal activity that has plagued the Nation's export points. Five aspects of H.R. 12572 will provide the assurance that is required to restore confidence in the American export trade. First, all grain leaving the country will have to be inspected by the U.S. Government or an agent thereof. Second, all grain leaving the country will be required to be weighed under the supervision of the U.S. Government. Third, any potential arrangement conducive to conflicts of interest in the inspection and weighing of grain will be outlawed. Fourth, the entire system whereby grain is inspected, weighed, and shipped from interior points to American ports will be studied to determine if future corrective action is needed. And fifth, stringent penalties will be imposed on anyone who seeks to violate the terms of this legislation.

H.R. 12572 is a carefully thought-out and responsible piece of legislation that deserves the support of every Member of this body. Our foreign customers are demanding congressional action, and quickly, and it is now the time to fulfill their expectations.

Mr. VIGORITO. Mr. Chairman, I rise in support of H.R. 12572, the United States Grain Standards Act of 1976, as reported by the Committee on Agriculture.

The committee bill is a workable and, in my view, an effective response to the corruption that has pervaded the marketing of United States grain through our export ports. The bill incorporates many of the recommendations of the General Accounting Office in their recent investigatory report on grain marketing problems.

The basic reform that will be implemented by H.R. 12572 is that it will eliminate entirely the involvement of private inspection agencies at the port elevators. The private inspection agencies were responsible for virtually all of the misgrading, dishonest weighing, and other malpractices that have plagued the handling of corn, soybeans, and other grains through the export elevators. The bill sets up a completely Federal system of quality grading and weight supervision at the ports, except that States would be allowed to continue grading activities under the careful scrutiny and supervision of the Federal personnel. Furthermore, any State could be promptly replaced by Federal personnel whenever any problem should occur in the future.

It is significant that H.R. 12572 for the first time provides for direct Federal supervision of weighing activities, in addition to grading of grain for quality. Such a coordinated system of grading and weight supervision should provide an effective means to restore integrity to U.S. foreign grain marketing.

Direct Federal grading and supervision of weighing will not, of course, automatically assure that complete honesty will prevail. However, it does eliminate the fragmented situation that has confused responsibility and has made it virtually impossible to successfully administer an honest and efficient system. The reforms incorporated in H.R. 12572 will concentrate ultimate responsibility in the U.S. Secretary of Agriculture, who then can be held accountable for any abuses that might occur.

Mr. Chairman, I am convinced that the Committee on Agriculture has produced a good bill in response to the grain marketing problems that have occurred, and I urge my colleagues to support H.R. 12572.

Mr. McCOLLISTER. Mr. Chairman, I strongly urge passage of H.R. 12572, the Grain Standards Act amendments. The grain inspection scandals that have been investigated at New Orleans and other ports are deplorable and must stop. We need to restore the confidence of foreign buyers in purchasing our grains and assure them that they will receive the same quality grain they contracted for in their agreements with American firms.

Agriculture exports play a vital role in our world export trade. Four years ago we exported only $8 billion worth of farm commodities. Last year agricultural export sales reached $22 billion. I am proud to say that Nebraska farmers contributed about $1.2 billion of that total. This vastly expanded export market has had tremendous benefits for this nation. We must move quickly to restore faith in our grain markets that have been shaken by mishandling. No buyer is willing to buy grain or any other product where quality is either unknown or uncertain. As a small businessman for 20 years, I know the importance and necessity of backing up products to customers. If you cannot produce and deliver a consistent, good-quality product, you will go out of business. It is as simple as that.

Farmers have no control over what happens to their grain once it leaves the farm. Quality controls need to be implemented so that our farmers can have confidence that their products are delivered to the customers as agreed. H.R. 12572 is the right approach to solving this problem. It allows for Federal inspection where it is most needed—at the export port terminals. Yet the price tag is reasonable—an estimated $75.52 million annually which after deducting users' fees would mean about $5.3 million in Government funds. A small price to pay to preserve the integrity of our grain export markets.

The bill allows the Secretary of Agriculture to determine who will carry out official inspection services at inland terminals. A "no conflict of interest" section prevents those businesses who have a financial interest in the storage or merchandising of grain from acting as official inspectors. This means that State or local government agencies or private agencies like boards of trade or chambers of commerce can still perform this type of service. Many are already doing the inspections and doing them effectively.

The bill addresses the problem of weighing. Again, the problem of shortweights has been at the export port terminals, not at interior points. The Secretary of Agriculture is required to supervise the weighing process of all grain at port elevators. USDA is directed to further study the situation at the inland terminals to see if a weighing problem does exist. Civil and criminal penalties for violations are provided. This puts some teeth into the law that was missing before. Civil penalties of up to $50,000 for each violation are provided. Bribery and other criminal offenses can bring penalties of up to one year in prison and a $10,000 fine.

I strongly urge passage of the legislation. It is vital for the future growth of our grain export markets.

Mr. OBERSTAR. Mr. Chairman, I intend to support the Bergland amendment when it is offered and I offer an explanation of the excellent inspection service which the twin ports of Duluth and Superior enjoy, and an editorial from the Duluth News-Tribune praising that inspection system. While I am proud of the twin ports' outstanding record and commend the people who have worked hard and honestly to establish that record, the very fact that Duluth-Superior stands out is an indictment of the system elsewhere in the United States and an appeal for the reform that this bill and the Bergland amendment assure.

TWIN PORTS GRAIN INSPECTION PROFILE

There are three levels of grain inspection in the twin ports: Federal, State, and private. The State inspection initiates all local grain inspections—there are State grain inspectors in both Minnesota and Wisconsin with similar responsibilities and qualifications. They inspect the grain leaving the boxcars and trucks for the elevators, they inspect the elevator inventories, and they inspect the grain being loaded onto the ships. They fall under the supervision of the Federal inspectors. The private inspectors inspect inhouse grain for the company's information, to determine what bins the grain should be stored in, and also to determine whether they agree with the grade assigned to the grain load by the State. If they do not agree, they may appeal the grade classification to the Federal inspectors who will then inspect the load as well. If the Federals, after their own testing, assign a different grade than that given the load by the State, the Federal grade prevails. During this time, the State is able to explain why it arrived at the grade it did. Buyers as well as sellers may make an appeal to the Federal inspection team. The system which prevails in the twin ports has worked very well and is well thought of by all parties concerned, locally as well as nationwide.

There are anywhere between 60 to 115 State grain inspectors on the Wisconsin side during the shipping season. On the Minnesota side, there are between 50–75 depending on how busy it gets. Both systems operate on a fee basis and are self-sustaining governmental operations. To supervise them, there are 20 Federal inspectors who are headquartered in Duluth and cover both ports.

Wisconsin has more employees than Duluth because they also handle grain weighing. In Minnesota, the privates do their own weighing; it is not a State function.

An editorial follows:

[From the Duluth News-Tribune, Aug. 5, 1975]

PORTLY PRAISE

That was a noteworthy compliment for the Duluth-Superior port.

It came from Donald Wilkinson, the Wisconsin secretary of agriculture who will become the director of the U.S. Marketing Service on Sept. 1. That agency is part of the Department of Agriculture, and Wilkinson's first task will be to cure the ills of the grain inspection procedures in some of the nation's ports.

Specifically, those ills thus far have been found at Gulf Coast ports—New Orleans and Galveston. Federal grand juries have indicted a number of grain inspectors and some grain company executives for misgrading grain or short-loading ships.

What does Wilkinson propose to do?

"My recommendation," he told the Associated Press in Madison, Wis., "will be based on an extremely successful inspection program conducted at the Duluth-Superior port, one of the major grain exporting points in the country."

In the Twin Ports, he explained, the U.S. Marketing Service has the Wisconsin or Minnesota Agriculture Department do the actual grain sampling, grading and weighing, under the supervision of the U.S. Marketing Service.

"This situation (in Duluth-Superior)," Wilkinson said, "is unlike the port of New Orleans where the federal government used a different authority and contracted with a private grading service."

It is reassuring to receive such high praise for the grain inspection procedures here, as it suggests that the scandalous skeletons found in the New Orleans grain elevators will not be found in the Duluth-Superior elevators.

Rather, if extensive investigations are made of the inspection practices here, they will be made not to find ills, but to find ways of making the inspection practices of other ports as accurate and as honest.

The implications to foreign grain buyers should be clear: if you load your grain in Duluth-Superior, chances are excellent that you'll get what you pay for.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding. I rise in support of H.R. 12572, the U.S. Grain Standards Act of 1976, and I want to comment only briefly, as a member of the Subcommittee on International Resources, Food, and Energy, on the international ramifications of this measure.

Our friends from abroad have voiced complaints concerning the quality of American grain exports—complaints which we now know were justified and verified by the revelations from the 1975 New Orleans grain scandals. Theft, misgrading, and short-weighing of grain, together with indictments against federally licensed grain inspectors are irregularities that have undermined the quality and integrity of our Nation's grain export program, a program that amounted to $12.5 billion in fiscal 1975—the amount subject to inspection prior to export. The General Accounting Office, in the course of its study of grain inspection irregularities, visited nine countries—India, Israel, Italy, Japan, Korea, the Netherlands, Spain, the United Kingdom, and West Germany—and in its report of February 26, 1976, "Assessment of the National Inspection System," the GAO stated:

Our inquiries . . . revealed much dissatisfaction with U.S. grain sold abroad. Many foreign customers believed they regularly received lower quality and weight than they paid for. The resulting cost in terms of diminished foreign sales in past years and other effects is not calculable. Many buyers, however, said they had reduced their purchases of U.S. grain because of the problems they had experienced and were buying more from other countries. A few said they had stopped buying U.S. grain altogether.

During the last 10 years, foreign buyers filed formal complaints with the U.S. Department of Agriculture involving 582 export grain shipments. The GAO reported:

The complaints all concerned the quality of the grain received except for 17 shipments which involved short weights.

Mr. Chairman, the following comments made by the Committee on Agriculture in its report accompanying H.R. 12572 are significant and should be noted:

The quality of American grain in world markets has been an important factor in the success of our commercial and humanitarian export programs.

It is essential to continued economic recovery, and for the economic position of the United States in the world for years to come, that the quality of American grain exports and the integrity of our grain inspection system be maintained at as high a level as possible.

The irregularities of grain inspection and grain weighing that are detailed in the GAO report and in the report of the Committee on Agriculture must not be allowed to continue any longer. These improprieties have had a detrimental effect domestically and internationally.

Mr. Chairman, in the interest of eradicating the grain inspection abuses that are undermining the integrity and character of our Nation, I urge my colleagues to support this legislation and to restore our export grain program as an important segment of American foreign policy.

The CHAIRMAN. All time for debate has expired.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "United States Grain Standards Act of 1976".

SEC. 2. Section of said Act (7 U.S.C. 74) is amended by striking in the second sentence the word "and" before "to provide" and by adding in such sentence immediately before the semicolon ", and to regulate the weighing of grain in the manner hereinafter provided".

SEC. 3. Section 3 of said Act (7 U.S.C. 75) is amended by changing subsection (l) defining the term "official inspection", subsection (j) defining the term "official inspection personnel", and subsection (m) defining the term "official inspection agency", and adding new subsections (v), (w), and (x) to read, respectively, as follows:

"(i) The term 'official inspection' means the determination (by original inspection, and when requested, reinspection and appeal inspection) and the certification, by official inspection personnel, of the kind, class, quality, or condition of grain, under standards provided for in this Act, or the condition of vessels and other carriers or containers for transporting or storing grain insofar as it may affect the quality or condition of such grain; or, upon request of the interested person applying for inspection, the quantity of sacks of grain, or other facts relating to grain under other criteria approved by the Secretary under this Act (the term 'officially inspected' shall be construed accordingly).

"(j) The term 'official inspection personnel' means persons licensed or otherwise authorized by the Secretary pursuant to section 8 of this Act to perform all or specified functions involved in official inspection, or in supervision of official inspection.

"(m) The term 'official inspection agency' means any State or local governmental agency, or any person, designated by the Secretary pursuant to subsection (f) of section 7 of this Act for the conduct of official inspection (other than appeal inspection).

"(v) The term 'export port elevator' means any elevator, warehouse, or other storage or handling facility at an export port location in the United States from which grain is shipped from the United States to any place outside thereof.

"(w) The term 'export port location' means a commonly recognized port of export in the United States or Canada, as determined by the Secretary of Agriculture, from which grain produced in the United States is shipped to any place outside the United States.

"(x) The term 'supervision of weighing' means the supervision of the weighing process and of the certification of the weight of grain, and the physical inspection of the premises at which the weighing is performed to assure that all the grain intended to be weighed has been weighed and discharged into the elevator or conveyance represented

on the weight certificate or other document.".

SEC. 4. Section 7 of said Act (7 U.S.C. 79) is amended by changing subsections (e) and (f) and adding new subsections (g), (h), and (i) to read, respectively, as follows:

"(e) The Secretary shall cause official inspection to be performed at export port locations, for all grain required or authorized to be inspected by this Act, by authorized employees of the Department of Agriculture or other persons under contract with the Department as provided in section 8. If the Secretary determines that a State agency is qualified to perform official inspection in accordance with the criteria of subsection (f)(1)(A) of this section, the Secretary may, in his discretion, delegate authority to the State agency to perform all or specified functions involved in official inspection (other than appeal inspection) at export port locations subject to such rules, regulations, instructions, and oversight as he may prescribe, and any such official inspection shall continue to be the direct responsibility of the Secretary. Any such delegation may be revoked by the Secretary, at his discretion, at any time upon notice to the State agency without opportunity for a hearing. The Secretary may provide that grain loaded at an interior point in the United States into a rail car, barge, or other container as the final carrier in which it is to be transported from the United States shall be inspected in the manner provided in this subsection or subsection (f), as the Secretary determines will best meet the objectives of this Act.

"(f)(1) With respect to official inspections other than at export port locations, the Secretary is authorized, upon application by any State or local governmental agency, or any person, to designate such agency or person as an official inspection agency for the conduct of all or specified functions involved in official inspection (other than appeal inspection) at locations at which the Secretary determines official inspection is needed, if:

"(A) the agency or person shows to the satisfaction of the Secretary that such agency or person:

"(i) has adequate facilities and qualified personnel for the performance of such official inspection functions;

"(ii) will conduct such training and provide such supervision of its personnel as are necessary to assure that they will provide official inspection in accordance with this Act and the regulations and instructions thereunder;

"(iii) will not charge official inspection fees that are discriminatory or unreasonable;

"(iv) and any related entities do not have a conflict of interest prohibited by section 11 of this Act;

"(v) will maintain complete and accurate records of its organization, staffing, official inspections, and fiscal operations, and such other records as the Secretary may require by regulation;

"(vi) will comply with all provisions of this Act and the regulations and instructions thereunder;

(vii) meets other criteria established in regulations issued under this Act relating to official inspection agencies or the performance of official inspection; and

"(B) the Secretary determines that the applicant is better able than any other applicant to provide official inspection service.

"(2) Not more than one official inspection agency for carrying out the provisions of this Act shall be operative at one time for any geographic area as determined by the Secretary to effectuate the objectives stated in section 2 of this Act, but this subsection shall not be applicable to prevent any inspection agency from operating in any area in which it was operative on Agust 15, 1968. No state or local government agency or person shall provide any official inspection for purposes of this Act except pursuant to an unsuspended and unrevoked delegation of authority or designation by the Secretary, as provided in this section, or as provided in section 8(a).

"(g)(1) Designations of official inspection agencies shall terminate at such time as specified by the Secretary but not later than triennially and may be renewed in accordance with the criteria and procedure prescribed in subsections (e) and (f).

"(2) A designation of an official inspection agency may be amended at any time upon application by the official inspection agency if the Secretary determines that the amendment will be consistent with the provisions and objectives of this Act; and a designation will be canceled upon request by the official inspection agency with ninety days written notice to the Secretary. A fee as prescribed by regulations of the Secretary shall be paid by the official inspection agency to the Secretary for each such amendment, to cover the costs incurred by the Department in connection therewith, and it shall be deposited in the fund provided for in subsection (i) of this section.

"(3) The Secretary may revoke a designation of an official inspection agency whenever, after opportunity for hearing is afforded to the agency, the Secretary determines that the agency has failed to meet one or more of the criteria specified in subsection (f) of this section or the regulations under this Act for the performance of official inspection functions, or otherwise has not complied with any provision of this Act or any regulation prescribed or instruction issued to such agency under this Act, or has been convicted of any violation of other Federal law involving the handling or official inspection of grain: *Provided*, That the Secretary may, without first affording the official inspection agency an opportunity for a hearing, suspend any designation pending final determination of the proceeding whenever the Secretary has reason to believe there is cause for revocation of the designation and considers such action to be in the best interest of the official inspection system under this Act. The Secretary shall afford any such agency an opportunity for a hearing within thirty days after temporarily suspending such designation.

"(h) If the Secretary determines that official inspection by an official inspection agency designated under subsection (f) is not available on a regular basis at any location (other than at an export port location) where the Secretary determines such inspection is needed to effectuate the objectives stated in section 2 of this Act, and that no official inspection agency within reasonable proximity to such location is willing to provide and has or can acquire adequate personnel and facilities for providing such service on an interim basis, official inspection shall be provided by authorized employees of the Department, and other persons licensed by the Secretary to perform official inspection functions, as provided in section 8 of this Act, until such time as the service can be provided on a regular basis by an official inspection agency.

"(i)(1) The Secretary shall, under such regulations as he may prescribe, charge and collect reasonable inspection fees to cover the estimated cost to the Department of Agriculture incident to the performance of official inspection, except when the inspection is performed by an official inspection agency or a State agency under a delegation of authority. The fees authorized by this subsection shall, as nearly as practicable and after taking into consideration any proceeds from the sale of samples, cover the costs of the Department of Agriculture incident to its performance of official inspection services in the United States and on United States grain in Canadian ports, including 75 per centum of the estimated total supervisory and administrative costs related to such official inspection of grain. Such fees, and the proceeds from the sale of samples obtained for purposes of official inspection which become the property of the United States, shall be deposited in miscellaneous receipts of the United States Treasury.

"(2) Each designated official inspection agency and each State agency to which authority has been delegated under subsection (e) shall pay to the Secretary fees in such amount as the Secretary determines fair and reasonable and as will cover the costs incurred by the Department relating to direct supervision of official inspection agency personnel, and direct supervision by Department personnel (outside of the Washington office) of its field office personnel. Such fees shall not exceed 75 per centum of the estimated total Federal costs related to the official inspection of grain by such agencies, except costs incurred under paragraph (4) of this subsection and sections 9, 10, and 14 of this Act. The fees shall be payable after the services are performed at such times as specified by the Secretary and shall be deposited in miscellaneous receipts of the United States Treasury. Failure to pay the fee within thirty days after it is due shall result in automatic termination of the delegation or designation, which shall be reinstated upon payment, within such period as specified by the Secretary, of the fee currently due plus interest and any further expenses incurred by the Department because of such termination.".

SEC. 5. A new section 7A is added to said Act to read as follows:

"WEIGHING

"SEC. 7A. Notwithstanding any other provision of law—

"(a) Except as the Secretary may otherwise provide in emergency or other circumstances which would not impair the objectives of this Act, all grain received at or shipped from export port elevators at export port locations in the United States shall be weighed. The Secretary shall cause supervision of the weighing of all such grain to be performed by authorized employees of the Department of Agriculture. If the Secretary determines, in accordance with the criteria of subsection (c) of this section, that a State agency is qualified to perform supervision of weighing, the Secretary may, in his discretion, delegate authority to the State agency to perform such supervision at export port locations subject to such rules, regulations, instructions, and oversight as he may prescribe, and any such supervision of weighing shall continue to be the direct responsibility of the Secretary. Any such delegation may be revoked by the Secretary, at his discretion, at any time upon notice to the State agency without opportunity for a hearing. The Secretary is authorized to implement an agreement entered into with the Government of Canada to provide for United States supervision of weighing of United States grain received at or shipped from export port elevators at Canadian ports and the requirements of this subsection shall apply to United States grain so received and shipped after the entering into of such an agreement.

"(b) No weighing supervision shall be provided for the purposes of this Act at any export port elevator until such time as the operator of the elevator has demonstrated to the satisfaction of the Secretary that he (1) has and will maintain, in good order, suitable grain-handling equipment and accurate scales for all weighing of grain at the elevator, and will cause such scales to be tested properly by competent agencies at suitable intervals, in accordance with the regulations of the Secretary; (2) will employ only competent persons with a reputation for

honesty and integrity to operate the scales and to handle grain in connection with weighing of the grain, in accordance with this Act; (3) when weighing is to be done by employees of the elevator, will require its employees to operate the scales in accordance with the regulations of the Secretary and to require that each lot of grain for delivery from any railroad car, truck, barge, vessel, or other means of conveyance at the elevator is entirely removed from such means of conveyance and delivered to the scale without avoidable waste or loss, and each lot of grain weighed at the elevator for shipment from the elevator is entirely delivered to the means of conveyance for which intended, and without avoidable waste or loss, in accordance with the regulations of the Secretary; (4) will provide all assistance needed by the Secretary for making any inspection or examination and carrying out other functions at the elevator pursuant to this Act, and (5) will comply with all other requirements of this Act and the regulations hereunder.

"(c) The Secretary may provide that the actual weighing and certification of weights and the inspection and testing of scales (or any one or more of such functions) at any location described in subsection (a) shall be performed either by authorized employees of the Department of Agriculture or by State or local agencies or other persons designated by the Secretary if he determines that it will effectuate the objectives of this Act. In such event, the Secretary may designate a State or local agency or person to perform any such functions if the agency or person shows to the satisfaction of the Secretary that (1) it has adequate facilities and qualified personnel for the performance of such functions, (2) will conduct such training and provide such supervision of its personnel as are necessary to assure that they will provide the service in accordance with this Act and the regulations and instructions thereunder, (3) will not charge fees that are discriminatory or unreasonable, (4) does not have a conflict of interest prohibited by section 11 of this Act, (5) will maintain complete and accurate records of its organization, staffing, and operations and such other records as the Secretary may require by regulation, (6) will comply with all provisions of the Act and the regulations and instructions thereunder, and (7) meets other criteria established in regulations issued under this Act relating to the performance of such functions. Designations made pursuant to this subsection shall be subject to the same provisions as designations for official inspection agencies under section 7(g).

"(d) The Secretary is authorized (1) to investigate the weighing and the certification of the weight of grain shipped in interstate or foreign commerce; (2) to require by regulation the maintenance of complete and accurate records of the weighing of such grain for such period of time as the Secretary determines is necessary for the effective administration and enforcement of this Act; and (3) to prescribe by regulation the standards, procedures, and controls for accurate weighing and certification of weights of grain including safeguards of equipment, and the calibration and maintenance thereof, at locations specified in subsection (a) of this section.

"(e) The Secretary shall conduct a study concerning the supervision of weighing, the weighing and certification of weights of grain, and the inspection and testing of scales used in the weighing of grain at both export port elevators and other than export port elevators. The Secretary shall report the results of the study to the House Committee on Agriculture and the Senate Committee on Agriculture and Forestry not later than twelve months after the effective date of this Act, together with any recommendations for legislation that he determines necessary for strengthening the adequacy and reliability of the system.

"(f) No State or local governmental agency or person shall weigh or state in any document the weight of grain determined at a location where weights are required to be supervised or the weighing or inspection and testing of scales is required to be performed as provided for in this section except in accordance with the procedures prescribed pursuant to this section. No person shall use any scales which have been disapproved by the Secretary or a State or local government agency or person designated by the Secretary.

"(g) The provisions of this section shall not limit any authority vested in the Secretary under the United States Warehouse Act (39 Stat. 486, as amended, 7 U.S.C. 241 *et seq.*).

"(h) The representatives of the Secretary shall be afforded access to any elevator, warehouse, or other storage or handling facility from which grain is delivered for shipment in interstate or foreign commerce or to which grain is delivered from shipment in interstate or foreign commerce and all facilities therein for weighing grain.

"(i)(1) The Secretary shall, under such regulations as he may prescribe, charge and collect reasonable fees to cover the estimated costs to the Department of Agriculture incident to the performance of the functions provided for under this section, except as otherwise provided in paragraph (2) of this subsection. The fees authorized by this paragraph shall, as nearly as practicable, cover the costs of the Department of Agriculture incident to performance of its functions related to weighing, including 75 per centum of the estimated total supervisory and administrative costs related to such services. Such fees shall be deposited in miscellaneous receipts of the United States Treasury.

"(2) Each agency to which authority has been delegated under this section and each agency or other person which has been designated to perform functions related to weighing under this section shall pay to the Secretary fees in such amount as the Secretary determines fair and reasonable and as will cover the costs incurred by the Department relating to direct supervision of the agency personnel and direct supervision by Department personnel (outside of the Washington office) of its field office personnel incurred as a result of the functions performed by such agencies, but such fees shall not exceed 75 per centum of the estimated total Federal costs related to the weighing functions of such agencies, except costs incurred under sections 9, 10, and 14 of this Act. The fees shall be payable after the services are performed at such times as specified by the Secretary and shall be deposited in miscellaneous receipts to the United States Treasury. Failure to pay the fee within thirty days after it is due shall result in automatic termination of the delegation designation, which shall be reinstated upon payment, within such period as specified by the Secretary, of the fee currently due plus interest and any further expenses incurred by the Department because of such termination.".

SEC. 6. Section 8 of said Act (7 U.S.C. 84) is amended (a) by amending subsection (a) to read as follows:

"(a) The Secretary is authorized (1) to issue a license to any individual upon presentation to him of satisfactory evidence that such individual is competent, and is employed by an official inspection agency, or a State agency delegated authority under section 7(e), to perform all or specified original inspection or reinspection functions involved in official inspection of grain in the United States; (2) to authorize any competent employee of the Department of Agriculture to (i) perform all or specified original inspection, reinspection, or appeal inspection functions involved in official inspection of grain in the United States, or of United States grain in Canadian ports, and (ii) supervise the official inspection of grain in the United States and of United States grain in Canadian ports; and (3) to contract with any person to perform specified sampling and laboratory testing and to license competent persons to perform such functions pursuant to such contract. No person shall perform any official inspection functions for purposes of this Act unless such person holds an unsuspended and unrevoked license or authorization from the Secretary under this Act.".

(b) By amending subsection (b) to insert "or by a State agency under a delegation of authority pursuant to section 7(e)" after "official inspection agency".

(c) By amending subsection (d) and adding new subsections (e) and (f) to read as follows:

"(d) Persons employed by an official inspection agency (including persons employed by a State agency under a delegation of authority pursuant to section 7(e), persons performing official inspection functions under contract with the Department of Agriculture, and persons employed by a State or local agency or other person conducting functions relating to weighing under section 7A shall not, unless otherwise employed by the Federal Government, be determined to be employees of the Federal Government of the United States: *Provided, however,* That such persons shall be considered in the performance of any official inspection functions or any functions relating to weighing as prescribed by this Act or by the rules and regulations of the Secretary, as persons acting for or on behalf of the United States, for the purpose of determining the application of section 201 of title 18, United States Code, to such persons and as employees of the Department of Agriculture assigned to perform inspection functions for the purposes of sections 1114 and 111 of title 18 of the United States Code.

"(e) The Secretary of Agriculture may hire (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service) as official inspection personnel any individual who is licensed (on the date of enactment of this Act) to perform functions of official inspection under the United States Grain Standards Act and as personnel to perform supervisory weighing or weighing functions any individual who, on the date of enactment of this Act, was performing similar functions: *Provided,* That the Secretary of Agriculture determines that such individuals are of good moral character and are technically and professionally qualified for the duties to which they will be assigned.".

SEC. 7. Section 9 of said Act (82 Stat. 765, 7 U.S.C. 85) is amended by adding a new sentence at the end thereof to read as follows: "The Secretary may summarily revoke any license whenever the licensee has been convicted of any offense prohibited by section 13 of this Act, or convicted of any offense proscribed by title 18, United States Code, with respect to performance of functions under this Act.".

SEC. 8. Section 10 of said Act (7 U.S.C. 86) is amended—

(a) by changing the title to read "REFUSAL OF INSPECTION AND WEIGHING SERVICES AND CIVIL PENALTIES";

(b) by amending subsection (a) to read as follows:

"(a) The Secretary may (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) refuse to provide official inspection or the services related to weighing otherwise available under this Act with respect to any grain offered for such services, or owned, wholly or in part, by any person if he determines (1) that the individual (or in case such person is a partnership, any general partner; or in case such

person is a corporation, any officer, director, or holder or owner of more than 10 per centum of the voting stock; or in case such person is an unincorporated association or other business entity, any officer or director thereof; or in case of any such business entity, any individual who is otherwise responsibly connected with the business) has knowingly committed any violation of section 13 of this Act or has been convicted of any violation of other Federal law with respect to the handling, weighing, or official inspection of grain, or that official inspection or the services related to weighing has been refused for any of the above-specified causes (for a period which has not expired) to such person, or any other person conducting a business with which the former was, at the time such cause existed, or is responsibly connected; and (2) that providing such service with respect to such grain would be inimical to the integrity of the service.

(c) by amending subsection (c) and adding new subsections (d) and (e) to read as follows:

"(c) In addition to, or in lieu of, penalties provided under section 14 of this Act, or in addition to, or in lieu of refusal of official inspection or services related to weighing in accordance with this section, the Secretary may assess, against any person who has knowingly committed any violation of section 13 of this Act or has been convicted of any violation of other Federal law with respect to the handling, weighing, or official inspection of grain a civil penalty not to exceed $50,000 for each such violation as the Secretary determines is appropriate to effectuate the objectives stated in section 2 of this Act.

"(d) Before official inspection or services related to weighing is refused to any person or a civil penalty is assessed against any person under this section, such person shall be afforded opportunity for a hearing in accordance with sections 554, 556, and 557 of title 5 United States Code.

"(e) Moneys received in payment of such civil penalties shall be deposited in the general fund of the United States Treasury. Upon any failure to pay the penalties assessed under this section, the Secretary may request the Attorney General to institute a civil action to collect the penalties in the appropriate court identified in subsection (h) of section 17 of this Act for the jurisdiction in which the respondent is found or resides or transacts business, and such court shall have jurisdiction to hear and decide any such action.".

SEC. 9. Section 11 of said Act (7 U.S.C. 87) is amended by designating the provisions thereof as subsection (a) and adding new subsections (b) and (c) to read as follows:

"(b)(1) No official inspection agency or a State agency delegated authority under section 7(e), or any member, director, officer, or employee thereof, and no business or governmental entity related to any such agency, shall be employed in or otherwise engaged in, or directly or indirectly have any stock or other financial interest in, any business involving the commercial transportation, storage, merchandising, or other commercial handling of grain, or the use of official inspection service (except that in the case of a producer such use shall not be prohibited for grain in which he does not have an interest); and no business or governmental entity conducting any such business, or any member, director, officer, or employee thereof, and no other business or governmental entity related to any such entity, shall operate or be employed by or directly or indirectly have any stock or other financial interest in, any official inspection agency or a State agency delegated inspection authority. Further, no substantial stockholder in any incorporated official inspection agency shall be employed in or otherwise engaged in, or be a substantial stockholder in any corporation conducting any such business, or directly or indirectly have any other kind of financial interest in any such business; and no substantial stockholder in any corporation conducting such a business shall operate or be employed by or be a substantial stockholder in, or directly or indirectly have any other kind of financial interest in, any official inspection agency.

"(2) A substantial stockholder of a corporation shall be any person holding 2 per centum or more, or one hundred shares or more, of the voting stock of the corporation, whichever is the lesser interest. Any entity shall be considered to be related to another entity if it owns or controls, or is owned or controlled by, such other entity, or both entities are owned or controlled by another entity.

"(3) Each State agency delegated supervision of weiging authority under section 7A and each State or local agency or other person designated by the Secretary under such section to perform services related to weighing shall be subject to the provisions of subsection (b) of this section. The term 'official inspection agency' as used in such subsection shall be deemed to refer to a State or local agency or other person performing such services under a delegation or designation from the Secretary, and the term 'use of official inspection service' shall be deemed to refer to the use of the services provided under such a delegation or designation.

"(4) If a State or local governmental agency is delegated authority to perform official inspection or supervision of weighing, or a State or local governmental agency is designated as an official inspection agency or is designated to perform weighing functions, the Secretary shall specify the officials and other personnel thereof to which the conflict of interest provisions of this subsection (b) apply.

"(5) Notwithstanding the foregoing provisions of this subsection, the Secretary may delegate authority to a State agency or designate a governmental agency, a board of trade, chamber of commerce, or grain exchange to perform official inspection or to perform services related to weighing, except that for purposes of services related to weighing only, he may also designate any other person, if he determines that any conflict of interest which may exist between the agency or person or any member, officer, employee, or stockholder thereof and any business involving the transportation, storage, merchandising, or other handling of grain or use of official inspection or weighing service is not such as to jeopardize the integrity or the effective or objective operation of the functions performed by such agency.

"(c) The provisions of this section shall not prevent an official inspection agency from engaging in the business of weighing grain.".

SEC. 10. (a) Section 12 of said Act (7 U.S.C. 87a) is amended by inserting after the term "official inspection agency" each time it appears in subsections (b) and (c), the term "and every person licensed to perform any official inspection function under this Act".

(b) Section 12 of said Act is further amended by adding the following new subsection (d), at the end thereof:

"(d) Every person who, at any time, has obtained or obtains official inspection shall, within the five-year period thereafter, maintain complete and accurate records of purchases, sales, transportation, storage, treating, cleaning, drying, blending, and other processing, and official inspections of grain, and permit any authorized representative of the Secretary, at all reasonable times, to have access to, and to copy, such records and to have access to any grain elevator, warehouse, or other storage or handling facility used by such person for handling of grain.".

SEC. 11. Section 13 of said Act is amended:

(a) By inserting in subsection (a)(11) "7(f)(2), 7A," after "section 5, 6,";

(b) By striking the word "or" at the end of subsection (a)(10), striking the period at the end of subsection (a) and inserting a semicolon in lieu thereof and adding new subsections (a)(12) and (a)(13) as follows:

"(12) knowingly engage in falsely stating or falsifying the weight of any grain shipped in interstate or foreign commerce, or

"(13) knowingly prevent or impede any buyer or seller of grain or other person having a financial interest in the grain, or the authorized agent of any such person, from observing the loading of grain inspected under this Act and the weighing, sampling and inspection of such grain under conditions prescribed by the Secretary."; and

(c) By inserting in subsection (b)(2) the words "or weighing" after the word "inspection".

SEC. 12. Section 1114 of title 18 of the United States Code, as amended, is hereby amended by (1) striking the phrase "any employee of the Bureau of Animal Industry of the Department of Agriculture," and (2) inserting immediately after the phrase "or of the Department of Labor" the words "or of the Department of Agriculture".

SEC. 13. Section 14 of the United States Grain Standards Act (7 U.S.C. 87c) is amended to read as follows:

"CRIMINAL PENALTIES

"SEC. 14. (a) Any person who commits an offense prohibited by section 13 (except an offense prohibited by paragraphs (a)(7), (a)(8), and (b)(4) in which case he shall be subject to the general penal statutes in title 18 of the United States Code relating to crimes and offenses against the United States) shall be guilty of a misdemeanor and shall, on conviction thereof, be subject to imprisonment for not more than twelve months, or a fine of not more than $10,000, or both such imprisonment and fine; but, for each subsequent offense subject to this subsection, such person shall be subject to imprisonment for not more than five years, or a fine of not more than $20,000, or both such imprisonment and fine.

"(b) Nothing in this Act shall be construed as requiring the Secretary to report minor violations of this Act for criminal prosecution when he believes that the public interest will be adequately served by a suitable written notice of warning, or to report any violation of this Act for prosecution when he believes that institution of a proceeding under section 10 of this Act will obtain compliance with this Act and he institutes such a proceeding.

"(c) Any officer or employee of the Department of Agriculture assigned to perform weighing functions under this Act shall be considered as an employee of the Department of Agriculture assigned to perform inspection functions for the purposes of sections 1114 and 111 of title 18."

SEC. 14. Section 16 of said Act (7 U.S.C. 87e) is amended to read as follows:

The Secretary is authorized to conduct such investigations; hold such hearings; require such reports from any official inspection agency, any State agency delegated authority under section 7(e), licensee, or other person; require by regulation as a condition for official inspection, among other things (a) that there be installed specified sampling and monitoring equipment in grain elevators, (b) that approval of the Secretary be obtained as to the condition of carriers and containers for transporting or storing of grain, and (c) that persons having a financial interest in the grain which is be inspected (or their agents) shall be afforded an opportunity to observe the weighing, loading, and official inspection thereof, under conditions prescribed by the Secretary. The Secretary is further authorized to prescribed such other

rules, regulations, and instructions as he deems necessary to effectuate the purposes or provisions of this Act. Whether any certificate, other form, representation, designation, or other description is false, incorrect, or misleading within the meaning of this Act shall be determined by tests made in accordance with such procedures as the Secretary may adopt to effectuate the objectives of this Act, if the relevant facts are determinable by such tests. Proceedings under section 9 of this Act for refusal to renew, or for suspension or revocation of, a license, shall not, unless requested by the respondent, be subject to the administrative procedure provisions in sections 554, 556, and 557 of title 5, United States Code.".

SEC. 15. Section 17 of said Act (7 U.S.C. 87f) is amended by deleting from subsection (e) the term "section 14" and substituting in lieu thereof the term "subsection (a) of section 14"; and by changing subsection (g) to read as follows:

"(g) Any present or former officer or employee of the Department of Agriculture or of any State agency delegated authority under this Act or any official inspection agency, or any agency or person designated to perform services related to weighing under section 7A, or any present or former licensee, who shall make public any information obtained under this Act except pursuant to authority from the Secretary or a court order or otherwise in connection with law enforcement proceedings by the Federal Government, or pursuant to a request from a committee of the Congress, shall be guilty of a misdemeanor, and upon conviction thereof be subject to the penalties set forth in subsection (a) of section 14 of this Act. Nothing contained herein shall be construed as prohibiting such person from divulging information which he reasonably believes involves conduct prohibited under this Act or under title 18 of the United States Code.".

SEC. 16. Section 19 of said Act (7 U.S.C. 87h) is amended to read as follows:

"APPROPRIATIONS

"SEC. 19. There are hereby authorized to be appropriated such sums as are necessary for monitoring in foreign ports grain officially inspected under this Act; improvement of official standards for grain, improvement of inspection procedures and equipment, and other activities authorized by section 4 of this Act; development and issuance of rules, regulations, and instructions; and other Federal costs incurred under this Act.".

STUDY OF GRAIN STANDARDS AMENDMENT

SEC. 17. In order to assure that producers, handlers, and transporters of grain are encouraged and rewarded for the production, maintenance, and delivery of the quality of grain needed to meet the end-use requirements of domestic and foreign buyers, the Secretary is hereby authorized and directed to conduct an investigation and make a study regarding the adequacy of the current grain standards established under the United States Grain Standards Act. To determine the items of concern to buyers, both foreign and domestic, and how sellers in the United States might best satisfy those needs, the Secretary may seek the advice of and may employ the services of representatives of the grain industry, land-grant colleges, and other members of the public (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service). On the basis of the results of such study, the Secretary, in accordance with section 4 of the United States Grain Standards Act, shall make such changes in the grain standards as he determines necessary and appropriate, and, not later than one year after the enactment of this Act, submit a report to the Congress setting forth the findings of such study and action taken by him as a result of the study.

REPORTS OF COMPLAINTS

SEC. 18. The United States Grain Standards Act is amended by inserting after section 19 the following new section:

"REPORTING REQUIREMENTS

"SEC. 20. On February 1 of each year, the Secretary shall submit to the House Committee on Agriculture and the Senate Committee on Agriculture and Forestry a summary of all complaints received by the Department of Agriculture from foreign purchasers and prospective purchasers of grain and other foreign purchasers interested in the trade of grain: *Provided*, That the summary shall not include a complaint unless reasonable cause exists to believe that the complaint is valid, as determined by the Secretary.".

SEC. 19. The Secretary shall submit a report to the House Committee on Agriculture and the Senate Committee on Agriculture and Forestry one year after the effective date of this Act setting forth the actions taken by him in implementing the provisions of this Act.

EFFECTIVE DATE

SEC. 20. This Act shall become effective on the thirtieth day after enactment hereof; and thereafter no State agency shall provide official inspection at an export port location or supervision of weighing at an export port elevator at an export port location without a delegation of authority and no agency or person shall provide official inspection service in any other area without a designation under the United States Grain Standards Act, as amended hereby, except that any agency or person then providing such service in any area, who pays fees when due, in the same manner as prescribed in section 7 or 7A of the United States Grain Standards Act, as amended hereby, may continue to operate in that area without a delegation or a designation but shall be subject to all provisions of the United States Grain Standards Act and regulations thereunder in effect immediately prior to the effective date hereof, until whichever of the following events occurs first:

(1) a delegation or designation of such agency or person to perform such services is granted or denied by the Secretary pursuant to said Act, as amended hereby; or

(2) such agency, or two or more members or employees thereof, have been or are convicted of a violation of any provision of the United States Grain Standards Act in effect immediately prior to the effective date hereof; or convicted of any offense proscribed by any other Federal law involving the handling or official inspection of grain; or

(3) the expiration of a period as determined by the Secretary of not more than two years following the effective date hereof.

Mr. FOLEY (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 1, line 5, strike the word "said" and insert in lieu thereof the phrase "the United States Grain Standards".

Page 2, line 5, after the word "and" insert "by striking the period at the end of subsection (u) and inserting a semicolon in lieu thereof and".

Page 2, lines 18 and 23, page 3, lines 3, 7, and 12, strike the period at the end of each such line and insert in lieu thereof a semicolon.

Page 7, line 9, strike the words "in the fund" and insert in lieu thereof the word "as".

Page 9, line 24, strike the phrase "(4) of this subsection" and insert in lieu thereof "(3) of subsection (g)".

Page 16, line 19, strike the word "of" and insert in lieu thereof the word "or".

Page 18, line 4, strike the phrase "sections (e) and (f)" and insert in lieu thereof "section (e)".

Page 25, line 21, add after "inserting" the words "in subsections (a)(7) and (a)(8) the words 'or personnel of agencies delegated authority or of agencies or other persons designated under this Act' after 'personnel' and".

Page 28, line 1, after the colon insert "SEC. 16.".

Mr. FOLEY (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendments be considered as read and printed in the RECORD, and that they be considered en bloc.

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

There was no objection.

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

AMENDMENTS OFFERED BY MR. BERGLAND

Mr. BERGLAND. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. BERGLAND: Page 4, line 4, strike lines 4 through the word "hearing." on line 15.

Page 9, lines 14 through 16 strike "and each State agency to which authority has been delegated under subsection (e)".

Page 18, lines 6 through 7 strike "persons employed by a State agency under a delegation of authority pursuant to section 7(e),".

Page 22, lines 9 and 10 strike "or a State agency delegated authority under section 7(e),".

Page 24, line 5 strike "to perform official inspection or".

Page 28, lines 4 and 5 strike "any State agency delegated authority under section 7(e),".

Page 32, lines 7 and 8 strike "official inspection at an export port location or".

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

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

There was no objection.

Mr. BERGLAND. Mr. Chairman, I ask unanimous consent that these seven amendments be considered en bloc.

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

There was no objection.

Mr. BERGLAND. Mr. Chairman, I want to join with my colleagues in paying proper recognition and respect to the distinguished chairman of the committee, the gentleman from Washington (Mr. FOLEY), and the distinguished ranking minority member, the gentleman from Virginia (Mr. WAMPLER). These gentleman have shown the patience of Job, and have allowed every dissenting point of view to be heard fully and com-

pletely, and yet have had the skill with which to make the decisionmaking process work. From this leadership, we have produced what I consider to be a good piece of legislation, weak in only one regard, and I propose, Mr. Chairman, to repair that defect.

Mr. Chairman, the committee bill preempts the 21 active ports that are engaged in the exporting of grain in which the inspection of that grain has been performed by private agencies. The bill does, however, allow the Secretary to license State agencies, admittedly under very strict control and very precise circumstances, these State agencies to provide the services of inspecting grain that moves from about 17 ports in 10 States.

My amendment, Mr. Chairman, would preempt the State agencies. It would disallow the right of the Secretary to license the States in the inspection of grain. Mr. Chairman, I think it is important that we preempt the State agencies, as we have already preempted the private agencies, in order to establish uniformity.

Whether the grains move from the Port of Duluth, Minn., the Port of Seattle, Wash., the Port of Houston, Tex., or the Port of New Orleans, La., if grains move out under a Federal standard, that standard should be the same. There should be no variation between ports just because there happens to be a variation in the circumstances used to grade that grain.

In addition, Mr. Chairman, by preempting the States in this regard it would authorize and allow a time-honored and very practical practice often employed by regulatory agencies, that of rotating personnel. In the course of hearings, we found that many of the indictments which have been handed down and many of the convictions in the courts were in large part due to the cozy private arrangements developed between the inspector and those whose products he inspected. They obviously, over a period of time, developed personal relationships and friendships that tended to prejudice professional judgments of the inspectors.

I think therefore, Mr. Chairman, that it is important to the country that these persons be rotated so that no inspector could possibly develop the personal relationship with those with whom he is doing business to such an extent that his professional judgment could in any way be compromised.

And so, Mr. Chairman, I urge the support of this amendment. It would certainly not cost the taxpayers any more money. I think, Mr. Chairman, indeed it could result in a savings in cost, because if we had Federal supervision of State agencies, as provided for in the committee bill, we will need Federal inspectors at those ports inspecting what the State inspectors do. If we preempt them, the Federal inspectors can render the service, provide the original inspection, and do the kinds of things that would be done by State inspectors under Federal supervision. I think my amendment could result in less cost to the taxpayers and certainly could provide the kind of uniformity that is so essential if the grain export of this country is to continue to grow, which is in the best interests of all concerned.

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

Mr. BERGLAND. I yield to the gentleman from Minnesota ((Mr. OBERSTAR).

Mr. OBERSTAR. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is making a very valuable contribution to this legislation and our grain export program with his amendment.

I do have a concern which I would like to be enlightened on.

Mr. Chairman, our Port of Duluth operates under a private inspection system. About 90 or 95 percent of the total export from the Port of Duluth for international trade is grain.

Last year, it was 4.2 million tons of grain. A couple of years ago, in 1973, to be exact, it was 8 million tons of grain, much of it shipped to Russia.

The inspection by the U.S. Department of Agriculture grain inspection service in Duluth just this year resulted in a report saying that if all ports had as good an inspection service as Duluth, there would not be any problem anywhere in the country.

Mr. Chairman, what will happen, I ask the gentleman, to those private inspectors in Duluth under the gentleman's amendment?

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. BERGLAND) has expired.

(On request of Mr. OBERSTAR, and by unanimous consent, Mr. BERGLAND was allowed to proceed for 2 additional minutes.)

Mr. BERGLAND. Mr. Chairman, if my amendment were adopted, the State agency providing service in Duluth would be preempted. There is a provision in this bill which sets aside certain of the civil service requirements, so the employees could be transferred from the State payroll to the Federal payroll without having to go through the rather cumbersome civil service testing agency.

Mr. OBERSTAR. If the gentleman will yield further, these are private inspectors in Duluth.

In Superior, the port operates under a State agency. In Duluth, on the other side of the same harbor, they are private inspectors.

Would the private inspectors have the same opportunity for Federal employment as State inspectors?

Mr. BERGLAND. The same would apply in both instances. However, in Duluth, with private systems, they are already preempted and would become eligible for Federal employment. However, this amendment would only directly apply to those ports where there is a State agency, such as in Superior, Wis.

Mr. OBERSTAR. If the gentleman will yield further, would those private inspectors at Duluth have a preference for consideration for Federal employment, or would they be just thrown in a bag with all other applicants?

Mr. BERGLAND. The bill is silent in that regard. If the Secretary of Agriculture would take over inspection of grain moving through the Duluth port, which would be the case if this bill passes, with or without my amendment, the Secretary would obviously give preference and priority to those employees who are currently doing good work at Duluth.

I think if there were some way to do it legislatively, I would like to blanket them in. We cannot, unfortunately, do this. However, it would certainly be this Member's hope that the Department of Agriculture would give priority to and hire those employees who have done a good job and who want to continue to work in the grain inspection area.

Mr. OBERSTAR. I thank the gentleman.

Mr. Chairman, notwithstanding the outstanding record of the private inspection service at Duluth, and considering the importance of this trade in our national export picture, I will support the gentleman's amendment, in the interest of national uniformity and in the interest of eliminating these problems elsewhere in the country.

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

Mr. Chairman, I wish to associate myself with the remarks of the gentleman from Minnesota (Mr. BERGLAND) and commend him for the leadership he has taken in offering this amendment. It is a constructive approach, and I believe it adds balance to the bill.

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

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

Mr. Chairman, the Committee on Agriculture has many able, dedicated, and committed members; and none is more so than the gentleman from Minnesota (Mr. BERGLAND). It is not on many occasions that we find ourselves in disagreement. This, however, is one such occasion.

The committee bill provides that the Secretary of Agriculture shall be responsible for conducting inspections at export ports. It further provides that he can accomplish that by using either one of two classes of employees. He can require that inspections be performed by employees of the U.S. Department of Agriculture at exact ports; or, at certain export locations, he may choose to use qualified State agencies. Although he is in no way required to do so, he may use qualified State agencies to conduct that inspection. I should like to emphasize that there is no obligation on the part of the Secretary to delegate such authority to State agencies. Instead, may use USDA personnel exclusively. It seems to me and to a majority of the committee that it is only wise to allow that flexibility.

We have some State systems that have functioned both very effectively and very efficiently for many, many years. One such State agency has been providing services for 80 years and has never been touched by scandal or by other problems in its operations.

To prevent these particular agencies from receiving delegated authority from the Secretary, in my opinion, does not permit the Secretary's authority to carry far enough. He ought to have the flexibility afforded by this opportunity. The Secretary would retain in central control and assume full responsibility for the system in either case. Moreover, he

would have authority, under the committee bill, to withdraw this delegated authority from any State agency without a hearing. He may simply take away the authority of the State agency.

Thus, the system is fully protected if the Secretary decides to revoke that delegation.

Mr. Chairman, this is probably the most controversial single issue that came before the Committee on Agriculture. I will advise the Members of the Committee that the final vote on this question was 22 to 19, and there were members from both parties on both sides of the issue. It does appear to me to be only wise to continue the flexibility that the committee bill provides rather than to require that the Secretary use only USDA personnel.

There is one other problem. This bill allows for a 2-year transition period before its provisions go into full effect. That gives the Secretary needed time, since the complications arising from this transition will no doubt be very great. The flexibility which the Secretary would have under the committee bill to use qualified State employees in export inspections will go a long way toward making this transition smooth, equitable, and efficient. We do not want either our producers or our foreign purchasers saddled with disruptions or unnecessary difficulty as we change from the present system to that proposed under this bill.

Mr. Chairman, I respectfully hope that the Committee will reject the gentleman's amendment and stay with the committee bill.

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

Mr. FOLEY. I yield to the gentleman from Virginia.

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

I wish to associate myself with the remarks of the gentleman from Washington and I rise in opposition to the amendment.

Mr. HARKIN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendments.

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

As the distinguished chairman of the committee just pointed out, this matter was very hotly debated in the committee. As I remember, there were three votes taken upon this issue. The first time it was in terms of Federal inspectors at the export facilities, and the first time it narrowly lost. A few days later another vote was taken on the very same issue, and it won overwhelmingly. I do not remember the vote, but it won overwhelmingly.

Then about 2 weeks went by, during which the thing just laid on the table. After that time another debate ensued on this one point, and as the committee chairman pointed out, it passed by a very narrow margin, the vote being 21 to 19.

Lest members here feel that it is because some of us are accused of wanting to increase the Federal bureaucracy, and that we are the only ones supporting this, I would like to draw the Members' attention to an editorial that appeared in the Washington Post on March 6, a guest editorial, by Walter C. Klein. Walter Klein is the president of the Bunge Corp. I am certain he is not the kind of person who favors increasing bureaucracy or anything like that.

Let me read for the Members some of the things that he said. He said:

I doubt that a self-policing system, even coupled with closer supervision by private and state inspection agencies, can of itself restore public confidence.

Finally, with respect to port elevators, the present system has inherent defects that can best be cured by the institution of federal controls.

Mr. Chairman, this is the president of one of the major grain exporting firms in this country.

He went on to say how his company had suffered by being brought into court where they had to plead nolo contendere to the charges.

Then he went on to say this:

There can be no better control than a complete, thorough, accurate check by federal inspectors at the loading port.

Mr. Chairman, the full editorial follows:

HEAD OF BIG GRAIN FIRM FAVORS FEDERAL INSPECTION

(By Walter C. Klein)

Controversy over federal grain export policies and the "grain scandals" at Gulf ports have brought unusual attention to the grain trade and, in particular, proposals in Congress for a federal grain inspection system.

For three basic reasons I favor having the U.S. Department of Agriculture take over the functions at port elevators that are presently handled by private and state inspection agencies.

First, closer federal control probably would have spared the corporation of which I am president the ignominy of pleading nolo contendere last fall to charges against it and certain of its employes relating to improper weighing practices at our grain elevators. Although the improper practices were in no way authorized or condoned, the corporation was included in the action under the established legal theory that an employer may be found responsible for the actions of its supervisory employes.

Second, although our company has instituted tough internal controls over weighing and grading, and undoubtedly other grain companies have done likewise, I doubt that a self-policing system, even coupled with closer supervision by private and state inspection agencies, can of itself restore public confidence.

Finally, with respect to port elevators, the present system has inherent defects that can best be cured by the institution of federal controls."

SELF-POLICING

To understand the major area of potential abuse and why I am restricting my proposals to the port elevators, one must first review the present procedures for the weighing and grading of grain.

Weighing and grading agencies—either the states or government-licensed boards of trade, chambers of commerce, or grain exchanges—perform two functions.

First, they supervise the weighing of grain. The degree of supervision is largely up to the parties buying and selling the grain.

Second, the private and state inspection agencies handle the sampling and grading of grain under the U.S. Grain Standards Act. The U.S. Department of Agriculture generally supervises the grading activities of the inspection agency.

LONG DELAYS

When grain is sold in the United States, the buyer and the seller agree upon whether the weights and/or grades at the point of shipment or at the point of delivery will be used in determining the amount to be paid for the grain. The two parties are able to monitor closely the weights and grades at the "other end" of the distribution system because the grain will be weighed and graded (or weights and grades will be closely estimated) at both points.

However, this type of policing breaks down where foreign shipments are involved as (1) shipments are made in very large units, (2) extensive breakage of the grain occurs in both loading and unloading, (3) in some overseas ports, facilities for accurate weighing of grain do not exist, (4) it is a relatively long time between loading and unloading of ocean vessels, and quality deterioration can occur, and (5) with ocean vessels often being discharged into many individual barges or other containers for further distribution, the chance of spillage and other errors greatly increase.

For these reasons, the monitoring of the grain at the point of discharge would have little value. If there are problems, they need to be detected and corrected at the loading point in the United States. There can be no better control than a complete, thorough, accurate check by federal inspectors at the loading port.

To correct the potential for abuse I propose changes in the weighing and grading procedures at the port elevators as follows:

All export grain at port elevators should be sampled and graded by USDA personnel. At present, such federal inspection of grain is neither required nor available. Federal inspection takes place only when one of the parties has appealed an initial grade issued by a private or state inspection agency.

A separate department within the USDA should be established to handle appeals of grades determined by primary federal inspection. This department would assure uniform standards for all grading of grain.

Full-time supervision of weighing procedures should be required at all port facilities.

All federal inspectors should be rotated among locations on a regular and frequent schedule.

USDA personnel, rather than personnel of private or state inspection agencies, should certify whether ocean-going vessels are ready for loading. In times of high freight rates, this has been an area especially subject to abuse.

These reforms would be a major step in maintaining confidence in the weighing and grading of shipments of U.S. grain abroad.

Mr. Chairman, I just sent out a questionnaire to all of the farmers in my district. The first question I asked in that questionnaire was:

Are you in favor of Federal inspectors of grain at all of the export facilities?

Mr. Chairman, 70 percent of those responding said yes. Again, I can assure the Members that the farmers in my congressional district are not in favor of any big Federal bureaucracy, but they realize the inherent conflicts of interest that are now present in the grain inspection system at our export facilities.

Mr. Chairman, they want to market their goods abroad. We need it not only for the farmers, but for the balance-of-payments problem that this country faces.

As Mr. Klein has stated, if we are going to restore confidence in our grain exports and in our inspection facilities, then the only way we can do it is by having Federal inspectors at the export facilities.

Mr. Chairman, I urge a favorable vote on the Bergland amendment.

Mr. RICHMOND. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Bergland amendments.

Mr. Chairman, I sat through the lengthy deliberation mentioned by our distinguished chairman. The markup took many weeks, during which we gradually developed the bill. The overriding fact seemed to be the General Accounting Office evaluation, which concludes that the fundamental problems are so serious that a phased-in federalization of the inspection and weighing systems at export terminals is absolutely necessary.

The Senate and the House, as we know, ordered the GAO study on this subject. GAO did a thorough investigation of the grain standard inspection problem of the United States and came up with an absolute mandate that we should federalize inspection.

Mr. Chairman, I do not want to waste money. I do not want to unnecessarily increase the employees of the U.S. Government. We certainly have enough Federal employees now, but our present grain inspection system seriously damages the reputation and credit of the United States. Just think, at present, the average foreign buyer prefers to buy Brazilian soybeans or Canadian wheat over American products. That is where we consumers must express outrage. We Americans must know that our American products are just as good and just as acceptable, if not more so, than any other products in the world. As the gentleman from Oregon (Mr. WEAVER) said, we Americans sell 50 percent of all of the food shipped in the world. Just the thought that American products are considered less desirable than those from other countries is a trend that none of us wants to support.

Mr. Chairman, a Federal inspection system would help to regain credibility with foreign buyers. There are 30 active ports in the United States handling exports. These ports should gradually be federalized over 2 years. There is no reason why capable inspectors now working under State supervision could not be hired under the Federal program.

This is a program that the Senate Committee on Agriculture approved. The GAO mandated that we have it This great body, representing every American, can ill afford to do anything which might reduce our exports of food which are responsible for $22 billion of much needed foreign exchange.

Mr. MOORE. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendments offered by the gentleman from Minnesota (Mr. BERGLAND).

Mr. Chairman, a moment ago during the general debate, I stated that the only shortcoming in this bill, and I repeat, the only shortcoming in the bill, is that the bill went too far in eliminating agencies that are now doing the inspections, such as grain exchanges, chambers of commerce and local government agencies. Therefore, it is consistent with those remarks that the Bergland amendment does a greater wrong to the bill than already exists by removing the State agencies which the bill does allow to inspect but only after they have been delegated that authority by the Secretary of Agriculture.

Those remarks I made previously are even more pertinent to this amendment than to the bill and I would urge that the amendment be rejected.

There is no evidence of the necessity for this amendment or indeed any evidence that it will solve the problem—the problem of poor administration and dishonesty.

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

Mr. MOORE. I yield to the gentleman from Virginia.

Mr. WAMPLER. I thank the gentleman for yielding.

Mr. Chairman, during the January recess of the Congress, five members of our committee—and I was privileged to be one of those five—visited the New Orleans area in an effort to better acquaint ourselves with the alleged irregularities in the inspection of grain at export terminals. During our visit there we were privileged to meet with a group from the New Orleans Board of Trade which has for a number of years performed the services of inspecting grain in the Port of New Orleans.

As I understand it, the New Orleans Board of Trade has been long established and is a well respected organization and one that provides many trade functions.

During our discussion with these representatives, it was related that the New Orleans Board of Trade operates this grain inspection service at a loss of some $65,000 a year. They perform the grain inspection service as a quasi public service function, along with a number of other activities, in the interest of the promotion of export trade through the Port of New Orleans. There has been a great deal of publicity surrounding the grain scandals in the New Orleans area, which has been generally attributed to elevators in New Orleans when in fact they involved terminals outside of the Port of New Orleans.

I would say to the gentleman from Louisiana that I think that many private grain inspection agencies have performed good service. I think it is unfortunate that we have been unable to adopt a legislative technique with which to preserve this type of private inspection service and eliminate the inherent conflict of interest that exists in this type of relationship.

I repeat to the gentleman from Louisiana that there have been many private grain inspection agencies that have done a good job and whose employees have been honest. I think it is unfortunate that there has been this blanket indictment of this type of inspection service.

Mr. MOORE. Mr. Chairman, I thank the gentleman from Virginia for his remarks, and I would also point out that in every single instance of wrongdoing that has been brought to our attention, it has occurred under the direct supervision of the Federal grain inspectors. I would further state that the Federal grain inspectors are on the job 7 days a week, 24 hours a day, and any wrongdoing that has been done was done under their supervision. So I certainly cannot support the idea that all Federal grain inspectors will be more honest than the people who have been working for the private agencies.

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

Mr. MOORE. I am delighted to yield to the gentlewoman from Louisiana (Mrs. BOGGS).

Mrs. BOGGS. Mr. Chairman, I thank my distinguished colleague, the distinguished minority whip for the comments he has made about the Port of New Orleans and concerning the New Orleans Board of Trade. I would like to point out further that considered within this bill, and considered within the inspection requirements, that there are some 175 miles of ports in the so-called Port of New Orleans but that there are only two grain elevator inspection services which exist within the Port of New Orleans proper, and those are under the jurisdiction of the New Orleans Board of Trade.

As the distinguished minority member on the committee pointed out, this is a nonprofit group of distinguished citizens who since 1916 have been promoting the good will of the United States for the Port of New Orleans and who certainly since they took over the grain inspection responsibilities have conducted themselves with honesty, integrity and with the efficiency for which they are so well known. As a matter of fact, when one of the elevators did get into difficulty down the river from us, but yet considered in this bill as the port of New Orleans, the USDA asked the Board of Trade of New Orleans to take over this operation because they had maintained a conscientious staff of honest inspection and weighing personnel who were willing to devote the extra effort and the extra hours to keep a facility necessary to the grain industry and to the favorable balance of trade.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NOLAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendments.

Mr. Chairman, the gentleman from Louisiana pointed out that there is Federal supervision. I would only remind the gentleman and the Members of the House that the GAO study concluded, among other things, that the supervision applicable or available under existing law was wholly and totally inadequate.

But what I would also like to mention is something I do not believe has been brought out to this point. That is the fact that under the current system of inspection, the GAO found in their study, which included interviews of some 60 foreign buyers, that foreign buyers were resolving the matter themselves by simply terminating purchases from the United States and going to other countries such as Brazil for their soybeans and other products. In fact, the study found that 6 foreign buyers had quit purchasing products from the United States entirely, and another 20 foreign buyers had reduced their purchases from the United States and were looking to other countries for their products simply because they were tired of getting short-weighed and adulterated materials.

I would also remind the Members of

the House that the GAO concluded the best way to remedy this situation was through the establishment of a strong Federal grain inspection system similar to that recommended in the Bergland amendment. So I strongly urge the Members of the House to recognize the importance of the Bergland amendment.

If we are going to stop losing foreign markets, if we are going to restore America's image and the respect with which our products are viewed by other countries, and if we are going to restore a balance to our trade deficits and help improve domestic markets for our own producers, we must establish Federal grain inspection at our export facilities.

Mr. Chairman, I strongly urge adoption of the Bergland amendment.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. Chairman, I had a question which I wanted to ask of the chairman of the committee and of the gentleman from Minnesota (Mr. BERGLAND) if I might. First of all, I want to commend the gentleman and the committee on putting together what I call a very balanced piece of legislation.

I do remain a bit puzzled about the Bergland amendment. The argument has been made to me that one of the problems with the Bergland amendment is that it affects all of the export ports around the country, whereas the problem really rests in two or three of those. I would like to have the chairman's reaction to that point that was made. The bottom line of the statement says that we should not have to federalize the whole service. If the problem exists only in a few places, let us focus on the few places where it does exist.

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

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

Mr. FOLEY. I thank the gentleman for yielding.

I want to say that his statement reflects my own viewpoint. There have been serious scandals, most of them associated with private inspection operations, and most of them in the area of the gulf ports.

We have on the west coast, for example, the states of California, Oregon, and Washington providing inspection at export ports. Elsewhere, we have Minnesota, Virginia, South Carolina, Alabama, and Mississippi operating inspection at export ports. All of these would be prevented from performing any further export inspections if the Bergland amendment is adopted. To my knowledge, there has been no serious question raised about the operation of any of these State systems, and the Secretary ought to have the flexibility to utilize them if, in his judgment, they enhance the effectiveness of this system.

Mr. WIRTH. So that the point that the chairman is making is that a number of the State inspection systems at ports have worked very well.

Mr. FOLEY. Yes.

Mr. WIRTH. And consequently there is no need to federalize them.

Mr. FOLEY. No, there is no reason to totally preempt them, as the Bergland amendment would do.

Mr. WIRTH. I thank the gentleman.

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

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

Mr. BERGLAND. I thank the gentleman for yielding.

The gentleman's observation, of course, is correct. The problem has been confined to a few ports around the borders of the United States. My amendment, however, is not designed to strike at a State or a port necessarily, but rather to remedy what I regard to be an inherent defect in a system which would provide Federal supervisors watching over the shoulders of some other agencies and employees.

In order to standardize a program, we ought to have the Federal people do the job, whether that port be in the South, the gulf coast region, or the Far West.

Standardization is important, and by having these agencies preempted, a certain amount of rotation can be established. If a State agency is going to do the work, we cannot rotate inspectors who will work for a State agency and exchange them for other employees in another State halfway across the United States. It is not designed to strike a State necessarily.

Mr. WIRTH. I might also ask, the point has been made that were the Bergland amendment passed there would be a Federal backup effect from the ports throughout the interior of the country.

Mr. BERGLAND. I am not quite sure I understand the gentleman's question. The bill provides for Federal supervision of grain inspection at all locations but it is merely supervision and licensing all the interior points.

Mr. WIRTH. But if there were more careful supervision at all of the export ports, the effect of that internally in the country would also be felt. In other words this would have an impact on cleaning up what has been in some places a questionable system throughout the country.

Mr. BERGLAND. That is precisely the point. We have lost business, as testified to by my colleague, the gentleman from Minnesota (Mr. NOLAN). The whole industry has come under this suspicion because of the unscrupulous practices of a few. I might say that the majority in the business have been honest, hard-working people, but the few have brought about difficulties for the many. That is not a unique situation.

But, yes, if we can straighten this mess out and regain confidence of the foreign buyers in the American products it will result in good for the producers, those engaged in the export trade, and be of general benefit to all people of the United States.

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

Mr. Chairman, I think that this amendment brings to the forefront the whole crux of my opposition to this bill. This amendment is based upon the assumption that the Federal Government can do things better than anybody else in this country. I do not believe that putting a Federal badge on somebody will make him any better than he was before we put the badge on him. I like to wear the U.S. flag and all that but I do not believe the Federal official is any better than a State official or a county official or the operator of a private elevator at the end of the railroad line.

The reason there is no complaint about grading of the private elevators at the end of the railroad line is that they are doing the inspecting of the grain they are buying. They are buying the grain and they are doing the inspecting of it and of course there is no complaint.

Obviously they look after their interest and they see that they get what they pay for. We are not hearing any complaints off out there at the production end of the line.

Why should we hear complaints at the other end of the line? The reason we hear complaints at the other end of the line is simply because too often the buyers at the other end of the line are not inspecting the grain they are buying. Sometimes they are not looking at it. If they were there would not be any complaints.

All I am suggesting is that we should make the buyer or his agent look at the grain that he buys and base his decision upon his own judgment, not upon the seal of the United States or of any State or private agency.

As long as we are going to assume that putting on a Federal cap makes everybody honest and intelligent, just so long as we are going to need to federalize everything in this country, not simply grain inspection but everything else. If there be any validity to the suggestion of the gentleman from Minnesota, then we ought to wipe out our States and we ought to wipe out our local governments because his amendment assumed that they have not intelligence nor integrity enough to exist.

Why should we allow the citizens of the States or the cities to levy local taxes? The amendment assumes that they obviously are corrupt. That they are obviously ignorant. That the thing to do is federalize them and then they will be wise, happy, and intelligent. I do not believe anything of the kind.

