H.R. 8454

By Mr. RANGEL:

(An amendment in the nature of a substitute.)

On page 1, strike all after the enacting clause, and insert in lieu thereof the following:

"That the Congress reaffirms the present policy of the United States toward Turkey. In particular, the Congress recognizes that the arms embargo has resulted in a significant decrease in the drug traffic between that country and the United States.

"SEC. 2. (a) In order that the intentions of Congress and the purposes of earlier legislation may be carried out—

"(1) the President is directed to further suspend sales to the Government of Turkey under the provisions of subsection (a) of section 481 of the Foreign Assistance Act of 1961, as amended.

"(2) the President is requested to initiate discussions with the Government of Turkey to persuade it to devise a viable strategy for combatting the smuggling of Turkish opium and heroin into the United States.

"(b) The President is directed to submit to the Speaker of the House of Representatives and to the Foreign Relations and Appropriations Committees of the Senate within sixty days after the enactment of this Act a report on discussions conducted under subsection (a)(2)."

H.R. 8597

By Mr. STOKES:

Strike the following provision from the bill: Page 8, section 103, line 8 through line 19.

SENATE—*Tuesday, July 15, 1975*

(Legislative day of Thursday, July 10, 1975)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. RICHARD STONE, a Senator from the State of Florida.

PRAYER

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

"My voice shalt Thou hear in the morning, O Lord; in the morning will I direct my prayer unto Thee, and will look up."—Psalm 5: 3.

Thanks be to Thee, O God, for the new day and the upward look—a look at the hills of history and the summits of divine revelation. Fix our focus on Sinai the mountain which gave the moral law. Keep our eyes upon the mountain of the Master's sermon. Set our gaze upon the mountain of redemption called Calvary. Lift our vision to the high monuments of man's progress. Help us to work as though each day was a mountain top experience. And forgive us if the still small voice is drowned by our much speaking. Move us to do the obvious while we wait for light on the mysterious. And help us always to obey that voice from the heights commanding "This is the way, walk ye in it."

Through Him who is the Way, the Truth and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 15, 1975.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. RICHARD STONE, a Senator from the State of Florida, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. STONE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, July 14, 1975, be approved.

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today except during the debate on the Durkin-Wyman issue.

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

EXECUTIVE SESSIONS OF THE FEDERAL ELECTION COMMISSION

Mr. MANSFIELD. Mr. President, some days ago I read in the press that the newly created Federal Election Commission, on its own initiative, had held, I believe, two secret or executive sessions. I had thought to write a letter to the Chairman, Mr. Curtis, protesting this secrecy, but on thinking the matter over I decided to speak publicly.

It would be my hope, Mr. President, that there would be no further executive or secret meetings on the part of the Federal Election Commission; and if there are, it will be my intention to offer an amendment to the law seeking to forbid such events and making open hearings mandatory.

The ACTING PRESIDENT pro tempore. Does the Senator from Michigan seek recognition?

Mr. GRIFFIN. No.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business occur prior to the recognition of the Senator from Missouri (Mr. SYMINGTON) under the order previously entered.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Is there morning business?

NOMINATION OF DR. FORREST DAVID MATHEWS TO BE SECRETARY OF HEW

Mr. ALLEN. Mr. President, earlier this morning I appeared before the Committee on Finance and assisted, together with my distinguished senior colleague (Mr. SPARKMAN), in the presentation to the committee of Dr. Forrest David Mathews, the president of the University of Alabama, who is the President's nominee for Secretary of the Department of Health, Education, and Welfare.

I ask unanimous consent that the remarks that I made on that occasion be printed in the RECORD at this point.

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

TESTIMONY OF SENATOR JAMES B. ALLEN

Mr. Chairman, and members of the committee, it is my privilege to appear before you today to assist in presenting Dr. Forrest David Mathews, of Alabama, and to endorse his nomination to be Secretary of the Department of Health, Education and Welfare.

I must, in truth, say that I have mixed feelings about this nomination. I very much regret to see Dr. Mathews leave Alabama because it needs him and his vast abilities. Nevertheless, I am pleased that President Ford has chosen—and chosen wisely—to nominate Dr. Mathews for this most important position. I am confident that the people of our Nation will be just as proud of Dr. Mathews, as we already are in Alabama.

You have before you the very exemplary record of this gifted young man. You know that he is engaged in a myriad of professional activities, which are as diverse as they are impressive. He is chairman of the Committee on Educational Opportunities for minority groups of the National Association of State Universities and Land-Grant Colleges. Dr. Mathews serves on the Executive Committee of the Southern Regional Educational Board; and the board of trustees of the Charles F. Kettering Foundation. He is also a member of the National Programming Council for Public Television and the Alabama Council on the Humanities.

In the non-educational area, Dr. Mathews is a member of the Alabama State Oil and Gas Board and currently is chairman of the board of directors of the Birmingham Branch of the Federal Reserve Bank of Atlanta.

The record before you reveals that Dr. Mathews received his undergraduate degree, along with a Phi Beta Kappa Key, in history and classical Greek from the University of Alabama in 1958 and his masters degree the following year. After serving as an infantry officer in the United States Army for two years, Dr. Mathews returned to his alma mater for two years before going to Columbia University where he received a doctorate in the history of American education. In 1965 Dr. Mathews returned to the University of Alabama to lecture in history, but devoted most of his time to administration and in 1969, at age 33, Dr. Mathews was chosen president of that great institution, the youngest man ever to hold the position. That year Dr. Mathews was named as one of the "ten most outstanding young men in the Nation," by the United States Jaycees.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Dr. Mathews' commitment to public service is no accident. He comes from a distinguished family in Alabama where service to one's fellow man has been a way of life. His father served as superintendent of schools of Clarke County, Alabama, and, as a young man, I was honored to serve in the Alabama State Legislature with his grandfather, D. C. Mathews, who also served as superintendent of the Clarke County school system.

Those who know and have worked with Dr. Mathews recognize in him a creative imagination combined with intelligence and common sense. They know of his outstanding leadership qualities and of his devoted commitment to the cause of better opportunities for all our citizens.

Although Dr. Mathews' first love is obviously education, he knows and cares about the wide range of difficult problems in the field of human resources where the Department of Health, Education and Welfare is concerned and involved. He cares about the problems of illiteracy, disease and about making our Nation, especially for the deprived and the handicapped and the disadvantaged, a happier and more rewarding place in which to work and live.

There is no doubt in my mind that Dr. Mathews possesses the experience and intellect needed to make the balanced judgments that the Department of Health, Education and Welfare both needs and deserves in its Secretary. I am confident that Dr. Mathews can go down in history as one of the greatest HEW Secretaries our country has ever had. His is a rare talent.

His mild outward manner, and his kindness and respect for others and their views and his southern courtesy should not be taken to mean that Dr. Mathews is by any means a softy or a pushover. He is a clear thinking man and a man who can make tough decisions.

Mr. Chairman, it is with singular pride that we commend and present to you one of Alabama's most distinguished and able sons, Dr. David Mathews.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 a.m. tomorrow.

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

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. FORD) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10 a.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 5709. An act to extend until September 30, 1977, the provisions of the Offshore Shrimp Fisheries Act of 1973 relating to the shrimp fishing agreement between the United States and Brazil, and for other purposes; and

H.R. 5710. An act to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations to carry out the provisions of such act for the fiscal year 1976 and for the transition period following such fiscal year, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. STONE).

At 1:50 p.m., a message from the House of Representatives delivered by Mr. Berry announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 5546. An act to amend the Public Health Service Act to revise and extend the programs of assistance under title VII for training in the health and allied health professions, to revise the National Health Service Corps program and the National Health Service Corps scholarship training program, and for other purposes; and

H.R. 8561. An act making appropriations for agriculture and related agencies programs for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. STONE) laid before the Senate the following letters, which were referred as indicated:

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

A communication from the President of the United States transmitting a proposed joint resolution which would provide congressional approval of the "Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America" (with accompanying papers); to the Committee on Interior and Insular Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. STONE):

A petition seeking a redress of grievances from a citizen of Colorado; to the Committee on Government Operations.

A petition seeking a redress of grievances from a citizen of California; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Commerce, with amendments;

S. 354. A bill to regulate commerce by establishing a nationwide system to restore motor vehicle accident victims and by requiring no-fault motor vehicle insurance as a condition precedent to using a motor vehicle on public roadways (together with minority views) (Rept. No. 94-283).

HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred as indicated:

H.R. 5546. An act to amend the Public Health Service Act to revise and extend the programs of assistance under title VII for training in the health and allied health professions, to revise the National Health Service Corps program and the National Health Service Corps scholarship training program, and for other purposes; to the Committee on Labor and Public Welfare.

H.R. 8561. An act making appropriations for Agriculture and Related Agencies programs for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes; to the Committee on Appropriations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. TOWER (for himself, Mr. BUCKLEY, Mr. DOMENICI, Mr. GARN, Mr. HANSEN, Mr. HUGH SCOTT, and Mr. THURMOND):

S. 2104. A bill to establish a National Commission on Small Business in America. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. TOWER:

S. 2105. A bill for the relief of Dr. Maria Corazon Fabian Trinidad. Referred to the Committee on the Judiciary.

By Mr. TOWER (for himself, Mr. BARTLETT, Mr. HRUSKA, and Mr. LAXALT):

S. 2106. A bill to amend Title IX of the Education Amendments of 1972. Referred to the Committee on Labor and Public Welfare.

By Mr. PROXMIRE (for himself and Mr. SCHWEIKER):

S. 2107. A bill to prevent the Food and Drug Administration from regulating safe vitamins and minerals as dangerous drugs. Referred to the Committee on Labor and Public Welfare.

By Mr. HUGH SCOTT (for himself and Mr. THURMOND):

S. 2108. A bill to provide for the payment of survivor annuities to widows of certain members of the uniformed services who died before the effective date of the Survivor Benefit Plan. Referred to the Committee on Armed Services.

By Mr. HANSEN:

S. 2109. A bill to amend the Internal Revenue Code to encourage development of processes to convert coal to low-pollutant synthetic fuels. Referred to the Committee on Finance.

By Mr. CHURCH (for himself and Mr. BAYH):

S. 2110. A bill to amend the Controlled Substances Act so as to make unlawful the robbery of a controlled substance from a registered pharmacy. Referred to the Committee on the Judiciary.

By Mr. CLARK (for himself, Mr. McGEE, and Mr. HUMPHREY):

S. 2111. A bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome. Referred to the Committee on Foreign Relations.

By Mr. CHILES:

S. 2112. A bill to authorize the Secretary of the Interior to conduct a study with respect to the feasibility of establishing the Bartram Trail as a national scenic trail. Referred to the Committee on Interior and Insular Affairs.

By Mr. HUGH SCOTT (for himself and Mr. CASE):

S. 2113. A bill to establish in the State of New Jersey the Treasure Island National Historical Site. Referred to the Committee on Interior and Insular Affairs.

By Mr. STENNIS (for himself and Mr. THURMOND) (by request):

S. 2114. A bill to amend title 37, United States Code, relating to special pay for nuclear qualified officers, and for other purposes. Referred to the Committee on Armed Services.

S. 2115. A bill to amend chapter 39 of title 10, United States Code, to enable the President to authorize the involuntary order to active duty of Selected Reservists, for a limited period, whether or not a declaration of war or national emergency has been declared. Referred to the Committee on Armed Services.

S. 2116. A bill to amend chapter 5, title 37, United States Code, to extend the special pay provisions for veterinarians and optometrists. Referred to the Committee on Armed Services.

S. 2117. A bill to amend sections 5202 and 5232 of title 10, United States Code, relating to the appointment to the grades of general and lieutenant general of Marine Corps officers designated for appropriate higher commands or for performance of duties of great importance and responsibility. Referred to the Committee on Armed Services.

By Mr. FANNIN:

S. 2118. A bill to amend the Tariff Schedules of the United States to provide a temporary suspension of the duty on certain fig pastes. Referred to the Committee on Finance.

By Mr. FANNIN (for himself, Mr. BARTLETT, Mr. BROCK, Mr. CURTIS, Mr. DOLE, Mr. EASTLAND, Mr. GARN, Mr. GOLDWATER, Mr. HANSEN, Mr. HRUSKA, Mr. LAXALT, Mr. NUNN, Mr. WILLIAM L. SCOTT, Mr. STEVENS, Mr. THURMOND, Mr. TOWER, and Mr. YOUNG):

S. 2119. A bill to amend the Communications Act of 1934 to provide that licenses for the operation of a broadcasting station shall be issued for a term of five years, and to establish orderly procedures for the consideration of applications for the renewal of such licenses, and for other purposes. Referred to the Committee on Commerce.

By Mr. MATHIAS (for himself, Mr. BROOKE, and Mr. PERCY):

S. 2120. A bill to amend the Internal Revenue Code of 1954 to encourage the conservation of gasoline by increasing the Federal excise tax on gasoline and to provide a tax credit which is refundable without regard to liability for an amount equal to the amount of increased tax which would be paid on 350 gallons of gasoline per person. Referred to the Committee on Finance.

By Mr. BARTLETT:

S. 2121. A bill to provide funds to hospitals in medically underserved rural areas to assist such facilities to qualify for physician residency programs. Referred to the Committee on Labor and Public Welfare.

By Mr. TUNNEY:

S. 2122. A bill to assure that any program for the rationing of gasoline to end-users shall take into account area and regional differences in the availability of public transportation, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TOWER (for himself, Mr. BUCKLEY, Mr. DOMENICI, Mr. GARN, Mr. HANSEN, Mr. HUGH SCOTT, and Mr. THURMOND):

S. 2104. A bill to establish a National Commission on Small Business in America. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. TOWER. Mr. President, today my colleagues and I are introducing legislation to create a National Commission on Small Business in America which will make a comprehensive study and furnish substantive legislative recommendations to the President and the Congress with respect to the economic environment of small business. I emphasize that the Commission is a temporary body which expires no later than 2 years after the date of its enactment.

The Commission will consist of 11 members appointed by the President: Four individuals who are affiliated with small business concerns or who represent the interests of small businesses; three individuals who are affiliated with or represent financial institutions involved in the financing of business; three individuals who have expertise in tax, regulatory, legal, economic, or financial matters, at least one of whom is a member of the academic community; and one individual from the public at large who shall be the Chairman of the Commission. In addition, the Administrator of the Small Business Administration and the Director of the Office of Minority Business Enterprise will be advisory members of the Commission.

The purpose of the Commission will be to analyze the contribution that small business has made to the American economy and to make recommendations that will perpetuate and even improve that contribution. It will examine the Federal subsidy and assistance programs, the effects of Federal regulation, the tax structures as it relates to small business, and the ability of financial institutions to meet small business credit needs. In the process, the Commission will consider the advisability of establishing universal criteria for defining a small business.

There has been no equally comprehensive study of the problems and needs peculiar to the small business community since the coordinated research that was so influential in the passage of the Small Business Act. That effort was undertaken more than 22 years ago. It is essential that we assess the progress of the small business community since that time and identify obstructions to its further development.

Hardly a day goes by that the CONGRESSIONAL RECORD does not include comments by some Member reiterating the importance of a healthy small business community to the vitality of the Nation. Emphasis is invariably provided by statistics which prove that 97 percent of the Nation's businesses are small and that these are responsible for more than half of all private employment and about a third of the gross national product. However, statistics also show that there has been a steady rise in bankruptcies and a decline in new business incorporation in the last few years. The oft-repeated statement among small businessmen is that they are not thinking in terms of growth in the present economy, but in terms of survival.

Although small businesses possess an enviable flexibility and provide a preferred degree of personal service, their size is in many ways a severe handicap. It is more difficult for a small businessman to pass on price increases to customers he knows personally. It is more difficult for him to line up stable sources of supply when the economy is erratic. Increased minimum wages hit him hardest, as do occupational safety rules, environmental restrictions, and product safety regulations.

The small businessman has difficulty raising seed money, for where he typically borrows for a period of time extending between 12 months and 10 years, a larger corporation more often seeks credit on a 90-day basis. When a bank lends a large corporation, it looks at the company's balance sheet, assets and liabilities. For a small business, evidence of a steady cash flow is often insufficient, and a bank will seek additional security from company property down to the personal assets of the owners.

To be brief, the difficulties of the small businessman range from tax inequities to how frequently OSHA requires him to wash the cuspidor on his premises. Almost every department and agency in the Government makes some attempt to deal with his special problems. Every jurisdictional committee in Congress has held hearings this year on his difficulties from the subjects of fixed price Government contracts to the shortage in home canning equipment. The efforts and the widespread concern are all commendable. My concern, however, relates to the lack of coordination and the diffusion of attention. This approach is not unlike a quilting bee, with each seamstress working her own pattern independently. If they ever get together, there is no telling what the end product will look like or whether it will fit together well enough to keep anybody warm.

The national Commission on Small Business in America will simply examine all the influences, both good and bad, which affect small business today. Its survey will cover the existing tax structure and Federal regulations, assistance, and subsidy program; and it will determine a coherent direction for small business in the future. It will in no way detract from or postpone the ongoing activities in the Congress and in the regulatory agencies. It is my hope that these activities can in fact be expedited and additional proposals generated. It seems only appropriate that we should give close and sympathetic attention to a sector of the economy which has contributed so much to the high standard of living in America. It is also a timely effort on the eve of our national Bicentennial, and beyond this point, such a comprehensive examination may more frequently be termed "overdue."

Joining me in this effort are Senators BUCKLEY, DOMENICI, GARN, HANSEN,

HUGH SCOTT, and THURMOND. I am hopeful that this measure will receive favorable action, Mr. President, and I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2104

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 "National Commission on Small Business in America Act."

FINDINGS AND PURPOSE

SEC. 2. (a) On the eve of the Bicentennial Anniversary of the American Revolution, the Congress recognizes the enormous contribution which small business has made toward improving the economic well-being of all Americans for over 200 years.

(b) The Congress also recognizes that small business has the potential for making an equally large or larger contribution toward improving economic well-being both at home and abroad in years ahead.

(c) To insure that small business continues to have the opportunity to realize its full potential, it is the purpose of this Act to establish a National Commission on Small Business in America to make a study and furnish recommendations to the President and the Congress with respect to small business.

ESTABLISHMENT; MEMBERSHIP

SEC. 3. There is established the National Commission on Small Business in America (hereinafter referred to as the "Commission") which shall be an independent instrumentality of the United States. The Commission shall be composed of 11 members appointed by the President as follows:

(1) Four individuals who are affiliated with small business concerns or who represent the interests of small business;

(2) Three individuals who are affiliated with or who represent venture capital firms, small business investment companies, commercial banks, insurance companies, investment banking firms, or other comparable financial institutions involved in the financing of business;

(3) Three individuals who have expertise in tax, regulatory, legal, economic, or financial matters, at least one of whom is a member of the academic community; and

(4) One individual from the public at large who shall be appointed by and with the advice and consent of the Senate and who shall be the chairman of the Commission.

In addition, the Administrator of the Small Business Administration and the Director of the Office of Minority Business Enterprise shall be advisory members of the Commission, without a vote in any determination or decision of the Commission.

FUNCTION

SEC. 4. The functions of the Commission shall be—

(1) to examine the role of small business in the American economy and the contribution which small business can make in improving competition, encouraging economic and social mobility for all citizens, restraining inflation, spurring production, expanding employment opportunities, increasing productivity, promoting exports, stimulating innovation and entrepreneurship, and providing an avenue through which new and untested products and services can be brought to the marketplace;

(2) to assess the effectiveness of existing Federal subsidy and assistance programs for small businesses and the desirability of reducing the emphasis on such existing programs and increasing the emphasis on general assistance programs designed to benefit all small businesses;

(3) to measure the direct costs and other effects of government regulation on small businesses; and make legislative and nonlegislative proposals for eliminating excessive or unnecessary regulation of small businesses;

(4) to determine the impact of the tax structure on small businesses and make legislative and other proposals for altering the tax structure to enable all small businesses to realize their potential for contributing to the improvement of the Nation's economic well-being;

(5) to study the ability of financial markets and institutions to meet small business credit needs and determine the impact of government demands for credit on small businesses;

(6) to recommend specific measures for creating an environment in which all small businesses will have the opportunity to compete effectively and expand to their full potential, and to ascertain the common reasons, if any, for small business successes and failures; and

(7) to determine the desirability of developing a set of rational, objective criteria to be used to define small business, and to develop such criteria, if appropriate.

STAFF AND POWERS

SEC. 5. Subject to such rules and regulations as it may adopt, the Commission may—

(1) appoint and fix the compensation of an Executive Director at the rate provided for GS-18 of the General Schedule under section 5332 of title 5, United States Code, and such additional staff personnel as is deemed necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates but at rates not in excess of the lowest rate for GS-15 of the General Schedule;

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code; and

(3) hold hearings and sit and act at such times and places, as it may deem advisable.

ASSISTANCE OF GOVERNMENT AGENCIES

SEC. 6. Each department, agency, and instrumentality of the Federal Government is authorized and directed to furnish to the Commission such reports and other information as the Commission deems necessary to carry out its functions under this Act.

COMPENSATION

SEC. 7. (a) A member of the Commission who is an officer or employee of the United States shall serve as a member of the Commission without additional compensation, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of his duties as a member of the Commission.

(b) A member of the Commission who is not otherwise an officer or employee of the United States shall be compensated at a rate equal to the per diem equivalent of the rate for GS-18 of the General Schedule for each day he is engaged in the performance of his duties as a member of the Commission, and shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties as a member of the Commission.

REPORTS

SEC. 8. The Commission may from time to time prepare and publish such reports as it deems appropriate. Not later than 2 years after the date of enactment of this Act, the Commission shall transmit to the Congress and the President a full report containing its findings and specific recommendations with respect to each of the functions referred to in section 3, including specific legislative proposals and recommendations for administrative or other action. Upon the submission of its final report, the Commission shall cease to exist.

AUTHORIZATION

SEC. 9. There are authorized to be appropriated such sums, as may be necessary to carry out the provisions of this Act. Any sums so appropriated shall remain available until expended.

By Mr. TOWER (for himself, Mr. BARTLETT, Mr. HRUSKA, and Mr. LAXALT):

S. 2106. A bill to amend title IX of the Education Amendments of 1972. Referred to the Committee on Labor and Public Welfare.

Mr. TOWER. Mr. President, early in June, the Department of Health, Education, and Welfare promulgated its final regulations on title IX of the Education Amendments of 1972 relative to nondiscrimination on the basis of sex in education activities.

As my colleagues are well aware, there has been considerable dispute and controversy over these regulations, and the arguments pro and con are multifarious. Consequently, I have given a great deal of study to the regulations as a whole and most particularly to the impact that the regulations will have on revenue-producing sports.

Along with my distinguished colleagues Senators BARTLETT, HRUSKA, and LAXALT, I am introducing today a bill to amend title IX with regard to revenue-producing intercollegiate athletics. This bill is similar to an amendment which I introduced last year to the Education Amendments of 1974 and which was accepted by the Senate, although it was subsequently dropped in conference. The bill is intended to apply to the allocation of income generated by revenue-producing sports and not, let me emphasize, to exempt all intercollegiate athletics from the title IX provisions.

I feel very strongly that women should be afforded equal access and opportunity in sports activities. The bill which I introduce today is prompted by this feeling and by my concern for intercollegiate athletics. At most colleges and universities today intercollegiate athletics are funded in whole or in part by moneys raised, for example, through sale of tickets to football or basketball games and through fundraising campaigns for general, scholarship, or other specific purposes. At some schools in many States, sports other than football or basketball are substantial revenue-producers. In whatever the case, though, the impairment of the financial base of the revenue-producing activity threatens not only the continued viability of that activity but the viabiliy of the entire athletic program.

The prospect of such impairment becomes especially significant at present when there is a most substantial and justified demand for upgrading women's athletic opportunities in our institutions of higher education. Although some progress has been, and is being, made to satisfy that demand, I think it must be recognized that efforts to date have fallen far short of attaining the optimum goal of equal opportunity—in the context of demonstrated interest—for men and

women in intercollegiate athletics. That being the case, in the future new and greater demands will be made on the pool of athletic funds to finance expanded intercollegiate sports opportunities for women. Consequently, the women in our colleges and universities have as great a stake in a strong financial base for their individual school's sports programs as do the men.

It has been the apparent failure of our colleges and universities to provide equal athletic opportunities for women that has attracted the attention of the Department of Health, Education, and Welfare. The General Counsel's office at HEW contends, based on existing case law, interpretations under title VI of the Civil Rights Act of 1964 and the 14th amendment, as well as the language and legislative history of title IX, that, absent specific congressional or judicial indications to the contrary, athletics constitute an integral part of the education programs and activities of most schools and therefore must be covered by the title IX regulations. Furthermore, HEW has interpreted title IX of the Education Amendments of 1972 to provide it with the authority to promulgate rules governing sex discrimination in intercollegiate athletics.

Having reviewed both the language of title IX and the legislative history of this language, I am not convinced that HEW has the authority to promulgate rules applicable to intercollegiate sports under the aegis of title IX. However, I recognize the possibility, limited though I believe it to be, that a court might construe title IX to grant such authority to HEW. The purpose of our amendment, therefore, is to limit HEW's authority in such an event to aspects of intercollegiate sports programs other than the revenues produced by and used for individual sports activities. It is properly the responsibility of the Congress to determine what Federal efforts, if any, are necessary to ensure intercollegiate athletic opportunities for women. The Congress must accept this responsibility, for Congress has by far the better resources to define the problems, determine what progress is being made, and determine whether substantive legislation or the vestment of monitoring authority in the Department of Health, Education, and Welfare is the better course.

Grave concern has been expressed that the HEW regulations will undercut revenue-producing sports programs and damage the overall sports programs of education institutions. HEW, in its laudable zeal to guarantee equal athletic opportunities to women, is defeating its own purpose by promulgating rules which will damage the financial base of intercollegiate athletics.

The bill that I am proposing will, if enacted, prevent any such result. The bill will except only those sports which provide gross revenues and only to the extent that the revenues are necessary to support such revenue producing athletic activities. This, of course in no way grants to HEW the authority to dictate to a school how much it can spend on a revenue producing sport. If however a court should rule that HEW has the authority to promulgate rules affecting intercollegiate athletics HEW would be free under title IX to prescribe regulations for all but the very narrow class of revenue producing sports. Nonrevenue producing sports are usually financed by the surplus over that amount necessary to pay for the revenue-producing activity or activities and the Department of HEW would then be able to insist that that surplus be reasonably distributed to assure that equal opportunities are afforded women in intercollegiate sports.

As a general comment the measure that I am introducing contemplates two basic fact situations. The first situation is that in which a specific athletic activity produces a surplus of funds over what is spent to support that activity. In this case as mentioned previously such surplus would be subject to whatever valid regulations HEW should issue.

The second situation is that in which an athletic activity provides some revenue, but not enough to support it, and the deficit must be made up of withdrawals from a general athletic fund, student fees, or the like. In that case, I emphasize that only the "gross receipts" or "donations" raised by the sport are insulated by the amendment. Thus, if the men's tennis team raises a nickel in ticket sales or $5 in donations, only that nickel or $5 is protected. There are two basic reasons I believe such revenues should be protected: First, as a matter of fairness, moneys raised by a specific athletic endeavor on its own merits should be available to be spent on that endeavor; and second, more importantly, there are undoubtedly many cases in which revenues, either receipts or donations, would not be available to the school, but only for the activity. Those cases could be expected to be manifold, but very difficult to identify. They should be excepted as a class because if they are not, the revenue loss will have to be made up, presumptively, from within the institution's funds, indirectly injuring the whole athletic program including women's sports, or the activity will have to be discontinued.