I think that the chairman of the committee has put his hands on the point. The gentleman from Washington (Mr. FOLEY) is correct when the gentleman says the Federal Government can name these State agencies and they would do just as good as if the Federal Government employed the inspectors. The mere fact that the man gets a cap or a badge from the Federal Government does not have anything to do with his ability or his honesty. I, frankly, feel it is an insult to every State agency and every State inspector to infer that only Federal inspectors can be honest and intelligent.

If we are going to accept the philosophy that the Federal Government should inspect grain at the ports, then this is an excellent bill. Most of this body does accept that philosophy. Therefore, even though I am going to vote against the bill, most Members should vote for it and without amendment, because if they believe that we should have a Federal inspection system, we have

brought them a good bill and they ought to support it.

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

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

Mr. BERGLAND. Mr. Chairman, I want to commend the gentleman. The gentleman has been consistent. The gentleman has taken a point of view from the day the committee started marking up the bill. The gentleman has never deviated. The gentleman makes a good point. In the course of covering the proceedings on this matter, we were informed by certain agents of foreign buyers that they had sent a representative of their own to the United States to witness the loading of their grain and they were run off the place and threatened with trespassing.

This invites foreign buyers to be on the premises at the time the grain is loaded on their boats. This is the point originally made by the gentleman from Texas and certainly ought to be recognized.

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

Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Texas and point out that we have had laws against fraud in this country since the very founding of the Republic.

We have bank embezzlements take place and the bank examiners go in and find the problem and if the people are at fault, they are taken to court and put in jail without all this big to-do.

I think the principle is the same here and the gentleman makes the point very well that if we are Hamiltonians, we will vote for the bill and if we are Jeffersonians, we will vote against it.

Mr. Chairman, I will simply conclude by saying I will vote against the amendment and I will join the gentleman from Texas (Mr. POAGE) and vote against the bill.

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

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

Mr. HARKIN. Mr. Chairman, I just want to ask the gentleman why the gentleman supposes that the president of the Bunge Corp., we might term him a Hamiltonian or Jeffersonian, I do not know what he is, but he is in favor of Federal inspectors at the port facilities. I wonder why that might be? Does the gentleman have any observation on that?

Mr. SYMMS. He is not hurt by this Federal inspection service.

Mr. HARKIN. But what he is hurt by, he is hurt if there are not Federal inspectors, because he is finding they are losing business abroad from this country. He knows if we have Federal inspectors, we are going to keep those customers.

Mr. SYMMS. The way this bill is written, the buyer has the privilege to come aboard that vessel and have his own inspection right now under this bill, without this amendment; so he is already protected. If he wants to have an inspector on board to check it himself, he can certainly do so.

Mr. HARKIN. But again, this foreign buyer can buy it from other countries. They are going to other parts of the world to buy it and we have to get back those customers.

Mr. SYMMS. And the man Mr. Bunge, is in those other countries with an international company, so it does not bother him.

Mr. HARKIN. I am interested in this country. I am interested in the business that comes from this country.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, I think we are losing sight of what kind of an inspection service we have here. Putting a striped suit on a referee does not make him a superman, but the fact that he is not a member of either team helps to give confidence that he will perhaps make fair calls. What a spectacle it would be if both teams were to have their managers as referees and make joint calls. That is what we are talking about here.

This is not an ordinary inspection service such as we have in meat inspection for the protection of a third party, the consumers. This is a service for the people who are selling and buying. They are paying for it. All they have asked the Government to do is to provide them with an impartial grading and weighing service. They say, "I will pay for it; I want an impartial service operated effectively and efficiently and uniformly." Uniformity is an important matter here.

One of the problems we have here is that Members tend to see the inspection service that they have seen it as operated locally in their areas. I visited and spent most of the day at the Seattle port about 2 or 3 years ago—maybe it was 4 years ago—and I do say that it was a well-operated port. I must also point out, however, that it was operated by a State agency and most of the wheat going through that port comes from the State of Washington. The State Department of Agriculture has every reason to have pressure on it to operate a port in a most fair and judicious and good manner. It is not the same at other ports I have visited.

We do not have that same situation everywhere. Very little of the grain at New Orleans comes out of Louisiana—very little. Almost all of it comes from the great bread basket of the Midwest. I think that as long as we are going to have a grain business such as we have with billions of tons of grain being shipped overseas, upon which all of the consumers in this country are dependent for earning the money to pay for the imports of oil that come into this country and for helping to stabilize the dollar, then we ought to protect our grain business and we should provide an impartial service to those who want it.

Many other countries are different from us in that they have State trading companies. They do not understand it when they come to the Department of Agriculture and they are told, "Well, that was the U.S. grade put on there, but it was not really a U.S. inspector." They do not understand that, and they never will.

I think the exporting points we have ought to have a uniform inspection service where we know that the grade put on there by a person who has no financial interest, is subject to all of the pressures of Federal law, who is subject to removal from his Federal job and everything else.

The least we can do is to vote for the Bergland amendment and have uniform inspection as a service to the people who are paying for it at export ports.

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

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

Mr. MEZVINSKY. Mr. Chairman, I would like to commend the gentleman for his remarks. It has been nearly a year since I introduced H.R. 8347, a measure aimed at correcting some of the problems in our Nation's export grain inspection and weighing system—problems, unfortunately, is a euphemism here because, in truth, the existing situation was spawning a major scandal with both national and international implications.

Through last summer, a Federal investigation uncovered unparalleled corruption where conflict of interest and bribery appeared to be the standard operating procedure in the inspection and weighing of U.S. export grains. By the end of September last year, a Federal grand jury investigating the goings on at the New Orleans export port had indicated 48 individuals and four corporations, charging some 265 violations of Federal criminal statutes, including counts of bribery, corrupt influence on inspection personnel and evasion. Our Nation's grain inspection and weighing system was not presenting a very pretty picture to the world.

Of course, our foreign grain customers did not need a grand jury's shower of indictments to tell them that the integrity of our Nation's grain inspection and weighing system was questionable. Since 1966, the USDA has received nearly 600 complaints from foreign buyers regarding the quality and quantity of U.S. grain. In short, they were getting less, or a lower quality of grain than they bargained for.

To restore foreign buyers' confidence in America's product, and protect this market which is vitally important both to our farmers and to our Nation's balance of trade, it was clear that something had to be done, that fundamental changes in the system had to be made.

The Agriculture Committee requested that the General Accounting Office conduct a complete evaluation of the entire marketing chain for grain. GAO devoted almost 8 months to that task and produced the most comprehensive study of the grain inspection system ever compiled.

I think the key finding of the GAO was that the corruption of the present system is so pervasive that to effectively attack the problem demands that the Federal Government step in and accept direct responsibility for the inspection system.

Although the bill before us today makes major strides toward tightening the Nation's grain inspection and weighing system, it is fundamentally flawed by

its lack of a requirement of Federal inspection at all export ports. By allowing the Secretary of Agriculture to continue to designate this authority to the States, the present bill fails to properly recognize either the GAO's recommendation or, more importantly, the scandalous conditions that prompted it.

I do not accept the notion that to put the inspection process solely in the domain of the Federal Government somehow passes unfair, negative judgment on the State inspection agencies which have done a good and honest job in the past. In order to restore foreign confidence, it is necessary for the Federal Government to stand behind our grain exporting system by taking direct responsibility and accountability for the enforcement of grain grading standards and the accuracy of grain weighing.

The amendment offered by the gentleman from Minnesota will do just that, and at the same time offers an opportunity to insure that finally we will have uniform standards applied at all export ports. As the gentleman from Iowa just noted, uniformity is an important matter here. We have such uniformity in other areas such as in meat inspection.

This will be an important step toward restoring the credibility of our Nation's inspection and weighing system and can help mend the reputation of our grain exports.

Approval of this amendment will demonstrate to our world customers that we are serious about cleaning up our grain export system and that the Federal Government is willing to accept its responsibility in this area.

If we fail to do so, I fear that other nations may take it as a signal that this Congress does not want to be bothered with this problem, that we do not take it seriously—that we simply do not care.

I urge the adoption of this amendment.

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

Mr. Chairman, I say to my colleagues that the adoption of this amendment will dramatically improve this legislation. We have an investigative arm—the Congress has. It is known as the General Accounting Office. The General Accounting Office has made an exhaustive investigation of this issue.

Mr. Chairman, I think we ought to hear what they have to say. We ought to pay some attention to them. If not, we ought to eliminate our investigating arm.

Mr. Chairman, this is what the General Accounting Office had to say, after its exhaustive investigation into whether we ought to have a Federal inspection system. Such a system would:

Restore integrity and confidence in the inspection system.

Provide greater uniformity and consistency in inspection procedures and operations.

Establish an independent system, eliminating actual and potential conflicts of interest.

Develop an inspection force conforming to uniform hiring and training requirements.

Permit rotation of the inspection force among specific localities.

Provide greater flexibility in use of inspection personnel, especially where seasonal work may be involved.

Provide for maximum use of standardized equipment and better maintenance of equipment.

Reduce the number of multiple or duplicate inspections presently required.

Reduce the number of inspection agencies to increase administrative efficiency.

Increase foreign trade or at least reduce chances of customers choosing to buy from other sources.

Place inspectors under direct control of USDA to provide more effective authority to deal with inspector deficiencies.

Eliminate present inequities whereby some inspectors earn annual salaries or incomes from $30,000 to, in some cases, $78,000.

That is a partial summary of what the investigative arm has found. The GAO made its report in a document which is dated February 17, 1976.

Mr. Chairman, I would urge my colleagues on the committee to support this amendment and thereby monumentally strengthen this weak bill.

Mr. BEDELL. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendments.

Mr. Chairman, my colleague from Colorado brought up the point which I think is very important for us to address here, and that has to do with the fact that if we clean things up at the port level, it will indeed tend to clean things up inland; and that is the reason why many of us, including myself, feel so strongly that we should be sure that we do indeed really clean things up at the port level.

As our distinguished chairman, who has done such a great job on this bill, told us, there are places where we have had trouble with State agencies inspecting at port levels. It is fortunate that there are many cases where this is not the case. But the only way we here can address this is by making the change so that it will not be possible to have State inspection agencies in those locations where there has been trouble.

The Secretary has had the authority in the past, where he could indeed make these changes, but the Secretary has not seen fit to do so; and that is why we have this problem.

There are some of us who are greatly concerned that political pressure might come to bear on the Secretary. It has happened in the past. The Bergland amendment would finally clean up the situation. We should all understand that grain sold abroad is sold with what they call a certificate final. The buyer, when it arrives in that port, has no recourse. He has to accept that grain because of the way the contract is. If it is not what he thought it was, the only thing he can do is hope that an adjustment will be made. He does not have an opportunity to inspect the grain and either accept it or reject it.

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

Mr. BEDELL. I yield to the gentleman from Louisiana (Mr. MOORE).

Mr. MOORE. I thank the gentleman for yielding.

As I understood the remarks, the gentleman is making synonymous with cleaning up the situation the converting of all employees to Federal employment; is that right?

Mr. BEDELL. No, sir. I am saying we have had trouble in the past with State agencies. I am saying we now have the choice to say we are not going to go on with that possibility, and we are going to straighten it out. And some of us who are concerned about this matter feel that this is an opportunity to see that that is done.

Mr. MOORE. If the gentleman will yield further, I think everybody in the Chamber is concerned about straightening out the problems where they exist. But I thought I understood the gentleman to say that we could clean up the situation, and if we adopt the Bergland amendment, we clean that up by taking the State agencies out and making them all Federal employees.

I simply submit, therefore, that it would seem to me what the gentleman is concluding is that Federal employees are cleaner or more honest or more capable than State employees or local employees would be, in which case I would ask: What about the Federal meat inspectors in Los Angeles who have been indicted? What about the Postal Service? What about the food stamp program? And what about the poor USDA supervision involved in this case?

Mr. BEDELL. Mr. Chairman, we are not talking about individuals; we are talking about the system. It has certainly been shown that the system as we have had it has tended to lend itself to problems, and the reason it has is not because of the individuals; it is because of the way the system operates.

If this amendment were adopted, we would have the opportunity to move people around from place to place, as we do with Federal inspectors. It has been true that problems arise in small groups wherein they are inspecting for small groups of shippers. We found that in New Orleans when we were down there.

I do not want to prolong this discussion, but I repeat that it is only the system we are trying to change. Nobody thinks we will change people by the legislation we pass.

Mr. MOORE. Mr. Chairman, I am glad to hear the gentleman agree with me on that point. That is one of the points I was making, and I totally agree with the gentleman.

But I submit that under the existing system the USDA can alter the regulations pertaining to any of the employees by moving them from State to State or from port to port within the State, and have a consolidated training program and all the other items the gentleman mentioned. I think that can be done by regulation with the existing agencies we have now. We do not have to try to accomplish it with only Federal employees.

Mr. BEDELL. Mr. Chairman, I think the question is what we can do to improve the situation. We want to do everything we can to make the system as effective as we possibly can, realizing that we

will have fewer people involved in the system.

Mr. MOORE. Mr. Chairman, if the gentleman will yield further, let me state that I agree with him. Let us do everything that is necessary, not everything we can, because we may go too far as does this amendment.

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

Mr. Chairman, I will try to say what I have to say in 1 minute. I only want to make one final point.

The gentleman from Washington (Mr. FOLEY) has a good State system out there in Washington. The gentleman from Virginia (Mr. WAMPLER) also has a good system, and many other States do. If this amendment is adopted, we are going to bring those systems to an end.

I am very much interested in seeing that the good State systems work.

There is another point involved in this. There is only so much money to pay for fees. If we fix this so that in the State of the gentleman from Washington (Mr. FOLEY) or in the State of the gentleman from Virginia (Mr. WAMPLER) the fees that are at the export points within that State go to the Federal Government all that is left are the little towns and little elevators that are going to be taken care of by the States, we are going to find they are going to go broke because they will have to raise fees 2 or 3 times in every State that has export points. That will happen if we make this totally Federal.

I would plead for the good system in the State of Washington and would hope that we do not do that to them. Also, I think we should let the Secretary of Agriculture make the determination, because he can give them notice without any reason and cut them off if he wants to.

Mr. Chairman, I urge my colleagues to consider good State systems that have been in existence far longer and with a much better record than the USDA.

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

Mr. SEBELIUS. I yield to the gentleman from Idaho.

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

Mr. Chairman, I would like to say further that in my own State, for example, we have a very good private inspection system. We are an inland State, but we may become a seaport State because of our inland seaport in Lewiston, Idaho.

By section 6 of this bill we allow the Federal Government to hire the inspectors without civil service exams, and if they tend to become too federalized, they are going to have to go and hire the same people, that do it now. That is the point I wanted to make for the benefit of my friend, the gentleman from Idaho (Mr. BEDELL), that they would end up hiring the same people. I do not see where there will be any benefit or any change if we are going to have the same inspectors doing this inspection, and I think goes back to the focal point of federalizing the program.

Mr. SEBELIUS. Mr. Chairman, I thank the gentleman, and I think he has made a very valid point. We do want to make this system work.

I do not have any export points in my State, of course, but we do ship out an awful lot of grain. I am very concerned that if we take this away from them, we will not have a viable system. I think they should not have to prove themselves all over again. I think the system works as the situation appears now. They are not guilty of anything, and they should have a chance to continue.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Minnesota (Mr. BERGLAND).

The question was taken; and on a division (demanded by Mr. BERGLAND) there were—ayes 30, noes 37.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 112, noes 183, not voting 137, as follows:

[Roll No. 159]

AYES—112

Alexander	Findley	Oberstar
Allen	Ford, Mich.	Ottinger
Ambro	Fraser	Patterson, Calif.
Andrews, N. Dak.	Gaydos	Pattison, N.Y.
Annunzio	Gibbons	Perkins
Aspin	Hagedorn	Preyer
Baldus	Harkin	Price
Beard, R.I.	Harris	Quie
Bedell	Hechler, W. Va.	Railsback
Bergland	Helstoski	Rangel
Bingham	Holtzman	Reuss
Blanchard	Howard	Richmond
Blouin	Howe	Roe
Bolling	Hungate	Roncalio
Brademas	Jacobs	Rooney
Breckinridge	Kastenmeier	Rosenthal
Brodhead	Keys	Scheuer
Brown, Calif.	Leggett	Seiberling
Burlison, Mo.	Lehman	Shipley
Carney	Litton	Simon
Cohen	Long, Md.	Slack
Collins, Ill.	Lundine	Smith, Iowa
Conyers	McHugh	Solarz
Cornell	Maguire	Staggers
D'Amours	Mezvinsky	Studds
Delaney	Miller, Calif.	Symington
Dellums	Mineta	Taylor, Mo.
Diggs	Minish	Thompson
Downey, N.Y.	Mitchell, Md.	Thone
Drinan	Moakley	Tsongas
Early	Mollohan	Vander Veen
Edgar	Moorhead, Pa.	Vanik
Edwards, Calif.	Moss	Waxman
Emery	Murphy, Ill.	Whalen
Evins, Tenn.	Murtha	Wolff
Fary	Nedzi	Yates
Fascell	Nolan	Yatron
	Nowak	

NOES—183

Adams	Clausen, Don H.	Ford, Tenn.
Anderson, Calif.	Cleveland	Forsythe
Anderson, Ill.	Collins, Tex.	Fountain
Andrews, N.C.	Conable	Frey
Archer	Conte	Gilman
Ashbrook	Coughlin	Ginn
Ashley	Daniel, Dan	Goldwater
AuCoin	Daniel, R. W.	Gonzalez
Bafalis	Daniels, N.J.	Goodling
Bauman	Danielson	Gradison
Bennett	Derrick	Grassley
Boggs	Derwinski	Haley
Bonker	Devine	Hall
Bowen	Dingell	Hamilton
Breaux	Dodd	Hammer-schmidt
Brinkley	Duncan, Tenn.	Hanley
Brooks	du Pont	Hannaford
Brown, Mich.	Edwards, Ala.	Hansen
Buchanan	English	Harsha
Burgener	Erlenborn	Hawkins
Burke, Calif.	Evans, Ind.	Hébert
Burleson, Tex.	Fenwick	Hicks
Butler	Fish	Hightower
Byron	Fisher	Hillis
Carr	Flood	Holt
Carter	Foley	Hubbard
Hughes	Mann	Ruppe
Hutchinson	Martin	Russo
Hyde	Mazzoli	Sarasin
Ichord	Meeds	Satterfield
Jarman	Meyner	Schroeder
Jeffords	Michel	Schulze
Jenrette	Miller, Ohio	Sebelius
Johnson, Calif.	Mills	Sharp
Johnson, Colo.	Mitchell, N.Y.	Shriver
Jones, Okla.	Montgomery	Shuster
Jordan	Moore	Sisk
Kasten	Moorhead, Calif.	Skubitz
Kazen	Myers, Ind.	Smith, Nebr.
Kindness	Myers, Pa.	Snyder
Krebs	Natcher	Spence
LaFalce	Neal	Stanton, J. William
Lagomarsino	O'Brien	Steed
Landrum	O'Hara	Stuckey
Latta	O'Neill	Symms
Lent	Passman	Taylor, N.C.
Levitas	Patten, N.J.	Thornton
Lloyd, Calif.	Pettis	Traxler
Lloyd, Tenn.	Pike	Ullman
Long, La.	Poage	Van Deerlin
Lujan	Pressler	Waggonner
McClory	Pritchard	Walsh
McCollister	Rees	Wampler
McCormack	Regula	Weaver
McDade	Rhodes	Whitehurst
McDonald	Rinaldo	Whitten
McEwen	Risenhoover	Wiggins
McFall	Rodino	Wirth
McKinney	Roush	Young, Alaska
Madden	Rousselot	Young, Fla.
Madigan	Runnels	
Mahon		

NOT VOTING—137

Abdnor	Frenzel	Peyser
Abzug	Fuqua	Pickle
Addabbo	Giaimo	Quillen
Armstrong	Green	Randall
Badillo	Gude	Riegle
Barrett	Guyer	Roberts
Baucus	Harrington	Robinson
Beard, Tenn.	Hayes, Ind.	Rogers
Bell	Hays, Ohio	Rose
Bevill	Heckler, Mass.	Rostenkowski
Biaggi	Hefner	Roybal
Biester	Heinz	Ryan
Boland	Henderson	St Germain
Broomfield	Hinshaw	Santini
Brown, Ohio	Holland	Sarbanes
Broyhill	Horton	Schneebeli
Burke, Fla.	Johnson, Pa.	Sikes
Burke, Mass.	Jones, Ala.	Spellman
Burton, John	Jones, N.C.	Stanton, James V.
Burton, Phillip	Jones, Tenn.	Stark
Cederberg	Karth	Steelman
Chappell	Kelly	Steiger, Ariz.
Chisholm	Kemp	Steiger, Wis.
Clancy	Ketchum	Stephens
Clawson, Del	Koch	Stokes
Clay	Krueger	Stratton
Cochran	Lott	Sullivan
Conlan	McCloskey	Talcott
Corman	McKay	Teague
Cotter	Macdonald	Treen
Crane	Mathis	Udall
Davis	Matsunaga	Vander Jagt
de la Garza	Melcher	Vigorito
Dent	Metcalfe	White
Dickinson	Mikva	Wilson, Bob
Downing, Va.	Milford	Wilson, C. H.
Duncan, Oreg.	Mink	Wilson, Tex.
Eckhardt	Moffett	Winn
Eilberg	Morgan	Wright
Esch	Mosher	Wydler
Eshleman	Mottl	Wylie
Evans, Colo.	Murphy, N.Y.	Young, Ga.
Fithian	Nichols	Young, Tex.
Florio	Nix	Zablocki
Flowers	Obey	Zeferetti
Flynt	Pepper	

The Clerk announced the following pairs:

On this vote:

Mr. Addabbo for, with Mr. Zablocki against.

Mr. Eilberg for, with Mr. Stratton against.

Mr. Zeferetti for, with Mr. Nichols against.

Mr. Koch for, with Mr. Duncan of Oregon against.

Mr. Melcher for, with Mr. Henderson against.

Ms. Abzug for, with Mr. Fuqua against.

Mr. Baucus for, with Mr. Jones of Tennessee against.

Mrs. Chisholm for, with Mr. Jones of North Carolina against.

Mr. Fithian for, with Mr. Kelly against.

Mrs. Mink for, with Mr. Burke of Massachusetts against.

Mr. Udall for, with Mr. Macdonald of Massachusetts against.

Mr. Badillo for, with Mr. Flynt against.

Mr. Mottl for, with Mr. Pickle against.

Mr. Moffett for, with Mr. Teague against.

Mr. Stokes for, with Mr. Sikes against.

Mr. Charles H. Wilson of California for, with Mr. Robinson against.

Mr. Clay for, with Mr. Harrington against.

Mr. Matsunaga for, with Mr. Boland of Massachusetts against.

Mr. Metcalfe for, with Mr. Bevill against.

Mr. EMERY and Mr. Howe changed their vote from "no" to "aye."

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

So the amendments were rejected.

The result of the vote was announced as above recorded.

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

Mr. Chairman, it seems like every time a problem arises we have a tendency to overreact. Maybe we are overreacting here. I was glad to see the result of this last vote. That was some indication that perhaps we are not going to overreact in this instance.

Mr. Chairman, I was very much impressed by an editorial which appeared in Toledo Blade on February 23, 1976, entitled "Grain Abuses Bring Overreaction."

The article is as follows:

GRAIN ABUSES BRING OVERREACTION

The General Accounting Office—Congress' watchdog agency—was right in pointing out weaknesses in the current system of inspecting grain exports but wrong in recommending that the Agriculture Department take over the job.

There is no question that abuses have been uncovered involving cheating and conflicts of interest that could undermine the nation's massive $21 billion-a-year farm-export business. It is also true, however, that the irregularities have been highly localized and found mainly in the New Orleans and the New York ports.

By advocating that the Agriculture D-partment assume direct responsibility for sampling, grading, and weighing grain, the GAO has overreacted to the problem. If the Agriculture Department performed its oversight function properly, there would be no need to create another bureaucracy to replace federally licensed inspectors who, by and large, apparently have been doing a creditable job.

As one local grain official pointed out, there is obviously no assurance that a federal employee will be any more honest than those who now work for the states or private trade groups. Indeed, the dangers of contaminating the Agriculture Department itself with bribery and fraud would be far more likely if members of its staff were directly involved in grain inspection. That would be moving in the wrong direction.

By remaining one step removed as it now is, by overseeing the work properly as it has not always been doing, and by insuring vigorous prosecution of wrongdoing, the department could go a long way toward remedying the situation. It can be hoped that Congress will conclude for once that a federal take-over is not the inevitable answer to every problem and forgo legislation on this one.

AMENDMENT OFFERED BY MR. HARKIN

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

The Clerk read as follows:

Amendment offered by Mr. HARKIN: Page 29, strike everything from line 3 down through line 23 and insert in lieu thereof the following:

SEC. 15. Section 17 of said Act (7 U.S.C. 87f) is amended by deleting from subsection (e) the term "section 14" and substituting in lieu thereof the term "subsection (a) of section 14"; by repealing subsection (g); and redesignating the remaining subsections accordingly."

Mr. HARKIN. Mr. Chairman, this is the amendment I referred to earlier in the debate, to try to take out this provision which I call the gag rule. This bill includes, in revised form, a section from the administration proposal which would make it a crime for any "present or former officer or employee of the Department of Agriculture or of any official inspection agency, or any agency or person designated to perform services relating to weighing under section 7A, or any present or former licensee, to make public any information obtained under the Grain Standards Act without the authority of the Secretary of Agriculture or a Congressional committee." An exception applies to information which a person "reasonably believes" relates to an unlawful activity, which, of course, places the burden of proof on someone who may wish to expose wrongdoing.

I believe that this provision would prohibit persons currently or formerly engaged in enforcement of the grain inspection program from providing information on lawful activities to individual Members of Congress, the press, and the general public.

Presumably, a former grain inspector who was asked to write an article about the current scandal or discuss his experiences with the press would be prevented from doing so without first obtaining official clearance. I think the first amendment problem here is obvious. I think it is unconstitutional to have this kind of gag rule in the law.

Also, I think the exceptions that would allow the release of information of unlawful activities by no means assures that corruption will be brought to public notice. In many instances, it will be impossible to establish wrongdoing without the assistance of information which, as it relates to a specific act, concerns nothing unlawful.

For example, it might be alleged that grain received at point B has been short-weighed. In order to establish this, it will be necessary to know the weight given at point A. At point A, however, the grain was honestly weighed. Therefore, no information may be released on weighing at point A without authorization. And, so the wrongdoing at point B may go unconfirmed.

Only with a great deal of effort can one avoid the conclusion that the Department of Agriculture proposed this provision in an attempt to cover up the current scandal and to hold a sword over the heads of all of the personnel that will be involved in this inspection service from now on. It is a kind of subtle threat that anyone talking to any reporters, to the press, or to individual Members of Congress, unless there has been reasonable belief that there has been some wrongdoing, would be subject to a misdemeanor.

Of course, to uncover wrongdoing, in many cases, we have to talk to people about perfectly legitimate, lawful enterprises which they are undertaking.

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

Mr. HARKIN. Mr. Chairman, I yield to the gentleman from Washington.

Mr. FOLEY. Is the gentleman suggesting that he believes that the Department has recommended this particular section barring the publication of information in an effort to cover up the present scandal? Is that the gentleman's statement?

Mr. HARKIN. Not only to cover up the scandal, but also to try to keep a lid on these things in the future. The Department, I think has indicated this fact on this whole process.

Mr. FOLEY. The gentleman is aware that this provision has been in the law for many years, in more stringent form than this contained in this bill?

Mr. HARKIN. I believe by keeping it in the bill that the Department can use it in the future as a sword over the heads of its personnel. There has never been a conviction under this section, but again the implied threat will keep people from discussing the facts and information we have on this scandal, which came out of the personnel talking to members of the press, for example, about some of the things that were going on.

I have a feeling that if this is left in the bill, it will be used in the future to shut up those personnel, and used as an effective means to gag them. So, I believe that if we really want to open up the facts, we should do away with this gag rule.

There are plenty of laws in existence to keep trade secrets and commercial and financial dealings, secret. This was one of the reasons brought up in the committee in order to block this amendment, but there are plenty of provisions in present law, especially under the Freedom of Information Act, that would keep these people from talking in the public domain of trade secrets and commercial dealings.

Again, I urge the committee to adopt this amendment and do away once and for all with this gag rule.

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

Mr. Chairman, this provision has been in the act for many years, but the Committee on Agriculture, in order to avoid any possibility that anyone might be concerned that this might shut off information to the press, coming from any employees who had knowledge of misconduct, adopted the following exceptions listed here: under court order, in accordance with law enforcement proceedings, a committee of Congress. Further, it states that nothing contained herein shall be construed as prohibiting such person from divulging information which he reasonably believes involves conduct prohibited under this act or under title 18 of the United States Code.

So the suggestion of the gentleman from Iowa that this could become a gag rule preventing people in the Federal service and in the designated inspection agencies from reporting misconduct to the press is simply not justified under any circumstances. There is a clear ex-

emption here, if the other exceptions fail. If a person is acting to report misconduct or violations of law, he would have a perfect opportunity to do so.

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

Mr. FOLEY. I yield to the gentleman from Iowa (Mr. HARKIN).

Mr. HARKIN. I thank the gentleman for yielding.

The present law says, "Any officer or employee of the Department of Agriculture." But this bill extends it, and it says, "Any present or former officer or employee of the Department of Agriculture." So they are not the same. This one has much more far-reaching effects than the present law.

Also, I would respond to my distinguished chairman by saying that many times we find out about the wrongdoing not by talking to the wrongdoers or to somebody who knows about the wrongdoing, but by piecing together many different pieces of information which may not have anything at all to do with wrongdoing but may point the finger to the person who is guilty in the situation.

Mr. FOLEY. All the exception requires is that the person reasonably believes that the conduct violates the act.

What the gentleman pointed out as a danger to first amendment freedom has never been in force and has never gagged anyone.

In addition to what is provided for in existing law, we have acted by a large majority of the committee to consider anybody reporting any information, not only to the press, but to any other person.

Mr. HARKIN. If the gentleman will yield further, then why did they change the wording to say "former employees"? Does that not reach back?

Mr. FOLEY. The grain business is intensely competitive; and the purpose of this section, in part, is to prevent the corruption of employees by private agencies who would like to have information regarding grain sales by their competitors.

Mr. HARKIN. But that is covered already by trade secrets under present law. Trade secrets are already covered in the law. We do not need a gag rule.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. HARKIN).

The question was taken; and on a division (demanded by Mr. HARKIN) there were—ayes 16, noes 60.

So the amendment was rejected.

AMENDMENT OFFERED BY MRS. BOGGS

Mrs. BOGGS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. BOGGS: Page 19, line 11, insert the following immediately after the first period: "Any individual who is hired by the Secretary pursuant to this subsection shall, for purposes of the annuity computed under section 8339 of title 5, United States Code, be credited (subject to the provisions of sections 8334(c) and 8339 (i) of such title) with any service performed by such individual before the date of enactment of this subsection in connection with this Act."

Mr. MICHEL. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Illinois (Mr. MICHEL) reserves a point of order against the amendment.

The Chair recognizes the gentlewoman from Louisiana (Mrs. BOGGS) in support of her amendment.

Mrs. BOGGS. Mr. Chairman, the amendment that I propose recognizes the difficulty that will be foisted upon the workers who have been with the private agencies.

The workers who have been employed by the private agencies in the Port of New Orleans, where there has been no evidence of any wrongdoing, having expressed to the Louisiana congressional delegation the difficulties in which they find themselves. They find that after working for 18, 19, or 20 years and having a perfect record in perseverance, in production, and in honesty, they would perhaps be deprived of their jobs.

We heard in earlier debate that the experience with the Myrtle Grove operation for the Port of New Orleans proved that the USDA had insufficient members of certain classifications, weighers, samplers, and inspectors, to take over the operation of an additional elevator and they had to turn to the private agencies and to the workers they employed in order to keep this grain elevator in operation.

There is no way that an all-Federal inspection service can be activated rapidly unless the Government hires inspectors, samplers, and weighmasters from the private inspection agencies.

Mr. Chairman, I am very grateful to the committee for recognizing this problem by amending section 6, subsection (e), and I would like to read from the committee report, as follows:

Subsection (e) is amended to authorize the Secretary to hire without regard to Civil Service requirements persons to perform official inspection functions and supervisory, weighing, or other weighing functions if they were currently licensed to perform official inspection functions or they were currently performing similar functions in the case of functions related to weighing. The Committee intends that fairness and equity be shown in the employment of persons working for private and public agencies who are displaced because of Federal preemption of inspection and weighing functions under this Act. If qualified, the Committee expects that these people be given preference in employment to fill available positions over other new applicants, and that, insofar as practicable, they be considered along with qualified employees of the Department for positions of at least comparable responsibility and rank to that enjoyed in the private or State system. In setting their pay within the appropriate grade, to the extent possible, cognizance should be taken of the rank, benefits and longevity the employees had under the system where employed."

Mr. Chairman, I am very grateful to the committee for placing this in the act. All my amendment does is to simply add on to the provisions of this section the provision that workers now in the private sector who could go into the Civil Service system under the provisions of the act would also have the opportunity of being able to have the privilege of having the annuity system open to them. They, of course, would be computed into the annuity system under the provisions of section 8334(c), which, of course, says that—

Each employee or Member credited with civilian service after July 31, 1920, for which retirement deductions or deposits have not been made, may deposit with interest an amount equal to . . . percentages of his basic pay received for that service.

Then there is a sliding scale with respect to the percentage of interest that must be paid into the service.

As was pointed out to us in letters, some of the union members who had contracts said that all of their benefits were inherent within their bargaining contract. People who have 20, 19, 18, or 17 years of service, would have all of these benefits, of course, taken away from them if they are not allowed to participate in an annuity system under the Federal arrangements.

Mr. Chairman, I urge the adoption of this amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Illinois (Mr. MICHEL) insist upon his point of order?

Mr. MICHEL. I do, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MICHEL. Mr. Chairman, I do so because, in my opinion, the amendment is not germane to this bill, which amends the U.S. Grain Standards Act, and says, on page 18:

The Secretary of Agriculture may hire (without regard to the provisions of title V, United States Code, governing appointments in the competitive service) . . . any individual who is licensed to perform functions on the date of enactment.

Then it is provided further that the individuals be of good moral character and that they be professionally qualified, et cetera.

The amendment of the gentlewoman from Louisiana (Mrs. BOGGS), however, seeks to amend title 5, section 8339, 8334 (c), and 8339(i).

Mr. Chairman, an amendment to another statute does not make it germane to this bill, and I would cite as my authority on that, the RECORD of August 17, 1972, page 28913, as follows:

Under rule 16, to a bill reported from the Committee on Agriculture providing price support programs for various agricultural commodities, an amendment repealing price-control authority for all commodities under an Act reported from the Committee on Banking and Currency is not germane. July 19, 1973, etc.

If the amendment of the gentlewoman from Louisiana were in the form of a bill, it would undoubtedly be referred to the Committee on Post Office and Civil Service, because it has to do with the retirement benefits of employees that would be selected by the section.

I submit on those grounds, therefore, Mr. Chairman, that the amendment is not germane to this bill and ought to be ruled out on a point of order.

The CHAIRMAN. Does the gentlewoman from Louisiana (Mrs. BOGGS) desire to be heard on the point of order?

Mrs. BOGGS. Yes, please, Mr. Chairman.

The language of section 6(e), I feel, is sufficiently broad and certainly the com-

mittee report language is sufficiently broad to insist that the workers who are of good moral character, as the bill says, could be employed without regard to various Civil Service regulations in order to quickly be able to put into effect a service that will be highly necessary for the Government if we indeed are going to take over the work of the private agencies and the State agencies.

Mr. Chairman, the language is sufficiently broad where it goes on to suggest that positions of at least comparable responsibility and rank to those enjoyed in the private and State systems be given to them and that in setting their pay within the appropriate grade, to the extent possible, cognizance should be taken in order to take into consideration these rank and longevity benefits, so that the employees had, under the system where employed, the benefits that they had under longevity. The benefit system under which they were employed certainly included an annuity provision, and I think that this language that this amendment extends to the bill simply points that out.

The CHAIRMAN. The Chair is prepared to rule.

The Chair has read the language on the page of the committee report and section 6(e) of the bill already deals with the status of the Civil Service requirements with respect to appointments of Federal inspectors. The amendment does not directly amend title 5, U.S. Code, and it would further affect the status of those Federal employees under the Civil Service law by permitting them to credit the prior private service to their Civil Service retirement if they become Federal employees. The amendment imposes a further condition upon their hiring.

Therefore, the Chair rules that as far as germaneness is concerned, the amendment is germane to section 6(e) of the bill, and overrules the point of order.

Mrs. BOGGS. I thank the Chairman and I urge the adoption of my amendment.

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

Mr. Chairman, this is an amendment on which I do not think the Committee on Agriculture can really advise the Committee of the Whole. It really becomes a question of understanding what the amendment proposes to do. Then the Members must decide whether they wish to support the amendment or not.

The amendment unfortunately was not one which would have fallen within the Committee on Agriculture's normal jurisdiction.

We attempted in this bill to offer some degree of protection to those private, as well as State employees, who might be losing their positions as a result of a new system of inspection by giving them priority in hiring over new applicants with the Civil Service Commission. However, the committee did not feel that it could tread so far into the jurisdiction of the Committee on Post Office and Civil Service so as to place these employees under the Federal retirement system.

I do not know if there is a precedent for allowing persons with private retirement systems to get full credit for their years of service in private employment prior to entering the Federal service. This would occur to some degree under this amendment because, whether they worked for a State agency or a private agency, they would get full credit for their previous years of service. The amendment offered by the gentlewoman from Louisiana (Mrs. BOGGS), however, does require that they pay their own contributions. If a person has worked for 25 years in private service, I presume that after then working with the Federal Government for a minimum time of 3 years, he would be able to retire at whatever the Federal retirement plan provides.

Mr. Chairman, the only reason I rise now is to note that this is a matter which has been reviewed by the Committee on Post Office and Civil Service. There is legislation pending in that committee to provide similar benefits for State employees in some States where the meat inspection has been taken over by the Federal Government.

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

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

Mr. THONE. Mr. Chairman, I rise with some reluctance on this because I have been working with the gentlewoman from Louisiana (Mrs. BOGGS) on this problem for some time. We have been tremendously sympathetic about it. Very frankly, Mr. Chairman, I thought we had been extraordinarily liberal as indicated by the provision that we put in the bill, subsection (e) of section 6 to forego the civil service examination. I believe the point the gentleman from Washington is raising is a very good one in that now we are getting into the private area here and attempting to blanket in private agency people to participate in the Federal civil service retirement system.

Mr. FOLEY. The amendment requests that they be given priority in hiring.

Mr. THONE. That is correct.

Just in conclusion, because I know the hour is late, but the experts in the USDA and the Civil Service Commission have in the past objected strongly to doing this even for State employed people insofar as blanketing them in because of the problem that arose under the meat inspection service where we had a dual system and counsel carefully researched this for us because we had believed we could take care of this legislatively and we determined in our group that we could.

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

Mr. Chairman, I would first point out that if my substitute is adopted, this debate we are in will not be necessary and the amendment being offered by the gentlewoman from Louisiana would not be necessary as these jobs would not be federalized creating these problems.

Since we have done that the way the bill stands now, then I think we do have a legitimate concern about what happens to some 3,000 people involved. They do qualify, according to the bill in section 6, to be rehired by the Federal Government to become Federal inspectors, but we do not take care of the situation about their retirement plans or annuity programs. The amendment clearly refers to existing Federal law which would require them to buy into the retirement program. They are not being given anything but the chance to buy their time in this retirement program.

I submit that it is unusual and maybe it should not be, but the point is we have lost these jobs through this bill, and I think it is only fair to try to be just.

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

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

Mr. FOLEY. I thank the gentleman for yielding.

Does not the gentleman feel that it might be preferable to introduce this proposal in bill form and bring it to the Committee on Post Office and Civil Service so that there could be a full opportunity to consider the bill and its ramifications, rather than present it as an amendment to this act without hearings?

Mr. MOORE. I would certainly agree with the Chairman that it could be done that way. But the point is we have already gone halfway in this bill, and I see no reason for not going on and finishing the picture under this bill, rather than coming back with a separate bill that may never get anywhere.

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

Mr. MOORE. I yield to the gentleman from Idaho.

Mr. SYMMS. I thank the gentleman for yielding.

I think that the committee has done a pretty good job, as I said earlier, in drafting this bill, if we believe in the premise. I think that the points have been made here. But I would like to ask the gentleman one question. We have some people who have already been convicted and are in jail, who are these inspectors? Are they going to get involved in this amendment, too? Are they going to be covered in the blanket coverage?

Mr. MOORE. If the Secretary of Agriculture is foolish enough to hire them, yes.

Mr. SYMMS. In other words, are we on the floor of the House going to vote for this thing and give blanket coverage so that they can get out of jail on parole and can go back to inspecting and be hired by the Federal Government?

Mr. MOORE. The bill gives the Secretary of Agriculture the power to hire anybody he wishes to be inspectors.

Mr. SYMMS. If the gentleman will yield further, I appreciate the gentleman's talking about going halfway, but this bill, the way it is written without this amendment, is going to allow State inspection services to operate, and if we go this far, we are going to have this covered up quite a bit, and we are going to have a lot of criticism on the bill. It has not gone so far that it may not do all the violence to the system that the gentleman from Louisiana is concerned about, and I think this amendment is going to add just some mischief to the legislation and possibly open up a Pandora's box. It probably should, as our distinguished chairman, the gentleman from Washington, point out, be left to another committee.

Mr. MOORE. I appreciate the gentleman's concern. I simply point out that

I do not see any necessity for federalizing these employees to begin with. If we are going to do that and lose their jobs for them, and then provide that we can hire them back, I think we ought to provide fully under what terms we can hire them back, and that they be allowed to buy into the Federal retirement program.

Mr. SYMMS. If the gentleman will yield further, I think they should realize that they may be federalizing jailbirds.

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

Mr. MOORE. I yield to the gentlewoman from Louisiana.

Mrs. BOGGS. I thank the gentleman for yielding.

The bill says:

Provided, That the Secretary of Agriculture determines that such individuals are of good moral character and are technically and professionally qualified for the duties to which they will be assigned.".

There is no intention, the way the bill is written, nor in the amendment offered by the gentlewoman from Louisiana, to attempt to hire jailbirds or people who are not honest under the provisions of this act.

Mr. MOORE. Of course, the gentlewoman is correct, and we know that the Secretary of Agriculture has that power now to hire whomever he may wish. All we have simply done here is put that into the bill providing for existing grain inspectors who are inspecting grain at the present time.

Mr. Chairman, I urge support of the amendment.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. Chairman, I am gravely concerned by the amendment offered by the gentlewoman since I am fearful that it opens the door to a very dangerous precedent. I am as sympathetic as anyone to the plight of State employees, local employees, or private employees who may be losing their jobs because of this bill, but I have been listening to the debate with care and as of this moment I have not heard one word which would indicate the number of employees involved or the degree to which our retirement system would be exposed if this amendment were adopted.

From the gentlewoman's comments I heard something to the effect that there may be employees who have been previously employed for 5 years or 10 years or 20 years, and I believe the date was given as far back as 1920. That is quite a long time. I respectfully submit that if these people were today blanketed in and were able to buy into our Federal retirement system by simply paying into that system what they would otherwise have paid in over the years, we would be exposing our own Civil Service retirement system to an unbearable burden.

Do not forget along with that, these employees will doubtless continue to have the right to retain whatever retirement benefits they have accumulated under their present employer. If we had before us some type of statistical information, or some evidence based on committee hearings, telling us how many employees are able to buy in under this system or what it would cost them to buy in or what would be the exposure to the Civil Service retirement system, then I respectfully suggest we could vote upon this issue with some degree of intelligence.

It has been said by someone here that since we have gone halfway we might as well go the other halfway. I respectfully submit we have gone halfway in the light of day, we have gone halfway on the basis of committee testimony, and we have gone halfway on the basis of debate and information. Are we going to be asked to go the other halfway in total darkness? I submit we should not.

It may be this is a good plan. I am not prepared to say that it is, nor is anyone in this Chamber prepared to say that it is. I am not prepared to say that it is not.

But I state this: If we are going to discharge our responsibilities in a responsible manner, then we must know what it is we are voting upon. With great reluctance I will be compelled to vote against the amendment, and I regretfully state that if the amendment is adopted, then I again will with great reluctance feel I will be compelled to vote against the bill although I would like very much to support it.

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

Mr. DANIELSON. I yield to the gentlewoman from Louisiana.

Mrs. BOGGS. Mr. Chairman, I would like to clarify one part of the gentleman's statement. The United States Code 8339 is what refers to the year 1920 and not the amendment. Under the United States Code, workers can buy into the annuity system starting in 1920 with 2½ percent interest, and coming down through 1969 with 8 percent interest, so that if any of these workers trying to buy into the annuity system had 20 years or 19 years or 17 years, and so on, they would have to pay the interest that would be obliged through this sliding scale that is set up under the United States Code 8339 and under the provisions of 8334(c). These workers would start with the prevailing interest rates and payments in 1956.

Mr. DANIELSON. Mr. Chairman, I thank the gentlewoman for clarifying that particular point.

I respectfully state it does not change my argument because we still do not know how many, how much, how long, and in addition we would be setting up, I respectfully submit, Mr. Chairman, a most dangerous precedent.

If we are to do this for the grain inspectors, then let us suppose we are going to hire a chauffeur, a driver, to work for the U.S. Government. He has 15 years in seniority some place else. When he comes in, are we going to give him 15 years seniority under our Federal system by his simply paying his contribution?

I did think 1920 would be lawfully far back.

The CHAIRMAN. The time of the gentleman from California has expired.

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

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

Mr. DANIELSON. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I thank the gentleman for his very succinct statement.

In addition I might add there are other considerations which have not been mentioned. We have recently passed a pension bill and we do not know how many of these people might have pensions under which they are vested and they would be able to get something under their private pensions and then they would be able to come in under the Federal system and get a pension under the Federal pension system.

A measure like this should be carefully studied. I certainly appreciate the gentleman's comments. I agree and I hope we vote this down.

Mr. DANIELSON. I hope, Mr. Chairman, that if this is a worthy provision our responsible committees should look into it and do so and come back with a report, so that we know what we are talking about; but let us not buy a pig in a poke. We are spending taxpayers' money when we do it.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Louisiana (Mrs. BOGGS).

The amendment was rejected.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MOORE

Mr. MOORE. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. MOORE: On page 1, strike everything after the enacting clause and substitute therefor the following:

That this Act may be cited as the "United States Grain Standards Act of 1976".

SEC. 2. Section of *the United States Grain Standards* Act (7 U.S.C. 74) is amended by striking in the second sentence the word "and" before "to provide" and by adding in such sentence immediately before the semicolon ", and to regulate the weighing of grain in the manner hereinafter provided".

SEC. 3. Section 3 of said Act (7 U.S.C. 75) is amended by changing subsection (i) defining the term "official inspection", subsection (j) defining the term "official inspection personnel", and subsection (m) defining the term "official inspection agency", and by striking the period at the end of subsection (u) and inserting a semicolon in lieu thereof and adding new subsections (v), (w), and (x) to read, respectively, as follows:

"(i) The term 'official inspection' means the determination (by original inspection, and when requested, reinspection and appeal inspection) and the certification, by official inspection personnel, of the kind, class, quality, or condition of grain, under standards provided for in this Act, or the condition of vessels and other carriers or containers for transporting or storing grain insofar as it may affect the quality or condition of such grain; or, upon request of the interested person applying for inspection, the quantity of sacks of grain, or other facts relating to grain under other criteria approved by the Secretary under this Act (the term 'officially inspected' shall be construed accordingly);

"(j) The term 'official inspection personnel' means persons licensed or otherwise authorized by the Secretary pursuant to section 8 of this Act to perform all or specified

functions involved in official inspection, or in supervision of official inspection;".

"(m) The term 'official inspection agency' means any State or local governmental agency, or any person, designated by the Secretary pursuant to subsection (f) of section 7 of this Act for the conduct of official inspection (other than appeal inspection);"

"(v) The term 'export port elevator' means any elevator, warehouse, or other storage or handling facility at an export port location in the United States from which grain is shipped from the United States to any place outside thereof;

"(w) The term 'export port location' means a commonly recognized port of export in the United States or Canada, as determined by the Secretary of Agriculture, from which grain produced in the United States is shipped to any place outside the United States;

"(x) The term 'supervision of weighing' means the supervision of the weighing process and of the certification of the weight of grain, and the physical inspection of the premises at which the weighing is performed to assure that all the grain intended to be weighed has been weighed and discharged into the elevator or conveyance represented on the weight certificate or other document.".

SEC. 4. Section 7 of said Act (7 U.S.C. 79) is amended by changing subsection (e) and (f) and adding new subsections (g), (h), and (i) to read, respectively, as follows:

"(e)(1) The Secretary shall cause official inspection to be performed at export port locations, for all grain required or authorized to be inspected by this Act, by authorized employees of the Department of Agriculture or other persons under contract with the Department as provided in section 8. If the Secretary determines that a State agency is qualified to perform official inspection in accordance with the criteria of subsection (f)(1)(A) of this section, the Secretary may, in his discretion, delegate authority to the State agency to perform all or specified functions involved in official inspection (other than appeal inspection) at export port locations subject to such rules, regulations, instructions, and oversight as he may prescribe, and any such official inspection shall continue to be the direct responsibility of the Secretary. Any such delegation may be revoked by the Secretary, at his discretion, at any time upon notice to the State agency without opportunity for a hearing. The Secretary may provide that grain loaded at an interior point in the United States into a rail car, barge, or other container as the final carrier in which it is to be transported from the United States shall be inspected in the manner provided in this subsection or subsection (f), as the Secretary determines will best meet the objectives of this Act.

"(2) Notwithstanding any other provision of this subsection, if the Secretary determines that a local or other governmental organization, board of trade, chamber of commerce or grain exchange is qualified to perform official inspection in accordance with the criteria of subsection (f)(1)(A) of this section, the Secretary may designate such organization or entity to perform all or specified functions involved in official inspection (other than appeal inspection) at export port locations subject to such rules, regulations, instructions or oversight as he may prescribe. Any such designation shall be subject to the provisions of subsection (g) of this section.

"(f)(1) With respect to official inspections other than at export port locations, the Secretary is authorized, upon application by any State or local governmental agency, or any person, to designate such agency or person as an official inspection agency for the conduct of all or specified functions involved in official inspection (other than appeal inspection) at locations at which the Secretary determines official inspection is needed, if:

"(A) the agency or person shows to the satisfaction of the Secretary that such agency or person:

"(i) has adequate facilities and qualified personnel for the performance of such official inspection functions;

"(ii) will conduct such training and provide such supervision of its personnel as are necessary to assure that they will provide official inspection in accordance with this Act and the regulations and instructions thereunder;

"(iii) will not charge official inspection fees that are discriminatory or unreasonable;

"(iv) and any related entities do not have a conflict of interest prohibited by section 11 of this Act;

"(v) will maintain complete and accurate records of its organization, staffing, official inspections, and fiscal operations, and such other records as the Secretary may require by regulation;

"(vi) will comply with all provisions of this Act and the regulations and instructions thereunder;

"(vii) meets other criteria established in regulations issued under this Act relating to official inspection agencies or the performance of official inspection; and

"(B) the Secretary determines that the applicant is better able than any other applicant to provide official inspection service.

"(2) Not more than one official inspection agency for carrying out the provisions of this Act shall be operative at one time for any geographic area as determined by the Secretary to effectuate the objectives stated in section 2 of this Act, but this subsection shall not be applicable to prevent any inspection agency from operating in any area in which it was operative on August 15, 1968. No State or local governmental agency or person shall provide any official inspection for purposes of this Act except pursuant to an unsuspended and unrevoked delegation of authority or designation by the Secretary as provided in this section, or as provided in section 8(a).

"(g)(1) Designations of official inspection agencies shall terminate at such time as specified by the Secretary but not later than triennially and may be renewed in accordance with the criteria and procedure prescribed in subsections (e) and (f).

"(2) A designation of an official inspection agency may be amended at any time upon application by the official inspection agency if the Secretary determines that the amendment will be consistent with the provisions and objectives of this Act; and a designation will be canceled upon request by the official inspection agency with ninety days written notice to the Secretary. A fee as prescribed by regulations of the Secretary shall be paid by the official inspection agency to the Secretary for each such amendment, to cover the costs incurred by the Department in connection therewith, and it shall be deposited in the fund as provided for in subsection (i) of this section.

"(3) The Secretary may revoke a designation of an official inspection agency whenever, after opportunity for hearing is afforded to the agency, the Secretary determines that the agency has failed to meet one or more of the criteria specified in subsection (f) of this section or the regulations under this Act for the performance of official inspection functions, or otherwise has not complied with any provision of this Act or any regulation prescribed or instruction issued to such agency under this Act, or has been convicted of any violation of other Federal law involving the handling or official inspection of grain: *Provided*, That the Secretary may, without first affording the official inspection agency an opportunity for a hearing, suspend any designation pending final determination of the proceeding whenever the Secretary has reason to believe there is cause for revocation of the designation and considers such action to be in the best interest of the official inspection system under this Act. The Secretary shall afford any such agency an opportunity for a hearing within thirty days after temporarily suspending such designation.

"(h) If the Secretary determines that official inspection by an official inspection agency designated under subsection (f) is not available on a regular basis at any location (other than at an export port location) where the Secretary determines such inspection is needed to effectuate the objectives stated in section 2 of this Act, and that no official inspection agency within reasonable proximity to such location is willing to provide and has or can acquire adequate personnel and facilities for providing such service on an interim basis, official inspection shall be provided by authorized employees of the Department, and other persons licensed by the Secretary to perform official inspection functions, as provided in section 8 of this Act, until such time as the service can be provided on a regular basis by an official inspection agency.

"(i)(1) The Secretary shall, under such regulations as he may prescribe, charge and collect reasonable inspection fees to cover the estimated cost to the Department of Agriculture incident to the performance of official inspection, except when the inspection is performed by an official inspection agency or a State agency under a delegation of authority. The fees authorized by this subsection shall, as nearly as practicable and after taking into consideration any proceeds from the sale of samples, cover the costs of the Department of Agriculture incident to its performance of official inspection services in the United States and on United States grain in Canadian ports, including 75 per centum of the estimated total supervisory and administrative costs related to such official inspection of grain. Such fees, and the proceeds from the sale of samples obtained for purposes of official inspection which become the property of the United States, shall be deposited in miscellaneous receipts of the United States Treasury.

"(2) Each designated official inspection agency and each State agency to which authority has been delegated under subsection (e) shall pay to the Secretary fees in such amount as the Secretary determines fair and reasonable and as will cover the costs incurred by the Department relating to direct supervision of official inspection agency personnel, and direct supervision by Department personnel (outside of the Washington office) of its field office personnel. Such fees shall not exceed 75 per centum of the estimated total Federal costs related to the official inspection of grain by such agencies, except costs incurred under paragraph (3) of subsection (g) and sections 9, 10, and 14 of this Act. The fees shall be payable after services are performed at such times as specified by the Secretary and shall be deposited in miscellaneous receipts of the United States Treasury. Failure to pay the fee within thirty days after it is due shall result in automatic termination of the delegation or designation, which shall be reinstated upon payment, within such period as specified by the Secretary, of the fee currently due plus interest and any further expenses incurred by the Department because of such termination.".

SEC. 5. A new section 7A is added to said Act to read as follows:

"WEIGHING

"SEC. 7A. Notwithstanding any other provision of law—

"(a) Except as the Secretary may otherwise provide in emergency or other circumstances which would not impair the objectives of this Act, all grain received at or shipped from export port elevators at export port locations in the United States

shall be weighed. The Secretary shall cause supervision of the weighing of all such grain to be performed by authorized employees of the Department of Agriculture. If the Secretary determines, in accordance with the criteria of subsection (c) of this section, that a State agency is qualified to perform supervision of weighing, the Secretary may, in his discretion, delegate authority to the State agency to perform such supervision at export port locations subject to such rules, regulations, instructions, and oversight as he may prescribe, and any such supervision of weighing shall continue to be the direct responsibility of the Secretary. Any such delegation may be revoked by the Secretary, at his discretion at any time upon notice to the State agency without opportunity for a hearing. The Secretary is authorized to implement an agreement entered into with the Government of Canada to provide for United States supervision of weighing of United States grain received at or shipped from export port elevators at Canadian ports and the requirements of this subsection shall apply to United States grain so received and shipped after the entering into of such an agreement.

"(2) Notwithstanding any other provisions of this subsection, if the Secretary determines that a local or other governmental organization, board of trade, chamber of commerce, or grain exchange is qualified to perform supervision of weighing in accordance with subsection (c) of this section, the Secretary may designate such organization or other entity to perform such supervision at export port locations subject to such rules, regulations and instructions as he may prescribe. Any such designation shall be subject to the provisions of subsection (g) of section 7 of this Act, as amended, with respect to procedures for termination, revocation, suspension and other relevant matters."

"(b) No weighing supervision shall be provided for the purposes of this Act at any export port elevator until such time as the operator of the elevator has demonstrated to the satisfaction of the Secretary that he (1) has and will maintain, in good order, suitable grain-handling equipment and accurate scales for all weighing of grain at the elevator, and will cause such scales to be tested properly by competent agencies at suitable intervals, in accordance with the regulations of the Secretary; (2) will employ only competent persons with a reputation for honesty and integrity to operate the scales and to handle grain in connection with weighing of the grain, in accordance with this Act; (3) when weighing is to be done by employees of the elevator, will require its employees to operate the scales in accordance with the regulations of the Secretary and to require that each lot of grain for delivery from any railroad car, truck, barge, vessel, or other means of conveyance at the elevator is entirely removed from such conveyance and delivered to the scale without avoidable waste or loss, and each lot of grain weighed at the elevator for shipment from the elevator is entirely delivered to the means of conveyance for which intended, and without avoidable waste or loss, in accordance with the regulations of the Secretary; (4) will provide all assistance needed by the Secretary for making any inspection or examination and carrying out other functions at the elevator pursuant to this Act, and (5) will comply with all other requirements of this Act and the regulations hereunder.

"(c) The Secretary may provide that the actual weighing and certification of weights and the inspection and testing of scales (or any one or more of such functions) at any location described in subsection (a) shall be performed either by authorized employees of the Department of Agriculture or by State or local agencies or other persons designated by the Secretary if he determines that it will effectuate the objectives of this Act. In such event, the Secretary may designate a State or local agency or person to perform any such functions if the agency or person shows to the satisfaction of the Secretary that (1) it has adequate facilities and qualified personnel for the performance of such functions, (2) will conduct such training and provide such supervision of its personnel as are necessary to assure that they will provide the service in accordance with this Act and the regulations and instructions thereunder, (3) will not charge fees that are discriminatory or unreasonable, (4) does not have a conflict of interest prohibited by section 11 of this Act, (5) will maintain complete and accurate records of its organization, staffing, and operations and such other records as the Secretary may require by regulation, (6) and the regulations provisions of the Act and the regulations and instructions thereunder, and (7) meets other criteria established in regulations issued under this Act relating to the performance of such functions. Designations made pursuant to this subsection shall be subject to the same provisions as designations for official inspection agencies under section 7(g).

"(d) The Secretary is authorized (1) to investigate the weighing and the certification of the weight of grain shipped in interstate or foreign commerce; (2) to require by regulation the maintenance of complete and accurate records of the weighing of such grain for such period of time as the Secretary determines is necessary for the effective administration and enforcement of this Act; and (3) to prescribe by regulation the standards, procedures, and controls for accurate weighing and certification of weights of grain including safeguards of equipment, and the calibration and maintenance thereof, at locations specified in subsection (a) of this section.

"(e) The Secretary shall conduct a study concerning the supervision of weighing, the weighing and certification of weights of grain, and the inspection and testing of scales used in the weighing of grain at both export port elevators and other than export port elevators. The Secretary shall report the results of the study to the House Committee on Agriculture and the Senate Committee on Agriculture and Forestry not later than twelve months after the effective date of this Act, together with any recommendations for legislation that he determines necessary for strengthening the adequacy and reliability of the system.

"(f) No State or local governmental agency or person shall weigh or state in any document the weight of grain determined at a location where weights are required to be supervised or the weighing or inspection and testing of scales is required to be performed as provided for in this section except in accordance with the procedures prescribed pursuant to this section. No person shall use any scales which have been disapproved by the Secretary or a State or local government agency or person designated by the Secretary.

"(g) The provisions of this section shall not limit any authority vested in the Secretary under the United States Warehouse Act (39 Stat. 486, as amended, 7 U.S.C. 241 et seq.).

"(h) The representatives of the Secretary shall be afforded access to any elevator, warehouse, or other storage or handling facility from which grain is delivered for shipment in interstate or foreign commerce or to which grain is delivered from shipment in interstate or foreign commerce and all facilities therein for weighing grain.

"(i)(1) The Secretary shall, under such regulations as he may prescribe, charge and collect reasonable fees to cover the estimated costs to the Department of Agriculture incident to the performance of the functions provided for under this section, except as otherwise provided in paragraph (2) of this subsection. The fees authorized by this paragraph shall, as nearly as practicable, cover the costs of the Department of Agriculture incident to performance of its functions related to weighing, including 75 per centum of the estimated total supervisory and administrative costs related to such services. Such fees shall be deposited in miscellaneous receipts of the United States Treasury.

"(2) Each agency to which authority has been delegated under this section and each agency or other person which has been designated to perform functions related to weighing under this section shall pay to the Secretary fees in such amount as the Secretary determines fair and reasonable and as will cover the costs incurred by the Department relating to direct supervision of the agency personnel and direct supervision by Department personnel (outside of the Washington office) of its field office personnel incurred as a result of the functions performed by such agencies, but such fees shall not exceed 75 per centum of the estimated total Federal costs related to the weighing functions of such agencies, except costs incurred under sections 9, 10, and 14 of this Act. The fees shall be payable after the services are performed at such times as specified by the Secretary and shall be deposited in miscellaneous receipts to the United States Treasury. Failure to pay the fee within thirty days after it is due shall result in automatic termination of the delegation or designation, which shall be reinstated upon payment, within such period as specified by the Secretary, of the fee currently due plus interest and any further expenses incurred by the Department because of such termination.".

SEC. 6. Section 8 of said Act (7 U.S.C. 84) is amended (a) by amending subsection (a) to read as follows:

"(a) The Secretary is authorized (1) to issue a license to any individual upon presentation to him of satisfactory evidence that such individual is competent, and is employed by an official inspection agency, or a State agency delegated authority under section 7(e), to perform all or specified original inspection or reinspection functions involved in official inspection of grain in the United States; (2) to authorize any competent employee of the Department of Agriculture to (i) perform all or specified original inspection, reinspection, or appeal inspection functions involved in official inspection of grain in the United States, or of United States grain in Canadian ports, and (ii) supervise the official inspection of grain in the United States and of United States grain in Canadian ports; and (3) to contract with any person to perform specified sampling and laboratory testing and to license competent persons to perform such functions pursuant to such contract. No person shall perform any official inspection functions for purposes of this Act unless such person holds an unsuspended and unrevoked license or authorization from the Secretary under this Act.".

(b) By amending subsection (b) to insert "or by a State agency under a delegation of authority pursuant to section 7(e)" after "official inspection agency".

(c) By amending subsection (d) and adding new subsection (e) to read as follows:

"(d) Persons employed by an official inspection agency (including persons employed by a State agency under a delegation of authority pursuant to section 7(e), persons performing official inspection functions under contract with the Department of Agriculture, and persons employed by a State or local agency or other person conducting functions relating to weighing under section 7A shall not, unless otherwise employed by the Federal Government, be determined to be employees of the Federal Government of the United States: *Provided, however,* That such persons shall be considered in

the performance of any official inspection functions or any functions relating to weighing as prescribed by this Act or by the rules and regulations of the Secretary, as persons acting for or on behalf of the United States, for the purpose of determining the application of section 201 of title 18, United States Code, to such persons and as employees of the Department of Agriculture assigned to perform inspection functions for the purposes of sections 1114 and 111 of title 18 of the United States Code.

"(e) The Secretary of Agriculture may hire (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service) as official inspection personnel any individual who is licensed (on the date of enactment of this Act) to perform functions of official inspection under the United States Grain Standards Act and as personnel to perform supervisory weighing or weighing functions any individual who, on the date of enactment of this Act, was performing similar functions: *Provided*, That the Secretary of Agriculture determines that such individuals are of good moral character and are technically and professionally qualified for the duties to which they will be assigned.".

SEC. 7. Section 9 of said Act (82 Stat. 765, 7 U.S.C. 85) is amended by adding a new sentence at the end thereof to read as follows: "The Secretary may summarily revoke any license whenever the licensee has been convicted of any offense prohibited by section 13 of this Act, or convicted of any offense proscribed by title 18, United States Code, with respect to performance of functions under this Act.".

SEC. 8. Section 10 of said Act (7 U.S.C. 86) is amended—

(a) by changing the title to read "REFUSAL OF INSPECTION AND WEIGHING SERVICES AND CIVIL PENALTIES";

(b) by amending subsection (a) to read as follows:

"(a) The Secretary may (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) refuse to provide official inspection or the services related to weighing otherwise available under this Act with respect to any grain offered for such services, or owned, wholly or in part, by any person if he determines (1) that the individual (or in case such person is a partnership, any general partner; or in case such person is a corporation, any officer, director, or holder or owner of more than 10 per centum of the voting stock; or in case such person is an unincorporated association or other business entity, any officer or director thereof; or in case of any such business entity, any individual who is otherwise responsibly connected with the business) has knowingly committed any violation of section 13 of this Act or has been convicted of any violation of other Federal law with respect to the handling, weighing, or official inspection of grain, or that official inspection or the services related to weighing has been refused for any of the above-specified causes (for a period which has not expired) to such person, or any other person conducting a business with which the former was, at the time such cause existed, or is responsibly connected; and (2) that providing such service with respect to such grain would be inimical to the integrity of the service."

(c) by amending subsection (c) and adding new subsections (d) and (e) to read as follows:

"(c) In addition to, or in lieu of, penalties provided under section 14 of this Act, or in addition to, or in lieu of refusal of official inspection or services related to weighing in accordance with this section, the Secretary may assess, against any person who has knowingly committed any violation of section 13 of this Act or has been convicted of any violation of other Federal law with respect to the handling, weighing, or official inspection of grain a civil penalty not to exceed $50,000 for each such violation as the Secretary determines is appropriate to effectuate the objectives stated in section 2 of this Act.

"(d) Before official inspection or services related to weighing is refused to any person or a civil penalty is assessed against any person under this section, such person shall be afforded opportunity for a hearing in accordance with sections 554, 556, and 557 of title 5, United States Code.

"(e) Moneys received in payment of such civil penalties shall be deposited in the general fund of the United States Treasury. Upon any failure to pay the penalties assessed under this section, the Secretary may request the Attorney General to institute a civil action to collect the penalties in the appropriate court identified in subsection (h) of section 17 of this Act for the jurisdiction in which the respondent is found or resides or transacts business, and such court shall have jurisdiction to hear and decide any such action.".

SEC. 9. Section 11 of said Act (7 U.S.C. 87) is amended by designating the provisions thereof as subsection (a) and adding new subsections (b) and (c) to read as follows:

"(b)(1) No official inspection agency or a State agency delegated authority under section 7(e), or any member, director, officer, or employee thereof, and no business or governmental entity related to any such agency, shall be employed in or otherwise engaged in, or directly or indirectly have any stock or other financial interest in, any business involving the commercial transportation, storage, merchandising, or other commercial handling of grain, or the use of official inspection service (except that in the case of a producer such use shall not be prohibited for grain in which he does not have an interest); and no business or governmental entity conducting any such business, or any member, director, officer, or employee thereof, and no other business or governmental entity related to any such entity, shall operate or be employed by or directly or indirectly have any stock or other financial interest in, any official inspection agency or a State agency delegated inspection authority. Further, no substantial stockholder in any incorporated official inspection agency shall be employed in or otherwise engaged in, or be a substantial stockholder in any corporation conducting any such business, or directly or indirectly have any other kind of financial interest in any such business; and no substantial stockholder in any corporation conducting such a business shall operate or be employed by or be a substantial stockholder in, or directly or indirectly have any other kind of financial interest in, any official inspection agency.