I would like, finally to remind my colleagues that I was a cosponsor of title IX of the Education Amendments of 1972, which these HEW regulations are intended to implement. My cosponsorship of title IX reflects my personal commitment to the proposition that all citizens of this country be granted equal access to educational opportunities, regardless of sex as well as race, color and national origin. This commitment does not, however, encompass the massive disruptions of the education institutions and the financial burdens these institutions will be forced to shoulder that the inclusion of intercollegiate revenue producing athletics under the title IX regulations will precipitate. We have learned all too well in the past what deep-seated hostilities to Government that thoughtless, though well-intentioned, Federal polices can create. I, for one, do not believe that title IX provides the latitude for such policies; and, in order to insure that fact, I urge the immediate and favorable consideration of this bill.

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

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

S. 2106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 901(a) of the Education Amendments of 1972 (P.L. 92-318) is amended by—

(1) striking out the word "and" at the end of paragraph (4) of such section; and

(2) striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon and the word "and"; and

(3) adding at the end thereof the following new paragraph:

"(6) this section shall not apply to an intercollegiate athletic activity insofar as such activity provides to the institution gross receipts or donations required by such institution to support that activity."

By Mr. PROXMIRE (for himself and Mr. SCHWEIKER):

S. 2107. A bill to prevent the Food and Drug Administration from regulating safe vitamins and minerals as dangerous drugs. Referred to the Committee on Labor and Public Welfare.

REVISION OF S. 1692—NEW DRAFT OF BILL TO PREVENT THE FOOD AND DRUG ADMINISTRATION FROM REGULATING SAFE VITAMINS AND MINERALS AS DANGEROUS DRUGS

Mr. PROXMIRE. Mr. President, on behalf of myself and the Senator from Pennsylvania (Mr. SCHWEIKER), I introduce a bill to prevent the Food and Drug Administration from regulating safe vitamins and minerals as dangerous drugs.

This is the third vitamin bill we have introduced this year and I therefore wish to trace some of its history.

On February 3, 1973, the Senator from Pennsylvania and I introduced S. 548, a vitamin bill similar but not identical to the bill which passed the Senate last year by an 81-to-10 vote. Ultimately that bill was sponsored by a total of 39 Senators. I ask unanimous consent that the names of the sponsors of S. 548 appear at this point in the RECORD.

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

SPONSORS OF S. 548

Messrs. Proxmire, Schweiker, Abourezk, Allen, Buckley, Chiles, Church, Cranston, Dole, Domenici, Eastland, Fannin, Goldwater, Gravel, Hansen, Hartke, Helms, Hollings, and Humphrey.

Messrs. Inouye, Johnston, Leahy, Mansfield, McClellan, McClure, McGee, McGovern, Montoya, Moss, Nunn, Packwood, Pell, Randolph, Hugh Scott, William L. Scott, Sparkman, Stafford, Stevenson, and Thurmond.

Mr. PROXMIRE. It soon appeared that, while we could pass S. 548 in the Senate by the same overwhelming vote as last year, the House had very different ideas and a different version of the bill. We in the Senate were unwilling to accept that House bill in its existing form. Therefore, early in the year the Congressman from Florida (Mr. ROGERS) proposed that our staffs work together to see if we could not write a bill which was acceptable to sponsors in both the House and the Senate.

After a period of long and detailed negotiations among our staffs we succeeded. On May 8, 1975, Senator SCHWEIKER and I introduced S. 1692

which was the product of that negotiation. The fundamental agreement had two parts. The House essentially accepted our provisions which limited or prevented the Secretary of HEW and the Food and Drug Administration from establishing maximum limits on the potency of safe vitamins and minerals, or classifying safe vitamins and minerals as drugs, or limiting the combination or number of safe vitamins, minerals, or associated ingredients of food.

We in turn accepted a modified version of the House bill provisions which gave the FDA concurrent jurisdiction over the advertising of vitamins and minerals. That was the agreement.

Shortly we hope to act on the modified bill. However, since we introduced S. 1692 on May 8, 1975, there have been some additional changes and modifications which a very large number of those concerned with this dispute feel are extremely significant. Consequently, today the Senator from Pennsylvania and I are introducing this further revised version of the bill which shortly we expect to add as title III to the health and lung bill now in the Senate Labor and Public Welfare Committee.

I ask unanimous consent that the provisions of the bill, S. 2107 be printed in the RECORD.

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

S. 2107

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

SECTION 1. (a)(1) 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 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 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)(A) Paragraph (1) does not limit the Secretary in the exercise of his authority under and in accordance with—

"(i) this chapter (other than this section) or chapter V, or

"(ii) any other provision of this Act except to the extent that the authority under such other provision is to be exercised to take an action specifically prohibited by subparagraph (A), (B), or (C) of such paragraph.

"(B) Paragraph (1) shall not apply in the case of a vitamin, mineral, or other ingredient of food represented for use by children or 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 an applicable regulation promulgated under section 403(j). 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. Such clause does not impose any greater requirement respecting the listing of spices, flavorings, and colorings than is otherwise required by section 403.

"(B) Notwithstanding the provisions of subparagraph (b)(2)(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 subsections (a) and (b) 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 or is not represented as conventional food.

"(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."

(2) Section 201(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(f)) is amended (A) by inserting "(1)" after "(f)", (B) by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C), respectively, and (C) by adding immediately after such section the following:

"(2) 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.

ADVERTISING

SEC. 302. (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) 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. Before initiating any action under chapter III with respect to any food to which section 411 applies and which is deemed to be misbranded under section 403(a)(2) because of its advertising, the Secretary shall consult with the Federal Trade Commission and, for the purpose of avoiding unnecessary duplication, coordinate such action with any action taken or proposed to be taken by the Commission under the Federal Trade Commission Act.".

(c) The amendments made by subsection (a) shall take effect one hundred and eighty days after the date of the enactment of this Act.

Mr. PROXMIRE. I also ask unanimous consent that the S. 1692 be printed at this point in the RECORD so that comparisons of their language may be made.

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

S. 1692

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

SECTION 1. (a)(1) 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 maxi-

mum 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 vitamin or mineral as a drug on the basis of the potency of the vitamin or mineral or on any other basis other than the fact that—

"(i) the vitamin or mineral is represented (as determined by the Secretary by regulation) in its labeling for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man; or

"(ii) a condition (including toxicity) which—

"(I) is described in section 503(b)(1), and

"(II) requires that a drug be dispensed only upon prescription,

exists with respect to the vitamin or mineral; and

"(C) the Secretary may not limit 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)(A) Paragraph (1) does not limit the Secretary in the exercise of his authority under and in accordance with—

"(i) section 402, 406, or 409, or chapter V, or

"(ii) any other provision of this Act except to the extent that the authority under such other provision is to be exercised to take an action specifically prohibited by subparagraph (A), (B), or (C) of such paragraph.

"(B) Paragraph (1) shall not apply in the case of a vitamin, mineral, or other ingredient of food which the Secretary determines by regulation is represented for use by children or 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.

"(2) The labeling for any food to which this section applies may not—

"(A) 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 an applicable regulation promulgated under section 403(j), or

"(B) give prominence to or emphasize ingredients which are not vitamins or minerals.

"(c)(1) For purposes of subsections (a) and (b) 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—

sented as conventional food (as defined by regulation is intended for ingestion in tablet, capsule, or liquid form, or

"(ii) if not intended for ingestion in such a form, does not simulate or is not represented as conventional food (as defined by the Secretary by regulation).

"(2) For purposes of paragraph (1)(B)(i), a food shall be considered as intended for ingestion in liquid form only if, as determined by the Secretary by regulation, 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."

(2) Section 201(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(f)) is amended (A) by inserting "(1)" after "(f)", (B) by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C), respectively, and (C) by adding immediately after such section the following:

"(2) 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. 2. (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) 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. Before initiating any action under chapter III with respect to any food to which section 411 applies and which is deemed to be misbranded under section 403(a)(2) because of its advertising, the Secretary shall consult with the Federal Trade Commission and, for the purpose of avoiding unnecessary duplication, coordinate such action with any action taken or proposed to be taken by the Commission under the Federal Trade Commission Act.".

(c) The amendments made by subsection (a) shall take effect one hundred and eighty days after the date of the enactment of this Act.

Mr. PROXMIRE. Mr. President, I believe that shortly this bill will be passed in both the House and Senate and signed into law. It has overwhelming support in the Congress and among the public. While it is not a perfect bill and while it does not solve all the problems associated with the vitamin controversy, it does go a very long way to solving them and will provide stability to the manufacturers, the distributors, the retail stores including the small Mom-and-Pop vitamin stores, and to the consumer. They will know where they stand.

This has been a monumental struggle and I am delighted that we have now reached a consensus among almost all the groups who have been involved in this controversy.

By Mr. HUGH SCOTT (for himself and Mr. THURMOND):

S. 2108. A bill to provide for the payment of survivor annuities to widows of certain members of the uniformed services who died before the effective date of the survivor benefit plan. Referred to the Committee on Armed Services.

Mr. HUGH SCOTT. Mr. President, I am pleased to introduce today a bill to provide an annuity to widows of certain members of the uniformed services who died before the effective date of the survivor benefit plan.

Mr. President, the new survivor benefit plan created certain inequities for military career men who died prior to the date of enactment, except for a supplemental payment to those widows whose outside income is less than $1,400 a year. Widows who fall into this category may apply for supplemental payment in an amount which will bring their income up to the national poverty level for a single person, $2,100 a year, or $175 a month. The bill I am introducing today will provide equal survivor benefits for widows of career men who died before the new survivor benefit plan went into effect.

Mr. President, this bill is similar to legislation introduced by Congressman BOB WILSON, but with one significant difference: it has a minimum 20 years service requirement.

It is my hope that my colleagues will act favorably and quickly on this vital measure.

By Mr. CHURCH (for himself and Mr. BAYH):

S. 2110. A bill to amend the Controlled Substances Act so as to make unlawful the robbery of a controlled substance from a registered pharmacy. Referred to the Committee on the Judiciary.

PHARMACY ROBBERIES

Mr. CHURCH. Mr. President, today I am reintroducing my legislation to pro-

vide Federal criminal penalties for robberies of pharmacists involving substances under the Controlled Substances Act.

As President Ford stated in his recent crime message, with few exceptions, the crimes that most directly affect Americans can be effectively dealt with ultimately only at the local and State level. The Federal criminal code should be exemplary, but it must be the main responsibility of local and State officials to arrest and prosecute the perpetrators of most crimes of violence against citizens and property.

Nevertheless, study after study has shown that drugs are at the root of most violent crime. The Federal Government is already deeply involved in efforts to curb many accesses to drugs, as well as other means to eliminate drug abuse. But pharmacy robberies are an area in which Federal assistance is quite limited. In addition, pharmacy robberies have consequences beyond drug abuse and drug-related crimes.

The fact that pharmacies perform the service of dispensing drugs under the Controlled Substances Act does, of course, make them prime targets for drug crimes; but that service is also of vital importance to their communities. As more and more pharmacies are struck by violence and death, the number of pharmacies may well decrease. In any given area, the loss of a pharmacy is hard felt. As chairman of the Senate Aging Committee, I can attest to the special impact this situation has on the elderly; but clearly, it affects all of us.

My bill would permit prosecution under Federal law for pharmacy robberies involving controlled substances with a maximum penalty of a $5,000 fine and/or 10 years' imprisonment. Because of the availability of this option, local and State officials would be able to receive help from Federal drug and criminal investigatory authorities in their efforts to curb these crimes in their communities.

It is incumbent on the Federal Government to provide maximum assistance to local and State officials in alleviating this serious situation. I am delighted, therefore, that Senator BAYH, the chairman of the Subcommittee on Juvenile Delinquency, whose efforts in the crime fighting effort are so well known to all of us, has joined me in support of this legislation.

By Mr. CLARK (for himself, Mr. McGEE, and Mr. HUMPHREY):

S. 2111. A bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome. Referred to the Committee on Foreign Relations.

RHODESIAN SANCTIONS

Mr. CLARK. Mr. President, as chairman of the Subcommittee on African Affairs of the Foreign Relations Committe, I have just completed hearings on U.S. policy toward Rhodesia. Virtually all the public and Government witnesses agreed that the United States could contribute substantially to the chances of a peaceful transition to majority rule in that country by returning to full compliance with international economic sanctions.

On December 18, 1973, the Senate passed by a vote of 54 to 37 a bill to restore U.S. compliance with sanctions. Unfortunately for United States-Africa relations and for U.S. credibility in the United Nations, this bill was never acted on in the House. Last Wednesday, however, the House Committee on International Relations did report out a similar bill, strengthened by an amendment which would prevent sanctions-violating countries from exporting Rhodesian chrome to the United States in their steel mill products. In order to have an effect on Rhodesian negotiations, this legislation must be passed by Congress as soon as possible. I am introducing the bill that was reported out of the House committee so that the Senate can fully discuss this issue, both in committee hearings and in statements by both those who favor a return to sanctions and those who oppose it, and can act immediately on it once it has been passed by the House.

Mr. President, I ask unanimous consent that the bill to restore full U.S. compliance with sanctions be printed in the RECORD.

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

S. 2111

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the United Nations Participation Act of 1945 (22 U.S.C. 287c(a)) is amended by adding at the end thereof the following new sentence: "Section 10 of the Strategic and Critical Materials Stock Piling Act (60 Stat. 596; 50 U.S.C. 98–98h) shall not apply to prohibitions or regulations established under the authority of this section.".

SEC. 2. Section 5 of the United Nations Participation Act of 1945 (22 U.S.C. 287c) is amended by adding at the end thereof the following new subsection:

"(c)(1) During the period in which measures are applied against Southern Rhodesia under subsection (a) pursuant to Security Council Resolutions numbered 232 (adopted December 16, 1966) and numbered 253 (adopted May 29, 1968), a shipment of any steel mill product (as such product may be defined by the Secretary) containing chromium in any form may not be released from customs custody for entry into the United States if—

"(A) a certificate of origin with respect to such shipment has not been filed with the Secretary; or

"(B) in the case of a shipment with respect to which a certificate of origin has been filed with the Secretary, the Secretary determines that the information contained in such certificate does not adequately establish that the steel mill product in such shipment does not contain chromium in any form which is of Southern Rhodesian origin;

unless such release is authorized by the Secretary under paragraph (3) (B) or (C).

"(2) The Secretary shall prescribe regulations for carrying out this subsection.

"(3)(A) In carrying out this subsection, the Secretary may issue subpenas requiring the attendance and testimony of witnesses and the production of evidence. Any such subpena may, upon application by the Secretary, be enforced in a civil action in an appropriate United States district court.

"(B) The Secretary may exempt from the certification requirements of this subsection any shipment of a steel mill product containing chromium in any form which is in transit to the United States on the date of enactment of this subsection.

"(C) Under such circumstances as he deems appropriate, the Secretary may release from customs custody for entry into the United States, under such bond as he may require, any shipment of a steel mill product containing chromium in any form.

"(4) As used in this subsection—

"(A) the term 'certificate of origin' means such certificate as the Secretary may require, with respect to a shipment of any steel mill product containing chromium in any form, issued by the government (or by a designee of such government if the Secretary is satisfied that such designee is the highest available certifying authority) of the country in which such steel mill product was produced certifying that the steel mill product in such shipment contains no chromium in any form which is of Southern Rhodesian origin; and

"(B) the term 'Secretary' means the Secretary of the Treasury.".

Mr. CLARK. Mr. President, while the issues involved in this legislation will be fully debated later, I want to outline some of the reasons it is important that Congress act now to repeal the legislation which required that this country violate international economic sanctions.

First, our violation of sanctions has severely undermined the credibility of this country's commitment to the United Nations. The United States voted in the Security Council to impose these sanctions. It is the only country in the world that has since passed a law requiring that they be violated.

Second, this U.S. action has weakened the international effort to bring about a nonviolent resolution of the Rhodesia problem. In imposing sanctions, the United Nations determined that Rhodesia was a "threat to international peace and security." Sanctions are the most effective nonviolent pressure the world community can exert to bring about a peaceful resolution of conflict. All the witnesses agreed that the threat to international peace in Rhodesia is greater today than ever before, that the alternative to a peaceful transition to majority rule is a tragic war that would inevitably involve surrounding states.

Third, our violation of sanctions has damaged our relations with all the African nations. These countries are particularly sensitive to the continuation of colonialism and racial domination in Rhodesia. They correctly perceive this as not only a question of international peace, but also a question of the world community's willingness to take a stand on behalf of self-determination, human rights, and racial equality. As President Kaunda pointed out in his toast at the White House, the United States is looked to as a leading advocate of these principles. This country should be the first to support an international effort to further human rights in a peaceful way.

Finally, a significant effort is being made by several African nations to reach a negotiated settlement of this problem. Zambia, Tanzania, Mozambique, Botswana, and South Africa—countries in a position to know best the high cost of escalating violence in this area—have cooperated in this effort. A restoration of U.S. compliance with sanctions would be

an important demonstration of support for countries which have put themselves in a difficult position for the cause of peace rather than war, for conciliation and compromise rather than unbending defense of their own views.

Mr. President, I ask unanimous consent that my opening statement at the hearings on Rhodesia and the testimonies of Ambassador Robert Good, Prof. Robert Rotberg, Mr. John Hutchinson, Assistant Secretary for African Affairs, Nathaniel Davis, and Assistant Secretary for International Organization Affairs William Buffum be printed in the RECORD.

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

OPENING STATEMENT FOR HEARINGS ON RHODESIA

One of the most critical challenges the United States faces today in its Southern Africa policy is whether it will play an effective and constructive role in the resolution of the Rhodesia problem.

The minority regime there—representing about 250,000 whites in a nation of almost 6 million blacks—until now has been able to survive in spite of tremendous international and internal pressure. It has not been recognized by any government in the world. It has been subject to United Nations economic sanctions. It has been under ever-increasing military pressure from nationalist movements within the country.

It is clear now, however, that the survival of this regime is only a matter of time. The independence of Mozambique makes it likely that that country, as well as Zambia will be used for staging areas for the nationalist movements. There is also a real possibility that Rhodesia will no longer be able to use Mozambique ports and transportation facilities for its trade. The liberation movements are now united, are militarily stronger than ever, and can look to the African nations and outside countries for even greater support because the wars in the Portuguese territories are over. South Africa, which has long supported Rhodesia economically and militarily, is putting greater pressure on Ian Smith to reach a negotiated settlement with the liberation movements. Apparently, South Africa's concern now is to avoid a major conflict in the area.

The question now is not whether majority rule will replace racial domination in Rhodesia. It is how soon and in what way this change will come about. It could be brought about peacefully, through a negotiated settlement between the Smith regime and the ANC.

Or it could come only after a long and bitter struggle resulting in tragedy for both whites and blacks. The efforts of the U.N. and the African nations to bring about a peaceful resolution of this conflict could finally pay off. Or the world community could discover how accurate it was in labeling Rhodesia a "threat to international peace and security" as a Rhodesian conflict grew to involve surrounding African nations and non-African states as well.

It is clear that the United States' interests lie in strongly supporting those who seek an early, peaceful transition to majority rule and racial justice in Rhodesia. This country's future relations not only with Zimbabwe but all the African states will be profoundly affected by the strength of U.S. commitment to human rights racial equality and self-determination in Rhodesia. U.S. economic relations with this rich country will be determined by whether we demonstrate now a genuine commitment to the well-being of all its people.

As Bishop Nuzorewa pointed out when he was here, "When we are deciding where to sell our chrome, we will first ask, 'who were our friends when we needed them most?'"

Unfortunately, United States actions in the past have not entirely reflected a commitment to human rights and peace in Rhodesia. While this country supported the imposition of sanctions against Rhodesia in the U.N., it is also the only country in the world that has passed a law requiring that those sanctions be violated. Today, under that law, the U.S. is importing large quantities of chrome and ferrochrome from Rhodesia.

In March, 1970, the United States cast its first veto in the history of the U.N. on extending sanctions against Rhodesia—an action that was unnecessary because Britain had already vetoed. It was seen as particularly significant by the African nations that the United States chose this issue on which to reverse its policy of never vetoing a resolution that had the strong support of the world community.

This country has also abstained on several security council resolutions urging all states to fully implement sanctions and has voted against several General Assembly resolutions reaffirming the inalienable right of the people of Zimbabwe to self-determination, freedom and independence.

Such actions have been viewed by the African states as a reflection of extreme insensitivity to their deep concern about racial oppression in Rhodesia. These actions have also undermined the credibility of this country's commitment to the United Nations and its vital role in encouraging the peaceful resolution of world problems. It is important now that the United States make a positive contribution to this international effort to bring peace and majority rule to Rhodesia, rather than simply vetoing, abstaining and violating sanctions.

The most important questions before us today are whether a peaceful transition to majority rule in Zimbabwe is still possible and what this country can do to help promote such a settlement.

This committee and Congress as a whole must determine what specific actions the United States can take to demonstrate clearly its commitment to human rights and racial equality for the people of Rhodesia.

The witnesses today are well qualified to outline what those actions should be as well as to evaluate the possibility of a peaceful settlement. We will want to explore with them the possible impact of various policy options open to the United States. Mr. Good, Mr. Rotberg and Mr. Hutchinson have all spent considerable time in Rhodesia and the neighboring African states and have devoted much time and thought to the question of what U.S. policy there should be.

STATEMENT ON RHODESIA BY ROBERT C. GOOD*

The purpose of my statement is to place recent events in perspective and to speculate in broad terms about forthcoming developments as these may affect or be affected by U.S. policy. Other commentators are much better positioned than I to present detailed statistical evidence and to estimate near term developments based on the most recent facts.

The least that we may say after the extraordinary turn of events of the last eight months is that at least, in the Rhodesian case, there is something to speculate about. For nine years following the illegal declaration of independence of the Rhodesian white minority government of Ian Smith, the situation was at impasse. It was characterized by the stubborn recalcitrance of Salisbury, a self-destructive devisiveness among Rhodesian African nationalist organizations, the unobtrusive but very real assistance of South Africa (not to mention Portgual) to the white minority regime in its rebellion, and repeated evidence of Britain's inability, regardless of which party was in power, to solve this lingering and vestigial colonial problem.

Suddenly last December—the result of backstage maneuvers that had been in progress for months—everything seemed to break loose at once. Mr. Smith released from detention or prison Rhodesian African nationalist leaders who had been in custody for more than a decade; the fueding Rhodesian African nationalist organizations agreed to coalesce and to stand down their guerrilla forces; both sides agreed in principle to attend a constitutional conference; and South Africa said it would withdraw the paramilitary units that had been assisting the Rhodesian forces contain guerrilla forays in the Zambesi valley. An added fillip to this heady concoction, Black African leaders urged upon British Foreign Secretary James Callaghan a leading British role in convening the prospective constitutional conference—the same British administration almost to a man that had previously brought us the extravaganzas on board HMS Tiger (1966) and HMS Fearless (1968), each producing settlement terms endorsed by the British government and roundly denounced by most African leaders as a "sell out." (While Harold Wilson was willing to "sell," Ian Smith as it turned out was unwilling to "buy" and the impasse continued.)

The turn of events in December was momentous. What had happened to cause the apparent dismantling of the barricades on all sides? The watershed event of course was the coup in Lisbon of April 25, 1974, from which flowed an astonishing reversal of almost five centuries of Portuguese colonial policy.

Guinea-Bissau and Mozambique have already become independent under Black leadership. Angola, with whatever attendant danger, will achieve its freedom on November 11—four hundred years after the advent of colonial rule in that region and ironically on the tenth anniversary of Ian Smith's rebellion.

A glance at the map indicates the geopolitical importance of these events, especially the independence of Mozambique under a movement which, barring only the case of Algeria, had staged Africa's most successful guerrilla war for freedom and which now controls Rhodesia's ingress and egress through Beira and Lourenzo Marques, as well as the flow of petroleum products from the important SONAREP refinery in the latter city.

Faced with the collapse of a white buffer zone, the South African government turned to the policy of "detente." It was the antidote to new dangers (racial confrontation) and the route to new relationships (Black Africa with Sotuh Africa). In Lusaka, the possibility of supping with the devil who now seemed to see Ian Smith as an intolerable obstacle to "detente" was eyed, however warily, with fascination. Perhaps there was a way after all of effecting a transition to majority rule in Rhodesia without recourse to escalating violence.

In the midst of such rapid change, it is important to reflect on some continuities. South Africa's policy of "detente" was a refinement of what for years has been called the "outward" policy, one fruit of which had actually been the establishment of diplomatic relations between the white supremacist government of South Africa and the Black African government of Malawi. More-

---

*Mr. Good is Dean of the Graduate School of International Studies and Director of the Social Science Foundation, the University of Denver. From 1965–1968 he served as U.S. Ambassador to Zambia. He is the author of *UDI: The International Politics of the Rhodesian Rebellion* (Faber and Faber; Princeton University Press, 1973).

over, South African economists had long been writing about the creation of a kind of South African-managed co-prosperity sphere encompassing Black and White controlled states in the southern third of the continent. Ten years ago Sotuh Africa advised against UDI and has favored a settlement ever since, letting it be known that it was not necessarily against a Black government in Salisbury provided it was not hostile to Pretoria.

President Kenneth Kaunda for his part has quietly tested the possibility of "dialogue" with South Africa for a number of years and has understood better than most African leaders the grim consequences of escalating racial conflict. Moreover, the preference of Black Africa for a negotiated settlement has been explicit ever since the eloquent Lusaka Manifesto of 1969. Equally important, the operative concept for most African leaders has never been immediate independence under majority rule for Rhodesia but rather NIBMAR, an acronym introduced by President Julius Nyerere in 1966 signifying "No independence [in Rhodesia] before majority rule." The interim period, according to Kaunda and Nyerere, might run as long as four to five years before actual majority rule with independence might be achieved. The present situation thus has significant links with the past.

What is fundamentally new, following the initiatives announced last December, is that after nine years we have at last correctly identified the primary actors and placed them in the proper juxtaposition. As important as their responsibilities no doubt remain, the primary actors include neither the United Kingdom nor the United Nations. The primary actors rather are the Smith regime and the Rhodesian African nationalists. The secondary actors of consequence are the South Africans and those African Presidents able to exercise the most influence over the Rhodesian African nationalists: Presidents Kaunda and Nyerere, together with Presidents Seretse Khama of Botswana and Samora Machel of Mozambique.

The scenario outlined in December was disarmingly simple. The Black Presidents would pressure the fractious African nationalists into a coalition and towards the negotiating table. At the same time, Prime Minister Vorster would elbow Ian Smith into meaningful negotiations. The process would be facilitated by the desire of both Pretoria and Lusaka to avoid stepped-up guerrilla activities and by the realization that Mozambique in the hands of FRELIMO was capable not only of vastly strengthening the sanctions squeeze on Rhodesia but opening a seven hundred mile boundary to guerrilla incursions, perhaps assisted by its own battle-tested freedom fighters.

Anyone familiar with the vagaries of the Rhodesian situation, however, would have known that in Southern Africa the shortest distance between two points is never a straight line. The coalition of nationalist movements keeps exploding in the hands of the African Presidents. Fratricidal conflict among Rhodesian African nationalists continues both inside Rhodesia and among the exiled nationalist groups. The fissures open not really along ideological lines and not exclusively along tribal lines, though the latter must not be discounted. They reflect also differences in tactics and these differences reflect the struggle for leadership which intensifies as the anticipated time of transition approaches. And Prime Minister Vorster continues to have as much trouble with the slippery Mr. Smith as do the African Presidents with their clients. Each excess of the feuding nationalists plays, as it always has, into Smith's hands. Vorster has virtually all the levers of crude power in his hands to bring the Rhodesian Front to heel, but cannot be seen to use these too openly without affording Smith the opportunity to appeal over his head to the South African white electorate, or himself to be contributing to and thus validating a program of international sanctions. Samora Machel, the new President of Mozambique, is also no free agent. He has inherited a parlous economy and the enormous task of turning Mozambique into a going concern politically as well as economically. And there are measurable prices to be paid for not maintaining correct relations with Pretoria at this stage.

Thus, the orchestration of events and the manipulation of actors present problems of exquisite delicacy. The dangers, consequently, are enormous.

What Vorster wants most is a negotiated transition to majority rule which he himself is perceived to have facilitated. What Vorster wants least is a transition to majority rule achieved as a direct result of successful international sanctions and, even worse, of guerrilla warfare. Yet to achieve the desired goal, the threat of the undesired one—even in measured degree its reality—must be operative. This suggests a further ripening process and the resulting ferment might either produce the desired mixture or explode the keg.

The last six months have borne out this thesis. Neither the African Presidents nor Mr. Vorster has been able to pressure the African National Congress or the Rhodesian Front into accepting the last viable fall-back position of the other. Indeed, substantive meetings have not even taken place. Meanwhile South African paramilitary units so far as we know remain in Rhodesia. There is no real ceasefire. And many political prisoners are still in custody. Though the primary actors have been identified and the dynamics of an ultimate solution are now clearer than ever before we must not underestimate the difficulties.

The problem today is what it has been from the outset. In a word, it is to effect a colonial transition in Rhodesia without an imperial arbiter. Never having deployed forces on the ground in Rhodesia, Britain has never exercised imperial authority. South Africa has become the surrogate for such authority. But under what circumstances can Vorster now get Smith to sign the instrument that obliges the regimen to self-destruct in three years? Or in five years? Or can provide guarantees of irreversibility to the Africans?

Vorster has called the alternative "too ghastly to contemplate," meaning presumably a rapid escalation of guerrilla warfare leading to an attempt at all-out military solution on both sides which could trigger a racial cataclysm well beyond Rhodesia's frontiers. He is right. It is ghastly indeed. The chief hope in the present situation is that Vorster's fears are shared by the African Presidents, creating the tenuous alliance of convenience between Pretoria and Lusaka. Outside this consensus stand certain Rhodesian African nationalists, principally ZANU which has spearheaded the most successful of the guerrilla incursions; and possibly—we do not know for sure one way or the other—Ian Smith himself.

Not inconceivably, Smith might feel that rapidly escalating violence might reverse the process of "detente"—in the realization of which continued white rule in Salisbury is the most serious stumbling block—and draw South Africa into a decisive confrontation with the guerrillas and more importantly with the countries giving them sanctuary. If that were to happen we would find ourselves in a brand new ball game.

How then does one get a negotiated settlement? I suggested before that the situation must ripen further. That means a continuation of more of the same, and possibly repeating the cycle of stepped up violence leading to renewed attempts at negotiations, perhaps several times over. How long this will take, I for one cannot predict. We have been imposing ill-conceived deadlines on events in Southern Africa for years. The only deadline no one thought to predict was the one that came in consequence of the unpredicted coup in Lisbon—independence for Portuguese Africa. In December and January, the conventional wisdom was that a settlement would be in hand prior to Mozambiquan independence. My instinct is that it could take another one to three years.

The following elements must remain or be brought into play. First, there must be a continuing liaison between Pretoria and Lusaka, between Prime Minister Vorster and the African Presidents. Second, the African Presidents must continue to pressure the Rhodesian African nationalists into a willingness, once the situation matures, to enter into a transitional arrangement which will involve under some international guarantee independence under majority rule within not more than four to five years. Third, Vorster must keep equivalent pressure on Smith and the Rhodesian Front. Fourth is the ingredient that is as dangerous as it is indispensable: Mozambique must gradually increase the sanctions squeeze and preparations must proceed apace to increase the effectiveness of African guerrilla forces.

The object of the latter moves of course is to erode further the structure of white power in Rhodesia by increasing the costs of moving exports and imports through the sanctions barrier and by increasing the difficulties of gaining access to the international money market and of recruiting expatriate skills, thus hastening the net exodus of whites from the country. As a result, the regime will become the more brittle as time goes on. The object equally is to demonstrate that the alternative "too ghastly to contemplate" can and will in time become a reality. As these developments proceed, Vorster's ability to place added pressure on Smith ought to achieve growing acceptance within the South African white electorate. His maneuverability in this respect is already far greater now than it was several years ago.

Britain's formal role in all of this remains as substantial as its real role remains negligible. It is the Parliament at Westminster that must finally validate independence normalizing Rhodesia's (by then Zimbabwe's) relations with the international community. But Britain's actual role in achieving a political transition can only be marginal and facilitative. We need, incidentally, no longer fear a British deal with Smith aimed at disengagement. The situation has moved beyond that. There can be no return to the status quo ante. In any event, the precedent of the Pearce Commission in 1971 with its finding against the settlement proposals of the Conservative Foreign Minister, Sir Alec Douglas-Home (a procedure for which the British government deserves more credit than it has received) obviates the danger of a "sell-out."

What about the United States? One hopes, almost wistfully, that the Byrd amendment can be repealed before there is majority rule in Rhodesia. It is in fact important that this be accomplished with dispatch. In company with the gradually expanding involvement of Mozambique in the sanctions campaign, it would send a significant signal to Salisbury at a psychologically important moment. The United States ought to be willing, as well, to join an international effort to compensate Mozambique for any loss of revenue involved in its sanctions against Rhodesia. Third, we should initiate immediately programs of humanitarian assistance to the Rhodesian African nationalists. Beyond this, there is little that we can do directly.

There is however much that we can do contextually, if I may put it that way—seeing Rhodesia in the larger context of Southern Africa. In general we must begin to understand, and give more consistent expression to that understanding, that the issues of Southern Africa are grave and may gravely affect American interests. I say this with such cer-

tainty, as I have said it before "because I believe that in this age of immediate communication and instant involvement, it is inconceivable that two great racial revolutions (in America and in Southern Africa) can climax at roughly the same point in history without finally each affecting, exciting, and probably aggravating the other. Exactly how this interaction will work itself out is I think unpredictable. But that there will be a significant interaction I would consider inevitable."

TESTIMONY ON RHODESIA

(By Robert I. Rotberg)

Mr. Chairman, Members of the sub-committee, I am grateful for this opportunity to appear before you and to testify about Rhodesia.

Rhodesia is a strategically located colony with great potential. Whether called Rhodesia or Zimbabwe, it has a valuable resource base and could, under favorable circumstances, serve once again as the fulcrum of a prosperous and progressive Southern Africa.

Mr. Chairman, within the last 15 months prospects for development and the resolution of conflict in Southern Africa have increased tenfold. You have already heard testimony on Angola and Mozambique and are aware of the dramatic alteration in the state of southern Africa since the coup d'état in Portugal in April 1974. We have seen Guiné and Mozambique attain independence. If the threat of civil war can be contained, Angola will follow in November.

These are significant milestones which resulted from the coup. Without Portugal's willingness to devolve responsibility after 500 years, independence would have been achieved much more painfully and laboriously, if at all. Certainly the transition would not have been accomplished peacefully.

South Africa has been directly affected by the events of the past 15 months. Although many observers would have predicted that South Africa, true to its foreign policy for the past two decades and the public statements of its leaders, would have tried covertly, and, if necessary, overtly to retard independence in Mozambique and Angola, in fact, South Africa reacted to the coup in Portugal with an attitude of positive neutrality and an unaccustomed posture of comparative complacency. Moreover, when South Africa could materially have assisted blacks and whites opposed to Frelimo in Moçambique, it studiously refrained from even the semblance of interference.

This was the face of the new, severely pragmatic, South Africa. For it, the most important need was and is stability in southern Africa. It sought—as part of its reaction to the Portuguese coup—to buy time (say 10 years) with space. It reckoned that the end of conflict in southern Africa would provide South Africa with an interval long enough to alter her own internal and quasi-internal policies (I refer to the homelands) regarding blacks. To have intervened in Mozambique or Angola would have forfeited the kinds of relations it sought and needs with black Africa and her newly independent or soon to be independent black neighbors. Also, conflict would have been escalated. And the likelihood of a spillover from such conflict into South Africa would have been made much more certain. South Africa, therefore—but not without serious debate within the ruling echelons of the National Party—refused to meddle in Mozambique and Angola for two reasons.

1. To do so was seen to be too risky.

2. From carefully calculated self-interest.

South Africa is no less aware than we here today must be of the strategic as well as the political significance of détente in southern Africa. In this respect the attitudes and interests of South Africa suddenly—but not surprisingly—coincide with the interests of black Africa, and especially with the Republic of Zambia.

With the end of Portugal in Africa, Zambia saw an unheralded opportunity—the first in nine years—to satisfy its own political and economic requirements for developmental time and cross-border stability. Thus South Africa and Zambia not only both appreciated the importance of stability in southern Africa, but also took the unusual step of talking together about it.

Both are and were aware that real stability in southern Africa is impossible without a resolution to the Rhodesian problem. Without a deescalation of conflict, stability in the region will prove unattainable. Hence, about ten months ago, South Africa and Zambia began working together, along with the transition regime in Moçambique and the governments of Tanzania and Botswana, to articulate and concert a viable policy about and for the future of Rhodesia.

I need not remind a Senatorial committee of Rhodesia's natural resources. You are all too familiar with its base metals and the American interest in the export of one of those raw materials. Rhodesia holds 86 percent of the free world's known reserves of high-quality chromium. It also mines significant quantities of copper, nickel, asbestos, gold, iron, and coal, and lesser quantities of forty other minerals. Obviously, under more auspicious economic conditions than currently obtain there, Rhodesia could greatly increase its production of these and other valuable minerals.

Rhodesia in pre-sanction days was a major producer of corn, sugar, and tobacco, and could be again. Short-staple cotton has also been grown with promising yields. Indeed, given the expert level of Rhodesia's farmers, if irrigated water supplies are available in sufficient acre-feet, there is no limit to the cropping potential of Rhodesia.

From the time of Rhodesia's unilateral declaration of independence to the present, her chrome, copper, gold, asbestos, tobacco, and maize have, despite sanctions, been exported via Moçambique and South Africa to China, Japan, the Soviet bloc states, Holland, Switzerland, and, as we know for chrome, to the United States. Corn has been sent to Zambia and, I presume, Zaire. Her imports, especially the gas and oil without which the colony would long ago have ground to a halt, also reaches Rhodesia via Moçambique and South Africa.

Rhodesia also served as a transport hub. Opening up its routes to the sea would restore a critical transportation link for Zambia, and ensure the export of copper and the import of machinery and consumer goods.

Since UDI, Rhodesia's light and medium manufacturing sectors have prospered in ways reminiscent of the 1950s. These two sectors could once again supply neighboring states with processed agricultural goods and manufactured commodities now typically imported either from South Africa or from overseas. Within a warfare-free southern Africa, a new Rhodesia (probably called Zimbabwe) could prosper as it did when—as the bambazonke of the Central African Federation—it supplied the bulk of the requirements of consumers in Zambia, Malawi, and southern Zaire.

Rhodesia has a population more highly educated than were the comparable populations in countries to the north at the moment of their own independence. It has an untapped potential for the growth of service industries for the region. It could also count upon visible earnings from a well-organized tourist sector. After all, few other African countries can boast ruins the equal of Zimbabwe and Inyanga, waterfalls as exciting as Victoria, or highlands as salubrious as the Eastern ones near Umtali. And few African countries have such highly developed infrastructures and well-arranged (when sanction-free) economies.

As developing nations go, Rhodesia is potentially rich and well-situated for progress. It also holds the very frightening potential for all-out racial war. Let us examine the population balance: there are 6 million Africans and 270–250,000 whites, plus a few thousand coloureds and Asians. Let us estimate that there are 50–65,000 white heads of families or others normally eligible to defend white rule in any total conflict. (I am aware that blacks now fight alongside whites in the Rhodesian armed forces. But this collaboration need not necessarily continue in all circumstances.) But if even one-third of that number were committed to battle (and support for battalions at war), what would happen to the local economy? And what would happen to the very way of life which whites cherish in Rhodesia? A siege economy could not be endured for long. Morale would sag. It would not take too many battlefield reverses or much urban sabotage to deplete the white ranks in the army and make it impossible to sustain war. Remember, too, that at least one-half of all the whites in Rhodesia have immigrated there since World War II. Unlike white South Africans, most white Rhodesians could, if they wished, return to relatives in Britain, Portugal, Greece, Cyprus, and South Africa. This is not to say that they will need to. There are more whites in Kenya and Zambia now than at the time of independence. They probably earn more per capita in real terms than they did then.

The prospects for an all-out racial war are enhanced by:

1. Frelimo's victory over the Portuguese in Mozambique.

2. The consequent availability of guerrilla camps and staging zones across the Rhodesian border in Mozambique as well as Zambia.

3. South Africa's refusal to continue its support of Rhodesia militarily (and probably economically) and its willingness to withdraw troops already there.

4. South Africa's clearly enunciated refusal to be sucked into the vortex of a Vietnam-like conflict in southern Africa. That is, it does South Africa's self-interest no good to engage in a war which cannot be won or which can only focus hostility toward it, and away from Rhodesia. Furthermore, should South Africa and Rhodesia somehow prove victorious, would the whites of South Africa want to swell their own black population with 6 million more? I think not. (The white population of South Africa is not yet 4 million.)

5. Zambia and Tanzania's decision to support the African National Council's liberation army if negotiations fail.

6. The promise of the British Commonwealth to back Mozambique if it ends traffic from Rhodesia to the sea, and otherwise tightens the economic noose.

7. The ability of the militant black nations of Africa to focus their attention upon Rhodesia now that Guiné, Moçambique, and Angola have been liberated. (In this connection Zambia has apparently persuaded its fellow militants that South Africa means to cooperate in bringing about a peaceful conclusion to the Rhodesian situation, and that it is worthwhile avoiding hostility toward South Africa for the time being.)

It is true that there is dissension in the black Rhodesian camp. Despite the strenuous efforts of Samora Machel, Kenneth Kanda, Julius Nyerere, and Seretse Khama, the main opposing wings of the Rhodesian struggle—the Zimbabwe African Peoples Union (ZAPU) and the Zimbabwe African National Union (ZANU)—have not been united except in name and form. The African National Council (ANC) is an umbrella organization which successfully revived domestic dissent in 1971–72 and has tried to bring to-

gether the opposing ideologies and end conflicts over power that have existed between ZANU and ZAPU (latterly also Frolizi) since about 1962–63. There still remains a serious chance of fratricidal conflict among Rhodesian blacks on the Angolan model.

But it is equally true that the ANC's military wing is under the command of those ZANU forces which have already demonstrated their ability to fight a guerrilla war before and since the coup in Portugal. After years of faltering, the ZANU guerrillas opened up an important front in northeastern Rhodesia in late 1972 and have maintained pressure upon the army of Rhodesia since then. Their most well-publicized successes came in late 1973 and early 1974. If negotiations fail, their reorganized movement will have access to more arms and ammunition, better training, and better logistical support than before. They will also have the psychological advantage of Frelimo's success.

Without massive firepower, the government of Rhodesia could not and cannot defeat a concerted rural guerrilla effort backed by Zambia, Moçambique, Tanzania, etc. This is not to say that the guerrillas can win, either, but they have already demonstrated an ability to tie down a local defensive force indefinitely. They can again harass isolated areas. They may probably have the ability to do so to such an extent that a white exodus will begin. Any panic would surely mean the end of a credible defense force. And a further level of warfare could engulf the cities, which now are white redoubts.

No one—African, South African, Zambian, or Mocambiqan—wants Rhodesia engulfed by violence. Least of all do the Rhodesian whites want violence. But for twelve years the Rhodesian whites have resisted the transfer of power to blacks with surprising success.

Has Armageddon come? Encircled by unfriendly neighbors and with its transportation needs dependent upon them, Rhodesia seems finally to have run out of luck. But such an analysis rests on Moçambique's decision to cut the Rhodesian routes to Beira and Lourenço Marques(the colony's main outlet), Botswana's willingness to limit the use of the old main line to Bulawayo from the south, and South Africa's determination to do little to make the new single line link from Beit Bridge to Rutenga anything more than a thin, temporary expedient.

As in so many other matters, South Africa's attitude is crucial. It has pushed Ian Smith's government very far. Its efforts presumably were responsible for the release from prison of the leaders of ZANU and ZAPU, and for encouraging the Smith regime to agree to a ceasefire. But as you know, Mr. Chairman, the great expectations of December have been followed by the circumlocutions, evasions, and stallings of January through July. There has as yet been no constitutional conference, and much successful maneuvering on the part of the Smith government. The guerrilla war continues and several of the leaders of ZANU are unable to return to Rhodesia and/or under restraint in neighboring territories. It is not clear, pending the actions of Moçambique, how far South Africa can and will go in using its undoubted economic leverage to make the Smith government negotiate an end to the Rhodesian conflict and begin the hard and, for whites, painful task of transferring power to blacks.

There is no doubt that South Africa would prefer a comparatively rapid devolution of power to blacks, but it is not clear how far it is prepared to go (for domestic political reasons) in compelling such a result. Nor is it clear how much more time the black governments will give South Africa to bring whites and blacks fruitfully to the conference table. There is a tendency to think that the Smith government favors one over another of the three or four main liberationist political groups, and that it has been trying to wait until that group gains strength within the country before talking with blacks about the future. South Africa may be a party to this endeavor. So may Zambia. But it is not clear that such a strategy can provide more than temporary solace, or whether it may not lead to the kind of Angolan conflict which it is in everyone's interest to avoid.

Whatever the short-term outcome of these manipulations, maneuverings, and evasions, it is in the interest of all parties to negotiate a settlement and avoid conflict. Let me hedge this last, however. It may well be that it is not in ZANU's interest to avoid conflict now, given the distribution of power which could result from an immediate constitutional agreement. But if it is in ZANU's interest to maintain the war, so it must be in white Rhodesia's interest to settle.

The Prime Minister of Rhodesia has recently reiterated his oft-quoted statement that the colony will not be governed by blacks in his lifetime. But that is an unrealistic statement given the ability of his neighbors to strangle Rhodesia economically and fiscally, and the presumed ability of black states and states of the Eastern bloc to back a well-organized guerrilla movement almost indefinitely. It follows, I think, that it is best to do now what must be done evenually—that whites can obtain more security and better transition arrangements now rather than later. But are the whites of Rhodesia equipped to perceive their self-interest in the same way? I think so, and do not believe that pollyanna is talking. Indeed, I think, once Moçambique's attitude is clear and the priorities of South Africa are reiterated to Rhodesia, that we may see some rapid movement in this direction. Admittedly, a change in the leadership of the Rhodesian Front may first be required, but I am not prepared to say, either, that such is a necessary precondition. Self-interest, not altruism, and very little avoidance of conflict has always characterized the political perceptions of the white leadership in Rhodesia.

If the above premises are reasonable, then it follows that it is in the self-interest of this country to enhance those initiatives which would bring about a peaceful resolution of the Rhodesian question. As President Kaunda said in the White House in April, it is time for the United States to resume its leadership of the West in African Affairs. I submit that we can do so by supporting the Zambian and South African attempts to avoid conflict in southern Africa and by encouraging the present white government of Rhodesia to discuss the kinds of terms for a transfer of power which will make most sense for the future good of all of the inhabitants of that territory. We might even explore ways in which we could with African support assist in making the transition from white to black rule as successful as possible.

STATEMENT OF THE HONORABLE NATHANIEL DAVIS, ASSISTANT SECRETARY OF STATE FOR AFRICAN AFFAIRS

Mr. Chairman, Members of the Committee: I welcome this opportunity to meet with the Subcommittee again—this time for an exchange of views on the situation in Southern Rhodesia. Ambassador William B. Buffum, Assistant Secretary of State for International Organization Affairs, is here with me today.

As you know, Rhodesia is technically a self-governing British colony in revolt against the British Government. Its unilateral declaration of independence (UDI) of 1965 has not been formally recognized by any country. The regime of Ian Smith, representing less than 5% of the total Rhodesian population, has since 1965 taken steps to perpetuate white minority rule and to exclude the African majority from meaningful participation in the political and economic life of the country.

For the better part of ten years the Rhodesian problem has evaded every solution, despite repeated efforts of the British Government, supported by the United Nations, which imposed mandatory economic sanctions against Rhodesia in 1966 and 1968.

Since the accession of Mozambique to independence the situation in Southern Africa including Rhodesia has changed. As you know, Mozambique, a nation with a 700-mile common border with Rhodesia, became independent just two weeks ago.

The independence of Mozambique and the possibility of the closing of its borders to Rhodesian trade has placed additional pressure on the Smith regime. (It is estimated that some 80% of Rhodesian exports and imports go through Mozambique.) There are some indications of an increased perception within the minority regime that its present course can only lead to further violence and tragedy and that it would be preferable to enter into serious negotiations with representatives of the African majority on the future of Rhodesia. Leaders of the neighboring states of Zambia, Tanzania, Mozambique, Botswana and South Africa are seeking to exert influence toward the promotion of peaceful solution in Rhodesia. Preliminary talks between the Smith regime and the Rhodesian nationalists, who formally united in December under the African National Council, are continuing, despite deadlocks, interruptions, and procedural difficulties. The formal unification of Rhodesian nationalists is a significant development, encouraged by Presidents Kaunda, Seretse Khama, Nyerere, and Machel. The preliminary talks, which resulted from the December agreement in Lusaka, are designed to pave the way for a full-fledged constitutional conference.

Thus, there are some encouraging signs—including the fact that the United Kingdom sent an emissary to Salisbury late in June to discuss with the Smith regime and with Rhodesian nationalist leaders the timing and modalities of a possible constitutional conference.

Nonetheless, Mr. Chairman, I think it would be a mistake to be overly optimistic. A Rhodesian settlement is still far from accomplishment at this point and there is every likelihood that there will be a period of hard negotiations ahead.

The main lines of our policy toward Rhodesia have followed from the illegal Rhodesian UDI, based on minority rule. In brief, we do not recognize the Rhodesian regime's claim to independence; we continue to regard the British Crown as the lawful sovereign in Rhodesia; we support the UN and the UK in their efforts to influence the Rhodesian regime to negotiate a peaceful settlement based on the principles of self-determination and majority rule in Rhodesia. To this end we voted for and support the UN sanctions against Rhodesia. I might add, Mr. Chairman, that while our record of sanctions enforcement has been good, there is a major gap in this enforcement created by the Byrd Amendment, allowing the importation of chrome and certain other materials from Rhodesia. In addition to providing the regime in Salisbury with much needed foreign exchange, the Byrd Amendment has also provided moral and psychological support to that regime. I would like to stress again the Administration's support for legislation repealing the Byrd Amendment (HR 1287) currently being considered by the Congress. We are very encouraged by the progress of the repeal bill, voted out of the House International Relations Committee yesterday. Early repeal not only would enable the United States to comply fully with its international obligations, but, we hope, would add an important increment of influence on the Smith regime to move into serious negotiations regarding Rhodesia's future.

Mr. Chairman, we strongly support self-determination for the people of Rhodesia, and hope that current efforts to arrive at a settlement acceptable to the population of Rhodesia as a whole will be successful.

TESTIMONY BY WILLIAM B. BUFFUM

Thank you Mr. Chairman, I am William Buffum Assistant Secretary of State for the Bureau of International Organizations. I should like to review briefly for this committee the nature of the United Nations' concerns with Rhodesia, and the United States position with regard to those concerns.

As you know the Ian Smith regime in Rhodesia unilaterally declared independence from Great Britain on November 11, 1965. Great Britain, interested in granting independence to a multi-racial state governed by majority rule, requested United Nations assistance in dealing with the Smith regime's persistent illegal claim to independence. The Security Council decided on November 12 and 20, 1965 to set in motion a program of voluntary economic sanctions directed at Southern Rhodesia at the request of the United Kingdom calling on all states to refrain from assisting the illegal Smith regime and to do their utmost to break all economic relations with it, including an embargo on oil and petroleum products.

Early in April 1966, attempts were made to circumvent the voluntary oil embargo. On the grounds that such action, specifically the arrival of the oil tanker Joanna V at the port of Beira, Mozambique, could lead to a collapse of the entire sanctions program against Southern Rhodesia, the United Kingdom urgently requested a meeting of the Security Council on April 7, 1966. The British submitted a resolution before the Security Council describing the situation in Southern Rhodesia as "a threat to peace and security" and it was adopted on April 9. The United States had participated in the voluntary sanctions if you wish I can supply this Committee with a brief chronology of United States actions taken during 1965 and 1966. The United Nations Security Council responded again to British requests for a meeting in December of 1966 and on December 16 again decided that the Rhodesian situation constituted a threat to the peace. The United States concurred in these Security Council findings because we believe that a United Nations policy of passivity in the face of the Rhodesian rebellion would sharpen existing tensions in the Southern half of Africa; encourage extremism on the part of both black and white communities in African states; and make possible exploitation of the situation by extremists of the left and right.

At the request of the United Kingdom, members of the United Nations Security Council concluded that selective mandatory sanctions should be applied against the Rhodesian regime. The prevailing hope was that the sanctions would induce the leaders in Rhodesia to agree to majority rule, a step which would clearly reduce the potential for violence in a very sensitive area of the African Continent. It was the first time that the Security Council had decided in favor of mandatory sanctions. While it was uncertain at the time what the actual effect of mandatory sanctions on the Smith regime might be, the United States support of this decision was based on the hope that the mandatory sanctions would assist the United Kingdom in its effort to create a more equitable political situation in the British territory.

The issue of sanctions is not without limits. In March of 1970, the United States first exercised its veto on a proposal to include further mandatory provisions to the effect that all states should sever all ties with the Smith regime, including means of transportation, postal service, and all forms of communication. The United States representative, Ambassador Yost, pointed out that his Government shared the desire to achieve an equitable solution to this problem, but that "the question arises whether these more extreme measures which have been suggested would be sufficiently supported by the international community, especially those most directly concerned, to make them in fact effective." He further pointed out that the United States has consistently attached great significance to the maintenance of communications even where relations were strained since we would view most seriously the prospect of leaving United States citizens anywhere in the world without the means to travel and communicate.

As to the United States actions pursuant to their Security Council decisions, on January 5, 1967 President Johnson issued Executive Order 11322 which implemented for the United States the Security Council's Resolution 232 of December 16, 1966.