"(2) A substantial stockholder of a corporation shall be any person holding 2 per centum or more, or one hundred shares or more, of the voting stock of the corporation, whichever is the lesser interest. Any entity shall be considered to be related to another entity if it owns or controls, or is owned or controlled by, such other entity, or both entities are owned or controlled by another entity.

"(3) Each State agency delegated supervision of weighing authority under section 7A and each State or local agency or other person designated by the Secretary under such section to perform services related to weighing shall be subject to the provisions of subsection (b) of this section. The term 'official inspection agency' as used in such subsection shall be deemed to refer to a State or local agency or other person performing such services under a delegation or designation from the Secretary, and the term 'use of official inspection service' shall be deemed to refer to the use of the services provided under such a delegation or designation.

"(4) If a State or local governmental agency is delegated authority to perform official inspection or supervision of weighing, or a State or local governmental agency is designated as an official inspection agency or is designated to perform weighing functions, the Secretary shall specify the officials and other personnel thereof to which the conflict of interest provisions of this subsection (b) apply.

"(5) Notwithstanding the foregoing provisions of this subsection, the Secretary may delegate authority to a State agency or designate a governmental agency, a board of trade, chamber of commerce, or grain exchange to perform official inspection or to perform services related to weighing, except that for purposes of services related to weighing only, he may also designate any other person, if he determines that any conflict of interest which may exist between the agency or person or any member, officer, employee, or stockholder thereof and any business involving the transportation, storage, merchandising, or other handling of grain or use of official inspection or weighing service is not such as to jeopardize the integrity or the effective or objective operation of the functions performed by such agency.

"(c) The provisions of this section shall not prevent an official inspection agency from engaging in the business of weighing grain.".

SEC. 10. (a) Section 12 of said Act (7 U.S.C. 87a) is amended by inserting after the term "official inspection agency" each time it appears in subsections (b) and (c), the term "and every person licensed to perform any official inspection function under this Act".

(b) Section 12 of said Act is further amended by adding the following new subsection (d), at the end thereof:

"(d) Every person who, at any time, has obtained or obtains official inspection shall, within the five-year period thereafter, maintain complete and accurate records of purchases, sales, transportation, storage, treating, cleaning, drying, blending, and other processing, and official inspections of grain, and permit any authorized representative of the Secretary, at all reasonable times, to have access to, and to copy, such records and to have access to any grain elevator, warehouse, or other storage or handling facility used by such person for handling of grain.".

SEC. 11. Section 13 of said Act is amended:

(a) By inserting in subsections (a)(7) and (a)(8) the words "or personnel of agencies delegated authority or of agencies or other persons designated under this Act" after "personnel" and in subsection (a)(11) "7(f)(2), 7A," after "section 5, 6,";

(b) By striking the word "or" at the end of subsection (a)(10), striking the period at the end of subsection (a) and inserting a semicolon in lieu thereof and adding new subsections (a)(12) and (a)(13) as follows:

"(12) knowingly engage in falsely stating or falsifying the weight of any grain shipped in interstate or foreign commerce, or

"(13) knowingly prevent or impede any buyer or seller of grain or other person having a financial interest in the grain, or the authorized agent of any such person, from observing the loading of grain inspected under this Act and the weighing, sampling, and inspection of such grain under conditions prescribed by the Secretary."; and

(c) By inserting in subsection (b)(2) the words "or weighing" after the word "inspection".

SEC. 12. Section 1114 of title 18 of the United States Code, as amended, is hereby amended by (1) striking the phrase "any employee of the Bureau of Animal Industry of the Department of Agriculture," and (2) inserting immediately after the phrase "or of the Department of Labor" the words "or of the Department of Agriculture".

SEC. 13. Section 14 of the United States Grain Standards Act (7 U.S.C. 87c) is amended to read as follows:

"CRIMINAL PENALTIES

"SEC. 14. (a) Any person who commits an offense prohibited by section 13 (except an offense prohibited by paragraphs (a)(7), (a)(8), and (b)(4) in which case he shall be subject to the general penal statutes in title 18 of the United States Code relating to crimes and offenses against the United States) shall be guilty of a misdemeanor and shall, on conviction thereof, be subject to imprisonment for not more than twelve months, or a fine of not more than $10,000, or both such imprisonment and fine; but, for each subsequent offense subject to this subsection, such person shall be subject to imprisonment for not more than five years, or a fine of not more than $20,000, or both such imprisonment and fine.

"(b) Nothing in this Act shall be construed as requiring the Secretary to report minor violations of this Act for criminal prosecution when he believes that the public interest will be adequately served by a suitable written notice of warning, or to report any violation of this Act for prosecution when he believes that institution of a proceeding under section 10 of this Act will obtain compliance with this Act and he institutes such a proceeding.

"(c) Any officer or employee of the Department of Agriculture assigned to perform weighing functions under this Act shall be considered as an employee of the Department of Agriculture assigned to perform inspection functions for the purposes of sections 1114 and 111 of title 18."

SEC. 14. Section 16 of said Act (7 U.S.C. 87e) is amended to read as follows:

"SEC. 16. The Secretary is authorized to conduct such investigations; hold such hearings; require such reports from any official inspection agency, any State agency delegated authority under section 7(e), licensee, or other person; require by regulation as a condition for official inspection, among other things (a) that there be installed specified sampling and monitoring equipment in grain elevators, (b) that approval of the Secretary be obtained as to the condition of carriers and containers for transporting or storing of grain, and (c) that persons having a financial interest in the grain which is to be inspected (or their agents) shall be afforded an opportunity to observe the weighing, loading, and official inspection thereof, under conditions prescribed by the Secretary. The Secretary is further authorized to prescribe such other rules, regulations, and instructions as he deems necessary to effectuate the purposes or provisions of this Act. Whether any certificate, other form, representation, designation, or other description is false, incorrect, or misleading within the meaning of this Act shall be determined by tests made in accordance with such provisions as the Secretary may adopt to effectuate the objectives of this Act, if the relevant facts are determinable by such tests. Proceedings under section 9 of this Act for refusal to renew, or for suspension or revocation of, a license, shall not, unless requested by the respondent, be subject to the administrative procedure provisions in sections 554, 556, and 557 of title 5, United States Code.".

SEC. 15. Section 17 of said Act (7 U.S.C. 87f) is amended by deleting from subsection (e) the term "section 14" and substituting in lieu thereof the term "subsection (a) of section 14"; and by changing subsection (g) to read as follows:

"(g) Any present or former officer or employee of the Department of Agriculture or of any State agency delegated authority under this Act or any official inspection agency, or any agency or person designated to perform services related to weighing under section 7A, or any present or former licensee, who shall make public any information obtained under this Act except pursuant to authority from the Secretary or a court order or otherwise in connection with law enforcement proceedings by the Federal Government, or pursuant to a request from a committee of the Congress, shall be guilty of a misdemeanor, and upon conviction thereof be subject to the penalties set forth in subsection (a) of section 14 of this Act. Nothing contained herein shall be construed as prohibiting such person from divulging information which he reasonably believes involves conduct prohibited under this Act or under title 18 of the United States Code.".

SEC. 16. Section 19 of said Act (7 U.S.C. 87h) is amended to read as follows:

"APPROPRIATIONS

"SEC. 19. There are hereby authorized to be appropriated such sums as are necessary for monitoring in foreign ports grain officially inspected under this Act; improvement of official standards for grain, improvement of inspection procedures and equipment, and other activities authorized by section 4 of this Act; development and issuance of rules, regulations, and instructions; and other Federal costs incurred under this Act.".

STUDY OF GRAIN STANDARDS AMENDMENT

SEC. 17. In order to assure that producers, handlers, and transporters of grain are encouraged and rewarded for the production, maintenance, and delivery of the quality of grain needed to meet the end-use requirements of domestic and foreign buyers, the Secretary is hereby authorized and directed to conduct an investigation and make a study regarding the adequacy of the current grain standards established under the United States Grain Standards Act. To determine the items of concern to buyers, both foreign and domestic, and how sellers in the United States might best satisfy those needs, the Secretary may seek the advice of and may employ the service of representatives of the grain industry, land-grant colleges, and other members of the public (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service). On the basis of the results of such study, the Secretary, in accordance with section 4 of the United States Grain Standards Act, shall make such changes in the grain standards as he determines necessary and appropriate, and, not later than one year after the enactment of this Act, submit a report to the Congress setting forth the findings of such study and action taken by him as a result of the study.

REPORTS OF COMPLAINTS

SEC. 18. The United States Grain Standards Act is amended by inserting after section 19 the following new section:

"REPORTING REQUIREMENTS

"SEC. 20. On February 1 of each year, the Secretary shall submit to the House Committee on Agriculture and the Senate Committee on Agriculture and Forestry a summary of all complaints received by the Department of Agriculture from foreign purchasers and prospective purchasers of grain and other foreign purchasers interested in the trade of grain: *Provided*, That the summary shall not include a complaint unless reasonable cause exists to believe that the complaint is valid, as determined by the Secretary.".

SEC. 19. The Secretary shall submit a report to the House Committee on Agriculture and the Senate Committee on Agriculture and Forestry one year after the effective date of this Act setting forth the actions taken by him in implementing the provisions of this Act.

EFFECTIVE DATE

SEC. 20. This Act shall become effective on the thirtieth day after enactment hereof; and thereafter no State agency shall provide official inspection at an export port location or supervision of weighing at an export port elevator at an export port location without a delegation of authority and no agency or person shall provide official inspection service in any other area without a designation under the United States Grain Standards Act, as amended hereby, except that any agency or person then providing such service in any area, who pays fees when due, in the same manner as prescribed in section 7 or 7A of the United States Grain Standards Act, as amended hereby, may continue to operate in that area without a delegation or a designation but shall be subject to all provisions of the United States Grain Standards Act and regulations thereunder in effect immediately prior to the effective date hereof, until whichever of the following events occurs first:

(1) a delegation or designation of such agency or person to perform such services is granted or denied by the Secretary pursuant to said Act, as amended hereby; or

(2) such agency, or two or more members or employees thereof, have been or are convicted of a violation of any provision of the United States Grain Standards Act in effect immediately prior to the effective date hereof; or convicted of any offense proscribed by any other Federal law involving the handling or official inspection of grain; or

(3) the expiration of a period as determined by the Secretary of not more than two years following the effective date hereof.

Mr. MOORE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

Mr. MOORE. Mr. Chairman, I have offered this amendment in the nature of a substitute, which strikes everything after the enacting clause and puts the bill right back in, with the exception of two important changes. In sections 4 and 5 of the bill I put language in as a new subsection in (a)(2) which would allow the existing grain exchanges, local government organizations, boards of trade and chambers of commerce, which the Secretary finds qualified, to inspect grain or supervise the weighing of grain, but only after the Secretary finds them qualified to do so under the strong conflict of interest section of the bill, under the strong criminal and civil penalties of the bill and under the strong supervisory powers of the Secretary of the bill.

Mr. Chairman, I offered this amendment in committee and it failed. The USDA is not opposed to my substitute, as it comes closer to the administration bill than does the present bill.

I pointed out in general debate and I pointed out in debate on the various amendments that I do not believe we are going to make this system any better by federalizing all the employees. As a matter of fact, of the 3,000 grain inspectors in business today, the Federal Government is going to hire perhaps 800 of them. So we are going to have the same men, just working, so they are the only grain inspectors for different employers. How is that going to solve the problem? In addition, only 19 out of these 3,000 have been indicted or found guilty of any wrong doing. It seems to me that is not very good evidence or reason to drastically change the system to make it all Federal when only 19 were guilty.

Further, the existing organizations inspecting grain have made the changes suggested by USDA. They have purged their organizations of the people who have been guilty or even possibly guilty of any kind of wrongdoing. They are as anxious as any of you to solve the problem. I believe that they can or will do as good a job, if not better, than any Federal employee we can hire to do the job.

When we look at such situations as the recent meat-inspecting scandals in Los Angeles in 1975 where some 15 Federal inspectors have been indicted and convicted, we cannot argue the conclusion that the Federal inspectors are going to do any better job in grain than they have done in meat. They were formerly State meat inspectors and we federalized them and what good did it do?

Look at the Postal Service, the food stamp program and other programs that are directly run by the Federal Government. They are federalized yet have significant problems in many instances worse than in grain inspection. The problem is one of administration and one of honesty which can exist no matter what the level of government or what the organization.

Mr. Chairman, I also point out that these organizations are providing a tremendous service. They can do it cheaper and they can do it better for the taxpayers, the grain shippers, the grain buyers and grain producers in this country.

These organizations inspecting grain are important economic entities to their locale. We are crippling them if we take away the right to inspect grain and are hurting the areas near them. I believe we have solved the problem as well as can be done with the strong good provisions of this bill.

We do not have to take the next step of federalizing all the employees. The committee debated this issue and was divided over it on two or three occasions. We were not sure then and should not now be that we have to eliminate these inspecting organizations.

So, I urge support of the amendment in the nature of a substitute. It does nothing more than keep the same bill, but allows these organizations to continue to function under its strong guidelines and penalty provisions.

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

Mr. MOORE. I yield to the gentleman from Idaho.

Mr. SYMMS. I thank the gentleman for yielding to me, and would like to commend the gentleman for his amendment.

I have a private inspection service in my State which works very well. I know that I agree with what the gentleman is saying. I also would like to call the attention of the members of the committee to the minority views written by the gentleman in the well and the gentleman from Florida. I would like to commend him for his leadership on this issue and for the great deal of thought which he has put into this.

I encourage the members of the committee to read this report.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Louisiana (Mr. MOORE).

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

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

A recorded vote was refused.

Mr. MOORE. Mr. Chairman, I demand a division.

On a division (demanded by Mr. MOORE) there were—ayes 19; noes 62.

So the amendment in the nature of a substitute was rejected.

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. LANDRUM, 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. 12572) to amend the United States Grain Standards Act to improve the grain inspection and weighing system, and for other purposes, pursuant to House Resolution 1120, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

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

The amendments were agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. SYMMS

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

The SPEAKER. Is the gentleman opposed to the bill?

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

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

The Clerk read as follows:

Mr. SYMMS moves to recommit the bill, H.R. 12572, to the Committee on Agriculture.

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 passage of the bill.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 246, nays 33, not voting 153, as follows:

[Roll No. 160]

YEAS—246

Adams	Ford, Mich.	Murtha
Alexander	Ford, Tenn.	Myers, Ind.
Allen	Fountain	Myers, Pa.
Ambro	Fraser	Natcher
Anderson, Calif.	Frey	Neal
Anderson, Ill.	Gaydos	Nedzi
Andrews, N.C.	Gibbons	Nolan
Andrews, N. Dak.	Gilman	Nowak
Annunzio	Goldwater	Oberstar
Ashley	Gonzalez	O'Brien
Aspin	Grassley	O'Hara
AuCoin	Gude	O'Neill
Bafalis	Hagedorn	Ottinger
Baldus	Haley	Patten, N.J.
Beard, R.I.	Hall	Patterson, Calif.
Bedell	Hamilton	Pattison, N.Y.
Bennett	Hanley	Perkins
Bergland	Hannaford	Pettis
Blanchard	Harkin	Pike
Blouin	Harris	Pressler
Bolling	Hechler, W. Va.	Preyer
Bonker	Helstoski	Price
Bowen	Hicks	Pritchard
Brademas	Hightower	Quie
Breckinridge	Hillis	Rangel
Brinkley	Holtzman	Rees
Brodhead	Howard	Regula
Brooks	Howe	Reuss
Brown, Calif.	Hughes	Rhodes
Brown, Mich.	Hungate	Richmond
Buchanan	Hutchinson	Rinaldo
Burgener	Hyde	Risenhoover
Burke, Calif.	Jacobs	Rodino
Burlison, Mo.	Jarman	Roe
Butler	Jeffords	Rooney
Byron	Jenrette	Rosenthal
Carney	Johnson, Calif.	Roush
Carr	Jones, Ala.	Roybal
Carter	Jordan	Ruppe
Clausen, Don H.	Kasten	Russo
Cleveland	Kastenmeier	Sarasin
Cohen	Kazen	Scheuer
Collins, Ill.	Keys	Schulze
Conable	Krebs	Sebelius
Conte	LaFalce	Seiberling
Conyers	Lagomarsino	Sharp
Cornell	Leggett	Shipley
Coughlin	Lehman	Shriver
D'Amours	Lent	Simon
Daniel, Dan	Levitas	Sisk
Daniel, R. W.	Litton	Skubitz
Daniels, N.J.	Lloyd, Calif.	Smith, Iowa
Danielson	Lloyd, Tenn.	Smith, Nebr.
Delaney	Long, Md.	Solarz
Dellums	Lujan	Staggers
Derrick	Lundine	Stanton, J. William
Derwinski	McClory	Steed
Devine	McCollister	Studds
Diggs	McCormack	Symington
Dingell	McEwen	Taylor, Mo.
Dodd	McFall	Taylor, N.C.
Downey, N.Y.	McHugh	Thompson
Drinan	McKinney	Thone
Duncan, Tenn.	Madigan	Thornton
du Pont	Maguire	Traxler
Early	Martin	Tsongas
Edgar	Mazzoli	Ullman
Edwards, Ala.	Meeds	Vanik
Edwards, Calif.	Meyner	Walsh
Emery	Mezvinsky	Wampler
English	Michel	Waxman
Erlenborn	Miller, Calif.	Weaver
Evans, Ind.	Mineta	Whalen
Evins, Tenn.	Minish	Whitehurst
Fary	Mitchell, Md.	Whitten
Fascell	Mitchell, N.Y.	Wilson, Tex.
Fenwick	Moakley	Wirth
Findley	Mollohan	Wolff
Fisher	Montgomery	Yates
Flood	Moorhead, Calif.	Yatron
Foley	Moorhead, Pa.	Young, Fla.
	Moss	Zablocki
	Murphy, Ill.	

NAYS—33

Archer	Holt	Rousselot
Ashbrook	Ichord	Runnels
Boggs	Johnson, Colo.	Satterfield
Breaux	Jones, Okla.	Schroeder
Burleson, Tex.	Landrum	Shuster
Collins, Tex.	Latta	Snyder
Ginn	Mann	Symms
Goodling	Miller, Ohio	Waggonner
Hammer-schmidt	Mills	Wiggins
Hansen	Moore	Young, Alaska
Hébert	Passman	
	Poage	

NOT VOTING—153

Abdnor	Giaimo	Peyser
Abzug	Gradison	Pickle
Addabbo	Green	Quillen
Armstrong	Guyer	Railsback
Badillo	Harrington	Randall
Barrett	Harsha	Riegle
Baucus	Hawkins	Roberts
Bauman	Hayes, Ind.	Robinson
Beard, Tenn.	Hays, Ohio	Rogers
Bell	Heckler, Mass.	Roncalio
Bevill	Hefner	Rose
Biaggi	Heinz	Rostenkowski
Biester	Henderson	Ryan
Bingham	Hinshaw	St Germain
Boland	Holland	Santini
Broomfield	Horton	Sarbanes
Brown, Ohio	Hubbard	Schneebeli
Broyhill	Johnson, Pa.	Sikes
Burke, Fla.	Jones, N.C.	Slack
Burke, Mass.	Jones, Tenn.	Spellman
Burton, John	Karth	Spence
Burton, Phillip	Kelly	Stanton, James V.
Cederberg	Kemp	Stark
Chappell	Ketchum	Steelman
Chisholm	Kindness	Steiger, Ariz.
Clancy	Koch	Steiger, Wis.
Clawson, Del	Krueger	Stephens
Clay	Long, La.	Stokes
Cochran	Lott	Stratton
Conlan	McCloskey	Stuckey
Corman	McDade	Sullivan
Cotter	McDonald	Talcott
Crane	McKay	Teague
Davis	Macdonald	Treen
de la Garza	Madden	Udall
Dent	Mahon	Van Deerlin
Dickinson	Mathis	Vander Jagt
Downing, Va.	Matsunaga	Vander Veen
Duncan, Oreg.	Melcher	Vigorito
Eckhardt	Metcalfe	White
Eilberg	Mikva	Wilson, Bob
Esch	Milford	Wilson, C. H.
Eshleman	Mink	Winn
Evans, Colo.	Moffett	Wright
Fish	Morgan	Wydler
Fithian	Mosher	Wylie
Florio	Mottl	Young, Ga.
Flowers	Murphy, N.Y.	Young, Tex.
Flynt	Nichols	Zeferetti
Forsythe	Nix	
Frenzel	Obey	
Fuqua	Pepper	

The Clerk announced the following pairs:

On this vote:

Mr. Jones of Tennessee for, with Mr. Melcher against.

Mr. Eckhardt for, with Mr. Long of Louisiana against.

Until further notice:

Mr. Addabbo with Mr. Abdnor.
Mr. Eilberg with Mr. Forsythe.
Mr. Sikes with Mr. Peyser.
Mr. Zeferetti with Mr. Railsback.
Mr. Chappell with Mr. Spence.
Mr. Morgan with Mr. Kelly.
Mr. Koch with Mr. Kindness.
Ms. Abzug with Mr. Del Clawson.
Mr. Baucus with Mr. Broomfield.
Mrs. Chisholm with Mr. Bell.
Mr. Fithian with Mr. Cochran.
Mrs. Mink with Mr. Johnson of Pennsylvania.
Mr. Udall with Mr. Steelman.
Mr. Badillo with Mr. Talcott.
Mr. Mottl with Mr. Kemp.
Mr. Moffett with Mr. Crane.
Mr. Stokes with Mr. Clancy.
Mr. Charles H. Wilson of California with Mr. Brown of Ohio.
Mr. Clay with Mr. McDade.
Mr. Matsunga with Mr. Burke of Florida.
Mr. Metcalfe with Mr. Broyhill.
Mr. Stratton with Mr. Harsha.
Mr. Teague with Mr. Guyer.
Mr. Nichols with Mr. Steiger of Arizona.
Mr. Duncan of Oregon with Mr. Vander Jagt.
Mr. Henderson with Mr. Conlan.
Mr. Fuqua with Mr. Downing of Virginia.
Mr. Jones of North Carolina with Mr. Esch.
Mr. Burke of Massachusetts with Mr. Gradison.
Mr. Macdonald of Massachusetts with Mr. Eshleman.
Mr. Pickle with Mr. Wylie.
Mr. Boland with Mr. Bob Wilson.
Mr. Bevill with Mr. Mahon.
Mr. Rostenkowski with Mr. Lott.
Mr. Nix with Mr. Ketchum.
Mr. Barrett with Mr. Madden.
Mr. Biaggi with Mr. Steiger of Wisconsin.
Mr. Bingham with Mr. Winn.
Mr. Giaimo with Mr. Wydler.
Mr. Flynt with Mr. Fish.
Mr. Murphy of New York with Mr. Milford.
Mr. Pepper with Mr. McDonald of Georgia.
Mr. Rogers with Mr. McKay.
Mr. Roncalio with Mr. McCloskey.
Mr. Sarbanes with Mr. Horton.
Mrs. Spellman with Mr. Heinz.
Mr. James V. Stanton with Mrs. Heckler of Massachusetts.
Mr. Stark with Mr. Randall.
Mrs. Sullivan with Mr. Roberts.
Mr. Vigorito with Mr. Slack.
Mr. White with Mr. Stephens.
Mr. Wright with Mr. Treen.
Mr. Young of Georgia with Mr. Evans of Colorado.
Mr. Karth with Mr. Dickinson.
Mr. Hays of Ohio with Mr. Stuckey.
Mr. Young of Texas with Mr. Van Deerlin.
Mr. Beard of Tennessee with Mr. Ryan.
Mr. John L. Burton with Mr. Santini.
Mr. Cotter with Mr. Riegle.
Mr. Hayes of Indiana with Mr. Obey.
Mr. Dent with Mr. Harrington.
Mr. Phillip Burton with Mr. Hawkins.
Mr. Corman with Mr. Hefner.
Mr. Florio with Mr. Holland.
Mr. Flowers with Mr. Hubbard.
Mr. Mathis with Mr. Krueger.
Mr. Mikva with Mr. St Germain.
Mr. Rose with Mr. Schneebeli.
Mr. Davis with Mr. Bauman.
Mr. de la Garza with Mr. Cederberg.
Mr. Green with Mr. Frenzel.
Mr. Quillen with Mr. Mosher.
Mr. Robinson with Mr. Armstrong.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. In addition to the committees to which the report of the Select Committee on Intelligence was referred on February 16 and March 16, 1976, the Chair, pursuant to his authority under clause 5, rule X, has referred the report to the Committee on Standards of Official Conduct for study of the report and recommendations of the select committee under the same restrictions and conditions as those stated in the Chair's announcement contained on page 3158 of the RECORD of February 16, 1976.

LEGISLATIVE PROGRAM

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

Mr. MICHEL. Mr. Speaker, I take this time for the purpose of inquiring of the distinguished majority leader the program for next week.

Mr. O'NEILL. If the distinguished minority leader would be kind enough to yield, I will be happy to respond.

Mr. MICHEL. I will be happy to yield to the majority leader.

Mr. O'NEILL. Mr. Speaker, we have concluded the program for today, and when we adjourn today, we will adjourn to meet on Monday at 12 o'clock noon.

The program for the House of Representatives for the week of April 5, 1976, is as follows:

For Monday, the Consent Calendar and the Suspension Calendar. Votes on suspensions will be postponed until the end of all suspensions.

The suspensions are as follows:

H.R. 8957, U.S. Commission on Civil Rights authorization;

H.R. 11722, deprivation of employment on account of political contribution;

H.J. Res. 491, Allen J. Ellender fellowships;

H.R. 11140, national cemetery, Quantico, Va.;

H.J. Res. 670, Thomas Jefferson Day;

H.J. Res. 726, National Bicentennial Highway Safety Year;

S.J. Res. 35, National Employ the Older Worker Week;

S.J. Res. 101, National Family Week;

S. 2308, Bristol Cliffs Wilderness Area, Vt.;

H.R. 11559, saline water conversion program;

H.R. 5446, International Navigational Rules;

H.R. 11670, Coast Guard authorization; and

H.R. 13012, national influenza immunization program.

And then we will have House Joint Resolution 890, emergency supplemental appropriations, fiscal year 1976.

On Tuesday we will have the Private Calendar, and there are two suspensions. Votes on the suspensions will be postponed until the end of all suspensions.

The suspensions are as follows:

H.R. 12605, fiscal year adjustment; and

H.R. 12006, fiscal year transition.

Then there will be:

H.R. 12388, Energy Research and Development Administration supplemental authorization, under an open rule, with 1 hour of debate; and

H.R. 3863, Eagles Nest Wilderness, Colo., under an open rule, with 1 hour of debate.

On Wednesday we will have:

S. 1941, Animal Welfare Act amendments, a conference report;

H.R. 11337, mid-decade census, subject to a rule being granted; and

H.R. 10686, availability of census records, subject to a rule being granted.

H.R. 12678, national health promotion and disease prevention, subject to a rule being granted.

On Thursday we will have:

H.R. 12438, Defense authorization, subject to a rule being granted, taking the general debate only.

On Friday, we will have:

H.R. 12438, Defense authorization, votes on amendments and the bill.

Conference reports may be brought up at any time, and any further program will be announced later.

Mr. MICHEL. Mr. Speaker, if I might ask the majority leader one question on item 13, the unnumbered national influenza immunization program, does the

gentleman know whether that is going to be limited to that flu vaccine item for which the emergency supplemental appropriation is?

Mr. O'NEILL. The answer is "Yes"; it is limited to the flu vaccine.

Mr. MICHEL. I thank the majority leader.

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

Mr. MICHEL. I am happy to yield to the gentleman from New Jersey.

Mr. THOMPSON. Mr. Speaker, the majority leader's announcements, his candor and his leadership are virtually incomparable in the House. We know precisely what we are going to do next week, when, and why, and in some instances—well, just everything you need to know and love to know concerning the coming week.

I would just like to express the appreciation, and I am sure I speak for a great majority of the Members, to the gentleman for his leadership, friendliness and wisdom which I repeat is just incomparable.

Mr. MICHEL. Mr. Chairman, I just wanted to make the observation that I was happy to yield to the gentleman from New Jersey for the observation made about the majority leader.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday of next week.

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

There was no objection.

ADJOURNMENT TO MONDAY, APRIL 5, 1976

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

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

There was no objection.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 12572, United States Grain Standards Act of 1976.

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

There was no objection.

CONFERENCE REPORT ON H.R. 7988, HEALTH RESEARCH AND HEALTH SERVICES AMENDMENTS OF 1976

Mr. STAGGERS submitted the following conference report and statement on the bill (H.R. 7988) to amend the Public Health Service Act to revise and extend the program under the National Heart and Lung Institute, to revise and extend the program of National Research Service Awards, and to establish a national program with respect to genetic diseases; and to require a study and report on the release of research information:

CONFERENCE REPORT (H. REPT. 94-1005)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7988) to amend the Public Health Service Act to revise and extend the program under the National Heart and Lung Institute, to revise and extend the program of National Research Service Awards, and to establish a national program with respect to genetic diseases; and to require a study and report on the release of research information, 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 amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. (a) This Act may be cited as the "Health Research and Health Services Amendments of 1976".

(b) Whenever in this Act (other than in titles III, V, VI, VII, and XI) an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

TITLE I—REVISION OF NATIONAL HEART AND LUNG INSTITUTE PROGRAMS

SEC. 101. (a) Congress finds and declares that—

(1) diseases of the heart, blood, and blood vessels collectively cause more than half of all the deaths each year in the United States and the combined effect of the disabilities and deaths from such diseases is having a major social and economic impact on the Nation;

(2) elimination of heart and blood vessel diseases as significant causes of disability and death could increase the average American's life expectancy by about eleven years and could provide for annual savings to the economy in lost wages, productivity, and cost of medical care of more than $40,000,000 per year;

(3) chronic lung diseases have been gaining steadily in recent years as important causes of disability and death, with emphysema being among the fastest rising causes of death in the United States;

(4) chronic respiratory diseases affect an estimated ten million Americans, emphysema an estimated one million, chronic bronchitis an estimated four million, and asthma an estimated five million;

(5) thrombosis (the formation of blood clots in the vessels) may cause, directly or in combination with other problems, many deaths and disabilities from heart disease and stroke which can now be prevented;

(6) blood and blood products are essential human resources whose value in saving life and promoting health cannot be assessed in terms of dollars;

(7) the provision of prompt and effective emergency medical services utilizing to the fullest extent possible advances in transportation and communications and other electronic systems and specially trained professional and paraprofessional health care personnel can reduce substantially the number of fatalities and severe disabilities due to critical illnesses in connection with heart, blood vessel, lung, and blood diseases;

(8) blood diseases, including nutritional anemia due to inherited abnormalities (such as sickle cell anemia and Cooley's anemia (thalassemia), anemias resulting from failure of the bone marrow, hemorrhagic defects (a common cause of death in patients with leukemia and other malignancies, and of disability from inherited diseases such as hemophilia)), and malignancies of the lymph nodes and bone marrow, such as leukemia, have a devastating impact in spite of recent advances, and constitute an important category of illness that requires major attention; and

(9) the greatest potential for advancement against heart, blood vessel, lung, and blood diseases lies in the National Heart, Lung, and Blood Institute, but advancement against such diseases depends not only on the research programs of that Institute but also on the research programs of other research institutes of the National Institutes of Health.

(b) It is the purpose of this title to enlarge the authority of the National Heart, Lung, and Blood Institute in order to advance the national attack upon heart, blood vessel, lung, and blood diseases and to enlarge its authority with respect to blood resources.

SEC. 102. Sections 411, 418(a)(6), and 419A (c) are each amended by striking out "National Heart and Lung Institute" and inserting in lieu thereof "National Heart, Lung, and Blood Institute".

SEC. 103. (a) Section 412 is amended—

(1) by inserting "and with respect to the use of blood and blood products and the management of blood resources" after "diseases" in the matter preceding paragraph (1);

(2) by inserting "and to the use of blood and blood products and the management of blood resources" before the semicolon at the end of paragraph (1);

(3) by inserting "and to the use of blood and blood products and the management of blood resources" after "diseases" in paragraph (4);

(4) by inserting "and on the use of blood and blood products and the management of blood resources" after "diseases" in paragraph (5);

(5) by striking out "heart diseases" in paragraph (6) and inserting in lieu thereof "heart, blood vessel, lung, and blood diseases and the management of blood resources";

(6) by inserting "and to the use of blood and blood products and the management of blood resources" after "diseases" in paragraph (7); and

(7) by inserting at the end of the section heading "AND IN THE MANAGEMENT OF BLOOD RESOURCES".

(b) Section 412 is amended by striking out "National Heart and Lung Advisory Council" and inserting in lieu thereof "National Heart, Lung, and Blood Advisory Council".

SEC. 104. (a) Section 413(a) is amended—

(1) by striking out "Disease" in the first sentence and inserting in lieu thereof "Diseases and Blood Resources"; and

(2) by inserting "and blood resources" after "diseases" in such sentence and in paragraph (7).

(b) Section 413(b) is amended—

(1) by striking out "calendar" each place it occurs in paragraph (2) and inserting in lieu thereof "fiscal"; and

(2) by adding at the end of such paragraph the following: "Each such plan shall contain (A) an estimate of the number and type of personnel which will be required by the Institute to carry out the Program during the five years with respect to which the plan is submitted, and (B) recommendations for appropriations to carry out the program during such five years".

(c) Section 413(c)(1) is amended by striking out "fifty" and inserting in lieu thereof "one hundred".

(d) Section 413(c)(2) is amended—

(1) by striking out "operate" and inserting

in lieu thereof "operate, alter, renovate"; and

(2) by inserting "and blood resource" after "disease".

(e) Section 413(d) is amended—

(1) by striking out "Assistant Director for Health Information Programs" each place it occurs and inserting in lieu thereof "Assistant Director for Prevention Education, and Control";

(2) by striking out "and pulmonary" in the second sentence and inserting in lieu thereof ", blood, and pulmonary" and by inserting "and blood" after "pulmonary" in the third sentence; and

(3) by inserting "and blood resources" after "diseases" in the second sentence.

(f) The section heading of section 413 is amended by striking out "DISEASE" and inserting in lieu thereof "DISEASES AND BLOOD RESOURCES".

SEC. 105. Section 414(b) is amended (1) by striking out "and" after "1974,", and (2) by inserting before the period a comma and the following: "$10,000,000 for fiscal year 1976, and $30,000,000 for fiscal year 1977".

SEC. 106. (a)(1) Subsection (a)(1)(A) of section 415 is amended by—

(A) striking out "fifteen" and inserting in lieu thereof "ten", and

(B) striking out ", blood vessel, and blood diseases" and inserting in lieu thereof "diseases".

(2) Subsection (a)(1)(B) of such section is amended by striking out "fifteen" and inserting in lieu thereof "ten".

(3) Subsection (a)(1) of such section is amended—

(A) by striking out "and" at the end of subparagraph (A),

(B) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and", and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) ten new centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for blood, blood vessel diseases, research in the use of blood products, and research in the management of blood resources."

(b) Section 415(a) is further amended—

(1) by inserting "and for research in the use of blood and blood products and in the management of blood resources" after "diseases" in paragraph (1)(A);

(2) by striking out "chronic" in paragraph (1)(B);

(3) by striking out "paragraph (1)(A)" in paragraph (2) and inserting in lieu thereof "paragraph (1)";

(4) by inserting ", pulmonary, and blood" before "diseases" in paragraph (2),

(5) by striking out "cardiovascular disease" in paragraph (2)(A) and inserting in lieu thereof "cardiovascular, pulmonary, and blood diseases"; and

(6) by striking out "such disease" in subparagraphs (B), (C), and (D) of paragraph (2) and inserting in lieu thereof "such diseases".

(c) Section 415(b) is amended—

(1) by inserting "the management of blood resources and" before "advanced"; and

(2) by amending the first sentence after paragraph (4) to read as follows: "The aggregate of payments (other than payments for construction) made to any center under such an agreement for its costs (other than indirect costs) described in the first sentence may not exceed $5,000,000 in any year, except that the aggregate of such payments in any year may exceed such amount to the extent that the excess amount is attributable to increases in such year in appropriate costs as reflected in the Consumer Price Index published by the Bureau of Labor Statistics.".

(d) The section heading of section 415 is amended by inserting "AND BLOOD RESOURCES" after "DISEASES".

SEC. 107. (a) Section 417(a)(1) is amended by striking out "Director of the Office of Science and Technology" and inserting in lieu thereof "Director of the National Science Foundation".

(b) Section 417 is amended by striking out "National Heart and Lung Advisory Council" in subsection (a) and in subsection (b)(3) and inserting in lieu thereof "National Heart, Lung, and Blood Advisory Council".

(c) The section heading of section 417 is amended by striking out "AND LUNG" and inserting in lieu thereof ", LUNG, AND BLOOD".

SEC. 108. Section 418 is amended—

(1) by inserting "and to the use of blood and blood products and the management of blood resources" after "diseases" in paragraphs (1), (2), (3), and (4) of subsection (a);

(2) by redesignating paragraphs (4), (5), and (6) of subsection (a) as paragraphs (5), (6), and (7), respectively, and by adding after paragraph (3) the following new paragraph:

"(4) recommend to the Secretary (A) areas of research in heart, blood vessels, lung, and blood diseases and in the use of blood and blood products and the management of blood resources which it determines should be supported by the awarding of contracts in order to best carry out the purposes of this part, and (B) the percentage of the budget of the Institute which should be expended for such contracts;"; and

(3)(A) by amending paragraph (2) of subsection (b) to read as follows:

"(2) The Council shall submit a report to the Secretary for simultaneous transmittal, not later than November 30 of each year, to the President and to the Congress on the progress of the Program toward the accomplishment of its objectives during the preceding fiscal year."

(B) For purposes of section 418(b)(2) of the Public Health Service Act (as amended by subparagraph (A)), the period beginning July 1, 1975, and ending September 30, 1976, shall be considered a fiscal year.

(C) The amendment made by subparagraph (A) shall take effect as of January 1, 1976.

SEC. 109. Section 419A is amended—

(1) by inserting "and projects with respect to the use of blood and blood products and the management of blood resources" after "training projects" in subsection (a);

(2) by inserting "and into the use of blood and blood products and the management of blood resources" after "diseases" in subsection (b);

(3) by inserting "and for research and training in the use of blood and blood products and the management of blood resources" after "diseases" in subsection (c);

(4) by striking out "in amounts not to exceed $35,000" in paragraph (1) of subsection (c) and inserting in lieu thereof "if the direct costs of such research and training do not exceed $35,000, but only"; and

(5) by striking out "in amounts exceeding $35,000" in paragraph (2) of subsection (c) and inserting in lieu thereof "if the direct costs of such research and training exceed $35,000, but only".

SEC. 110. Section 419B is amended—

(1) by striking out "and" after "1974," and by inserting before the period at the end of the first sentence a comma and the following: "$339,000,000 for fiscal year 1976, and $373,000,000 for fiscal year 1977"; and

(2) by striking out "diseases of the blood" and inserting in lieu thereof "blood diseases and blood resources".

SEC. 111. (a) Section 301 is amended by striking out "heart diseases" in paragraphs (c) and (h) and inserting in lieu thereof "heart, blood vessel, lung, and blood diseases and blood resources".

(b) Section 301 is amended by striking out "National Heart and Lung Advisory Council" in paragraphs (c) and (h) and inserting in lieu thereof "National Heart, Lung, and Blood Advisory Council".

SEC. 112. The title of Part B of title IV is amended to read as follows:

"PART B—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE"

TITLE II—NATIONAL RESEARCH SERVICE AWARDS

SEC. 201. (a)(1) Subsection (a)(1)(A)(i) of section 472 is amended (A) by striking out "in matters" and inserting in lieu thereof "or under programs administered by the Division of Nursing of the Health Resources Administration, in matters", and (ii) by inserting before "are directed" the following: "or Division of Nursing".

(2) Subsections (a)(1)(A)(iii) and (a)(1)(B) of such section are each amended by striking out "non-Federal".

(b) Subsection (c)(1)(A)(i) of such section is amended by striking out "health research or teaching" and inserting in lieu thereof "health research or teaching of any combination thereof which is in accordance with usual patterns of academic employment".

(c) Subsection (c)(2)(A) of such section is amended by striking out "health research or teaching" and inserting in lieu thereof "health research or teaching or any combination thereof which is in accordance with the usual patterns of academic employment".

(d) The first sentence of subsection (d) of such section is amended by inserting a comma before the period and the following: "$165,000,000 for fiscal year 1976, and $185,000,000 for fiscal year 1977".

SEC. 202. (a) Subsection (a)(1)(A)(i) of section 472 is amended by striking out "the disease or (diseases) or other health problems to which the activities of the Institutes and Administration are directed" and inserting in lieu thereof "diseases or other health problems".

(b) Subsection (b)(2) of section 472 is amended by striking out "to the entities of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration" and inserting in lieu thereof "within the Department of Health, Education, and Welfare".

SEC. 203. (a)(1) Subparagraph (A) of the first paragraph (4) of subsection (c) of section 472 is amended by striking out "and the interest on such amount" down through and including "was made".

(2) The last sentence of subparagraph (B) of such paragraph is amended by striking out "at the same rate as that fixed by the Secretary of the Treasury under subparagraph (A) to determine the amount due the United States" and inserting in lieu thereof "at a rate fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing on the date the United States becomes entitled to such amount".

(b) The amendments made by subsection (a) shall apply with respect to National Research Awards under section 472 which are made from appropriations for fiscal years ending on or after June 30, 1975.

SEC. 204. Section 473(b) is amended by adding after paragraph (2) the following new paragraph:

"(3) The National Academy of Sciences or other group or association conducting the study required by subsection (a) shall conduct such study in consultation with the Director of the National Institutes of Health.".

SEC. 205. Subsection (c) of section 473 is amended by striking out "March 31" and inserting in lieu thereof "September 30".

TITLE III—DISCLOSURE OF RESEARCH INFORMATION

SEC. 301. (a)(1) The President's Biomedical Research Panel (established by section 201(a) of the National Cancer Act Amendments of 1974 (Public Law 93-352)) and the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (established by section 201 of the National Research Act (Public Law 93-348)) shall each conduct an investigation and study of the implication of the disclosure to the public of information contained in research protocols, research hypotheses, and research designs obtained by the Secretary of Health, Education, and Welfare (hereinafter in the subsection referred to as the "Secretary") in connection with an application or proposal submitted, during the period beginning January 1, 1975, and ending December 31, 1975, to the Secretary for a grant, fellowship, or contract under the Public Health Service Act. In making such investigation and study the Panel and the Commission shall each determine the following:

(A) The number of requests made to the Secretary for the disclosure of information contained in such research protocols, hypotheses, and designs and the interests represented by the persons for whom such requests were made.

(B) The purposes for which information disclosed by the Secretary pursuant to such requests was used.

(C) The effect of the disclosure of such information on—

(i) proprietary interests in the research protocol, hypothesis, or design from which such information was disclosed and on patent rights;

(ii) the ability of peer review systems to insure high quality federally funded research; and

(iii) the (I) protection of the public against research which presents an unreasonable risk to human subjects of such research and (II) the adequacy of informed consent procedures.

(2)(A) Not later than May 31, 1976, the Panel shall complete the investigation and study required to be made by the Panel by paragraph (1), and, not later than June 30, 1976, the Panel shall submit to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate a report on such investigation and study. The report shall contain such recommendations for legislation as the Panel deems appropriate.

(B) Not later than November 30, 1976, the Commission shall complete the investigation and study required to be made by the Commission by paragraph (1), and not later than December 31, 1976, the Commission shall submit to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate a report on such investigation and study. The report shall contain such recommendations for legislation as the Commission deems appropriate.

(b) Section 211(b) of the National Research Act (Public Law 93-348) is amended by striking out "July 1, 1976" and inserting in lieu thereof "January 1, 1977".

TITLE IV—GENETIC DISEASES

SEC. 401. This title may be cited as the "National Sickle Cell Anemia, Cooley's Anemia, Tay-Sachs, and Genetic Diseases Act".

SEC. 402. In order to preserve and protect the health and welfare of all citizens, it is the purpose of this title to establish a national program to provide for basic and applied research, research training, testing, counseling, and information and education programs with respect to genetic diseases, including sickle cell anemia, Cooley's anemia, Tay-Sachs disease, cystic fibrosis, dysautonomia, hemophilia, retinitis pigmentosa, Huntington's chorea, and muscular dystrophy.

SEC. 403. (a) Title XI is amended by striking out parts A and B and inserting in lieu thereof the following:

"PART A—GENETIC DISEASES

"TESTING AND COUNSELING PROGRAMS AND INFORMATION AND EDUCATION PROGRAMS

"SEC. 1101. (a)(1) The Secretary, through an identifiable administrative unit within the Department of Health, Education, and Welfare, may make grants to public and nonprofit private entities, and may enter into contracts with public and private entities, for projects to establish and operate voluntary genetic testing and counseling programs primarily in conjunction with other existing health programs, including programs assisted under title V of the Social Security Act.

"(2) The Secretary shall carry out, through an identifiable administrative unit within the Department of Health, Education, and Welfare, a program to develop information and educational materials relating to genetic diseases and to disseminate such information and materials to persons providing health care, to teachers and students, and to the public generally in order to most rapidly make available the latest advances in the testing, diagnosis, counseling, and treatment of individuals respecting genetic diseases. The Secretary may, under such program, make grants to public and nonprofit private entities and enter into contracts with public and private entities and individuals for the development and dissemination of such materials.

"(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $30,000,000 for fiscal year 1976, $30,000,000 for fiscal year 1977, and $30,000,000 for fiscal year 1978.

"RESEARCH PROJECT GRANTS AND CONTRACTS

"SEC. 1102. In carrying out section 301, the Secretary may make grants to public and nonprofit private entities, and may enter into contracts with public and private entities and individuals, for projects for (1) basic or applied research leading to the understanding, diagnosis, treatment, and control of genetic diseases, (2) planning, establishing, demonstrating, and developing special programs for the training of genetic counselors, social and behavioral scientists, and other health professionals, (3) the development of programs to educate practicing physicians, other health professionals, and the public regarding the nature of genetic processes, the inheritance patterns of genetic diseases, and the means, methods, and facilities available to diagnose, control, counsel, and treat genetic diseases, and (4) the development of counseling and testing programs and other programs for the diagnosis, control, and treatment of genetic diseases. In making grants and entering into contracts for projects described in clause (1) of the preceding sentence, the Secretary shall give priority to applications for such grants or contracts which are submitted for research on sickle cell anemia and for research on Cooley's anemia.

"VOLUNTARY PARTICIPATION

"SEC. 1103. The participation by any individual in any program or portion thereof under this part shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program.

"APPLICATIONS; ADMINISTRATION OF GRANTS AND CONTRACT PROGRAMS

"SEC. 1104. (a) A grant or contract under this part may be made upon application submitted to the Secretary at such time, in such manner, and containing and accompanied by such information, as the Secretary may require. Each application shall—

"(1) provide that the programs and activities for which assistance under this part is sought will be administered by or under the supervision of the applicant;

"(2) provide for strict confidentiality of all test results, medical records, and other information regarding testing, diagnosis, counseling, or treatment of any person treated, except for (A) such information as the patient (or his guardian) gives informed consent to be released, or (B) statistical data compiled without reference to the identity of any such patient;

"(3) provide for community representation where appropriate in the development and operation of voluntary genetic testing or counseling programs funded by a grant or contract under this part;

"(4) in the case of an applicant for a grant or contract under section 1101(a)(1) for the delivery of services, provide assurances satisfactory to the Secretary that (A) the services for community-wide testing and counseling to be provided under the program for which the application is made (i) will take into consideration widely prevalent diseases with a genetic component and high-risk population groups in which certain genetic diseases occur, and (ii) where appropriate will be directed especially but not exclusively to persons who are entering their child-producing years, and (B) appropriate arrangements will be made to provide counseling to persons found to have a genetic disease and to persons found to carry a gene or chromosome which may cause a deleterious effect in their offspring; and

"(5) establish fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of Federal funds paid to the applicant under this part.

"(b) In making any grant or entering into any contract for testing and counseling programs under section 1101, the Secretary shall (1) take into account the number of persons to be served by the program supported by such grant or contract and the extent to which rapid and effective use will be made of funds under the grant or contract; and (2) give priority to programs operating in areas which the Secretary determines have the greatest number of persons who will benefit from and are in need of the services provided under such programs.

"(c) In making grants and entering into contracts for any fiscal year under section 301 for projects described in section 1102 or under section 1101 the Secretary shall give special consideration to applications from entities that received grants from, or entered into contracts with, the Secretary for the preceding fiscal year for the conduct of comprehensive sickle cell centers or sickle cell screening and education clinics.

"PUBLIC HEALTH SERVICE FACILITIES

"SEC. 1105. The Secretary shall establish a program within the Service to provide voluntary testing, diagnosis, counseling, and treatment of individuals respecting genetic diseases. Services under such program shall be made available through facilities of the Service to persons requesting such services, and the program shall provide appropriate publicity of the availability and voluntary nature of such services.

"REPORTS

"SEC. 1106. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress on or before April 1 of each year a comprehensive report on the administration of this part.

"(b) The report required by this section shall contain such recommendations for additional legislation as the Secretary deems necessary.".

(b)(1) Section 1121(b)(5) is amended

by striking out "ending June 30," each place it occurs.

(2) Parts C and D are redesignated as parts B and C, respectively.

(3) The heading of such title is amended to read as follows:

"TITLE XI—GENETIC DISEASES, HEMOPHILIA PROGRAMS, AND SUDDEN INFANT DEATH SYNDROME."

(c) The amendments made by subsections (a) and (b) shall take effect July 1, 1976.

TITLE V—FEDERAL FOOD, DRUG, AND COSMETIC ACT AMENDMENTS

SEC. 501. (a) Chapter IV of the Federal Food, Drug, and Cosmetic Act is amended by adding after section 410 (21 U.S.C. 349) the following new section:

"VITAMINS AND MINERALS

"SEC. 411. (a)(1) Except as provided in paragraph (2)—

"(A) the Secretary may not establish, under section 201(n), 401, or 403, maximum limits on the potency of any synthetic or natural vitamin or mineral within a food to which this section applies;

"(B) the Secretary may not classify any natural or synthetic vitamin or mineral (or combination thereof) as a drug solely because it exceeds the level of potency which the Secretary determines is nutritionally rational or useful;

"(C) the Secretary may not limit, under section 201(n), 401, or 403, the combination or number of any synthetic or natural—

"(i) vitamin,

"(ii) mineral, or

"(iii) other ingredient of food,

within a food to which this section applies.

"(2) Paragraph (1) shall not apply in the case of a vitamin, mineral, other ingredient of food, or food, which is represented for use by individuals in the treatment or management of specific diseases or disorders, by children, or by pregnant or lactating women. For purposes of this subparagraph, the term 'children' means individuals who are under the age of twelve years.

"(b)(1) A food to which this section applies shall not be deemed under section 403 to be misbranded solely because its label bears, in accordance with section 403(i)(2), all the ingredients in the food or its advertising contains references to ingredients in the food which are not vitamins or minerals.

"(2) (A) The labeling for any food to which this section applies may not list its ingredients which are not vitamins or minerals (i) except as a part of a list of all the ingredients of such food, and (ii) unless such ingredients are listed in accordance with applicable regulations under section 403. To the extent that compliance with clause (i) of this subparagraph is impracticable or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Secretary.

"(B) Notwithstanding the provisions of subparagraph (A), the labeling and advertising for any food to which this section applies may not give prominence to or emphasize ingredients which are not—

"(i) vitamins,

"(ii) minerals, or

"(iii) represented as a source of vitamins or minerals.

"(c)(1) For purposes of this section, the term 'food to which this section applies' means a food for humans which is a food for special dietary use—

"(A) which is or contains any natural or synthetic vitamin or mineral, and

"(B) which—

"(i) is intended for ingestion in tablet, capsule, or liquid form, or

"(ii) if not intended for ingestion in such a form, does not simulate and is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet.

"(2) For purposes of paragraph (1)(B)(i), a food shall be considered as intended for ingestion in liquid form only if it is formulated in a fluid carrier and it is intended for ingestion in daily quantities measured in drops or similar small units of measure.

"(3) For purposes of paragraph (1) and of section 403(j) insofar as that section is applicable to food to which this section applies, the term 'special dietary use' as applied to food used by man means a particular use for which a food purports or is represented to be used, including but not limited to the following:

"(A) Supplying a special dietary need that exists by reason of a physical, physiological, pathological, or other condition, including but not limited to the condition of disease, convalescence, pregnancy, lactation, infancy, allergic hypersensitivity to food, underweight, overweight, or the need to control the intake of sodium.

"(B) Supplying a vitamin, mineral, or other ingredient for use by man to supplement his diet by increasing the total dietary intake.

"(C) Supplying a special dietary need by reason of being a food for use as the sole item of the diet.".

(b) The Secretary of Health, Education, and Welfare shall amend any regulation promulgated under the Federal Food, Drug and Cosmetic Act which is inconsistent with section 411 of such Act (as added by subsection (a)) and such amendments shall be promulgated in accordance with section 553 of title 5, United States Code.

SEC. 502. (a)(1) Section 403(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(a)) is amended (A) by inserting "(1)" after "If", and (B) by inserting before the period at the end a comma and the following: "or (2) in the case of a food to which section 411 applies, its advertising is false or misleading in a material respect or its labeling is in violation of section 411 (b)(2)".

(2)(A) Section 201(n) of such Act is amended by inserting "or advertising" after "labeling" each time it occurs.

(B) Section 303 of such Act is amended by adding at the end the following new subsection:

"(d) No person shall be subject to the penalties of subsection (a) of this section for a violation of section 301 involving misbranded food if the violation exists solely because the food is misbranded under section 403(a)(2) because of its advertising, and no person shall be subject to the penalties of subsection (b) of this section for such a violation unless the violation is committed with the intent to defraud or mislead.".

(C) Section 304(a) of such Act (21 U.S.C. 334(a)) is amended by adding after paragraph (2) of the following new paragraph:

"(3)(A) Except as provided in subparagraph (B), no libel for condemnation may be instituted under paragraph (1) or (2) against any food which—

"(i) is misbranded under section 403(a)(2) because of its advertising, and

"(ii) is being held for sale to the ultimate consumer in an establishment other than an establishment owned or operated by a manufacturer, packer, or distributor of the food.

"(B) A libel for condemnation may be instituted under paragraph (1) or (2) against a food described in subparagraph (A) if—

"(i)(I) the food's advertising which resulted in the food being misbranded under section 403(a)(2) was disseminated in the establishment in which the food is being held for sale to the ultimate consumer,

"(II) such advertising was disseminated by, or under the direction of, the owner or operator of such establishment, or

"(III) all or part of the cost of such advertising was paid by such owner or operator; and

"(ii) the owner or operator of such establishment used such advertising in the establishment to promote the sale of the food.".

(b) Chapter VII of such Act is amended by adding after section 706 (21 U.S.C. 376) the following new section:

"ADVERTISING OF CERTAIN FOODS

"SEC. 707. (a)(1) Except as provided in subsection (c), before the Secretary may initiate any action under chapter III—

"(A) with respect to any food which the Secretary determines is misbranded under section 403(a)(2) because of its advertising, or

"(B) with respect to a food's advertising which the Secretary determines causes the food to be so misbranded,

the Secretary shall, in accordance with paragraph (2), notify in writing the Federal Trade Commission of the action the Secretary proposes to take respecting such food or advertising.

"(2) The notice required by paragraph (1) shall—

"(A) contain (i) a description of the action the Secretary proposes to take and of the advertising which the Secretary has determined causes a food to be misbranded, (ii) a statement of the reasons for the Secretary's determination that such advertising has caused such food to be misbranded, and

"(B) be accompanied by the records, documents, and other written materials which the Secretary determines supports his determination that such food is misbranded because of such advertising.

"(b)(1) If the Secretary notifies the Federal Trade Commission under subsection (a) of action proposed to be taken under chapter III with respect to a food or food advertising and the Commission notifies the Secretary in writing, within the 30-day period beginning on the date of the receipt of such notice, that—

"(A) it has initiated under the Federal Trade Commission Act an investigation of such advertising to determine if it is prohibited by such Act or any order or rule under such Act,

"(B) it has commenced (or intends to commence) a civil action under section 5, 13, or 19 with respect to such advertising or the Attorney General has commenced (or intends to commence) a civil action under section 5 with respect to such advertising,

"(C) it has issued and served (or intends to issue and serve) a complaint under section 5(b) of such Act respecting such advertising, or

"(D) pursuant to section 16(b) of such Act it has made a certification to the Attorney General respecting such advertising,

the Secretary may not, except as provided by paragraph (2), initiate the action described in the Secretary's notice to the Federal Trade Commission.

"(2) If, before the expiration of the 60-day period beginning on the date the Secretary receives a notice described in paragraph (1) from the Federal Trade Commission in response to a notice of the Secretary under subsection (a)—

"(A) the Commission or the Attorney General does not commence a civil action described in subparagraph (B) of paragraph (1) of this subsection respecting the advertising described in the Secretary's notice,

"(B) the Commission does not issue and serve a complaint described in subparagraph (C) of such paragraph respecting such advertising, or

"(C) the Commission does not (as described in subparagraph (D) of such paragraph) make a certification to the Attorney

General respecting such advertising, or, if the Commission does make such a certification to the Attorney General respecting such advertising, the Attorney General, before the expiration of such period, does not cause appropriate criminal proceedings to be brought against such advertising,

the Secretary may, after the expiration of such period, initiate the action described in the notice to the Commission pursuant to subsection (a). The Commission shall promptly notify the Secretary of the commencement by the Commission of such a civil action, the issuance and service by it of such a complaint, or the causing by the Attorney General of criminal proceedings to be brought against such advertising.

"(c) The requirements of subsections (a) and (b) do not apply with respect to action under chapter III with respect to any food or food advertising if the Secretary determines that such action is required to eliminate an imminent hazard to health.

"(d) For the purpose of avoiding unnecessary duplication, the Secretary shall coordinate any action taken under chapter III because of advertising which the Secretary determines causes a food to be misbranded with any action of the Federal Trade Commission under the Federal Trade Commission Act with respect to such advertising."

(c) The amendments made by subsection (a) shall take effect 180 days after the date of the enactment of this Act.

TITLE VI—ARTHRITIS ACT AMENDMENTS

SEC. 601. This title may be cited as the "National Arthritis Act Technical Amendments of 1976".

SEC. 602. (a) Section 2 of the National Arthritis Act of 1974 (Public Law 93-640) (hereinafter in this section referred to as the "Act") is amended by—

(1) inserting "(a)" after "SEC. 2.";

(2) inserting a comma and "including $2,500,000,000 in medical expenses," after "$9,200,000,000; in paragraph (3); and

(3) inserting a new subsection (b) at the end thereof as follows: "(b) It is therefore the purpose of this Act to provide for—

"(1) the formulation of a long-range plan—

"(A) to expand and coordinate the national research, treatment, and control effort against arthritis;

"(B) to advance educational activities for patients, professional and allied health personnel, and the public which will alert the citizens of the United States to the early indications of arthritis; and

"(C) to emphasize the significance of early detection and proper control of these diseases and of the complications which may evolve from them;

"(2) the establishment and support of programs to develop new and improved methods of arthritis screening, detection, prevention, and referral;

"(3) the establishment of a central arthritis screening and detection data bank; and

"(4) the development, modernization, and operation of centers for arthritis screening, detection, diagnosis, prevention, control, treatment, education, rehabilitation, and research and training programs.".

(b) Section 3 of the Act is amended by striking out "chief medical officer" and inserting in lieu thereof "Chief Medical Director" in subsection (b)(4).

(c) The section heading for section 4 of the Act is amended by striking out "Demonstration" after "Committee".

SEC. 603. (a)(1) Section 431(c) of the Public Health Service Act is amended by inserting "(hereinafter in this part collectively referred to as 'arthritis')" after "musculoskeletal diseases".

(2) The fourth sentence of section 434(b) of such Act is amended by striking out "and related musculoskeletal diseases".

(3) Section 434(e) of such Act is amended by striking out "and related musculoskeletal diseases (hereinafter in this part collectively referred to as "arthritis")".

(b) Section 438 of such Act is amended by—

(1) inserting "the" before "health" the first time it appears in the first sentence of subsection (a); and

(2) inserting "established" after "bank" in the second sentence of subsection (a).

(c) Section 439 of such Act is amended by—

(1) inserting "new and existing" before "centers" in the first sentence of subsection (a);

(2) striking out "$13,000,000" and inserting in lieu thereof "$8,000,000" and striking out "$15,000,000" and inserting in lieu thereof "$20,000,000" in subsection (h); and

(3) redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

TITLE VII—DIABETES PLAN

SEC. 701. Section 3(i)(2) of the National Diabetes Mellitus Research and Education Act (42 U.S.C. 289c-2) is amended to read as follows:

"(2) The Commission shall cease to exist after September 30, 1976.".

TITLE VIII—HEALTH SERVICES

AMBULATORY SURGICAL SERVICES

SEC. 801. (a) Section 319(a)(7) is amended by—

(1) inserting after subparagraph (K) the following new subparagraph:

"(L) ambulatory surgical services;" and

(2) redesignating subparagraphs (L) and (M) as subparagraphs (M) and (N), respectively.

(b) Section 330(b)(2) is amended by—

(1) inserting after subparagraph (K) the following new subparagraph:

"(L) ambulatory surgical services;" and

(2) redesignating subparagraphs (L) and (M) as subparagraphs (M) and (N), respectively.

TITLE IX—INDIAN HEALTH SERVICE

SEC. 901. Section 225 is amended by adding at the end thereof the following new subsection—

"(j) Notwithstanding any other provision of law, the Secretary may, where he deems advisable, allow the Indian Health Service to utilize nonprofit recruitment agencies to assist in obtaining personnel for the Public Health Service.".

TITLE X—APPOINTMENT OF ADVISORY COMMITTEES

SEC. 1001. All appointments to advisory committees established to assist in implementing the Public Health Service Act, the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, and the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, shall be made without regard to political affiliation.

TITLE XI—MISCELLANEOUS PROVISIONS

SEC. 1101. Section 212 of the Public Health Service Act is amended by adding after subsection (d) the following new subsection:

"(e) Active service of commissioned officers of the Service shall be deemed to be active military service in the Armed Forces of the United States for the purposes of all rights, privileges, immunities, and benefits now or hereafter provided under the Soldiers' and Sailors' Civil Relief Act of 1940 (50 App. U.S.C. 501 et seq.)."

SEC. 1102. (a) The second paragraph (4) of subsection (c) of section 472 of the Public Health Service Act is redesignated as paragraph (5).

(b) Section 507 of the Public Health Service Act is amended by striking out "hospitals of the Service, of the Veterans' Administration, or of the Bureau of Prisons of the Department of Justice, and to Saint Elizabeths Hospital, except that grants to such" and insert in lieu thereof "Federal institutions, except that grants to".

SEC. 1103. Title IV of the Public Health Service Act is amended by adding after section 475 the following new section:

"VISITING SCIENTIST AWARDS

"SEC. 476. (a) The Secretary may make awards (referred to as 'Visting Scientist Awards') to outstanding scientists who agree to serve as visting scientists at institutions of post-secondary education which have significant enrollments of disadvantaged students. Visiting Scientist Awards shall be made by the Secretary to enable the faculty and students of such institutions to draw upon the special talents of scientists from other institutions for the purpose of receiving guidance, advice, and instruction with regard to research, teaching, and curriculum development in the biomedical and behavioral sciences and such other aspects of these sciences as the Secretary shall deem appropriate.

"(b) The amount of each Visiting Scientist Award shall include such sum as shall be commensurate with the salary or remuneration which the individual receiving the award would have been entitled to receive from the institution with which the individual has, or had, a permanent or immediately prior affiliation. Eligibility for and terms of Visiting Scientist Awards shall be determined in accordance with regulations the Secretary shall prescribe."

SEC. 1104. Section 786 of the Public Health Service Act is amended by inserting before the period at the end of the first sentence "and $3,500,000 for the fiscal year ending June 30, 1975 and $2,000,000 for the fiscal year ending June 30, 1976".

SEC. 1105. (a) Section 742(a) of the Public Health Service Act is amended by striking out "and" after "1974," and by inserting after "1975" the following: ", and $60,000,000 for the fiscal year ending June 30, 1976".

(b) Section 740(b)(4) of such Act is amended by striking out "1975" and inserting in lieu thereof "1976".

SEC. 1106. Section 1511(b)(5) of the Public Health Service Act is amended by striking out "1535" and inserting in lieu thereof "1536".

(b) Section 1613 of such Act is amended by striking out "1510" and inserting in lieu thereof "1610".

(c) The last sentence of section 1631 of such Act is repealed.

SEC. 1107. (a) Section 132(a)(1)(A) of the Developmental Disabilities Services and Facilities Construction Act (42 U.S.C. 6062) (hereinafter in this section referred to as the "Act") is amended by striking out "134" and inserting in lieu thereof "133".

(b) Section 134(b)(1) of the Act is amended by striking out "134" and inserting in lieu thereof "133".

(c) Section 134(b)(1) of the Act is amended by striking out "136" and inserting in lieu thereof "135".

(d) Section 301(a) of the Developmentally Disabled Assistance and Bill of Rights Act is amended by striking out "101(7)" and inserting in lieu thereof "102(7)".

And the Senate agree to the same.

HARLEY O. STAGGERS,
PAUL G. ROGERS,
DAVID E. SATTERFIELD,
JAMES W. SYMINGTON,
JAMES H. SCHEUER,
TIM LEE CARTER,
JAMES T. BROYHILL,
Managers on the Part of the House.

HARRISON A. WILLIAMS, Jr.,
CLAIBORNE PELL,
EDWARD M. KENNEDY,
WALTER F. MONDALE,
ALAN CRANSTON,
WILLIAM D. HATHAWAY,
JOHN A. DURKIN,
THOMAS F. EAGLETON,
GAYLORD NELSON,
JACOB K. JAVITS,
RICHARD S. SCHWEIKER,
ROBERT TAFT, Jr.,
J. GLENN BEALL, Jr.,
ROBERT T. STAFFORD,
PAUL LAXALT,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7988) to amend the Public Health Service Act to revise and extend the program under the National Heart and Lung Institute, to revise and extend the program of National Research Service Awards, and to establish a national program with respect to genetic diseases; and to require a study on the release of research information, 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 Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—REVISION OF NATIONAL HEART AND LUNG INSTITUTE PROGRAMS

Findings

The Senate, in a provision not in the House bill, specified Congressional findings, with respect to the impact of diseases of the heart, lung and blood vessels and blood disease and the need for the proposed legislation.

The conference substitute conforms to the Senate amendment, with technical changes.

Advisory Council

The House bill changed the name of the National Heart Lung Advisory Council to the National Heart, Lung and Blood Advisory Council.

The Senate amendment contained no comparable provision.

The conference substitute conforms to the House bill.

Experts and consultants

Existing law authorizes the Director of the National Heart and Lung Institute to obtain the services of not more than 50 experts and consultants.

The House amendment increased this number to 100.

The Senate amendment contained no comparable provision.

The conference substitute conforms to the House bill.

Assistant Director

Existing law establishes within the National Heart and Lung Institute (redesignated as the National Heart, Lung and Blood Institute under provisions of both the House bill and the Senate amendment) an Assistant Director for Health Information Programs.

The House bill changed the name to Assistant Director for Prevention, Education, and Control.

The Senate amendment changed the name to Assistant Director for Prevention and Information.

The conference substitute conforms to the House bill.

Authorization for prevention and control programs

The House bill authorized appropriations of $20 million for fiscal year 1976 and $30 million for fiscal year 1977 for heart, blood vessel, lung, and blood disease control programs.

The Senate amendment authorized appropriations of $10 million for fiscal year 1976 and $25 million for fiscal year 1977 for such programs.

The conference substitute authorizes $10 million for fiscal year 1976 and $30 million for fiscal year 1977 for such programs.