The Security Council reconvened on the question of Southern Rhodesia, and on May 29, 1968 unanimously adopted Resolution 253 which reaffirmed the 1966 resolution, expanded the scope of the sanctions, and in addition, established a committee of the Security Council (commonly referred to as the Sanctions Committee) to monitor the implementation of the Sanctions.

The United States has been and is an active member of the Sanctions Committee, and we submit quarterly reports regarding trade (medical and educational materials are permitted) and investigations of possible violations. To date there are 237 cases of alleged sanctions violations, by various states. Thirty-three of those cases involve US importation of Rhodesian Chrome.

The status of the Byrd Amendment and its repeal are inextricably a part of US participation in the Sanctions Committee. In November, 1971 President Nixon signed into law the Military Procurement Authorization Act of which Section 503 was the Byrd Amendment. The Byrd Amendment permits the importation into the United States of certain strategic and critical materials including those from Rhodesia. A key item included in this category is chrome. This legislation had as a stated objective the lessening of United States dependence on the Soviet Union as a source of chromium imports. During the period before 1972, the United States had imported from the Soviet Union about one-half of its metallurgical-grade chromite. We imported virtually no chrome ore from Rhodesia from 1968 through 1971 inclusive, and no ferrochrome before 1972. Since 1972, our metallurgical grade chromite imports from Rhodesia have remained steady at approximately 10% of total US imports of this material.

However, imports of Rhodesian chromite seem to have replaced declining purchases from other countries rather than to have displaced imports from the Soviet Union. In general, importation of this material from areas other than Soviet Union have fallen while the Soviet Union has maintained its relative percentage of total US imports.

A few days after assuming the Presidency, President Ford stated his full commitment to the repeal of the Byrd Amendment. Secretary Kissinger has declared that he is personally convinced that the Byrd Amendment is "not essential to our national security, brings us no real economic advantages, and is costly to the national interest of the United States in and conduct of foreign relations." His statement is particularly pertinent to the US posture in the United Nations and the Security Council's Sanctions Committee. I hope that the Senate will see its way clear to repeal the Byrd Amendment.

In providing this brief review of United Nations concerns on the question of Rhodesia and the US position regarding those concerns, some questions may have occurred to you. I should be happy to try and answer them now or submit written responses for such questions later.

THE UNITED STATES, RHODESIA, AND SOUTHERN AFRICA SUPPLEMENTARY ORAL TESTIMONY

I am grateful for the opportunity to speak briefly today about a maligned and neglected country whose future is related to ours. I have placed a formal statement in the record, and with your permission will add only a few supplementary and summary remarks. A colleague of yours has suggested that you might wish to hear additional testimony in executive session, and I will of course be glad to supply that.

Last year I paid two visits to Rhodesia for a total stay of nearly three months. I went in January, 1974 on my own account to study the prospects for a negotiated settlement in Rhodesia. During that time I was fortunate to meet with Prime Minister Ian Smith, with Bishop Abel Muzorewa—the President of the African National Council, and with a cross-section of African and European labor, business, political and community leaders.

In April, 1974 I went back to Rhodesia at the invitation of an officer of the African National Council. In subsequent discussions it was agreed that I would render what help I could to the ANC in its current negotiations and relations with the Rhodesian government, and in the event of an agreement would visit various African capitals and London and Washington to discuss the merits of the agreement and—a most vital question—the representativeness of the ANC.

On May 7, 1974, it was agreed between Mr. Smith and Bishop Muzorewa that certain constitutional proposals would be placed before the central committee of the ANC for its consideration. I received a copy of the proposals the following day, and for the next four weeks was privy to a number of discussions of the proposals by both African and European leaders. Later in the month I was asked on several occasions to relay certain suggestions or proposals between the African National Council and the Government, and I did so. I was thus a witness to the process of disintegration in will and trust and communication which killed any prospect for an agreement. On June 2, 1974, the central committee refused to accept the proposals and increased its own demands.

There has been speculation that the Rhodesian Government did not anticipate the consequences of the Lisbon coup in the raising of African expectations and demands, and that the African National Council failed to maintain its own internal communications and cohesion and finally bowed to the very real intimidation from outside Rhodesia.

I do not want to add to that speculation, but it should be known that there was a sad reality then that is still a reality; that is poorly appreciated abroad; and about which the United States is probably the only power which can do anything useful and corrective.

The reality is fear. The Europeans fear that they will eventually be swamped and oppressed and ejected and even liquidated by the Africans. The Africans fear that the Europeans will renege on an agreement once it has been ratified by the Parliament of the United Kingdom.

Both the Africans and the Europeans are apprehensive that any agreement they sign will not be respected at their borders and by the international community. They are well aware that most of the outside world is blind to the conditions for peaceful political and economic development in Rhodesia and essentially indifferent to the wishes of the Rhodesian people in the matter.

The Rhodesian predicament is serious, but the international—including the British and American—debate on Rhodesia is largely irrelevant. The necessity for the transition of

Rhodesia into a society of equality—in law and consideration and opportunity—is not open to practical doubt. But I personally doubt if any country in modern times has been preached at for so long and with such arrogant piety by so many nations so poorly qualified to censure or prescribe. I doubt if anything approaching recognition has been given to the European contribution to Rhodesian development and to the European right to survival and reward. I doubt if any sustained thought has been given abroad to the proposition that the African people in Rhodesia should choose their own destiny rather than have it thrust upon them from outside. The fact is that—until the recent and most praiseworthy initiative of Zambia and then Tanzania and Botswana to reinforce and maintain the representatives of the ANC—the pressure of international opinion and action on Rhodesia has been directed, not towards a negotiated agreement, but towards capitulation of war.

Rhodesia does not need any more intimidation. The issues of sanctions and the Byrd amendment are symbolically important to both sides, and I respect the legitimacy of their concern; but they are almost irrelevant to the problem of negotiating a responsible and stable agreement in the short time there is left before the negotiating table is deserted for the battlefield. It is not wise for the United States to expend still more energy and time and taxpayers' money on that idle, most infertile debate. As it is, enough destructive intimidation will probably be provided—unsolicited and free of charge, against both Africans and Europeans in Rhodesia—across the Mozambiquan border by professionals.

What Rhodesia needs is the confidence that a negotiated settlement will be respected by other countries and given a chance to work. It needs a sense of augury, the feeling that some nation with power to influence has a practical interest in the good faith administration of an agreement within Rhodesia. Only the United States can provide that confidence.

I asked Prime Minister Smith if he would welcome such help, and he said he would. I asked Bishop Muzorewa if he would welcome such help, and he said he would. I asked every African and European leader I met in Rhodesia if they would welcome such help, and they said they would.

It is not a matter of interfering in the internal affairs of another nation. It is simply and only a matter of providing good offices where they are needed and wanted. We have shown not the slightest interest in offering or providing such limited but crucial assistance.

Our stock and stolid policy seems to be that it is a British problem. So it is, to some extent. They must ratify any agreement, but they need help in persuading other nations to respect it. In any event, with Northern Ireland still on fire, they have no need for further troubles in Rhodesia. I know enough members of the government and parliament of the United Kingdom to suspect that they would be delighted with our assistance on Rhodesia, provided it was offered with the normal political and constitutional proprieties. They have accept 1776, but retain their sensivities.

Let me summarize here the suggestions I have made in my formal submission.

First, the stability of Southern Africa—with Rhodesia as the litmus test of our ability to contribute in welcome and useful ways—is of political and economic and strategic consequence to the United States.

Second, the probable result of current British, American and international policy towards Rhodesia will be a war between extremists rather than a negotiated settlement between reasonable men.

Third, the African national council should be encouraged to unify its structure and policy to justify its claim to be the prime representative of the African people in Rhodesia.

Fourth, we should declare now and firmly—in advance of further negotiations—that any agreement reached between the government and the council and ratified by the British parliament will be supported by us in the U.N. Security Council, in the U.N. General Assembly, and before the organization for African unity.

Fifth, the United States should make available any assistance—whether in mediation, in constitutional research, or in discussions on the economic future of Rhodesia within the regional development of Southern Africa—what may be requested.

Sixth, the president of the United States—as an augury of his interest in peace and fraternity in Southern Africa—should send an envoy to Rhodesia and to the rest of Southern Africa to study the means whereby the United States could contribute welcome help to the pursuit of political cooperation, regional economic development and racial justice in Southern Africa.

I am not aware of anything useful that the United States has done in Southern Africa in recent years. We have wasted a great deal of time on denunciations but have contributed nothing but banalities to conciliation. We have tolerated and even joined in the hypocrisies about Rhodesia by the worst of political and racist overlords, and have candoned the weakening of traditional international law and custom. We have properly declared ourselves for racial equality in Southern Africa, but have done nothing at all to gird its weak foundations.

This subcommittee will have rendered fine service to the United States and all the people of Southern Africa if it directs the attention of the president and the congress away from the ceremonies of censure and boycott towards the most urgent need for negotiation and settlement. In so doing it might provide us with the option of peace instead of the certainty of war.

JOHN HUTCHINSON.

By Mr. CHILES:

S. 2112. A bill to authorize the Secretary of the Interior to conduct a study with respect to the feasibility of establishing the Bartram Trail as a national scenic trail. Referred to the Committee on Interior and Insular Affairs.

Mr. CHILES. Mr. President, today I am introducing a bill which would add the Bartram Trail to those areas listed in the National Trails System Act for study by the Secretary of the Interior, with a view toward possible designation as a national scenic trail. Passage of this bill would not necessarily result in the designation of the Bartram Trail as a National Scenic Trail but would require the Secretary of the Interior to prepare a report to Congress on the feasibility and desirability of so doing.

The National Trails System Act of 1968 authorized the establishment of two national scenic trails—the Appalachian Trail in the East and the Pacific Crest Trail in the West. In addition, studies for 14 other routes were authorized to determine if these trails should also be added to the national scenic trail system; and of the 14 routes, one is the El Camino Real Trail from St. Augustine to Fort Caroline National Memorial, a distance of about 30 miles along the southern border of the St. John's River. I believe it would be a shame if we included part of this famous trail and then left out the rest of the route followed by one of the most famous naturalists and explorers of colonial America—John Bartram.

John and William Bartram left Charleston, S.C., in late August 1766 heading for Florida which had come into British hands 2 years earlier. John Bartram's mission, as the newly appointed Royal Bontanist for all the American colonies, was to explore the newly acquired area and report on its condition. And for the next 2 years, he and his son traveled throughout the Southeast, collecting and describing minerals, soils, plants, and animals.

They traveled through what is now Jacksonville, Fla., before reaching St. Augustine. Then they explored the St. Johns River, traveling in part along what is now known as the El Camino Real Trail. In 1774–75, they returned to east Florida on a trip that also took them to parts of Georgia and southeastern Alabama, particularly the areas along the Tombigbee River and the area around what is now Mobile. Out of their travels came a far greater understanding of the wildlife and terrain of what was soon to become an important part of the United States.

John Bartram is remembered in history as the first native American botanist. Although he traveled far and wide in North America, no trip was more important than the two just mentioned. Since the days of John Bartram, millions of Americans have discovered what John and William Bartram went to such pains to see and record—that the north Florida, south and coastal Georgia, and southeast Alabama area is a region rich in natural beauty. The route they followed—the Bartram Trail—is well worth preserving from an environmenal as well as a historical standpoint. If we are to consider a 30-mile section of the Bartram Trail for inclusion within the National Scenic Trail System, I believe we should consider the possibility of the whole trail under the same protective umbrella. And it is for this purpose that I am introducing this bill today.

Mr. President, I ask unanimous consent to have the bill printed in the RECORD.

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

S. 2112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 5 of the National Trails System Act is amended by adding at the end thereof the following:

"(15) Bartram Trail, which extends from Mobile, Alabama, through the area of Montgomery, Alabama, to the Alabama and Georgia State border about due east of Montgomery, Alabama; continues through Georgia to the area of Savannah, Georgia, thence south to the Georgia and Florida State border; and terminates in the area of Manatee Springs, Florida, after passing through the area of Jacksonville, Florida, and south along the Saint Johns River to Lake George, and thence through the Alachua Savanna to the Suwannee River."

By Mr. HUGH SCOTT (for himself and Mr. CASE):

S. 2113. A bill to establish in the State of New Jersey the Treasure Island Na-

tional Historical Site. Referred to the Committee on Interior and Insular Affairs.

Mr. HUGH SCOTT. Mr. President, today I introduce a bill to establish in the State of New Jersey the Treasure Island National Historical Site.

Treasure Island, the oldest active Boy Scout camp in America, is located in the New Jersey waters of the Delaware River. Originally Marshall's Island, the camp began to accommodate Philadelphia area Scouts when it was founded in 1915 under the Order of the Arrow. As many of my colleagues may know from previous Scouting experience, this society is one of the largest Boy Scout organizations in America.

The island itself is a 50-acre, well-timbered tract of land which provides Scouts with many necessary functions: all-important in shaping boys into men, into the leaders of tomorrow.

As a former Scout, I can appreciate the invaluable services that the Scouting program provides, and I ask for consideration of this bill to establish the Treasure Island National Historical Site, and preserve what is literally a "Treasure Island."

By Mr. STENNIS (for himself and Mr. THURMOND) (by request):

S. 2114. A bill to amend title 37, United States Code, relating to special pay for nuclear qualified officers, and for other purposes. Referred to the Committee on Armed Services.

Mr. STENNIS. Mr. President, by request, for myself and the senior Senator from South Carolina (Mr. THURMOND), I introduce, for appropriate reference, a bill to amend title 37, United States Code, relating to special pay for nuclear qualified officers, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD following the listing of the bill.

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

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., June 6, 1975.

Hon. NELSON A. ROCKEFELLER,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of proposed legislation "To amend title 37, United States Code, relating to special pay for nuclear qualified officers, and for other purposes."

This proposal is a part of the Department of Defense Legislative Program for the 94th Congress. The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress. The Department of the Navy has been designated as the representative of the Department of Defense for this legislation. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of the legislation is to provide a permanent career incentive pay for naval officers trained and qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants. Adoption of a meaningful career incentive pay is necessary to insure the retention of sufficient qualified officer personnel to meet present and future manning requirements of the nuclear powered ships of the Navy. This incentive pay would replace the current temporary expedient of a $15,000 bonus for junior nuclear qualified officers who contractually agree to remain on active duty for one period of four years beyond completion of the minimum obligated service.

Less than 5% of all naval officers on active duty are trained and qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants. The direct operational expertise and benefit of excellent Navy nuclear training which these some 2500 officers possess make them highly desirable as employment prospects for the greatly expanding civilian nuclear power industry.

During its early years, the Naval Nuclear Propulsion Program was very small and could rely on an adequate annual input of proven career dedicated officer volunteers with some years of previous experience in the conventional submarine or surface forces. The rapid expansion of the program incident to construction of the 41 ship POLARIS fleet resulted in a direct input of relatively large numbers of qualified newly commissioned ensigns into the program and since 1964, this has been the primary source of officer input. It should be noted, however, that the desired input goals for newly commissioned ensigns hvae never been met, and the consecutive annual input shortfalls have caused a serious restriction in sea-shore rotation opportunity for nuclear trained officers.

Simultaneously, the retention rate of these "direct-input" ensigns has been totally inadequate to meet the need for experienced officers in the expanding Naval Nuclear Propulsion Program. In July 1969 the Congress acted to grant a necessary Nuclear Submarine Officer Continuation Pay in the form of a $15,000 bonus for each junior nuclear qualified submarine officer who executed a written contract to remain on active duty beyond minimum obligated service for four years in support of the nuclear submarine service. In October 1972 the Congress again acted to extend the continuation pay concept to junior nuclear qualified officers who served beyond minimum obligated service in support of the aircraft carriers, cruisers, and frigates of the nuclear powered surface fleet. In both cases, the implementation of this special pay program significantly improved the temporary retention of junior nuclear qualified officers through the completion of their department head tour of duty at the ninth or tenth year of commissioned service.

These special continuation pays—in reality short-term officer retention bonuses—were enacted by the Congress as temporary stopgap measures. The Senate and House Armed Services Committee reports on the original 1969 bill firmly document the rationale that the "bonus" solution to the nuclear officer manning problem in Navy was considered a temporary expedient and enacted as such.

Navy has applied continuing efforts to improve the career attractiveness for nuclear qualified officers, including the temporary promotions to the grade of lieutenant commander for officers serving in the position of engineer officer on nuclear powered ships, reductions in the operating tempo of nuclear powered ships and increased recognition of the contributions of these officers to the operational readiness of the Navy. However, these efforts coupled with the temporary bonus expedient have not retained the required number of officers. Middle grade nuclear officers once retained by the existing special bonus pay are now leaving the naval service at the completion of the agreed-upon four year period, and in unacceptable numbers. Better than 30% of the officers who have just completed their bonus obligation at the nine year service point have resigned. In addition, the present bonus and its concomitant four year obligation have become substantially less attractive to junior officers who are just now completing their minimum obligated service; only 27% of the most recently eligible officers have opted for the bonus although they have had the opportunity to do so since June of 1974. Civilian nuclear industry offers both the junior and "post bonus" officer an increase in compensation for similar work at a less demanding and non-seagoing pace. For the post bonus officer, the civilian pay alternative is particularly attractive since it makes up a forced reduction in pay caused by loss of bonus payments and a possible concurrent loss of submarine pay. This problem of "post bonus" losses has become serious in view of the expanding need for capable executive officers and commanding officers in the nuclear fleet. The large number of post bonus resignations is undoubtedly reflected back to the junior officers as evidenced by their increasing reluctance to accept the bonus obligation.

Even under the current economic climate, civilian nuclear industry requirements for trained nuclear power managers, engineers, and operators are most significant. A recent survey conducted of all nuclear trained officers who have resigned within the last three years showed that 67% are currently employed by civilian nuclear industry with a rising trend to 79% nuclear industry employment by resignees in the last year.

A strong secondary reason for new Congressional action is the urgent necessity to improve the accession rate of qualified officers into the nuclear propulsion training program. Consistently inadequate annual input has caused an unreasonable demand to be placed upon the limited number of officers who do volunteer—the feedback from this further limits the annual input. A true and meaningful career incentive pay which compensates for the special demands of the program is vitally needed.

The requirements of the Navy Nuclear Propulsion Program for qualified officers are not unrealistically large—

550 per year to enter nuclear propulsion training (This goal has never been achieved, resulting in a significant increase in the required retention rate among junior officers reaching the end of their obligated service.),

150 per year retained beyond minimum obligated service,

90 per year to become executive officers, and

70 per year to command.

It is therefore proposed that the temporary and sharply focused Nuclear Officer Continuation Pay ($15,000 bonus) system now be replaced with a meaningful and permanently established Nuclear Career Incentive Pay. The proposed new incentive pay system is structured after the recently enacted Aviation Career Incentive Pay, with minor modifications as necessary for adjustment between dissimilarities in the two career patterns. The rate of pay should be based on length of service as a commissioned officer, but for warrant officers is a flat rate, slightly higher than they had received as proficiency pay while in enlisted status as nuclear propulsion plant operators. These proposed rates of incentive pay will provide the nuclear trained officer the required degree of economic indifference to the salary offers of civilian industry after he completes minmum obligated service and for the remainder of his career. In this regard, officers with six to eight years service experience who have resigned within the last three years have a median salary with nuclear industry of nearly $20,000 as compared to a regular military compensation for these officers

without incentive pay of $17,950 and with the proposed incentive pay of $20,890.

Entitlement to the proposed Nuclear Career Incentive Pay would vest only in nuclear trained commissioned and warrant officers who maintain their qualification and technical proficiency for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants or those in nuclear training that directly leads to such qualification under the existing strict ERDA regulations and controls.

The proposed rates of Nuclear Career Incentive Pay are:

Monthly incentive pay:	*Years of service as commissioned officer other than warrant officer*
$100	4 or Less
150	Over 4
245	Over 5
225	Over 18
205	Over 20
185	Over 22
165	Over 24
0	Over 25

WARRANT OFFICERS—$200 PER MONTH

The proposal provides that the career incentive pay would be paid to qualified officers not restricted in the performance of duty without regard to their duty assignment during their first ten years of commissioned service. However, if at the end of, or at any time subsequent to, the tenth year of commissioned service, such an officer has been in an assignment for more than three consecutive years which does not involve the supervision, operation, or maintenance of naval nuclear propulsion plants, his entitlement to the career incentive pay is terminated until such time as he again is assigned to such nuclear duty and maintains his qualifications. The termination provisions would not apply to those nuclear qualified officers assigned to required periods of instruction or required qualifying shipboard tours of duty to prepare for assignment to a position of increased responsibility on a nuclear powered vessel. This provision assures that only officers who serve a significant portion of their career in nuclear powered ships receive this incentive pay on a continuous basis and also assures the individual officer of relative financial stability over his career. Incentive systems that offer higher rates of pay to these officers only while serving in nuclear billets have been considered; however, these systems result in considerable financial instability to the individual officer. Officers ordered ashore to important duties outside of the nuclear power field would face a forced reduction in pay of the same magnitude that the current post bonus officer is experiencing; that abrupt reduction is a major contributor to the 30 percent resignation rate of those officers.

The pay differential over the period of a naval career for nuclear trained officers provided by this incentive pay recognizes the value of these officers to the Navy. The cost of this special pay over the career of each nuclear trained officer retained under this proposal will be substantially less than the cost of training the required junior officers for replacement of the middle grade nuclear trained officer. In addition, in view of the consistent inability to meet the current accession goals, it is unlikely that further increased accessions could be met to make up for decreased middle grade officer retention. The total annual cost of this incentive pay proposal is very modest when compared to the capital investment involved in just one of the more than one hundred nuclear powered ships that are the responsibility of these officers to maintain and operate.

Implementation of the Nuclear Career Incentive Pay should preserve the option for junior officers currently on active duty to alternately elect to receive the Nuclear Officer Continuation Pay ($15,000 bonus) during the four year period immediately following their completion of minimum obligated service. Although the proposed nuclear incentive pay does provide a higher remuneration over a full career, it represents a short term reduction from the bonus equivalent of $312.50 per month during this critical four-year period. Accordingly, implementation of the Nuclear Career Incentive Pay proposal without the save-pay alternative would be recognized as a reduction in entitlement for officers just completing minimum obligated service, who have not received Nuclear Career Incentive Pay up to this point.

It is therefore recommended that the Nuclear Officer Continuation Pay enabling legislation (37 U.S.C. 312) be continued until September 30, 1980, to correspond with the new fiscal year ending date at which time all junior nuclear qualified officers reaching end of minimum obligated service will have had full advantage of Nuclear Career Incentive Pay. Without action, this legislative authority expires June 30, 1975.

Legislation creating the Nuclear Career Incentive Pay must stipulate that officers who alternately elect to receive Nuclear Officer Continuation Pay are excluded during the period of their active service agreement.

A member receiving Aviation Career Incentive Pay under section 301a of title 37, United States Code, would be precluded from also receiving Nuclear Career Incentive Pay under this proposal.

COST AND BUDGET DATA

Implementation of this proposed Nuclear Career Incentive Pay would affect about 2400 commissioned officers and 70 warrant officers. Projected per annum cost of Nuclear Career Incentive Pay over the next five years is shown in the following table:

Fiscal year 1976	4.9M
Fiscal year 1977	5.52M
Fiscal year 1978	5.86M
Fiscal year 1979	6.43M
Fiscal year 1980	6.82M

The increasing per annum cost is based on two assumptions: accession goals will be achieved over the next five years and the number of officers receiving the continuation pay bonus will decrease. Both of these factors will cause an increase in the number of officers eligible for the career incentive pay. Once inventory stability is achieved in the nuclear trained officer community, the per annum cost of this incentive pay would be 7.5M.

Sincerely yours,

J. WILLIAM MIDDENDORF II,
Secretary of the Navy.

By Mr. STENNIS (for himself and Mr. THURMOND) (by request):

S. 2115. A bill to amend chapter 39 of title 10, United States Code, to enable the President to authorize the involuntary order to active duty of selected reservists, for a limited period, whether or not a declaration of war or national emergency has been declared. Referred to the Committee on Armed Services.

Mr. STENNIS. Mr. President, by request, for myself and the senior Senator from South Carolina (Mr. THURMOND), I introduce, for appropriate reference, a bill to amend chapter 39 of title 10, United States Code, to enable the President to authorize the involuntary order to active duty of selected reservists, for a limited period, whether or not a declaration of war or national emergency has been declared.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD following the listing of the bill.

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

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, D.C., April 30, 1975.

Hon. NELSON ROCKEFELLER,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Forwarded herewith is draft legislation "To amend chapter 39 of title 10, United States Code, to enable the President to authorize the involuntary order to active duty of Selected Reservists, for a limited period, whether or not a declaration of war or national emergency has been declared."

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress. As a part of the Department of Defense Legislative Program for the 94th Congress, it is hereby submitted for enactment at the earliest possible time.

PURPOSE OF THE LEGISLATION

The purpose of the proposal is to amend the provisions of title 10, United States Code, in order to grant the President limited authority, when he determines that it is necessary to augment the active forces for operational missions, to order not more than 50,000 members of the Selected Reserve to active duty for not more than ninety days under conditions short of a declaration of war or national emergency as declared by either the President or the Congress. This proposal is identical to a proposal submitted to the 93d Congress and authority it would provide is being sought for availability on a continuing basis without reference to any particular situation.

This legislation is an important element in achieving greater reliance on Reserve Components for accomplishing the responsibilities of the Department of Defense. It is important that the President be able to augment the active forces with the Reserves for operational missions without having to declare a full-scale national emergency with all the attendant international and domestic implications this can have. Such authority could be used, for example, to augment our Strategic Airlift capability (and other areas as appropriate) in situations similar to that which occurred in the Middle East last year.

In the recent past, augmentation of the active forces on a limited scale has been accomplished under current authority by relying on individual volunteers from among the Reserves. The limitations of this approach are quite apparent, however, particularly in those situations which may require the activation of entire units. There needs to be firm assurance of Reserve availability for employment in crisis situations, short of national emergency, in order that active force commanders may place a high degree of reliance on the Guard and Reserves.

Another aspect of this legislative proposal is having the Guard and Reserve readily available under conditions that are not a national emergency or without a declaration of war. Such authority would demonstrate the swift response capability in our mobilization planning and woud serve as a deterrent to potential aggressors and as an encouragement as seen by or allies.

With respect to authority to order units of the Selected Reserve to active duty to test their readiness, current authority under section 672(b) of title 10, United States Code,

while limited to 15 days, is considered adequate for this training purpose.

In order to avoid possible jurisdictional conflict with the States, the bill prohibits members or units of a Reserve Component from being ordered to active duty under proposed section 673(b) of title 10, United States Code, for the purpose of suppressing insurrection or civil disturbance, enforcing the laws of the United States or any State, or providing assistance in time of natural or man-made disaster, accident or catastrophe. These situations will continue to be met under authority provided in existing federal and state laws.

The authorities requested in this legislation will be used judiciously and will enable the Services to plan for broader application of the "Total Force Policy" in satisfying contemporary national defense requirements. The "Total Force Policy" dictates that all available forces, U.S. Active Forces, U.S. Guard and Reserve Forces, and the forces of our allies—would be considered in determining the Defense needs to meet future contingencies. Our national policy of greater reliance on the Guard and Reserve is resulting in missions being assigned to the Reserve forces that were previously the sole responsibility of the Active Force. In some cases the capability to perform certain missions will be primarily the responsibility of the Reserve Forces. In carrying out these missions, the volunteer potential of the Reserve Forces will continue to be fully exploited.