Centers

Existing law authorizes the development of fifteen centers for research, training, and demonstrations respecting heart, blood vessel, and blood diseases, and fifteen such centers for chronic lung diseases.

The House bill increased the responsibilities of the heart, blood vessel, and blood disease centers to include research in the use of blood and blood products and in the management of blood resources. Further, the House bill expanded the responsibilities of the lung disease centers by deleting the word "chronic."

The Senate amendment authorized the development of ten centers for research, training, and demonstrations respecting heart diseases; ten such centers for chronic lung diseases; and ten such centers for blood, blood vessel diseases, research in the use of blood products, and research in the management of blood resources.

The conference substitute conforms to the Senate amendment, except that it authorizes the development of ten centers for lung diseases, as opposed to chronic lung diseases.

Functions of the Advisory Council

The House bill added to the existing authority of the National Heart, Lung, and Blood Advisory Council the prerogative to recommend to the Secretary of Health, Education, and Welfare areas of research conducted or supported by the newly designated National Heart, Lung, and Blood Institute which the Council determines should be supported by the awarding of contracts and the percentage of the budget of the Institute which should be expended for such contracts.

The Senate amendment contained no comparable provision.

The conference substitute conforms to the House bill.

Report of the Advisory Council

Both the House bill and the Senate amendment required that the Advisory Council submit by November 30 of each year a report to the Secretary for simultaneous transmittal to the President and to the Congress on the progress of the National Heart, Blood Vessel, Lung, and Blood Disease Program during the preceding fiscal year. However, the Senate amendment stipulated that for purposes of this requirement, the period beginning July 1, 1975 and ending September 30, 1976 shall be considered a fiscal year and the House amendment contains no comparable provision.

The conference substitute conforms to the Senate amendment.

Authorizations for Research

The House bil authorized appropriations of $340 million for fiscal year 1976 and $375 million for fiscal year 1977 for carrying out the programs of the redesignated National Heart, Lung, and Blood Institute (except prevention and control programs).

The Senate amendment authorized $338 million for fiscal year 1976 and $372 million for fiscal year 1977 for such purposes.

The conference substitute authorizes $339 milion for fiscal year 1976 and $373 million for fiscal year 1977 for such purposes.

TITLE II—NATIONAL RESEARCH SERVICE AWARDS

Authorizations

The House bill authorized appropriations of $175 million for fiscal year 1976 and $200 million for fiscal year 1977 for payments for National Research Services Awards.

The Senate amendment authorized $160 million for fiscal year 1976 and $176 million for fiscal year 1977 for such purposes.

The conference substitute authorizes $165 million for fiscal year 1976 and $185 million for fiscal year 1977 for such purposes.

Accrual of Interest

Under existing law, interest accrues on National Research Service Awards from the time the award is made in instances in which recipients fail to fulfill applicable service requirements.

The House bill changed existing law to make interest on the award computed from the time the United States becomes entitled to recover all or part of the award.

The Senate bill contained no comparable provision.

The conference substitute conforms to the House bill.

Study Respecting Biomedical and Behavioral Research Personnel

Under existing law, the Secretary is to annually submit a study respecting biomedical and behavioral research personnel.

The Senate amendment changed the date for submission of the report to September 30, and the House bill contained no comparable provision. The House bill required that the entity conducting the study conduct such study in consultation with the Director of the National Institutes of Health.

The conference substitute conforms to the changes made in existing law by both the House bill and the Senate amendment.

TITLE III—DISCLOSURE OF RESEARCH INFORMATION

The House bill contained a provision which required the President's Biomedical Research Panel to conduct an investigation and study of the implication of disclosure to the public of information contained in research protocols, research hypotheses, and research designs obtained by the Secretary in conjunction with an application or proposal for a grant, fellowship, or contract under the Public Health Service Act and to submit a report on the investigation and study to the House Committee on Interstate and Foreign Commerce and the Senate Committee on Labor and Public Welfare. The House bill also included a provision which deferred, from July 1, 1976 to January 1, 1977, the establishment of the National Advisory Council for the Protection of Subjects of Biomedical and Behavioral Research.

The Senate amendment contained no comparable provisions.

The conference substitute conforms to the House bill, except that the National Commission for the Protection of Human Subjects is also required to conduct the investigation and study, and technical changes are made with respect to the dates on which the Panel is to complete its investigation and submit its report.

The Conferees express their concern that inadequate attention is being paid to the problems of transfer of research progress, technology, and information from the

"bench to the bed," an area frequently referred to as the interface between research and the health care delivery system. This includes such areas as extensive clinical trials, demonstration projects, specific disease control programs, the assessment of new health technologies, health education, and the fields of preventive medicine and public health. The Conferees have received assurance that the report of the President's Biomedical Research Panel will address these important issues.

TITLE IV—GENETIC DISEASES

Short Title and Statement of Purpose

The House bill provided for the following short title: "National Genetic Diseases Act." Under the Senate amendment the short title was "National Sickle Cell Anemia, Cooley's Anemia, Tay-Sachs and Genetic Diseases Act."

The House bill stated a purpose of establishing a national program for genetic diseases, including sickle cell anemia, Cooley's anemia and Tay-Sachs disease. The Senate amendment, in its statement of purpose, stipulated that genetic diseases are to include but not be limited to sickle cell anemia, Cooley's anemia, Tay-Sachs disease, cystic fibrosis, dysautonomia, hemophilia, retinitis pigmentosa, Huntington's chorea, and muscular dystrophy.

The conference substitute conforms to the Senate amendment.

Testing and Counseling Programs and Information and Education Programs

The House bill required that testing and counseling programs be established and operated primarily in conjunction with other existing health programs, including programs established under title X of the Public Health Service Act (family planning programs) and under title V of the Social Security Act (maternal and child health programs). The Senate amendment contained comparable requirements, except that it did not specify programs under title X of the Public Health Service Act or under title V of the Social Security Act.

The conference substitute conforms to the House bill, except that only programs assisted under title V of the Social Security Act are specified.

The Senate amendment further provided that a priority in the awarding of grants and contracts for genetic disease counseling and testing programs was to be given to projects which are recipients of awards for sickle cell anemia testing and counseling programs on the date of enactment. There was no similar provision in the House bill.

The conference substitute conforms to the Senate amendment with technical amendments.

The House bill authorized $20 million for each of fiscal years 1976 and 1977 to support genetic disease testing and counseling programs and information and education programs. The Senate amendment authorized $20 million for fiscal year 1976, $25 million for fiscal year 1977, and $30 million for fiscal year 1978 for such programs; and an additional $15 million for each of fiscal years 1976, 1977 and 1978 to support sickle cell anemia testing and counseling programs.

The conference substitute authorizes $30 million for each of fiscal years 1976, 1977, and 1978 to support genetic diseases testing and counseling programs and information and education programs, and provides that the Secretary shall give special consideration in the awarding of grants and contracts to sickle cell anemia testing and counseling project applications.

Research Project Grants and Contracts

Both the House bill and the Senate amendment authorized the Secretary to award grants and contracts for research projects with respect to genetic diseases.

Both the House bill and the Senate amendment set forth four purposes for which the Secretary could award research grants and contracts. They are identical except that as the first purpose the House bill provided that projects for basic or applied research leading to the understanding, diagnosis, treatment, and control of genetic diseases would be eligible for funding. The Senate amendment included projects for basic research, including lower organisms, applied research, and research training.

The conference substitute conforms to the House bill.

The House bill instructed the Secretary to undertake genetic disease research under the general authority of section 301 of the Public Health Service Act. The Senate amendment provided for a specific authority and authorized $80 million for fiscal year 1976, $100 million for fiscal year 1977, and $120 million for fiscal year 1978; and earmarked 10 percent of the sums appropriated each year under the authority for research projects with respect to Cooley's anemia. The Senate amendment further provided for a separate authorization for sickle cell anemia of $15 million for each of fiscal years 1976, 1977 and 1978.

The conference substitute conforms to the House bill, except that the Secretary is directed, in making grants and entering into contracts for research projects, to give priority to applications which are submitted for research on sickle cell anemia or for research on Cooley's anemia.

TITLE V—VITAMINS AND MINERALS

The Senate amendment contained provisions not included in the House bill relating to regulation of vitamin and mineral products under the Federal Food, Drug, and Cosmetic Act (hereinafter referred to as "the Act").

Under the Senate amendment, the Secretary of Health, Education and Welfare would generally have been prohibited from establishing maximum limits on the potency of vitamins or minerals in dietary supplements or classifying vitamins or minerals as drugs solely because they exceeded the level of potency determined by him to be nutritionally rational or useful. In addition, the Secretary would have been prohibited from limiting the combination of vitamins, minerals or other ingredients in dietary supplements. However, under the Senate amendment, the Secretary would have retained full authority to limit the potencies and combinations of vitamins, minerals and other ingredients in foods in the exercise of his authority under chapter V of the Act (relating to drugs) and under provisions of the Act respecting unsafe foods and foods which are not generally recognized as safe. In addition, the Senate amendment contained provisions on the authority of the Secretary inapplicable to vitamin and mineral products for use by children or by pregnant or lactating women.

The Senate amendment also contained provisions with respect to the labeling and advertising of vitamin and mineral products. It prohibited a product containing vitamins or minerals from being deemed misbranded solely because its label lists all ingredients of such a product. However, the amendment required that the labeling of such products could not list ingredients which are not vitamins or minerals except as a part of a list of all ingredients of the product and unless such ingredients are listed in accordance with applicable regulations. Moreover, the Senate amendment prohibited the labeling of or advertising for any such product to give prominence to or emphasize ingredients which are not vitamins or minerals or are not represented as a source of vitamins or minerals.

In addition, the Senate amendment afforded the Secretary significant new authority with respect to the advertising of certain products containing vitamins or minerals. (Under existing law, the Federal Trade Commission has exclusive authority with respect to the advertising of such products.) Under the Senate amendment, such products would be deemed misbranded if their advertising were false or misleading in a material respect. However, criminal penalities could not be imposed against persons who were in violation of the prohibitions against false or misleading advertising unless such a violation was committed with the intent to defraud or mislead. Further, such products which are misbranded because their advertising is false or misleading in a material respect and are held for sale to the ultimate consumer in an establishment not owned by a manufacturer, packer or distributor, could not be seized unless (1) the advertising was disseminated in the establishment in which the product was held for sale to the ultimate consumer, the advertising was disseminated by or under the direction of the owner or operator of such establishment, or all or part of the cost of such advertising was paid for by the owner or operator, and (2) the owner or operator used the advertising to promote the sale of the product. Finally, the Senate amendment required the Secretary to consult with the Federal Trade Commission prior to initiating action with respect to such products deemed misbranded because of their advertising.

The Conference substitute conforms to the Senate amendment except that:

1. It adds two technical amendments (clarifying the intention of the Senate amendment) to provide specifically that foods represented for use by individuals in the treatment or management of specific diseases and foods represented for use as the sole item of a meal or of the diet are excluded from the limitations on the Secretary's authority.

2. Except in instances in which immediate action is necessary to eliminate an imminent hazard to health, it requires the Secretary to provide notification to the Federal Trade Commission of his intentions to initiate an action with respect to false or misleading advertising, and it affords the Federal Trade Commission the opportunity to take specific enforcement action against false or misleading advertising for a period of up to 90 days before the Secretary may take comparable action.

Since the House has taken no action during this Congress with respect to this matter, it is important to provide more legislative history concerning these complex new provisions. Thus, presented below is a detailed description of the new provisions, as well as statements of the intentions of the managers with respect to their implementation.

Products Subject to the Conference Substitute

Under the conference substitute, products subject to its provisions are defined as safe human foods for special dietary use which are or contain any natural or synthetic vitamin or mineral and which are intended for ingestion in tablet or capsule form or in small units of liquid measure. In addition, such foods not intended for ingestion in tablet, capsule, or liquid form are subject to the provisions of the substitute only if they do not simulate conventional foods, if they are not represented to be conventional foods, and if they are not represented for use as the sole item of a meal or of the diet.

The definition of "special dietary use" in the conference substitute applies only to the foods to which the substitute is applicable and not to other foods, such as foods represented for use by infants or foods represented for use as the sole item of a meal or of the diet, that may be subject to 403(j) of the Act.

Thus, vitamins and minerals in tablet, capsule, or liquid form as well as those products which are represented for special dietary use in humans and which do not simulate and are not represented as conventional foods or substitutes for conventional foods and which are not represented for use as the sole item of a meal or of the diet, are products subject to the provisions of the substitute.

Except with respect to products defined above, the conference substitute does not alter existing provisions of the Federal Food, Drug, and Cosmetic Act with respect to foods and drugs.

The Secretary retains his current authority to regulate the nutritional formulation and composition of, and potency of vitamins, minerals and other ingredients in conventional foods such as milk, enriched bread and enriched rice, as well as in products which simulate conventional foods such as soybased protein substitutes for meats and poultry. The Secretary also retains his current authority to regulate the nutritional formulation and composition of, and potency of vitamins, minerals and other ingredients in foods represented by labeling, advertising, or other promotional materials for use as the sole item of a meal or of the diet. Because consumers purchase these foods as nutritional equivalents of a well-balanced meal or diet, the conferees believe it is essential that the consumer of such products can be confident that a meal or diet based upon such products is nutritionally adequate and balanced and provides for the proper maintenance of the user's health for the duration of his use of these products.

Limitations on the Secretary's Authority

Under the conference report, three significant restrictions would be imposed on the Secretary with regard to the regulation of products subject to the conference substitute. First, new section 411 (a) (1) (A) of the Act prohibits the Secretary from using his existing authority under sections 201(n) or 403 of the Act (relating to misbranding) or under section 401 of the Act (relating to standards of identity) to impose maximum limits on the potency of safe vitamins and minerals contained in products subject to the conference substitute. This provision would not restrict the Secretary from prescribing minimum potency levels for vitamins or minerals in such products in order to prevent the addition of insignificant or useless amounts.

Second, new section 411(a) (1) (B) of the Act prohibits the Secretary from classifying as a drug a natural or synthetic vitamin or mineral, offered by itself or in combination, solely because it exceeds the level of potency that the Secretary determines is nutritionally rational or useful.

Third, new section 411(a) (1) (C) of the Act prohibits the Secretary from using his authority with respect to misbranding or establishment of standards of identity to limit the combination or number of any safe vitamin, mineral or other ingredient of food in products subject to the conference substitute.

Exceptions to Limitations on the Secretary

Under the conference substitute (proposed new section 411(a) (2) of the Act), the limitations on the Secretary, described above, do not apply with respect to a product otherwise subject to the provisions of the conference substitute where such product is represented for use by (1) individuals in the treatment or management of specific diseases or disorders, (2) children, or (3) pregnant or lactating women.

The provision with respect to foods intended for use in the treatment or management of specific diseases or disorders was adopted in conference in order to make clear that the proposed new section 411(a) of the Act does not override the Secretary's authority under sections 401, 403, or 201(n) of the Act to limit the potency and combination of vitamins, minerals, other ingredients in foods, or foods, represented for use in the dietary treatment or management of individuals with specific diseases or disorders, or of post-operative or convalescing medical patients. Since each of these foods must be precisely formulated to meet the needs of individuals with specific diseases and disorders, the conferees believe it to be important that the language in the conference substitute clearly preserve the authority of the Secretary to regulate as foods the nutritional formulation, composition, and potency of each product represented for such uses. Inclusion of this language is not, however, intended to permit the Secretary to limit (under sections 401, 403, or 201(n) of the Act) the potency or combination of a safe vitamin, mineral, food ingredient, or food represented in its labeling and advertising to be solely for use by adults, other than pregnant or lactating women, as a nutritional supplement to general human dietary intake.

Dietary management with these products is not only of major clinical value to the individual, but can be lifesaving in many instances. In the case of a number of inborn abnormalities of metabolism, such as phenylketonuria and maple syrup urine disease, these foods provide the only means for prevention of mental retardation, particularly in infants and young children, or for the partial restoration of mental capacity in older children. Special formula feedings are essential to long-term maintenance of severely debilitated individuals. Low sodium foods are useful in dietary management of individuals with severe forms of hypertension, acute heart failure, acute nephritis, toxemias of pregnancy and similar disorders when the degree of sodium restriction must be greater than that achievable with conventional foods. Chemically defined formula diets are extremely useful for nutritional management of patients prior to and subsequent to gastrointestinal surgery.

The Senate amendment included, in proposed new section 411(a) (2) of the Act, a specific reference to the Secretary's authority to act by regulation. This reference was deleted by the conferees as unnecessary. It is not intended that the omission of this reference should be understood as in any way restricting the Food and Drug Administration's present authority to adopt regulations defining and enforcing the provisions of the Act. The Secretary in recent years has relied increasingly on administrative rulemaking to enforce the requirements of the law. Rulemaking affords opportunity for broader participation in the formulation of agency policy, promotes clarity of legal requirements, and assures equitable application of the law, while at the same time it reduces the cost to the taxpayer of case-by-case enforcement. The Secretary's legal authority, under section 701(a) of the Act, to adopt binding regulations has been recognized by the Supreme Court. *Weinberger v. Hynson, Westcott and Dunning, Inc.*, 412 U.S. 609 (1973); *Abbott Laboratories v. Gardner*, 387 U.S. 136 (1967). This authority has recently been upheld by the United States Court of Appeals for the Second Circuit. *National Nutritional Foods Assn. v. Weinberger*, 512 F. 2d 688 (C.A. 2, 1975).

For the purposes of the conference substitute, the term "children" is defined to mean individuals under the age of 12 years. The conferees are also concerned that attention should be given to those vitamin and mineral preparations that are not intended for use by infants, children or pregnant or lactating women, but may be taken by or administered to them inadvertently. Just as the fetus may be affected by excessive doses of some food supplements, excessive doses of vitamins and minerals taken by children during the period of rapid growth and maturation can interfere with their normal development. Because of such possibilities of unrecognized or unanticipated harm, it is intended that the Secretary retain full authority to promulgate regulations designed to assure that unsuitable or inappropriate vitamin and mineral preparations are not inadvertently administered to individuals in these vulnerable groups.

Except as specifically provided, the conference substitute does not alter the drug or food provisions of the Federal Food, Drug, and Cosmetic Act. If a product containing vitamins, minerals or other ingredients is a drug within the meaning of section 201 (g) of the Act, the Secretary may, with respect to such product, exercise his authority under Chapter V of the Act. For example, the Secretary may bring an action for misbranding of a product which purports to be or is represented as a drug (within the meaning of section 201 (g) of the Act) if its labeling fails to bear adequate directions for its purported use or for the use for which it is represented (within the meaning of section 502 (f) (1) of the Act). See *V. E. Irons, Inc.* v. *United States*, 244 F. 2d 34 (C. A. 1, 1957); *Alberty Food Products* v. *United States*, 194 F. 2d 463 (C. A. 9, 1952); *United States* v. *Vitasafe Co.*, 345 F. 2d 864 (C.A. 3, 1965); *United States* v. *Article of Drug . . . B-Complex Cholinos Capsules*, 362 F. 2d 923 (C. A. 3, 1966).

The Secretary also has the authority to regulate the composition and potency of a product subject to the provisions of the conference substitute on the basis of safety. If a high potency preparation of a vitamin or mineral is a drug as defined by section 201 (g) of the Act and the Secretary determines that within the meaning of section 503(b) of the Act, it is not safe for use except under the supervision of a physician, such a high potency preparation is subject to regulation as a prescription drug under the Act.

Similarly, if any vitamin, mineral or other food ingredient is not generally recognized as safe by qualified experts and meets the other criteria of the definition of a "food additive" under section 201(s) of the Act, it would be subject to regulation under section 409 of the Act. If such a vitamin, mineral or other ingredient is intentionally added to a food, such food is adulterated (within the meaning of section 402(a) (2) (C) of the Act) unless its use is in conformity with a regulation issued by the Secretary which prescribes the conditions under which it may be safely used or exempts it for investigational use by qualified experts. It is on precisely this basis that the Secretary has, by regulation, restricted the potency of the vitamin folic acid that may be added to a food.

Provisions with Respect to Labeling and Advertising

Under the conference substitute, the Secretary retains the authority to initiate enforcement actions against a product to which the conference substitute is applicable if its labeling is false or misleading in any particular. In addition, the conference substitute contains special provisions respecting the labeling and advertising of these products.

The conference substitute provides that a food to which the conference substitute is applicable shall not be deemed misbranded under section 403 of the Act solely because its label bears a listing of all of the ingredients in the food, or solely because its advertising contains references to ingredients in the food that are not vitamins or minerals. Thus, for example, if a tablet or capsule of vitamin C contains rutin, a substance that the Secretary has concluded has no dietary usefulness, the list of ingredients

as well as the advertising for the product may refer to rutin without causing the food to be deemed misbranded.

However, because of the conferees' concern that consumers not be misled into a belief that such substances have nutritional value, the conference substitute provides that the labeling, so such a product may not list ingredients that are not vitamins or minerals except as a part of a list of all the ingredients of the food, in accordance with applicable regulations promulgated by the Secretary pursuant to section 403 of the Act. The Secretary is directed that in circumstances where compliance with this provision is impracticable or results in deception or unfair competition, exceptions shall be established by regulation. Further, the conference substitute provides that the labeling or advertising of a food to which the conference substitute is applicable may not give prominence to or emphasize ingredients which are not vitamins or minerals or are not represented as a source of vitamins or minerals.

The conference substitute also provides the Secretary new authority over the advertising of foods subject to the conference substitute. Seizure and injunction actions are authorized in instances in which the advertising of a food to which the conference substitute is applicable is false or misleading in a material respect. However, in order to protect an innocent retailer from seizures based upon deceptive advertising claims made by a manufacturer, the conference substitute provides that libel for condemnation may not be instituted against such products which are misbranded because of their advertising unless (1) the advertising was disseminated in the establishment in which the product was held for sale to the ultimate consumer, the advertising was disseminated by or under the direction of the owner or operator of such establishment, or all or part of the cost of such advertising was paid for by the owner or operator, and (2) the owner or operator used the advertising in the establishment to promote the sale of the food.

The conference substitute would also add a new section 707 to the Federal Food, Drug, and Cosmetic Act which would require that the Federal Trade Commission be afforded the opportunity to take certain specific enforcement actions under the Federal Trade Commission Act for a period of up to 90 days before the Secretary could initiate an enforcement action under Chapter III of the Act with respect to the advertising of a product subject to the provisions of the conference substitute. It would prohibit the Secretary, except under limited circumstances, from initiating such an enforcement action before, during, or after the expiration of the 90 day period, if the Federal Trade Commission takes action in accordance with the conference substitute.

These provisions are intended to provide the Secretary with authority to protect the public from consumer fraud perpetrated by the false advertising of these products. They are intended to serve as a partial substitute for the authority denied to the Secretary under other provisions of the conference substitute.

Proposed new section 707 of the Act would require the Secretary to notify the Federal Trade Commission before he initiates any action, under Chapter III of the Federal Food, Drug, and Cosmetic Act, with respect to any food which the Secretary determines is misbranded under proposed new section 403(a)(2) of the Act because of its advertising or a food's advertising which the Secretary determines causes the food to be so misbranded. The notice by the Secretary must contain (1) a description of the Secretary's proposed action, (2) a description of the advertising which the Secretary has determined causes the food to be misbranded under section 403(a)(2) of the Act, and (3) a statement of the reasons for the Secretary's determination that the advertising has caused the food to be so misbranded. In addition, the notice from the Secretary must be accompanied by records, documents, and other written materials which the Secretary determines support his determination that the food is so misbranded because of its advertising.

If, within a 30 day period beginning on the date of receipt of the notice and accompanying written materials from the Secretary, the Federal Trade Commission notifies the Secretary in writing that—

(1) it has initiated an investigation of the advertising (referred to in the Secretary's notice) to determine if it is prohibited by the Federal Trade Commission Act or a rule or order promulgated thereunder;

(2) it has commenced or intends to commence a civil action in the courts under section 5, 13, or 19 of such Act with respect to such advertising or the Attorney General has commenced or intends to commence a civil action under section 5 of such Act with respect to such advertising;

(3) it has issued and served or intends to issue and serve a complaint under section 5 (b) of such Act with respect to such advertising; or

(4) it had made certification to the Attorney General under section 16(b) of such Act with respect to such advertising,

the Secretary is prohibited from initiating his proposed action for an additional period of time, which is not to exceed 60 days. If the Commission notifies the Secretary that neither the Attorney General nor the Commission intends to take any of these actions or fails to respond to the Secretary in writing within the 30 day period, the Secretary may initiate his proposed action.

If, before the expiration of the 60 day period beginning on the date the Secretary receives notice from the Commission that the Attorney General or the Commission intends to take one of the actions described above, the Commission or the Attorney General has not commenced a civil action, the Commission has not issued and served a complaint or made certification to the Attorney General which has caused appropriate criminal proceedings to be brought against the advertising, the Secretary may act under Chapter III of the Federal Food, Drug, and Cosmetic Act.

The Commission is required to notify the Secretary promptly of the commencement of a civil action, the issuance and service of a complaint, or the causing by the Attorney General of criminal proceedings to be brought against the advertising described in the Secretary's notice.

The conferees intend that the Commission or the Attorney General, where practical, take appropriate regulatory action under the Federal Trade Commission Act pursuant to a notice from the Secretary. The conferees believe that the period of 90 days provided in the conference substitute is sufficient time within which to take such action. However, in instances in which the Secretary determines that, although action has not been taken by the Commission or the Attorney General within the 90 day period, such action is imminent, he may defer taking his proposed action to permit the Commission or the Attorney General to take action.

Under the conference substitute the notification and other procedural requirements in subsections (a) and (b) of proposed new section 707 of the Act do not apply with respect to any action under Chapter III of the Act with respect to any food or food advertising to which the conference substitute is otherwise applicable, if the Secretary determines that such action is required to eliminate an imminent hazard to health. Under these circumstances the Secretary would neither be required to provide formal notification to the Commission nor delay his proposed enforcement action. However, under the conference substitute, if the Secretary takes any action under Chapter III of the Act with respect to a food because of its advertising or with respect to a food's advertising under proposed section 403(a)(2) of the Act, proposed section 707(d) of the Act requires the Secretary to coordinate the action with any action of the Federal Trade Commission with respect to the advertising of such food.

The conferees recognize that for many years the Food and Drug Administration and the Federal Trade Commission have operated in overlapping areas of jurisdiction in the regulation of false claims and that both agencies have been functioning under written memoranda of understanding concerning jurisdiction and liaison since 1954. The conferees expect both agencies to continue to coordinate their regulatory actions in a manner to avoid unnecessary duplication and waste. The conferees also emphasize that the conference substitute is not intended to modify the primary role of the Federal Trade Commission in exercising its regulatory authority over the false or misleading advertising of food products.

Although the substitute gives the Secretary substantial new authority with respect to the advertising of vitamin and mineral products, the conferees intend that the Secretary use his authority under existing section 306 of the Federal Food, Drug, and Cosmetic Act which provides for written notice or warning in lieu of judicial action where the Secretary believes that such notification or warning adequately protects the public interest.

TITLE VI—ARTHRITIS ACT AMENDMENTS

The Senate amendment contained a title, not included in the House bill, which amended the National Arthritis Act (Public Law 93-640). The Senate amendment made it clear that arthritis and related musculoskeletal diseases are to be collectively referred to as arthritis for the purposes of the Act; (1) added a statement of purposes of the Act; (2) corrected the reference to the Chief Medical Director of the Veterans Administration as an ex-officio member of the National Commission on Arthritis; (3) lowered the authorization of appropriations under that Act for the Arthritis Commission from $2 million to $1.5 million; (4) revised the authorizations of appropriations under the Public Health Service Act for arthritis screening, detection, prevention, and referral demonstration projects and the Arthritis Screening and Detection Data Bank from $2 million for fiscal year 1975, $3 million for fiscal year 1976 and $4 million for fiscal year 1977 to $1.5 million for fiscal year 1975, $4 million for fiscal year 1976, and $4 million for fiscal year 1977; and (5) amended section 439 of the Public Health Service Act to provide that the Secretary may assist in the development, modernization, and operation of *new and existing* comprehensive arthritis centers and to revise the authorizations from $11 million for fiscal year 1975, $13 million for fiscal year 1976, and $15 million for fiscal year 1977 to $5 million for fiscal year 1975, $13 million for fiscal year 1976, and $21 million for fiscal year 1977.

The conference substitute conforms to the Senate amendment, except that it would authorize under the Public Health Service Act $11 million for fiscal year 1975, $8 million for fiscal year 1976 and $20 million for fiscal year 1977 for the development, modernization and operation of new and existing comprehensive arthritis centers, and would not change existing law with respect to authorizations for demonstration projects and the Arthritis Screening and Detection Data Bank.

TITLE VII—DIABETES PLAN

The Senate amendment contained a title, not included in the House bill, which ex-

tended the expiration date of the National Diabetes Commission (established under Public Law 93-354) to September 30, 1976.

The conference substitute conforms to the Senate amendment.

TITLE VIII—HEALTH SERVICES

The Senate amendment contained a title, not included in the House bill, which amended sections 319 (migrant health centers) and 330 (community health centers) of the Public Health Service Act to add ambulatory surgical services as a supplemental health service which could be offered by such centers.

The conference substitute conforms to the Senate amendment.

TITLE IX—INDIAN HEALTH SERVICE

The Senate amendment contained a title, not included in the House bill, which amended section 225 of the Public Health Service Act to permit the Indian Health Service to utilize non-profit recruitment agencies to assist in obtaining personnel for the Public Health Service.

The conference substitute conforms to the Senate amendment.

TITLE X—APPOINTMENT OF ADVISORY COMMITTEES

The Senate amendment contained a title, not included in the House bill, which prohibited consideration of political affiliation in making appointments to advisory committees established to assist the Secretary in implementing the Public Health Service Act, the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, and the Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

The conference substitute conforms to the Senate amendment.

TITLE XI—MISCELLANEOUS PROVISIONS

Soldiers' and Sailors' Civil Relief Act

The Senate amendment contained a provision, not included in the House bill, which equated active service of commissioned officers of the Public Health Service with active military service in the Armed Forces for the purposes of all rights, privileges, immunities, and benefits provided under the Soldiers' and Sailors' Civil Relief Act of 1940.

The conference substitute conforms to the Senate amendment.

Visiting Scientist Awards

The Senate amendment contained provisions, not included in the House bill, which (1) authorized the Secretary to grant stipends, in amounts not to exceed $25,000 per annum, to visiting scientists who enter into agreements with the Secretary to assist minority schools in developing programs in biomedical sciences, and (2) authorized the Secretary to make grants to minority schools to initiate the development of undergraduate programs relating to biomedical sciences.

The conference substitute authorizes the Secretary to make awards (referred to as "Visiting Scientist Awards") to outstanding scientists who agree to serve as visiting scientists at institutions of post-secondary education which have significant enrollments of disadvantaged students. The amount of each such award shall include such sum as is commensurate with the salary or remunerations for physician shortage area scholarships the institution with which he has, or had, a permanent or immediately prior affiliation.

Health Professions Student Assistance

The Senate amendment contained provisions, not included in the House bill, which extended the authorizations of appropriation which the individual had received from at $3.5 million for fiscal year 1975 and $2 million for fiscal year 1976, and for health professions student loans at $60 million for fiscal year 1976.

The conference substitute conforms to the Senate amendment.

HARLEY O. STAGGERS,
PAUL G. ROGERS,
DAVID E. SATTERFIELD,
JAMES W. SYMINGTON,
JAMES H. SCHEUER,
TIM LEE CARTER,
JAMES T. BROYHILL,
Managers on the Part of the House.

HARRISON A. WILLIAMS, Jr.,
CLAIBORNE PELL,
EDWARD M. KENNEDY,
WALTER F. MONDALE,
ALAN CRANSTON,
WILLIAM D. HATHAWAY,
JOHN A. DURKIN,
THOMAS F. EAGLETON,
GAYLORD NELSON,
JACOB K. JAVITS,
RICHARD S. SCHWEIKER,
ROBERT TAFT, Jr.,
J. GLENN BEALL, Jr.,
ROBERT T. STAFFORD,
PAUL LAXALT,
Managers on the Part of the Senate.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE REPORT ON H.R. 12678

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tonight to file a report on the bill H.R. 12678, National Health Promotion and Disease Prevention Act of 1976.

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

There was no objection.

FUNCTIONAL DISCOUNT

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

Mr. RONCALIO. Mr. Speaker, What is a functional discount? Why is it needed?

A functional discount is not a payment for services rendered. The services rendered are duplicated in almost every respect by entities other than wholesale distributors. The chain store warehouses its own merchandise, breaks bulk, checks in stock and rotates merchandise to make sure it is fresh and saleable in the hands of the ultimate consumer.

Under the law as it presently stands, without the proposed functional discount amendment, a distributor is entitled to payment for services rendered the manufacturer if the manufacturer makes such payment available to one or more competitors.

It is imperative, however, to realize that a functional discount is not merely a payment for services rendered: in fact, it is concerned with the wholesale status within the distributive spectrum. It is a recognition of the unique contribution accorded to the economy, as a whole, by the wholesaler by virtue of the character of his selling.

Suppose that a manufacturer decides to launch a new brand. He looks around in order to determine the most effective way of obtaining national distribution. He may go to chain stores and ask them to put the new brand on their shelves but the chain stores respond that their shelf space is at a premium. They have made computations of the number of times a given product at a given price must turn over in terms of the cubic inches of space it occupies on their shelves. The chain stores, the department stores, the discount houses and the vending machine operators unconditionally refuse to carry the new product.

Then he discovers that there are a number of small retail outlets which are available for the brand. But he cannot afford to sell to them. His credit men tell him that these small retailers have no financial standing and his firm cannot afford to extend credit to them or to supervise the myriads of billings that would be necessary to shepherd these retail accounts. His statisticians tell him that there are more than a million and a half small retail outlets selling tobacco and the firm is not in a position to service that many customers.

Furthermore, his production men tell him that he cannot ship in the small quantities in which these stores traditionally order. His sales manager tells him that he does not have and cannot afford the missionary personnel or salesmen necessary to service these hundreds of thousands of small accounts.

What does he do? Either he gets out of business or he finds somebody in the distributive system who is equipped to perform this function. He goes to the wholesale distributor because he is uniquely geared to service small retail outlets, which is the only outlet that will introduce his product in the market. The wholesale distributor takes on the product and sells it to the small retail outlets because his sole function in the marketplace, as distribution scientist, is to make available to the small retailers the products that the manufacturer creates.

The wholesale distributor is the indispensable link between the manufacturer and the retail outlet when a new product is to be introduced. But despite the unique status of the wholesale distributors in introducing the product, once it has achieved national stature, manufacturers proceed to sell to the direct buying chains and markets at the same price charged to the wholesale distributor. This means, of course, that the retail customer of the wholesaler is necessarily priced out of the market. He is prohibited from competing with the direct buying retailer by the manufacturer's discriminatory price to the wholesale distributor.

Of course, this situation is easily remedied. The manufacturer can grant a functional discount to the wholesaler and thus enable the wholesaler's customer, the independent entrepreneur to acquire the product at a price competitive with that paid by the direct-buying retailer. He can do so, but far too many do not.

The most recent economic study on the subject indicates that approximately 60 percent of merchandise sold in the United States adhere to functional discount pricing policies. One price is charged the direct-buying retailer. A lower price is accorded the wholesale dis-

tributor and still other or different prices are accorded the institutional buyer or the user of the product for further processing. This system has operated with reasonable effectiveness throughout the four decades during which the Robinson-Patman Act has been law.

The fly in the ointment is that although 60 percent of manufacturers do employ functional discount pricing, 40 percent of major consumer goods manufacturers do not. Distributors are in an unviable position where the rules of economics employed by the benighted 40 percent are applicable rather than the rules established by the 60 percent who regularly grant functional discounts.

Why do we seek a functional discount amendment to the Robinson-Patman Act?

We seek a functional discount amendment because without a functional discount amendment manufacturers can continue to refuse to grant functional discounts under the law, as it is now construed. We seek a functional discount amendment to preserve the small retailers who are surely being forced "to the wall." The rate of business failures in small independent entreprenurial establishments is mounting disproportionately to the overall economy.

Basically, a functional discount amendment is needed not for the purpose of increasing the profits of the middleman but for the purpose of preserving the small merchant in business. In the final analysis that is the primary purport of the Small Business Administration.

We need a functional discount for the benefit of manufacturers as well. We have already mentioned the fact that a new brand cannot be ushered into the marketplace without the active cooperation of the wholesale distributor. It is equally true that once a brand has acquired national stature, it must sustain that position. It has been proven that a brand cannot sustain demand solely through distribution by way of direct-buying retailers. The independent retailer affords the advantage of ubiquity, convenience and accessibility. This easy availability of the product not only creates the demand, it sustains it compellingly.

A functional discount amendment to the Robinson-Patman Act will benefit the manufacturers seeking honeycomb distribution within the United States. It will benefit the retailer of moderate size who seeks to compete pricewise with the larger direct buying entities and it will benefit the American consumer by creating an impulse for a reduction in price of the products he seeks to obtain. Moreover, it will eliminate the built-in price discrimination which inevitably must occur when a supplier establishes a one-price policy and limits the number of customers he is willing to serve. For all of these reasons, a functional discount amendment should be enacted to further the objectives which the Robinson-Patman Act was designed to achieve.

CONGRESS AS POSTAL SUICIDE PREVENTION SQUAD

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

Mr. HANLEY. Mr. Speaker, I would like to share with you and our colleagues the text of the statement made by me on the occasion of a press conference on Friday, March 26, 1976 concerning what I believe to be the outlook for the U.S. Postal Service in the immediate, short-term resolution of their plight. Of course, the offering of any long-range plan and program to accommodate the fiscal realities of the operation of a full-service mail system with easy access, reasonable rates, and universal availability will have to await the stabilization of the current crisis.

It is my hope that this House will take appropriate measures to protect the interests of the public and private mailing patron so that service can be maintained despite economic pressures to cut back. In doing so, it must be made plain to the USPS that its operation and the overseership of the administration, particularly that of the President and the Office of Management and Budget, will be the subject of intense scrutiny and objective critical analysis.

I add also the text of my letter to Mr. Ford illustrating just one of the areas of service which many of our fellow Members have expressed concern about protecting. I refer to the impact of crisis economics on the use of the mails by nonprofit charitable institutions:

STATEMENT BY JAMES M. HANLEY, CHAIRMAN, SUBCOMMITTEE ON POSTAL SERVICE, MARCH 26, 1976

"The Postal Service is the brainchild of the Executive Branch. The President and the Post Master General, the Board of Governors, the Rate Commission, are the responsible parties for the health of our mail service.

Ironically, Congress finds itself in the role of a suicide prevention squad.

The question now is whether the patient can survive its self-inflicted wounds."

No one has been more disappointed than I in the poor record of the Postal Service over the last few years. No one has been more insistent than I, that the waste be trimmed from the Postal Service budget, and that the Postal Service husband its resources as carefully as its customers do their household budgets.

And no one has emphasized more than I, that the Postal Service is just that, a *service* to the American people, which must receive greater assistance from the general treasury if it is going to continue the services which have served us all so well.

My dismay at recent announcements of service cuts and proposed service cuts has been unbounded. Massive closing of small, but vital post offices, cutting of business deliveries, the almost certain reduction of service to five days, the refusal to deliver door-to-door in new areas, combined with other reductions in service in the past may well starve the Postal Service into an untimely death. These, and other services which may fall by the wayside, are both desirable and necessary. And, unfortunately, many of them do not pay their own way.

On the other hand, I have been extremely disappointed at the reluctance of many in the Postal Service to accept this "service first" philosophy. The Postal Service has only slowly awakened to the fact that increased funding for public service is a necessity.

About a week ago, I had an informal meeting with the Postmaster General, Benjamin F. Bailer, to express my concern, frustration, and opposition to many of his policies. I urged him to be more forceful in assisting all of us in Congress to resolve the financial and service crisis the Postal Service is in. I said that it was essential that he fully recognize that we certainly were not going to throw money down a rat hole; that before anyone in Congress was going to agree to increased funding we must be assured that, while necessary economy moves would continue, cuts in essential services would not be necessary.

I am pleased, therefore, to announce that on Tuesday the Postmaster General wrote me a letter as a result of that meeting which indicates that he has seen the light, or at least a glimmer of it. In the letter, the Postmaster General emphasized that, ". . . if the constraints of our current financial crisis could be eased by the infusion of additional funds, otherwise inevitable reductions in service could be avoided." Mr. Bailar also admitted that, "We are—first, last and always—a public service organization and our only reason for being is to provide services which meet the public need. If additional appropriations are not forthcoming, however, our flexibility—short of further rate increases—will be virtually extinguished.

This statement should help place the current debate about the future of the Postal Service in better perspective. It clearly ties in service with the question of funding.

Let me emphasize that I wholeheartedly endorse essential cost-cutting which does not materially affect levels of service. There is much that can and should be done to make the Postal Service a leaner, more efficient organization. I am all in favor of cutting the fat out of postal operations. However, cutting services in the magnitude being contemplated is not cutting fat, it is cutting the muscle and sinew which gives strength to much of this Nation's economic, cultural, and social life.

In October, the House of Representatives passed H.R. 8603, which contains some important elements of the approach we should take. As approved by the Committee, the bill provided periodic authorization for increased public service funding and would establish a Commission which, among other things, would make a definitive study of the necessary level of public service funding for the Postal Service. The Alexander amendment, providing for annual appropriations of all Postal Service expenditures, deleted the specific authorization language but left the question open-ended.

The Senate is now holding hearings on a similar approach. I hope that Mr. Bailar's statement will help us move toward a quick solution of the legislative problem which can provide funding which will ensure adequate levels of service, increased Congressional oversight, and a professional, independent study of future Postal Service needs. While I cannot speak for Mr. Bailar, I cannot help but say that I feel that this new attitude on the part of the Postal Service indicate that the Postal Service is joining with many of us in Congress to fight the indifference and nonchalance of the Administration toward the plight of the Postal Service.

SUBCOMMITTEE ON POSTAL SERVICE
OF THE COMMITTEE ON POST
OFFICE AND CIVIL SERVICE,
Washington D.C. March 3, 1976.

The PRESIDENT,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: I am writing to urge you and your Administration to cease ignoring the serious plight of the Postal Service and work with the House and Senate Post Office and Civil Service Committees to solve the financial problems which threaten to destroy mail service in this country.

And to speak of destruction is not idle talk. The ever-increasing postal deficit threatens the very foundation of mail delivery in this country. The only answer which the Administration has even haltingly given is that users must pay the total cost of the service and that if revenues are not adequate, serv-

ice must be slashed accordingly. This simplistic argument totally ignores that the Postal Service has historically performed many services which have greatly aided the economic growth of this country and even today is a vital communications network. The country cannot afford a serious decline in service.

I am particularly concerned about the impact of the Postal Service's financial situation on our nonprofit charitable organizations. Through the nonprofit second-class category, churches, charitable institutions, labor unions, veterans organizations, educational institutions and many others send important publications throughout the country. Many simply cannot absorb projected rate increases of up to 800%, and during our hearings, representatives of nonprofit groups predicted the demise of many of these publications. These institutions also use the mail to solicit funds for these worthy causes and their very ability to do so is being threatened.

Currently pending in the Senate is a bill, S. 2844, which would temporarily increase authorizations for public service funding for the Postal Service by $1.5 billion a year for two years. In the interim, a commission would be established to define the public service components of the Postal Service and establish a clear formula for public service funding. I have sponsored a similar approach in the House which was adopted, with one significant change, on October 30, 1975.

I find the Administration's almost adamant opposition to this, or almost any other, ameliorative legislation incomprehensible. I would ask you personally to review the position of the Office of Management and Budget and remember the importance of the mail to your constituents when you were a Member of the House.

I sincerely hope that the Administration's position will be reconsidered before it is too late.

With every best wish, I am
Sincerely,

JAMES M. HANLEY,
Chairman.

PANAMA CANAL—ALTERNATIVES OTHER THAN SURRENDER

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

Mr. DAN DANIEL. Mr. Speaker, as the executive branch proceeds with its plans to hand over the Panama Canal and the Canal Zone to the current government of the Republic of Panama, I believe it would be well to consider alternatives other than surrender.

Harry G. Wiles, National Commander of The American Legion, has recently toured the Canal Zone, and has submitted to the President his recommendations for a somewhat different approach to the matter.

I respectfully request that Commander Wiles' letter be reprinted in the RECORD, so that we may consider his proposals which offer a better course of action for our Government.

THE AMERICAN LEGION,
Washington, D.C., March 24, 1976.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Having just returned from a visit to the Panama Canal Zone, I am deeply concerned about the trend toward a gradual withdrawal of United States responsibility and interest in the Caribbean area, and especially the Canal Zone itself. I am likewise concerned about continuing advocacy by members of the Department of State to relinquish United States sovereignty in the Canal Zone which would symbolize a growing U.S. weakness and lack of national will to protect our vital interests.

I well understand the dilemma in which some of your predecessors and associates have placed the Presidency at this time. However, I see no alternative to facing the proposition that the Canal Zone is part and parcel of U.S. territory and cannot be given away, unless and until the people of the United States, and their representatives in Congress feel it is in their interest to do so. In the final analysis, it is the people who paid for the Canal and who have borne the burden of its construction, maintenance and protection for the past 72 years.

I strongly urge you, Mr. President, to reevaluate the administration's policy on the Panama Canal with a view to finding a viable alternative to present attitudes and trends. One prospect is to resume the immediate major modernization of the Canal which would give employment, improve the earnings and standards of the entire area, and improve relations between Panama and the United States. As you know, we have already spent more than $17.0 million on such a modernization program. More to the point, resumption of the modernization effort would meet the growing demands of Canal users at a time which the average size of vessels using the Canal is increasing, and this suggestion would square off with Canal pilots who strongly recommend such action. Moreover, such a modernization is authorized under existing treaty provisions and does not require negotiations or treaty changes.

Another suggestion which I believe has merit is the re-establishment of the Navy's Special Service Squadron which was home-based in the Canal Zone for two decades prior to World War II. This token naval force was most effective during those years and now it would symbolize a continuing U.S. interest in the area. Such a small force would not be provocative and yet it would reassure United States citizens living there as well as those within our own boundaries. It would serve as a symbol of stability and strength in many ways.

Mr. President, The American Legion is mandated to retain U.S. sovereignty of the Canal Zone and Canal. It is my judgment that this mandate, representing grass roots sentiment, will not change in the foreseeable future because the sovereignty in the Canal Zone continues in our national interest. This fact is reinforced by the Soviet Union's continued efforts to penetrate the Western Hemisphere and in light of recent Soviet-Cuban collaboration in Africa.

I urge you in behalf of the 2.7 million members of The American Legion to take a firm stand on this smouldering Canal Zone situation. I believe the general public would be inspired by your initiative and give you their support.

Sincerely yours,

HARRY G. WILES,
National Commander.

STATUS OF THE PUBLIC LAW 480 RICE EXPORT PROGRAM

The SPEAKER pro tempore (Mr. DANIELSON). Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 30 minutes.

Mr. ALEXANDER. Mr. Speaker, because the Public Law 480—food for peace—programs represent approximately 40 percent of the U.S. rice exported, rice producers and merchants are vitally concerned wth the progress of sales under the program.

Last year the Congress appropriated sufficient funding to finance rice shipments to meet the goal established by the President. The admnistration's objective of selling 850,000 metric tons of rice under Public Law 480 has been stated as applying to the 1975–76 rice marketing year. However, in vew of the fact that the market prices are lower than the budgeted price the appropriated funds should be used for purchasing a minimum of 1 million tons of rice to be shipped under Public Law 480 programing during the 1975–76 marketing year.

The following chart details the status of the Public Law 480 rice export program from August 1, 1975, the beginning of the marketing year, to April 2, 1976. It is my understanding that yesterday the Interagency Staff Committee approved the allocation of 100,000 tons of rice for sale to Indonesia. In addition, it is expected that early next week, probably on Monday, bids will be requested on the sale of the remaining rice now allocated to South Korea.

It should be noted that the amounts listed under "Programs Completed" in the chart represent rice purchase levels established in purchase authorization Nos. BG–7018, BG–7021, BG–7022, and BG–7022 issued to Bangladesh and purchase authorization Nos. KS–7063 and KS–7064 issued to South Korea.

APR. 2, 1976, STATUS OF PUBLIC LAW 480 RICE PROGRAM—1975–76 MARKETING YEAR

[In thousands of metric tons]

Country	Programs completed, Aug. 1, 1975 to Apr. 1, 1975	Quantities to be purchased	Outstanding agreements: Purchase authorizations issued	Outstanding agreements: Invitations to bid issued	Agreements under development	Total
Bangladesh	170	50	0	0	0	220
South Korea	[1] 60	[1] 52	[1] 52	0	[1] 52	[1] 164
Portugal	0	[1] 45	[1] 45	0	0	[1] 45
Zaire	0	27	0	0	0	27
India	0	0	0	0	200	200
Guinea	0	0	0	0	10	10
Syria	0	0	0	0	50	50
Indonesia	0	0	0	0	100	100
Total	230	174	97	0	412	816

[1] Both South Korea and Portugal normally buy brown rice. These figures are the milled equivalent based on the USDA formula of 90 percent extraction from brown rice. The rice industry normally uses an 85 percent extraction formula.

NATIONAL FOREST MANAGEMENT PRACTICES—A CLEAR CUT AT THE ISSUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. AUCOIN) is recognized for 5 minutes.

Mr. AUCOIN. Mr. Speaker, in a recent educational television program by NOVA entitled "The Renewable Tree," and in testimony given on forest reform legislation, the supposed views of Dr. Jerry Franklin, chief plant ecologist at the Forest Service Science Laboratory in Corvallis, Org., were quoted in raising the question whether clearcutting is an ecologically desirable forest management tool.

In both cases, we have seen a classic case of the use of selected portions of a more complex scientific argument to support conclusions very different than the scientist intended.

In the case of the NOVA program, this occurred by omitting the key thoughts of Dr. Franklin. The program portrayed sections of what he said in a manner that led viewers to reach a different conclusion than Dr. Franklin intended. This was then compounded by some of the witnesses who testified before the Senate and House Agriculture Committees, who cited Dr. Franklin in support of their views that the forest harvesting practice known as clearcutting is harmful and deleterious to natural resource management on national forest land.

I have little doubt that those citing Dr. Franklin believed they were accurately portraying his views. But in fact they were not.

Dr. Franklin has effectively and eloquently summarized his attitude toward clearcutting in a letter to the chairman of the Senate Subcommittee on Environment, Soil Conservation and Forestry, and I ask unanimous consent that this letter be printed in its entirety.

I shall also be requesting that the chairmen of the House and Senate committees include Dr. Franklin's letter in the hearing record, and supply each witness who cited or quoted Dr. Franklin with a copy of his letter.

FORESTRY SCIENCES LABORATORY,
Corvallis, Oreg., March 24, 1976.

Hon. J. O. EASTLAND,
Subcommittee on Environment, Soil Conservation and Forestry, Committee on Agriculture and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In view of the extensive exposure some of my comments on Douglas-fir regeneration received in the recent NOVA program on Trees: A Renewable Resource and, most recently, in the Senate and House hearings on National Forest management, I feel that it might be appropriate to clarify the record by putting my comments into their original context. I will be brief although I can elaborate on request. I would appreciate it if my letter could be made a part of the hearing record.

My comment that it is not essential to clearcut to regenerate Douglas-fir, or most other species, is well known and has been exposed in the scientific literature as well as on NOVA. It is a documented fact. What NOVA did was to take that comment out of context, however, making it only partially true. It has since been used by others in a similar vein to make it appear that I, as an ecological scientist, feel it is not ecologically desirable to clearcut Douglas-fir.

I spent half a day with the NOVA crew being interviewed and I estimate that they took 45 minutes to 1 hour of videotape of me back to Boston. Among the parts which they did not use were the following points:

1. That the comment on getting as good or better Douglas-fir regeneration under partial shade, as opposed to clearcuts, applied only to establishment of new trees and not to their subsequent growth. Once established seedling growth is typically much better under open conditions;

2. That, in any case, clearcutting is a sound ecological practice on most sites in the Douglas-fir region. It works well and the information that is available to me indicates clearcutting is typically the best method;

3. That alternative cutting methods in our old-growth Douglas-fir forests can potentially have more serious environmental impacts than clearcutting. Alternative methods require more roads, more frequent stand entries, etc., requirements which tend to have undesirable environmental impacts, without even considering other substantial effects such as on subsequent forest growth and harvesting costs;

4. That, assuming timber production is one of the more important objectives on a given area, clearcutting is the most desirable practice, giving full consideration to other resource values, overall environmental impacts, and economics, over much of the Douglas-fir region.

My position has been and remains that a silvicultural technique is not and should not be a key issue in controversies of this sort. The question is really one of land allocation to various combinations of uses and, once this is determined, the techniques follow logically. The appropriate technique will be determined by the nature of the site and forest stand and by the management objectives; since the combinations of these are essentially infinite the forester needs the widest array of alternative techniques available to him. Clearcutting is one that should often be used where timber production is an important land use.

What I had hoped to do in my original article was to simply point out that many forest trees can be regenerated over a broader range of ecological conditions than is often recognized. They generally require neither partial shade nor large openings but can regenerate well under a variety of conditions. This is a blessing for it allows us to give greater weight to overall environmental impacts, growth of the new stand, insect and disease problems, effects on other resource values, and economics in selecting silvicultural techniques. These are very important considerations in selecting methods that are ecologically sound for the forest and associated resource; and not just for an individual tree seedling.

I hope this information will help put my other, better known statements in perspective. I will be glad to provide additional information, if needed, on silvicultural techniques as viewed from the perspective of an ecological scientist.

Sincerely yours,

JERRY F. FRANKLIN,
Chief Plant Ecologist.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS UNEMPLOYMENT FIGURES CONTAIN A WARNING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 5 minutes.

Mr. O'NEILL. Mr. Speaker, today's unemployment figures show that economic recovery may be slowing, even using the administration's seasonally juggled figures.

It is good news that unemployment declined, no matter by how little. But it is bad news that the decline is substantially less than the administration claimed for January and February.

The real tragedy is that anyone can think that 7.5 percent unemployment is good news. The people have become so accustomed to hearing high unemployment figures under the Republicans that the administration can pass off 7.5 percent as an accomplishment. It is not, by any standards.

The Congress is determined to continue the recovery, even if the President sticks to a totally unrealistic budget that would slam on the brakes.

The House Budget Committee yesterday approved a realistic budget that meets our defense needs and provides for more than a million new jobs. That will make a real dent in our high unemployment rate.

This administration is all thumbs when it comes to economic policy, and, unfortunately, those thumbs are always pointing down.

It was Congress that forced economic recovery on the President in the first place. We are going to keep right on doing it, for the benefit of the people.

VOTING RECORD OF CONGRESSMAN JONATHAN B. BINGHAM

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, yesterday, I was unavoidably absent during part of the consideration of Federal Election Campaign Act of Amendments of 1976. Had I been present, I would have voted "aye" on rollcall No. 152—an amendment striking out language providing for termination of the authority of the Commission on March 31, 1977—and "no" on rollcall No. 153—motion to limit debate on the amendment to provide for partial public financing of congressional elections.

CURBING PRESIDENTIAL ABUSE OF 45-DAY RESCISSION PERIOD

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, I wish to share with my colleagues recent correspondence which I have had with Senator EDMUND MUSKIE in his capacity as chairman of the Senate Budget Committee with respect to empowering Congress to cut off Presidential rescissions before the 45-day period of their effectiveness expires.

The administration has grossly abused the rescission process, and the present 45-day period provided in the Budget and Accounting Act, to frustrate the will of Congress. In a return to Nixonian practices, the result has been effective impoundment of vitally needed funds.

The 45-day provision is a major loophole which must be blocked.

I am happy to disclose that Senator MUSKIE agrees and proposes to take action as described in his letter.

FEBRUARY 27, 1976.

Hon. EDMUND S. MUSKIE,
Chairman, Senate Budget Committee, Washington, D.C.

DEAR MR. CHAIRMAN: I have just recently realized that the Budget Control Act contains no provision for requiring that funds proposed for rescission by the President be released in less than 45 legislative days when not approved by either the House or the Senate.

Enclosed is a copy of a letter I have written to the Speaker regarding this matter and urging prompt action to remedy the situation.

By not providing some mechanism for demanding a quick release of funds proposed for rescission, we are giving the Executive unnecessary opportunity to thwart the will of Congress. I am anxious to work with you in correcting this problem and look forward to learning how I may be of assistance.

Sincerely,

RICHARD L. OTTINGER,
Member of Congress.

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, D.C., March 29, 1976.

Hon. RICHARD L. OTTINGER,
U.S. House of Representatives, Cannon House Office Building, Washington, D.C.

DEAR DICK: I appreciate receiving a copy of your letter to the Speaker regarding the 45-day impoundment period provided in Title X of the Congressioal Budget and Impoundment Control Act during which the President can impound funds regarding which he has made a rescission request.

I agree with the position you have expressed. The staff of the Budget Committee has been considering possible amendments to the impoundment control title of the Budget Act to deal with this problem. One of the more promising seems to be to authorize the use of an impoundment resolution in the case of funds impounded in connection with a rescission request. As you know, an impoundment resolution passed by either House requires the President to make funds available for obligation which have been "deferred." So a simple amendment of the rescission section could provide that funds which otherwise might be impounded for 45 days pursuant to a rescission request must be obligated upon the passage of one House or the other of an impoundment resolution.

OMB has used the 45-day provision to effect impoundments which frustrate the Congressional intent in enacting the Impoundment Control Act. That defect needs to be remedied. Let's stay in touch on this.

With best wishes, I am,

Sincerely,

EDMUND S. MUSKIE.

TAX-DEDUCTIBLE CONTRIBUTIONS FOR UNITED NATIONS

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, several years ago, I had a discussion with various United Nations officials about the U.N.'s financial problems, including its debt which was then around $100 million. I was shocked to learn how difficult the U.N.'s financial situation was and how it managed to keep afloat only by the tremendous financial skill of some of its dedicated officials.

I was advised at that time that several leading American foundations had expressed a willingness to make some contributions which would have gone a long way toward alleviating the UN's debt and related financial problems. However, they were unable to do so because, as I learned to my surprise, the U.N. does not qualify for tax-deductible contributions.

The financial problems of the U.N. are still grave, and have become more difficult because of the financial recession and reduction by the United States of its contributions. While I think a very good case can be made that the U.S. contributions should not exceed 25 percent, there was a tacit understanding at the time the United States reduced its contributions that it would increase its voluntary contributions to specialized agencies. For various reasons, such an increase has not materialized.

While the United States can perhaps justify its actions, nevertheless, this has led to some feelings, particularly on the part of less developed countries, that the United States is not living up to its commitments.

It seems to me that one way to assist the U.N. financially and also to make a more favorable impression on the less developed countries whose good will and support we obviously wish to retain, is to permit private citizens and foundations in the United States to make tax-deductible contributions to the U.N. and its specialized agencies. The amount of individual contributions is not likely to be great in dollar terms and contributions by charitable foundations represent income that will not benefit the U.S. Treasury in any case. So the tax loss to the U.S. Treasury is likely to be negligible. At the same time, the benefits to the United States in terms of good will and strengthening the U.N. could be considerable.

For all the foregoing reasons, I am today introducing a bill which will make contributions to the United Nations and its agencies and specialized agencies of which the United States is a member tax deductible. The text of the bill, and a list of agencies which would be eligible follows these remarks:

I. U.N. AGENCIES

U.N. Headquarters.

U.N. Office at Geneva.

Economic Commission for Europe (ECE).

Economic and Social Commission for Asia and the Pacific (ESCAP).

Economic Commission for Latin America (ECLA).

United Nations Conference on Trade and Development (UNCTAD).

United Nations Environment Programme (UNEP).

World Food Council (WFC).

United Nations Children's Fund (UNICEF).

United Nations Development Program (UNDP).

Office of the United Nations High Commissioner for Refugees (UNHCR).

United Nations Institute for Training and Research (UNITAR).

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

United Nations Research Institute for Social Development (UNRISD).

II. SPECIALIZED AGENCIES

United Nations Dvelopment Organization (UNIDO).

International Labour Organization (ILO).

Food and Agriculture Organization of the United Nations (FAO).

United Nations Educational, Scientific and Cultural Organization (UNESCO).

World Health Organization (WHO).

International Bank for Reconstruction and Development (IBRD).

International Finance Corporation (IFC).

International Development Association (IDA).

International Monetary Fund (IMF).

International Civil Aviation Organization (ICAO).

Universal Postal Union (UPU).

International Telecommunication Union (ITU).

World Meteorological Organization (WMO).

Inter-Governmental Maritime Consultative Organization (IMCO).

World Intellectual Property Organization (WIPO).

International Atomic Energy Agency (IAEA). (This was established "under the aegis of the United Nations"; it reports annually to the General Assembly.)

H.R. 13013

A bill to amend the Internal Revenue Code of 1954 to allow a deduction for any contribution, bequest, or gift to the United Nations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (c) of section 170 of the Internal Revenue Code of 1954 (defining charitable contribution) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The United Nations or an instrumentality or agency thereof of which the United States is a member, but only if the contribution or gift is to be used exclusively for the purposes for which such organization is established."

(b) Section 170(b)(1)(A) of such Code (relating to percentage limitations for individuals) is amended by striking out "or" at the end of clause (vii), by inserting "or" at the end of clause (viii), and by inserting after clause (viii) the following new clause:

"(ix) an organization referred to in subsection (c)(6),".

SEC. 2. (a) Section 2055(a) of the Internal Revenue Code of 1954 (relating to transfers for public, charitable, and religious uses) is amended by striking out "or" at the end of paragraph (3), by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; or", and by inserting after paragraph (4) the following new paragraph:

"(5) to or for the use of the United Nations or an instrumentality or agency thereof of which the United States is a member, but only if the contribution or gift is to be used exclusively for the purposes for which such organization is established."

(b) Section 2106 (a)(2)(A) of such Code (relating to transfers for public, charitable, and religious uses) is amended by striking out "or" at the end of the clause (ii), by striking out the period at the end of clause (iii) and inserting in lieu thereof "; or", and by inserting after clause (iii) the following new clause:

"(iv) to or for the use of the United Nations or an instrumentality or agency thereof of which the United States is a member, but only if the contribution or gift is to be used exclusively for the purposes for which such organization is established."

SEC. 3. (a) Subsection (a) of section 2522 of the Internal Revenue Code of 1954 (relating to charitable and similar gifts) is amended by striking out the period at the end of paragraph (4) and inserting in lieu

thereof "; or", and by inserting after paragraph (4) the following new paragraph:

"(5) the United Nations or an instrumentality or agency thereof of which the United States is a member, but only if the contribution or gift is to be used exclusively for the purposes for which such organization is established."

(b) Subsection (b) of such section 2522 is amended by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; or", and by inserting after paragraph (5) the following new paragraph:

"(6) The United Nations or an instrumentality or agency thereof of which the United States is a member, but only if the contribution or gift is to be used exclusively for the purposes for which such organization is established."

SEC. 4. The amendments made by the first section of this Act shall apply with respect to any gift or contribution payment of which is made after the date of the enactment of this Act, in taxable years ending after such date. The amendments made by section 2 of this Act shall apply with respect to the estates of decedents dying after such date. The amendments made by section 3 of this Act shall apply with respect to gifts and transfers made after such date.

CONFERENCE REPORT ON H.R. 12203

Mr. PASSMAN submitted the following conference report and statement on the bill (H.R. 12203) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 94-1006)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12203) "making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 13, 19, 20, 22, 23, 28, 29, 30, 33, 35, 64, and 65.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, 7, 8, 9, 10, 11, 16, 21, 34, 42, 43, 46, 54, 58, 59, 60, 61, 66, 67, 68, 69, and 70, and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$16,300,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$19,800,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,400,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$275,000,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$7,500,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,875,000"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows: In lieu of the section number named in said amendment insert the following: "113"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows: In lieu of the section number named in and amendment insert the following: "113"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows: In lieu of the section number named in said amendment insert the following: "115"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$24,000,000"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$145,634,909"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$225,000,000"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

"SEC. 505. Not to exceed $1,550,000 of the funds appropriated or made available pursuant to this Act for fiscal year 1976 shall be made available to the Office of the Inspector General of Foreign Assistance: *Provided*, That not to exceed $375,000 of the funds appropriated or made available pursuant to this Act for the period July 1, 1976 through September 30, 1976 shall be made available to the Office of the Inspector General of Foreign Assistance."

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 2, 3, 4, 14, 24, 25, 26, 27, 31, 32, 36, 37, 38, 39, 40, 47, 48, 52, 53, 55, 57, 72, and 73.

OTTO E. PASSMAN,
CLARENCE D. LONG
(except amendments 36, 37, 52, 53),
DAVID R. OBEY,
BILL CHAPPELL, Jr.,
EDWARD I. KOCH
(except amendments 36, 37, 52, 53),
CHARLES WILSON
(except amendments 36, 37, 52, 53),
GARNER E. SHRIVER
(except amendments 36, 37, 52, 53),
SILVIO O. CONTE
(except amendments 36, 37, 52, 53),
LAWRENCE COUGHLIN
(except amendments 36, 37, 52, 53),
ELFORD A. CEDERBERG,
Managers on the Part of the House.

DANIEL K. INOUYE,
GALE W. MCGEE,
LAWTON CHILES,
J. BENNETT JOHNSTON, Jr.,
EDWARD W. BROOKE,
MARK O. HATFIELD,
CHARLES MCC. MATHIAS,
MILTON R. YOUNG,
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. 12203), making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, 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:

TITLE I—FOREIGN ASSISTANCE ACT ACTIVITIES

Funds appropriated to the President

Economic Assistance

Amendment No. 1: Food and nutrition, Development Assistance: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$426,600,000".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 2: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$112,500,000".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendent No. 3: Population planning and health, Development Assistance: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$146,400,000".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 4: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following: "That not less than $103,000,000 of such amount shall be available only for population planning: *Provided further*,".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 5: Deletes language proposed by the House which would have provided not more than $135,000,000 for population planning during fiscal year 1976.

Amendment No. 6: Appropriates $33,450,000

as proposed by the Senate instead of $45,000,000 as proposed by the House.

Amendment No. 7: Deletes language proposed by the House which would have provided not more than $33,750,000 for population planning during the transition period.

Amendment No. 8: Education and human resources development, Development Assistance: Appropriates $60,800,000 as proposed by the Senate instead of $82,000,000 as proposed by the House.

Amendment No. 9: Appropriates $8,800,000 as proposed by the Senate instead of $20,500,000 as proposed by the House for the transition period.

Amendment No. 10: Technical assistance, energy, research, reconstruction, and selected development problems, Development Assistance: Appropriates $57,400,000 as proposed by the Senate instead of $72,000,000 as proposed by the House.

Amendment No. 11: Appropriates $11,100,000 as proposed by the Senate instead of $18,000,000 as proposed by the House for the transition period.

Amendment No. 12: Loan allocation, Development Assistance: Places a floor of $300,000,000 on the amount of funds to be used for loans for development assistance as proposed by the House instead of $275,000,000 as proposed by the Senate.

Amendment No. 13: Places a floor of $75,000,000 on the amount of funds to be used for loans for development assistance as proposed by the House instead of $74,000,000 as proposed by the Senate for the transition period.

Amendment No. 14: International organizations and programs: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: "$175,250,000; *Provided*, That not more than $20,000,000 shall be available for the United Nations Children's Fund: *Provided further*, That not less than $1,000,000 shall be available until expended only for the International Atomic Energy Agency to be used for the purpose of strengthening safeguards and inspections relating to nuclear fission facilities and materials: *Provided further*,".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 15: Appropriates $16,300,000 instead of $19,200,000 as proposed by the House and $13,400,000 as proposed by the Senate for the transition period.

Amendment No. 16: United Nations Environment Fund: Appropriates $7,500,000 as proposed by the Senate instead of $5,000,000 as proposed by the House.

Amendment No. 17: American schools and hospitals abroad: Appropriates $19,800,000 instead of $20,000,000 as proposed by the House and $9,800,000 as proposed by the Senate.