The bill also amends section 9(g) of the Military Selective Service Act in order to assure that any member who is ordered to active duty under proposed section 673(b) of title 10, United States Code, as added by the bill, would be entitled to reemployment rights upon release from that active duty, providing he meets the other requirements under the law for entitlement to reemployment rights.

The Department of Defense strongly recommends enactment.

COST AND BUDGET DATA

The enactment of this proposal would cause no increase in the budgetary requirements of the Department of Defense.

Sincerely,

MARTIN R. HOFFMANN.

By Mr. STENNIS (for himself and Mr. THURMOND) (by request):

S. 2116. A bill to amend chapter 5, title 37, United States Code, to extend the special pay provisions for veterinarians and optometrists. Referred to the Committee on Armed Services.

Mr. STENNIS. Mr. President, by request, for myself and the senior Senator from South Carolina (Mr. THURMOND), I introduce, for appropriate reference, a bill to amend chapter 5, title 37, United States Code, to extend the special pay provisions for veterinarians and optometrists.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD following the listing of the bill.

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

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, D.C., May 28, 1975.

Hon. NELSON A. ROCKEFELLER,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of proposed legislation, "To amend chapter 5, title 37, United States Code, to extend the special pay provisions for veterinarians and optometrists."

This proposal is a part of the Department of Defense Legislative Program for the 94th Congress, and the Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The purpose of the proposed legislation is to extend the $100 per month special pay provisions for veterinarians and optometrists. The provision would be effective 1 July 1975 which would insure that no officer would suffer a loss in pay. The provisions of special pay for veterinarians and optometrists will terminate 30 June 1975 for newly appointed officers in these corps if this law is not extended. The present special pay entitlement for veterinarians and optometrists should be extended through fiscal year 1977.

VETERINARIANS

Special pay of $100 per month was first provided for veterinary officers by Public Law 83-84 enacted 29 June 1953. The additional special pay was intended to minimize the differential between the military and civilian veterinarian's income and to provide monetary incentive to attract and retain veterinary officers. The amount of special pay for veterinarians has remained unchanged for 22 years despite the increasing disparity between the annual compensation of veterinarians of the uniformed services and their civilian contemporaries. Current data show that there is a disparity of between $8,000 and $10,000 per year in favor of the civilian veterinarian.

The National Research Council reports that there is a national shortage of veterinarians, and by 1980 this shortage will approximate 8,000. The increasing professional opportunities in the civilian sector, coupled with the income disparity, will make it increasingly difficult for the services to continue to attract and retain Doctors of Veterinary Medicine.

A previously projected severe shortage of military veterinarians has been administratively forestalled through a reduction in authorizations. Failure to continue special pay could create an undesired exodus of military veterinarians with concomitant untenable shortages.

OPTOMETRISTS

There is a shortage of military optometry officers at this time. Special pay is one of several factors that help attract and retain optometrists by making the military departments reasonably competitive in the market place for their skills. The Military Departments' authorizations for optometrists total 565. Actual strength as of 31 January 1975 was 485, which is only 86 percent of the authorization.

While the shortage of optometrists has not reached a critical level, it is real. The special pay entitlements helps attract and retain optometrists in the military service. Failure to continue this special pay entitlement through fiscal year 1977 could result in a critical shortage of optometrists within the military departments.

COST AND BUDGET DATA

The enactment of this legislation will result in no increase in budgetary requirements for the Department of Defense.

Sincerely,

MARTIN R. HOFFMAN.

By Mr. STENNIS (for himself and Mr. THURMOND) (by request):

S. 2117. A bill to amend sections 5202 and 5232 of title 10, United States Code, relating to the appointment to the grades of general and lieutenant general of Marine Corps officers designated for appropriate higher commands or for performance of duties of great importance and responsibility. Referred to the Committee on Armed Services.

Mr. STENNIS. Mr. President, by request, for myself and the senior Senator from South Carolina (Mr. THURMOND), I introduce, for appropriate reference, a bill to amend sections 5202 and 5232 of title 10, United States Code, relating to the appointment to the grades of general and lieutenant general of Marine Corps officers designated for appropriate higher commands or for performance of duties of geat importance and responsibility.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD following the listing of the bill.

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

DEPARTMENT OF THE NAVY,
Washington, D.C., June 25, 1975.

Hon. NELSON A. ROCKEFELLER,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of proposed legislation "To amend sections 5202 and 5232 of title 10, United States Code relating to the appointment to the grades of general and lieutenant general of Marine Corps officers designated for appropriate higher commands or for performance of duties of great importance and responsibility."

This proposal is a part of the Department of Defense legislative program for the 94th Congress. The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the presentation of this proposal for the consideration of the Cngress. The Department of the Navy has been designated as the representative of the Department of Defense for this legislation. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE PROPOSED LEGISLATION

The purpose of the proposed legislation is to make statutory provision for the senior leadership needed by the Marine Corps in time of war or national emergency and also when the status of war or national emergency has been terminated. The proposed legislation relates to the appointment of Marine Corps officers to the grades of general and lieutenant general, including the officer appointed as Assistant Commandant of the Marine Corps.

EXISTING LAW

Under present law Marine Corps officers may serve in the grades of general and lieutenant general as follows:

GENERAL*

Commandant of the Marine Corps 10 USC 5201: Assistant Commandant—At the discretion of the President and provided the Marine Corps active duty strength exceeds 200,000 at the time of appointment. 10 USC 5202.

LIEUTENANT GENERAL

Not to exceed 2—10 USC 5232: In time of war or national emergency: 10% of the general officers. (This provision presently suspended under the authority of 10 USC 5234 and E.O. 11270).

When the National Emergency Proclamation of 1950 is terminated, the senior leadership of the Marine Corps could be limited to:

---

*An officer of the armed services assigned as Chief of Staff to the President may have four star grade. This post has not been filled since World War II.

1 General—Commandant: (On the premise the Marine Corps active duty strength may then be less than 200,000 at the time an Assistant Commandant is appointed.)

2 Lieutenant Generals: Marine Corps Requirements.

The proposed legislation will not bring about any changes in the current command structure of the Marine Corps; nor is it designed to make the Marine Corps leadership more senior in grade or more numerous.

At present the Marine Corps senior leadership is as follows: 2 Generals—Commandant and Assistant Commandant; 7 Lieutenant Generals—6 in posts internal to the Marine Corps, 1 in Department of Defense assignment chargeable to the Marine Corps.

The Marine Corps anticipates, under foreseeable force levels, a continuing requirement for not more than 10 officers in the grades of general and lieutenant general. However, the draft bill does not employ this finite number but rather makes use of a percentage figure: the number of generals and lieutenant generals may not exceed 15% of the Marine Corps general officer prescribed strength.

This formula would, if computed on the basis of present strengths, authorize now a total of 10 3 and 4 star generals. If there should be future strength variations, the adjusted total would be established according to the percentage formula.

With the wind down of Southeast Asia operations, the Marine Corps has practiced coordinate personnel economy in its general officer grades. The following figures set out the Marine Corps ceilings established by the Officer Grade Limitation Act of 1954 (OGLA) (10 USC 5443) and by the Senate Armed Services Committee (SASC):

Marine Corps general officer strengths

End fiscal year:	*OGLA ceiling*	*SASC ceiling*	*USMC chargeable*
1969	81	75	75
1970	80	75	75
1971	75	75	74
1972	73	75	73
1973	72	75	70
1974	71	75	70
1975	71	75	69

The draft bill's purpose is to provide for the senior leadership of the Marine Corps both in time of war or national emergency and also in a time of peace and when the status of national emergency has been terminated. The peacetime law affecting this leadership (10 USC 5232) has not been operable since the beginning of the Korean War. The basic command structure of the Marine Corps has not changed substantially in 20 years except for certain general officer billets directly associated with the Vietnam effort, and they have now been deleted from the command structure of the Marine Corps. The actual total number of general officers on board is below the Senate Armed Services Committee ceiling and statutory (OGLA) authorizations. Short of a massive reduction in the strengths of the Marine Corps, no significant changes to the basic present command structure of the Marine Corps can now be foreseen.

Existing Law for Army, Air Force, and Navy: 0/10–0/9 Appointments.

Existing law relating to Army and Air Force appointments to general and lieutenant general is neither complex nor related to a national status of war or peace. For these services the authority is expressed in terms of a percentage formula. This formula provides that of the total number of generals on active duty, not more than 15% may be 3 and 4 star generals, and of that number, not more than 25% may be 4 star, including the Chiefs of Staff of the Army and Air Force. (10 USC 3066, 8066).

In the case of the Navy, not more than 15% of the number of line rear admirals may serve in 3 and 4 star grades; and of that 15% not more than 8 may be admirals. Except in war or national emergency, the number of 3 and 4 star admirals may not exceed 26, and of this number only 4 may be admirals. (10 USC 5231).

The Office of Vice Chief of Naval Operations is established by statute which authorizes the President to designate the Vice Chief as an officer who performs special or unusual duty or duty of great importance and responsibility. (10 USC 5085).

CHANGES TO BE ACCOMPLISHED BY THE PROPOSED LEGISLATION

The draft bill enclosed herewith would define the appointment to the office of Assistant Commandant of the Marine Corps in language comparable to the office of the Vice Chief of Naval Operations:

The Assistant Commandant would be appointed from officers on the active list of the Marine Corps.

The President would be authorized to designate the Assistant Commandant as an officer who performs duty of great importance and responsibility under section 5232 of title 10, U.S.C.

Appointment to this office by the President, with Senate Confirmation, could be either in the grade of general or lieutenant general. The statutory tie to the 200,000 strength figure of the Marine Corps would be deleted.

Appointment to the grades of general and lieutenant general would be made on the basis of foreseeable needs of the Marine Corps and would be in language and percentage generally comparable to the other services:

Not more than 15% of the Marine Corps general officers would be authorized to serve in the grades of general and lieutenant general. And of this number, not more than two, including the Commandant of the Marine Corps, could have the grade of general. However, an officer of the Marine Corps while serving as Chairman of the Joint Chiefs of Staff, if serving in the grade of general, would be in addition to such number. The language of the draft legislation in this particular would be similar to that of the Navy statute. (10 USC 5231(d)).

COST AND BUDGET DATA

The present total number of general officers of the Marine Corps on active duty would *not* be increased by this legislation. Further, the present total of generals and lieutenant generals of the Marine Corps on active duty would not be increased by this legislation. Its enactment would result in no increase in budgetary requirements of the Department of Defense.

Sincerely yours,

J. WILLIAM MIDDENDORF, II,
Secretary of the Navy.

By Mr. FANNIN (for himself, Mr. BARTLETT, Mr. BROCK, Mr. CURTIS, Mr. DOLE, Mr. EASTLAND, Mr. GARN, Mr. GOLDWATER, Mr. HANSEN, Mr. HRUSKA, Mr. LAXALT, Mr. NUNN, Mr. WILLIAM L. SCOTT, Mr. STEVENS, Mr. THURMOND, Mr. TOWER, and Mr. YOUNG):

S. 2119. A bill to amend the Communications Act of 1934 to provide that licenses for the operation of a broadcasting station shall be issued for a term of 5 years, and to establish orderly procedures for the consideration of applications for the renewal of such licenses, and for other purposes. Referred to the Committtee on Commerce.

BROADCAST LICENSE RENEWAL ACT

Mr. FANNIN. Mr. President, on behalf of myself and Mr. BARTLETT, Mr. BROCK, Mr. CURTIS, Mr. DOLE, Mr. EASTLAND, Mr. GARN, Mr. GOLDWATER, Mr. HANSEN, Mr. HRUSKA, Mr. LAXALT, Mr. NUNN, Mr. WILLIAM SCOTT, Mr. STEVENS, Mr. THURMOND, Mr. TOWER, and Mr. YOUNG, I am pleased to introduce a bill known as the Broadcast License Renewal Act, to amend the Communications Act of 1934, to provide that licenses for the operation of a broadcasting station shall be issued for a term of 5 years and to establish orderly procedures for the consideration of applications for the renewal of such licenses, and for other purposes.

Mr. President, as a proponent of regulatory reform, I find myself in agreement with those scholars, economists and Government experts who have been urging a full-scale review and reassessment of the Federal Government's system of regulation, with a view to eliminating obsolete and costly rules and regulations and unnecessary paperwork.

The job of Government should be to insure that regulation, when it is needed, is administered fairly and efficiently, and when it is not needed, is abolished. In my opinion, the Congress, as the deliberative and representative branch of Government, having the overall task of protecting the public's interest, and having passed the laws which created the agencies and established the administrative process, has the prime responsibility for instituting and implementing regulatory reform. Congress should examine the complicated scheme of existing rules and regulations, measure the costs against the benefits of such regulation, and change or repeal those statutes which are unduly costly or harmful, without sacrificing their principal objectives and social benefits.

Most regulation is undoubtedly well-intentioned, having been designed to protect public health, safety and welfare in some way. The problem is that regulation often has just the opposite effect of causing more harm than good. As a result, many businesses are being overregulated by Government agencies, to the cost and detriment of the consumers, and the public interest is not being properly served. In my view, broadcasting is one such overregulated business.

The Government's control and regulation of broadcasting is well established and is not in question here. The Federal Communications Commission has, since 1934, exercised exclusive jurisdiction over the broadcasting industry. It promulgates the rules and regulations governing the operation of our country's vast system of over 9,000 radio and television stations. Critics of the Commission have, however, found many of its policies and procedures wanting and in need of change. Some regulations, they contend, are ineffective, outmoded, and unduly restrictive and burdensome, while others are no longer necessary, and like the equal time and personal attack rules, should never have been adopted in the first place. Such rules, say the critics, should be done away with promptly. And so they urge that the scalpel of regulatory reform be applied to the FCC as to all other powerful, independent Federal agencies.

To this end, I have cosponsored legislation previously introduced by Senators HRUSKA and PROXMIRE to eliminate the

so-called fairness doctrine and to guarantee to the electronic media the full first amendment rights now enjoyed by the printed press. The legislation which I am introducing today embodies a series of proposals aimed at further reform of the Government's regulations affecting our Nation's broadcast service.

Mr. President, the purpose of my bill is to improve the performance of broadcast licensees by increasing their responsiveness to the problems, needs and interests of their respective service areas and by promoting a greater degree of stability within the broadcasting industry.

To accomplish this purpose, my bill contains the following provisions:

First, it would provide for a standard license term for all broadcasting stations of 5 years.

Second, it would require the Federal Communications Commission to renew a station's license if it finds that the licensee's programing during the preceding license term has been responsive to the problems, needs and interests of the residents of its service area, as determined by ascertainment procedures prescribed by the Commission, and the operation of the station has not been characterized by serious deficiencies.

Third, it would clarify and simplify the FCC's rules, regulations and procedures affecting license renewal and reduce the amount of paperwork required of local broadcasters and competing applicants. The FCC would be required to examine and modify its own rules and regulations and then to report to the Congress concerning the measures it has adopted to improve its license renewal procedures, with recommendations for appropriate congressional action.

Mr. President, there is considerable interest and concern on the part of the broadcasting industry, the general public, and many legislators in a comprehensive reform of the regulatory process by which radio and television stations are renewed.

Since enactment of the Communications Act of 1934 establishing the Federal Communications Commission as the sole agency regulating all interstate radio and wire communications in this country, the policies underlying the licensing, relicensing and general regulation of radio and television broadcast stations has remained essentially unchanged. The test which the Commission now applies when granting either an application for initial broadcast authorization or an application for renewal of license, is the same as it applied 40 years ago; namely, whether the public interest, convenience or necessity is served thereby. However, in determining what constitutes the "public interest," the Commission's criteria have changed, especially in situations involving competing applicants and license renewal contests.

For over 30 years the policy of the FCC was to regularly and routinely grant license renewal to the existing licensee where it could show that its broadcast operation had been meritorious. During that period the broadcasting industry experienced tremendous growth, dynamic change and technological progress, nurtured in part by the Commission's consistent licensing policy which rewarded programing achievement and performance and recognized that a licensee's past service record was the most reliable indicator of future achievement performance and service.

Then in 1969, in the WDH case, the FCC denied that station's renewal application, and in complete disregard of the licensee's outstanding record of service to its community, awarded the license to a competing applicant with no prior broadcast experience. Since that controversial decision there has been a marked increase in competing applications filed on top of incumbent applicants seeking to take over or deny the renewal of those broadcasting station licenses.

The storm of protest arising out of the WHDH case has led to considerable criticism of the FCC's license renewal policies and to pressures for reform. Questions being raised by critics deserve to be answered. For example, if a broadcast licensee during his preceding term of license has done a creditable job of serving his community and of providing good programing attuned to the needs and interests of the residents of that community, then, the critics ask, why should not his station's license be renewed?

What assurance does the broadcaster have that when he expends considerable amounts of time, effort, and money to raise the quality of a station's programing and to improve its broadcast operation he will not after 3 years be suddenly forced to give up his license to the first competing applicant who makes the most impressive representations and biggest promises to the FCC? Why should a broadcast facility which has already demonstrated its ability to provide a needed program be arbitrarily denied an opportunity to continue that service? Why should the listening and viewing public be unfairly deprived of good service offered by an established licensee with a proven track record?

Despite the FCC's efforts to water down the WHDH decision and to reassure licensees that their licenses were not about to be given away to challengers and that the renewal process was not to be used to restructure the industry, neither the broadcasters, the courts nor the public has been satisfied with Commission policy. Today the situation facing broadcasters is one of uncertainty and instability bordering on panic. Such a desperate situation is not in the interest of the public or the broadcasting industry. It is to end this general confusion and unrest that my bill is being proposed.

This legislation is designed to provide meaningful definitive and workable standards by which the general public and competing applicants can properly measure and evaluate the performance of an incumbent broadcast licensee and judge the merits of his renewal application. If enacted this bill will place both the broadcasting industry and the listening and viewing public on reasonable notice of what is to be expected of broadcast licensees during their license terms. It will eliminate many of the unnecessary, costly and unduly complicated regulations covering the grant and renewal of broadcast licenses.

The changes I propose will simplify and clarify the FCC's license renewal procedures. They will reduce the volume of paperwork presently required of broadcasters seeking renewal of their station's licenses. They will extend the license period during which broadcasting stations may operate while shortening the period during which broadcast applications are filed, renewed, and granted or denied.

This legislation will restore a measure of stability and confidence in the license renewal process while reducing the delay, cost, and frustration involved in that process. As a result the FCC's procedures will become more efficient and less bureaucratic and the Commission, like the broadcasting industry, will be made to function and operate with greater attention to the public interest.

Over the years the license renewal process has become increasingly involved and complicated as a result of the Commission's changing requirements. License renewal has become a major undertaking for the average broadcaster who is hard-pressed to meet the burdensome reporting requirements. The time, effort, expense and personnel needed to compile the filings—indeed the fees the small operator must pay expensive lawyers to translate the rules, and to complete and file the documents—are excessive.

The amount of information now being required by the FCC in its renewal application is tremendous. Applications running several hundred pages are no longer unusual. One Oregon company that operates three small TV stations reported that its FCC license renewal application weighed 45 pounds. This situation has become ridiculous and intolerable. No wonder broadcasters in Arizona and in other States have been pleading with Congress to pass legislation to provide some relief from the endless paperwork and bureaucracy involved in license renewal.

The problems facing the local licensee are no less than the burdens of the FCC which must free its administrative personnel from normal regulatory duties to handle and review each renewal application. In addition, the more time, cost, and effort that the broadcaster must expend on license renewal the less he can afford to spend on news and public affairs programing and on improving the quality of his station's overall service to his community.

That is why I believe that the bill I am introducing will not only bring about long overdue reform in the FCC's license renewal process, but will also increase the licensee's responsiveness to his service area and hence promote better broadcating in the public interest throughout the Nation.

Mr. President, let me take a few moments to discuss in detail what this legislation would do, section by section.

First, section 2(a) of the bill would amend section 309 of the Communications Act by adding language directing the FCC to establish procedures for broadcast licensees to follow in order to

ascertain the problems, needs, and interests of the local residents they are licensed to serve. The Commission would set forth these ascertainment procedures by rule, rather than on a case by case basis, thereby assuring that the explicit requirements would be followed by licensees.

Therefore the broadcaster would know, under this provision, that the FCC expects him to make a diligent, positive, and continuous effort to discover the problems, concerns, tastes, desires, and problems of the listeners and viewers within his service area and then to tailor his programing accordingly. But the control and content of that programing would still belong to the licensee as the Communications Act requires. The FCC would not attempt to influence or second guess the licensee's evaluation of the results of its ascertainment efforts or its choice of programs to be broadcast in response to those efforts. Decisions on what programing to offer or how best to serve the community are matters properly left to the good faith judgment of the licensee.

The bill also provides that different procedures may be prescribed for different categories of broadcasting stations. In other words, the FCC would examine differences between radio and television, commercial and noncommercial stations and consider such factors as market size, station size, and specialized formats aimed at particular audiences when prescribing the ascertainment standards.

It should be noted that the Commission is on record as favoring this approach which permits flexibility in its own procedures and would leave the licensees with discretion on how to be responsive to community problems, needs, and interests. The Commission has also expressed its approval for the phrase "problems, needs, and interests".

Second, section 2(b) would establish a license and renewal term not to exceed 5 years for all classes of broadcasting stations. Currently, under section 307(d) of the Communications Act, no broadcast station can be licensed for more than 3 years although other classes of radio stations, such as stations in the aviation, maritime, safety and special, citizens, industrial and amateur radio services may be granted licenses for 5-year terms. The maximum 3-year term for broadcast licenses has been in effect since the enactment of the Federal Radio Act of 1927.

In my opinion, a lengthening of the maximum license period from 3 to 5 years would serve the public interest. The 5-year term was specifically endorsed by FCC Chairman Richard Wiley in testimony last year before the Senate Committee on Commerce. In addition, an amendment offered last year to the House and Senate license renewal bills, increasing the license term to 5 years, was approved by a lopsided margin in each House. Such a provision has the overwhelming support of the Nation's broadcasters, including the Arizona Broadcasters Association, and the National Association of Broadcasters.

An increase in the maximum license term would have a positive effect on the renewal process. According to one estimate, the 5-year extension would reduce the number of renewal applications processed annually from approximately 2,700 applications a year to about 1,600. This would enable the Commission to review more thoroughly each application filed and to give closer and more expeditious consideration to applications raising question related to licensee's qualifications.

A longer license term would not diminish licensee responsibility to the public or accountability to the FCC's rules and regulations. There are already sufficient safeguards and procedures available to the Commission to insure that licensee responsibility and responsiveness is maintained. In fact, the term extension would permit a more thorough review of renewal applications.

AM, FM and TV broadcasters are being unfairly discriminated against by being limited to license terms of only 3 years. Other classes of radio stations operate under 5-year licenses. Both common carriers and cable systems have authorizations for 5-year terms. They, too, must operate to serve the public interest. The additional time would permit broadcasters to do a better job of program planning, staffing and modernization to improve their program service and station facilities. The increased stability that a longer term would give to licensee operation would contribute to the public good. In light of the outstanding record of broadcast licensees in serving their local communities—which is often as good or better than other communication services—I can see no compelling reason to continue to treat broadcasting stations any differently.

Of course, even if the standard term were increased to 5 years, the Commission would still have the authority to grant or renew licenses of stations in different classes for periods of shorter length if it believes such action would serve the public interest. The FCC would retain this flexibility under section 2(b) of the bill.

Third, the FCC would be directed at license renewal time to consider whether the licensee, during the preceding license term, had followed the applicable ascertainment procedures prescribed by the Commission. If it then determined that the licensee had been responsive in its program service to the problems, needs and interests of its service area and had conducted the operation of its station in a manner not characterized by serious technical or other deficiencies, the FCC would be required to renew the station's license.

Under this bill, as under existing law, the ultimate test for renewal of a broadcast license would continue to be whether the public interest would be served thereby. The standard for broadcast renewals would remain the public interest, including the necessary requirements of basic legal character, technical and financial qualifications. In addition, to warrant renewal the licensee must have complied with certain ascertainment procedures. The licensee must also be able to show that it has been responsive in its program service as a result of what it has ascertained.

In my opinion, a broadcast licensee should reasonably expect that if its past programing and public service record has been good, his station's license renewal application would be granted. In addition, the license renewal process should provide a stimulus for licensee performance which will meet the problems, needs and interests of the public served. Standards provided in this bill would accomplish both objectives. In addition, the public interest test would be made uniform so that the broadcast licensee, whether in a noncomparative situation or a comparative case, would be expected to meet the same standard of performance.

It is unrealistic to require that a licensee meet some indefinite standard or be held to some higher degree of performance if he is an incumbent who is challenged at license renewal. How is a licensee to know at the beginning of the license term whether some competing applicant is waiting in the wings? For the public interest to be served it is important only that a licensee, whether or not he is to be faced by a challenge or a petition to deny, be able to show at license renewal that his broadcast service has been responsive to the problems, needs and interests of his service area and is without serious deficiencies.

Fourth, the FCC would be directed not to require applicants to file any information previously furnished or not directly relevant to considerations affecting the grant or denial of the application. This provision would eliminate repeated and unnecessary filings and reduce the paperwork burden for both applicants and Commission personnel. Of course, the Commission may require of the applicant any new or additional facts it deems necessary to make its findings.

Fifth, section 3 and 6(b) of the bill would direct the FCC to promulgate rules establishing time limitations for petitions to deny. This provision is intended both to allow all interested parties a reasonable opportunity to file petitions to deny against the grant of an application and to prevent dilatory abuses of this procedural right. Although the Commission has already promulgated rules establishing filing periods, that is, a 4-month deadline prior to the expiration to deny in license renewal proceedings, this policy would be incorporated into the Communications Act by amending section 309(d).

Sixth, section 4 of this bill would provide that any appeal from a decision or order of the Commission granting or denying a construction permit or license for a broadcasting station, or any renewal, modification, transfer, assignment, disposition, or revocation thereof, must be taken to the U.S. court of appeals for the judicial circuit in which the broadcast station involved is or is proposed to be located. In addition, appeals from other Commission decisions or orders

could be brought in either the court of appeals for the judicial circuit in which the appellate resides or has his principal place of business or the court of appeals from the District of Columbia circuit.

At present under section 402(b) of the Communications Act all of the above appeals must be taken to the U.S. Court of Appeals for the District of Columbia Circuit.

This amendment would relieve the District of Columbia circuit of the burden of hearing all appeals in these cases by spreading the appellate jurisdiction throughout the other 10 judicial circuits in the country. By transferring this workload to other circuits, the period of time required to make a final decision in a contested broadcast renewal application would be dramatically shortened. Furthermore, since broadcast authorization and renewal procedings usually involve parties residing in the communities to which the station involved is or is proposed to be located, it would be more convenient to the parties to an appeal if the appeal can be brought in the nearest judicial circuit.

Seventh, section 5 of the bill would require the FCC to conduct a study of its rules, regulations, and procedures relevant to the license renewal process, with the purpose of reducing, consolidating, or eliminating filings, documents, reports, and other administrative materials required of broadcast licensees, and then within a certain time period to report to the Congress on the changes it has made and recommendations for congressional legislation based on the study.

The FCC should be encouraged to thoroughly examine and reassess its existing requirements for license renewal and to eliminate those regulations applicable to broadcast licensees which no longer serve the public interest.

This weeding out process, in addition to the FCC's reregulation proceeding and annual reports to Congress, is consistent with the President's most recent recommendations for regulatory reform and with his marching orders to the Commissioners of the major independent regulatory agencies. It is understood that the FCC will carry out a continuing evaluation of its procedures and regulations with a view to eliminating those no longer deemed necessary.

Finally, section 6 of the bill would establish effective dates for the various provisions of the legislation.

Mr. President, enactment of comprehensive license renewal reform legislation is long overdue. It is unfortunate that the Congress failed to pass such legislation last year despite concerted efforts within and without the Congress and overwhelming approval of separate bills in both houses. The Broadcast License Renewal Act which I offer today contains many of the same provisions in those two bills as well as other proposals of importance to both local broadcasters and the public.

In my opinion, this bill, if enacted, will go a long way toward improving the FCC's license renewal process consistent with the public interest and in the spirit of regulatory reform.

I believe that this bill will serve as a worthwhile basis for reexamination of the Commission's licensing functions and for comprehensive review and reform of regulations affecting the broadcast media in America. I trust that the Congress will give prompt and careful consideration to this legislation.

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

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

S. 2119

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Broadcast License Renewal Act."

ASCERTAINMENT; LICENSE RENEWAL PERIOD AND PROCEDURES

SEC. 2. (a) Section 309 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(i) The Commission shall by rule establish procedures to be followed by licensees of broadcasting stations for ascertaining the problems, needs and interests of the residents of their respective service areas for purposes of their broadcasting operations. Such rules may prescribe different procedures for different categories of broadcasting stations."

(b) Section 307(d) of such Act is amended to read as follows:

"(d)(1) Any license granted for the operation of any class of station shall be for a term not to exceed five years.

"(2)(A) Upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time for a term not to exceed five years if the Commission finds that the public interest, convenience and necessity would be served thereby.

"(B) In determining if the public interest, convenience and necessity would be served by the renewal of a broadcast license, the Commission shall consider whether the licensee, during the preceding term of its license, followed applicable procedures prescribed by the Commission under section 309(i) for the ascertainment of the problems, needs and interests of the residents of its service area for purposes of its broadcast operations. The Commission shall grant such application for renewal if it finds that the licensee, during the preceding term of its license, (1) has been responsive in its program service to the problems, needs and interests of its service area, and (2) has conducted the operation of its station in a manner not characterized by serious technical or other deficiencies.

"(3) In order to expedite action on applications for renewal of broadcast licenses and to avoid needless expense to applicants for such renewals, the Commission shall not require any such applicant to file any information which previously has been furnished to the Commission or which is not directly relevant to the considerations that affect the grant or denial of such application, but the Commission may require of the applicant any new or additional facts it deems necessary to make its findings. Pending any hearing and final decision on such application and the disposition of any petition for rehearing pursuant to section 405, the Commission shall continue such license in effect.

"(4) Consistently with the foregoing provisions of this subsection, the Commission may by rule prescribe the period or periods for which licenses shall be granted and renewed for particular classes of stations; but the Commission may not adopt or follow any rules which could preclude it, in any case involving a station of a particular class, from granting or renewing a license for a shorter period than that prescribed for stations of such class if, in its judgment, the public interest, convenience, or necessity would be served by such action.

"(5) Any license granted or renewed for the operation of any class of station may be revoked as provided in section 312."

TIME LIMITATION APPLICABLE TO PETITIONS TO DENY

SEC. 3. (a) The first sentence of section 309(d)(1) of the Communications Act of 1934 is amended to read as follows: "Any party in interest may file with the Commission, within such time periods as may be specified by the rules of the Commission, a petition to deny any application (whether as originally filed or amended) to which subsection (b) applies."

(b) The first sentence of section 309(d)(2) of such Act is amended by inserting after "pleadings filed" the following: "by the parties within the time periods specified by the rules of the Commission."

COURTS OF REVIEW

SEC. 4. Subsection (b) of section 402 of the Communications Act of 1934 is amended by striking out "to the United States Court of Appeals for the District of Columbia" and inserting in lieu thereof, "as provided in subsection (c)," and subsection (c) of such section is amended by inserting after "(c)" the following new sentence: "An appeal under subsection (b) from an order or decision of the Commission—

"(1) made on an application (other than one under section 325) involving a broadcast facility and described in paragraph (1), (2), (3), or (6) of subsection (b), or

"(2) described in paragraph (5) of such subsection modifying or revoking a construction permit or station license of a broadcast facility, shall be brought in the United States court of appeals for the circuit in which such broadcast facility is, or is proposed to be, located; and appeals under such subsection from any other order or decision of the Commission may be brought in the United States Court of Appeals for the Distirct of Columbia or the United States court of appeals for the circuit in which the person bringing the appeal resides or has his principal place of business.".

EXAMINATION AND ELIMINATION OF RULES, REGULATIONS, PROCEDURES AND PAPERWORK

SEC. 5. (a) The Federal Communications Commission shall conduct a study of its rules, regulations and procedures relevant to the broadcast license renewal process to determine which rules, regulations and procedures no longer serve the public interest and how the filings, supporting documents and other administrative materials and reports now required of each licensee by the Commission for renewal consideration can be reduced, consolidated or eliminated.

(b) The Federal Communications Commission shall, not later than six months after the date of enactment of this Act, complete this examination, and shall, not later than seven months after the date of enactment of this Act, report to the Committee on Commerce of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives. The Commission shall include in its report any changes it has made in its rules, regulations and procedures and any recommendations for legislation by the Congress as a result of this study.

EFFECTIVE DATE

SEC. 6. (a)(1) Except as provided hereinafter in paragraph (2), section 5 and the amendments made by section 2 of this Act shall take effect on the date of enactment of this Act.

(2) The provisions of section 307(d)(2)(B) of the Communications Act of 1934 (as amended by section 2(b) of this Act) shall apply with respect to applications for renewal of broadcast licenses which are filed after rules prescribed by the Federal Communications Commission under section 309(i) of such Act (as amended by section 2(a) of this Act) have become effective.

(b) The Federal Communications Commission shall issue, within the ninety-day period beginning on the date of enactment of this Act, rules establishing time limits for the filing of petitions to deny under section 309 of the Communications Act of 1934. The amendments made by section 3 of this Act shall apply with respect to petitions to deny filed under section 309 after such rules have become effective.

(c) The amendment made by section 4 of this Act shall apply only with respect to appeals under section 402(b) of the Communications Act of 1934 from decisions and orders of the Federal Communications Commission made after the ninetieth day following the date of enactment of this Act.

By Mr. MATHIAS (for himself, Mr. BROOKE, and Mr. PERCY):

S. 2120. A bill to amend the Internal Revenue Code of 1954 to encourage the conservation of gasoline by increasing the Federal excise tax on gasoline and to provide a tax credit which is refundable without regard to liability for an amount equal to the amount of increased tax which would be paid on 350 gallons of gasoline per person. Referred to the Committee on Finance.

CONSERVING GASOLINE

Mr. MATHIAS. Mr. President, This morning Senator BROOKE, Senator PERCY and I appeared together before the Senate Finance Committee as that Committee considered H.R. 6860. We presented a common philosophy with regard to the need for a gas tax, an auto efficiency tax, and a petroleum product import tax.

Senator BROOKE indicated that our gas tax legislation would be introduced during today's session and I now ask unanimous consent that the text of our legislation appear immediately following my remarks in the RECORD. We are preparing a detailed analysis of our gas tax proposal for the Finance Committee and when that is completed I will ask that it be printed in the RECORD as well.

This bill, taken together with S. 2046 introduced previously by Senator PERCY and S. 1950 introduced previously by myself, makes a practical package of legislative proposals that will have a real impact on the energy problem. These are strong measures, but they are sound measures and I think they are appropriate to the serious character of the national problem that confronts us.

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

S. 2120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part III of subchapter A of chapter 32 of the Internal Revenue Code of 1954 (relating to gasoline) is amended by redesignating section 4084 as 4085, and by inserting after section 4083 the following new section:

"SEC. 4084. ADDITIONAL TAX ON GASOLINE

"(a) Initial Taxes.—In addition to the tax imposed by section 4081, there is imposed on gasoline sold by the producer or importer thereof, or by any producer of gasoline, a tax of—

"(1) 5 cents a gallon with respect to sales occurring after September 30, 1975, and before April 1, 1976,

"(2) 10 cents a gallon with respect to sales occurring after March 31, 1976, and before October 1, 1976, and

"(3) 15 cents a gallon with respect to sales occurring after September 30, 1976.

"(b) ADDITIONAL TAX.—In addition to the tax imposed on gasoline by subsection (a) and by section 4081, there is imposed on gasoline sold by the producer or importer thereof, or by any other producer of gasoline, a tax of 2.5 cents a gallon with respect to sales occurring after September 30, 1977.".

(b)(1) Section 4082(d) of such Code (relating to definition of wholesale distributor) is amended by inserting "or section 4084" after "section 4081" where it appears in paragraph (2).

(2) Section 4083 of such Code (relating to exemption of sales to producer) is amended by inserting "or section 4084" after "section 4081".

(3) Section 4101 of such Code (relating to registration) is amended by striking out "section 4081 or section 4091" and inserting in lieu thereof "section 4081, section 4084, or section 4091".

(4) Section 4221(d)(6)(C) is amended by inserting "or section 4084" after "section 4081".

(5) Section 4226(a) of such Code (relating to floor stocks taxes) is amended to read as follows:

"(a) ADDITIONAL TAXES ON GASOLINE.—

"(1) Section 4084(a) tax.—On gasoline subject to tax under section 4084(a) which, on January 1, 1976, July 1, 1976, or January 1, 1977, is held by a dealer for sale, there is hereby imposed a floor stocks tax at the rate of—

"(A) 5 cents a gallon with respect to such gasoline so held on January 1, 1976,

"(B) 10 cents a gallon with respect to such gasoline so held on July 1, 1976, and

"(C) 15 cents a gallon with respect to such gasoline so held on January 1, 1977.

"(2) Section 4084(b) tax.—On gasoline subject to tax under section 4084(b) which, on October 1, 1977, is held by a dealer for sale, there is hereby imposed a floor stocks tax at the rate of 2½ cents a gallon.

"(3) Exemptions.—The taxes imposed by paragraph (1) and paragraph (2) do not apply to gasoline in retail stocks held at the place where intended to be sold at retail, nor do they apply to gasoline held for sale by a producer or importer of gasoline.".

(c) The table of sections for such subpart A is amended by striking out the item relating to section 4084 and inserting in lieu thereof the following:

"Sec. 4084. Additional tax on gasoline.
"Sec. 4085. Cross references.".

SEC. 2. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by inserting immediately after section 44 the following new section:

"SEC. 44A. EXCISE TAX ON GASOLINE.

"(a) In General.—In the case of an individual there is allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the rate of tax applicable for the taxable year under section 4084(a) multiplied by 350.

"(b) Rules.—

"(1) Minimum age requirement.—No credit is allowed under subsection (a) to any taxpayer who, as of the close of the taxable year, is not more than 18 years of age.

"(2) Application to married individuals.—In the case of a husband and wife who file a joint return of tax under section 6013, the number "700" shall be substituted for the number "350" where it appears in subsection (a).

"(c) Reducation of Credit.—The amount of the credit allowed under subsection (a) shall be reduced (but not to an amount less than zero) by an amount which bears the same ratio to the maximum credit allowable under such subsection (determined without reference to this subsection) as the adjusted gross income of the taxpayer (the sum of the adjusted gross income of a husband and wife who file a joint return of tax under section 6013) which exceeds $10,000 bears to $40,000.".

(b) (1) Section 6401(b) of such Code (relating to excessive credits) is amended by—

(A) inserting after "43 (relating to earned income credit)," the following: "44A (relating to excise tax on gasoline),", and

(B) striking out "sections 31, 39, and 43" and inserting in lieu thereof the following: "sections 31, 39, 43, and 44A". (2) Section 6201(a)(4) of such Code (relating to assessment authority) is amended by—

(A) striking out "or 43" in the caption thereof and inserting in lieu thereof "43, or 44A", and

(B) striking out "or section 43 (relating to earned income)," and inserting in lieu thereof the following: "section 43 relating to earned income, or section 44A (relating to excise tax on gasoline),". (a) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by striking out the item relating to section 45 and inserting in lieu thereof the following:

"Sec. 44A. Excise tax on gasoline.
"Sec. 45. Overpayments of tax.".

(d) The amendments made by this section apply to taxable years beginning after December 31, 1975.

By Mr. BARTLETT:

S. 2121. A bill to provide funds to hospitals in medically underserved rural areas to assist such facilities to qualify for physician residency programs. Referred to the Committee on Labor and Public Welfare.

Mr. BARTLETT. Mr. President, today I am introducing proposed legislation to direct the Secretary of HEW to provide up to $100,000 on a 70 to 30 matching basis to hospitals in medically underserved rural areas to assist them to upgrade their facilities so they may qualify for physician residency programs.

One of our serious problems in health care delivery is the drastic shortage of doctors in rural areas.

In the United States there is an average of one physician for 750 people. This favorable ratio is made possible only because of the top heavy number of doctors in urban areas at the expense of the smaller and rural communities.

For instance, in Oklahoma we have 1 doctor for every 1,000 persons. But in Tulsa and Oklahoma City, there is 1 doctor for every 500 persons. Unfortunately, the rural areas range from 1 to 1,200 to 1 to 6,000. This is inadequate, and it leaves rural Oklahoma with, at best, inadequate health services.

Oklahoma has taken the initiative in trying to solve its rural health care problem. While I was Governor, we established a rural medical scholarship fund to attract more doctors to the rural areas.

This program has been successful but is just one step in a long process.

One of the real deterrents to attracting and keeping doctors in rural areas is the lack of residency programs outside large cities. For instance, in Oklahoma there is only one residency program outside Oklahoma City and Tulsa.

The significance of the lack of rural residency programs is that statistics indicate that a doctor is likely to stay in the area in which he does his residency. As a matter of fact, statistics on a nationwide basis show that 75 percent of the doctors permanently locate where they performed their residency.

This year Oklahoma will graduate 170 doctors, yet only 86 residencies are available and these are in Oklahoma City and Tulsa. Obviously, almost half of our doctors are forced to leave Oklahoma; and the chances are they will never return to work.

The Oklahoma legislature enacted legislation this past session to help with this problem. Under the bill the State will pay up to $6,000 of a resident's cost to a hospital.

But additional assistance is needed, to enable many hospitals to qualify for residency programs and it must come from the Federal level.

A key problem in the lack of rural residency programs is the failure of a hospital to have all of the necessary facilities. For instance, a hospital may be in every way qualified with staff yet not have a cardiac unit; and thus they will be turned down on the program.

The bill I have proposed would authorize the Secretary of HEW to provide grants of up to $100,000 to a facility on a 70 to 30 matching basis to assist them in upgrading to meet residency requirements. I think it is important that a local entity be required to furnish 30 percent of the funds to prove their commitment to a project.

Mr. President, I am convinced that this legislation will be a significant step in assisting America's rural areas to upgrade their health service delivery systems. Americans living in rural areas have the same health needs as their urban counterparts, and we should assist them in achieving that parity.

By Mr. TUNNEY:

S. 2122. A bill to assure that any program for the rationing of gasoline to end-users shall take into account area and regional differences in the availability of public transportation, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

FAIRNESS IN GASOLINE RATIONING ACT

Mr. TUNNEY. Mr. President, yesterday I introduced an amendment to the Emergency Petroleum Allocation Extension Act of 1975 to prevent the Federal Energy Administration from implementing a standby gasoline rationing plan which does not recognize regional and area differences in need. While parliamentary considerations forced the Senate to lay this amendment aside, there was broad agreement among the Members that legislation is needed to prevent the FEA from adopting an arbitrary and capricious task force proposal on the design of a standby gasoline rationing plan which would paralyze the economy of California and that of almost every State in the West, the South, and the Midwest.

I am opposed to gasoline rationing in the absence of absolute emergency conditions. But, when and if such conditions arise, we must be prepared with a fair and reasonable plan to distribute gasoline so that persons throughout America can get to and from their jobs.

Such a priority is basic to our economy and would be smothered under a blanket rationing scheme indiscriminately covering the country. Frank Zarb of the Energy Administration recently made known the existence of an FEA task force report proposing creation of an emergency rationing project under which every driver in the United States would be entitled to no more than 9 gallons of gasoline per week. This scheme would be disastrous for millions of Americans who live in areas with little or no public transportation and where ordinary driving distances are great. On the other hand, citizens elsewhere will be allotted more gasoline than they normally use. While we have heretofore been able to rely upon the good sense of the FEA to recognize regional differences in need for other petroleum products and we have heard of no proposals that citizens of Florida receive the same home heating oil rations as citizens of Alaska, the same is not true in the case of gasoline.

Mr. President, a 9 gallon per week gasoline ration would stifle the economy of California. Millions would be unable to get back and forth to work. At the same time, New York, Chicago, and other cities with advanced subway and bus systems would have sufficient gasoline. There is no assurance that a white market resale system would come anywhere near meeting the differential need for gasoline.

For these reasons, I am today introducing a bill which would require that no Federal rationing plan shall be carried out unless such plan takes area or regional differences in public transportation availability and in ordinary driving distances into account by providing differential gasoline rations based on these differences.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 2122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, no program or plan for the rationing or ordering of priorities among classes of end-users of gasoline and for the assignment to end-users of gasoline of rights, and evidences of such rights, entitling them to obtain gasoline in precedence to other classes of end-users not similarly entitled shall be carried out by the Administrator of the Federal Energy Administration or any other Federal officer or employee unless such program or plan takes into account area or regional differences, or both, in the availability of public transportation, and differences in ordinary and necessary driving distances, and provides differential gasoline rations based on such differences.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 5

At the request of Mr. CHILES, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 5, the Government in the Sunshine bill.

S. 1295

At the request of Mr. ROTH, the Senator from Arizona (Mr. FANNIN) was added as a cosponsor of S. 1295, a bill to limit the jurisdiction of the Supreme Court of the United States and any such inferior court as ordained and established by the Congress of the United States to enter any judgment, decree, or order, denying or restricting, as unconstitutional, the exercise of free religious expression or the saying of voluntary prayer in any public school or other public building.

S. 1359

At the request of Mr. MUSKIE, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 1359, a bill to coordinate State and local government budget-related actions with Federal Government efforts to stimulate economic recovery by establishing a system of emergency support grants to State and local governments.

S. 1617

At his own request, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 1617, a bill to clarify the authority of the Secretary of Agriculture to control and eradicate plant pests.

S. 1633 AND S. 1634

At the request of Mr. MONDALE, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 1633, a bill to amend the Immigration and Nationality Act to eliminate the legal custody requirement and the requirement of residence and physical presence in the United States for the naturalization of children adopted by U.S. citizens; and S. 1634, a bill to amend the Immigration and Nationality Act to permit adoption of more than two children.

S. 1652

At the request of Mr. STONE, the Senator from Maryland (Mr. BEALL) was added as a cosponsor of S. 1652, a bill to amend the Internal Revenue Code of 1954 to provide that no interest is payable on income tax deficiencies in the case of returns prepared by the Internal Revenue Service until the expiration of 30 days after notice to the taxpayer of such deficiency.

S. 1883

At the request of Mr. HOLLINGS, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 1883, a bill to conserve gasoline by directing the Secretary of Transportation to establish and enforce mandatory fuel economy performance standards for new automobiles and light duty trucks, to establish a research and development program leading to advanced automobile prototypes, and for other purposes.

S. 1925

At the request of Mr. ROTH, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Kansas (Mr. DOLE), and the Senator from Maryland (Mr. BEALL) were added as cosponsors of S. 1925, a bill to amend the Internal Revenue Code of 1954 to provide assistance to taxpayers.

S. 1989

At the request of Mr. STONE, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1989, a bill to direct the preparation and submission to the President of information to assist in negotiations with oil-producing countries.

S. 2006

At the request of Mr. THURMOND, the Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. FANNIN), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of S. 2006, a bill to amend the Internal Revenue Code of 1954 to provide that members of reserve components of the Armed Forces who are not serving on active duty or as National Guard technicians may establish individual retirement accounts.

S. 2040

At the request of Mr. ABOUREZK, the Senator from California (Mr. CRANSTON) and the Senator from Michigan (Mr. PHILIP A. HART) were added as cosponsors of S. 2040, the Judicial Salary Act of 1975.

SENATE RESOLUTION 175

At the request of Mr. ROTH, the Senator from Michigan (Mr. PHILIP A. HART) was added as a cosponsor of Senate Resolution 175, amending rule XLIV of the Standing Rules of the Senate to require that copies of confidential personal financial disclosure reports filed under such rule be furnished in response to subpenas issued in criminal cases.

SENATE RESOLUTION 199

At the request of Mr. MONDALE, the Senator from California (Mr. TUNNEY) was added as a cosponsor of Senate Resolution 199, a resolution urging the President to seek an immediate international moratorium on the transfer to nonnuclear weapons countries of nuclear enrichment and reprocessing equipment and technology to permit time for the negotiation of more effective safeguards against the proliferation of nuclear weapons capability.

SENATE JOINT RESOLUTION 64

At the request of Mr. ROTH, the Senator from Arizona (Mr. FANNIN) was added as a cosponsor of Senate Joint Resolution 64, proposing an amendment to the Constitution.

SENATE JOINT RESOLUTION 81

At the request of Mr. MAGNUSON, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of Senate Joint Resolution 81, a joint resolution to regulate commerce by prohibiting the importation into the United States of any fish or fish products by any foreign enterprise which engages in commercial whaling activities, and for other purposes.

AMENDMENTS SUBMITTED FOR PRINTING

COMPREHENSIVE NATIONAL ENERGY CONSERVATION ACT—H.R. 6860

AMENDMENT NO. 691

(Ordered to be printed and referred to the Committee on Finance.)

OIL DECONTROL TAX

Mr. DOLE. Mr. President, the amendment I submit to H.R. 6860, establishing an excess profits tax on the decontrol profit from domestic oil production, is designed to accompany a plan for the decontrol of "old" domestic oil prices. While the need for decontrol of domestic oil prices is apparent, so too is the need to prevent inordinately high profits for oil producers. The amendment I offer today preserves the economic incentive for the exploration and development of domestic reserves and, via a plowback provision, assures that large oil producer profits resulting from decontrol are employed in the search for new domestic petroleum.

ACCOMPANY DECONTROL PLAN

The administration is proposing decontrol of domestic oil prices over a 30-month period. A slower phaseout of "old" oil price controls has been proposed in the House. And, prior to a final resolution of the issue, other decontrol plans may be considered by the Congress. Whichever plan is ultimately agreed upon—and I hope some decontrol formula is enacted soon—the excess profits tax I am proposing will insure that the profits derived from decontrol are directed toward new domestic petroleum production.

The tax I propose will extend over a 60-month period from the commencement of oil price decontrol. Thus, although prices to the consumer will be decontrolled over a shorter period of time—30 months under the President's plan—"decontrol" for the producer will extend over 60 months due to the excess profits tax.

SUMMARY OF PROVISIONS

Basically, the amendment provides for a tax of 90 percent of the price per barrel above $5.25, the ceiling price on "old" oil under existing FEA price guidelines. Thus, a barrel of decontrolled oil selling at the market rate—roughly $13—would be subject to 90 percent taxation on the $7.75 decontrol profit. This tax could be substantially reduced if the oil producer "plowed back" the decontrol profit in exploration, development, and production of domestic energy resources. However, at least some additional revenue will be collected notwithstanding the plowback provision, since plowback provides a credit only to the extent of 90 percent of the decontrol profits tax liability.

I offer this excess profits tax with the hope that it will serve as a framework on which the Finance Committee can build. The need for decontrol of oil prices is evident. And, just as clearly, there is a need to avoid windfall profits for oil producers. The tax I am proposing in conjunction with a well-conceived decontrol formula will lead to increased exploration and production of domestic petroleum reserves.

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

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

H.R. 6860

At the end of the Act insert the following new title:

TITLE V—OIL DEREGULATION TAX

SEC. 501. Deregulation profits tax; plowback credit.

(a) IN GENERAL—

(1) Amendment of subtitle D.—Subtitle D of the Internal Revenue Code of 1954 (relating to miscellaneous excise taxes) as amended by this Act is amended by adding at the end thereof the following new chapter:

"Chapter 45—OIL DEREGULATION TAX ON DOMESTIC CRUDE OIL

"Sec. 4995. Imposition of tax.
"Sec. 4996. Amount of tax.
"Sec. 4997. Plowback credit against tax.
"Sec. 4998. Definitions and special rules.
"Sec. 4999. Records and information; regulations.

"SEC. 4995. IMPOSITION OF TAX.

"(a) IMPOSITION OF TAX.—There is hereby imposed on the deregulation profits from taxable domestic crude oil removed from the premises during each taxable period an excise tax as provided in this chapter.

"(b) BY WHOM PAID.—The tax imposed by this section shall be paid by the person entitled to the deduction under section 611 for depletion with respect to the crude oil.

"Sec. 4996. AMOUNT OF TAX.

"(a) IN GENERAL.—The tax imposed by section 4981 shall be an amount equal to 90 percent of the deregulation profit from each taxable barrel of crude oil removed from the premises.

"(b) FRACTIONAL PART OF BARREL.—In the case of a fraction of a barrel, the tax imposed by section 4981 shall be the like fraction of the amount of such tax imposed on a whole barrel.

"SEC. 4997. PLOWBACK CREDIT AGAINST TAX.

"(a) GENERAL RULE.—There shall be allowed to each person liable for the tax imposed by section 4981 for any taxable period, as a credit against such tax, an amount equal to such person's plowback investment for such taxable period.

"(b) LIMITATION.—The amount of the credit allowed under this subsection for a taxable period and for a recomputation period shall not exceed 90 percent of the taxpayer's liability for tax under section 4981 for such periods.

"(c) PLOWBACK INVESTMENT.—For purposes of this chapter, a person's plowback investment for any taxable period in the excess of—

"(1) his qualified investment for such taxable period, over

"(2) his plowback threshold for such taxable period.

"(d) RECOMPUTATION OF TAX AND CREDIT ON CUMULATIVE BASIS.—

"(1) IN GENERAL.—In the case of each taxable period (hereinafter in this subsection referred to as 'current period') ending after December 31, 1975, the taxpayer's liability for the tax imposed by section 4981 and his credit under this section shall be recomputed by treating the current period and all prior taxable periods as one taxable period (hereinafter in ths subsection referred to as 'recomputation period').

"(2) EFFECT OF RECOMPUTATION.—If the sum of the taxpayer's net tax liability for the current period and for each prior taxable

period exceeds his net tax liability for the recomputation period—

"(A) a portion of such excess (not greater than the amount by which the tax imposed by section 4981 for the current period is greater than the credit allowable by this section for the current period) shall be applied to, and shall reduce, the amount of the tax imposed by section 4981 for the current period, and

"(B) the remainder of such excess shall be treated as an overpayment of the tax imposed by section 4981 for the current period.