Amendment No. 18: Appropriates $2,400,000 instead of $2,500,000 as proposed by the House and $1,150,000 as proposed by the Senate for the transition period.

Amendment No. 19: Indus Basin Development Fund, grants: Appropriates $9,000,000 as proposed by the House instead of $22,500,000 as proposed by the Senate.

Amendment No. 20: Appropriates $2,250,000 as proposed by the House instead of $4,500,000 as proposed by the Senate for the transition period.

Amendment No. 21: Indus Basin Development Fund, loans: Appropriates $10,000,000 as proposed by the Senate instead of $5,000,000 as proposed by the House.

Amendment No. 22: Contingency fund: Restores language proposed by the House and deleted by the Senate and appropriates $5,000,000 as proposed by the House.

Amendment No. 23: Restores language proposed by the House and deleted by the Senate and appropriates $1,250,000 as proposed by the House for the transition period.

Amendment No. 24: International disaster assistance: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following: "and 495A".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 25: 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 $45,000,000 for disaster assistance instead of $20,000,000 as proposed by the House.

Amendment No. 26: 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 is as follows: ": *Provided*, That of this amount $25,000,000 shall be available only for Guatemala disaster relief assistance".

Amendment No. 27: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which is as follows: ": *Provided further*, That the President shall submit quarterly reports to the Committee on Appropriations of the United States Senate and to the Committee on Appropriations of the House of Representatives on the programming and obligation of funds appropriated for International Disaster Assistance".

Amendment No. 28: International narcotics control: Appropriates $37,500,000 as proposed by the House instead of $32,500,000 as proposed by the Senate.

Amendment No. 29: Appropriates $9,375,000 as proposed by the House instead of $8,125,000 as proposed by the Senate for the transition period.

Amendment No. 30: Deletes language as proposed by the Senate and retains language as proposed by the House which will terminate the availability of the unobligated balances of the contingency fund for use through September 30, 1976.

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which includes "Operating Expenses of the Agency for International Development" under the paragraph dealing with the reobligation of funds previously appropriated.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

"None of the funds made available under this Act for "Food and nutrition, Development Assistance," "Population planning and health, Development Assistance," "Education and human resources development, Development Assistance," "Technical assistance, energy, research, reconstruction, and selected development problems, Development Assistance," "International organizations and programs," "United Nations Environment Fund," "American schools and hospitals abroad," "Indus Basin Development Fund," "International narcotics control," "African development program," "Security supporting assistance," "Operating Expenses of the Agency for International Development," "Middle East Special requirements fund," "Military assistance," "International military education and training," "Inter-American Foundation," "Peace Corps," "Migration and refugee assistance," or "Assistance to refugees from the Soviet Union or other Communist countries in Eastern Europe," shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings for the current fiscal year without the approval of the Appropriations Committees of both Houses of the Congress."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree that any activity, program, project, type of materiel assistance, or other operation specifically set forth by recipient or country and by amount to be obligated in fiscal year 1976, or the Transition Quarter, in the fiscal year 1976 Congressional Presentation Document shall be deemed to have been justified and the Committees informed. Similarly, amounts not in excess of the amounts proposed therein for obligation in fiscal year 1976, or the Transition Quarter, shall be deemed to have been justified and the Committees informed.

Any activity, program, project, type of materiel assistance, or other operation not specifically set forth by recipient or country and by amount to be obligated in fiscal year 1976, or the Transition Quarter, in the fiscal year 1976 Congressional Presentation Document shall be deemed not to have been justified and the Committees not informed. Similarly, amounts in excess of the amounts proposed therein for obligation in fiscal year 1976, or the Transition Quarter, shall be deemed to not have been justified and the Committees not informed.

Constructive consent will be implied if no objection is raised within fifteen days after notification of the proposed reprogramming.

Middle East Special Requirements Fund

Amendment No. 33: Restores language proposed by the House and deleted by the Senate which will not allow any of the funds appropriated under this heading to be used to provide a United States contribution to the United Nations Relief and Works Agency.

Security Supporting Assistance

Amendment No. 34: Appropriates $1,689,900,000 as proposed by the Senate instead of $1,712,500,000 as proposed by the House.

Amendment No. 35: Deletes the word "and" proposed by the Senate.

The managers are aware that the earmarking provisions contained under this heading may be at variance with those contained within certain authorizing legislation. It is the intent of the conferees that when such variances occur, funds shall be obligated on the basis of earmarkings contained herein. So long as these earmarkings are satisfied, the remainder of the funds could be made available for other activities and projects that have been justified to the Congress within each program activity.

Amendment No. 36: Reported in disagreement. The managers on the part of the House will offer a motion to insist on the House position which appropriates $25,200,000 for the transition period instead of $411,575,000 as proposed by the Senate.

Amendment No. 37: Reported in disagreement. The managers on the part of the House will offer a motion to insist on the House position which does not provide language earmarking funds for the four Middle East countries as proposed by the Senate.

Operating expenses of the Agency for International Development

Amendments Nos. 38, 39, and 40: Reported in technical disagreement. The managers on the part of the House will offer motions to recede and concur in the amendments of the Senate which appropriate $194,600,000 during

fiscal year 1976 and $55,500,000 for the transition period.

The managers agree that funds provided under this heading have been authorized within the following accounts: Food and nutrition, Development assistance (FY 1976—$103,400,000, TQ—$20,000,000), Population planning and health, Development assistance (FY 1976—$38,600,000, TQ—$12,800,000), Education and human resources development, Development assistance (FY 1976—$15,200,000, TQ—$10,200,000), Technical assistance, energy, research, reconstruction, and selected development problems, Development assistance (FY 1976—$14,600,000, TQ—$6,900,000), American schools and hospitals abroad (FY 1976—$200,000, TQ—$100,000) and security supporting assistance (FY 1976—$22,600,000, TQ—$5,500,000). Therefore, the managers agree that nothing would prohibit obligations or expenditures from this account because of lack of authorization.

Military Assistance

Amendment No. 41: Provides $275,000,000 for liquidation of contract authority, instead of $323,913,000 as proposed by the House and $200,000,000 as proposed by the Senate.

International Military Education and Training

Amendment No. 42: Appropriates $23,000,000 as proposed by the Senate instead of $25,000,000 as proposed by the House.

Amendment No. 43: Appropriates $5,750,000 as proposed by the Senate instead of $6,250,000 as proposed by the House.

Inter-American Foundation

Amendment No. 44: Places a limitation on obligations of 7,500,000 instead of 5,000,000 as proposed by the House and $10,000,000 as proposed by the Senate.

Amendment No. 45: Places a limitation on obligations of $1,875,000 instead of $1,250,000 as proposed by the House and $2,500,000 as proposed by the Senate for the transition period.

General Provisions

Amendment No. 46: Section 108. Deletes the House language and retains the language proposed by the Senate which provides that none of the funds appropriated or made available pursuant to this Act shall be used to provide assistance to North Vietnam, South Vietnam, Cambodia, or Laos.

Amendments Nos. 47 and 48: Section 111. Reported in technical disagreement. The managers on the part of the House will offer motions to recede and concur in the amendments of the Senate which waive and forgive all amounts due and owing on loans made to certain institutions in Israel from funds available under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480).

Amendment No. 49: Section 113. Changes the section number but retains language proposed by the Senate which places a limitation of $103,000 on Official Residence Expenses of the Agency for International Development for fiscal year 1976 and $28,500 for the transition period.

Amendment No. 50: Section 114. Changes the section number but retains language proposed by the Senate which places a limitation of $19,000 on Entertainment Expenses of the Agency for International Development for fiscal year 1976 and $4,750 for the transition period.

Amendment No. 51: Section 115. Changes the section number but retains language proposed by the Senate which places a limitation of $91,000 on Representation Allowances of the Agency for International Development for fiscal year 1976 and $23,000 for the transition period.

TITLE II—FOREIGN MILITARY CREDIT SALES

Foreign military credit sales

Amendment No. 52: Reported in disagreement. The managers on the part of the House will offer a motion to insist on the House position which appropriates $30,000,000 for the transition period instead of $212,200,000 as proposed by the Senate.

Amendment No. 53: Reported in disagreement. The managers on the part of the House will offer a motion to insist on the House position which does not provide language earmarking funds for Israel for the transition period as proposed by the Senate.

TITLE III—FOREIGN ASSISTANCE (OTHER)

Independent agency

ACTION—International Programs

Peace Corps

Amendment No. 54: Appropriates $80,826,000 as proposed by the Senate instead of $80,000,000 as proposed by the House.

Amendment No. 55: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ": *Provided*, That of this amount $7,599,000 shall be for Peace Corps volunteer readjustment allowances, as authorized by Public Law 94–130".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 56: Appropriates $24,000,000 instead of $20,000,000 as proposed by the House and $25,729,000 as proposed by the Senate for the transition period.

Amendment No. 57: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ": *Provided*, That of this amount not less than $2,684,000 shall be used to fund Peace Corps volunteer readjustment allowances, as authorized by Public Law 94–130".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Department of State

Migration and Refugee Assistance

Amendment No. 58: Retains language proposed by the Senate which places a limitation of $3,054,390 on the funds available for the United States Refugee Program.

Amendment No. 59: Appropriates $700,000 as proposed by the Senate instead of $800,000 as proposed by the House for the transition period.

Emergency Migration and Refugee Assistance Fund

Amendment No. 60: Retains language and appropriates $5,000,000 as proposed by the Senate.

Assistance to Refugees from the Soviet Union and Other Communist Countries in Eastern Europe

Amendment No. 61: Retains language as proposed by the Senate which adds "and Other Communist Countries in Eastern Europe" to the appropriation heading.

Funds Appropriated to the President International Financial Institutions Investment in Asian Development Bank

Amendment No. 62: Appropriates $145,634,909 instead of $85,317,454 as proposed by the House and $170,634,909 as proposed by the Senate.

The managers agree that these funds should be allocated as follows: Paid-in capital—$24,126,982. Callabel capital—$96,507,927 and Special funds—$25,000,000.

Investment in Inter-American Development Bank

Amendment No. 63: Appropriates $225,000,000 instead of $200,000,000 as proposed by the House and $250,000,000 as proposed by the Senate.

Amendment No. 64: Restores language proposed by the House and deleted by the Senate which deletes the earmarking provisions placed under this heading in the fiscal year 1975 appropriation bill.

INVESTMENT IN INTERNATIONAL DEVELOPMENT ASSOCIATION

Amendment No. 65: Appropriates $320,000,000 as proposed by the House instead of $375,000,000 as proposed by the Senate.

TITLE IV—EXPORT-IMPORT BANK OF THE UNITED STATES

Limitation on Administrative Expenses

Amendment No. 66: Places a limitation on the use of corporate funds for administrative expenses of $11,412,000 as proposed by the Senate instead of $11,416,000 as proposed by the House.

Amendment No. 67: Places a limitation of $20,000 on entertainment allowances as proposed by the Senate instead of $24,000 as proposed by the House.

Amendment No. 68: Places a limitation on the use of corporate funds for the transition period of $2,948,000 as proposed by the Senate instead of $2,949,000 as proposed by the House.

Amendment No. 69: Places a limitation of $5,000 on entertainment allowances for the transition period as proposed by the Senate instead of $6,000 as proposed by the House.

TITLE V—GENERAL PROVISIONS

Amendment No. 70: Section 505: Deletes language proposed by the House which would have provided that no part of any appropriation contained in the Act would have been available for obligation or expenditure for any country which, on the date of enactment of the Act, had been in default, for one year or more, on any payment of principal or interest on any debt owed by that country to the United States if such debt had not been disputed by that country prior to the enactment of the Act.

Amendment No. 71: Section 505: Places a limitation of $1,550,000 on funds to be made available in fiscal year 1976 to the Office of the Inspector General of Foreign Assistance and includes necessary language proposed by the Senate. The Senate proposed a limitation of $1,400,000. In addition, a limitation of $375,000 is placed on the funds available for the transition period instead of $350,000 as proposed by the Senate.

The Managers agree that the Office of the Inspector General of Foreign Assistance has a legacy of poor management evidenced by salary levels which are excessive and a work product which falls short of acceptable standards.

The Managers, therefore, direct that reductions necessitated by the funding level established in this bill are to be taken from salary and related benefits to the maximum extent possible.

Amendment No. 72: Section 506: 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 is as follows:

"SEC. 506. Beginning three months from the date of enactment of this Act, no part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act unless (1) such debt has been disputed by such country prior to the enactment of this Act or (2) such country has either arranged to make payment of the amount in arrears or otherwise taken appropriate steps, which may include renegotiation, to cure the existing default."

Amendment No. 73: Section 507: 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 is as follows:

"SEC. 507. The amounts appropriated in this Act shall be available only upon the enactment of authorizing legislation."

Conference Total—With Comparisons

The total new budget (obligational) authority for the fiscal year 1976 and the transition period recommended by the Committee of Conference with comparisons to the fiscal year 1975 amount, the fiscal year 1976 and transition period budget estimates, and the House and Senate bills for fiscal year 1976 and the transition period follow:

New budget (obligational) authority, fiscal year 1975	$3,675,056,982
Budget estimates of new obligational) authority, fiscal year 1976	[1] 5,789,640,909
Transition period	[1] 534,229,000
House bill, fiscal year 1976	5,001,497,454
Transition period	388,425,000
Senate bill, fiscal year 1976	5,328,640,909
Transition period	978,179,000
Conference agreement	5,179,890,909
Transition period	[2] 404,775,000
Conference agreement compared with—	
New budget (obligational) authority, fiscal year 1975	+1,504,833,927
Budget estimates of new (obligational) author- fiscal year 1976	−609,750,000
Transition period	−129,454,000
House bill, fiscal year 1976	+178,393,455
Transition period	+16,350,000
Senate bill, fiscal year 1976	−148,750,000
Transition period	−573,404,000

[1] Includes $25,000,000 for fiscal year 1976 and $39,000,000 for the transition period not considered by the House—these requests were included in S. Doc. 94–160 and S. Doc. 94–161.

[2] Reflects conference agreement except for two items that are in disagreement where the House amounts have been used.

OTTO E. PASSMAN,
CLARENCE D. LONG (except amendments 36, 37, 52, 53),
DAVID R. OBEY,
BILL CHAPPELL, Jr.,
EDWARD I. KOCH (except amendments 36, 37, 52, 53),
CHARLES WILSON (except amendments 36, 37, 52, 53),
GARNER E. SHRIVER (except amendments 36, 37, 52, 53),
SILVIO O. CONTE (except amendments 36, 37, 52, 53),
LAWRENCE COUGHLIN (except amendments 36, 37, 52, 53),
ELFORD A. CEDERBERG,
Managers on the Part of the House.

DANIEL K. INOUYE,
GALE W. MCGEE,
LAWTON CHILES,
J. BENNETT JOHNSTON, Jr.,
EDWARD W. BROOKE,
MARK O. HATFIELD,
CHARLES MCC. MATHIAS,
MILTON R. YOUNG,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. ROBINSON (at the request of Mr. RHODES), for today, on account of official business.

Mr. ABDNOR (at the request of Mr. RHODES), for today, on account of official business.

Mrs. CHISHOLM (at the request of Mr. O'NEILL), for today, on account of illness.

Mr. JONES of Tennessee (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. MATSUNAGA (at the request of Mr. O'NEILL), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. YOUNG of Alaska) to revise and extend his remarks and include extraneous material:)

Mr. DON H. CLAUSEN, for 5 minutes, today.

(The following Members (at the request of Mr. MINETA) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. AUCOIN, for 5 minutes, today.

Mr. O'NEILL, for 5 minutes, today.

Mr. MURPHY of Illinois, for 10 minutes, today.

Mr. LEVITAS, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. YOUNG of Alaska) and to include extraneous matter:)

Mr. LENT.
Mr. FORSYTHE.
Mr. FISH.
Mr. SPENCE.
Mr. ROUSSELOT in two instances.
Mr. ANDERSON of Illinois in two instances.
Mr. COHEN.
Mr. HARSHA.
Mr. HANSEN in six instances.
Mr. RHODES.
Mr. LAGOMARSINO.
Mr. ASHBROOK in four instances.

(The following Members (at the request of Mr. MINETA) and to include extraneous matter:)

Mr. GONZALEZ in three instances.
Mr. ANDERSON of California in three instances.
Mr. COTTER in 15 instances.
Mr. BRADEMAS in six instances.
Mr. ROSENTHAL.
Mr. MCDONALD of Georgia.
Mr. MURPHY of New York.
Mr. LEGGETT.
Mr. RIEGLE in two instances.
Mr. BRINKLEY.
Mr. HAYES of Indiana.
Mr. HAWKINS in two instances.
Mr. MINISH.
Mr. SOLARZ.
Mr. DOMINICK V. DANIELS.
Mr. SISK.
Mr. CONYERS.
Mr. DOWNEY of New York.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 287. An act to provide for the appointment of additional district court judges and for other purposes; to the Committee on the Judiciary.

S. 2286. An act to amend the act of June 9, 1906, to provide for a description of certain lands to be conveyed by the United States to the city of Albuquerque, N. Mex.; to the Committee on Interior and Insular Affairs.

ENROLLED BILLS SIGNED

Mr. HAYS of Ohio, 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. 1466. An act to convey certain federally owned land to the Twentynine Palms Park and Recreation District; and

H.R. 4941. An act for the relief of Oscar H. Barnett.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS of Ohio, from the Committee on House Administration, reported that that committee did on April 1, 1976, present to the President, for his approval, bills of the House of the following title:

H.R. 49. An act to authorize the Secretary of the Interior to establish on certain public lands of the United States national petroleum reserves the development of which needs to be regulated in a manner consistent with the total energy needs of the Nation, and for other purposes;

H.R. 200. An act to provide for the conservation and management of the fisheries, and for other purposes; and

H.R. 8617. An act to restore to Federal civilian and Postal Service employees their rights to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

ADJOURNMENT TO APRIL 5, 1976

Mr. MINETA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, April 5, 1976, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2953. A letter from the president and interim national executive director, Girl Scouts of the United States of America, transmitting the 26th annual report of the Girl Scouts (H. Doc. No. 434); to the Committee on the District of Columbia and ordered to be printed with illustrations.

2954. A letter from the Director, Freedom of Information Office, Office of Communications and Public Affairs, Federal Energy Administration, transmitting a report on the Federal Energy Administration's activities under the freedom of information program during calendar year 1975, pursuant to 5 U.S.C. 553(d); to the Committee on Government Operations.

2955. A letter from the Secretary of the Interior, transmitting a proposed plan for the use and distribution of the award granted to the three affiliated tribes of the Fort Berthold Reservation in docket No. 350-F before the Indian Claims Commission, pursuant to section 2(a) of Public Law 93-134; to the Committee on Interior and Insular Affairs.

2956. A letter from the Administrator, Agency for International Development, Department of State, transmitting an interim report on the Agency's planning for the implementation of section 107 of the Foreign Assistance Act of 1961, as amended (89 Stat. 859), involving the support of expanded private efforts to promote the development and dissemination of intermediate technology appropriate for developing countries; to the Committee on International Relations.

2957. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended (8 U.S.C. 1154(d)); to the Committee on the Judiciary.

2958. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(1) (or (2)) of the Immigration and Nationality Act, as amended, together with a list of the persons involved, pursuant to section 244(c) of the Act [8 U.S.C. 125(c)]; to the Committee on the Judiciary.

2959. A letter from the Secretary of Transportation, transmitting the annual report on railroad-highway demonstration projects, pursuant to section 163(j) of the Federal-Aid Highway Act of 1973 (Public Law 93-87) (H. Doc. No. 93-435); to the Committee on Public Works and Transportation and ordered to be printed.

2960. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army, submitting a report on Charleston Harbor, S.C., in partial response to section 6 of the River and Harbor Act of 1954, and to seven congressional resolutions, the latest of which was adopted October 19, 1967 (H. Doc. No. 94-436); to the Committee on Public Works and Transportation and ordered to be printed with illustrations.

2961. A letter from the Chairman, U.S. Water Resources Council, transmitting the annual report on progress in the preparation of Level B plans for river basins, pursuant to section 209(b) of the Federal Water Pollution Control Act Amendments of 1972; to the Committee on Public Works and Transportation.

2962. A letter from the Chairman, U.S. International Trade Commission, transmitting the Commission's fifth quarterly report on trade between the United States and the nonmarket economy countries, pursuant to section 410 of the Trade Act of 1974; to the Committee on Ways and Means.

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. HENDERSON: Committee on Post Office and Civil Service. H.R. 5465. A bill to allow Federal employment preference to certain employees of the Bureau of Indian Affairs, and to certain employees of the Indian Health Service, who are not entitled to the benefits of, or who have been adversely affected by the application of, certain Federal laws allowing employment preference to Indians; with amendment (Rept. No. 94-1003). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. House Joint Resolution 890. Joint resolution making emergency supplemental appropriations for preventive health services for the fiscal year ending June 30, 1976, and for other purposes. (Rept. No. 94-1004). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of conference. Conference report on H.R. 7988. (Rept. No. 94-1005). Ordered to be printed.

Mr. PASSMAN: Committee of conference. Conference Report on H.R. 12203. (Rept. No. 94-1006). Ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. House Resolution 12678. A bill to amend the Public Health Service Act to provide authority for health information and health promotion programs, to revise and extend the authority for disease prevention and control programs, and to revise and extend the authority for venereal disease programs, and to amend the Lead-Based Paint Poisoning Prevention Act, to revise and extend that act; with amendments (Rept. No. 94-1007). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DOMINICK V. DANIELS (for himself, Mr. PERKINS, Mr. ESCH, and Mr. GAYDOS):

H.R. 12987. A bill to authorize appropriations for fiscal year 1976, and for the period beginning July 1, 1976, and ending September 30, 1976, for carrying out title VI of the Comprehensive Employment and Training Act of 1973, and for other purposes; to the Committee on Education and Labor.

By Mr. BRINKLEY:

H.R. 12988. A bill to amend the Internal Revenue Code of 1954 to increase the exemption for purposes of the Federal estate tax, to increase the estate tax marital deduction, and to provide an alternate method of valuing certain real property for estate tax purposes; to the Committee on Ways and Means.

By Mr. CARTER (for himself, Mr. GUDE, Mr. MOAKLEY, Mr. FLORIO, Mr. BEARD of Rhode Island, Mrs. MINK, Mr. YOUNG of Florida, Mr. RICHMOND, Mr. BURGENER, Mr. WON PAT, Mr. PATTERSON of California, Mr. NEAL, Mr. HEFNER, Mr. ESCH, Mr. SPENCE, Mr. PATTEN, and Mr. KINDNESS):

H.R. 12989. A bill to establish the National Diabetes Advisory Board and to take other actions to insure the implementation of the long-range plan to combat diabetes; to the Committee on Interstate and Foreign Commerce.

By Mr. CONTE:

H.R. 12990. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the first $5,000 of interest received on certain savings deposits in the case of individuals over 65 years of age; to the Committee on Ways and Means.

By Mr. FOUNTAIN:

H.R. 12991. A bill to amend title XVIII of the Social Security Act to authorize payment under the medicare program for certain services performed by chiropractors; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 12992. A bill to amend the Internal Revenue Code of 1954 with respect to the treatment of certain domestic corporation dividends as foreign oil-related income; to the Committee on Ways and Means.

By Mr. JENRETTE:

H.R. 12993. A bill to prohibit discrimination on the basis of marital status, and for other purposes; jointly to the Committees on the Judiciary, and Education and Labor.

By Mr. JENRETTE (for himself, Mr. BRODHEAD, Mr. FITHIAN, Mr. DRINAN, Mr. DAVIS, Mr. KINDNESS, Mr. EARLY, Mr. BURGENER, Mr. BRINKLEY, Mr. LOTT, Mr. HUNGATE, Mr. DOMINICK V. DANIELS, Mr. OTTINGER, Mr. MANN, Mr. FUQUA, Mr. MCEWEN, Mr. HARRINGTON, Mr. BALDUS, Mr. THONE, Mr. ANDREWS of North Dakota, Mr. HECHLER of West Virginia, Mr. LLOYD of California, and Mr. MURPHY of New York):

H.R. 12994. A bill to amend title 39, United States Code, to require the U.S. Postal Service to make certain considerations prior to the closing of third- and fourth-class post offices; to the Committee on Post Office and Civil Service.

By Mr. MATHIS:

H.R. 12995. A bill to direct the Administrator of General Services to convey certain lands and all improvements thereon to the city of Albany, Ga.; to the Committee on Government Operations.

H.R. 12996. A bill to direct the Administrator of General Services to convey certain land and all improvements thereon to the city of Albany, Ga., for no more than 25 percent of the fair market value of such land; to the Committee on Government Operations.

By Mr. MICHEL:

H.R. 12997. A bill to provide that the Attorney General shall extend for a period of 6 months the visa of any alien of Lebanon whose visa would expire during such period; to the Committee on the Judiciary.

By Mr. MOLLOHAN (for himself, Mr. BENNETT, Mr. BOWEN, Mr. CHAPPELL, Mr. DEL CLAWSON, Mr. DENT, Mr. EILBERG, Mr. HYDE, Mr. JENRETTE, Mr. KAZEN, Mr. KINDNESS, Mr. LLOYD of California, Mr. LUNDINE, Mr. SNYDER, and Mr. WAGGONNER):

H.R. 12998. A bill to amend the Solid Waste Disposal Act to prohibit the promulgation of certain regulations respecting beverage containers sold, offered for sale, or distributed at Federal facilities; to the Committee on Interstate and Foreign Commerce.

By Mr. MOSS (for himself and Mr. BROWN of California):

H.R. 12999. A bill to amend the Federal Power Act to provide for the reform of electric utility regulation by the Federal Power Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL (for himself, Mr. STAGGERS, Mr. SMITH of Iowa, Mr. CONTE, Mr. OTTINGER, Mr. BRODHEAD, Mr. MOFFETT, and Mr. MAGUIRE):

H.R. 13000. A bill to provide for the protection of franchised distributors and retailers of motor fuel; to prevent deterioration of competition in gasoline retailing; and to encourage conservation by requiring that information regarding the octane rating of automotive gasoline be disclosed to consumers; to the Committee on Interstate and Foreign Commerce.

By Mr. OTTINGER (for himself, Mr. McCLORY, and Mr. GUDE):

H.R. 13001. A bill to amend the Small Business Act to establish a direct, low interest loan program to assist small business concerns in the development of solar heating and cooling equipment for residential structures; to the Committee on Small Business.

By Mrs. PETTIS:

H.R. 13002. A bill to amend the Federal Power Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. REGULA:

H.R. 13003. A bill to provide that States may elect to use area triggers for purposes of emergency unemployment compensation benefits; to the Committee on Ways and Means.

By Mr. RONCALIO (for himself and Mr. GOLDWATER):

H.R. 13004. A bill to establish an independent United States Air Traffic Services Corporation, and for other purposes; jointly to the Committees on Public Works and Transportation, and Ways and Means.

By Mr. ROSENTHAL (for himself and Mr. FISHER):

H.R. 13005. A bill to protect purchasers and prospective purchasers or condominium housing units and residents of multifamily rental structures being converted to condominium units, by providing for the establishment of national minimum standards for condominium sales and conversions (to be administered by an Assistant Secretary for Condominium Housing, Department of Housing and Urban Development); and to insure that financial institutions engaged in the extension of credit to prospective purchasers of condominium units make credit available without discrimination on the basis of age, sex, race, religion, marital status or national origin; to the Committee on Banking, Currency and Housing.

By Mr. ROYBAL:

H.R. 13006. A bill to amend the Tariff Schedules of the United States to repeal the special tariff treatment accorded to articles assembled abroad with components produced in the United States; to the Committee on Ways and Means.

By Mrs. SCHROEDER (for herself and Mr. NOLAN):

H.R. 13007. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of cost-of-living increases in monthly social security benefits, railroad retirement annuities, public or private retirement, annuities, endowments, or similar plans or programs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TSONGAS:

H.R. 13008. A bill to amend the Comprehensive Employment and Training Act of 1973 to estalbish an Office of Youth Employment in the Department of Labor to administer youth programs under that act, and for other purposes; to the Committee on Education and Labor.

By Mr. YOUNG of Alaska:

H.R. 13009. A bill to authorize the Secretary of the Interior to convey all right, title, and interest of the United States in an to a tract of land located in the Fairbanks Recording District, State of Alaska, to the Fairbanks North Star Borough, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ANDREWS of North Carolina (for himself, and Mr. MILLS):

H.R. 13010. A bill to amend the Budget and Accounting Act, 1921, to emphasize the fact that the President's annual Budget is a proposal or recommendation only, requiring action by the Congress (with or without modification) for its effectuation, and to require that Federal agencies make this fact clear in all of their budgetary statements and publications; to the Committee on Government Operations.

By Mr. DUNCAN of Tennessee:

H.R. 13011. A bill to amend the Internal Revenue Code of 1954 to allow a limited exclusion in the case of income received by an individual from hobbies and other activities not engaged in for profit; to the Committee on Ways and Means.

By Mr. ROGERS (for himself and Mr. CARTER):

H.R. 13012. A bill to amend the Public Health Service Act to authorize and require the establishment and implementation of a national influenza immunization program; to the Committee on Interstate and Foreign Commerce.

By Mr. SEIBERLING:

H.R. 13013. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for any contribution, bequest, or gift to the United Nations; to the Committee on Ways and Means.

By Mr. SIMON (for himself and Mr. EDGAR):

H.R. 13014. A bill to end the authorization of the Helm Reservoir Project, Skillet Fork, Ill.; to the Committee on Public Works and Transportation.

By Mr. SMITH of Iowa (for himself, Mr. NEAL, Mr. SIMON, Mr. THONE, Mr. BERGLAND, Mr. BEDELL, Mr. GRASSLEY, Mr. MELCHER, Mr. QUIE, Mr. HUGHES, Mr. LITTON, Mr. SHARP, Mr. ALEXANDER, Mr. FITHIAN, Mr. WEAVER, Mr. SYMINGTON, Mr. MANN, Mr. BREAUX, Mr. HILLIS, and Mr. HARKIN):

H.R. 13015. A bill to amend section 142 of title 13 and section 411(a) of title 7, United States Code, to prevent a change in the definition of a farm prior to June 30, 1976, to relieve the Secretary of Commerce of the responsibility of taking censuses of agriculture every fifth year, and require the Secretary of Agriculture to collect comparable information using sampling methods; jointly to the Committees on Post Office and Civil Service and Agriculture.

By Mr. LEVITAS:

H. Con. Res. 602. Concurrent resolution disapproving the proposed sale to Egypt of C-130 aircraft and related support equipment; to the Committee on Internal Relations.

By Mr. ROSENTHAL (for himself, Ms. HECKLER of Massachusetts and Mr. SOLARZ):

H.J. Res. 908. Joint resolution designating April 8, 1976, as "National Food Day"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

344. By the SPEAKER: Memorial of the House of Representatives of the State of Washington, relative to the United Nations' conference on the law of the sea; to the Committee on International Relations.

345. Also, memorial of the Legislature of the State of Idaho, relative to control of wild horses and burros; jointly, to the Committee on Interior and Insular Affairs, and Merchant Marine and Fisheries.

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 April 1, 1976, page 9178:

HOUSE BILLS

H.R. 12501. March 15, 1976 Public Works and Transportation. Terminates the authorization of the navigation study and survey of the Wabash River in Indiana by the Secretary of the Army, acting through the Chief of Engineers.

H.R. 12502. March 15, 1976. Judiciary. Establishes the Violent Crimes Compensation Commission to make grants to qualifying States, such grants to comprise 50 percent of the cost of a State's program to compensate victims of violent crimes.

H.R. 12503. March 15, 1976. Agriculture. Amends the Forest and Rangeland Renewable Resources Planning Act of 1974 to direct the Secretary of Agriculture to include in the Renewable Resources Program, national program recommendations which take into account specified policy objectives.

Requires the Secretary to provide for public participation in the formulation and review of proposed land management plans and to promulgate regulations for their development and revision.

Revises provisions relating to sale of timber found on National Forest Service lands.

H.R. 12504. March 15, 1976. Judiciary. Revises the Federal Criminal Code. Revises the Federal Rules of Criminal Procedure. Establishes a Criminal Victim Compensation Fund to compensate the victims of criminal offenses for financial loss.

H.R. 12505. March 15, 1976. House Administration. Amends the National Museum Act of 1966 to authorize appropriations to the National Museum of the Smithsonian Institution for fiscal years 1978–80.

H.R. 12506. March 15, 1976. Merchant Marine and Fisheries. Removes the limit on the amount authorized to be appropriated for the administration of provisions setting aside Barro Colorado Island in the Panama Canal Zone for scientific observation and investigation and for the maintenance of laboratory and other facilities established to carry out such research.

H.R. 12507. March 15, 1976. Public Works and Transportation. Authorizes the regents of the Smithsonian Institution to construct museum support facilities for additional national collections of scientific, historic, and artistic objects.

H.R. 12508. March 15, 1976. Ways and Means. Authorizes any individual who has attained the age of 65 or who is a disabled individual, under the Internal Revenue Code, to elect to take a limited tax credit for the amount of real property taxes paid or accrued by the taxpayer to a State or political subdivision on the taxpayer's principal residence, or for the amount of rent constituting such real property taxes.

H.R. 12509. March 15, 1976. Ways and Means. Amends the program of Grants to States for Services of the Social Security Act to require an increase in the amount of the fund from which payments are made to the States pursuant to such program each time benefit amounts are increased under the Old-age, Survivors, and Disability Insurance Program.

H.R. 12510. March 15, 1976. Ways and Means. Amends the Internal Revenue Code to provide a $5,000 tax exclusion from gross income for any amount received as an annuity, pension, or other retirement benefit.

H.R. 12511. March 15, 1976. Ways and Means. Allows a limited tax credit, under the Internal Revenue Code, for amounts paid by an individual for reasonable public transit transportation between his or her place of residence and place of employment, except that in the case of a disabled individual a tax credit shall be allowed for reasonable transportation expenses between his or her place of residence and place of employment.

Authorizes taxpayers to elect a tax deduction in lieu of the tax credit.

H.R. 12512. March 15, 1976. Ways and Means. Amends the Internal Revenue Code to allow an additional personal exemption and without exemption for a taxpayer, a spouse, or a dependent who is disabled.

H.R. 12513. March 15, 1976. Banking, Currency and Housing. Prohibits State and local laws which permit the construction of buildings or other obstructions which interfere with the effective operation of solar heating and cooling equipment.

H.R. 12514. March 15, 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. 12515. March 15, 1976. Judiciary. Imposes increased penalties on an individual who steals, knowingly converts to use, or knowingly receives a converted firearm of the United States or any of its departments and agencies.

H.R. 12516. March 15, 1976. Judiciary. Requires specified minimum prison sentences for any individual who uses or carries a firearm during the commission of any felony threatening life or property for which such individual may be prosecuted in a Federal court.

H.R. 12517. March 15, 1976. Judiciary. Imposes additional penalties on anyone who transports, receives, or sells any stolen firearm or stolen ammunition, which constitutes a part of interstate or foreign commerce while knowing or having reasonable cause to believe the firearm or ammunition was stolen.

H.R. 12518. March 15, 1976. Public Works and Transportation. Authorizes the Secretary of Commerce to make grants for local public works projects, provided that such projects are designed to alleviate unemployment and do not involve the damming or other diversion of water.

H.R. 12519. March 15, 1976. Armed Services. Repeals provisions of the United States Code relating to additional pay for performance of administrative duties by members of the Armed Forces Reserve and National Guard.

H.R. 12520. March 15, 1976. Armed Services. Revises procedures for adjustments in military compensation regarding monthly pay, subsistence allowances, and allowances for living quarters.

H.R. 12521. March 15, 1976. Education and Labor. Authorizes Federal grants to States for the education of educationally deprived children, handicapped children, and Indian children, and for adult and vocational education programs.

H.R. 12522. March 15, 1976. Judiciary. Regulates the transfer and production of handguns, establishing procedures to insure compliance with Federal, State, and local laws pertaining to licenses, permits, waiting periods, and possession of such handguns. Establishes penalties for using or carrying a firearm in the commission of a violent crime.

H.R. 12523. March 15, 1976. Interstate and Foreign Commerce. Amends the Federal Power Act to require that rate increases for the interstate sale of electricity may not be granted until public hearings on such increases have been completed by the Federal Power Commission.

Requires 30 days' notice of all rate changes by a public utility to the Commission and to the public.

H.R. 12524. March 15, 1976. Banking, Currency and Housing. Amends the Housing Act of 1949 to expand the definition of "rural areas" to include places not part of or associated with an urban area which have a population of between 10,000 and 20,000 people and which have a serious lack of mortgage credit for lower- and moderate-income families.

H.R. 12525. March 15, 1976. Education and Labor. Authorizes the creation of a Special Opportunities Industrialization Centers job training and job creation program in order to provide jobs to unemployed Americans.

Directs the Secretary of Labor to enter into contracts with Opportunities Industrialization Centers to provide comprehensive employment services for unemployed persons in depressed urban and rural areas.

Sets forth conditions governing the provision of Federal financial assistance and authorizes appropriations to fund the program for the next four fiscal years.

H.R. 12526. March 15, 1976. Armed Services. Makes it unlawful for any individual or entity to solicit or enroll any member of the Armed Forces in any labor organization or for any member of the Armed Forces to join, or encourage others to join, any labor organization. Sets forth penalties for violations of this Act.

H.R. 12527. March 15, 1976. Interstate and Foreign Commerce. Increases the authorization of appropriations to carry out the functions, powers, and duties of the Federal Trade Commission for fiscal years 1976 and 1977.

H.R. 12528. March 15, 1976. Interior and Insular Affairs. Directs the Secretary of the Interior to acquire by condemnation specified lands, and contracts for the sale of timber thereon, within the Big Thicket National Preserve, Texas.

H.R. 12529. March 15, 1976. Interstate and Foreign Commerce. Revises the distribution of rail service continuation assistance to States under the Regional Rail Reorganization Act of 1973.

H.R. 12530. March 15, 1976. International Relations. Authorizes a certain officer of the Public Health Service to accept a position offered by the University of Alberta, Canada.

H.R. 12531. March 16, 1976. Interstate and Foreign Commerce. Requires that electric utility rate charges for a subsistence quantity of electric energy provided to residential consumers not exceed the lowest rate charged any other electric consumer.

H.R. 12532. March 16, 1976. Ways and Means. Amends the Old-Age, Survivors, and Disability Insurance program of the Social Security Act to prohibit the reduction of an individual's old-age insurance benefits because of outside earnings of an individual from either wages or self-employment.

H.R. 12533. March 16, 1976. Veterans' Affairs. Authorizes the Administrator of veterans' Affairs to provide outpatient dental services and treatment to certain disabled veterans.

H.R. 12534. March 16, 1976. Ways and Means. Amends the Tariff Schedules of the United States to repeal the duty imposed on articles assembled abroad with components produced in the United States.

H.R. 12535. March 16, 1976. House Administration. Amends the Federal Election Campaign Act of 1971 to require candidates for Federal office to return excess contribution funds not put to specified uses to the persons making such contributions or to deposit such contributions in the Presidential Election Campaign Fund.

H.R. 12536. March 16, 1976. Post Office and Civil Service. Provides, under the Legislative Reorganization Act, that pay adjustments for Members of Congress may take effect no earlier than the beginning of the Congress next following the Congress in which they are approved.

H.R. 12537. March 16, 1976. Ways and Means. Amends the program of Aid to Families with Dependent Children of the Social Security Act to remove the limitation on the number of recipients of protective or restricted payments for children in their care which may be counted by the State in determining the amount of the Federal Aid to Families with Dependent Children payment.

H.R. 12538. March 16, 1976. Banking, Currency and Housing. Amends the Community Development Act of 1974 to allow the Secretary of Housing and Urban Development to extend discretionary grant funds to specified new community projects.

H.R. 12539. March 16, 1973. Ways and Means. Amends the Social Security Act to provide, under title XX (Grants to States for Services), that no State shall be required to administer individual means tests for provision of education, nutrition, transportation, recreation, socialization, or associated services relating to the use of multipurpose senior centers provided thereunder to individuals aged 60 or over.

H.R. 12540. March 16, 1975. Post Office and Civil Service. Specifies instances in which wages paid by private employers are to be excluded from surveys taken to determine wages to be paid Federal prevailing rate employees.

Removes restrictions placed on the Civil Service Commission in defining individual local wage areas for prevailing rate employees who work for the Veterans' Canteen Service or for specified nonappropriated fund instrumentalities of the armed forces. Requires that such employees working in comparable conditions with prevailing rate employees in Federal agencies be paid not less than such agency employees.

H.R. 12541. March 16, 1976. Banking, Currency and Housing; Science and Technology. Authorizes the Federal Energy Administrator to provide financial assistance in the form of loan guarantees, interest subsidies, or grants for the implementation of eligible State energy conservation programs.

Establishes an Energy Extension Service in the Energy Research and Development Administration to develop a program of technical assistance and practical demonstration of energy-conserving technologies for agricultural and commercial purposes.

H.R. 12542. March 16, 1976. Ways and Means. Amends the Internal Revenue Code to exclude from gross income amounts received by an individual as a pension, annuity, or similar benefit under a public retirement system.

H.R. 12543. March 16, 1976. Judiciary; Rules. Requires that the public be given an opportunity to participate in the rulemaking proceedings of Federal agencies. Requires that proposed rules be submitted to Congress for disapproval before they become effective.

H.R. 12544. March 16, 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. 12545. March 16, 1976. Public Works and Transportation. Authorizes additional appropriations for the prosecution of comprehensive development plans for specified river basins under the jurisdiction of the Secretary of the Army.

H.R. 12546. March 16, 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 five percent tax on self-dealing.

H.R. 12547. March 16, 1976. Interstate and Foreign Commerce. Amends the Public Health Service Act to require the Secretary of Health, Education, and Welfare to establish criteria and minimum standards for the training and licensure of radiologic technologists. Directs that State and local governments be encouraged to minimize exposure of the public to ionizing from all sources.

Authorizes the Secretary to make grants to States to carry out such purposes.

H.R. 12548. March 16, 1976. Education and Labor; Judiciary. Establishes a Commission on School Integration to study the results of, and other questions relating to, the racial integration of public schools, and the use of busing to achieve such integration.

H.R. 12549. March 16, 1976. Agriculture. Amends the Food Stamp Act of 1964 to prohibit from becoming eligible for food stamps an individual 18 years of age or older who receives half of his income from any member of another household which is not eligible for food stamps.

H.R. 12550. March 16, 1976. Interstate and Foreign Commerce. Amends the Public Health Service Act to repeal the age limitation on appointments to the Public Health Service.

EXTENSIONS OF REMARKS

"REFORMING THE FEDERAL FOOD STAMP PROGRAM"—A STATEMENT BY REPRESENTATIVES EDWARD I. KOCH AND JAMES H. SCHEUER

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. BRADEMAS. Mr. Speaker, I believe that Members of Congress will read with interest an article in the New York Times of March 13, 1976, entitled "Reforming the Federal Food Stamp Program" by our distinguished colleages in the House, the Honorable EDWARD I. KOCH and the Honorable JAMES H. SCHEUER, of New York.

The article follows:

REFORMING THE FEDERAL FOOD STAMP PROGRAM

(By EDWARD I. KOCH AND JAMES H. SCHEUER)

WASHINGTON.—Liberals and conservatives agree that the food-stamp program should make it possible for every American to receive a nutritionally adequate diet and that this should be accomplished with maximum efficiency and at minimum cost to the taxpayers, with minimum opportunities for fraud.

Conservatives, however, have proposed food-stamp legislation that sacrifices these goals by discriminating against the working poor, increasing administrative costs unnecessarily and allowing large-scale fraud by food-stamp vendors to continue. Alternative bills have been introduced in the House and Senate to improve the present program without these inconsistencies.

The major charge made by those attacking the food-stamp program is that it is filled with recipient fraud. Actually such fraud occurs in a tiny fraction of cases—only 0.08 percent as reported by the Agriculture Department.

Only 4.3 percent of people in the food-stamp program are ineligible, and about half of these are a result of caseworker error. The remaining ineligibles could be attributed to recipient error, but a department report observed that "errors caused by recipients are usually unintentional, arising from carelessness or lack of knowledge concerning the program."

The numerous errors in determining who is eligible for food stamps result from the complex set of itemized deductions from gross income required by the present program. The alternative, nonconservative food-stamp-reform bills would simplify the present eligibility process by setting a standard deduction of $125 to $135 per month for each household.

The major fraud in the food-stamp program is perpetrated by some of the 6,700 vendors—the vendors are banks, post offices, credit unions and check-cashing businesses—who distribute stamps to eligible recipients in return for a cash payment. According to an Agriculture Department official over $17 million has been hoarded or embezzled by 170 vendors. That kind of crime isn't recipient fraud, it's large-scale white-collar business-executive crime.

Vendor fraud is made possible by the transfer of large sums of money under the purchase requirements that make it necessary for a recipient to pay for a portion of his food stamps. The Senate Agriculture Committee has estimated that just eliminating the purchase requirement would save $100-million in administrative costs annually.

A second consequence of the purchase requirement is the failure of the current program to provide a nutritionally adequate diet to everyone. A recent study of the New York State food-stamp program showed that 27.4 percent of the households in the program could not afford to purchase their full allotment of stamps. Many more cannot afford to participate at all.

How poor is poor?

Anyone who has to struggle to maintain a decent standard of nutrition on a limited income would see the limits proposed by some bills as unrealistic and, indeed, cruel.

Senator James Buckley's and Representative Robert Michel's bill would shrink the present eligible food-stamp population by 32 percent by using the existing $5,050 poverty line as the eligibility standard. Unwilling to wait for Congressional action, the Administration recently proposed food-stamp regulations that would do the same thing. Some alternative legislation recognizes economic realities and sets a net income limit of $8,436 for a family of four.

The Buckley-Michel legislation and the Administration's regulations actually contain substantial work *disincentives* by making ineligible a working four-person household if the household's take-home pay exceeds $4,679. Yet a four-person household receiving between $4,679 and $5,050 in welfare or unemployment compensation could obtain from $1,101 to $1,212 in food-stamp aid.

This situation would be reversed by alternative legislation that provides an increased monthly deduction of $30 for working families over that granted to nonworking families. In addition, that legislation encourages people to work by using their take-home pay, and not their gross income (which includes income and Social Security taxes), in computing the eligibility ceiling.

Finally, the primary cause of the growth of the food-stamp program is unemployment. Only last year, when unemployment rose almost 4 percent—from 5 percent to 9 percent—in a matter of months, the number of eligibles jumped from 15 million to 19.5 million. Until we can put our employable citizens to work, we have no moral right to penalize the victims of the recession.

The food-stamp program is a valuable and necessary program that has been maligned for its administrative shortcomings. The Congress should strike a needed balance between helping the poor and cutting program costs, between encouraging the working poor and weeding out those clearly not in need.

THE DIFFICULT QUESTIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. HAMILTON. Mr. Speaker, I include my Washington Report entitled, "The Difficult Questions":

THE DIFFICULT QUESTIONS

Hesitantly the hand of one of the eighth graders in a school which I recently visited went up in the back of the room and in a soft voice the student asked, "What kind of things do you worry about, Mr. Hamilton?"

That difficult question should make it apparent why politicians muff the answer to questions occassionally. It also made me think about the questions of public policy which most concern me.

In thinking through my concerns, I got some help from the Congressional Budget Office which recently suggested to Congressmen the major budget choices before them this year. It may be useful to set out several of these choices so that some of the questions that "worry" Congressmen in 1976 can be identified.

First, it should be noted that the questions may not be what many persons think they are from following news reports and campaign speeches. The Congress does not discuss whether social security benefits should be paid this year or whether our Army should be maintained. The questions which the Congress confronts are usually more apt to be: should social security benefits be increased faster than the cost of living? Should there be 13 or 16 Army divisions and how heavily should they be equipped?

It is apparent that despite the political rhetoric that tends to exaggerate and simplify issues, the real questions with which the Congress wrestles are usually much narrower and much more on the margins of the issues where it is quite possible, even probable, for reasonable persons to have different answers for them.

According to the Congressional Budget Office, the principal spending decisions for the 1977 fiscal year relate to defense, unemployment, health, and aid to state and local governments, and federal pay levels.

DEFENSE

The key defense question is to what extent the build up of Soviet military capability in recent years justifies increased spending on United States general purpose and strategic forces. Do we need 400 or 500 Navy ships? Should they have nuclear or conventional power? Should we have 13 or 16 Army divisions? Should we have 22 or 26 wings in the United States Air Force?

UNEMPLOYMENT

With unemployment rates declining, but still far above historic levels, how much should we spend to create jobs and should the money be spent on public works, public service jobs, anti-recession grants to states

and local governments, or some other means of providing jobs?

HEALTH

Health care prices are rising more rapidly than other prices. What steps can the federal government take to hold them down? Should we reduce federal health spending, as the President proposes, or expand federal health insurance protection? And if so, by how much?

REVENUE SHARING

Even though present federal aid to state and local governments totals almost $68 billion, to what extent should we increase that aid or should we phase part of it out? Should we use catagorical grant programs or consolidated programs to reduce the amount of control the federal government exercises over these funds?

FEDERAL PAY

Should we adopt a modest adjustment for federal pay, like the 4.7% increase the President recommends? Or should we establish a system of indexation which would provide automatic cost-of-living increases for federal employees? Or should we place a two year moritorium on pay raises?

On the revenue side the Congress must decide what steps to take to replenish the reserves in the social security trust funds. It must decide whether to extend the tax reductions enacted in 1975. And if further tax reductions are needed, it must decide which taxes to reduce and how to reduce them.

But the Congress faces an even more difficult task than answering these questions. That task is how to strike a balance between the stimulus the economy must have if it is to continue its recovery and the restraint needed to avoid rekindling high rates of inflation. Making decisions about spending, revenues, and deficits or surpluses involves difficult judgments about what is likely to happen in the economy, about how inflation and unemployment will be affected by various budget policies, and about the relative importance of various federal activities.

These, then, are some of the things that "worry" Congressmen this year. That eighth grader asked a more difficult question than he realized.

CHRISTOPHER JAMES HAMMOND: VOICE OF DEMOCRACY FINALIST WINNER

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. FISH. Mr. Speaker, the Veterans of Foreign Wars of the United States and its ladies auxiliary recently conducted its annual Voice of Democracy Contest. Nearly 500,000 secondary school students nationally, participated in the contest, with each State winner coming to Washington for the final judging of the essays.

This year, New York State's winning contestant, and the second place finisher among the 50 finalists is from the 25th Congressional District. Christopher James Hammond is a 17-year-old student attending Carmel High School, in Carmel, N.Y.

The theme of Christopher Hammond's prize-winning essay is "What Our Bicentennial Heritage Means to Me." As we are in the midst of our Nation's Bicentennial celebration, I thought it would be appropriate to share this prize-winning essay with my colleagues in the House of Representatives:

THE 1975-76 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

(By Christopher Hammond)

I imagine that if I were a great philosopher or historian I wouldn't have any trouble at all in discussing what our bicentennial heritage means to me. I would most probably describe the many stages, both positive and negative, that have led us to become the great nation we now are. However, it would be factual, orderly, and possibly extremely boring.

On the other hand, if I were totally uneducated, it would be difficult for me to speak on anything except the way in which our commercial society has taken such meaningful events as Christmas, Easter, or Independence Day, and found a way to make a profit because of them. This may explain why everything from garbage cans to T-shirts is now red, white and blue.

However, I am not a philosopher, or historian, nor am I totally ignorant. I am a young man, 17 years of age, who has lived in the United States all of my life. I have been brought up like many: learning from social studies books, the media, and the forceful views of politicians, about everything from Jamestown to the revolution, from Watergate to Viet-Nam.

If I have learned anything from this accumulation of random knowledge, it is that I am an individual and because of my individuality I have developed my own bicentennial views. I do not know wrether they are inherited, socially programmed, or unconsciously rationalized, but I do know the difficulty of explaining them.

My views can not be explained or defined as beliefs or even as an understanding. They can only be explained as an emotional experience . . . When I walk down the streets of a tremendous American city like New York, and realize that the towering buildings and exhibitions of such an advanced culture were possible because a small handful of men had the guts and stamina to cast away the shackles of a tyrannical existence to seek a new world that had so much to offer. I experience a warm feeling inside when I realize that if ever the time shall come when I might find faults in my country I have the right to express my disagreements as loud and as long as I desire. I have the right to challenge any force which threatens my inalienable rights to freedom of worship, freedom from fear, freedom from want, and the freedom to express myself, either through speech or with my vote.

It is almost incomprehensible to me when I remember the hundreds of thousands of men who have suffered and died in order to achieve and protect my rights to those freedoms.

In a way this emotion I feel consists partly of gratitude as well as pride. Gratitude to those men who fought for the ideal of a free democracy, an ideal which enables me to look with pride at the American flag, an ideal so precious that Americans have gone to war more than once to protect it.

It is of course true that there are people who choose to abuse our great gift of democracy, but they are only a small percentage compared to the tremendous numbers of men and women who are dedicated to the preservation of our great society. Our system is flexible enough to accommodate the flaws in human nature. It is a system of change: for, with, and because of the people—and of these, I am one.

It has never dawned on me why I feel these emotions, yet I do realize how special they are to me, and how difficult they are to explain. I can only wish that all people in America could understand and appreciate that strong minds, strong hearts, and 200 years, both of hardship and happiness, have made us the greatest country in the world.

This year more than ever, when it is time to raise our flags and explode fireworks into the warm July sky, I know I will be proud to lift my head and say without fear, "Thank you . . . I am an American."

FULL EMPLOYMENT

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. HAWKINS. Mr. Speaker, I would like to call the Members attention to the following article from the March 19 edition of the Washington Post. This article covers the excellent 2-day Full Employment Conference conducted by the Joint Economic Committee and draws special attention to Vice President ROCKEFELLER's support of the concepts of full employment and national economic planning:

[From the Washington Post, Mar. 19, 1976]

TWO-DAY CONFERENCE ON FULL EMPLOYMENT LEGISLATION LAUNCHED

(By Hobart Rowen)

Vice President Nelson Rockefeller yesterday helped Sen. Hubert H. Humphrey (D-Minn.) launch a two-day conference on full employment, designed to drum up support for new legislation to assure jobs—government jobs, if necessary—for all adults who want to work.

That legislation, the Full Employment and Balanced Growth Act of 1976—better known as the Humphrey-Hawkins bill—was not specifically endorsed by the vice president.

But as evidence of his own long-time interest in national economic planning, one of the focal points of the Humphrey-Hawkins bill, the vice president opened the conference, technically a hearing before the Joint Economic Committee.

Humphrey arranged the session to help celebrate the 30th anniversary of the passage of the Employment Act of 1946, which established "maximum employment, production and purchasing power" as a national goal, and created both the Joint Committee and the Council of Economic Advisers.

The Humphrey-Hawkins bill goes much beyond the 1946 act, not only specifying the achievement of a 3 per cent unemployment rate as the "full employment" goal after four years, but subordinating the Federal Reserve system to the rest of the economic management bureaucracy.

The basic goal of jobs for all as an inherent right has the backing of a labor-left-black coalition and Humphrey yesterday urged these groups and others to push for the bill with the same urgency they brought to civil rights legislation in 1964.

Rockefeller said, "There can be no better time than this bicentennial year to review the objectives of the Employment Act of 1946."

He carefully warned that "dominant central government in Washington is already placing impediments and non-productive restraints . . . upon economic enterprise."

But he also noted that "the American enterprise system was by no means a totally private endeavor. Government has always played not only a significant but a crucial part in American economic life."

The vice president also took the opportunity to recommend enactment by this Congress of the Energy Independence Authority "to get our economy rolling again." This proposal which would cost $100 billion by some estimates, was inspired by Rockefeller as a solution to the energy problem, and al-

though endorsed by President Ford, has not been conspicuously pushed by the administration.

For the most part, the format of yesterday's session provided a recapitulation of the grass roots sentiment for a new attack on unemployment, as uncovered by the JEC in a series of regional hearings over the past few months.

Those hearings, Humphrey said, had brought home the great enconomic and social waste of unemployment, and highlighted the fact that economic conditions in the major cities of the country "were generally much worse than the national averages."

In introducing his bill at the end of last week, Humphrey called for "a new economics," and a break with "traditional theories that rely largely on manipulation of fiscal and monetary policies to adjust the business cycle.

That theme, in various ways, was echoed yesterday by Vernon Jordan, president of the National Urban League, Mayor Kenneth Gibson of Newark, and Bishop James Rausch, general secretary of the U.S. Catholic Conference.

A decidely more lukewarm approach was taken at an afternoon session by former Economic Council chairman Paul W. McCracken, who, in effect, advised the committee to leave well enough alone, and General Electric chairman Reginald H. Jones, who argued that in the years since 1946, there already had been too much expansion of the government sector and neglect of "the producer sector that supports it."

Today, the conference will hear, among others, from Federal Reserve Chairman Arthur F. Burns, and Economic Council chairman Alan Greenspan, who are likely to oppose the legislation.

The way the bill would work, all able-bodied adults (age not defined) would have the right to a job at "fair rates of compensation." Each year, in conjunction with an economic report spelling out numerical goals for jobs, production and purchasing power, the President would submit a plan for achieving those targets.

If there is a jobs "gap," the President would be required to close it with a variety of "government of last resort" programs—public service employment, standby public works, antirecession grants for state and local governments, training and special youth programs.

The Fed would be required to coordinate its policies with the President's plan, submitting within 15 days after the transmission of the economic report a statement of how it intends to cooperate, or "a full justification for any substantial variations from the President's goals and recommendations."

An anti-inflation section is included in the bill, but wage and price controls are carefully side-stepped to assure labor support.

Sponsors say there will be an effort to pass the bill this year. But the bill—titled for Rep. Augustus Hawkins (D-Cal.) as well as Humphrey—would appear to have little chance in its sweeping form.

It was introduced too late to earn a full evaluation in this week's Congressional Budget Office listing of economic options, but several of the more than 100 backers of the bill in the House intend to ask the CBO to do a full "costing-out" on the bill.

HOUSE RESOLUTION 1085

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. JOHNSON of Pennsylvania. Mr. Speaker, yesterday, I was absent when the House considered House Resolution 1085, the rule which provides for the consideration of House Joint Resolution 606, to create an Atlantic Convention delegation. Since I am opposed to House Joint Resolution 606, I would like for the RECORD to show that had I been present, I would have voted "no" on rollcall No. 157, providing for the consideration of House Resolution 1085.

I ask that the RECORD show my opposition to both the rule and the bill.

GET HOSTAGES OUT OF KOREA

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. SOLARZ. Mr. Speaker, in light of President Park's vigorous action against a modest protest issued by some of the most distinguished citizens in South Korea, I believe that the United States should give increasingly serious thought to the position of our troops remaining in South Korea. As a recent Chicago Sun Times editorial pointed out, there is increasing danger that "U.S. servicemen on the Korean Peninsula are becoming hostages to the whims of an erratic, unpopular, and increasingly dangerous dictator." I believe that this editorial eloquently describes the difficult position in which we find ourselves in that part of the world.

Any American withdrawal from South Korea—and I might point out that a number of the current Presidential candidates have called for a troop withdrawal—should be very carefully thought out in advance. I agree with the Sun Times that any plans should be publicly announced, carefully staged, and prepared in close consultation with U.S. allies, especially Japan. Mr. Speaker, the editorial of March 23, 1976, follows:

[From the Chicago Sun Times, March 23, 1976]

GET U.S. HOSTAGES OUT OF KOREA

Thailand on Saturday ordered the United States to get virtually all its military forces out of the country within four months. And President Ford told us recently that the United States is continuing to withdraw its forces from Taiwan. Neither one of these actions is likely to cause any harm to the United States. In fact, they almost certainly will do a lot of good. U.S. military bases abroad often attract violent anti-U.S. protests the way lightning rods attract lightning. The Thai withdrawals will quiet a lot of that anger and help improve U.S. relations not only with the Thai government but also with some of Thailand's neighbors, like Vietnam. The Taiwan withdrawals are part of a continuing, coherent policy of advancing U.S. relations with the Chinese government in Peking.

The United States now ought to begin withdrawing at least some of its 37,000 troops from South Korea, too, in close consultation with Japan. In many ways, South Korean President Chung Hee Park is behaving the way South Vietnam President Ngo Dinh Diem behaved before the United States became embroiled in the Vietnam disaster. He is becoming isolated from all but a few advisers; he is strangling not only opposition, but criticism, and he is alienating his own people. Some of the features of the Park Policy are described in our letters space today by Jai Hyon Lee of Macomb, a professor.

The more dictatorial Park becomes, the more he will erode the support—and the traditionally fierce anti-Communist spirit—of his people. And as morale declines, the possibility of a war with the North increases In this way, the 37,000 U.S. servicemen on the Korean peninsula are becoming hostages to the whims of an erratic, unpopular and increasingly dangerous dictator.

U.S. military withdrawals from South Korea ought to be publicly announced, carefully staged and prepared in close consultation with U.S. allies, especially Japan. But most of all, they should begin promptly.

THE PRESS IN THE UNITED STATES

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. ROUSSELOT. Mr. Speaker, there is an old and fairly well-known maxim that says that "good news doesn't sell newspapers." There is another maxim, however, perhaps less well known, that is quoted by the French writer Jean Giraudox. It says, "There are truths that can kill a nation."

Last March 4, in a speech given before the Management Conference at the University of Chicago, Mr. Walter B. Wriston, chairman of Citibank, explored the present-day implications of these two phrases and asks whether the press in the United States has extended too far the bounds of propriety in recent years, and in doing so, run dangerously close to the fate spoken of by Giraudox.

Mr. Wriston says:

In a free nation the perspective must be longer than one life or the current problems. Endless harping upon the shortcomings of our society and on the powerlessness of the individual not only undermines morale at home, it is a needless diminution of our world prestige.

Mr. Wriston goes on to quote an editorial which appeared in the London Telegraph:

"It's time America's friends spoke out with some nasty questions to . . . the press, sections of Congress, television commentators, comedians, university pundits and a lot of other people who think there is a dollar to be made out of denigrating their country's institutions and leaders." No wonder the British poet and critic, Stephen Spender, exclaimed that Americans are "the most anti-American people in the world."

Mr. Speaker, I believe that the comments of Mr. Wriston are very timely and deserve the thoughtful reading and consideration of my colleagues.

LIBERTY, LEADERSHIP, AND LICENSE

(Remarks by Walter B. Wriston, Chairman, Citibank)

Birthday celebrations are always a time for looking back and looking forward. On the occasion of our 200th birthday, Americans have obeyed this natural tendency and look back in wonder at the distance we have come from scattered states in the wilderness to the world's premier democracy—the only democracy upon a continental scale in all human history. But if we are to believe the dominant theme of what we read, Americans no longer look forward with the ex-

traordinary confidence that astonished de Tocqueville: "America is a land of wonders, in which everything is in constant motion and every change seems an improvement." This attitude, not so long ago, was the prevailing American philosophy. Today it would have to appear as a paid newspaper advertisement to appear at all.

This change in attitude cannot be attributed entirely to recent events, because the troubles of America one hundred years ago were not unlike some of those from which we suffer today. The nation was then recovering its poise after the misdoings of President Grant's Administration. Scandals scarred the cities, even though the notorious Tweed ring had at last been broken. The state of the economy could only be described as a depression. Nevertheless, when men looked back from 1876 to 1776 their perspective improved and, despite many troubles, there was a lively awareness of fundamental progress which awakened fresh confidence. Optimism, without which democracy withers, was the dominant mood.

Now we look back over another century. In superficial ways it might appear that little has changed. We are just emerging from another humiliating executive scandal and from a recession deeper than many earlier troughs in the economy. Some of our cities are declining and the largest teeters on the edge of bankruptcy. Nonetheless, any rational person would say that the achievements of the last century in the conquest of diseases, in increased longevity, in civil rights, in scientific strides, in a communications revolution, in progress in arts and letters constitute a catalog of marvels.

Yet the accent today is not on evidences of progress in a multitude of fields; the heaviest emphasis is upon failure. The media, supported by some academic "liberals" would have us believe that things are not just going badly, they are growing progressively and rapidly worse. The dominant theme is the new American way of failure. No one wins, we always lose. Jack Armstrong and Tom Swift are dead. If an individual says anything that sounds important, it is either ignored or nit-picked to death by commentators. Logical argument has given way to sniping. We no longer have great debates. The accusatory has replaced the explanatory. Let one scientist resign and say that nuclear power is a lethal accident waiting to happen and he is awarded the front page with pictures. He has unlimited interviews on television. The massive achievement of hundreds and hundreds of scientists, and the comfort of millions of citizens who enjoy the products of nuclear power go for nothing. We daily see illustrated a point made by the jurist Oliver Wendell Holmes: "When the ignorant are taught to doubt, they do not know what they safely may believe." The media should beware of sowing the dragons teeth of confusion.

Two or three years ago the focus of the media was upon those who proclaimed that the task of recycling the avalanche of oil dollars funneled into the coffers of the Arabian oil exporters was not only impossible, but was certain to disrupt the world's monetary structure. Alarm was the order of the day. Those of us who said the free market could handle it were ignored. What has become of that uproar? Scarcely an echo remains. The heralded catastrophe did not occur—so there is said to be no news to print. There is no song of triumph that the free markets functioned. Success brings only silence. If events have not the power to scare the public to death, ignore them, or find a new Cassandra to idolize.

The Concorde is the current bugaboo. Lost in the shuffle is the fact we have hundreds of supersonic military airplanes that break the sound barrier many times daily, making an estimated 40,000 supersonic flights a year. We are used to these. They are not news. When, however, after long consideration, and on a carefully monitored basis, a responsible official approves a minimum number of passenger supersonic flights subject to scientific and economic analyses, one would think from the uproar that we were precipitating nothing less than disaster.

It is this technique of incessantly accenting the negative that erodes optimism, one of the cornerstones of democracy. To function at all, a free society must be supported by the firm faith that man is capable of fashioning ways of life that time will prove better than his earlier efforts.

In a free nation, the perspective must be longer than one life or the current problems. Endless harping upon the shortcomings of our society and on the powerlessness of the individual not only undermines morale at home, it is a needless diminution of our world prestige. An editorial in the *London Telegraph* put it succinctly: "It's time America's friends spoke out with some nasty questions to . . . the press, sections of Congress, television commentators, comedians, university pundits and a lot of other people who think there is a dollar to be made out of denigrating their country's institutions and leaders." No wonder the British poet and critic, Stephen Spender, exclaimed that Americans are "the most anti-American people in the world."

The fate of our Republic depends upon whether Americans can recover a profound belief in the democratic process. In order to regain that faith, we must have leaders, even if the quality of that leadership is not perfect in the eyes of the omnipresent media.

The progress of mankind is not always advanced by the most photogenic or the most glib among us. J. Bronowski in his great book went further. ". . . The ascent of man is not made by lovable people. It is made by people who have two qualities: an immense integrity and at least a little genius." In today's world, thoughtful people have to ask the question whether any leader can survive long enough to move us back into a belief in ourselves. Since every leader is human and therefore flawed, it follows that no official is or can be perfect. "If you demand a perfect leader or a perfect society," Abraham Maslow wrote, "you thereby give up choosing between better and worse. If the imperfect is defined as evil, then everything becomes evil, since everything is imperfect." The fundamental difference between better and worse has not changed over the years; what has changed is the manner in which the better is ignored and the worse reported incessantly.

That is why Daniel Moynihan, whose faith in his own country was too obvious and whose words were too plain, is no longer on the public payroll. Clearly he is not cast in the mold of the professional diplomat. Had he been he could not have made the needed impact. The pretense for objection to him was his style; the substance was his forthright patriotism. No one should have been surprised at his actions since he spelled out in great detail what he would do in his article in *Commentary*. There was adequate chance during Senate hearings and votes to prevent his appointment if his views were not the sentiments of the public. Truth spoken in plain English made some uncomfortable; and terror on the left must be pacified.

The democratic ship requires real leaders; without them it has no steerage way. Leadership need not be perfect to deserve support. This is not to say that crime, duplicity, or even stupidity should not be exposed—they should. In the long run the only way to be accepted in any marketplace is by making a product or supplying a service that people want. This is as true of political leadership and of ideas as it is of material goods or services. No one has ever improved on Oliver Wendell Holmes' dictum "that the best test of truth is the power of the thought to get itself accepted in the competition of the market."