"(3) NET TAX LIABILITY DEFINED.—For purposes of this subsection, the term 'net tax liability' means, with respect to any taxable period, the excess (if any) of the amount of the tax imposed by section 4981 for such period (or, in the case of the recomputation period, would be imposed for such period) over the credit allowable by this section for such period.

"(4) ADJUSTMENT OF NET TAX LIABILITY FOR PRIOR ADJUSTMENTS UNDER THIS SUBSECTION.—For purposes of this subsection, if for any taxable period before the current period the application of this subsection resulted in a reduction in tax liability or an overpayment of tax (or both) under paragraph (2), the excess referred to in paragraph (2) for the current period shall be reduced by an amount equal to the sum of all such reductions and overpayments.

"SEC. 499. DEFINITIONS AND SPECIAL RULES.

"(a) DEREGULATION PROFIT.—

"(1) IN GENERAL.—For purposes of this chapter, the term 'deregulation profit' means an amount equal to the excess of the removal price of the barrel of taxable crude oil over the sum of—

"(A) the base price for such barrel, and

"(B) the amount by which any severance tax imposed with respect to such barrel exceeds the severance tax which would have been imposed if the barrel of oil had been extracted and sold on December 1, 1973, at the ceiling price determined in the manner provided in regulations section 150.353 prescribed by the Cost of Living Council, as such regulations were in effect on such date, for domestic crude oil of the same grade and location;

"(2) 75 PERCENT OF NET INCOME LIMITATION ON DEREGULATION PROFIT.—The deregulation profit on any barrel of taxable crude oil shall not exceed 75 percent of the net income attributable to such barrel. For purposes of the preceding sentence, the net income attributable to a barrel shall be determined—

"(A) by taking the taxable income from the property (within the meaning of section 613(a)) for the taxable period, computed without an allowance for depletion and without any deduction for the tax imposed by section 4981, or for costs deductible under section 263(c) (other than those incurred in drilling a nonproductive well), and

"(B) by dividing such taxable income by the number of barrels of all crude oil produced from such property during such taxable period.

"(b) REMOVAL PRICE.—For purposes of this chapter—

"(1) IN GENERAL.—Except as otherwise provided in this chapter, the term 'removal price' means the amount for which the barrel of oil is sold.

"(2) SALES BETWEEN RELATED PERSONS.—In the case of a sale between related persons (within the meaning of section 103(c)(6)(C)) the removal price shall be not less than the constructive sales price for purposes of determining gross income from the property under section 613.

"(3) OIL REMOVED FROM PREMISES BEFORE SALE.—If crude oil is removed from the premises before it is sold, the removal price shall be the constructive sale price for purposes of determining gross income from the property under section 613.

"(4) REFINING BEGUN ON PREMISES.—If the manufacture or conversion of crude oil into refined products begins before such oil is removed from the premises—

"(A) such oil shall be treated as removed on the day such manufacture or conversion begins, and

"(B) the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

"(5) MEANING OF TERMS.—As used in this subsection, the terms 'premises' and 'refined product' have the same meaning as when used for purposes of determining gross income from the property under section 613.

"(c) BASE PRICE.—For purposes of this chapter, the term 'base price' means the ceiling price determined under section 212.73 of title 10 of the Code of Federal Regulations as prescribed by the Federal Energy Administration pursuant to the Emergency Petroleum Allocation Act of 1973, as such regulations are in effect on June 30, 1975.

"(d) TAXABLE DOMESTIC CRUDE OIL.—

"(1) IN GENERAL.— The term 'taxable domestic crude oil' means with respect to any property—

"(A) the number of barrels produced from such property and sold or removed from the premises during any month, reduced by

"(B) the sum of—

"(i) the number of such barrels for which the removal price is not greater than the base price, plus

"(ii) the amount by which the number of such barrels (not including any barrels taken into account under (i)) exceeds the adjusted base price control quantity for such month.

"(2) BASE PRICE CONTROL QUANTITY.—For purposes of this subsection, the base price control quantity is the average monthly number of barrels from any property for the three-month period ending June 30, 1975, which, pursuant to sections 212.73 and 212.74 of title 10 of the Code of Federal Regulations, as then in effect, could not be sold at a price which is greater than the base price described in subsection (c). In the case of any property from which production does not occur for the entire three-month period, the average monthly production shall be determined pursuant to regulations prescribed by the Secretary or his delegate.

"(3) ADJUSTED BASE PRICE CONTROL QUANTITY.—For purposes of this subsection, the adjusted base price control quantity for any month is an amount equal to the base price control quantity reduced by an amount equal to 1⅔ percent of the base price control quantity multiplied by the number of calendar months in the period begining on the effective date for any law or regulation described in paragraph (2) and ending on the last day of such month.

"(e) QUALIFIED INVESTMENT.—For purposes of this chapter, any person's qualified investment for any taxable period is the sum of the amounts incurred by such person during such taxable period (with respect to areas within the United States or a possession of the United States) for—

"(1) intangible drilling and development costs to which section 263(c) applies or geological and geophysical costs described in subsection (g)(7),

"(2) the construction, reconstruction, erection, or acquisition of the following items if the original use of such items begins with such person:

"(A) depreciable assets used for—

"(i) the exploration for or the development or production of oil or gas (including development or production from oil shale),

"(ii) converting oil shale, coal, or liquid hydrocarbons into oil or gas, and

"(iii) refining oil or gas (but not beyond the primary product stage), and

"(B) pipelines for gathering or transmitting oil or gas, and facilities (such as pumping stations) directly related to the use of such pipelines,

"(3) secondary or tertiary recovery of oil or gas, and

"(4) the acquisition of oil and gas leases, but the aggregate amount which may be taken into account under this paragraph for any taxable period shall not exceed one-third of the aggregate of the amounts which are taken into account by the taxpayer under paragraphs (1), (2), and (3) for such period.

"(f) PLOWBACK THRESHOLD.—

"(1) IN GENERAL.—For purposes of this chapter, any person's plowback threshold for any taxable period is an amount equal to $3 multiplied by an amount equal to the sum of the lesser of—

"(A) the number of barrels of crude oil produced by such person during such period, or

"(B) the base price control quantity for each of such person's domestic oil-producing properties.

"(2) LIMITATION BASED ON 75 PERCENT OF NET INCOME.—A person's plowback threshold for any taxable period shall not exceed the excess of—

"(A) 75 percent of his taxable income attributable to taxable crude oil from all oil-producing properties (within the meaning of section 613(a)) for the taxable period, computed without an allowance for depletion and without any deduction for the tax imposed by section 4981 or for costs deductible under section 263(c) (other than those incurred in drilling a nonproductive well), over

"(B) the amount of such person's liability for tax under section 4981.

"(g) OTHER DEFINITIONS.—For purposes of this chapter—

"(1) CRUDE OIL.—The term 'crude oil' includes a natural gas liquid recovered from a gas well in lease separators or field facilities.

"(2) DOMESTIC CRUDE OIL.—The term 'domestic crude oil' means crude oil produced from an oil or gas well located in the United States or in a possession of the United States.

"(3) BARREL.—The term 'barrel' means 42 United States gallons.

"(4) UNITED STATES.—The term 'United States' has the meaning given to such term by paragraph (1) of section 638 (relating to Continental Shelf areas).

"(5) POSSESSION OF THE UNITED STATES.—The term 'possession of the United States' has the meaning given to such term by paragraph (2) of section 638.

"(6) TAXABLE PERIOD.—The term 'taxable period' means—

"(A) the period beginning on the first day of the first calendar month beginning after the date of the enactment of this chapter and ending at the close of December 31, 1975,

"(B) each calendar year beginning after December 31, 1975, and ending before January 1 of the calendar year described in subparagraph (C), and

"(C) the period beginning on January 1 of the calendar year in which ends the 60th calendar month after the date of enactment of this chapter and ending on the last day of such 60th calendar month.

"(7) GEOLOGICAL AND GEOPHYSICAL COSTS.—The term 'geological and geophysical costs' means expenditures for ascertaining the existence, location, extent, or quality of any deposit of crude oil or natural gas.

"(h) MEMBERS OF AFFILIATED GROUP TREATED AS ONE PERSON.—If two or more corporations are members of an affiliated group making a consolidated return with respect to the tax imposed by chapter 1 for a taxable year or years which include any entire taxable period, such corporations shall be treated as one person for purposes of the tax imposed by section 4981 for such taxable period and for purposes of the credit

against such tax allowable under section 4983 for such period.

"(i) EXEMPTION FROM TAX WHERE TAX-EXEMPT ORGANIZATION IS PROHIBITED FROM PLOWING BACK.—The tax imposed by section 4981 shall not apply to any organization described in section 501(c)(3) which is exempt from tax under subtitle A, to any political subdivision of a State, or to any agency or instrumentality of a State, or political subdivision thereof, if under the applicable State or local law such organization, subdivision, agency, or instrumentality is not permitted (and was not on April 1, 1974, permitted) to pay or incur amounts for any of the purposes specified in subsection (e).

"SEC. 4999. RECORDS AND INFORMATION; REGULATIONS.

"(a) RECORDS AND INFORMATION.—Each person liable for tax under section 4981, each partnership, trust, or estate producing domestic crude oil, each purchaser of domestic crude oil, and each operator of a well from which domestic crude oil was produced, shall keep such records, make such returns, and furnish such information with respect to such oil as the Secretary or his delegate may by regulations prescribe.

"(b) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this chapter.".

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle D is amended by adding at the end thereof the following new item:

"Chapter 45. Deregulation profits tax on domestic crude oil.".

(b) TECHNICAL AMENDMENTS.—

(1) The first sentence of section 164(a) (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The net deregulation profits tax imposed by section 4981.".

(2) The first sentence of section 613(a) (relating to percentage depletion) is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", and (in the case of oil and gas wells) reducing such gross income by the amount of the tax imposed by section 4981 (relating to deregulation profits tax).".

(3)(A) Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end thereof the following new section:

"SEC. 85. OVERPAYMENTS OF DEREGULATION PROFITS TAXES.

"Gross income includes any amount treated as an overpayment of tax under section 4983(d)(2)(B) (relating to recomputation of deregulation profits tax and credit on cumulative basis).".

(B) The table of sections for such part II is amended by adding at the end thereof the following new item:

"Sec. 85. Overpayments of deregulation profits taxes.".

(c) TIME FOR FILING RETURN OF DEREGULATION PROFITS TAX.—

(1) Part V of subchapter A of chapter 61 (relating to time for filing returns and other documents) is amended by adding at the end thereof the following new section:

"SEC. 6077. TIME FOR FILING RETURN OF DEREGULATION PROFITS TAX.

"Each return of the tax imposed by section 4981 (relating to deregulation profits tax) for any taxable period (within the meaning of section 4984(g)(7)) shall be filed not later than the 15th day of the third month (15th day of the fourth month in the case of an individual) following the close of the taxable period.".

(2) The table of sections for such part V is amended by adding at the end thereof the following new item:

"Sec. 6077. Time for filing return of deregulation profits tax.".

(d) CERTAIN INFORMATION REQUIRED TO BE FURNISHED.—

(1) GENERAL RULE.—Subpart B of part III subchapter A of chapter 61 (relating to information concerning transactions with other persons) is amended by adding at the end thereof the following new section:

"SEC. 6050A. INFORMATION FURNISHED BY PURCHASER AND OPERATOR REGARDING DEREGULATION PROFITS TAX ON DOMESTIC CRUDE OIL.

"(a) CERTAIN INFORMATION FURNISHED BY PURCHASER.—Under regulations prescribed by the Secretary or his delegate, the purchaser of domestic crude oil (as defined in section 4984(g)(2)) shall furnish to the person liable for tax under section 4981 with respect to such oil a monthly statement showing the following:

"(1) the amount of domestic crude oil purchased from such person during such month,

"(2) the amount of taxable domestic crude oil purchased from such person during such month,

"(3) the removal price of such taxable oil,

"(4) the base price with respect to such taxable oil,

"(5) the amount of such person's liability for tax under section 4981 with respect to such oil,

"(6) the severance tax liability with respect to such oil, and the severance tax liability which would have applied with respect to such oil under the rates in effect on December 1, 1973, and

"(7) such other information as may be required by regulations prescribed by the Secretary or his delegate.

"(b) INFORMATION FURNISHED BY OPERATOR.—Under regulations prescribed by the Secretary or his delegate, if the purchaser of domestic crude oil and the operator of the well from which such crude oil was produced make a joint election under this subsection, the monthly statement required to be furnished by the purchaser under subsection (a) shall be furnished by such operator.

"(c) TIME FOR FILING MONTHLY STATEMENT.—Each monthly statement required to be furnished under subsection (a) or (b) for any month shall be furnished before the first day of the second month which begins after the close of such month.

"(d) CERTIFICATION FURNISHED BY OPERATOR.—Under regulations prescribed by the Secretary or his delegate, the operator of the well from which crude oil subject to the tax imposed under section 4981 was produced shall certify (at such time and in such manner as the Secretary or his delegate shall by regulations prescribe) to the purchaser the base price (within the meaning of section 4984(c)) and the base price control quantity (within the meaning of 4984(d)(2)) with respect to such crude oil. For purposes of section 6652(b) (relating to additions to tax for failure to file other returns) such certification shall be treated as a statement of a payment to another person.

"(e) CROSS REFERENCES.—

"(1) For additions to tax for failure to furnish information required under this section, see section 6652(b).

"(2) For penalty for willful failure to supply information required under this section, see section 7252.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Section 6652(a) is amended by striking out "or section 6051(d)" and inserting in lieu thereof the following: "section 6050A (relating to information regarding deregulation profits tax on domestic crude oil), or section 6051(d)".

(B) The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by adding at the end thereof the following new item:

"Sec. 6050A. Information furnished by purchaser and operator regarding deregulation profits tax on domestic crude oil.".

(e) CRIMINAL PENALTY FOR FAILURE TO PUBLISH CERTAIN INFORMATION.—

(1) IN GENERAL.—Part II of subchapter A of chapter 75 (relating to penalties applicable to certain taxes) is amended by adding at the end thereof the following new section:

"SEC. 7242. WILLFUL FAILURE TO FURNISH CERTAIN INFORMATION REGARDING DEREGULATION PROFITS TAX ON DOMESTIC CRUDE OIL

"Any person who is required under section 6050A (or regulations thereunder) to furnish any statement, information, or certification to any other person and who willfully fails to furnish such statement, information, or certification to any other person and who willfully fails to furnish such statement, information, or certification at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than $10,000, or imprisoned not more than 1 year, or both, together with the costs of prosecution.".

(2) CLERICAL AMENDMENT.—The table of sections for such part II is amended by adding at the end thereof the following new item:

"Sec. 7242. Willful failure to furnish certain information regarding deregulation profits tax on domestic crude oil.".

(f) INFORMATION FURNISHED BY PARTNERSHIPS, TRUSTS, AND ESTATES.—

(1) INFORMATION TO BE FURNISHED TO PARTNERS AND TO BENEFICIARIES OF ESTATES AND TRUSTS.—Subpart B of part III of subchapter A of chapter 61 is amended by adding at the end thereof the following new section:

"SEC. 6050B. INFORMATION TO BE FURNISHED TO PARTNERS AND BENEFICIARIES OF ESTATES AND TRUSTS

"(a) REQUIREMENT.—Under regulations prescribed by the Secretary or his delegate, each partnership, estate, and trust required to file a return pursuant to section 4985 for any taxable period shall furnish to each partner or beneficiary, as the case may be, a written statement showing the following:

"(1) the name of such partner or beneficiary,

"(2) information received by the partnership, trust, or estate pursuant to section 6050A,

"(3) the total amount of qualified investment made by such partnership, trust, or estate during such taxable period,

"(4) such partner's or beneficiary's distributive share of the items referred to in paragraphs (2) and (3), and

"(5) such other information as may be required by regulations prescribed by the Secretary or his delegate.

"(b) TIME FOR FURNISHING WRITTEN STATEMENT.—Each written statement required to be furnished under this section with respect to any taxable period shall be furnished before the first day of the third month following the close of such period.".

(2) CLERICAL AMENDMENT.—The table of sections for such subpart B is amended by adding at the end thereof the following new item:

"Sec. 6050B. Information to be furnished to partners and to beneficiaries of estates and trusts.".

(g) EFFECTIVE DATE.—The amendment made by this section shall apply to crude oil produced after June 30, 1975.

(h) TERMINATION DATE.—The tax imposed by this amendment shall terminate at the close of 60 calendar months following the date of enactment.

PROHIBITION OF THE DRUG (DES)—S. 963

AMENDMENT NO. 692

(Ordered to be printed and to lie on the table.)

Mr. CURTIS (for himself, Mr. BELLMON, Mr. EASTLAND, Mr. HUDDLESTON, Mr. TOWER, and Mr. THURMOND) submitted an amendment intended to be proposed by them to the bill (S. 963) to amend the Federal Food, Drug, and Cosmetic Act to prohibit the administration of the drug Diethylstilbestrol—DES—to any animal intended for use as food, and for other purposes.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 680

At the request of Mr. BENTSEN, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of amendment No. 680, intended to be proposed to the bill (H.R. 6799), the Federal Rules of Criminal Procedure Amendments of 1975.

NOTICE OF NOMINATION HEARING

Mr. WILLIAMS. Mr. President, I wish to announce to Senators and other interested persons that a hearing on F. David Mathews, to be Secretary of the Department of Health, Education, and Welfare, will be held by the Committee on Labor and Public Welfare on Thursday, July 17, 1975. The hearing will begin at 9:30 a.m. in room 4232 Dirksen Senate Office Building. Interested persons who wish to testify or who wish to submit testimony to be included in the RECORD should contact Mr. Donald Elisburg, Room 4230, Dirksen Senate Office Building, (202) 224-7665.

ANNOUNCEMENT OF HEARINGS ON COUNCIL ON INTERNATIONAL ECONOMIC POLICY

Mr. STEVENSON. Mr. President, on Friday, July 18, the International Finance Subcommittee of the Committee on Banking, Housing and Urban Affairs will resume hearings on S. 1262, a bill to authorize appropriations for the Council on International Economic Policy. The hearings will begin at 9:30 a.m. in room 5302, Dirksen Senate Office Building, Washington, D.C. Interested persons should contact Stanley J. Marcuss, counsel to the subcommittee at 202/224-8813.

NOTICE OF HEARING RESCHEDULING

Mr. BURDICK. Mr. President, as chairman of the Judiciary Committee's Subcommittee on National Penitentiaries, I wish to announce a rescheduling of hearings for consideration of S. 1243, legislation providing for the relocation of Lorton Reformatory. The hearings will convene on July 24, at 10 a.m. in room 6202, Dirksen Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the record of the hearings should communicate as soon as possible with the Subcommittee on National Penitentiaries, room A-404, Senate Annex, extension 224-5461.

ANNOUNCEMENT OF HEARINGS ON FOREIGN INVESTMENT AND ARAB BOYCOTT LEGISLATION

Mr. STEVENSON. Mr. President, on Tuesday and Wednesday, July 22 and 23, the International Finance Subcommittee of the Committee on Banking, Housing and Urban Affairs will hold hearings on foreign investment and Arab boycott legislation. Among the bills which will be considered are S. 425, S. 953, S. 995, and S. 1303. The hearings will begin at 10 a.m. in room 5302, Dirksen Senate Office Building, Washington, D.C. Interested persons should contact Stanley J. Marcuss, counsel to the subcommittee, at 202/224-8813.

ADDITIONAL STATEMENTS

BUDGET SCOREKEEPING REPORTS

Mr. MUSKIE. Mr. President, my colleagues have on their desks this morning for the first time two new tools for fiscal responsibility.

One is a scorekeeping report which will be published monthly by the Congressional Budget Office. It will review our legislative actions to date and compare them with the budget figures in the first concurrent resolution.

The second report—the Senate Budget Scorekeeping Report—will be produced weekly by the CBO specifically for the use of the Senate.

The Senate report is complementary to the monthly CBO report, but expands upon it in three very important ways:

First, it not only catalogs past spending action, but tries to anticipate spending bills that are coming down the road, so that each Senator can know, as he votes today, what other competing expenditures he may face tomorrow. This is a totally new concept in scorekeeping—one which I am extremely proud to make available to my colleagues and one which I believe will dramatically increase the chances for fiscal self-discipline which Congress sought when the new budget procedures were established.

Second, the weekly Senate report will cover authorizing legislation as well as spending until a subsequent appropriations bill has been passed. Nevertheless, it is my firm belief that we must apply the same standard of discipline to authorizing bills as we wish to apply to spending bills if we expect to achieve fiscal responsibility and a rational pattern of national priorities. Both restraint and hard priority choices must begin at the beginning, with authorizing bills.

Third, the Senate report will tell the Senate how each bill compares to each priority in the budget and how these separate priorities compare to the total Federal spending authorized in the congressional budget. These comparisons will be essential as we proceed with the long and difficult process we have begun through budget reform to redirect our national spending priorities.

Now, let me illustrate just how important this weekly report will be by calling the attention of my colleagues to a summary table on page 9.

First comes the concurrent resolution target—$367 billion in outlays.

Next, spending legislation on which action has been completed—either as a result of enactments in prior years or enactments this session—$210.5 billion.

Next, under section II-B, legislation which has passed the Senate or has been reported to the Senate but has not yet been enacted by both houses and signed into law—$5.7 billion.

Then, in addition to these amounts which will almost certainly be on the books, we must add a figure for other spending bills which we know will be before us. For this purpose, we have shown the President's spending request not yet reported in the Senate—$153.4 billion.

What do these figures show? They show that if all the legislation now on the books and on the horizon is enacted, we will be $2.6 billion over the concurrent resolution target adopted in May. That is a key figure. That is the figure that reminds us as we consider the President's requests and legislation now reported in the Senate that we will be over our target unless we exercise real restraint. That is the figure that keeps our feet to the fire.

But we cannot stop there. The truth is that there is still other spending legislation and authorizing legislation pending in our committees—legislation many of us now unaware of—which can drive that $2.6 billion figure much higher. We have attempted to identify such legislation. This is not an exact science to be sure, but throughout this report there are tables by functional category which list bills we know are pending and which taken together, we now believe, could drive us as much as $12.6 billion over our overall targets.

This figure appears at the bottom of table I.

So, Mr. President, we do not have money to spend. We have money to save, and I am convinced that this scorekeeping report will help us do it.

Let me call the attention of my colleagues to some other features of this report.

On page 7, there is a list of legislative highlights covering specific bills expected to be on the floor or reported in the week ahead.

Each of these bills then appears again in its appropriate function, tables for which begin on page 15. The first of these tables—table A—matches the one I have already described for the budget as a whole, but on a function-by-function basis. Subsequent tables enumerate additional legislation within that function which we must keep in mind as we vote.

It will take all of us time to learn to use this report. It undoubtedly can be improved, but for us, for the press, for the public, I believe it represents a major step toward a more orderly and responsible fiscal policy.

ERADICATION OF PESTS

Mr. TOWER. Mr. President, on Wednesday, the Committee on Agriculture and Forestry will consider S. 1617, a very good bill introduced by my colleague from Texas (Mr. BENTSEN).

I wish to request that my name be added as a sponsor of my colleague's bill, and I wholeheartedly support the aims of this legislation.

In Texas, we have a number of problems with the Mediterranean fruit fly, and with the fire ant, both of which pose considerable danger to Texas agriculture. This bill provides methods by which the Secretary of Agriculture can control and eradicate these pests, and eliminate this threat to our farm community.

I would hope that my distinguished colleague and the Agriculture Committee, however, would consider an addition to this measure which I feel is also vital to the effectiveness of the bill.

The potential damage to crops from pests such as the fruit fly and the fire ant are considerable, but it is also true that various pests cause considerable harm to livestock. I understand that the Department of Agriculture feels that the addition of livestock under the provisons of the bill would be a wise and prudent change.

To this end I have sent a letter to the chairman of the Committee on Agriculture, my distinguished friend from Georgia, asking his consideration of a proposed amendment to S. 1617. I would hope that the committee would consider this carefully during its deliberations on the bill, and include it in the final draft of the measure.

I think it is very important to remember the need for vigorous protection of our Nation's livestock from pests, and I think my amendment will effectuate that protection. I thank my distinguished friend and colleague from Texas for introducing this measure, and I appreciate his including me as a sponsor of S. 1617.

I ask unanimous consent that the aforementioned letter to the chairman of the Committee on Agriculture be printed in the RECORD.

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

WASHINGTON, D.C., *July 14, 1975.*

HON. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I understand that on July 16, 1975, your committee will consider S. 1617, a bill to clarify the authority of the Secretary of Agriculture to control and eradicate plant pests. As a co-sponsor of this measure, I urge your favorable consideration.

I do believe, however, that we can always make a good bill better. To this end, I have had my staff prepare a proposed amendment, which is enclosed, would add livestock under provisions of S. 1617, so that the Secretary of Agriculture can act with vigor and dispatch to control and eradicate livestock pests. The threat of these pests is especially grave in my state of Texas, and because of the scope of livestock enterprise in Texas could have a considerable impact on the overall Texas economy. I hope you will favorably consider this amendment, and I understand that the Department of Agriculture supports its inclusion.

I am sorry that my schedule does not permit my personally testifying before the committee in consideration of S. 1617; however, I would appreciate it if my amendment and a copy of this letter were made a part of the record of your deliberations.

Thank you for your consideration, and for the great contributions you have made to Texas Agriculture. I believe that S. 1617 will be of considerable assistance to farmers and ranchers in Texas, if my amendment is effectuated.

Sincerely,

JOHN TOWER.

THE IMPORTANCE OF SCIENCE AND TECHNOLOGY TODAY IN CREATING JOBS THAT WILL BE NEEDED TOMORROW

Mr. BENTSEN. Mr. President, I wish to speak today on a subject of critical importance to the future health and stability of our Nation's economy.

Too often, mere mention of the phrase "science and technology" causes heads to nod and eyes to glaze over. It can be, and frequently is, among the most deadly, boring topics brought up for discussion.

Yet, science and technology has historically played a most important role in the economic growth and development of the United States and it will be a key factor in determining the strength of this country's economy in future years.

And during this, our deepest recession since the 1930's; with almost 9 million American breadwinners out of work, after our economy has shrunk by 8 percent since 1973, and after our productivity has declined sharply, it is a subject that must be brought up for discussion and debate and understanding and action.

Because of its importance, the Joint Economic Subcommittee on Economic Growth, which I chair, will hold hearings on science and technology July 15 and 16.

We begin our hearings on an auspicious occasion: The launching of the joint, United States-Soviet Apollo-Soyuz space flight, which represents a historic breakthrough in international cooperation on science and technology.

But, while there is a definite connection, Mr. President, our hearings will deal with the space program in only the most peripheral way.

Science and technology is a broad field, Mr. President, and our hearings will be concentrating on a much more down to Earth, though no less important, area than space research.

Our primary interests lie in neither the space sciences nor in military research and development, two areas of science and technology with which the American people are most familiar.

We will be exploring the field of civil technology innovation as it relates to business and industry, to economic growth and jobs.

By technological innovation, I refer to new products which lead to economic growth and to new production processes and equipment which, by improving productivity, also lead to growth.