Real leadership requires vision. And vision by definition is a view of the future which cannot be proved at the moment of utterance. That makes it no less important. In an ancient book, no longer available for study in public schools, it is written: "Where there is no vision the people perish." Time has vindicated that maxim.

Since the scandals of Watergate, the news business has been demanding total disclosure from our leaders. No one should or would want to denigrate the important part the press played in revealing that mess. However, the illusion has now been created that a cloud of secrecy has been thrown over every act of government hiding dark motives. But not all secrets are evil. The framing of sensible policies requires candid speech, because only in this way can leaders fully explore various alternatives. Confidentiality is often essential to candor. Else nothing is achieved while rival factions seek media support before a decision is reached.

The framing of our own Constitution illustrates the point. Not only was the press barred entirely from all the meetings, but each delegate had to pledge to preserve the confidentiality of the discussion. Without obedience to that fundamental rule the great compromises that lie at the heart of its success could never have been achieved. Once agreement was reached, public disclosure of the result and debate properly followed.

There is an old saying that no man can be a hero to his valet since the valet's duties made him see his employer at his most undignified. The news business now seeks the intimacy of the valet. The media peer at us from all angles and at all hours of the day and night; it loves to record all our human frailties. This voyeurism has been accompanied almost simultaneously with the judicial repeal of effective libel laws and transfer of classified documents for profit to the news media. This trend toward the total destruction of privacy reached its fictional apex in George Orwell's "1984."

You will recall that in that grim forecast all society was monitored by a "telescreen" which transmitted every sight and sound. You had to live, said Orwell, "in the assumption that every sound you made was overheard, and, except in darkness, every move was scrutinized." Justice Brandeis might have been thinking about that possibility in an essay written in 1890. With remarkable foresight, the Justice defended the right to privacy; he foresaw "instantaneous photographs and mechanical devices" invading the "sacred precincts of private and domestic life." He also predicted the day when "personal gossip attains the dignity of print, and crowds the space available to matters of real interest." He reverted to the same theme in the Olmstead Case where he spoke of the "right to be let alone" as "the most comprehensive of rights and the right most valued by civilized man."

From your State of Illinois came one of our greatest leaders. There are few leaders in history who have been as savaged by the press as Abraham Lincoln; yet he framed the great issues of the day in a way that vindicated the Union. So limited were the media of his day that the personal attacks still left him areas of privacy which the modern values of the news business would no longer permit. That raises a substantive question: Are we making ourselves ungovernable by total exposure of all human frailties exacerbated by constant repetition of things which often turn out to be fundamentally irrelevant to the conduct of leadership?

In the unlikely event that Lincoln could have gotten himself elected to the Presidency in today's journalistic environment,

the front page treatment of the leak from the Oval Office would have driven him from office. The lead for this "investigative report" would recall how Lincoln failed to show up for his own wedding when the ceremony was first scheduled; that revelation could then furnish the subject of an hour special with Dr. Joyce Brothers. Such a bizarre lapse of memory combined with his behavior upon the death of Ann Rutledge would supply more ammunition than was used to dump Senator Eagleton from the Democratic ticket in 1972. The story would then reveal that when Mrs. Mary Livermore of Chicago talked to the President in 1862 about relief for wounded soldiers, Lincoln's face had ghastly lines and "his half-staggering gait was like that of a man walking in his sleep." Fortunately for the fate of our Union, there was no talk show to interview Mrs. Livermore. As the facts came out, one would hear Lincoln worry about his wife's health. We would learn of his unease about the fact his wife's own brothers served in the Confederate Army, a conflict of interest big enough to drive any commander-in-chief from office in the midst of a war.

Today's demands of the news business for a full medical report on the health of the President, would have revealed that just ten days after his second inauguration, Lincoln was so exhausted that he presided over his cabinet meeting from his bed. In addition to his physical problems, Lincoln had political problems with most of his cabinet. His Secretary of State, in the words of one diarist "was intensely anxious to control and direct the War and Navy movements, although he had neither knowledge nor aptitude that was essential for either." To further improve the functioning of the White Houe team, a breathless world would learn that some cabinet members did not even meet each other for months after their appointments.

Eventually, an enterprising reporter would have revealed the awful truth that the President was a politician and interested in staying in office, even at the risk of offending what some believed to be the priorities. Never was this more clearly illustrated than in the first meeting between the President and Charles Francis Adams, himself the grandson of a President. Brought to the White House by Secretary of State Seward, and expecting to get instructions regarding his appointment to be Minister to the Court of St. James', Adams thought that the President appeared disheveled in dress and distracted in manner. Lincoln offered his new minister no advice at all on foreign policy, but after greeting him briefly turned immediately to consult Seward about a post office appointment in Chicago. All of these details are true. But they had little to do with the quality of Lincoln's leadership in saving our Union.

Many of Lincoln's problems were reported and magnified by a hostile press, but in those days the news business was not the monolith it is perceived by many to be today. There were hotly partisan papers, and lots of them. Today the media, which monitor life in America around the clock, insist that they are neither liberal nor conservative, yet there tends to be a marked sameness in their views. Columnist Tom Wicker called attention briefly to a profound truth: "The press inevitably reflects in its attitudes and broadcasts the perceptions of the people who write and produce them. Their perceptions tend to be remarkably similar, since these men and women influence each other as well as the public."

We have moved a long way from our traditional values when a leak, however inconsequential its nature, will command far greater attention in the media than voluntary disclosure of all facts on a vital issue. It would now appear that leaked information, even when the transmittal of such material is in clear violation of the law, is now printed or put on the air unhindered by any rule of law or ethics.

While leaks are nothing new, the reception accorded them by the media is far different today from times past. When Senator Benjamin Tappan of Ohio gave a copy of the still secret treaty for annexing Texas to the *New York Evening Post* in 1844, the *Post* then, as it would now, printed it. An uproar ensued, Tappan admitted his part in it, and was thereupon censured by the Senate. This is a far cry from the leaking of the names of American intelligence officers with no effective censure from anyone.

In addition to a change in values, there is another vital shift in our society. An effective right of reply has always been a characteristic of a free society. As a practical matter, only an employee of the news business itself has the unlimited power of effective refutation. Recently when someone accused Walter Cronkite and John Chancellor of having at one time been CIA agents, they had all the time they needed to deny it on their own shows in prime time and their colleagues saw to it that the story died. Others of us would not have had that advantage, and might, like some victims of Senator McCarthy, chase a lie for 20 years. It is the power to pick page one or page 29, or no page at all that really matters. A journalist Leopold Tyrmand recently put it this way: "Deciding who stays on the stage and who leaves, while they keep the stage forever, gives them an air of invincibility that seems unpardonable to all those to whom democracy is instinct, intuition, and an elusive promise of something better. The real source of the media's monopoly is the formidable power of repetition, totally reserved for them. An opinion must be incessantly sustained to become earth-shaking or simply correct. We can imagine Copernicus writing letters to editors announcing that the planet is round, and having only one published. Should the media, for some reason, have preferred to claim that it is flat, Columbus wouldn't have set sail till now."

Most businesses, other than the news business, are accountable for their actions to some federal bureaucracy or court. If a mouthwash claims to prevent colds but is found not to do so, then a ruling with the force of law will require each new advertisement to carry a disclaimer. We have no pure news laws, and no bureaucracy, indeed no judge can require a network of a newspaper to retract a misleading story in specified type size for a specified number of days. No one would suggest such a law, nor should they. But in an age when corporate directors are properly being held acountable for management's transgressions of laws or values, directors of companies in the news business are often told flat out they cannot influence editorial policy. This caveat obtains even if directors perceive these policies are not in the public interest.

The recital of these facts is not in any way an attack on the First Amendment. Quite the contrary, I believe very strongly that a free press is absolutely essential to our liberty. Yet freedom itself can turn into license, and that is why accountability is required by society. The distinguished editor and journalist, Vermont Royster, recently put it this way: ". . . No man is free if he can be terrorized by his neighbor, whether by swords or by words; this is the justification of laws against violence and against libel and slander."

Power without accountability is an invitation to trouble. History teaches that when any sector of our society grows too powerful it is only a matter of time before that power is curbed. Usually the sector affected, be it business or labor or the police or the press, fails to appreciate why society is reacting as it is to what they perceive to be right and just. The news business which makes its money criticizing others reacts to criticism the same way you and I do. Senator Fulbright recently wrote that not all people who suggest the news business could be improved are Fascists, even though editors go "into transports of outraged excitement, bleeding like hemophiliacs" from the pin pricks of their critics. Like other sectors of our society whose power has become very great, some in the news business seem to believe that the end justifies the means. The "truth" must be revealed, no matter how obtained or how irrelevant, or how, in the judgment of legal authority, adverse to the public interest. A dedication to the truth is a noble objective. However, some truths are more significant than others, some have no significance. Some for the protection of privacy, some for reasons of state should not be told at all.

If we are to preserve the First Amendment—a guarantee of freedom not only almost unique in political history, but also precious to our democracy—the media should reflect that the effective functioning of a democracy requires the most difficult of all disciplines, self-discipline. The freedom of us all rides with the freedom of the press, but its continued freedom and ours will depend in the end upon the media not exploiting to the fullest their unlimited power. It can and must criticize the Government but it cannot replace constitutional authority by saying no secrets are valid.

Today on our Bicentennial then we have a situation unprecedented in the history of the world. When the founding fathers urged the adoption of the First Amendment, every state had sedition laws and libel was an effective restraint. Several state constitutions had restrictive clauses. No less a friend of liberty than Thomas Jefferson defended the restrictive Virginia statute: "While we deny that Congress have the right to control the freedom of the press, we have ever asserted the right of the states, and their exclusive right to do so." The sedition laws were repealed one by one, libel laws withered away, the Supreme Court extended the prohibition of the First Amendment to the states. For the first time man has created one sector of society with virtually no restraints in law or ethics, except self-restraint. Freedom of expression collides with the right of privacy on a daily basis. This poses questions for us all.

In a world in which one government after another gives up democracy, all of us must justify our freedom by the use we make of it every day. When freedom is abused until it becomes license then all liberty is put in jeopardy. History suggests that often liberty is curbed because we assert that any diminution of a raw assertion to freedom is too high a price to pay to preserve its substance. On our Bicentennial it should not be too much to hope that men and women of good will can learn to exercise the self-discipline required to discard license in time to preserve liberty.

FIRST AMENDMENT RIGHTS

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Ms. HOLTZMAN. Mr. Speaker, the Authors League of America calls our attention to a particularly flagrant example of a retrogressive trend on the part of Government agencies to abridge first amendment rights, including the right to learn through literature viewpoints with which we may disagree. I com-

mend to you their letter of protest against a New York school district's book-banning order.

The text follows:

THE AUTHORS LEAGUE
OF AMERICA, INC.,
New York, N.Y., March 29, 1976.

Hon. EWALD B. NYQUIST,
Commissioner of Education,
State Education Building,
Albany, N.Y.

DEAR COMMISSIONER NYQUIST: The Board of the Island Trees School District has removed from its Junior and Senior High School Libraries several books, including "The Fixer" by Bernard Malamud, "Laughing Boy" by Oliver LaFarge, "The Naked Ape" by Desmond Morris, "Down These Mean Streets" by Piri Thomas and "Black Boy" by Richard Wright. This action sets a sad example for New York school students of fear of the printed word, intolerance and a total disregard for the First Amendment. It is incredible that adults entrutsed with administerng a school district in New York could engage in such an act of book-banning.

The Board obviously is incapable of understanding that the freedoms to read and to teach were guaranteed by the First Amendment to prevent government officials from suppressing books of which they disapprove. If these valuable works, two of them Pulitzer Prize winners, can be banned by a majority of the Island Trees Board at this time, so can the next book which offends that majority, and the next, and the next. And when a new majority with other political or literary predilections supplants them, it could purge the District's library shelves of those books which it finds repugnant.

The selection of books for school libraries should be the responsibility of the District's professional librarians and teachers. If school board members can override these professional judgments because of their political or social views, or "literary tastes," then freedom to read and teach are in serious danger.

The Authors League urges that the Department of Education adopt regulations to protect these essential freedoms against such censorship. School boards should not be permitted to remove books from libraries or reading lists without a public hearing. Adequate notice should be required and defenders of the book given full opportunity to speak on its behalf. The School Board's decision should be in writing, setting forth the specfic educational reasons which the Board contends justify removal or banning of the book. Professional personnel or residents of the school district should be permitted to appeal book-banning orders directly to the Commissioner of Education, with a minimum of delay.

Since more than fifty years have passed since the Scopes Trial, it is time for New York to adopt adequate safeguards to guarantee for teachers and students the constitutional freedoms for which Clarence Darrow and Arthur Garfield Hays fought so gallantly.

Sincerely yours,

IRWIN KARP.

EDITOR LEON SMITH

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. BRINKLEY. Mr. Speaker, it was with a great sense of shock and sadness that I learned today of the untimely death of Leon Smith, one of Georgia's most courageous and dedicated journalists.

As the editor of the Thomaston, Ga., Times and Free Press, Leon was often a crusader and always an objective reporter. Regardless of his editorial views—which always remained on the editorial pages or in his personalized "N.R."—Not Responsible—column, his news pages were always open for objective reporting of all the news.

Ever a man of his word, Leon frequently would call my Washington office to talk with me or my news assistant, or on occasion we would call him with an announcement of interest to his beloved Thomaston and Upson County. He would always say something like, "We'll give it good play," or "I'll open up some space right away before we go to press," and he would do it. He believed in the public's staying informed of what was going on in Washington and the Congress.

A man with the courage of his convictions, Leon sometimes took on controversial issues. One example which comes readily to mind is the Spewrell Bluff Dam project in his county, which stirred up more than a little dissent. Leon supported the project to the end, but never abused the privilege of running a newspaper by preventing the other side from being heard. He did this on other issues as well.

This was Leon Smith: a newspaperman through and through, with the tenacity of a lion when it came to the public good, but the gentleness of a lamb when it came to hearing your viewpoint. We will all miss him, and professional journalism today has one more slot that will be very difficult to fill.

To his dear wife, Mildred, and family, there can be little solace at this time. I have been in their home and have seen the intense caring one for the other. I have seen the family pride on the important family occasions, such as when Al got his senior class ring. And even if I had not known Leon, I would have judged him to be a gentleman because of his son. We played tennis once and it was I who was provided the best equipment at hand, which was Al's.

Mr. Speaker, I came to know and love this man, because he was a good man. He was a considerate friend whether at the rostrum, together at a civic club, or in Washington, D.C.

He has left a principled legacy of living for us to remember with pride and to emulate as the very good example of a brother and fellow man.

FEDERAL AND STATE AID IS STILL TAXPAYERS' MONEY

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. LENT. Mr. Speaker, as we proceed presently to consideration of budget resolutions, we can anticipate that almost everybody will want to hold down the growth of Federal spending—except in the program area in which one is interested. In this connection, my colleagues might do well to heed the words of Mr. Robert L. Morgan, publisher of the Mid-Island Times, the Jericho News-Journal, and the Syosset Advance, in the following editorial which appeared in the March 12 editions of these newspapers in Nassau County, N.Y.:

THINKING IT OVER

(By Robert L. Morgan)

When the late President Harry Truman said, "The Buck stops here" the buck he was talking about was a much smaller one than is now being passed to President Ford.

It appears that every division of government, right up to the state, is engaging in the deception to taxpayers that there is some entity in Washington who will pay the high cost of government.

Governor Carey got up his message to the Assembly with the idea that taxes won't have to be raised if the Federal government pays the bill. The local school districts keep pushing that the state should pay more of the load. And, all of this deception only adds up to one thing. If more money is spent by governments, more money has to be paid by the taxpayers.

It matters little whether you call the tax a U.S. Income Tax or a State Tax or a School Tax, the taxpayer is going to pay it.

With little respect for the intelligence of the people, politicians and people from local areas will sound off with impassioned pleas for more aid from the State or the Federal Government when they know full well that they are deluding the taxpayer. He is supposed to stand and clap his hands while being fooled.

Obviously, it is just plain buck passing because the local or state official wants to be thought of as the person who does things for people and not just one who asks them to pay for the service. This is all classed as good politics, but it is also very poor economics.

The reason it is poor economics is because the state does not get back one dollar for every dollar it sends the Federal Government. Under an analysis by the Citizens Public Expenditure Survey Inc. last year it showed that New Yorkers must send $1.41 to Washington to get back $1.00. The reason is that aid is usually apportioned according to economic circumstances and the poor states get back more than $1.00 for each one sent to Washington. But even if this were not the case and a new sharing plan were devised, the cost of collecting and managing and clerical working would never give back $1.00 for each one collected. So, the cost of hypocrisy in government is also an added expense for taxpayers.

YOUNG CETA GRADUATE POLICE OFFICER, LOUIS RAZO, WINS MADERA OFFICER OF THE YEAR HONOR

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. SISK. Mr. Speaker, it gives me pleasure to call to the attention of this House living evidence of the resultfulness of the Comprehensive Education and Training Act as exemplified in the police department of the city of Madera. All too often we hear of this act's alleged failures. We are told that CETA

is not used to train persons into permanent jobs in public employment, but is a kind of short-term work relief that vanishes when Federal funding runs out.

The city of Madera, which I have the honor to represent, has applied CETA funds in the spirit of the act itself. Today, I want to tell the story of one CETA employee, a 19-year-old youth who was chosen for employment as an officer-trainee in that city's police department. This youth, Louis Razo, applied himself so diligently and with such fine spirit that he was soon given an important undercover assignment—to find the sources of the narcotics flow in the community. Using his training in police methods in combination with his ability to mingle with youthful users of narcotics, he was able to assemble for his superiors a blueprint of the narcotics trade in Madera. He obtained evidence which led to numerous arrests and a complete breakup of the narcotics traffic. When his role in the arrests was revealed, he was subjected to threats and abuse to himself and his family, but he stuck courageously to his task and his testimony was responsible for important convictions. In recognition of his achievement, young Officer Razo was selected as Officer of the Year for Madera by the Madera Exchange Club which annually selects the police officer whose work has been the most outstanding. Officer Razo has been hired by the Madera Police Department as a permanent member of the force. With his fine beginning, I am sure he will continue to be a valuable addition to the forces for law and order in Madera. The CETA funds that helped train this officer have already been more than repaid, in his work thus far. They will continue to prove the wisdom of their investment for years to come. I am sure you join me in saluting CETA graduate, Officer Louis Razo of Madera, Officer of the Year.

FOR BASE REALINEMENTS

HON. EDWARD MEZVINSKY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. MEZVINSKY. Mr. Speaker, yesterday, the Secretary of the Army announced a so-called study for base realinements that was purported to "improve Army combat capability by reducing nonessential overhead and support personnel and associated costs."

That sounds good and we are all for that, in principle. But, it is the Army's tactics that are so galling. Ever since I first came to Congress, a vast amount of my time has been spent in trying to predict when the next reorganization will be announced, where the realinement will come, and how much time we will have to scrutinize their decision and make our views known. The Army has consistently employed a style of gamesmanship designed to reduce the time between congressional discovery and implementation to the maximum extent possible. This latest move is no exception. We are told we have 30 days to comment on a plan that is so imprecise that it is not even down on paper.

I am personally acquainted firsthand with the case of the Rock Island Arsenal. On every occasion decisionmakers have proudly predicted that the "future looks rosy for the Rock Island Arsenal" and cited budget and staff recommendations to prove their forecast. At the same time, our community has thirsted for these words in the face of the latest sortie of Army job cutting. Now, when the economy is so uncertain and unemployment so devastating, the Army has fostered reassurances that jobs would be secure—until yesterday, when 320 more Quad City jobs were put in jeopardy.

This kind of manipulation of employee lives and hopes is unconscionable. The Army has refused to permit the community and the Congress to have any real voice in the decisionmaking. And, their continued misdirection destroys credibility. How can they expect Congress to meet their insistent demands for more and more tax dollars if the military systematically misleads countless Members about the installations in their home district? How can they expect the public to heed their claim to bigger and bigger shares of the Federal budget when they so callously treat people as pawns in their endless reorganizations?

Unfortunately, the Army seems to never learn.

CONGRESSMAN JOHN BRADEMAS AWARDED HONORARY DOCTORS DEGREE BY THE UNIVERSITY OF EVANSVILLE

HON. PHILIP H. HAYES

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. HAYES of Indiana. Mr. Speaker, I was very pleased as I am sure my colleagues in the House of Representatives will be to learn of the recent award to my distinguished colleague from Indiana, Congressman JOHN BRADEMAS, of the degree of Honorary Doctor of Humane Letters by the University of Evansville.

The citation accompanying the degree was read by Wallace B. Graves, president of the university, on the occasion of Founders Day, at which Mr. BRADEMAS delivered the principal address.

I insert in the RECORD the text of this citation:

CONGRESSMAN JOHN BRADEMAS AWARDED HONORARY DOCTOR DEGREE

John Brademas, Native Hoosier, distinguished scholar, eminent public servant, devoted churchman, the University of Evansville, upon the occasion of its one hundred and twenty-second anniversary extends to you its admiration and gratitude.

At a time when the nation's confidence in the integrity and resourcefulness of its political institutions has been measurably shaken, you are a source of renewing faith and reassurance. You are a statesman of classic stature, a man of uncommon intelligence, of compassionate understanding, and great courage.

At a time of unprecedented change in human affairs, you are helping educational institutions of many kinds to comprehend the bewildering complexities of contemporary life and to find the way towards survival with dignity.

You have a rare sense of the priorities among the needs of this nation and among the world's people. You give vital leadership both in the work of government and of your church.

Therefore the trustees and faculty of the University of Evansville have authorized me to confer upon you, John Brademas, the Honorary Degree, Doctor of Humane Letters, with the rights and responsibilities which are incumbent and with a full measure of respect and good wishes for your continuing good influence in a world of great need.

PANAMA: THE AMERICAN CANAL

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. MURPHY of New York. Mr. Speaker, the debate on the Panama Canal continues unabated. Many of our colleagues have commented, both in this congressional forum and in the national media, that there can be no compromise in the threatened giveaway of the Panama Canal. But the Washington Post, in a recent editorial, seems to imply that there is something unreasonable about the American presence in the Canal Zone.

In my years in this body, I have heard no reason which compels me to believe there is any truth to that approach. I have responded to the Washington Post's position, and I wish to share that response with my colleagues:

HOUSE OF REPRESENTATIVES,
Washington D.C., March 29, 1976.

THE WASHINGTON POST,
Washington, D.C.

GENTLEMEN: The Post's recent editorial on the strike of American employees in the Panama Canal Zone is an outstanding example of selective, out-of-context commentary designed to present a singularly biased point of view. As a member and former Chairman of the House Subcommittee on the Panama Canal, I respectfully suggest you consider the following:

The "15,000 privileged American Zonians" are not, as you infer, an elite band of maritime robber barons who "profit personally from the maintenance of the status quo." They are simply employees of the independent Panama Canal Company who, like employees of other independent agencies such as the CAB, ERDA, EPA, EEOC, FEA, FPC, USIA, VA, USPS and dozens of others, have a serious grievance with their employer . . . the United States Government . . . but who have no place to turn when their local Governor is non-responsive, or who yields only to an Administration anti-personnel policy.

Key Canal jobs are open only to American citizens because the Canal Zone is American, bought and paid for in the most expensive land acquisition the United States has ever engaged in. We paid $10 million in the beginning, and have since purchased each individual plot from landowners. Over the years, we have invested nearly $7 billion in the development of the Canal. I can find no difference in maintaining predominately American operational control of the Panama Canal than in similar control of New York

Harbor, Pearl Harbor, or at every dock along the Mississippi River. American territory should remain in American control, not in the hands of foreign agents.

For that is precisely the case you have ignored. General Torrijos is not exactly the benevolent shepherd of Panamanian destiny which you portray. His is a corrupt military dictatorship, with proven world-wide drug smuggling connections, whose 1968 coup brought in the Communist party as the only one permitted by the 59th Administration in the 70 year history of the Canal.

Torrijos is the man who militarily seized the Panama Power and Light Co. and the Canal Zone Bus Service, Inc.—both American owned companies—under artificially concocted guises accusing the companies of subversive activities against the revolutionary government. The Power company was simply told to sell out—or else (at a $65 million loss), and the busses were hijacked and held "in protective custody" by the Guardia Nacionale. And in April 1973, it was Omar Torrijos, through the notorious General Noriega, who threatened U.N. Ambassador John Scali that if this country vetoed a U.N. Security Council resolution concerning the Canal, he had best do so from Tocumen Airport and then immediately leave the country.

Castro's "patient negotiations" to which you refer are supported by his promise that "to the struggle against the imperialists by 1.2 million Panamanians, we can add 9 million Cubans . . .", presumably in the same fashion Castro supports the Angolan crisis. And Torrijos has stated in no uncertain terms that if the United States does not knuckle under, there will be war. To quote the General, when he was asked what happens if the U.S. does not pull out of the Canal Zone soon: "Then we would have to walk the Ho Chi Minh trail. (It) is long, and exerts a heavy toll in blood."

I might add that Torrijos' urgings that Panamanians stay on the job during the recent strike could be expected to be successful—not because of a blind devotion to a marvelous leader, but because people who don't do as they are told tend to disappear down there.

Mr. Roosevelt hardly "imposed a one sided treaty on a supine Panama." At the time, plans were well advanced to run the Canal through Nicaragua. Panama's secession from Colombia was specifically engineered to maintain the Canal in the Isthmus of Panama. The Panamanian Declaration of Independence (Nov. 4, 1903) quite clearly outlines the Panamanian recognition that without the Canal, they would remain a backwoods jungle.

The Canal is the major source of income for all Panamanians, who receive much higher wages working for the Canal than in local endeavors, giving their country the highest per-capita income of any Central American country. The United States has invested $7 billion in the Canal itself, roads, schools, bridges, defense, and general maintenance of an American possession. The Panama Canal, which the United States built from a plague infested jungle, is the single most important waterway in the Western hemisphere. Seventy percent of its traffic either originates or terminates at American ports, and its passage cuts 8,000 miles and 20 days of travel from interocean travel.

There have been no less than six treaties negotiated before, during and after the opening of the Canal, all of which confirm American sovereignty in the Canal Zone. We bought it, and possess the deeds. We built it when no other nation could or cared to. And we continue to support its unstable political history with more than $200 million in health, sanitation and economic aid.

In 1967, House Minority Leader Gerald R. Ford said Administration attempts to give away the Canal were "shocking." The only thing more shocking today is that Mr. Ford allows Ambassador Bunker to continue treaty negotiations which the Congress cannot possibly ratify.

JOHN M. MURPHY,
Member of Congress.

BLOWING THE WHISTLE ON OSHA

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. HANSEN. Mr. Speaker, the high costs and high-handedness of big Government are ruining the Nation's economy and imposing severe economic hardships on all Americans, destroying the country's business and industrial climate with the resulting massive loss of employment opportunities.

On behalf of the oppressed, I am today launching "Operation Paul Revere," a national effort to alert citizens to avenues and actions which can protect their legal rights and individual liberty against bloated bureaucracy and unconstitutional Government regulations.

It is time to take on the reckless Congress and high-handed regulators through every remedial constitutional avenue open to the American citizen, whether it be legislative, executive, or judicial. The individual citizen is limited in his ability and means to fight the massive might of the Federal Government, but through coordination and organization, it has been done, it can be done, and we are going to see that it is done.

The first project for "Operation Paul Revere" is to stop the abuse of American citizens by the Occupational Safety and Health Administration. This agency is acting in oppressive, arbitrary, and unconstitutional fashion in direct contravention to due process, individual liberty, and right to privacy, and protection from selective enforcement of the law. To stop OSHA is to open the door to hopeful action against other similarly abusive Government agencies and actions.

"Operation Paul Revere"—or OPR—plans to deal with all aspects of OSHA's oppressiveness but its first action is to announce to the business community of the Nation that by recent court decision they can now reject the much hated OSHA warrantless searches under the shield of the fourth amendment.

Every businessman should consult his attorney to see how the possibility of joining this action will benefit him, and to strengthen this action as it passes final review before the Supreme Court.

Two fourth amendment cases are paving the way which can be used as patterns for other citizens to follow—one in Texas handled by Attorney Robert E. Rader, Jr., of Dallas, and one in Idaho with the law firm of Runfit & Longeteig of Boise.

The Dallas case—Gilbert's Products, Inc.—recently established a court opinion that the Occupational Safety and Health Act attempted "a broad partial repeal of the fourth amendment" and is "beyond the powers of Congress." The Idaho case—Barlow's, Inc.—pending before a three-judge district court panel involves similar logic and is an especially clear case for constitutional determination.

Although the U.S. Department of Labor has appealed the ruling to the U.S. Supreme Court, the law of the land now is on the side of any citizen who cares to join the effort against OSHA under proper guidance by legal counsel. It is clear OSHA does not intend to be bound by the fourth amendment and we now need to unite and fight in every way possible.

At issue is the Government's right to search without warrant or to have search authority without establishing probable cause as determined by a magistrate. Congressional authorization of such so-called fishing expeditions is a violation of constitutional fundamentals.

In OSHA, Congress has compounded its folly of continual unconstitutional delegation of powers by attempting to delegate authority to the Executive which they have usurped from the judiciary—a serious violation of the separation of powers doctrine and a person's right to due process.

Two other significant cases against OSHA under the Bill of Rights—Atlas Roofing Co., Inc., and Frank Ivey Jr., Inc.—involve Attorney McNeill Stokes, of Atlanta, Ga. These have been received by the Supreme Court and contend OSHA violates the right to trial by jury as guaranteed by the seventh amendment to the Constitution.

The issues in these cases are very grave and far reaching, involving a head-on collision with the power of the executive branch of Government to impose unilateral, self-executing fines on citizens without affording the fundamental requirements of procedural due process of law, the right to confront his accusers, and the right to be tried by jury in the courts, not by administrative officials of the executive branch of Government.

Another case against OSHA of note was won by Rapid City, S. Dak., businessman Ray Godfrey in a U.S. District Court which made it possible to give the Federal Government a taste of its own medicine—redtape. The judge ruled that a business does have a right to protect itself against phony inspectors and a written record of answers to questions "reasonably related" to the identification is permissible.

It is time to challenge OSHA and I intend for my office to serve as a clearinghouse for those seeking information on what has been done and can be done. Also, I am spearheading support for legitimate citizen efforts to help fund the efforts of those people of principle who are waging these expensive legal and constitutional questions to OSHA's authority.

"Operation Paul Revere" is designed to encourage united and coordinated citizen effort to reestablish in this Bicentennial Year the basic rights our Founding Fathers fought for and won for the people of this land 200 years ago.

Mr. Speaker, an excellent analogy of

two of the cases I noted was recently made by Columnist James J. Kilpatrick, which I include at this point:

TWO BATTLES WON AGAINST THE BUREAUCRACY

The war against bureaucratic excess, as countless Americans know, is mostly a series of losing battles. You don't win many, but you do win a few. The business community, it is pleasant to report, has just won a major engagement in Texas and a brisk skirmish in South Dakota.

In both cases, the fight involved the Occupational Safety and Health Administration (OSHA). It is perhaps worth emphasizing that no businessman, in principle or in practice, is opposed to health and safety. The pervasive criticism of OSHA is not based on the need for safety, but on the abuse of power.

In the view of many employers, OSHA issues regulations without number and often without reason. Some of the agency's inspectors, it is charged, are both stupid and arrogant. Under the law, these inspectors have power to function virtually as prosecutor, judge and jury; the inspectors, in effect, can impose fines that can be appealed only at heavy cost. In many cases, the federal inspections duplicate or conflict with inspections by insurance companies and by state agencies. But to the extent that OSHA has made employers more safety-conscious, it may do good.

The major victory came Jan. 26 before a three-judge federal court in the Eastern District of Texas. The case involved Gibson's Products, Inc., a discount store in Plano. On Oct. 23, 1974, OSHA inspectors presented themselves at the stores and demanded admission to non-public areas. Gibson's refused, and they all wound up in court.

The 1970 act creating OSHA says that inspectors are authorized "to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer."

Gibson's took the view that the quoted provision violates the Fourth Amendment's prohibition against unwarranted searches. The three federal judges agreed. In an opinion by Circuit Judge Thomas Gibbs Gee, the court found that the act attempted "a broad partial repeal of the Fourth Amendment," and this is "beyond the powers of Congress."

In certain limited circumstances, said the court, federal agents may enter private property without a warrant. By way of example, agents may reasonably inspect such regulated and licensed activities as distilleries and gun dealerships. Agents may enter coal mines; they may inspect a pharmacist's records on drugs. But the Constitution does not permit "broad and indiscriminate inroads on Fourth Amendment safeguards, wrought in the name of administrative expedience." In brief: If an employer chooses not to admit OSHA inspectors voluntarily, the agents will have to get a judicial warrant under the familiar rules of probable cause.

In Rapid City, S.D., Ray Godfrey won his skirmish Feb. 19 before U.S. District Judge Andrew Bogue. Godfrey runs a small brake service. When a stranger purporting to be an OSHA inspector showed up last December, Godfrey demanded that the visitor prove his identity by filling out a detailed questionnaire that Godfrey had prepared for just such an occasion. The stranger balked, and OSHA took Godfrey to court.

Godfrey won a victory that was substantial if not total. Judge Bogue ruled that an employer may indeed demand that an intrusive public servant fill out a form of explicit identification, including such questions as "How long have you worked for this agency?" The court outlawed such impertinent queries as "Have you ever used an alias?" and "Do you have a criminal record?" and "What are your qualifications for your job?"

"It is the feeling of this court," said Judge Bogue, "that it might be possible, but not easy, to compress into the total lines contained in the OSHA law more fertile opportunities for doubt, error and abuse of individual liberties. The execution of this law, as opposed to the intent of it, leaves much to be desired."

The two judgments, and especially the Texas judgment, should relieve employers of some of the petty harassment that has rubbed them raw. OSHA inspectors, having been informed of specific violations, can still get warrants on a showing of probable cause. Well and good; but it won't be quite so easy, from now on, for them simply to throw their weight around.

REVENUE SHARING

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. LAGOMARSINO. Mr. Speaker, revenue sharing has long been an issue of great importance to me and my constituents. Many of my colleagues also share this concern. Therefore, I present for my colleagues' consideration an editorial from the Lompoc Record entitled: "Revenue Sharing."

REVENUE SHARING

Are the citizens of states, counties and cities to remain puppets on the Washington string?

Congress seems to think local citizens can't be cut loose. Look what is going on in the House subcommittee considering re-enactment of the general revenue sharing measure.

First scene of the show goes like this: A bill is introduced calling for renewal of general revenue sharing for five and three-quarters years. The legislation provides predictable funding for long-range budgeting to states, counties and cities. Funds are simply a return of a portion of federal income taxes to the communities based on a formula. That formula considers state and local needs such as poverty level, taxes and population. How this money is spent is decided by citizens of state, county and city governments. There are few strings attached.

Scene two: House subcommittee begins voting on the bill. A seven to six majority says: "Let's just give states, counties and cities the money for one year at a time. Congress should control local spending. We don't trust citizens of local government to spend it for what they need. We know what they need."

Scene three: A Congressional minority says: "We think states, counties and cities know how to budget. Grass roots government is the balance of power in the federal system. Let the governments closest to the people decide how to spend the tax dollars."

Closing scene: This is the yet unwritten part for state, county and city government. It asks, are the strings necessary? Does Washington have the best answers? A chorus of local voices for long-term revenue sharing can change votes. Since 1972 when the program was first authorized, more than $30 billion will have been paid to pearly 39,000 state, county and city governments. The program expires Dec. 31, 1976. The end of the show is close at hand. Will the grass roots write the finale or will Washington?

THIS ELECTION RAP WAS OVERSTATED

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. RHODES. Mr. Speaker, last week, an organization known as Environmental Action, Inc., announced its "Dirty Dozen" list for 1976, allegedly comprised of Members of Congress who have shown a disregard for environmental issues. So arbitrary and questionable were the 14 votes on which this group based its ratings that close to 100 Members on both sides of the aisle have signed a letter asking the Fair Campaign Practices Committee to look into the ethical aspects of issuing ratings.

While we wait for the Fair Campaign Practices Committee to issue its judgment, we can derive encouragement from the fact that many members of the press have made an effort to go beyond slogans and examine the complete voting records of those Members adversely affected by the "ratings game." One good example is an editorial which appeared in the Warren Times Observer, of Warren, Pa. This responsible piece of journalism examines the environmental voting record of Congressman ALBERT JOHNSON:

[From the Warren Times Observer, Mar. 29, 1976]

THIS ELECTION RAP WAS OVERSTATED

Nobody can label incumbent Rep. Albert W. Johnson a dedicated environmentalist. The Congressman's record shows his efforts have often been to pushing programs designed to aid the environment—but when those programs conflict with the economic issues Johnson has always defended with the highest priority, he has been apt to opt for the businessman's solution to the problem.

So if one were to "rate" his performance in Congress in terms of his support of environmental issues, Johnson's score would come no higher than the median. Though Johnson is perhaps best known in this area for his opposition to a proposed study of the Allegheny River's suitability for classification as a federal "wild" or "scenic" river, voters looking beneath the surface will find the Congressman has gone on record in a whole host of issues.

And in most of them, he has come out in the end as being against proposals that could be classified as "preservationist" or "restrictive." These stands have not endeared him to groups such as the Allegheny River Protective Association and others that have opposed his stance on specific issues.

But even Johnson's severest critics cannot claim that he has shown no interest in or concern for the use of our woodlands, waterways and other national resources.

One Washington group tried to claim last week that Johnson was among the "Dirty Dozen" in disregard for environmentally-oriented issues before Congress.

That's hogwash.

Environmentalists can find ample opportunity to criticize Johnson's positions if they examine his record on the issues.

But the man has simply not been that bad in terms of disregard of the environment. Rather, Johnson's principles on environmental issues seem from an examination of his record to be geared toward programs that would permit continued use of natural resources, by hikers, campers, hunters, sports-

men—and, yes, by business including oil and lumbering interests.

He has not been, as the "Dirty Dozen" appellation would seem to imply, either uninterested in or hostile to proposals attempting to preserve or protect our environment. He has balked at supporting proposals that put preservation or protection ahead of continued use that stimulates the economy and provides the nation with materials, jobs and products.

He is open to crticism, of course, on those positions. And in the past he has received criticism aplenty, including some stiff swipes in this space.

But though we might disagree with Rep. Johnson in several areas, we cannot condone this kind of broad-brush, half-truths attack that attempts to discredit the man on an arbitrary, capricious and wholly unsound basis.

The "Dirty Dozen" appellation hung last week on Rep. Johnson looks like a "cheap shot"—one the voters should spurn as they make their decision next month on the actual facts. Rep. Johnson is no crusading environmentalist; but on his voting record, neither is he a blithering brigand who would lay waste the environment which is his home as well as ours.

THE CONCERN OF OUR CITIZENS REGARDING FOREST LEGISLATION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. BROWN of California. Mr. Speaker, over the last few weeks, as national forest timber management has become an issue of interest, there has been speculation regarding the identity of interest groups in support of stricter forest management guidelines. Though it has been assumed by some that only "environmentalists" are in support of clarifying guidelines and parameters, it now appears that many other sectors of our society are becoming increasingly concerned and active in demonstrating their worries.

The following article and resolutions, which I would like to insert into the CONGRESSIONAL RECORD, express such hopes and concerns of citizens in Alaska and the business community. They will be eagerly watching our actions in the next few months.

The material follows:

[From Business Week, Oct. 20, 1975]

WHEN TO SPARE THAT TREE

For years, environmentalists have demanded that Congress set tougher restrictions on clearcutting in the national forests. And for years, Congress has ducked, leaving the Forest Service to decide how a particular tract should be lumbered.

Now an unexpected court decision has changed that. The federal district court in West Virginia has ruled that a forgotten law, the Organic Act of 1897, prohibits cutting anything except mature trees and old growth. The Fourth Circuit Court of Appeals upheld the decision in August, and the Forest Service reacted by stopping all timber sales in the four states in that circuit—North Carolina, South Carolina, Virginia, and West Virginia.

The critical need for this lumber makes it necessary for Congress to write new rules. And it should make the most of the opportunity.

Clearcutting is not always bad. Some stands of timber—Douglas fir, for instance—will regenerate themselves faster if the lumbermen make a clean sweep and give new seedlings maximum light and air. But on steep slopes, fragile soil, and the banks of streams, clearcutting destroys not only the forest but also the land beneath.

The record of the Forest Service in supervising clearcutting is spotty. Like any government department, it sometimes gives in to strong political pressure. Even the timber industry will acknowledge that there have been cases in which the service allowed wholesale leveling that created water pollution, soil erosion, and other environmental damage.

A set of standards for timber management, established by Congress, would stiffen the Forest Service's back when necessary. It also would answer the complaints of lumbermen who say they have no way of knowing when they will be allowed to clearcut.

STATE OF ALASKA BOARD OF FISH AND GAME RESOLUTION

RELATING TO TIMBER CUTTING IN SOUTHEASTERN ALASKA

Whereas, the U.S. Forest Service has entered into contracts with private timber cutting companies for the taking of timber from the Tongass National Forest which comprises the bulk of the Southeastern Alaska wild, and

Whereas, the parties proceeded on the basis that there was enough available marketable timber in the Tongass Forest to fulfill these contracts and established three categories of areas for cutting based on the estimate af available timber, and

Whereas, since the commencement of these contracts, vast acreages have been withdrawn from the original contract area to satisfy the terms of the Alaska Native Land Claims Settlement and there is question concerning validity of original timber inventories, and

Whereas, cutting operations have already been permitted to move from price contract to contingency areas such as Tenakee Springs, Freshwater Bay, Port Frederick, and Kuiu Island, and

Whereas, cutting obligations appear to be leading to the inclusion in this cutting area of Kadashan Bay, an area rich in crab and containing one of the prime salmon spawning streams in Southeastern Alaska which has heretofore been set aside as a vital watershed research area and which, Fish and Game Department biologists believe, will have considerable future value as a research area, and

Whereas, it would appear from the recent published Tongass National Forest Land Use Planning Statement (ID # 75012301) that the Forest Service further proposes to allow cutting practices designed to maximize the board footage cut without specific provision for watersheds, fish and wildlife protection or the preservation of existing land; commercial, subsistence and recreational fisheries and other vital water uses, for example:

a. There appears to be no adequate concern or provision for protection of the estuarine and stream communities valuable to salmon, trout; king, tanner and dungeness crab; clams, scallops, herring, cod, halibut and other species. No guarantees are established with regard to broad stream buffers. The effects do not appear to be considered by the Forest Service as detrimental to fish and shellfish habitat. Log dumps, rafting and towing activities may cause the physical interruption of the fisheries.

b. The clearcutting authorized in the contract drastically changes fish and wildlife habitat and causes permanent changes to the ecological system.

c. Adequate research on the protection of birds and waterfowl has not been completed, and

Whereas, extensive and in depth criticism of the U.S. Forest Service proposal is set forth in the Department of Fish and Game's Memorandum attached hereto and incorporated herein by this reference, which memorandum is hereby endorsed.

Now therefore the Board of Fish and Game resolves that the Department of Fish and Game should pursue a policy of habitat protection and take such steps as are necessary to require revision of the proposed Land Use Plan (ID No. 75012301) insofar as the same threatens irreparable damage to this state's renewable fish and wildlife resources, and

Be it also resolved that if, on review, it appears inadequate timber sources are available to satisfy the present contract commitments without sacrificing vital fish, wildlife and recreational uses of the State, that the State seek to have the U.S. Forest Service and the contracting parties abrogate or renegotiate their contracts to bring harvest levels into reasonable balance with other valuable renewable resources.

Copies to be sent the U.S. Forest Service, Secretary of Interior, Timber Companies contracting with the U.S. Forest Service in Southeastern Alaska, Director of Sport Fisheries and Wildlife, Secretary of Agriculture, Governor of Alaska and Alaskan Congressional Delegation.

LEGISLATURE OF THE STATE OF ALASKA, SENATE JOINT RESOLUTION NO. 12

RELATING TO THE PERENOSA TIMBER SALE ON AFOGNAK ISLAND

Be it resolved by the Legislature of the State of Alaska:

Whereas the Perenosa timber sale on Afognak Island is presently being pursued in the face of widespread opposition from the public, the Kodiak borough, local legislators, and Koniag, Inc., the local Native corporation; and

Whereas questions raised in administrative appeals, including the uncertainty of reforestation, the effect of herbicides, insecticides and road building on salmon spawning streams, and the elimination of critical elk and bear habitat, have never been satisfactorily answered by the Forest Service; and

Whereas repeated requests for a stay of activities pending appeal were turned down by the Forest Service; and

Whereas the wildlife, commercial and sport fish, and recreational resources within the sale area are extremely valuable to the citizens of the state and will be particularly important in satisfying the growing recreational demands of Anchorage and the entire southcentral area; and

Whereas since the sale was made, land selections by Native corporations on Afognak seriously limit the amount of suitable land available for general public use and further question the advisability of committing 120,000 acres to single purpose use at this time; and

Whereas the Forest Service's own Forestry Sciences Laboratory, which cautioned against large-scale logging on Afognak until more is known about the island's soil instability and special reforestation problems, was largely ignored; and

Whereas large-scale cutting of Afognak timber, bound for Japan, ignores the larger public need for a balanced utilization of Alaska resources and provides little more than a minimal dollar return for Alaskans; and

Whereas this return, only 25 per cent of the net sale price, is only a token amount considering the probability of having to hand plant seedlings, the loss of recreational resources to the state, the added services required, and the degradation of critical com-

mercial crab and salmon spawning and rearing areas;

Be it resolved that the Ninth Alaska State Legislature respectfully requests the Secretary of Agriculture to negotiate for bilateral cancellation of the Perenosa timber sale contract, based on changed circumstances and public protest, or, as a minimum alternative, modify the present contract to better protect the nontimber public resources of the area, including a reevaluation of the size and location of the cutting areas, and provision for protection of state waters from pollution.

Copies of this resolution shall be sent to the Honorable Earl Butz, Secretary, Department of Agriculture; the Honorable John B. McGuire, Chief, United States Forest Service; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

A DISCOURSE ON THE POLITICS OF NURSING

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. RIEGLE. Mr. Speaker, registered nurses are the largest group of licensed health professionals—over 850,000—and active in all aspects of health care including hospitals, nursing homes, clinics, industry, community and mental health centers, research, and teaching. In addition, nurses are now establishing themselves as a strong political influence in the area of health care legislation. The Nurses Coalition for Action in Politics—NCAP—is one group which is encouraging nurses to participate in the political process at every level. Nurses are beginning to take an increasingly active part in the legislative process at the national level. Recently, they were one of the groups who successfully pushed for an override of the President's veto of the 1976 Labor-HEW appropriations bill.

A faculty team at the University of Michigan in Ann Arbor, Dr. Beatrice J. Kalisch and Dr. Philip S. Kalisch, have written an interesting article, "A Discourse on the Politics of Nursing," that I would like to insert in the RECORD for the interest of my colleagues:

A DISCOURSE ON THE POLITICS OF NURSING

(By Beatrice J. Kalisch and Philip A. Kalisch)

In observing that "the mass of men lead lives of quiet desperation," Thoreau used the traditional masculine gender, but astute observers today will have to admit that "quiet desperation" aptly describes the political life and status of the nurse.

Nurses belong to one of the largest (850,000 active RNs) and most neglected groups in our voting population. Politically, most nurses are unorganized; they are neither joiners nor participants. The nurse does not usually have the time, the energy, the available resources, the self-direction, the confidence, the assertiveness, or the will to move into active roles in our government. No nurse has even been elected to Congress and, so far as the writers know, none have attempted such a challenge. Only a handful have served in state legislatures and in local government. Yet nursing is inevitably becoming more and more shaped by political decisions.

Nursing and politics have ordinarily been studied as separate subjects; when political decisions affect nursing programs, such separation is no longer possible. Of course most nurses abhor the idea that politics could ever be involved in any of their policies, deliberations, or activities. Nursing must indeed always be above the various confines of favoritism, corruption, or specialized interest. It must be in the "patient's interest." But such conceptions are merely the products of the language of symbolism used. Decisions are not made in a patient-interest vacuum. The symbols serve to ornament the prose rather than to inform one about objective reality.

WHAT IS POLITICS?

The heart of politics concerns power and the allocation of scarce resources. To be sure, many nurses will react to "politics" as though it were a dirty word. Such a feeling is not without justification. Politics is a hard and cruel business, especially so when related to health care and matters of life and death. It is cruel because it involves conflict, and in any competitive struggle for scarce resources not everyone can emerge victorious.

Since nursing is constantly subjected to the constraints of scarce resources, politics inevitably enters into all phases of the nurse's life, realized or not, with its implication of a severe form of favoritism or corruption. For example, when a nurse hears that politics was involved in an arbitrary decision to freeze nurse's wages, she might automatically conclude that some other group or category received a favor or benefit to which it was not entitled. Now if the benefit or favor was outside the limits of the law, corruption was obviously involved; if legal requirements were met, then the appropriate label would simply be "power politics."

Politics concerns the promotion of one's interest group and the *use* of whatever resources are available to protect and advance that interest. Such activity may or may not involve corruption, favoritism, and collusion. Nursing is a political matter, and those who take the responsibility to understand all that this implies are better off than those who undertake their work without knowledge of nursing's political dimensions. The way that nurses have been manipulated, historically, both from within and outside the profession, often reminds one of a hot knife cutting through butter.

Traditional worship of authority, still sometimes inculcated through the educational process, the socialization of the young nurse in the mores of the institution, the reliance on those above to make the right decision, the fear of questioning and generating open controversy—all combine historically and currently for political naiveté in nurses as a class. In addition, nurses are often young women, many of whom eventually leave the profession altogether, or severely limit their interest and participation after they become married and begin to rear families. From the professional interest group point of view, this turnover in membership is a debilitating factor in terms of maintaining a cohesive, active membership base as a political resource with which to advance the meritorious and to discourage eroding factors.

The benign neglect of political factors in the education of nurses fosters the omission of a critical element in understanding, planning and executing nursing services. A simple course in American government as part of a general education requirement is no substitute; nursing is unique insofar as applying the principles of politics is concerned, and a course in "politics of nursing" is desperately needed. For whether they like it or not, student nurses will be increasingly involved in a political environment as they embark upon their professional careers. The ones who succeed will be the ones who learn to understand it, adjust to it, and turn it to the advantage of their profession. This is not to imply that schools of nursing should consign their curricula to such a study, but political factors in nursing should not entirely be ignored.

Politics also includes all efforts to influence public policy, which is to say the decisions and actions of public officers and employees. Legislative, executive, and judicial bodies are not unified forces. "The Congress" simply does not exist in reality. Congress is composed of numerous subgroups, particularly committees, which exert power in the policy-determining process.

THE CONSEQUENCES OF POLITICAL NEGLECT

The communication most state legislators or congressmen have with their districts inevitably puts them in touch with organized groups and with individuals who are relatively well-informed. The representative knows his constitutents mostly from dealing with people *who do* write letters, *who will* attend meetings, *who have* an interest in his legislative stance. Thus his sample of contacts with a constituency of several thousands or several hundred thousand people is heavily biased; even the contacts he apparently makes at random are likely to be with people who grossly overrepresent the degree of political information and interest in the constituency as a whole. Are nurses, despite their large numbers and potential political clout, likely to be considered as long as they continue to remain relatively silent?

As an example of politics in action, the outright disdain that the nation's most powerful politician has for nursing was amply documented in the President's veto of the Nurse Training Bill on January 2, 1975 and again on July 25, 1975. He arbitrarily determined that the "measure would authorize excessive appropriations levels—more than $650 million over the three fiscal years covered by the bill. Such high federal spending for nursing education would be intolerable at a time when even high priority activities are being pressed to justify their existence."

Such reasoning is hard to believe when Americans are spending over $115 billion annually for all health services and nursing education is valiantly attempting to pull itself up and into the mainstream of meeting its demands. Also without apparent foundation was the additional statement that—

"This act inappropriately proposes large amounts of student and construction support for schools of nursing. Without any additional federal stimulation, we expect that the number of active duty registered nurses will increase by over 50 percent during this decade.

"Such an increase suggests that our incentives for expansion have been successful, and that continuation of the current federal program is likely to be of less benefit to the nation than using these scarce resources in other ways. One result of this expansion has been scattered but persistent reports of registered nurse unemployment, particularly among graduates of associate degree training programs."

That unemployment in the auto industry was excessive no one would deny, but all across the nation help wanted ads for nurses remained consistently high according to a March, 1975 survey by the American Hospital Association.

Although the second Presidential veto was quickly overridden by Congress, it was obvious that the vetoes of the Nurse Training Acts of 1974 and 1975 were political decisions and nurses were again being acted upon rather than acting upon. They were expendable and a whole host of much less justifiable politically "sacred cows" were not. As long as politics is treated by nurses as a forbidden field, misinformed outsiders professionally skilled in its mysteries can impose their will

on nursing. Thus defeat of proposals that seem reasonable to nurses may continue to appear like an infuriating, indefensible betrayal of "patient interest" rather than as an adjustment or trade-off among a variety of competing claims.

INSTITUTIONAL POLITICS

Institutional politics, based on many of the same principles, plays a large role in the nurses daily life and also deserves close attention. Hospitals and schools of nursing are political structures. They provide the framework for health care professionals to develop careers and therefore provide platforms for the expression of individual interests and motives. The advancement of a nurse's career, particularly at the higher administrative levels, depends upon the accumulation of power as the vehicle for transforming individual interest into activities which influence other people. "Selling out nursinig" from a professional standpoint in order to attain and maintain professional advancement is frequently regarded as necessary for an ambitious nurse to move up the political pyramid of the hospital or university, given the locker-room mentality of the political elite in health care.

A LESSON FROM MACHIAVELLI

We can learn something along these lines by harkening back more than 460 years to 1513, when Niccolo Machiavelli, an Italian patriot deeply involved in the diverse political maneuvers of sixteenth century Italy, addressed pertinent advice to Lorenzo de' Medici which was later published as The Prince five years after his death. In this short book Machiavelli undertook to treat politics scientifically, judging men by an estimate of how in fact they do behave as political animals rather than by ideal standards concerned with how they ought to act. The hardheadedly consistent refusal of the author to submit political behavior to moral tests has earned the name "Machiavellian" for amoral instances of power relations among nation states and other organized groups.

Machiavelli understood how success is always a minimal conditions of political greatness. In *The Prince* he presents a manual of advice on the winning and retention of power. He never pretended that his book was a guide for the virtuous. On the other hand, he did not set out to prescribe the way to wickedness. He meant his account to be a practical guide to political power. Machiavelli realized that men seldom get to choose the circumstances most favorable to their political hopes. They must settle for what is possible rather than for the ideal.

In reading the following extracts from *The Prince*, substitute "physician," "hospital administrator," "nursing service director," or "dean" for "Prince" and apply these Machiavellian maxims to authoritarian situations in health care delivery and nursing education and service:

A Prince should be concerned for the people he governs only to the extent that such concern strengthens his hold . . .

A Princes good Counsell ought to proceed from his owne wisedome.

A Prince above all things ought to wish and desire to bee esteemed Devout, although he be not so indeed.

A Prince ought to sustaine and confirme that which is false . . ., if so be it turne to the favour thereof.

A Prince need not care to be accounted Cruell, if so be that hee can make himselfe to be obeyed thereby.

A Prince ought not to trust in the amitie [good] of men.

It is better for a Prince to be feared than loved.

Cruelty which tendeth and is done to a good end, is not be to be reprehended.

A Prince ought to exercise Crueltie all at once: and to doe pleasures by little and little.

A vertuous Tyrant, to maintaine his tyrannie, ought to maintain partialities and factions amongst his subjects.

A Prince ought alwaies to nourish some enemie against himself, to this end, that when he hath oppressed him, he may be accounted the more mightie and terrible.

A Prince ought to know how to wind and turne mens minds, that he may deceive and circumvent them.

A Prince ought to have his mind disposed to turne after every wind and variation of Fortune. [A man for all seasons].

A Prince in the time of peace, maintaining discords and partialities amongst his subjects, may the more easily use them at his pleasure.

The meanes to keepe subjects in peace and union and to hould them from rebellion, is to keepe them always poore.

A Prince ought to commit to another those affaires which are subject to hatred and envie, and reserve to himselfe such as depend upon his grace and favour.

Fear of introducing a more democratic climate in nursing education and service is evidenced by such typical occurrences as:

Selection of deans of schools of nursing and directors of nursing service by committees dominated (overtly or covertly) by physicians, hospital administrators, and others rather than by a democratic consensus among the nurses.

Failure to consider the vital issues of administration, such as the budget, in open meetings and instead concentrating on relatively meaningless trivia.

Unquestioned acceptance of all directives from above and the expectation of the absolute acceptance of directives given to those below (the military model of command).

Excessive obedience and worship of authority by staff nurses and faculty members and the lack of open constructive criticism of administrative policies even though the interest of patients is involved.

THE DESIRABILITY OF DEMOCRACY

Nursing and patient care will enormously benefit by greater use of democratic principles such as: delegating specific authority to specific nurses for specific tasks by democratic procedures; requiring all those to whom authority has been delegated to be responsible to those who selected them; distributing authority among as many nurses as is reasonably possible; rotating tasks among individuals; communicating the vital information as frequently as possible; and providing equal access and open allocation of scarce resources. When such principles are applied, they insure that the political structures that are developed will be controlled by and responsible to *all* the nurses. The Machiavellian nurse administrator will be forestalled as those occupying positions of authority will be more "open," flexible, and subject to votes of confidence. They will not be able to accrue power and become authoritarian, because ultimate decisions will be made by the group at large.

Unquestioned support of the status quo implies that nurses accept such incongruous facts as the continuation of the physician as the last of the big time private entrepreneurs in addition to his practicing medicine. As long as the great gulf remains between the power of physicians and nurses, as long as physicians exercise power politics and nurses abhor politics, the opportunity for nurses to participate responsibly on the American medical care scene will be muted. What is more, the junctures between nursing and national, state, and local politics will be governed overwhelmingly by forces external to the profession.

The price of silence is deadly high. Health care in the United States is currently in a drastic state of flux. Nurses are under attack from both above and below. The emerging allied health professions encroach upon responsibilities that were once exclusively those of the nurse. At the same time schools of nursing and related governmental offices are pyramided with such bureaucratic structures as a "college of health professions" or a "department of health manpower," diluted of much of their power, and placed under the direct jurisdiction of a non-nurse. In addition, the coordination between the nurse practitioner and the physician's assistant or associate remains unresolved. What is more, the exact form and nature of impending national health insurance legislation needs a larger nursing input.

THE CHALLENGE AT HAND

Greater political consciousness will occur as there is an increase in the number of single nurses, unlike their predecessors in the 1940s and 1950s who married young, became mothers early, and had no opportunity to see themselves in any way but in relation to parents, husbands, or children and not as professionals. Political consciousness raising for nurses has had some small beginnings such as the birth of Nurses' Coalition for Action in Politics (N-CAP). Indeed it may be further fed by the social ripples of the activities of such women's liberation or rights groups as the National Organization for Women (NOW) and the Women's Equity Action League (WEAL). Waiting for such external forces, however, is not the solution. Nurses' Coalition for Action in Politics and ANA's lobbying activities are proper openings for developing greater intelligence and action concerning effective political pressure points on behalf of nursing.

Inevitably, tens of thousands, perhaps hundreds of thousands, of nurses will still retain a detachment, apathy, or outright hostility to anything associated with politics. Many of these nurses are so caught in their present mindset as nurses, women, and mothers, as to be prevented from gaining a true political consciousness or having the time or energy to do anything even if their consciousness were raised. What is more, development of such an outlook runs counter to numerous strong interest groups.

Politically speaking, the model nurse is not the quiet, submissive, hardworking individual who makes the best of every situation, but the cold, calculating professional who uses all available resources to advance the health care world around her. The model nurse seeks power: the capacity to help determine her own and others' action for improving patient care in all its dimensions. Perhaps the most important political change, which an alteration in the nurse's role portends, is the possibility of an improvement in the lopsided balance between values of power and cooperation among the nurse and physician groups. When physicians and other political elites are resocialized to some of the nurse's values, greater cooperation in decision making will subject outmoded constraints on the nurse to the glaring light of objectivity and promote open analysis of roles and responsibilities as the basis of costs and benefits to the public.

The failure of nurses to become a viable political force as a group is only a reflection of broader trends. Any area in which women have dominated has generally been considered nonpolitical. Since politics by definition is concerned with the interplay of power relationships, and involvement with power is somehow a masculine attribute, most nurses will tread on foreign ground. But if the political manipulation of nurses becomes apparent to the rank and file, the results are likely to have an effect that is opposite to that intended. Previously nonpolitical subjects will almost always become political when reality comes to be perceptibly discordant with social myths and when an interchange of information creates organizational action. In recent years, action on the part of women has brought into the political arena such topics as birth control,

abortion, and child rearing and freed them from the traditional role prescription and psychological terms in which they were formerly enmeshed.

Politics is an art and not a science. The "rules and regulations" are guidelines only, and within the guidelines there is wide latitude for flexibility and maneuver. The art of advancing nursing depends upon people, timing, and events; personalities, luck, and know-how are as important as the rules and regulations. Opportunism, compromise, trade-offs, and timing are not necessary evils, but the basic and legitimate principles of operation. The employment of practical politics by nurses can not accomplish for nursing that which is not within the material or intellectual capacities of nurses. It is at once the weakness and strength of politics in a democracy that the fate of its members lies largely in their own hands. Where power rests ultimately upon the political participation of all nurses, it is their wisdom, collectively formed and expressed, that will determine its degree of success.

ELECTING THE "RIGHT MAN" SIMPLY ISN'T ENOUGH—A STATEMENT BY ADLAI STEVENSON

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. BRADEMAS. Mr. Speaker, I am inserting in the RECORD an article excerpted and adopted from a speech delivered at the Los Angeles Town Hall by the late Adlai Stevenson in 1952, during his first campaign for the Presidency.

The article, "Electing the 'Right Man' Simply Isn't Enough," appeared in the March 21, 1976, issue of the Washington Star:

ELECTING THE "RIGHT MAN" SIMPLY ISN'T ENOUGH

(By Adlai Stevenson)

A candidate has to talk and I think he should talk as plainly as possible about public questions, to admit what he doesn't know and what he can't answer.

If he purported to know the right answer to everything, he would be either a knave or a fool. If he had no emphatic veiws at all, he would probably be just as untrustworthy; and if he was evasive, he would probably be either cunning or a political coward, of which we have altogether too many; and finally, if he should arrive at election time with almost everybody satisfied, then you should by all means vote against him as the most dangerous charlatan of them all.

In other words, you who try to vote intelligently have quite a chore. From my brief experience in Illinois, I am persuaded that forthright discussion of the real public questions is neither beneath the dignity of political candidates or above the intelligence of the American people, and it most certainly is the condition precedent to any intelligent choice except by the faculty of intuition, which is by no means infallible in these days of ghosts and of press agents.

For far too many of us, the presidential election is a quadrennial orgy of absorption in political matters all centering around the single issue of the identity of the man who will serve as president for the next four years. It seems to me to contain some subconscious element of expiation for past sins.

It is as if that large percentage of us who pay no attention to politics in government for three years remorsefully seek to repair the deficiency by talking loudly in the fourth year about the importance of electing the right man—our man—to the highest public office of all. If the people at large can only be brought to understand the wisdom of what we are shouting and elect our man, then the nation will be safe for at least four years more. We have discharged our responsibilities as citizens, a little tardily, perhaps, but nevertheless adequately and effectively. Then we can turn exclusively to other concerns until the time rolls around again and we must clamorously assure the national salvation.

Now, I say we must rid ourselves of the easy notion that the right man in one job solves all of our problems. We need to level out this sharp but narrow peak of citizen interest in politics and government in presidential years with the long and deep valley of apathy that lies in between.

There are other pitfalls to be found in our traditional habits of thinking about politics and about party leaders. We like to reduce complex issues to simple slogans. Better still, we like to deal in personalities to the exclusion of issues. And to the extent we must unavoidably get into issues at all, we like to weave them all into a simple sort of brightly colored cloak which will cover our man completely and distinguish him clearly from his competitors. This creates the comfortable delusion that we have not subordinated principles and personalities and that we know exactly where our man stands on everything.

Most importantly, it lends itself beautifully to the oversimplified kind of argument we love so much in which we can throw around freely the sharp, short and fighting and meaningless words like liberal, conservative, leftist, rightist, socialist, fascist, communist and all of their shopworn and barren brood. These are all conventions which afflict the layman as well as the party professionals.

America's stability in a time of world revolution was not accomplished by pretending that there were shortcuts to safety, to prosperity, to freedom or social justice, or that they could be bought at a discount. I say this because I would not have you think that I believe that all there is to good government is honesty and efficiency. These are only means to an end. In the tragic days of Mussolini, the trains in Italy ran on time as never before and I am told in its way, its horrible way that the Nazi concentration system in Germany was a model of horrible efficiency.

The really basic thing in government is policy. Bad administration, to be sure, can destroy good policy, out good administration can never save bad policy. So what I beg of you to ponder in all your governmental judgment is not just how to do a job, but, and far more important, what to do and if you can find a man who knows both what to do and how to do it, well, you are very lucky, indeed.

TWO HUNDRED YEARS AGO TODAY

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. WIGGINS. Mr. Speaker, 200 years ago today, on April 2, 1776, the Continental Congress directed its president to send Washington a letter of thanks and appreciation for his leadership in the strategy leading to the occupation of Boston by the Continental Army. The letter read in part:

Those Pages in the Annals of America, will record your Title to a conspicuous Place in the Temple of Fame, which shall inform Posterity, that under your Directions, an undisciplined Band of Husbandmen, in the Course of a few Months, became soldiers. . . .

Accept . . . the Thanks of the United Colonies, unanimously declared by their Delegates, to be due to you, and the brave officers and Troops under your Command . .

Also, on April 2, 1776, the Continental Congress approved the preparation of blank commissions and letters of marque and reprisals which were to be filled in when they were issued to commanders of privateers. The commission authorized the commander of a privateer, "to fit out and—in a warlike manner—by force of arms, to attack, seize, and take the ships and other vessels belonging to the inhabitants of Great Britain * * *"

PARK RIVER PROJECT

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. COTTER. Mr. Speaker, yesterday, Hartford City Councilman Nicholas Carbone testified before the House Appropriations Public Works Subcommittee on the Park River project in Hartford.

Mr. Carbone testified about the need to accelerate this project, a position which I support. Following is a copy of his statement:

STATEMENT OF COUNCILMAN NICHOLAS R. CARBONE

Mr. Chairman, honorable members of the committee, I wish to thank you for making time available for me to appear before you. I wish to speak about the Park River Local Protection Project in Hartford, Connecticut.

SUMMARY OF REQUEST

The City of Hartford requests that the $9,000,000 appropriation requested by the New England Division, Corps of Engineers, for the Park River Local Protection Project in Hartford, for FY 1977, be increased by $1,000,000 so that construction of Part II of the project, an auxiliary conduit, could start, and be completed, about one year earlier than indicated in the budget request.

REFERENCE

On February 17, 1976, Colonel John H. Mason, Division Engineer, New England Division, Corps of Engineers, testified before this committee concerning his budget requests. His testimony is recorded on pages 754–792 of "Hearings before a Subcommittee of the Committee on Appropriations, House of Representatives, Ninety-fourth Congress, Second Session, Part 1." On page 788 of the Hearings record, the completion schedule for the Auxiliary Conduit is indicated as September, 1981. On page 789, it is stated that the funds requested for FY 1977, are the minimum necessary to meet the estimated completion dates. A total of $9,000,000 has been requested for this project.

REQUEST

The City of Hartford requests that the Congress appropriate about $1,000,000 over

and above the $9,000,000 budget request of the New England Division, Corps of Engineers, so that this project may be completed about one year sooner than is now planned. We believe that the New England Division, Corps of Engineers, has the capability to complete the plans and specifications for the second part of this project, and initiate construction, in FY 1977, providing additional funds are appropriated. This would complete the auxiliary conduit, and the entire project, one year sooner than now planned. This would maintain the schedule established by the Corps of Engineers in August of 1974, in their Design Memorandum No. 2.

When Colonel Mason testified before the Senate Public Works Subcommittee, he was questioned by Senator Stennis about new construction starts in the New England Division, among other things. Apparently, the reason for delaying the start of the auxiliary conduit was budgetary constraints. The Park River Project was one of the projects mentioned by Senator Stennis. Concerning this project, Colonel Mason testified that his capability would be $10,000,000 or an additional $1,000,000. The additional $1,000,000 would be for the award of a continuing contract for the construction of the auxiliary conduit in FY 1977 which would move the project completion ahead by one year. The City of Hartford urges the Congress to appropriate the $1,000,000 needed to increase the budget request to $10,000,000.

REASONS FOR REQUEST

The City of Hartford is anxious to have this project completed as soon as possible, for several reasons:

1. The City continues to be vulnerable to flooding and flood damages. It has been over twenty years since the devastating flood of August 1955. This was the flood which prompted the start of this project. The sooner the project is completed, the sooner the City will be protected from flooding. Under present conditions, a flood of considerably less magnitude than the design flood for this project could cause the Park River to overtop existing flood protection works and cause flooding behind the dikes along the Connecticut River. Although the chances of this happening may not be great, it is certainly a possibility. This could be disastrous for Hartford, and even surrounding areas.

2. Although primarily for the protection of Hartford, this project will be of value to the neighboring towns of Newington and West Hartford. When this project is completed, potential flood heights in portions of those two towns would be reduced. This project will be especially helpful to the Town of West Hartford, where flooding would be reduced in highly developed areas, and the Piper Brook Redevelopment area which is now ready for development. New development of the Piper Brook Redevelopment Project has already been hampered by the non-completion of the Park River Local Protection Project.

3. The Underwood Redevelopment Project in Hartford is being held up pending completion of the Park River Local Protection Project. This is a 33.3 acre project in the central portion of the city. A large part of the project is bounded by the Park River, and most of the project area is in a flood plain established after the start of the project. About a third of the project area is privately owned. Net project cost has been estimated at about $2,000,000. The federal share is three quarters or about $1,500,000. Completion of the Park River Project will facilitate development of this area. Development of this project will require twenty to thirty million dollars of private investment, and, of course, be quite beneficial to Hartford's tax base.

4. As indicated above, private investment in both the Underwood Redevelopment Project in Hartford and the Piper Brook Redevelopment Project in West Hartford has been impeded by the flooding potential in these areas. There are indications that private investment has been impeded in other areas for the same reason. Completion of the flood control project would make these areas more attractive for private investors, and Hartford urgently needs new development to expand its tax base.

5. The State of Connecticut has an unemployment rate of about 10.6%. The City of Hartford has an unemployment rate of 23% to 25%. The construction industry in the Hartford area has been particularly hard hit by the recession. The unemployment rate in the construction industry in the Greater Hartford area is about 50%, with some trades or crafts as high as 70%. The City of Hartford is, of course, pleased that construction of this project will start in about two months. We are confident that this will be of significant benefit to the local construction industry, and will be beneficial to the economy of Hartford and the surrounding area. However, we do believe the construction industry and the economy could easily absorb the effects of starting the construction of the auxiliary conduit next year, rather than two years from now. The construction industry in the Hartford area should be helped as much as possible, as soon as possible.

6. Behind the State Capitol, there is a temporary dike. Actually it is in Hartford's Bushnell Park. When the project is completed, the dike will be removed and the park restored. For some reason, this dike has been a source of irritation to state officials in the Capital who can readily see the dike, and they are anxious to have it removed and Bushnell Park restored to its former appearance. Although this is not a very compelling reason for maintaining the Corps' previous schedule, it nevertheless would be helpful to remove this dike as soon as possible.

APPRECIATION FOR PAST ASSISTANCE

Hartford does not wish to be critical of the Corps of Engineers or the Congress. Hartford is protected from Connecticut River floods by dikes, pumping stations and pressure conduits, all constructed by the Corps of Engineers. Hartford is grateful for the existing flood protection.

The New England Division has been doing an excellent job on this Park River Project. It is expected that bids for the first phase will be received on May 6, 1976, and that work could start in June, 1976. It is a large and difficult project, and their efforts are appreciated. However, we did expect that construction funds would be requested for the second phase, or auxiliary conduit, for the 1977 fiscal year. We had been advised that the second phase would start about a year after the first phase. We know of no valid reason for the change in schedule, and were surprised to learn that second phase construction funds had not been requested in the budget.

Based on Colonel Mason's testimony in the Senate Subcommittee Hearings, it is our feeling that he might welcome the appropriation of an additional $1,000,000 to start construction of the auxiliary conduit in FY 1977. It is Hartford's hope that the Congress will see fit to appropriate it.

GERALDINE ARRIGO

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Ms. HOLTZMAN. Mr. Speaker, in deep sorrow I offer this tribute to my constituent, Geraldine Arrigo, who died on Monday, March 29, 1976.

The strength of a community largely depends on the dedication and quality of its volunteer leaders. Gerry was one of the best.

For many years, she worked to serve the Flatbush community. She served with enormous energy and talent as executive secretary of the Flatbush-Nostrand Chambers of Commerce, as an active member of Friends of Community Hospital, and as a dedicated worker with numerous other church and civic groups. Her interest in, and concern for, the neighborhood's people and their problems continued in the face of her own struggle with pain. Even from her hospital bed, and until a few days before her death, her interest in Flatbush remained strong.

Gerry Arrigo gave our Flatbush community more than her energy and ability. She gave it her cheerfulness, her optimism, and her love. We shall miss these gifts deeply.

I wish to express to her husband, Frank, and to her four children, not only my personal condolences, but the sympathy and gratitude of all the people of Flatbush whom she served so well.

OUR CONTINUED PRESENCE IN SOUTH KOREA

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. SPENCE, Mr. Speaker, one of the most important issues before us today is the question of our continued presence in South Korea. In my opinion, it would be a dangerous mistake for Congress to reduce the amount of military assistance at this time. South Korea is vital to our interest in East Asia, and it is important to our own interests, as well as the interests of freedom, to insure the existence of a free South Korea.

The United Nations has passed resolutions calling for the abolition of its military commend in South Korea, thus leaving the full responsibility on the United States alone. If we were to pull out, the Communists would certainly view this as an open invitation to invade and take over the South.

Capitulation to those isolationist voices in this country and elsewhere who would have us abandon South Korea would bring our line of defense in East Asia back to Guam and Saipan. In turn, this would surely lead to further Communist aggression in East Asia, and erosion of U.S. power in that key strategic area. The significance of such an eventually should be very obvious to the future status of Japan's freedom and independence.

Mr. Speaker, in this connection I would like to call the attention of my colleagues to a very timely article by Dr. Roger Pearson, who is Executive Director of the Council on American Affairs. Dr. Pearson's article, entitled "United States-Korean Relations Today," ana-

lyzes the recent history of Korea, the current conditions there, and the problems that would arise if the United States were to withdraw.

Dr. Pearson's article appears in the book "Korea in the World Today," which also contains chapters by Senator JAKE GARN of Utah and Congressman JOHN MURPHY of New York. I insert Dr. Pearson's article in the CONGRESSIONAL RECORD at this point:

INTRODUCTION: UNITED STATES-KOREA RELATIONS TODAY

(By Roger Pearson)

As the position of the anti-communist world continues to deteriorate in Southern Asia, our attention is drawn all the more closely to the strategically crucial Northeastern sector of that vast landmass.

Our post-Vietnam foreign policy in East Asia is now focused more and more on Japan and its gateway to the continent—Korea. Bounded on the north by Communist China and the Soviet Union and only thirty miles from the closest Japanese island, the Korean peninsula is the one area where the interests of the four great powers in Asia (the U.S., the U.S.S.R., the People's Republic of China, and Japan) converge.

The key to preserving Japan's independence rests in the survival of a free South Korea. And just as Berlin is the focal point and symbol of Western defense in Europe, Seoul and South Korea now play the same role in East Asia.

This delicate balance is dependent upon U.S. support and participation in the defense of the Republic of Korea. If we sacrifice Korea on a temporary isolationist impulse, it could lead to a further erosion of U.S. influence and prestige in Asia and eventually a withdrawal to Guam and Saipan. Such an event could only result in a more aggressive posture by the communist powers. Clearly our first line of defense in East Asia and the Western Pacific must remain a strong and closely supported Republic of Korea.

A position on the precipice is nothing new to the Koreans. In this century, three major wars have been fought in and around Korea involving Great Powers—the Russo-Japanese War of 1905, World War II and the Korean Conflict. Japan seized control of Korea in 1905 and formally annexed the peninsula in 1910. Thus for almost 40 years Japan ruled Korea. During World War II an independence movement developed and the Cairo Conference of 1943 declared "that in due course Korea shall become free and independent." With the sudden surrender of the Japanese, the Americans were caught without a definite postwar program for Korea and quickly agreed to divide the peninsula with the U.S.S.R. at the 38th parallel.

The Soviets wanted to discuss with the Americans and the Koreans a "trustee" arrangement, but would not allow Rhee or any non-Communist Koreans to participate. The arrangement broke down and the 38th parallel became an extension of the Iron Curtain.

The United States attempted to break the impasse by referring the problem to the United Nations. A commission was established to supervise free elections and true to form was not allowed into the North by the communists in control there.

They had begun an extensive program of rearmament in the North in 1945, whereas the United States had only a limited supply and training program in the South. This advantage, bolstered by Dean Acheson's unfortunate comments concerning our "defense perimeter" in early 1950, led to the June 1950 attacks by the North Koreans and the war. A tremendous influx of U.S. support was required to halt the advance of the North Koreans and later the Chinese. By June 1951 the United States was ready to accept an armistice line at the 38th parallel; however, negotiations dragged on with the communists hoping to wear down the United States and gain further concessions. President Eisenhower pursued a U.N.-sponsored truce which he obtained in 1953.

A mutual defense treaty was signed in 1954 between the U.S. and South Korea to complete the bilateral agreement. Thus U.S. troops and U.N. observers have been stationed at the border for over 20 years.

The U.N. command remains because there is no agreement on a new truce or peace arrangement to replace it. However, in keeping with the present trend of U.N. actions, the General Assembly passed resolutions last November which would dissolve the U.N. Military Command. This action can only encourage the North Koreans in their territorial ambitions.

Thus the United States remains the guarantor of the survival of South Korea. Our troops there serve as a deterrent and a concrete assurance that we will come to the aid of the South Korean army as we did in 1950. Although the Republic of Korea has the fifth largest army in the world, to defeat an invasion by the North, U.S. strategic aid is probably essential. Our forces certainly act as a check on adventurous moves from Communist China or the U.S.S.R.

Consider the fact that Seoul is only about 30 miles from the demilitarized zone and well within range of heavy artillery. As the seat of government, the center of communications and finance, the industrial center, and the home of a fifth of the country's population, Seoul's occupation would be disastrous. The United States government has fully realized this and has provided some $3.7 billion in military assistance since June 1950.

Although the Republic of Korea forces are strictly geared to self defense, the North has been increasing its aggressive stance. North Korea now spends 15-20 percent of its gross national product on its military forces and just recently several tunnels capable of permitting thousands of invaders to cross into South Korea were discovered running under the DMZ. In addition armored and aircraft units were moved forward by the communists last summer and guerrilla raids on the South Korean coasts occur frequently.

Fortunately, support for President Park's anti-Communist government runs strong and deep even among those who disagree with some of his policies. The people are firmly opposed to the communists, having experienced their rule firsthand in 1950, and are determined to oppose another invasion with all their strength.

There has been some criticism of the restrictions on civil liberties now in effect in South Korea from some parts of the U.S. Congress and the press. Certainly Americans have always favored the widest possible individual liberty everywhere in the world; those of us who are realistic, however, know very well that current conditions differ sharply from place to place in this imperfect world. I know that most American congressmen who have discussed the situation with President Park have taken the opportunity to urge a lifting of certain restrictions on political activity as soon as conditions permit. They in turn have been reminded by President Park, with some justification, that Americans might have stricter laws if a roughly equal aggressive power occupied the Northeastern United States as far south as a line 30 miles from Washington, D.C. Certainly our own country has felt obliged to curtail some liberties in wartime in our history, especially during the Civil War and World War II.

No impartial observer can fail to agree that there is simply no comparison between the amount of freedom enjoyed by the ordinary citizen in South Korea and the iron discipline imposed by what is probably the firmest dictatorship in the world today—the so-called "Democratic" Republic of Korea. Speaking for myself, I have been impressed by the vigor of the opposition parties in South Korea who persistently press their disagreements with the government while uniting firmly behind the Constitution of an independent non-Communist South Korea.

A brief comparison of the economic systems in the North and South will give us some insight into the amount of freedom and prosperity enjoyed by the respective populations.

North Korea is characterized by a collectivist economy built around a large armament industry. A six-year government plan to increase industrial and agricultural output, in the hope of keeping up with the Republic of Korea, has floundered on the rocks of worldwide recession. North Korea has begun to default on its loans and seems unwilling to turn its own industry from armaments to exportable goods.

The Republic of Korea, on the other hand, has averaged a 10 percent per annum growth rate in GNP over the past decade. Its per capita GNP is third in East Asia, ranking behind only Japan and the Republic of China. The relative prosperity of the economy rests on exports of light industrial products largely to the United States (with whom total trade was almost $3 billion in 1974) and Japan. The Middle East and Europe have recently become major purchasers of Korean goods. The standard of living has increased tremendously in the past decade and is far higher than in North Korea. Even the oil crisis has not proved an impossible burden and the South Koreans (who have recently discovered their own oil) seem to have weathered the worst of the crisis in good stead.

Fortunately, South Korea has a stable government, a rapidly growing economy and strong national defense. It is and must remain, the first line of defense for the United States in East Asia. Its strategic position makes it critical to the defense of Japan and Taiwan. The U.S. presence in Korea serves as a deterrent to Chinese or Soviet intervention.

Our continued involvement is necessary to provide security and stop further communist aggression in East Asia. It is mainly through firm U.S. support that active military aggression can be discouraged and the peace maintained in Korea. It is in our national interest to remain firm in our resolve and purpose and thereby prevent another tragic war.

DEMOCRAT-NAPPING ZAPS BROADCASTING

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. ANDERSON of Illinois. Mr. Speaker, it would be amusing if it were not so sad that one of the main arguments being raised against broadcasting House floor proceedings is that the TV cameras would catch Members napping on the floor. I think those Democratic leaders who have used this argument to block House broadcasting have probably done the House image more of a disservice than actual broadcasting could ever do. I think they now owe it to the House to permit broadcasting just to show the

American people that a majority of their Representatives are not asleep on the job. Those few Members who are so inclined to recline in the House Chamber could be awakened and warned in advance of the advent of this 20th century innovation called television, and quietly retire to their offices, or, better yet, from their offices. If this arrangement seems too disruptive to the dignity, decorum, propriety and traditions of this body, we could simply move these Democrat-nappers to the darker corners of the Chamber, out of camera range.

Mr. Speaker, if all these efforts do not sufficiently move the Democrat-nappers, perhaps we could take a leaf from the environmental action "Dirty Dozen" list, and draw up a congressional inaction "Dirty Dozer" list. In any event, I resent the implication of these broadcast critics that there is somehow a constitutionally protected "right to nap" in Congress and that this would be infringed by broadcasting. I suspect what has happened is that these broadcast critics have misread the congressional immunity from arrest clause of the Constitution—article I, section 6—and that they somehow think it reads as follows:

The Senators and Representatives shall ... in all cases, except treason, felony, and breach of the peace, be privileged for a rest during their attendance at the session of their respective Houses.

I would hope someone could awaken the Democrat-nappers long enough to explain that the constitutional protection is "from arrest," and not "for a rest."

Mr. Speaker, at this point in the RECORD, I include an editorial from the April 1, 1976, Washington Post, entitled, "TV and the Freedom to Nap," and an editorial from the March 29, 1976, Washington Star, entitled, "Time for Another Nap":

[From the Washington Post, Apr. 1, 1976]

TV AND THE FREEDOM TO NAP

A majority of the House Rules Committee last week summed up the case for broadcast coverage of House floor debates—by voting the idea down. In a noisy meeting, committee members rehashed the usual concerns. Some feared that coverage might be one-sided. Others worried that their more flamboyant colleagues might get too much publicity. Still others grumbled that the cameras might focus on empty chairs, or members napping in their seats, or other scenes that make House members seem inattentive or inept. Committee Chairman Ray Madden (D-Ind.) suggested that broadcasting of House proceedings could have two undesirable effects: putting voters to sleep, or rousing them to vote incumbents out.

All in all, the panel displayed little love for the broadcast media, little faith in the public, and a striking lack of confidence in the House itself. They did not seem to think their colleagues might refrain from grandstanding—or napping—if the cameras were on. They did not think television and radio coverage might improve floor debate and give members more opportunities to explain their votes and views. Nor did they think voters might understand that congressmen do have business in committees and in their offices, and that absence from the chamber does not necessarily mean that one is loafing on the job.

Instead, Mr. Madden and his colleagues reinforced the notion that the House is irretrievably inefficient and slack, that its operations can't stand more public scrutiny—and that most members like it just that way. If that is true, it is the best argument yet for broadcast coverage. But it also explains why the committee voted 9-6 to shelve the whole idea for this year.

The House's resistance to broadcasting does seem to be fading gradually. Many members have been impressed by the constructive impact of TV coverage on state legislatures. Some House committees have opened their meetings to the cameras without suffering any ill effects. The Democratic leadership has shifted ground somewhat and now maintains that the real issue is not whether but how broadcasting of floor debates should be arranged. Majority Leader Thomas P. O'Neil (D-Mass.), for instance, asserts that just a bit more study of the managerial problems is required. But since various plans have been thoroughly studied several times, that sounds all too much like a convenient excuse. The Rules Committee's performance last week shows that the basic barrier remains the same: Key members of the House are unwilling either to change their mode of operations or to put their present image on the air.

[From the Washington Star, Monday, Mar. 29, 1976]

TIME FOR ANOTHER NAP

The issue before the House on whether to televise floor proceedings—or rather the issue not before the House, since the Rules Committee sandbagged the legislation—boils down to a matter of image.

Listen to Majority Leader Tip O'Neill at a committee meeting last February: "If you think the public's rating of Congress is low now, just wait till we get TV."

Rules Committee Chairman Ray Madden defined the opposition to television with more precision the other day. He figured coverage of floor activity—which frequently could be more aptly described as a lack of activity—could "endanger our chances of coming back to Washington."

That's it, in a nutshell. When the chips are down, politicians protect their flanks, which in the case at hand meant fending off those cameras that might catch some member napping in his chair, or show wide expanses of empty chairs, or focus on a member who arrived in a disheveled state after too big a night on the town.

Why, someone watching the TV set back home, according to Mr. Madden, might get the idea that "we're out fishing or hunting or playing golf or something." Of course, everyone in Washington knows that's not the case; those 435 hard-working legislators hardly ever stray from their desks, except when they go to the cashier's window to pick up their pay, which now amounts to $44,625 a year.

Besides, according to some opponents, it's common knowledge how one-sided TV is. Those television moguls up in New York would be sending orders down to the cameramen in the House telling them which members to put on the tube in a good light and which ones to make look like a fool, and which side of the issues to play up.

We don't care what Rep. John Anderson (he supported televising the proceedings) says about there being "certain inherent risks in a free society" that a person just has to accept. Letting the folks back home get a peek at how their man is doing in Washington is just too big a risk to ask a congressman to take.

Thanks to Majority Leader O'Neill and Speaker Albert and Mr. Madden, who saw that the resolution to authorize television in the House chamber got shuffled back to a subcommittee, the membership can relax now—and return to their chairs for a quiet, untelevised snooze.

LEGGETT FOREIGN AID VOTES

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. LEGGETT. Mr. Speaker, I wish to point out for the RECORD that when the House considered the foreign assistance appropriations bill, H.R. 12203, on March 4, I was incorrectly recorded as voting against it. That bill passed by a vote of 214 to 152, and I was for it. I was, however, properly recorded on the other votes on H.R. 12203, as follows:

For an amendment to bar funds for foreign political activity;

Against an amendment barring funds for countries which are delinquent in debt repayment;

For an amendment to add $9 million for private relief programs;

Against an amendment to strike $85.5 million for the UNDP;

Against an amendment which sought to reduce military aid to Israel by $200 million.

To make matters completely clear, I wish to indicate that when the House considered the security assistance authorization bill on the previous day, March 3, all my votes were correctly recorded. As the RECORD for that date indicates, I voted for the bill, which passed 240 to 169, as well as for an amendment to prohibit aid to Chile and against an amendment which would have barred trade with Vietnam. I also spoke on this bill, as follows:

Mr. LEGGETT. Mr. Chairman, I said last September when we considered H.R. 9005, the economic and food aid bill, that we should give the closest scrutiny to the proposed security assistance program when it came before us. That bill firmly established the reforms which we instituted in food and economic assistance in 1973. The security assistance legislation before us today, H.R. 11963, undertakes reforms that are equally important.

I do not support every provision of this legislation. I am still concerned that the $9 billion ceiling it sets on the aggregate value of all foreign military sales is too high. It is, however, a lot lower than the $12 billion we sold in 1974, and it is certainly better than no ceiling. Moreover, I am much less convinced than our committee of the value of military education and training and the need to continue this type of assistance as grant aid.

Despite these reservations, I do believe H.R. 9005 institutes a number of needed reforms. It places important new controls, in addition to the ceiling, on the conduct of foreign military sales. It establishes the principle that we will phase out grant material assistance at the end of fiscal year 1977, unless we subsequently authorize specific amounts for specific countries. And it provides for termination of all military assistance advisory groups, or other organizations performing similar duties, effective October 1, 1977, unless we specifically authorize them.

The new provisions which the bill institutes for foreign military sales would plug a big loophole in our current control mechanism. That gap involves commercial sales of defense articles and services. These sales are now subject to license, but are not really under effective accounting and control.

H.R. 11963 would restrict sales of major defense equipment to government-to-gov-

ernment transactions. Export licenses for sales of over $25 million would be prohibited if they involved items meeting the definition of "major defense equipment," which includes those with R. & D. costs of over $50 million and production costs of over $200 million. All sales of this type would thus be brought under the congressional veto procedure which now applies to our government-to-government credit sales. This will bring all major sales under the type of scrutiny which we have been giving to major FMS credit sales.

The provisions of the bill terminating grant material aid in fiscal year 1978, unless it is authorized on a specific case-by-case basis, have been long discussed, and in my view they are long overdue. For too long we have had grant programs that were neither needed nor effective, and which have served only to prop up repressive and unpopular regimes. Moreover, more and more of the recipients of our grants are in the financial position to provide for their legitimate military needs.

In cases where it can be demonstrated that material grants would serve a truly vital security interest, and that the country in question clearly lacks the resources to support the needed force, we can make a specific authorization for the grants needed. But such instances should become the exception, rather than the rule, as is now the case.

As I indicated, I am much less convinced than our committee that military training is "an effective and productive form of security assistance and should be continued under separate authority." Does U.S. military training really inculcate an American influence or a "democratic orientation," as many proponents allege? That we train our clients well in military skills I have no doubt, but where is the evidence that we turn them into pro-American democrats? From Pakistan to Greece and Turkey, from Korea to Chile and Argentina, I look in vain for such evidence. Furthermore, our committee appears to recognize the tenuousness of its distinction with its assertion that "wherever feasible, military education and training should be on a reimbursable basis." It appears to me that we ought to follow the logical dictate of the committee's proposal on material grants, and terminate the regular grant training program as well.

The issue of the MAAG's and military groups is not unrelated. Do they really provide an effective and needed influence with recipient governments, or are they more likely to strengthen the political role of the host military? Our experience in countries like Greece and Pakistan hardly suggests the untruth of the latter. Again, let us authorize the really needed advisory group as an exception, rather than continue the current rule of military business as usual overseas.

I have dwelled on the broader reforms incorporated in the bill, not because they are the only provisions of import, but because in many respects they are the most far-reaching. Obviously, the funds authorized, as well as the specific provisions on such countries as Angola, Chile and Korea, are of prime concern to us.

I am not prepared to say that every dollar of grants and credits authorized by this bill is really essential. The bulk of the funds are, of course, for the Middle East aid package. I think most of us will be quick to support funding that is clearly needed to support the understandings of the executive branch with the governments of the Middle East.

The level of support to be provided Israel—about $2.3 billion—should be sufficient to enable the Israeli defense forces to maintain a substantial margin of military superiority over those of its Arab neighbors. This is not an approach without risks, but it should have the benefit of enhancing the Israelis' sense of confidence and security. I am hopeful that we will see evidence of the impact of our support on the Israelis in the form of greater willingness on their part to pursue new avenues of negotiation in areas unmentioned in our committee's report, such as the Palestinian question.

Let me reiterate that I emphasize the broader reform aspects of H.R. 11963 not to the exclusion of other provisions, but because of the long-term benefits which these reforms can have. In short, they can basically alter our approach to security assistance, a reorientation which in my estimation is long overdue and has been delayed by the Vietnam war. It is primarily on this basis that I urge my colleagues to support the bill before us.

BRITISH IGNORING THE ABYSS, SAYS SOLZHENITSYN

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. McDONALD of Georgia. Mr. Speaker, since coming out of the Soviet Union, Alexander Solzhenitsyn has spent countless hours trying to warn the West of the impending danger from the Soviet Union. But already one senses that the press is beginning to down his efforts and ignore him. It is indeed unfortunate that prophets are seldom listened to, particularly when their message is painful. One would think, due to the proximity of England to the Soviet Union, the people there would be more sensitive to Solzhenitsyn's message. However, this does not seem to be the case. One person is appreciative of his message and that is David Floyd of the London Daily Telegraph, who in the March 25, 1976, edition continues his attempts to awaken Great Britain to its peril in this regard. The item follows:

BRITISH IGNORING THE ABYSS, SAYS SOLZHENITSYN

(By David Floyd)

The Russian author Alexander Solzhenitsyn has repeated his warnings of the disaster threatening Britain and the West and made some harsh criticisms yesterday of British policy towards Russia and the spread of communism since the Russian Revolution.

The "crevasse" which had opened in Russia in 1917 was growing wider and more peoples were falling into it, he said. But the British were unconcerned.

"Even today you are lulled into thinking that these fine islands of yours will never be split in two by that crevasse, will never be blown sky-high. And yet the abyss is already there, beneath your very feet."

Solzhenitsyn's 40-minute commentary on Britain and the British was broadcast in English translation last evening on BBC Radio 3. The text was spoken (not translated, as reported in The Daily Telegraph yesterday) by Richard Pasco, with Solzhenitsyn's own voice in Russian heard occasionaly in the background.

The imminent "global catastrophe" did not threaten Britain alone, he said. "All of us are standing on the brink of a great historical cataclysm, a flood that swallows up civilisation, and changes whole epochs."

But it was mainly Britain's shortcomings that he complained of. He did not know much about Britain's domestic affairs, he said, but had always followed Britain's foreign affairs with the keenest interest.

His main complaint was at the way the British had managed to ignore what was taking place in Russia and the Communist world. Twice the Russians had helped save the freedom of Western Europe, he said. "And twice you repaid us by abandoning us to our slavery."

MILLIONS DYING

When millions of peasants were dying of famine in Russia in the 1930s, Solzhenitsyn said, "not a single Western newspaper printed photographs or reports of the famine—indeed, your great wit Bernard Shaw even denied its existence.

"For decades your rulers, your members of Parliament, your spokesmen, your journalists, your leading thinkers managed *not even to notice* the 15 million-strong Gulag Archipelago. Up to 30 books on the Gulag were published in Europe before mine and hardly any of them was noticed."

After the 1939–45 War Britain and the Western Allies had chosen to hand back to the Soviet authorities millions of Soviet citizens who had dared to flee from Communism.

"Then our freedom-loving Western Allies—and not least among them you British—treacherously disarmed and bound them and handed them over to the Communists to be killed.

"Nor did you shrink from using your rifle-butts on 70-year-olds, the very men who had been Britain's allies in the First World War, and who were now being hastily handed over to be murdered."

The British people had been so anxious to forget the war, Solzhenitsyn said, that they had closed their eyes to Stalin's deportation of whole nations, to the massacre at Katyn Forest, to the Warsaw rising, to the occupation of six nations of Europe and the cutting of a seventh into two parts.

"Whenever a new tyranny came into existence, however far away—in China, say, or Laos—Britain was always the first to recognise it, eagerly pushing competitors aside for the honour.

"And when you decided to reaffirm your valour in the eyes of the world and recover your self-respect, then your country manifested incomparable daring—against Iceland and against Spain, countries which could not even answer you back."

Solzhenitsyn attributed much of the West's decline to "the misty phantom of socialism." It had created the illusion of satisfying people's thirst for justice, he said. "Socialism has lulled their conscience into thinking that the steamroller which is about to flatten them is a blessing in disguise, a salvation."

But the greatest danger of all was that the West had lost the will to defend itself.

STRENGTH SAPPED

"And Great Britain—the kernel of the Western world—has experienced this sapping of its strength and will to an even greater degree, perhaps, than any other country." Britain's importance in the world today was less than Rumania's or Uganda's, Solzhenitsyn said.

Solzhenitsyn recorded his talk during his recent visit to Britain. He has given similar interviews in France and Spain.

The increasing publicity he is receiving in the West has prompted the Soviet authorities to step up their campaign to discredit him.

The latest attack took the form of an especially scurrilous piece of writing in the *Literary Gazette*, which depicted Solzhenitsyn claiming an inheritance of property owned by his, supposedly, landowning ancestors from the hands of the pretender to the Russian throne.

THE SONNENFELDT CONTROVERSY REVISITED—PART II

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. ASHBROOK. Mr. Speaker, in remarks in yesterday's RECORD found on page 9215, reference was made to what is now called the "Sonnenfeldt Doctrine," which, allegedly, is a new policy advanced by Counselor Helmut Sonnenfeldt of our State Department, calling for an "organic" union between the Soviet Union and the Eastern European countries. As previously pointed out, the Evans-Novak column of March 22 first reported on the London meeting of American ambassadors where Mr. Sonnenfeldt allegedly propounded this new policy.

The Evans-Novak column was followed up by Human Events, the alert conservative weekly here in Washington, whose reporter sought to elicit from the State Department further pertinent information on the issue. As the April 3 issue of Human Events indicates, getting a straight story from State on the Sonnenfeldt affair is about as difficult as catching a greased pig with a pair of greasier boxing gloves.

A second Evans-Novak column, appearing in the Washington Post on the 30th of March, further obfuscates the issue, detailing attempts by Secretary Kissinger to placate members of the Republican Study Committee consisting of conservative Members of Congress.

The third pertinent item in this State Department shell game is a column by C. L. Sulzberger in the New York Times of March 27, 1976. Mr. Sulzberger had better success in trying to confirm the first Evans-Novak story:

> I have talked with persons who heard Mr. Sonnenfeldt's statements and who assured me the Evans and Novak account was correct.

The three above-mentioned items follow:

[From the National Conservative Weekly, Apr. 3, 1976]

KEY KISSINGER AIDE WRITES OFF EASTERN EUROPE

The key to Ronald Reagan's upset victory in North Carolina last week was the challenger's toughly worded attacks on that current unword in the President's lexicon "detente." In light of new developments, however, the Kissinger-Ford foreign policy may be far more vulnerable than even the Reagan camp realizes. The reason: Back in mid-December, Kissinger's long-time friend and key aide, Helmut Sonnenfeldt, declared in a secret briefing that permanent, "organic" union between the Soviet Union and Eastern Europe was critical to the avoidance of World War III.

"Organic," according to Webster's Third New International Dictionary, means "constituting a whole whose parts are mutually dependent or intrinsically related," individual entities which "have a life and character deriving from their participation in the whole."

In short, Sonnenfeldt clearly seemed to be arguing that Eastern Europe—which includes Czechs, Hungarians, Rumanians, Poles, Germans and other nationalities whose descendants and relatives will play a critical role in upcoming Republican primaries—be placed under greater Soviet domination.

According to columnists Evans and Novak, who uncovered the Sonnenfeldt text, Kissinger's top aide told a London meeting of U.S. ambassadors to European nations that the "inorganic, unnatural relationship" between Moscow and Eastern Europe, based on Soviet military might, threatens world peace. Their desire to break away from their Russian slave masters, he indicated, could provoke a serious clash between the East and the West. "So," he concluded, "it must be our policy to strive for an evolution that makes the relationship between the Eastern Europeans and the Soviet Union an organic one."

Piling up one astonishing statement after another, Sonnenfeldt mourned the fact that Eastern Europe is far less loyal to the USSR than he believed should be the case. "The Soviets' inability to acquire loyalty in Eastern Europe," he declared, "is an unfortunate historical failure because Eastern Europe is within their scope and area of natural interest. It is doubly tragic that in this area of vital interest and crucial importance it has not been possible for the Soviet Union to establish roots of interest that go beyond sheer power."

Sonnenfeldt apparently pointed to Poland with some pride as a nation that had tossed away its "romantic political inclinations" and was now more submissive to the Kremlin. And he suggested that Yugoslavia should kowtow to the Soviet Politburo as well. While acknowledging that the return of Yugoslavia into the Soviet orbit would be a "major, strategic setback" for the West, Sonnenfeldt then argued that Yugoslavia "should be less obnoxious" to Moscow and disabused of any notion that Washington is likely to guarantee its independence. Sonnenfeldt cautioned against any intensive pressures against the Soviets, saying that "any excess of zeal on our part" could reverse this "desired process" of organic union.

The Sonnenfeldt statements, as reported by the columnists, have stunned even many of Kissinger's remaining admirers. For knowledgeable Washingtonians know that Sonnenfeldt faithfully reflects Kissinger's own views on foreign policy. Indeed, Kissinger himself attended the London conference, stressing the need for the West to come to terms with the Soviet Union as an emerging superpower.

For Kissinger to disavow Sonnenfeldt's statement would be less than credible. They have been friends since their youth in New York, and Sonnenfeldt was the first man Kissinger asked to join him on the National Security Council after Kissinger joined Nixon in 1968. When Sonnenfeldt's nomination to the under secretary of the treasury post in 1973 became immersed in controversy—largely because of his role in the Soviet wheat deal—Kissinger made him counselor to the State Department. He is considered a loyal lieutenant.

The revelation of Sonnenfeldt's kissoff of Eastern Europe has already sent shock waves through the White House, which is well aware of the political dynamite of the State Department counselor's remarks. Efforts to get the full text of what Sonnenfeldt said have been repeatedly rebuffed by the Administration. When HUMAN EVENTS contacted Sonnenfeldt's personal assistant, Maxine Martin, Ms. Martin curtly told us that her office was not going to release what her boss said in London.

Reporters at the State Department were also given a huge runaround in a press briefing by Robert Funseth on March 22. Asked if Funseth would release Sonnenfeldt's remarks "so that we can examine the context" of the reported statements, Funseth gave a blunt "No." Funseth said these remarks are "classified."

"Well, then," Funseth was asked, "are the quotations accurate?" Funseth responded: "We are just not going to get into the business of commenting on reports which claim to be based on leaked documents." Funseth denied that Sonnenfeldt's reported statements represented U.S. policy toward Eastern Europe, but he persistently refused to say whether the statements were accurate.

The dialogue between reporters and Funseth went like this:

Question: Has Mr. Sonnenfeldt said whether or not it is an accurate account?

Answer: I consulted with Mr. Sonnenfeldt in preparing my briefing this morning.

Question: And he said the quotes were not accurate?

Answer: I said I was not going to get into commenting on whether quotes that purport to be based on leaked documents are accurate or inaccurate.

Question: Bob, in the past, when it serves your purpose, you do not shrink from saying that a quoted statement, leaked or not, is accurate or inaccurate or taken out of context. Why are you shrinking from doing so now?

Answer: I do not think I have.

Question: Can we get it straight whether you are repudiating (a) the column or/and (b) Sonnenfeldt?

Answer: Well, (b), we are not in any way repudiating Mr. Sonnenfeldt. There is nothing I have said today that would suggest that. And (a), Yes, we are repudiating the column.

Funseth's responses are hardly likely to calm the controversy or contain the political damage. The Evans-Novak column has already begun to impact upon the National Republican Heritage (Nationalities) Council, which is employed to harvest the ethnic vote for the GOP. Headed by Rep. Edward J. Derwinski (R.-Ill.), the council, according to Executive Director Julian Niemczyk, has been peppered with phone calls about the article.

Niemczyk told Human Events that it has created quite a "stir." When asked how he put out the fires, Col. Niemczyk said he would "rather not comment" at the moment, indicating he had not yet received a satisfactory answer from the Administration. The council is sponsoring the Annual Heritage Groups Convention May 20–23 in Philadelphia, and there are indications that the Sonnenfeldt remarks may become a major subject of discussion.

Some politicos now believe that the Sonnenfeldt "advice" in London may develop into the most explosive issue in the Reagan challenge to Ford and is almost certain to be used by one or more of the Democratic candidates in the primaries and the fall election. Unless the Ford Administration can quickly clear up the matter, the dominant question in the political campaign under way may well be: Does the Ford Administration really favor increased Soviet dominance over Eastern Europe? And, if not, why does the Ford Administration permit Sonnenfeldt, who is said to mirror Kissinger's views, to be a major spokesman for American foreign policy?

[From the New York Times, Mar. 27, 1976]

MINI-METTERNICH IN A FOG

(By C. L. Sulzberger)

PARIS.—The quadrennial intrusion of U.S. internal politics into U.S. external policy is an exercise with which the outer world is fully familiar but not yet fully enthusiastic. Right now we find various factions of voters catered to by the foreign affairs attitudes of various individual Presidential candidates and by the Administration itself as it courts election.

Thus one might advise caution toward President Ford's new insistence on dropping the use of "détente" as a word and suspending certain Soviet-American bilateral meet-

ings. Likewise there is a suspicion that some of the tough talk aimed against different Communist sects hopes to deflect wind from the sails of right-wingers building up ultra-conservative appeal.

One curious paradox in current United States policy appears to be that addressed toward Communism in both halves of Europe, West and East. We loudly assail the West European Communists even though, in countries like Italy and France, they are trying to strike out along new paths of independence, something not at all to the Kremlin's liking. But we seem to be telling the East European Communists to make up with Russia.

Rowland Evans and Robert Novak recently reported in their syndicated column that State Department Counselor Helmut Sonnenfeldt had told a meeting of American ambassadors in London that U.S. policy should work for an "organic" relationship between the Soviet Union and the Communist nations of East Europe.

"Organic" is a flabby word which can mean "fundamental," "constitutional" or "organizational." Whatever was actually meant by Mr. Sonnenfeldt, the latest mini-Metternich of Foggy Bottom, the idea sent shivers up the spines of several among his distinguished auditors.

Robert Funseth, State Department spokesman, dutifully repudiated the report but his denial had about as much weight as a flea's belch. I have talked with persons who heard Mr. Sonnenfeldt's statements and who assured me the Evans and Novak account was correct.

And what does it really imply? It would seem to be an invitation to the Kremlin to assert fuller control of Eastern Europe, perhaps even absorbing it into the U.S.S.R. as "Soviet Republics."

After all, at certain moments in the 1940's and 1950's, Stalin contemplated precisely that idea. Indirectly, this contributed to Moscow's split with Tito, which is not yet over. Now what is the point of even indirectly hinting to Russia that we wouldn't care if the project were revived?

Are we pressing Eastern Communists toward Moscow while hoping the Soviets will turn a blind eye if we try to stamp out Western Communists? Is this the kind of spheres-of-influence deal between the two superpowers that many Europeans have for long suspected?

How would China, so often praised by Henry Kissinger, feel about this? Already we have endorsed the existing Sino-Soviet border (resented by Peking) in the Helsinki declarations. Now, having reaffirmed the present borders of East Europe as well, are we murmuring to Moscow that another Budapest (1956) or Prague (1968) wouldn't be resented?

Why did Mr. Sonnenfeldt choose this moment to apply what Denis Healey would call his "tiny Chinese mind" to this issue just as the 83-year-old Tito shows signs of physical weakness? Washington has known for years that Russia wants to bring Yugoslavia back into its orbit but will not risk the attempt while the doughty marshal lives. Yet seeds of dissension and Soviet "sleeper" agents have been planted in his country.

Mr. Kissinger himself, a far more realistic man than his counselor seems to be, even if he isn't flawless, told me four years ago of what Moscow might try to do to disintegrate Yugoslavia after Tito's death. He said: "Certainly it is going to happen but I can't get our bureaucracy to do anything about planning on this. All the bureaucracy does is give me a lot of triple talk."

When Mr. Kissinger said this he was not yet Secretary of State although he was our diplomatic No. 1, a maxi-Metternich. Now he actually holds the most important Cabinet post and is technically in charge of its bureaucracy. Is he satisfield with Mr. Sonnenfeldt's triple talk on this vital subject?

Is the bureaucracy planning now to face the problem by giving East Europe away against its own will and before Leonid Brezhnev even asks? Will Moscow appease us on Communists in the West if we appease Moscow on Communists in the East? Who's looney now, as they used to ask in New Jersey?

[From the Washington Post, Mar. 30, 1976]

THE SONNENFELDT DOCTRINE: DEFLECTING THE RUCKUS

(By Rowland Evans and Robert Novak)

Facing his toughest Republican critics across the breakfast table last week, Secretary of State Henry Kissinger tried—but failed—to deflect their wrath by attributing the Sonnenfeldt doctrine to sloppy State Department notetakers without actually repudiating it.

Members of the Study Committee, a group of conservative Republican congressmen, were up in arms over a secret briefing in London last December by State Department counselor Helmut Sonnenfeldt. We reported last week that Sonnenfeldt had told U.S. ambassadors to European nations that the U.S. should strive for a permanent "organic" relationship betwen the Soviet Union and Eastern Europe to avoid World War III.

Breakfasting with the Study Committee three days later, Dr. Kissinger suggested our column was based on inaccurate State Department cables. Trying to keep up with the Secretary of State's smoothly flowing prose, some present even thought he had totally rejected the substance of the Sonnenfeldt doctrine. In fact, he had not.

"Henry's answer did not satisfy me or, I suppose, any of the others," one Study Committee member, a strong supporter of President Ford, told us. Therefore, the ruckus over the Sonnenfeldt doctrine will continue until it is unequivocally repudiated by Kissinger or the President himself.

The breakfast meeting, sought for nearly two years by conservative congressmen seeking a first-hand grilling of Kissinger, immediately turned to the Sonnenfeldt doctrine. Rep. Edward J. Derwinski of Illinois, one of Mr. Ford's most important conservative backers and a national leader in the Polish-American community, suggested the Sonnenfeldt doctrine is "the straw that broke the camel's back" following U.S. acquiesence at Helsinki in Soviet control over the Baltic states.

Derwinski reflected rising anger among ethnic nationality groups that could affect not only Mr. Ford's contest with Ronald Reagan for the Republican presidential nomination but the November general election as well. Accordingly, Derwinski told Kissinger, the matter must be disposed of as quickly as possible.

In reply, Kissinger said he had not read the State Department cable reporting Sonnenfeldt's briefing and did not know what it contained until he read our column (though, in fact, he was in London for that meeting). Kissinger next went into what one congressman called "a song and dance," describing how some junior Foreign Service officer takes notes on such briefings, from which another diplomat drafts the cable, typically leading to distortions.

Kissinger said he could not control every State Department employee—interpreted by some congressmen as an abandonment of Sonnenfeldt. More likely, however, Kissinger was casting blame on that nameless junior notetaker, because he reassured the conservative House members that Sonnenfeldt is "a hard-liner just like you."

All this left Derwinski and the other congressmen unsatisfied. Nor was the explanation viewed as plausible by some high government officials. "Whatever Hal (Sonnenfeldt) said in London was in total 'synch' with Henry," one official said. "It always is." What's more, the Sonnenfeldt doctrine as contained in the cable is viewed in the administration as generally consistent with the overall Kissinger-Sonnenfeldt view of the Soviet Union as an emerging superpower.

Finally, the portions we earlier quoted from the seven-page cable reporting Sonnenfeldt's remarks were in no sense isolated but, instead, reflected a theme reiterated time and again.

In one paragraph not quoted in our previous column, for example, Sonnenfeldt declared: "We seek to influence the emergence of the Soviet imperial power by making the base more natural and organic so that it will not remain founded in sheer power alone. But there is no alternative open to us other than that of influencing the way Soviet power is used." At another point, Sonnenfeldt said Hungarian leader Janos Kadar's "performance has been remarkable in finding ways which are acceptable to the Soviet Union which develop Hungarian roots and the natural aspirations of the people . . ."

In short, to substantiate Kissinger's explanation, the State Department report on Sonnenfieldt's briefing would have had to be inaccurate and distorted not just in one or two remarks but in its entirety—a most unlikely possibility.

It is too unlikely to be accepted by Ed Derwinski, who wants nothing less than an unequivocal repudiation of the Sonnenfeldt doctrine. If need be, Derwinski will go into the Oval Office to get that repudiation from the President. If he does, there would be covert rejoicing high in the administration from officials who were appalled from the start by a doctrine acquiescing in Soviet dominion over Eastern Europe.

AFL-CIO SUPPORTS FULL EMPLOYMENT BILL

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. HAWKINS. Mr. Speaker, I am extremely pleased that the Full Employment and Balanced Growth Act of 1976, H.R. 50 has received tremendous widespread support. An indication of the increasing prospect of passage is the outstanding letter of endorsement AFL-CIO President George Meany sent to the Speaker of the House:

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., March 11, 1976.

HON. CARL ALBERT,
Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: The AFL-CIO fully supports the revised H.R. 50 and S. 50, about to be introduced in the Congress.

The labor movement has fought for full employment throughout its existence. We believe an economy of full employment and full production is the only economy that makes sense in a growing, expanding nation.

We have been pleased to work with you, the sponsors of this legislation and the chairman of the responsible committees in redrafting this measure. The rewritten bill, we believe, is sound, achievable and necessary.

Therefore, we support the Full Employment Bill without reservation and you are at liberty to make our support a matter of public record.

Sincerely,

GEORGE MEANY,
President.

A REPORT ON THE FOREIGN INTELLIGENCE ADVISORY BOARD

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. BRADEMAS. Mr. Speaker, I insert in the RECORD a most thoughtful analysis of the role of citizen "oversight" of the President's Foreign Intelligence Advisory Board.

The analysis, an article entitled "Foreign Intelligence Advisory Board: A Lesson in Citizen Oversight?" was written by Deborah Shapley and published in the March 12, 1976 issue of Science magazine.

The article follows:

FOREIGN INTELLIGENCE ADVISORY BOARD: A LESSON IN CITIZEN OVERSIGHT?

(By Deborah Shapley)

The President's Foreign Intelligence Advisory Board (PFIAB) has been emerging from its characteristic secrecy lately, in the course of recent examinations of the U.S. intelligence community. Created 20 years ago in a climate of criticism of national intelligence much like today's, the PFIAB (which has turned out to be best known for its advice on science and technology) offers one example of the strengths and limits of citizen "oversight" of intelligence.

The PFIAB's past experience is worth examining because, in his reform proposals of 17 February, President Ford drew on the PFIAB model. He proposed the creation of a new three-member Intelligence Oversight Board, made up of private citizens, with specific authority to investigate the intelligence community and report abuses. Two of the three candidates Ford has proposed for the new board have been PFIAB members.

What is the PFIAB? It is a small, blue-ribbon group of prominent citizens, military experts, and scientists created by President Eisenhower in 1956 at the time of breaking scandals about improper Central Intelligence Agency (CIA) involvement in Iran and Guatemala. Its members serve at the pleasure of the President (Although successive Presidents have tended to reappoint the same people over the years[1]). They are private citizens who, in their daily occupations, are not primarily involved with intelligence activities. The group meets for 2 days in Washington every other month. It never publicizes its findings; members rarely talk to the press. In short, it has an apparently cherished 20-year tradition of secrecy.

The Ford proposals would keep PFIAB in existence, but some of the board's critics in Congress may object to a continuation. They cite its track record over the years, which, as far as is known, has not included the uncovering of major bureaucratic abuses. To the contrary, the critics say, the board is known for its advocacy of intelligence in general, and of certain technical systems of data collection in particular. One vehement critic, Senator Mike Mansfield (D-Mont.), says that the board's value as an "impartial reviewing agency" has been so dubious that "it would be easier, cheaper, and more logical to abolish it."

Critics and proponents agree, however, that the board's chief contribution over the years has been as a vehicle for a handful of scientists—namely, Edwin H. Land of Polaroid Corporation, William O. Baker of Bell Laboratories, and James R. Killian of the Massachusetts Institute of Technology—to influence technical decisions.

Land and Baker have served on the board continuously for 15 and 17 years, respectively; Killian retired from it for health reasons in 1963, having served for 6 years. Edward Teller and John S. Foster, Jr., have sat on the board since 1971 and 1973, respectively.

Land and Killian, with Baker as a consultant, served on the PFIAB's predecessor, the Technical Capabilities Panel (TCP). The TCP was set up by Eisenhower in 1954 to assess the country's vulnerability to surprise attack. But it is best remembered because the scientists, led by Land, decided that the U-2 spy plane—then an obscure design held by Lockheed Aircraft Corp.—should become the backbone of U.S. reconnaissance. Several sources say the group pushed for the most advanced design, for the most sophisticated cameras and radars, and for getting the Air Force (which was unenthusiastic about the project) to build the plane within 2 years.

When Eisenhower set up the board in 1956[2] Mansfield and congressional leaders were moving to establish a joint House-Senate oversight committee. Killian was made chairman of the Eisenhower board, and the board was ordered, among other things, to "conduct an objective review of the foreign intelligence activities of the government." But like the TCP, the Eisenhower board was known for its advocacy of certain technologies.

One particular problem it faced was what kind of satellite system should follow the U-2. At that time, the Air Force supported direct radio transmission of images from a satellite, through its Midas program. However, the board chose to back the CIA's view that better photographic resolution and greater coverage were possible if, instead, film were dropped from the satellite and recovered by airplane.

The latter plan proved the better one. Within months of the shooting down of Francis Gary Powers' U-2 plane in May 1960, the first aerial recovery of a capsule dropped from a Discoverer satellite took place. Yet, even today the problems associated with transmission of high-resolution images from space have not been fully resolved.

It was under President Kennedy, in the aftermath of the Bay of Pigs invasion fiasco, that the PFIAB came closest to playing the watchdog role which has always been implied in its mandates. Kennedy claimed he had been badly misinformed prior to the invasion attempt. He was convinced that the intelligence community needed to be thoroughly overhauled. Clark Clifford, whom Kennedy appointed to the board, recalls that PFIAB then enjoyed considerable power because the President backed it. "He let the [intelligence] community know that if they didn't cooperate they were definitely in peril."

According to official records, between May and November of 1961 the PFIAB met 25 times. This was more often than it had convened during its previous 5 years of existence. Clifford estimates that of the 180 recommendations it made to Kennedy, some 170 were adopted. Among the recommedations were proposals to establish the science and technology directorate in the CIA and to consolidate some military intelligence activities in the Defense Intelligence Agency.

Under both Johnson and Nixon the board seems to have gone into a decline, although the lack of available information on its technical achievements may simply be due to the tighter security surrounding the more recent history of intelligence gathering. However, Clifford, who was chairman under Johnson, makes no bones about the fact that there was a definite decline in presidential interest in the board. And a congressional staffer ventured that "if you had asked him, President Johnson probably couldn't have named who was on the board."

Nixon is said to have met more frequently with PFIAB, but it is unclear whether, as a result, the board had more influence. Several people on the board or close to it during that period say it had no knowledge of covert operations—either of the domestic spying revealed in 1974 or of the CIA's involvement in Watergate. According to some accounts, the board helped persuade Nixon to approve the *Glomar Explorer* caper—CIA's daring, but only partly successful, attempt to use an alleged ocean mining barge to raise a sunken Soviet submarine.

President Nixon clearly viewed the prestige of appointment to the board as a way to reward political friends. He appointed a number of such friends—who had no particular background in intelligence—to it: John Connally, Clare Booth Luce, George P. Shultz, and economist and sculptor Leo Cherne.

This history, although sketchy, does not bear out the notion that PFIAB has been a zealous overseer of the more sordid activities of the intelligence community. Some who are familiar with it, such as Clifford, argue that it is inherently unable to be much of a watchdog. Since it is part of the executive, yet meant to police the executive, it will always resemble the hound in the Sherlock Homes story who failed to bark during the robbery because he was friendly with the thief.

Others, such as Baker, argue that the board's job never was meant to be general oversight of the bureaucracy. It was to pass on the quality of intelligence itself. "Judging the quality of intelligence is almost wholly separable from judging the bureaucracy that produces it," he says.

But CIA critics Victor Marchetti and John D. Marks, in their book *The CIA and the cult of Intelligence* (Knopf, New York, 1964; pages 334–335), argue that even in this more limited, technical advisory role the PFIAB has done the intelligence community a disservice.

The PFIAB had tended to operate with the assumption that all information is "knowable" and that the intelligence community's problems would be solved if only more data were collected by more advanced systems. This emphasis on quantity over quality has served to accentuate the management problems that plague American intelligence and, in recent years at least, has often been counterproductive.

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[1] *Members appointed by Eisenhower:* James R. Killian, Jr. (chairman), Gen. John E. Hull (chairman), William O. Baker, Adm. Richard L. Conolly, Gov. Colgate W. Darden, Jr., Lt. Gen. James H. Doolittle, Benjamin F. Fairless, Joseph P. Kennedy, Robert A. Lovett, Edward L. Ryerson. *Members appointed by Kennedy:* James R. Killian, Jr. (chairman), Clark Clifford (chairman), William O. Baker, Lt. Gen. James H. Doolittle, Gordon Gray, Edwin H. Land, William L. Langer, Robert D. Murphy, Frank Pace, Jr., Gen. Maxwell D. Taylor. *Members appointed by Johnson:* Clark Clifford (chairman), William O. Baker, Gordon Gray, Edwin H. Land, William L. Langer, Robert D. Murphy, Frank Pace, Jr., Adm. John H. Sides, Gen. Maxwell D. Taylor. *Members appointed by Nixon:* Gen. Maxwell D. Taylor (chairman), Adm. George W. Anderson, Jr. (chairman), William O. Baker, Leo Cherne, Gov. John B. Connally, John S. Foster, Jr., Robert W. Galvin, Gordon Gray, Edwin H. Land, Franklin B. Lincoln, Jr., Amb. Clare Booth Luce, Franklin D. Murphy, Robert D. Murphy, Frank Pace, Jr., Gov. Nelson Rockefeller, George P. Shultz, Edward Teller, *Present membership:* George W. Anderson (chairman), William O. Baker, Leo Cherne, John S. Foster, Jr., Robert W. Galvin, Gordon Gray, Edwin H. Land, Clare Booth Luce, George P. Shultz, Edward Teller.

[2] It was then called the President's Board of Consultants on Foreign Intelligence Activities. The name was changed to its present form in 1961.

The PFIAB's lack of success as a stern overseer of the intelligence community could have been due to the fact that it lack specific powers of enforcement. President Ford has proposed that the new Intelligence Oversight Board have such powers. But it may turn out after all, that part-time citizens' committees are, by definition, not quite up to the massive task of intelligence oversight.

INCORPORATING THE GOLD STAR WIVES OF AMERICA

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. FORSYTHE. Mr. Speaker, for some time I have actively been engaged in trying to insure that the Gold Star Wives of America, Inc., be granted a Federal charter as befits its status as a national organization. Although our efforts have not been successful thus far, recent developments indicate that the 10-year moratorium on the granting of Federal charters may soon end. If that is true, then I know of no group more deserving of the national incorporation provided by a Federal charter than the Gold Star Wives of America. For the benefit of my colleagues in the House, I am including in the RECORD of these proceedings a recent statement discussing the nature of the organization and its need for a Federal charter:

STATEMENT REQUESTING SUPPORT FOR GRANTING A FEDERAL CHARTER TO GOLD STAR WIVES OF AMERICA, INC.

For a number of years, Gold Star Wives of America, Inc., has been seeking incorporation in the form of a Federal Charter so that our organization might be accorded the provisions, privileges, and prerogatives that have been granted to many other national veterans organizations. Legislation has been introduced in both the Senate (S. 1998) and the House (H.R. 11013 and H.R. 12119). The purpose of this statement is to better acquaint you with our organization, its purposes, and the reasons a Federal Charter is being sought.

Gold Star Wives of America came into existence 31 years ago when World War II was leaving thousands of widows and fatherless children in its wake. Existing organizations had been established on the basis of the war involved so that there was no established organization to which to turn. From the small nucleus of a few widows meeting in New York City in 1945, membership spread throughout the country, and wherever a sufficient number of members resided close enough, chapters were formed. The organization functions through Chapter, Region, and Member-at-Large representation. Membership in Gold Star Wives is open to widows of any person who died while a member of the armed forces of our country, or who died subsequent to such service as a result of injury or disability incurred during active service. Remarried widows remain eligible for membership.

The objectives and purposes of Gold Star Wives were well-chosen at the time the national organization was formed and remain just as appropriate for the needs existing today as we strive to:

(1) Assist in upholding the Constitution and laws of the United States of America, and to inculcate a sense of individual obligation to the community, state, and nation.

(2) Honor the memory of those who made the supreme sacrifice in the service of our country.

(3) Safeguard and transmit to posterity the pinciples of justice, freedom, and democracy for which members of our armed services fought and died.

(4) Provide the benefits of a happy, healthful and wholesome life to minor children of persons who died in the service of our country.

(5) Promote activities and interests designed to foster among its members the proper mental attitude to face the future with courage.

(6) Aid when necessary the widows and children of persons who died in the service of our country.

(7) Do any and all things necessary and incidental to carry out the general purposes and objects of this organization.

Gold Star Wives of America was incorporated in the State of New York on December 15, 1945. During a conference in 1967 with the Veterans Administrator's staff, it became apparent that the objectives of our organization could not be attained without a Federal Charter. National officers of Gold Star Wives were advised then that obtaining a Federal Charter must be priority legislation for the organization. Therefore, since that time our greatest efforts have been toward this goal, while at the same time we encountered increasing difficulties in our efforts to be of assistance to the thousands of new Vietnam widows because of the lack of this needed charter.

For lack of a Federal Charter, we have repeatedly been hindered and prevented from giving the assistance to new widows that could have been available to them through Gold Star Wives of America. Efforts to make our organization known through survivor assistance officers at military installations have been refused on the basis of not being recognized as a reputable organization, while in other instances, contacts at military bases resulted in inquiries going to the Department of Defense regarding the reliability of Gold Star Wives of America. Our experiences on these occasions would indicate that the only way our organization could acquire the respect and stature so necessary to conduct our activities is through Congressional recognition.

Membership continues to be nationwide, with members in almost every state and chapters in half the states. We take pride in the fact that although the organization was formed by World War II widows, the membership has always remained open to those who have later become widows of servicemen in any active-duty assignment. A number of Korean widows are active members. During the Vietnam Conflict, the scope of the opportunities to be of service to those with whom we have a common bond increased tremendously. Membership grew and the number of local chapters increased as hundreds of new widows turned to Gold Star Wives of America for assistance with their financial and emotional problems. In spite of this, the percentage of eligible membership is small and we are certain that Congressional approval through Federal incorporation would improve this situation.

The local chapters of Gold Star Wives assume numerous and varied activities and projects in their communities as service organizations, and many of our members-at-large perform charitable and volunteer work in the name of Gold Star Wives.

Annual dues have been kept purposely low in order that every widow can afford to be a member of Gold Star Wives of America. The National Treasury receives $3.00 of the $5.00 dues and the local chapter (or region for members-at-large) retains $2.00. The local chapters engage in varied fund-raising projects to support their local charitable activities. All members are invited to participate in one large fund-raising project on a National basis each year—a Stay-at-Home Tea inaugurated 15 years ago. An invitation to a Stay-at-Home Tea, with a tea bag enclosed, is mailed to all GSW members.

She may have her cup of tea in her own home, alone, with friends, or with fellow members at a chapter tea party, and she mails her donation to the Fund Raising Chairman, who is a member of the National Board of Directors. Proceeds from this successful venture have made it possible for Gold Star Wives of America to place a plaque in memory of our husbands in the Memorabilia Room at Arlington National Cemetery honoring the Unknowns and to establish a memorial to our husbands through the funding of the 52 state markers in the Congressional Medal of Honor Grove at Valley Forge, which were dedicated on Constitution Day, 17 September 1969. The hosting chapter for the Annual National Convention is provided funds from this source to make a Welfare Project contribution to its community. A gift of at least $500 has been made to Fitzsimmons Hospital in Denver, the Veterans Hospital at Atlanta, the Fort Snelling VA hospital in Minneapolis, toward the new VA Hospital in San Diego, the Columbus, Georgia Community Organization for Drug Use Control, the Chapel Building Fund at Jefferson Barracks National Cemetery at St. Louis, the Buttonwood-Evergreen Halls for the emotionally disturbed at Burlington, New Jersey, and an Orlando, Florida organization working with retarded people.

It is sad, but a deplorable fact, that the only person who can be completely aware of a widow's problems is another widow. We know from many experiences that members of our organization have provided the emotional stability necessary to enable a new service widow to "face the future with courage"—or to even face the future at all. Often times this painful experience has been further complicated by unfortunate circumstances surrounding survivor benefits, and members of our Legislative and Service Committees respond to each and every request for assistance.

Since 1965, Gold Star Wives of America has actively participated in the annual Women's Forum on National Security, composed of some 17 women's national organizations, most of which have been Federally Chartered.

The officers and directors of Gold Star Wives of America believe that our organization definitely does provide a service that is unique and which is not available from any other organization. Gold Star Wives of America is not an auxiliary of any other veterans organization. We are frequently asked about our sponsors; however, a widow's sponsor is her deceased husband, and therein lies much of our problem. It is essential that Gold Star Wives establish an identity of its own. We long for the day the average citizen will know the difference between a Gold Star Wife and a Gold Star Mother! The majority of our members are widows of servicemen—most of our husbands did not live to become veterans. It is the only national organization composed entirely of service widows which devotes itself exclusively to the welfare of the widows and orphans.

It is further our belief that Gold Star Wives of America more than adequately meets the specific standards set up as prerequisites to Federal Charters, and to continue to be denied this Congressional endorsement would seem to be discriminatory.

Thank you for permitting us to familiarize you with the activities and objectives of Gold Star Wives of America. We would appreciate your support of this vital legislation so that it may receive the consideration we believe is merited.

WHAT PRICE SAFETY

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. HANSEN. Mr. Speaker, the nightmare of the Occupational Safety and Health Act is put in excellent perspective by Mr. M. Stanton Evans in the April 3, 1976, issue of Human Events. His column follows:

WHAT PRICE SAFETY?

(By M. Stanton Evans)

The road to ruin for American business is paved with the good intentions of federal bureaucrats.

At least you're supposed to assume they're good. Sometimes I wonder. Take the Occupational Safety and Health Administration (please). The stated object of this agency is to improve safety conditions for American workers. There is precious little proof that it has done so—but plenty of proof that it has caused immeasurable grief for their employers.

Consider, first of all, OSHA's record of metastatic growth. The law that gave it birth runs to a modest 31 pages, which could, of course, be troublesome but not impossible for average citizens to master. As usually occurs, however, Congress permitted executive agents in the Department of Labor to run amok—pumping out an endless batch of OSHA regulations in the *Federal Register*.

At last count, there were some 800 pages of such regulations, setting forth the safety standards that strike the bureaucrats as proper. These standards number no less than 4,400—2,100 devoted to business generally, 2,300 focused on the maritime and construction trades. They are enforced by an army of a thousand-plus inspectors.

These standards are not only voluminous, they are often of eye-glazing complexity. One of the most notable, isolated by Prof. Murray Weidenbaum of Washington University in St. Louis, consists of gobbledygook on ladders, including this delectable specimen: "The angle (a) between the loaded and unloaded rails and the horizontal is to be calculated from the trigonometric equation: Sine a=difference in defection 9/ladder width."

Small wonder that the Federation of American Scientists says: "Regulations are voluminous and complex, the language convoluted beyond recognition except by a scientist or lawyer. . . . Businessmen who have no legal or scientific training are unable to understand OSHA regulations. Unfortunately, few efforts are being made to translate the information into readable language. . . . Equally unnerving to the businesses is the sheer volume of the regulations—thousands of them apply to one small operation."

That the average citizen doesn't understand the mumbo jumbo is of small concern to OSHA. The important thing is that you be in compliance. OSHA agents make unannounced pop inspections and issue citations on the spot that can lead to fines of hundreds or thousands of dollars. There is no provision for advisory opinions on whether a given ladder, exit or trash can is out of sync with OSHA's mysteries. In fact, it is a criminal offense for anyone without authority to do so to give you notice of an OSHA inspection.

Even assuming the standards can be understood and met, the costs can be prohibitive. Robert Stewart Smith, formerly in charge of safety and health evaluation for the Department of Labor, has examined the costs and benefits of OSHA in an excellent analysis for the American Enterprise Institute (1150 17th St., N.W., Washington, D.C. 20036). On his showing, the costs are heavy, the benefits negligible.

Smith quotes findings by the National Association of Manufacturers that OSHA compliance costs range from $35,000 (for businesses with 100 employes or fewer) to $350,000 (for businesses with up to 1,000 employes). This estimate is confirmed by the fact that the first 33 businesses obtaining small business loans for the purpose of OSHA compliance averaged loans of $200,000 apiece.

Such costs are reflected in prices charged to consumers, and they are growing rapidly. Total costs of compliance came to $2.5 billion in 1972, $3.2 billion in 1973. And this is just for openers. Full compliance with existing OSHA noise standards would cost $13.5 billion, and under one proposed noise standard it would cost $31.6 billion. (This doesn't count the additional millions in levied fines.)

Over against these heavy costs are Smith's findings that OSHA had apparently done little or nothing to improve the industrial accident record. Sifting OSHA's own inadequate data with other figures, Smith discovered (a) that injury rates were higher, not lower, in industries with good compliance ratings, and (b) that between 1970 and 1973, industrial accidents in OSHA's so-called "target industries" fell by less than 1 per cent more than they would have in the absence of the program.

"At the very least," Smith concludes, "the results cast serious doubt on the effectiveness of the target program. . . . A more ominous, but still speculative, implication . . . is that OSHA, whether because of its standards or because of its failure to discover violations, may not be affecting the conditions which cause injury.

"Given the limited potential of a perfectly enforced set of standards and the likelihood that inspectors discover only the most obvious violations, it is perhaps not surprising that the estimated effects on injuries are so small that they cannot be distinguished from zero."

The net of it is that we are administering a vast bureaucracy, armed with constitutionally questionable powers, costing consumers untold millions—to achieve a statistically insignificant impact on the safety record of American industry.

TWO HUNDRED YEARS AGO TODAY

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. WIGGINS. Mr. Speaker, 200 years ago today, on April 3, 1776, the Continental Congress authorized that the blank commissions for the commanders of private ships of war and letters of marque and reprisal, "be sent to the general assemblies, conventions, and councils or committees of safety of the United Colonies, to be by them filled up and delivered to the persons intending to fit out such private ships of war, for making captures of British vessels and cargos * * *" It is estimated that between 1,151 and 2,000 American privateers were commissioned to carry on operations during the Revolutionary War.

THE GI BILL IN HUMAN TERMS

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. DOWNEY of New York. Mr. Speaker, on March 15, 60 of my colleagues joined me in urging the Education and Training Subcommittee of the Veterans' Affairs Committee to hold hearings on proposals which seek to extend veteran's education benefits due to expire on May 31, 1976.

The career plans of many veterans will be seriously altered if a legislative remedy to this expiration problem is not promptly considered and passed. I have received dozens of letters from my constituents expressing this sentiment. These letters frame the problem of limited VA educational benefits in human terms. I present two of them:

Hon. THOMAS DOWNEY,
Congressional Office Building,
Washington, D.C.

DEAR CONGRESSMAN DOWNEY: My family and I urge your support of Bills H.R. 7586 and H.R. 7221. I am a veteran, a police officer and a student of N.Y. Institute of Technology.

If V.A. benefits are terminated in May 1976, I will be deprived of 20¼ months of benefits I earned in the service of my country.

Until the CAPP Program was instituted, my employment as a Suffolk County Police Officer prevented college attendance on a full time basis. At present, with the VA benefits, I can provide for my family, attend college on a full time basis (12 credits/semester) and maintain an excellent average. (I am on the Dean's List.)

Although college credits are not required or recognized by the Department, and I've been successful in advancement without it, surely this pursuit of learning has broad and long term advantages for my community and my profession.

I am certain there are many Police Officers in the same predicament . . . . left with benefits they earned, but could not utilize before, and now are faced with impending loss of these benefits, because of an arbitrary cut-off date.

With your help and support, this date can be extended to allow us to use these benefits we already have earned, and in so doing, improve ourselves and the service we provide to our community.

Thank you for your consideration in this matter.

Hon. THOMAS J. DOWNEY,
House of Representatives,
Washington, D.C.

MY DEAR SIR: There are two bills before the Congress that I and many of my college associates feel very strongly about. They are H.R. 7586 and H.R. 7221. These bills dealing with V.A. educational benefits are the only way many of us will be able to continue our education.

As a veteran and a police officer trying to raise a family in these hard economic times I find it almost unbelievable that any member of Congress could vote against these bills. Yet, I am aware of certain members who were separated prior to 1964. This, Sir, is totally unfair and an outrage. Many individuals separated from the service as long ago as 1956 are currently enjoying educational benefits, some twenty years after they left military service. I suggest also that many members of the Congress also benefited from

those extended benefits. Now, during a period when municipal salaries are being frozen, prices are rising at astronomical rates and no end in sight, we are expected to sacrifice again.

What are are asking for is a fair deal. We do not seek higher benefits. We seek to finish our education. All we are asking for is that the time limitation be removed. A chance, Sir, to share in the benefits of this great country that we the veterans and police help to protect.

I will anxiously await your thoughts and intentions on the above matter.

H.R. 12021

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. MINISH. Mr. Speaker, I am proud to be a cosponsor with the gentleman from Kentucky, Dr. CARTER, of H.R. 12021, legislation designed to carry out the recommendations of the National Commission on Diabetes for a stepped-up fight against diabetes.

As a sponsor of the measure which created this Commission 2 years ago, I want to stress that this new bill is the essential first step toward fulfilling the Commission's long range plan to combat diabetes. Through passage of this legislation, we will signify the Congress commitment to finding the cause and a cure for diabetes.

Diabetes mellitus, Mr. Speaker, is a major health problem affecting more than 10 million Americans. Last year in the United States as many as 300,000 deaths could be attributed to diabetes and its complications, thus making diabetes the third ranking cause of death after heart disease and cancer.

In addition to the very real emotional and social burden of diabetes, the economic cost to the Nation of this disease exceeds $5.3 billion per year. It makes sense, therefore, for us to invest a relatively small amount of money to develop a full-scale attack on this widespread disease.

H.R. 12021 would establish a National Diabetes Advisory Board to review, evaluate, and advise with regards to the implementation by the Federal Government of the Commission's long-range plan. This Board will report to both the Congress and the President describing and evaluating progress made each year with respect to the effort to conquer diabetes. The reports are to include legislative and appropriation recommendations for the forthcoming fiscal year.

In addition, the legislation authorizes funds for "Distinguished Scientists Awards." These shall be awarded by the Secretary of Health, Education, and Welfare to individual scientists who have shown outstanding productivity in research related to diabetes so that they may continue their efforts.

Lastly, funds are included in the bill for the establishment of diabetes research and training centers. These centers, which were included in the original diabetes legislation, are to play a major role in generating the necessary manpower for diabetes research and for clinical care.

Currently, a wide range of activities related to diabetes—research, education, and training—is occurring at the National Institutes of Health, within other Federal agencies, and outside Government in a number of human service organizations. Because the scope of diabetes is so broad there is a need to oversee these efforts and to coordinate implementation of the Commission's recommendations. I believe this legislation, which has been referred to the Committee on Interstate and Foreign Commerce, will create a mechanism to accomplish that purpose. I urge that panel to act promptly and favorably on H.R. 12021.

IMPORTATION OF SPECIALTY STEEL

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. HARSHA. Mr. Speaker, earlier this year the International Trade Commission, after many months of study and research, found that the importation of certain specialty steels have caused substantial injury to our domestic industry and recommended that the President impose limitations on the importation of these steel products.

Because of the extreme importance of prompt action to protect our domestic supply of crucial specialty steel products, protect the jobs of thousands of American workers, and maintain a vital domestic industry, I, together with other Members of the House and the Senate, met with the President personally to discuss this matter and to impress upon him the urgent need for providing the specialty steel industry the protection it must have to compete with Government-owned and Government-assisted foreign producers.

The President subsequently decided to attempt to negotiate agreements with foreign nations to restrict their shipments of specialty steel to this country and to impose quotas to reduce imports if this attempt fails. I feel this was a reasonable decision and clearly reflects the President's understanding of the urgent need for import relief.

In order to demonstrate the relationship between unemployment in the specialty steel industry and the importation of specialty steel products, information from the Bureau of Labor Statistics on unemployment rates in counties throughout the country where specialty steel operations are located was obtained. The statement setting forth the unemployment rates in these counties was recently brought to my attention and shows that unemployment in these counties is appreciably higher than it is nationally. To me, this is a clear indication of the seriousness of the situation and supports the President's action in recommending protection for this crucial industry. As I believe these figures will be of interest to my colleagues, I would like to include them in the RECORD:

UNEMPLOYMENT IN COUNTIES WHERE SPECIALTY STEEL OPERATIONS ARE LOCATED

As an indicator of the relationship between layoffs in the specialty steel industry and the high level of imports of specialty steels, Colt Industries Inc. asked the Bureau of Labor Statistics to provide the unemployment rate for each of 39 counties in the United States in which specialty steel operations are located. The 39 do not include every county in which such an operation is located, since the selection omits the specialty locations of the two largest of the steel companies (U.S. and Bethlehem) and of the smaller companies (Phoenix as an example). The selection also omits counties which are seats of major cities.

The data—which are preliminary for both months show that from November 1975 to January 1976 the unemployment rate:

Increased in 24 counties;

Decreased in 3 counties;

N/A (Data not available) for January in 12 counties.

The counties for which the rates were sought are located in the nine states of: Connecticut, Indiana, Kentucky, Michigan, Missouri, Minnesota, Ohio, Pennsylvania, Texas.

The data are based on the count of unemployment insurance claims. The national unemployment percentage is announced on the second of each month for the preceding month. The county data have been obtainable on basis of a month's delay. The national unemployment rate for January 1976 seasonally adjusted was 7.8 percent (not seasonally adjusted 8.8). Among the specialty steel counties noted below, 24 had a rate above 7.8 percent, 18 of the 24 a rate above 8.8 percent.

One can infer from the data that economic recovery in the majority of the listed counties is delayed and, by the unemployment test, is lagging behind the nation as a whole.

County and State	January rate	November rate	Company facility
I. Specialty steel counties listed according to high to low rate of unemployment in January 1976:			
Scioto County, Ohio	15.6	15.1	
Chatauqua County, N.Y	14.4	8.9	
Linn County, Oreg	14.2	11.6	
Butler County, Pa	13.7	9.3	
Westmoreland County, Pa	12.8	11.3	
Mercer County, Pa	12.4	11.3	
Tuscawaras County, Ohio	10.8	11.6	
Daviess County, Ky	10.3	8.3	
Washington County, Pa	10.2	9.0	
Mahoning County, Ohio	10.1	9.5	
Henry County, Ind	9.9	9.3	
Butler County, Ohio	9.9	9.0	
Union County, N.J	9.9	9.0	
Northampton County, Pa	9.9	11.3	
Muskingum County, Ohio	9.6	9.0	
Allen County, Ind	9.2	8.2	
Stark County, Ohio	9.1	8.6	
Beaver County, Pa	9.0	8.0	
Cambria County, Pa		8.7	5.5
Onandaga County, N.Y		8.6	10.8
Jackson County, Mo		8.5	8.9
Washington County, Oreg		8.4	7.6
Venango County, Pa		8.3	7.9
Hardin County, Ky		8.2	7.7
Cuyahoga County, Ohio		7.8	7.4
Albany County, N.Y	(1)	7.2	5.5
Marion County, Ohio		6.7	6.3

1 Allegheny Ludlum.

County and State	Company rate	January rate	November rate
II. No information for January from counties listed in order high-to-low in November 1975:			
New Haven County, Conn			13.2
Oakland County, Mich			11.6
Macomb County, Mich			11.0
Oneida County, N.Y			10.8
Fairfield County, Conn			9.6
Allegheny County, Pa. (excluding Pittsburgh)			7.7
Hennepin County, Minn			5.8
Berks County, Pa			NA
Cooke County, Tex			NA
Coshocton County Pa			NA
Crawford County, Pa			NA
Guernsey County, Ohio			NA
III. Heavily urbanized specialty steel counties not included:			
Baltimore			
Cook, Ill. (Chicago)			
Harris, Tex. (Houston)			
Los Angeles			
Marion, Ind. (Indianapolis)			
Milwaukee			
Tulsa			
Wayne, Mich. (Detroit)			

IDAHO ATTORNEYS' CASE AGAINST OSHA

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. HANSEN. Mr. Speaker, in order to clarify the fourth amendment case now pending against the Occupational Safety and Health Act, I submit a partial review of Barlow Inc. against Dunlop, et al., as outlined by Mr. Barlow's attorney:

Barlow's, Inc. is an Idaho corporation located in Pocatello. The business of the corporation involves the installation of electrical wiring and fixtures, plumbing and fixtures, and heating and air conditioning equipment. The corporation purchases much of its supplies, particularly rolled steel, from sources outside the State of Idaho and is, therefore, engaged in interstate commerce. Mr. Ferrol G. "Bill" Barlow serves as the President and General Manager of the corporation and takes an active part in the day-to-day conduct of the business.

During the late morning of September 11, 1975, while Mr. Barlow was occupied at the customer service counter of the corporation's business establishment, he was approached by Mr. T. Daniel Sanger who identified himself as a Compliance Officer for the Occupational Safety and Health Administration. After concluding an initial interview, Mr. Sanger announced that he was ready to conduct a general inspection of the private portions of the corporation's business premises. Upon learning that the Compliance Officer had no search warrant, Mr. Barlow refused Mr. Sanger the right to conduct such an inspection.

It appears that Mr. Sanger sought only to conduct a routine inspection of the corporation's business establishment. The development of the case has disclosed that there have been no complaints by Barlow's, Inc.'s employees concerning possible violations of the Occuptional Safety and Health Act, nor have any facts come to light giving rise to "probable cause" to believe that an OSHA violation exists on the corporation's business premises.

On December 30, 1975, an Order was entered by the Federal District Court in a case entitled, In the Matter of Establishment Inspection of Barlow's Inc., which required Barlow's to submit to the OSHA inspection. That Order was served on Barlow's, Inc., on January 5, 1976, and once more Mr. Barlow denied the officer admission to inspect and search the premises.

On January 6, 1976, the day after service of the above mentioned court order, suit was filed in the same Federal District Court seeking a determination of the constitutionality of the pertinent provisions of the Act and an injunction against their enforcement.

ISSUES PRESENTED BY THE CASE

The Fourth Amendment to the Constitution of the United States provides as follows:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

The United States Supreme Court has long since established the basic rule that all warrantless searches are presumed "unreasonable" unless proven otherwise. The flexibility of this proposition reflects the Court's recognition of the fact that there are times when the requirement of seeking a search warrant from a judicial official must be relaxed as "unreasonable" in the face of emergency situations. Thus, an automobile reasonably (i.e. "probable cause" exists) suspected to contain contraband may often be searched without a warrant because of the danger that the automobile might be moved and the evidence of the crime destroyed.

Further, it is recognized that certain government licensed businesses such as liquor or gun dealerships may be inspected and searched by government officers upon the theory that those persons who have chosen to engage in such "pervasively regulated and licensed enterprises" have at least impliedly consented in advance to such warrantless inspections.

The question presented by this case is whether these two general exceptions to the warrant requirement may be applied to every business enterprise subject to OSHA regulation.

First, it is Barlow's position that Congress may not dispense with the constitutional requirement of search warrants by the legal fiction of finding "probable cause" to believe that violations of OSHA regulations exist in every business sought to be inspected.

Second, Barlow's contends that the "licensed enterprise" exception to the need for search warrants may not be constitutionally applied to each and every enterprise subject to OSHA regulation. Barlow's has not expressly or impliedly consented to searching of its private premises as a condition to its right to purchase materials from outside Idaho.

HISTORY OF THE CASE

As mentioned above, the case of *Barlow's, Inc. vs. Dunlop, et al.*, constitutes an independent attack upon the government's right to conduct a warrantless search, which the government sought to establish in the case of *In the Matter of Establishment Inspection of Barlow's Inc.*

It is notable that since the date of the Idaho District Court's decision, a three judge district court panel in Texas concluded in a somewhat similar case that Section 8(a) of the Act is constitutional but only because the court construed the Section to require the Government to seek and obtain a search warrant from a neutral magistrate.

Mr. Speaker, the court in the Texas decision, dated January 26, 1976, concluded with this statement:

"While we recognize that our approach is subject to criticism as remedial to the verge of redrafting, if there is a place for unusual deference anywhere in the relations between the branches of our Federal Government it surely exists where a court of first instance is required to pass upon the constitutionality of a broad national enactment of the Congress. We think it reasonable to assume that Congress intended nothing beyond its constitutional powers and that the requirement of a search warrant for resisted inspections was not made explicit in part because the need for a warrant was clear in those days before Biswell and its progeny appeared. And after all, Congress need not re-enact the bill of rights as a preamble to every statute to be sure that the statute will be construed against its background and with a recognition that Congress' fidelity to fundamental rights is as firm as ours."

Mr. Speaker, the Idaho lawyers went on to say:

"The court's willingness to stretch the language of the Act in order to incorporate the constitutional requirement of a search warrant is probably based on the peculiar fact situation of that case; but in any event, the court's reasoning strongly supports Barlow's theory of the case and significantly increases the likelihood of receiving a favorable decision from the three judge district court.

While it is not certain that the defendants in this matter would appeal an adverse lower court's decision, Barlow's intends to take this matter to the Supreme Court if it should be defeated in the lower court. The reasoning behind the parties' possible different approaches lies in the unique character of this case. It is remarkably clean and free of confusing and diverting side issues which might have served to prevent a final resolution of the constitutional questions. It is a basic canon of constitutional construction that such major issues of law should be considered if and only if the court cannot decide the case on other grounds. This tends to give stability and predictability to the basic law of the land. This case presents no other issues which would require or allow the Supreme Court to avoid a final determination of the constitutionality of Section 8(a) of the Act.

THE VICTIMS OF OCCUPATIONAL DISEASE

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. DOMINICK V. DANIELS. Mr. Speaker, in conjunction with its recent series of articles on occupational disease and the need for toxic substances control legislation, the Philadelphia Inquirer of March 21 included a set of three short stories on the victims of occupational disease.

The first is a story about former employees of the Philadelphia Navy Yard who worked as pipe coverers. As a result of their exposure to asbestos on the job, these men are now dying of asbestosis—and they have filed a suit against asbestos manufacturers all across the Nation which supplied the Navy yard with asbestos or asbestos-related products.

The second story concerns a former employee of DuPont's Chambers Works in Salem County, N.J., who is now dying of bladder cancer as a result of his exposure to toxic chemicals.

Three hundred other employees of the same plant have also contracted bladder cancer.

The third story concerns the Gauley bridge disaster, and is a shocking account of an epidemic of acute silicosis among tunnel workers in West Virginia. This

appalling chapter in the history of occupational disease was written at the height of the depression, when workers' lives were expendable. In this case, so many workers died on the job that the employer resorted to mass burials in West Virginia cornfields.

Mr. Speaker, I was particularly interested in some of the comments of the DuPont chemical worker, which underscore the persistence and ubiquity of denial. No worker believes he is going to die because of his work. Others around him may get sick and die, but not him.

"None believes in his own death," said Sigmund Freud. This is one of the problems confronting those of us who strive to awaken the national conscience about the needless tragedy of occupational disease. I do not believe that workers are apathetic about health hazards on the job—instead, I believe they are simply denying the role their work is playing in accelerating their death process. There are also economic factors which influence worker attitudes about health hazards on the job. Workers do not want to lose their jobs; they are willing to assume health risks just to remain employed.

Mr. Speaker, American society has surely advanced to the point where it is possible to have both a job and sound health. A worker should not have to choose between the two alternatives.

The Occupational Safety and Health Act has enabled us to take great strides to provide American working men and women with safe and healthful working places. But there is much that remains to be done.

Occupational disease kills over 100,000 American workers each year. We are really not going to get this problem under control until we enact effective toxic substances control legislation.

La Fontaine said, "We believe no evil till the evil's done." Well, the evil of toxic substances surrounds us.

Hundreds of thousands of premature deaths result from environmentally linked cancer. The proliferation of toxic substances in our society is the root cause of this cancer epidemic. When are we going to shut off the tap that is poisoning our people and our environment?

Environmental contamination by toxic substances costs this Nation millions of dollars each year in the loss of fish and wildlife and livestock, and the degradation and destruction of our precious water, air, and soil resources.

When are we going to say that the time has come to stop this frightful and needless waste?

When are we going to enact an effective toxic substances control bill?

Mr. Speaker, I hope that the answer to all of these questions will be provided by the 94th Congress.

This Congress has the opportunity to perform a great service in the compelling national interest.

We will soon be considering legislation concerniing toxic substances control. I hope that, when this measure comes to the House floor, my colleagues will join with me in supporting a strong and effective bill.

Statistics on cancer indicate that 1 in 4 Americans will die of this disease. This means that there are over 100 of us in this room today who will die of cancer—and who are probably now carrying within us the seeds of our own destruction.

Most of those seeds have been planted by exposure to hazardous substances.

I hope my colleagues will agree that the time has come to call a halt to this grim harvest.

Mr. Speaker, I include at this point in my remarks the article from the Philadelphia Inquirer concerning occupational disease victims, and remind my colleagues that we are all being victimized by toxic substances:

[From the Philadelphia Inquirer, Mar. 21, 1976]

THE VICTIMS—STRICKEN ASBESTOS WORKERS SUE

(By Murray Dubin)

Joe, 48, of South Jersey: "I got out of the service in '55 and there were three apprenticeships open at the Navy Yard—rigging, painting and pipe covering. I didn't like painting, and rigging guys were always lifting and pulling heavy things. I figured pipe coverers just covered pipes."

Joe made a bad choice. He says he is dying because of it.

He and 40 other former Navy Yard workers, and seven widows of former Navy Yard workers, have filed suit in Philadelphia against 24 asbestos manufacturers. The suit charges that the manufacturers failed to warn the workers about the health hazards of asbestos.

Asbestos is recognized for saving many lives because of its use in fireproofing buildings and in automobile brake linings. Now, however, the fiber is revealing its more demonic side, a side that is destroying people.

The most feared asbestos-related disease is mesothalioma, an almost always fatal type of cancer that affects the abdominal wall. Relatively rare, the disease has been found in those who have worked with asbestos (estimates say about 5 million workers breathe a significant amount of asbestos dust every day).

More common is asbestosis, an emphysema-like disease that scars the lungs, markedly decreasing breathing capacity and increasing chances of lung cancer and other forms of cancer.

FEAR HARASSMENT

There is no cure for asbestosis, and no hope of improvement for its sufferers.

Joe and four others who suffer from asbestosis and are parties to the suit sat in the Broad Street office of Melvin Brookman, their attorney, last week, Joe and Ben, both of South Jersey, asked that their correct names and communities not be used. They are afraid of harassment.

The other three are: Lou Robbins, 62, of Levittown, 25 years in the Navy Yard installing sheet metal; Thomas Conte, 66, of South Philadelphia, 32 years as a welder; and Ernest Washington Jr., 54, of West Philadelphia, five years as a welder. Joe and Ben were both pipe coverers.

All five men are wearing wrist watches as if time had become very important to them. Washington excuses himself three times during a 90-minute interview to go to the bathroom. "My muscles . . . I can't hold it in no more," he says. Robbins' voice is high and raspy and painful to listen to.

"In 1970, we were taking our regular x-rays at the yard," says Joe, the father of four. "The bases of my lungs were dark. They told me to go to my regular doctor. He said if I didn't get out of the Navy Yard, it would kill me.

"Asbestosis? Nah, how the hell should I know what it was?"

"My doctor asked me what I did for a living," adds Ben, 53. "When I told him, he said there was no medicine for me."

None of the five says he is physically able to work. They all stay at home, driving their wives to work, visiting shopping malls, watching television, counting the hours.

Their foods are restricted; celery is too hard to chew. "We eat cream soups," says Joe.

There is no more late night socializing, no long walks, no dancing, no energy for much of anything. And there is no sex.

"It's not a laughing matter," says Joe.

"I know two guys whose wives left them because of this," says Washington. "I got a wonderful, understanding wife." The others nod.

They all agree that they will live out their lives without an operation. "Once they start cutting you, if you got a month more, you're lucky," says Joe. "They wanted to do a biopsy on me. No way."

Conte lost a brother-in-law from asbestosis. He tries not to think about what may happen to him. "I'm scared. If I can't sleep, I knock myself out with four or five shots of scotch," he says, scratching the tatoos on his arm.

RECALL WORK

They ruefully recall all the asbestos dust they have breathed, the asbestos sheeting they used as a blanket while working, the asbestos they used while welding.

"The manufacturers should have given us a warning," says Joe.

Since 1972, the Navy Yard has provided workers with paper overalls, respirators, special lockers, showers and an end to any new asbestos use. But these five men say the changes probably were too late for them.

Attorney Brookman says work on the suit began 11 months ago with one widow of a Navy Yard worker. It quickly mushroomed into the current 48 petitioners.

Filed in Common Pleas Court in late January, the suit names asbestos manufacturers all over the country, ranging from giants like Johns-Manville and Owens-Corning to local companies like the Amatey Corp. of Norristown.

Companies contacted would make no comment on the suit. As yet, a hearing date has not been set.

SUPPLIED YARD

Brookman says that all the companies named supplied the Navy Yard with asbestos or asbestos-related products.

The five men say they have become involved in the lawsuit so that their families will have some money.

"They (asbestos companies) owe me," says Ben. "They shortened my life. They screwed me."

"People ought to know what it can do to you," says Joe.

None of the five have become avid asbestosis experts, preferring not to know everything about the disease that may kill them.

"If I got five years left, it's a lot," says Washington. He has planned his funeral, signed the papers that will give his body to medical science and "pull the plug" if he is only being kept alive by technical means.

"I've got one client that asked me to handle his funeral for him," Brookman says. "He wants to be cremated. He told me the only thing left will be ashes.

"And the asbestos, because that won't burn."

DUPONT PRAISED BY ONE WORKER

According to a recent federally-funded survey, one in four American workers has an occupational disease. Few of them are like Manuel Pollock.

Probably the most obvious difference is that he's cheerful about his disease—bladder cancer.

His former employer, the E. I. DuPont de Nemours Co., has accepted "full responsibility" for his cancer, according to Pollock, in-

cluding transporting him to and from the hospital when he goes in for a check-up.

"They never have been chintzy on medical care," says Pollock, who retired in January 1975 after 39 years at DuPont.

Manuel Pollock is 62 and weighs 125 pounds—down three pounds from the days when he emptied barrels and shoveled chemicals into vats at the DuPont Chambers Works in Salem County, N.J.

"I'm not frail," he says, objecting to a description of him which appeared some time ago in a newspaper story about Salem County's bladder cancer rate—the highest in the country.

Since then, Pollock has been interviewed by the New York Times, CBS and a New York television crew.

Pollock is the former president of the independent union that represents 4,300 of the Chamber Works' 7,000 employes. Although approximately 300 other workers at the plant have contracted bladder cancer, Pollock is the only one available, according to the union, to discuss his illness.

NOT BITTER

Unlike many workers around the country who have been stricken by occupational diseases, Pollock is not bitter. In fact, he has only the highest regard for DuPont.

He figures that's why CBS newsman Dan Rather didn't use any portion of an hour and a half filmed interview with him in a special television report on occupational cancers.

"I'm not controversial," Pollock says.

Indeed, if DuPont wanted to send out a missionary for its safety and health programs, they couldn't find anyone much better than Pollock.

"There isn't anything you can't have for safety," he says, referring to equipment provided workers to prevent exposure to the scores of chemicals produced at the Chambers Works.

Unlike the days when Pollock used to work bare-chested mixing chemicals—with the dust coating his body and filling his lungs—many workers today are provided "chem suits," similar to space suits worn by astronauts, complete with self-contained air supplies.

AWARE OF RISKS

And although Pollock never knew what hazards he faced, he believes the workers today are fully informed by DuPont of health risks they take daily.

For example, 18 months before DuPont informed the National Institute for Occupational Safety and Health that the chemical hexamethylphosphoric triamide caused nasal tumors in rats, workers were notified, according to Leslie R. Morris, who succeeded Pollock as president of the union.

The chemical, known as HMPA, is a solvent. According to Morris, DuPont told workers that although tumors were found in rats, none had been found in humans. Production of the chemical continues.

Such announcements by DuPont to its employes at the Chambers Works have occurred with increasing frequency. Although DuPont feared a "mass exodus" of workers when several other substances it produces were discovered to be cancer-causing, according to Morris, that didn't occur.

NOT MILITANT

The union is "not militant at all" about occupational hazards, Morris says.

"I feel they (company officials) are leveling with us because there are too many government agencies we can go to," says Morris. "DuPont is very sensitive to adverse publicity. And they know the union will go to any extremes to mandate that our people are knowledgeable about hazards."

In its 33-year history, the union has taken only one strike vote, over the issue of whether union representatives could conduct union business on company time. The strike vote failed.

Two-year-long efforts by the United Steelworkers of America to organize the Chambers Works and other DuPont plants also have failed.

Morris admits that an hourly wage of $7.13 for 85 percent of the chemical workers keeps many of them content. DuPont's traditional paternalism toward its employes also is a factor, Morris and Pollock say.

"The attitude used to be, DuPont took care of us during the Depression, so why should we ruffle their feathers now," says Morris.

"Workers have the feeling that, Hell, I'm not going to get it (cancer)," says Pollock. "Or, they think that if anyone gets it, the guy beside me will."

"Or, if I do get it, the company will take good care of me."

A HORROR STORY OF GAULEY BRIDGE

Forty years ago, in a Congressional hearing room, victims of one of the most gruesome outbreaks of occupational disease unfolded to the nation the horror story that became known as the Gauley Bridge Disaster.

The number of dead: 476. The number of dying: 1,500. Mass burials: 169 workers buried in a cornfield, two or three to a hole.

The cause of death: acute silicosis.

A Congressional subcommittee recommended that Congress finance a study of silicosis; the suggestion died in committee. Public discussions of labor and industry cooperation to eradicate the disease were convened; they produced nothing more than talk. Some minor changes were made in workmen's compensation laws; none would compensate the victims of Gauley Bridge.

In 1930, the New Kanawha Power Co., a subsidiary of Union Carbide and Carbon Co., began construction of a 16,250-foot-long tunnel through a mountain at Gauley Bridge, W. Va.

Officially the tunnel was to bring hydroelectric power to an undeveloped region of the state. In fact, the purpose of the tunnel was to supply power to another subsidiary of Union Carbide.

Much to the tunnel planners' delight, test borings indicated the mountain contained vast deposits of pure silica, a valuable commodity in steel processing—precisely the type of work done by the subsidiary at the other end of the tunnel.

The nation was in the midst of the Depression and workers—particularly unskilled blacks from the South—were easy to attract to the site. Hundreds, with the promise of good wages, poured into Gauley Bridge.

Many would never leave alive.

In 1936—when the first national attention was focused on the Gauley Bridge outrage—a black man named George Robison described conditions at the construction site to a stunned Congressional committee:

"As dark as I am, when I came out of that tunnel in the mornings . . . nobody could have told which was the white man. The white man was just as black as the colored man.

Men like Robison told the committee about fellow workers dying in the tunnel and being carted out for immediate burial.

Workers were herded into the tunnel immediately after a blast, before any dust could settle, by supervisors wielding pick-ax handles.

Concerned families were reassured by the company. One was Mrs. Charles Jones, who lost three sons within 13 months, and whose husband was dying of silicosis.

Mrs. Jones told the committee:

". . . The tunnel foreman came and asked why the boy (her youngest son) was not at work . . . I told him I thought the tunnel dust was killing them. He said, 'No, that is just a foolish idea of yours. I have been working in tunnels for 30 years. It will not hurt them.' "

When doctors opened up Shirley Jones' lung, after his death, they found a hard, silica filled mass.

Although some workers requested respirators (which cost $2.50) to reduce the amount of dust inhaled, the contractor refused.

"The company openly said that if they killed off those men there were plenty of other men to be had," said a witness before the Congressional committee.

As the Depression wore on and the labor supply swelled, hourly wages dropped from 40 cents to 25 cents. Still, the workers came. In all, more than 2,000 men were employed. Almost one-fourth of them died.

If working conditions were terrible, living conditions were just as bad.

Tunnel workers were housed in decrepit shacks, with as many as 10 or 15 men squeezed into a building. Each week every man was charged 75 cents for shack rent, 25 cents for the doctor, 25 cents for the hospital and 25 cents for electricity (many cabins had none).

In 1932 and 1933, a total of 400 lawsuits were filed against Rinehart and Dennis by workers and their families. Two hundred of them were promptly thrown out because they had been filed after the one-year statute of limitations had expired.

Several trials were held. They turned out to be mockeries of justice. Jurors rode home in Rinehart and Dennis owned automobiles. Company supervisors, some barely able to talk because they too had come down with the disease, testified that dust had not been a problem in the tunnel.

Finally, in 1933, about 170 of the remaining lawsuits were settled out of court for a paltry $130,000 for all the plaintiffs. A lawyer for a few of the victims learned that the settlement occurred after other lawyers in the case had accepted a payment of $20,000 to accept the tiny settlement.

After lawyers fees of $30,000, victims received payments ranging from $80 to $1,000.

Most of the men who lived long enough to collect the settlement took the small sum granted them. Then, they went off to die.

MORE GUNS, MORE DEATHS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. CONYERS. Mr. Speaker, I am confident that the long-delayed debate and decision in the 94th Congress on stricter control of handguns will take place soon on the floor of the House. I venture to say that if each and every one of my colleagues were in a position to be impartial and dispassionate about the facts of handgun violence that the Subcommittee on Crime accumulated in more than 8 months of public hearings across the country, we would all move immediately to enact strict handgun control legislation. Needless to say, other considerations all to frequently intervene.

The facts of the matter demonstrate a strong correlation between the number of handguns available and the number of handgun-related crimes and acts of violence that occur. For example, gun homicide is highest in the South—72 percent of all homicides—and lowest in the Northeast—44 percent. It is not surpris-

ing, then, that firearms ownership is highest in the South—59 percent of all households—and lowest in the Northeast—33 percent. Accidental gun deaths occur four times more frequently in the South than in the Northeast. The family handgun is six times more likely to be used in the killing of a member of the family than against an intruder, and almost two-thirds of all such killings result from a family dispute or argument between friends. The FBI has concluded that most such killings would have ended as nothing more serious than a shouting match or fist fight were it not for the presence of handguns. The public safety commissioner of the city of Atlanta has testified that three out of four gun-related deaths could have been prevented were a handgun not available.

Because my views on the need for strong handgun control legislation are well known, I wish to place in the RECORD the views of a distinguished journalist whose conservative credentials are impeccable, Mr. Roscoe Drummond. Recently Mr. Drummond wrote a series of five columns on the urgent need for strong handgun legislation. It appeared in the Cincinnati, Ohio, Enquirer and numerous other newspapers across the country. I recommend his analysis of the handgun crisis to each and every Member:

MORE GUNS, MORE DEATHS

(By Roscoe Drummond)

This is the first of a five-part series on the controversial issue of stricter gun-control in the United States.

The United States is the most heavily privately armed nation in the world. It also has the highest crime rate of any nation in the world.

And crime is steadily mounting—up 18 percent last year over the year before.

And the spread of handguns is steadily mounting—one new handgun is sold in the United States every 13 seconds.

The number of handgun homicides and handgun fatalities from accidents is steadily mounting.

Crimes involving handguns were responsible for 20,000 murders in 1974 and $2.8 billion in loss of property.

I cannot believe that a majority of Americans will remain complacent much longer while elected officials dally.

Something must and can be done. The arsenal of handguns in private possession in the United States per capita is 20 times greater than in Great Britain. What is the consequence? More people are killed with handguns in a day and a half in the United States than are murdered by all firearms in Britain in a year. The rate of gun homicide in the United States is more than 200 times that of Japan and higher than in any other country anywhere in the world. A subsequent column will detail the measures other nations take which account for their lower crime rates.

It is impossible to separate the rise in handgun possession from the rise in handgun crimes and handgun killings. They are visibly related. The facts are beyond dispute.

The conventional myth spread by opponents of stricter gun control is that "guns don't kill people—people kill people." The truth is that the very possession of guns leads people to kill people. Here are the facts which demonstrate this truth:

Firearm ownership is highest in the South (59 percent of all households) and lowest in the Northeast (33 percent).

Gun homicide is highest in the South (72 percent) and lowest in the Northeast (44 percent).

Accidental gun deaths occur more than four times as frequently in the South as in the Northeast.

I ask readers to ponder these facts very carefully. Their essential truth is that, where guns are possessed by a greater number of people, that is where the higher rate of gun crime and gun fatalities occurs.

This can lead to no other conclusion but that possession of guns by innocent people in their homes or on their person is more of a peril than a protection.

This isn't just theory. What happens in real life proves it to be true.

Consider: The Eisenhower Commission, none of whose members was eager to have the government do anything more than that essential for protecting life, made a special study of "Firearms and Violence in American Life." It found that for every burglar stopped by a gun, four homeowners or family members are killed by a gun in accidents and that one-fourth of these victims are children under 14 years.

Consider: Atlanta's public safety commissioner has testified that "three out of four deaths could have been prevented were a handgun not available.

Most bodily harm to people from guns does not come from gun-carrying professional criminals. Most killings and injuries are the result of disputes between acquaintances where spontaneous violence is generated and the weapon at hand, a gun, is used to win the argument.

Just as the possession of handguns is not a good means of insuring safety and security, the opposite is equally true. The nonavailability of handguns means the noncommission of much violent crime.

Handguns figure in 54% of all homicides. No other weapon comes near to it.

This is why every national commission which has studied the cause and prevention of violence urges stricter handgun legislation.

This is why the U.S. Conference of Mayors urges a total ban on the manufacture, importation, sale and possession, of any kind of handgun by anyone except for use by the police and the military.

[Second of a series]

ON THE RIGHT TO BEAR ARMS

(By Roscoe Drummond)

This is the second of a five-part series on the controversial issue of stricter gun control in the United States.

The most confusing myth in the whole handgun debate is that any licensing or regulation of firearms is widely seen as a violation of the Constitution. It is argued that, if Congress went so far as to ban the manufacture of handguns, this would certainly be struck down by the Supreme Court.

Not so.

There is no such constitutional right, but it is widely espoused by gun-control opponents and it deters some legislators and gun-control supporters because the myth sounds so plausible on the surface.

Whenever I write about the need for stricter gun control, I get numerous letters from readers asking why I am against the Constitution and asserting that the government must not be allowed to "take away our right to 'bear arms.' "

It is an appealing argument unless you read the Constitution.

The second Amendment does refer to the right "to bear arms," but the right to bear arms is expressly and exclusively related to the maintenance of a state militia. Here is how it reads:

"A well-regulated militia being necessary to the security of the free state, the right of the people to keep and bear arms shall not be infringed."

This amendment thus authorizes citizens to bear arms in the service of the militia; it does not guarantee an unrestricted right to own firearms.

The history of the Second Amendment shows that its purpose was to protect the right of the states to maintain their own security forces by forbidding the federal government to infringe upon that right.

This is not just an arguable interpretation by guncontrol advocates. It is the unanimous interpretation of the Supreme Court of the United States. Four different cases have come before it centering on this issue and the court has consistently held that the Second Amendment applies only to the maintenance of a state militia and does not guarantee an unlimited right to bear arms.

The judicial precedents are unbroken. They are all to the same effect; namely, that the amendment protects the collective right of the people to bear arms in a military capacity for the security of the states.

The Supreme Court's rulings go back as far as 1875 and 1886, and the latest came in 1939. In its verdict in United States vs. Cruikshank, these are the court's words:

"The bearing of arms for a lawful purpose is not a right granted by the Constitution. The Second Amendment declares that it shall not be infringed, but this, as has been seen, means no more than it shall not be infringed by Congress."

In United States vs. Miller, Mr. Justice McReynolds, a judicial conservative, put it this way:

"With obvious purpose to assure the continuation and render possible the effectiveness of such (militia) forces the declaration and guarantee of the Second Amendment were made. It must be interpreted with that end in view."

In addition, the Supreme Court has stated that the right to possess and bear arms must have a reasonable relationship to maintaining such militia, and has indicated in United States vs. Tot that handguns have no such relationship and thus can be regulated by the federal government.

There has been no contrary verdict by the Supreme Court on any occasion.

Despite this clear judicial record, it is evident that there are still proponents and opponents of stricter gun control who, from lack of information, assume there is a constitutional right to keep and bear arms for personal use. There will continue to be honest differences of opinion on how and how far to go in dealing with handguns, but let's try to keep the debate within the bounds of fact.

A recent letter from a reader challenged me with this argument. He wrote: "On the American Broadcasting Co.'s nightly news, Harry Reasoner reported there were more deaths due to choking on food than by handguns. So, now let's outlaw food."

That is absurd. Food is indispensable; handguns are not indispensable. People can't get along without food; people can get along without handguns—and live longer!

[Third of a series]

GUN CONTROL: WHAT IS NEEDED?

(By Roscoe Drummond)

Those Americans who oppose any effective gun-control legislation—perpetually a minority according to all opinion polls—are absolutely sincere and honest in their views. They are not the tools of any interest but their own. However, I think it is unfair to attack the profirearms lobby simply because it seeks energetically to make its views prevail in Congress.

That is its right.

But there are vast commercial interests behind this lobby whose stake in its success is to protect the profits of a $2 billion-a-year

business of the gun manufacturers. Through these 156,000 licensed dealers in the United States, six million new guns—2.5 million of them handguns—will be sold this year.

That's Big Business. And however much they may feel they are serving the public and meeting a demand in the marketplace, these gun producers and sellers help finance a powerful lobby which protects their financial interests. The National Rifle Assn. (NRA) informs its members and friends that it needs $500,000 annually to cover its antigun-control research and publicity.

That is its right.

But it is the responsibility of Congress to assess the validity and determine the weight which should be given to its claims.

One of the NRA's claims is that it is not politically safe for a senator or representative to vote in favor of gun control legislation. This is more myth than reality and, when carefully examined, should open the way to congressional action.

Let's look at the facts.

The NRA eagerly cites the 1970 defeat of Sen. Joseph Tydings of Maryland as impressive proof of the political power of organized and active opponents of gun control; also the defeats of Sen. Albert Gore of Tennessee, Charles Goodell of New York and Thomas Dodd of Connecticut.

Every knowledgeable Washington correspondent knows these senators lost their seats for reasons unrelated to their votes on gun control. Gore had alienated Tennessee voters because of his stand on the Vietnam War. Goodell was given short shrift by the White House, and Dodd had been fatally censured by the Senate for personal misuse of campaign contributions. Tydings had lost needed liberal support because of his no-knock crime bill and because of allegations of conflict of interest.

There is even stronger evidence which deflates the claim that support for gun control is a virtual death sentence to a politician. It isn't. It is more nearly a survival kit. Consider.

Twenty-seven congressmen who either introduced or supported measures favorable to firearms manufacturers were defeated in 1974. On the other hand, not a single congressman who sponsored restrictive firearms legislation lost his seat in that election.

In answer to the question: "Would you be more likely or less likely to vote for a political candidate who took a position on strict controls of firearms?" the Gallup Poll found that 62% said "more likely," 26% said "less likely" and 12% had no opinion. When the responses were broken down by race, party affiliation and regions, they showed little variation, although more women (67%) said "more likely" than men (58%).

The opponents of stricter gun control quite understandably exploit the political maxim that a vocal, articulate, letter-writing minority can exert a disproportionate influence on legislative action.

FAIR ENOUGH

This means that unless majority opinion lifts its voice and begins to make its influence felt in Washington in ways equal to its numbers minority government will dominate. Congress will listen—and act—when its members believe that a majority of Americans are determined to see the nation better protected against gun homicides and other gun crimes and accidents, and when they realize that a vote for stricter gun control will not endanger their seats in the next election.

A galvanic progun-control lobby will help make democratic government work—and will save lives.

[Fourth of a series]

WHO SUPPORTS GUN CONTROL?

(By Roscoe Drummond)

Who wants stricter gun control?

Good question.

The mail I receive from readers indicates many opponents of gun control seem to think its advocates are radicals, incurable "do-gooders," Communist-inclined and, at best, pretty near to being un-American.

They aren't. They are your next-door neighbors. They are solid citizens, political leaders who, more than many others, have earned respect. They are men and women who have informed themselves of the relation of the massive spread of handguns to rising crime and rising gun fatalities; men and women who want nothing more than to protect themselves, their families and their country.

The following is a representative cross-section of the kind of people and the kind of organizations actively working for stricter gun-control legislation.

The law: The American Bar Assn., National Assn. of Attorneys General, National District Attorneys' Assn.

Law enforcement: International Assn. of Chiefs of Police, National Sheriffs' Assn.

Church-related groups: YWCA, United Methodist Church, Union of American Hebrew Congregations, Unitarian Universalist Assn.

Farm: American Farm Bureau Federation.

Business: Committee for Economic Development.

Units of Government: American Federation of State, County and Municipal Employees, National Assn. of Counties, National Conference of State Legislatures, U.S. Conference of Mayors.

Labor unions: AFL-CIO.

Civil Rights groups: Common Cause, American Civil Liberties Union.

There are more. Five special presidential commissions which studied the cause and cure of rising crime and handgun deaths have unanimously urged stricter gun control. Each reached the same conclusion—more effective gun control is needed.

All recommended national licensing and registration.

More than any other public officials, mayors see the direct impact of handgun crime in the rising rates of violence in cities and towns throughout the country.

This undoubtedly explains why the nation's mayors want to see the federal government go further than anything yet enacted, including a drastic restriction on production of handguns.

The report on "Handgun Control '75," prepared by William R. Drake and Joseph D. Alviani for the U.S. Conference of Mayors and adopted by the conference, concludes with these words:

"Handgun control is clearly an issue whose time has come. The issue itself is clear and the alternatives are before us for action. The choice is primarily one of whether to act and when to act. If we are wise, in the near future we will as a society ban the manufacture, sale, possession and distribution of handguns except for use by the military, the police, and suitably controlled sportsmen's clubs. The price for not taking such an action is far greater than our cities and society can bear."

The United States has a higher rate of crime than any country in the world.

Great Britain requires a certificate of competence from police to buy or own a gun.

In France all guns must be registered and owners undergo an intensive investigation before licensing.

Australia requires a license to possess or carry, and registration of all firearms.

Twenty-nine European countries do the same.

Five European countries prohibit the private possession of handguns.

In the United States we have a plethora of laws. But they are weak and, because they are full of loopholes, they are not effectively enforced.

[Last of a Series]

HANDGUNS: MYTHS AND FACTS

(By Roscoe Drummond)

The opponents of stricter gun control and its advocates can't both be right.

If more handguns in the hands of more people in their homes, stores and offices would reduce gun crime and gun deaths, then all present restrictions, however feeble, should be repealed.

But it wouldn't. The evidence already detailed in this series demonstrates that guns don't protect their possessors; they imperil them. One key fact destroys this misconception: In that part of the country where handgun ownership is highest, handgun crimes, shootings and accidental handgun deaths are highest.

In this concluding column, let me set out the principal myths which muddy the gun-control controversy together with the facts which destroy these myths:

Myth: Handguns are a protection to the home and to the person. Stricter controls will not keep guns away from criminals; they will keep them away from innocent people for self-protection.

Reality: All the police data show that little, if any, protection comes from handgun possession. On the contrary, the mere presence of a weapon in the home or on the person increases the danger of bodily harm from the criminal. There is a direct correlation between increase of gun ownership and the increase of gun crime and gun deaths.

Myth: It is illegal and unconstitutional, a violation of the Second Amendment, to interfere in any way with the "right to bear arms."

Reality: There is no such constitutional right. The Second Amendment only guarantees the right "to bear arms" in serving the state militia, which is specifically mentioned. The Supreme Court has so ruled.

Myth: Handguns serve a valid sporting purpose.

Reality: Gun controls do not restrict the use of rifles or shotguns, only handguns. Sporting use is not why people buy 2.5 million handguns a year. Few people use such weapons for target practice.

Myth: The anticontrol lobby can politically punish and nearly defeat any member of Congress who votes against its wishes.

Reality: Unproved. Most of the evidence is to the contrary. The lobby claims it has defeated many congressmen who supported gun control. Its claims far exceed its performance. All the polls show that more than two-thirds of the public consistently supports gun control. Not a single congressman who has sponsored restrictive firearms legislation was defeated in the latest congressional elections.

Myth: Cheap "Saturday-Night Specials" account for most handgun crime.

Reality: All categories of handguns figure in most crimes. Expensive weapons kill and maim just as frequently.

Opponents of stricter gun control rightly contend that most criminals will be able to circumvent most provisions for licensing and registration. This is why the U.S. Conference of Mayors concludes that the only adequate counter to growing gun crime is a "ban on the manufacture, sale and personal possession of handguns."

Advocates of gun control recognize that manufacturers, dealers, hunters and target-shooting sportsmen have legitimate interests which should be safeguarded.

But the general public and even the majority of handgun owners have virtually nothing to gain and very much to lose from the continued proliferation of such weapons.

REPORTS ON REVENUE SHARING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. RANGEL. Mr. Speaker, one of the most important decisions facing this body during this session of Congress is whether or not to extend the General Revenue Sharing Authority. I am presently examining expert testimony on the program's effectiveness and will use this information along with input from my own constituents as a basis for arriving at a decision. I am concerned, of course, that the program has in fact improved upon the quality of services provided to the poor and minority citizens at the local level.

In the meantime, my friend, the Honorable Kenneth A. Gibson, mayor of Newark, testified on the success of the revenue sharing program in that city. His statement was made before the congressional Subcommittee on Intergovernmental Relations on October 8, 1975, and I would like to commend it to my colleagues at this point:

TESTIMONY BY THE HONORABLE KENNETH A. GIBSON

Mr. Chairman, members of the committee, my name is Kenneth Gibson. I am the mayor of the city of Newark, New Jersey.

I am honored by this opportunity to appear before your committee today. I speak as one who has long supported the concept of general revenue sharing. I first recognized the need for this kind of Federal assistance many years ago. When the present revenue sharing law was being debated in the Congress, I travelled to Washington on many occasions to testify for its passage. For these reasons, I am particularly pleased to be here today to discuss the success of general revenue sharing and urge the prompt and early re-enactment of this program.

General revenue sharing is unlike any other program administered by the Federal government. It offers each municipality the opportunity to utilize the funds it receives under the program according to its own needs and priorities.

In Newark, we have used our general revenue sharing funds to maintain the delivery of basic city services.

Public safety, sanitation, and education are the traditional responsibilities of any municipal government. In recent decades city halls have expanded their responsibilities in order to provide additional services. We have introduced extensive health care programs to aid those who could not afford their own. We have instituted public assistance programs for those unable to work, and manpower programs to return the unskilled to meaningful places in our society. We have started to build and manage housing when the public market could no longer provide housing the people could afford. We have introduced programs to aid the consumer, clean our air and rivers, promote economic growth, and create mass transit systems, to name a few among many.

To some degree cities have absorbed the cost of these added services. However, more and more of the money for these important programs has come from State and Federal Governments as Americans have come to recognize not only the need for these programs but also the increasingly limited ability of cities to afford them on their own.

Yet the delivery of basic services still remains the major responsibility of city halls across America. And while categorical programs have provided outside funds to help meet the costs of additional services, the Federal government has continued under the assumption that cities could continue to afford the cost of basic services simply because they were already paying for them.

If this were once true, it is no longer so. The cost of maintaining basic services has risen incredibly. The major portion of these costs is personnel. More than three quarters of Newark's operating budget pays the salaries of our policemen, firemen, teachers, and sanitationmen. Federal programs have helped us train our teachers, buy better equipment for our police force, and recycle our garbage—and these are very important things we vitally need—but the cost of paying these employees remains essentially our own. And with inflation, increased fringe benefits, and earlier retirement, the cost of personnel has multiplied many times over since the second world war.

In fact, the cost of maintaining basic services has become so high that it is slowly strangling urban America. Most cities have only one means of raising money they need to maintain basic services. This is the property tax. With no other alternative, city after city has faced the unpleasant prospect of cutting vital services or raising the property tax.

The problem has been complicated, too, by the radical reshaping of American life over the last three decades and the effect these changes have had on America's cities.

Mechanization has displaced a large portion of the Nation's rural population and made her cities into national centers for the unskilled and jobless. At the same time the automobile has enabled millions of middle class Americans to move from city to suburb while industry and commerce have followed the Nation's new superhighways to industrial parks and shopping centers far from city boundaries.

These changes have meant increased service demands on city government. At the same time that the ratable base on which property taxes could be levied to pay for them has decreased severely. In Newark ratables have dropped by 20% during the last decade, and if inflation were calculated the loss would be even greater.

Thus, while other municipalities have looked to growing ratables to offset the increased cost of government, the Nation's urban centers have had to raise their property taxes higher and higher to meet the increased costs of inflation as well as provide additional services for urban residents from a shrinking ratable base.

And the problem perpetuates itself. The higher we are forced to raise taxes to provide basic services, the more businesses and homeowners are forced to leave. This means fewer jobs, greater demands on city services, and fewer ratables to provide them. If we were to cut down on the delivery of services, the result would be the same. More businesses and homeowners would be forced to leave. And either way, fewer new businesses and developers would be interested in coming in to assist us in rebuilding our cities.

Mr. Chairman, general revenue sharing is the only form of Federal assistance that enables urban areas to break this cycle. It is the only Federal program that permits us to maintain basic services without destroying the ratable base upon which the future social and economic prosperity of our cities depend.

We firmly believe in the future of our cities. We know that the role of urban centers of American life is changing. In the industrial age of the nineteenth and early twentieth centuries, America's cities were the centers of her manufacturing strength. In the post industrial age ahead they can be centers for the vast transportation and communication industries which are now only beginning to evolve as the source of this nation's future greatness. America's cities are undergoing a transition from one role in American life to another. This is the cause of the urban crisis we face today.

What we are in the future, however, depends on our ability to meet the needs of the present as we plan for the years ahead. This means that we must be able to supply basic services, as well as additional services as their needs become apparent, without raising our property taxes so high that we destroy our opportunity for the future.

Before revenue sharing began, Newark's property tax rate was $9.63 per $100 assessed valuation. Because we were able to use our revenue sharing dollars to meet the costs of basic service delivery, we in Newark were able to stabilize our property taxes for the past two years. However, this year we have again been caught up in an ever-rising property tax spiral that has cost us hundreds of businesses and left us with thousands of abandoned houses.

In 1975, a family owning a $20,000 house must pay over $1,900 in property taxes. Businesses must still channel a large portion of their earnings into taxes—money that could otherwise have gone for industrial expansion. And prospective developers still find the tax burden too high to make location in Newark as attractive as it otherwise would be.

The Federal Government has many programs that assist us in our efforts to provide vitally needed new social services for city residents. However, except for revenue sharing, you offer us no program that enables us to offset the destructive burden of paying for the services we already provide. General revenue sharing offers us the opportunity of using Federal funds for our own priorities.

This year the city of Newark will receive approximately $8.6 million in general revenue sharing funds. If the revenue sharing program is not re-enacted, then we in the city of Newark are confronted with the prospect of one hundred point increase in our property tax or a 20% reduction in an employee work force that was already slashed by 13% last year or same combination of the two. All this comes before we consider the pressures on municipal revenues due to the increased costs of borrowing, the increased cost of personnel, the increased cost of materials and supplies, the increased cost of welfare, and the reduction in the assessed valuation of property due to urban decay.

Needless to say, the termination of the revenue sharing program would spell the end of municipal government in Newark as we have traditionally known it. The very thought of such a situation is almost too awful to contemplate. Yet, unless the Federal Government acts and acts soon, this is precisely and without exaggeration the situation we will face in Newark in 1976.

General revenue sharing offers us an alternative to the inequities of the property tax. It enables us to alleviate the pressures which are slowly eating away at the economic foundations on which we exist. In this way we can make our cities more attractive to businessmen and developers and promote the kind of new growth that we must have.

General revenue sharing must be re-enacted. The new bill should include some provision to make revenue sharing funds "inflationproof." Without general revenue sharing, the burden on local tax resources will increase as never before. Everything that we will have achieved from five years of revenue sharing support will be lost and whatever opportunities our cities will become that much more difficult to reach.

"OLDER AMERICANS AND THE BICENTENNIAL"

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, April 2, 1976

Mr. COHEN. Mr. Speaker, a distinguished Maine historian, Dr. William Pierce Randel, has undertaken an important Bicentennial project sponsored by the National Council on the Aging, Inc., and funded by the National Endowment for the Humanities.

Dr. Randel, professor emeritus of the University of Maine, has prepared a series of articles examining the role of senior citizens in American society. These articles have followed the monthly topics of the American Issues Forum of the American Revolution Bicentennial Commission. These topics are intended to help engage all segments of American society in a reexamination of the issues which underlie the development of our Republic.

The subjects of the January and February articles in this series are "Working in America" and "The Business of America." Professor Randel considers these topics from the vantage point of older Americans, the millions of senior citizens who have contributed so greatly to this Nation throughout our history. As Professor Randel demonstrates, there is a great deal more the United States must do to repay its debt to these citizens. I urge my colleagues to read his articles and to take his message to heart.

The articles follow:

[From the American Issues Forum: Older Americans in Our Society, January 1976]

WORKING IN AMERICA

(By William Pierce Randel, professor emeritus, University of Maine)

Work has always been highly regarded by the American people. It was elevated from a mere virtue to almost a sacred duty in the 17th Century, when the unwritten Gospel of Work was taking form. The first settlers had a desperate need to convert the New World wilderness into a productive garden, and long hard work alone could do it. But long after that need was met and the garden so well cultivated as to produce considerable wealth, devotion to work remained an article of faith and a yardstick of piety.

In early Jamestown and Plymouth, the responsible authorities publicly condemned all shirkers. Three centuries later, the so-called upper classes thought an indolent worker was depraved. No wonder ordinary citizens worked as long as they could and often longer than they actually needed to.

Devotion to work, in other words, promised dual salvation—from poverty with all its misery and from the reputation of defective character. Both evils were lifelong threats for all except the lucky few who had escaped upward to affluence. But the means of salvation was also available. Men and women had the comforting privilege of working all their lives.

There was a catch to it, however. While most workers were able to attain salvation through endless labor, it was denied to some by permanent disability. For the rest there was always the chance of its being snatched away by accident or serious illness. Inability to work was seldom the individual's fault. Yet, society, in its blind loyalty to the Gospel of Work, tended to view it as if it were, and to look down on unemployables as hardly better than loafers. Grossly unfair, we might all agree; but what passes as fair and reasonable at any given time often outrages sensibility in later times.

So much for the dark ages. In shifting attention toward the present, we must acknowledge a major change in American attitudes about work and workers. Just when the breakthrough came would be impossible to pinpoint, but at some moment only decades ago the nation made an astonishing discovery. Thanks to advancing technology it no longer needed the lifetime labor of a large segment of the population.

As a matter of fact, there wasn't that much work to go around in certain areas of work. Unemployment was increasingly a source of worry. If society could not provide to everyone the old-time salvation through work, some new plan would have to be developed. Ignoring options such as less than full time work, a "quick and easy" answer was devised. That new plan was to release the older members of the work force from further employment, at some agreed-upon birthday, with pensions replacing wages as income.

A NEW WAY OF LIFE

Pensions were nothing new. They had long served as rewards for military veterans and for certain public figures. What *was* new was extending the pension idea to all employees, in both the public and private sector of the economy. Instead of working on indefinitely until they died or outlived their ability, employees would be free, after reaching a particular age, to enjoy their remaining years without financial worries. During those years they could do nothing at all, pursue one or another hobby, take on volunteer work or even part-time jobs. Full-time work, for a new employer, was frowned on, as a threat to some younger worker; and to discourage it, some pensions were reduced or suspended if the retiree chose to act so perversely.

The results of this innovation have been tremendous, and varied. According to the NCOA-Harris Poll report, "The Myth and Reality of Aging in America," the majority of retirees enjoy their new status—more, indeed, than they had thought they would. Three out of four report finding life more interesting than they remember it as being at any earlier age. A few—one in six—find their pension income inadequate, but "not having enough to live on" is not a personal problem for the great majority, by their own admission. (It is, of course, questionable as to what constitutes "enough." It may be that older persons have been conditioned to accept low income as an inevitable concomitant of old age.)

Most have had no trouble deciding how to spend their time and energy; every available option has attracted large numbers. But for a sizable number there is an uneasy sense of something missing. The old-time system offered specific salvation, through work and its attendant social approval. The pension-retirement system removed this sanction and, in the minds of many retirees, provided no adequate substitute. Also lost in the process was the appreciation shown by younger people, never perhaps extensive but always present, for oldsters who, by continuing to work, were demonstrating their devotion to the common cause of "productive life." Pensioned retirement ended this sympathetic attitude and opened the way for a whole set of prejudices, or stereotypes. All of them, in particular ways, are hostile to the image of the elderly that the elderly would much prefer.

MANDATORY RETIREMENT

Boon that pensioned retirement assuredly has been, there is clearly room for improvement. One common complaint of the retirees themselves concerns the mandatory retirement age—65 as most generally adopted. Some workers, saddled with boring, mindless assignments, yearn for escape, and provisions for early retirement are increasingly available. But there is strong employer resistance to deferring retirement beyond the arbitrary age. What this does, of course, is penalize the employee in sound health who likes his work, finds in it a highly personal salvation, and fears that retirement can provide nothing for him that remotely compares with his work satisfaction.

Complaints over this indifference to the individual, seem particularly justified among the better educated—college teachers, for example, or research specialists—whose capacity for continued productivity is least affected by physical condition. But the arbitrary cutoff age hurts workers at every skill level who are eager and demonstrably able to continue for several more years. Using chronological age as sole basis for ending employment is, in modern parlance, an easy cop-out for management. Developing a functional concept, one that recognizes both actual differences between kinds of work and individual condition, would be more difficult.

Most retirees, whether or not they would have liked to continue working beyond the mandatory retirement age, express no interest in new employment even if it is well suited to their skills and experience. Only 20 percent of those questioned by the Harris Pollsters would "definitely" or "possibly" consider offers for such work. One reason is the fear, not ungrounded, that accepting further full-time paid employment might jeopardize established retirement income. It is generally safer to start an entirely new career, in self-employment, if the urge to continue working is strong enough, and safer yet to make a job of a hobby or of volunteer work.

Life without purpose, as countless thinkers remind us, is unbearable. As the philosopher Carl Jung succinctly put it, "Man cannot stand a meaningless life." In the old days of lifetime labor, even at the most humdrum levels, work did provide specific meaning. Interestingly, the NCOA-Harris study found that retired workers missed the people at work almost as much (74 percent to 73 percent) as they missed the money the job brought in. Also, 62 percent missed most the work itself and 59 percent said the thing they missed most about their job was the feeling of being useful.

A question demanding attention, just now, is whether the pensioned retirement system provides, or can provide, meaning that is at all comparable. For many retired Americans, the answer seems to be Yes. But for a substantial minority, several million individuals, meaning proves elusive. Helping these people discover meaning in retirement is a challenge to ingenuity and collective good will.

HELP IN THE SEARCH

A good deal of public money is currently being spent on organized recreation for retirees. This is better than merely providing park benches for the elderly, but it is a poor substitute for genuine aid in the search for meaning. Some retirement communities, through their own initiative, have solved or at least reduced the problem through programs of mutual aid. Port Charlotte University in southern Florida, with its many how-to-do-it courses, all taught by resident members of the Port Charlotte retirement community, is a conspicuous example of what can be done without external aid. But most communities would need experienced outside help and guidance, plus pump-priming support, to organize such a facility. If the result is the discovery of meaningful activity by increased numbers of retirees, the cost would

be justified. Special techniques, of course, would need to be developed for the many retired people who live alone or remote from others with similar needs.

Until we are ready, as a nation, to call a halt to our vaunted progress, and to settle for present actuality as adequate for all future time, we can hardly accept a condition that denies meaning, or a means of discovering it, to any segment of the population. Some few individuals may never be able to find a meaning in their existence, but most of us can, through purposeful activity of our own free choice. The options are limitless.

Work, in the form of a lifelong paid employment, is no longer a primary source of salvation. As redefined, however, to include all purposeful activity, it still stands high in American regard. Pensioned retirement makes old age far more enjoyable than it once was, but it does not, and never can, eliminate the need of purpose. Systems change, but work as salvation remains a constant, not to be denied to any American, at whatever age.

[From the American Issues Forum: Older Americans in Our Society, February 1976]

THE BUSINESS OF AMERICA

(By William Pierce Randel, professor emeritus, University of Maine)

In a nation that has always exalted work, and that owes its high standard of living to productive enterprise, idleness is anything but a virtue. The very sight of able-bodied men or women doing nothing and not even looking for work can raise the hackles of the industrious. Such loafers are guilty of flouting the national commitment to the Work Ethic.

Conversely, individuals able and willing to work but unable to find it suffer a mortifying loss of self-respect. The great world of useful occupations has passed them by. The ultimate degradation, for such people, is becoming dependent on others.

Advancing age increases the complexity of this relationship between individuals and the world of productive enterprise. Not all Americans want to continue working after 65, the usual retirement age, but a substantial number of them—6.5 million by a conservative estimate—would like to, and about 2.5 million do, in full or part-time jobs. For some of these, compulsory retirement is still ahead, at 68, 70, or even later. A few, including Congressmen and Supreme Court Justices, are exempt from any age limit. It is interesting to note that President Ford, in a recent executive order, exempted Arthur S. Flemming, Commissioner on Aging in the Department of Health, Education, and Welfare, from the mandatory federal retirement age of 70 in his administrative category. It may also be observed that in July 1975 Mr. Ford reached the retirement age (62) that is compulsory in the Foreign Service and in numerous private companies.

The 4 million 65-and-older who want employment but cannot find it are a reservoir of potential productivity that the business community shows slight interest in tapping. One obvious reason for this lack of interest is that employing retirees would undermine the theoretical justification for an arbitrary retirement age. It might also throw out of kilter established pension schemes. Another reason, particularly now, is the scarcity of jobs caused by recession conditions. The major reason, however, is far less obvious—the impact of Social Security.

SOME EFFECTS OF SOCIAL SECURITY

Created in 1937, Social Security has a dual purpose: to increase job openings for young people by removing the oldest members from the work force, and to provide for the latter the means of financial assistance in retirement. It has done both. But with passing years its effect has been to foster certain notions about older Americans. Age 65, when Social Security income begins for most former workers, has come to indicate, to the public at large, the onset of physical and mental decline. The fact that people age at widely varying rates is disregarded. Men and women over 65 are all lumped together as poor employment risks.

At the same time, the obvious good health of many people in their mid-60s can cause resentment among workers, especially the youngest, who are concerned about their own slow progress toward leisure and affluence. For them the Social Security contribution withheld from every paycheck is the insult added to the injury of the income tax withheld. Instead of viewing the Social Security deduction as adding to their own eventual retirement income, they begrudge it as a forced contribution to idle employables. In the extreme form of this resentment, Social Security becomes only a fancy term for relief or welfare.

Unreasonable as this may be, it is understandable. Human beings are quite capable of believing totally opposite things—is this case, that retirees on Social Security are no longer qualified for real work, and that, being still healthy, their idleness makes them parasites on the active work force.

Even volunteer work is not easy for retirees to find. Of the 35 percent of people 65 or older who would welcome it, more than a third never do find any. In an effort to alter this curious circumstance, the Administration on Aging within the Department of Health, Education and Welfare, has tried, in its decade of existence, to expand volunteer opportunities. Among other experiments are RSVP (Retired Senior Volunteer Program), SCORE (Service Corps of Retired Executives), VISTA (Volunteers in Service to America), and the Senior Aide and Foster Grandparent programs. Other federal departments have also tried to help. The Department of Labor has its Senior Community Employment Program, and the Department of Interior its Recreation Programs. Insofar as they serve other retirees, these programs are reasonably effective, but their outreach to the private sector has not yet won much enthusiasm or cooperation.

The federal agencies may not be aggressive enough. Senator Frank Church, Chairman of the Senate Special Committee on Aging, seems to think so. He has urged the Administration on Aging to step up its efforts, especially in fostering creativity among the old and in seeking business cooperation. A few large stores have commissioned and put on sale handcrafted items made by old people, but such interest is rare in the extreme. The stereotypes of old people as inept and ineffectual may be operative here; business does not shut the door completely to elderly artists, but it is open only a crack. Some Senior Centers, however, have sponsored retail shops with all the products made by Older Americans.

A LARGE MARKET

The indifference of business in general to creativity among the old is matched by its astonishing slowness to view the old, collectively, as a vast and growing body of consumers with special needs. Historically, industry and business have always been alert to any new chance to make and market goods. They responded promptly, and no doubt profitably, to the "rock generation," designing and producing millions of serapes, medallions, moccasins, blue denims, beaded forehead bands, quasi-Indian jackets, and other hallmark adornments of this counterrevolution. Retail shops, loud and bright in the multimedia fashion, sprang up all across the country. The young people gladly accepted all the novelties introduced by Research and Development people in manufacturing firms. There's nothing strange about all this. It's the way American industry and business have always operated.

How many factory owners have ever ordered their R. & D. staffs to consider the special needs of old people? How many retail stores offer products developed by R. & D. that old people would welcome and gladly buy? To ask what these products are is to miss the whole point. Nobody can predict what they will be until industry invents them and retailers put them on sale. When that happens, people will ask, as they always do at first sight of some desirable new product, "Why didn't anybody ever think of that before?" What American business has not yet realized is the profit potential of creating hitherto unknown essentials for the many 20 millions of older Americans.

If it is impossible to predict what new inventions R. & D. might introduce, consultation with old people would almost certainly yield a list of various improvements upon what is now familiar. Examples easily suggest themselves. Large-size letters and numerals on telephone dials and kitchen appliances. Push-buttons to close and open windows. Toilet seats at adult height instead of close to the floor to accommodate small children. Beds that can be raised or lowered. Simple, easily reached signals for emergencies.

FAILURE TO LOOK AHEAD

Most prospective buyers of homes for their old age are too young to foresee future needs. What may seem entirely adequate for their 60s may turn into nightmares of discomfort 20 years later. Realistically visualizing the future may be impossible for most individuals, but it is well within the powers of American industry.

The foregoing random remarks are only one observer's opinions and should not be taken as a wholesale indictment of American industry. This observer holds industry in high esteem and has boundless faith in its ability to create needs by anticipating them. What it has always done it can do again, for America's aging, but first it must recognize them as a consumer group—a very large one—with extensive present needs and others not yet dreamed of. Not very long ago, scientists were quite sure there were only 92 elements. More have been discovered. Consumers, as elements essential to industry and business, are easier to discover.

Some older Americans, victims of abject poverty or crippling poor health, are not within this growing untapped market. But millions are financially sound and well able to consume what they recognize as beneficial. If business and industry recognized this fact, and geared up to produce what would help so many, the results might be astonishing. The stereotype of the aging as helpless, incapable of good judgment, and poor credit risks would be broken. Old people would benefit by the availability of products turned out especially for them. New jobs would be created, and youthful resentment toward the old would diminish. Business profits would increase; the economy would improve. Beyond all that, the private sector would develop an overdue respect for the aging, whose well-being would no longer be left, as it is now almost exclusively, to the government.