In both instances, technological innovation translates into jobs. In many cases it also translates into a higher quality of life—the so-called "modern conveniences"—and into longer lifespans, with fewer illnesses.

Development of the pacemaker is a classic example of the benefits of technology.

Thirty-two years passed, from the time in 1928 when A. S. Hyman came up with the idea of providing electronic stimulation of the heart in treating heart block disorders to the time in 1960 when the first pacemaker was implemented in a human.

Mr. Hyman knew what he wanted to do, he knew how he wanted to do it, and throughout the 1930's he tried repeatedly to produce a stimulator. The best he could come up with was a spring-driven device which was too large and too limited to be truly effective.

The problem was a lack of technology to produce a device that was small enough and had a power source that would last long enough—virtually a lifetime. Invention of the transistor, in 1948, was a major breakthrough; as were development of a sealed, long-lasting battery, of silicone rubber polymers, of a workable epoxy and of special insulating material.

These technological innovations, and others, led to successful use of an external pacemaker to treat heart block in 1952; then to successful use of an external pacemaker with implanted electrodes in 1958 and, finally, to the first human implant of a pacemaker in 1960.

While anyone can understand and appreciate the benefits of science and technology in development of the pacemaker, Mr. President, a few Americans understand the critical role it plays in our economy.

Only recently have economists come to realize the importance of technological innovation for economic growth. There remains strong disagreement within the economic community as to the precise role it plays. And we are only now beginning to understand what can be done to facilitate technological innovation.

Mr. President, the Subcommittee on Economic Growth was established last

year to study long-range economic problems, to seek ways to help Government anticipate and deal with these problems in advance—well before they explode as urgent crises.

I can think of no area of long-range economic concern that is more pressing than this little-understood area of technological innovation.

During the past decade, we have witnessed tremendous technological progress in the Western European countries and Japan that confronts many of our own industries with strong foreign competition, both here at home and among our foreign markets.

A report prepared for our hearings by Prof. Robert Gilpin, of Princeton University, notes that an economy can respond to technological competition in different ways.

An economy, he contends, can either move to stimulate its domestic growth and international competitiveness by vigorous support of research and development in commercial areas, or it can withdraw into itself, throwing up trade barriers around its threatened industries, live off its foreign investments, and reduce its rate of growth.

Professor Gilpin notes that, since the latter part of the last century, Great Britain has tended to follow the second course, living increasingly off its investments overseas and producing fewer and fewer goods itself.

Japan, however, since World War II, has followed the second course, seeking to expand its overseas trade and relying on a great emphasis on technological innovation in its successful efforts to compete on world trading markets.

Professor Gilpin says that the United States, unfortunately, has been following a strategy similar to that of Great Britain, particularly since 1958. He points out, Mr. President, that the strategy of investment followed by U.S. corporations is far more complex than what occurred in Great Britain, but the result is the same—an increasing tendency to favor protection of threatened industries over innovative moves into new and risky areas.

In other words, Mr. President, U.S. firms, over the past 15 years, have found it easier and safer to seek to expand by manufacturing and selling old products than to innovate and create new products.

I maintained, Mr. President, that this trend could have disastrous consequences for our economy if it is allowed to go unchecked.

And I find a direct correlation between this situation and our country's declining commitment to technological innovation.

After increasing at an annual rate of more than 12 percent from 1953 to 1964, total spending in the United States for research and development increased by just over 5 percent between 1964 and 1971.

It is interesting to note that at the same time, the U.S. position in foreign trading markets was deteriorating seriously, from a $6.1 billion trade surplus in 1965 to a $6 billion deficit in 1972.

There are many reasons for this situation. But part of the decline is due to lack of innovation.

Public attitudes toward science and technology, in general, began changing in the late 1960's and early 1970's. The Senate vote against the SST was a sign of a growing skepticism the American people had toward big technology.

At the same time, Mr. President, the Nixon administration in the early 1970's took some confused and contradictory steps to set research and development policy which have only served to compound the problem.

On the one hand, the administration spearheaded efforts to launch the new technological opportunities program which funneled hundreds of millions of dollars into risky technology development that should have rightfully been carried out by the private sector.

To date, at a cost of almost $3 billion, the TOPs program has produced only two major projects. One of them, the SST, was defeated in Congress, because of questions about its environmental effects and its demonstrated lack of commercial merits. The other, the nuclear breeder reactor, is only now reaching the demonstration plant stage.

And, at the time the White House was pushing TOPs as a means of funding civilian technology, it was also downgrading the importance of science and technology by abolishing the office of science adviser to the President.

This created a serious leadership gap with respect to science and technology at the highest levels of Government and has only added to the problems we face in this field today.

As of today, Mr. President, the United States has no national policy for research and development, or, more particularly, for encouraging the type of technological innovation that is needed to build and maintain a healthy, growing economy.

The research and development mechanism that developed in the United States in response to the Cold War has been undermined and, to a large degree, eliminated. Yet, no new system has been developed or adapted to meet the new set of emerging priorities: economic growth, environmental soundness, export competitiveness, and social welfare.

As one member of the academic community put it:

> It is fascinating to witness aerospace engineers and high powered theoretical physicists becoming interested in a fast moving field like sewage disposal.

All this is happening without any clear picture of what is needed, without any mechanism for encouraging or stimulating it.

To be sure, there have been some steps in this direction. Establishment of the Office of Technology Assessment and the Energy Research and Development Agency are certainly steps in the right direction.

But what has been done to date falls far short of the national program that is needed.

That, Mr. President, is what my subcommittee will be seeking to develop in the coming days, as we conduct these hearings on science and technology.

CANE POLE FISHING PROGRAM FOR INDOCHINESE CHILDREN IN PENNSYLVANIA

Mr. HUGH SCOTT. Mr. President, I take this opportunity to salute the Pennsylvania Fish Commission for sponsoring a cane pole fishing program for the Indochinese children housed at Fort Indiantown Gap, Pa.

For many years, the Fish Commission has administered a cane pole fishing program for children in urban areas, providing many happy hours of outdoor recreation for our children.

The Pennsylvania Fish Commission serves a unique role as guardian of the Commonwealth's aquatic resources: Pennsylvania is the only State which has a separate independent administrative body concerned exclusively with the management of its recreational and commercial fishing and boating.

The Fish Commission was established by the Pennsylvania General Assembly in 1866 to preserve the diminishing fish populations in the Commonwealth's rivers and streams.

The commission has performed an outstanding job, and I commend its members for the dedication to aquatic conservation which has characterized the commission since its creation over a century ago.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF NORWEGIAN EMIGRATION TO AMERICA

Mr. MAGNUSON. Mr. President, this year marks the 150th anniversary of the sailing of the first group of immigrants from Norway to the United States. The sloop *Restoration* sailed from Stavanger, Norway, on July 4, 1825, and arrived in New York a little more than 3 months later on October 9, 1825.

That first group of immigrants set off a wave of emigration from Norway that did not recede for 100 years. Norwegian Americans and other citizens of Scandinavian descent have made major contributions to the strength and welfare of our Nation.

A few days ago, on July 4, celebrations were held in Stavanger, Norway, and Seattle, Wash. to honor those first sons and daughters of Norway to come to America.

The address at the Seattle celebration was delivered by my friend and colleague of many years, Senator HENRY M. JACKSON. Mr. President, I ask unanimous consent that this speech—outlining as it does the contributions made by Norwegian immigrants—be printed in the RECORD.

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

STATEMENT BY SENATOR JACKSON

I am delighted to respond on behalf of the Pacific Northwesterners of Norwegian heritage you are honoring today. To be one of those receiving your award is an additional honor.

But if Americans of Norwegian descent have contributed to so many aspects of American life, it is only because of the solid founda-

tion our parents and grandparents built for us.

The first known Norwegian to settle in Washington State was Zakarias Martin Toftezen in 1849—on Whidbey Island. And living in Washington State today are direct descendants of the 53 courageous pioneers who sailed from Stavanger aboard the *Restauration* 150 years ago. The Norwegian immigrants who settled in Puget Sound were, for the most part, in the second stage of their apprenticeship as Americans. They had already learned the language and were prepared to give leadership in education, industry, and commerce.

They had settled first in the upper Middle West—Wisconsin, Minnesota, Illinois, North and South Dakota—and then followed the route of the pathfinders who went out beyond the Cascades into a land much like Norway itself. They found beautiful mountains with rich forests, seas to fish, and land to farm. And Puget Sound was like the fjords they had left behind. They built Stanwood, Poulsbo, Gig Harbor and Arlington, and they helped to launch a great new city—Seattle.

My father, Peter Jackson, born near Aure in Norway, went first to Minnesota, then to the smelters of Montana, and finally home to Everett in the late 1880's, just before Washington statehood. He was a policeman, a union leader, and a builder. My mother, Marine Andersen, was born in Alvenes, near Bodo, and they met and married here in Washington.

These new citizens took the leadership in city and county and in school board elections. They labored to build schools and they scrimped and saved to make sure their children would get an education—in secondary schools and in colleges and universities.

The Norwegian experience in America has been a deeply rewarding one. The characteristic Norwegian spirit of independence and perseverance, and the historic Norwegian love of freedom, were perfectly matched to the challenge of creating a new life in a new land.

I want to reflect on that heritage for a moment, for it is so relevant to the new challenges we and our children face today.

There is nothing American—or more Norwegian—than a concern for the oppressed and a willingness to come to the aid of the oppressed. America was a safe haven for those who left Norway in 1825. We must insure that it remains a safe haven for those who come to us today as refugees from tyranny.

As Americans of Norwegian descent, we understand that much remains to be done in America. For many Americans, equal opportunity and economic security are not yet realities. There are children in America whose full potential remains undeveloped because they are denied the chance for a quality education. There are older Americans who are still denied the decency and respect they have earned. We have inherited from our Norwegian forebears a deep sense of social justice, a sense which is part of America's civic culture.

I believe also that America's commitment to individual liberty has been immeasurably strengthened by the Norwegian love of freedom. The history of Norway is instructive for those who imagine that freedom and strength are separable. There are important lessons in Norway's splendid defense of its national freedom—and of the personal freedom of its citizens. We recall especially the dark days of the Second World War when the Norwegian resistance won the admiration of freedom-loving people the world over.

For America, a nation of immigrants, it is especially fitting that we remain committed to the free movement of people and ideas. As Alexandr Solzhenitsyn noted so sadly but eloquently in the Nobel address his government prevented him from delivering:

"The physically compressed, strained world is not allowed to blend spiritually; the molecules of knowledge and sympathy are not allowed to jump over from one half to the other."

Genuine peace and a truly stable international society can only result from a lowering of the artificial barriers that divide peoples of East and West.

And, today, as we rededicate the statue of Edvard Grieg that stands here in Governor's Grove, we are reminded of the Norwegian love of natural beauty which inspired so much of Grieg's music. I have always felt very deeply our obligation to preserve our natural heritage.

A century ago, Norway and the United States were distant indeed. The two lands were united principally by the family connections between those who settled here and those who remained in Europe. Today, Norway and the United States stand together in a great alliance of free peoples—an historic effort dedicated to the preservation of humane values, civil liberties, and social justice. The Atlantic Alliance is crucial to the world's hopes for a more peaceful world and the preservation of individual liberty. The fates of Norway and America are tied together and depend on the success of our common endeavors.

The discovery of vast oil reserves in the North Sea and Alaska—at a time when the financial institutions of the Western world are threatened by skyrocketing oil prices—has created new opportunities to build on this historic relationship. The new oil wealth of Norway need not undermine the quality of life of which Norwegians are so justly proud. Long-term planning and proper investments abroad can strengthen Western institutions and insure Norway's prosperity and stability for generations to come.

In closing, let me add just this:

The genius of America is its diversity. Our people have come from every continent on earth. Our culture has been enriched by many traditions. Our Norwegian heritage has contributed to the strength of America. It is our responsibility to insure that these values live on in our children—that we do as much for them as our parents and grandparents did for us.

U.S. POLICY AND KOREA

Mr. PHILIP A. HART. Mr. President, for reasons of geography and historical involvement, the United States, the Soviet Union, China, and Japan have strong interest in what happens on the Korean Peninsula.

For that reason, Korea is one of the areas which poses a serious threat to world peace. And there we are with thousands of U.S. troops deployed.

If we are to develop, as we should, a policy designed to meet rather than to respond to events, and if we are to develop public support for such a policy, we need to begin now to consider and debate our options.

Any debate should at least include these questions:

Is maintaining the line between North and South Korea vital to our national security? If it is, how far should we go to help South Korea defend that line, and what effect should the domestic policies of the Seoul government affect our commitment?

If South Korea is not vital to our interests, should we withdraw our troops now or later? Is it important how we end our military commitment to Seoul? And again, should our decision and timing be influenced by the internal policies of the South Korean Government?

In debating these questions, we should keep in mind a lesson of recent history. That is, policies aiding a representative government will fail in the long run because that government will lack the support of its people and because our citizens will not strongly support aid for such a government. Those lessons are applicable to South Korea to the extent the Seoul government pursues policies which foster widespread dissent among its people and distaste among our citizens.

In a recent Washington Post article, Prof. Edwin O. Reischauer, former Ambassador to Japan, discusses these questions and proposes a policy approach worthy of serious consideration.

Professor Reischauer argues that the defense of South Korea is not vital to American interests, but to avoid potentially "damaging shocks both in Korea and Japan" any withdrawal of U.S. military forces should be phased over several years. He would tie the rate of withdrawal to the performance of the Seoul government.

And finally, he suggests that in the long run, the four major powers whose interests overlap on the Korea Peninsula might find it in their interests to agree to "not allow disturbances in Korea to spill over to involve them in their relations with one another."

Admittedly, such an agreement will be hard to achieve, but it is one toward which we should begin to work now.

I ask unanimous consent that Professor Reischauer's article and an article by Don Oberdorfer be printed in the RECORD.

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

[From the Washington Post, June 28, 1975]

KOREA AND VIETNAM: THE NONPARALLELS

(By Edwin O. Reischauer)

False analogies between Korea and Vietnam originally helped get us into a fundamentally worse situation in Vietnam. Let us not now reverse the process and panic over Korea because of analogies mistakenly drawn with Vietnam.

South Korea simply is not vulnerable at present to the two basic ills that destroyed South Vietnam—the uncertain loyalty of its people, and the resultant possibility for easy penetration and subversion by the North. At present it would require a massive external flow to overthrow the South, and there seems no sign of this happening.

Kim Il Sung, the northern dictator, is trying to take advantage of the sudden collapse in Vietnam to intimidate South Korea, but despite repeated cries of warning, the situation along the border in Korea is in actuality less menacing than at most times during the past two decades. Pyongyang does have more than twice the air strength of Seoul, but this advantage is offset by the presence of American air power in the South, while in ground forces the South outnumbers the North by about 600,000 men to 400,000, with reserves and paramilitary units that give an overall balance of 3 million to less than 2 million.

These figures reflect the facts that the South has more than twice the population of the North (in Vietnam it was the North that was the larger), and both regimes are as completely militarized as any in the world. Py-

ong-yang could not risk war without the strong support of China or the Soviet Union, and both of these seem much more eager to avoid a conflict in Korea than they were in the past.

This may sound reassuring, but it concerns only the false cries derived from mistaken analogies with Vietnam. Back of this, however, is a real danger that is escaping adequate attention, in part because of the red herring of Vietnam.

It is not an immediate crisis, but rather a situation that over a longer time span may produce conditions like those that proved fatal to South Vietnam. In other words, as ultimate, Vietnam-like debacle may be in the cards for us in Korea unless we start to do something about it soon.

The experiences of the Korean War made the South Koreans the most bitterly anti-Communist people in the world and therefore insured their loyalty to Seoul. But this shows signs of eroding.

There has always been much popular dissatisfaction with the government in South Korea. Despite rapid economic growth in recent years, the discrepancies in wealth were severe and seemed to be growing worse. Corruption in government and business—recently highlighted by the admission of a $4 million bribe to government authorities by the Gulf Oil Corp.—has always drawn much criticism. Except for a brief period in 1960–61 of ineffective Democratic government, Korea's democracy has always been imperfect and incomplete. Individual rights and freedoms were often curtailed.

But at the same time, there was enough individual liberty and democratic participation in government to make people feel that there was sufficient difference from the completely repressive regime of the North to make the South worth fighting to preserve.

This situation, however, has been changing of late. In October, 1972, President Park Chung Hee declared martial law and followed this with a new constitution, which, by giving him the right to appoint one-third of the membrs of Parliament, reduced that body and all electoral politics to a sham.

He followed this by Draconian measures seriously limiting individual freedoms, including those of political criticism and self-expression, and enforced these with brutal police controls. The opposition forces have been cowed into virtual silence, but hostility and tension run deep.

Especially among the city dwellers and the better educated, including the bulk of the influential Protestant and Catholic groups, there is a sense of desperation. Student activism may have been successfully repressed; but probably at the cost of creating secret student revolutionaries. Step 1 has been taken toward the making of a Vietnamese situation.

South Korea has recently suffered another blow, this one not of its own making. Korea's dazzling economic record of recent years was based on industrialization and world trade—an incipient replica of the Japanese economic miracle—and therefore the oil crisis that started in the autumn of 1973 delt Korean a serious blow.

It is particularly dependent on markets in and investments from Japan and the United States, and both these countries have themselves been in recessions. In addition, the picture of an increasingly repressive South Korean regime makes both Japanese and Americans more critical of conditions in Korea, more dubious about its future and less willing to invest there, thus adding to Korea's economic woes. A serious economic downturn could further erode South Korean loyalties.

The deterioration of the political situation in South Korean has also increased doubts about the American commitment to help defend the country. The post-Vietnam mood in the United States is reason enough for such doubts, but they are greatly increased by a picture of a dictatorial and cruelty repressive regimes in Seoul, which is repugnant to Americans.

The American commitment is hedged by the phrasing that "In case of an external armed attack" each nation "would act to meet the common danger in accordance with its constitutional processes." Still, the presence of about 40,000 American soldiers as a sort of trip-wire near the border has always made American involvement in a renewed Korean War seem almost automatic.

But this may well not be true, given the popular mood in the United States, as strengthened by the distasteful political actions of Park's government. In other words, the United States has made a commitment reinforced by a military presence that the American people would very possibly be unwilling to live up to. This is indeed a perilous position for the United States to be in.

Park or his successors have only two paths they can follow.

On the one hand, they can smother all political criticism and ruthlessly eradicate all sources of opposition. North Korea, North Vietnam and China itself shows the viability of this sort of regime in an East Asian setting though it may be much more difficult to create one on a rightist rather than a leftist ideological basis, as the experience of the Chinese Nationalists suggest. Of course, this road would ultimately lead to the forfeiture of the American military commitment, and probably much of Japanese and American economic support.

The other road would be a return toward a more open society with a growing role for democratic political institutions. High educational levels make such a course perfectly feasible in Korea, and in my judgment it would be by far the better bet, even in stark military terms.

But what should the United States do? The tendency is to sweep the problem under the rug—to leave things along and pretend the problem does not exist, counting on the improbability of war, at least in the near future, to see us safely through until some still unkown but, it is hoped, better situation develops later on.

In the very short run, this policy is understandable. The shock of the sudden collapse in Vietnam for Americans, Koreans and the world at large makes it wise to let the dust settle a bit before making any decisive new move in Korea. But such a do-nothing policy cannot be allowed to continue indefinitely, as South Korean loyalties wither and popular American distaste for Korean dictatorship grows.

The defense of South Korea, regardless of the nature of its systems, is not vital to American interests. A defense line in the straits between Japan and Korea has always made more military sense than one in the middle of the peninsula. Aside from our emotional involvement in the well-being of the brave and talented people of South Korea, our only major concern in the area is the adverse impact its fall to North Korea would have on Japan, a nation of very great importance to the United States.

A sudden collapse resulting in part from an American refusal to live up to its commitments might start a nervous Japan back on the road toward remilitarization, or might frighten it into a stance of much less cooperation with the United States on vital shared problems of economics and world order.

If, however, the United States had disengaged militarily from Korea by slow and well understood steps prior to a collapse the impact might be quite negligible.

Now is the time, while the Vietnam dust is settling, to start thinking through this problem. We should before long have a clear program to present to Park of measured withdrawals of American troops and reductions of military aid until both are entirely gone within a few years—unless the South Koreans find it possible in the meantime to change course again and start moving back to a freer, more democratic system that would better win the loyalties of their own people and the support of the American public.

To avoid damaging shocks both in Korea and Japan, such a program would have to be spread over several years. Although the crisis is not an immediate one, we must start very soon if we are to complete the maneuver before the situation does reach crisis proportions.

The present is also a good time to start forming a longer-range Korean strategy. Korea has all along been a more dangerous threat to world peace than Vietnam, not just because it is a larger and more effectively militarized country, but because of its more strategic location between three of the largest nations of the world—Japan, China and the Soviet Union—with the fourth, the United States, deeply involved in the peninsula for historical reasons.

The surrounding great powers should move toward an agreement to isolate this danger spot from other issues.

What is needed is a four-power agreement between the United States, the Soviet Union, China and Japan that they will not allow disturbances in Korea to spill over to involve them in their relations with one another.

The distrust and hostility between China and the Soviet Union stand in the way of such an agreement today, as does also the presence of American forces in the South. Such an agreement will not be easy to achieve but it is an obvious goal that the United States should be working toward now.

When achieved, it will not only neutralize one of the most dangerous trouble spots in the world, but may also take some of the tensions out of the situation in Korea itself. It could lead to agreed military limitations between the two Korean regimes, which would be an economic boon to both, and possibly might open the way for ultimate reunification, which is of course the dream of all Koreans.

[From the Washington Post, June 29, 1975]

KOREA: PROGRESS AND DANGER

(By Don Oberdorfer)

Aug. 11, 1953: We are now traveling the length of South Korea by troop train from the southern tip, the part of Pusan, to almost the farthest point therefrom, Inchon on the northwest coast not far from Seoul. The trip will take probably 16 hours, though it is not over 300 or 400 miles. The cars have wooden seats and our meals have been C rations and water. The best part about it is that we are getting to see Korea and get the feel of the country. Our first impressions at Pusan were miserable and pathetic. The dirtiest children I have ever seen evaded MPs around the train to try to beg from GIs on the train. One crawled around on his only leg—what had been his left one was off at the thigh. When the MP jeep went past him, he threw stones at it. When our train pulled out, several boys threw rocks at the train.

As we pulled out of Pusan we saw the unbelievable lean-to hovels along the railroad tracks where hundreds and perhaps thousands of people are packed into shacks made of anything that will stand up. These are the displaced persons of Korea and you could feel the bitterness and hostility in the air. Out of the city the picture is better. The Korean countryside is quite mountainous with villages in the little stretch of valleys

between the rugged, unadorned crags. The people till the soil and wash in muddy water holes. Many smile and wave from their fields in the villages. The only silent ones are the old papasans who look on and think to themselves.

Seoul is in ruins as complete as anything I can imagine. There is hardly a permanent building standing within our sight—or to be more accurate, hardly a permanent building standing with four walls and a roof intact. The city is teeming with people, washing clothes in drainage ditches on the sides of the roads, squatting in the comfortable Oriental way, haggling and selling what they have . . . The devastation is terrible.

SEOUL.—My first impressions of Korea were those of a U.S. Army lieutenant who arrived two weeks after the 1953 armistice was signed and stayed for eight months in an artillery unit near the Demilitarized Zone, spending much time scribbling in the diary which is excerpted on this page. In 1966 I returned for a brief look at the country and my old U.S. unit, which I found on the same hillside where I had left it a dozen years before. Since August, 1972, I have made more than two dozen trips here as Washington Post correspondent in Northeast Asia.

Today Korea is headlined in the world press as rarely before in the 22 years since the armistice was signed. Yet it remains to Americans only a wartime memory or another little known Oriental country. For those who know it, Korea is a particularly fascinating and affecting place—a raw-boned, gutsy frontier country with garlic on its breath, where even the newsprint has a peculiar musky smell and the people are elbowing, clawing and—occassionally—politely bowing their way through a hazardous century. It is about as subtle as *kimchi*, the fiery pickled cabbage which is the national dish, and as sophisticated as a *taekwondo* (Korean karate) chop.

The war-torn South Korea of yesterday has given way to gleaming skyscrapers in the capital of Seoul, where I write this from a 16th-floor room of an elegant hotel and look out at several higher buildings around me. Today's Korea has 265 miles of expressways between Seoul and Pusan, 12 flights a day by domestic airliner and a streamline train which makes a trip in 4½ hours. The gross national product is the highest in East Asia outside of Japan and China. There is one radio per household, one television set for every five households and one telephone for every eight households.

The other afternoon I paid a call on President Park Chung Hee, the authoritarian and sometimes rough-and-ready ruler who took over in a military coup and perpetuated himself in office via martial law. He is a surprisingly small man, almost frail at close range. Playing gently with a toy-sized Chihuahua puppy in his presidential office, he said Seoul may well be attacked within the coming months by a large force of North Korean troops in a lightning attack across the DMZ only 25 miles away. Park asked me not to write the number of divisions which, he said, South Korean intelligence estimates might be used in such an attack on the capital. But it is larger than the total number in the North Korean army in June of 1950 when the war began. If war comes again, he said, South Korea will fight to the last man.

A few weeks from now I will be ending my service as a correspondent in this part of the world, and so this is a final attempt to sum up the past and the probable future in the turbulent "land of the morning calm." Summing up is difficult, for in the past three years alone I have witnessed many strange and unexpected things: The spontaneous embrace of North Korean and South Korean Red Cross delegates in reunion at the demarcation line, army tanks drawn up beside Seoul's "freedom monument" in enforcement of Park's martial law, the sudden lunge of a secret police goon at a Korean Catholic bishop who was denouncing political oppression, the explosive violence of an assassin firing at Park and killing his wife last August, the cool damp sides of a North Korean tunnel blasted from solid rock 50 yards beneath the Demilitarized Zone.

Though I have interviewed North Koreans in Tokyo and elsewhere, I have been unable to visit Pyongyang—no American news correspondent has been permitted in the North during my three years in Asia. Therefore, this report will necessarily focus in greater degree on the South than on the North.

STRATEGIC LOCATION

The place to begin is with the country, its history and its people for they—as in the case of Vietnam—are much underrated factors in the great power struggles swirling around them. Like Indochina, Korea is in relative terms a pimple on the mainland of Asia—but a very old one geologically and culturally. Because of its strategic location, Korea has been fought over many times. In the modern age, struggle for Korea was the cause of the first Sino-Japanese War (1894–5) and the Russo-Japanese War (1904–5) as well as the 1950–53 war involving the United States and China.

Despite its history of invasion, domination and enslavement, Korea has managed—almost miraculously—to maintain an independent, district and homogeneous culture which traces its roots back 24 centuries before the time of Jesus. Though ancient tribal groupings existed earlier, Korea was totally unified from 1392 A.D. until the U.S. and Soviet Union drew a "temporary" demarcation line at the 38th parallel in August, 1945, to accept the surrender of the defeated colonial Japanese. It is a curiosity of history that one of the two U.S. War Department colonels who drew the line was Dean Rusk.

Korea's homogeneity and its long struggle for sovereignty and independence form an important background factor in the present situation. Though many South Koreans abhor the regime in the North—and vice versa—the Koreans think of themselves as one people temporarily and unjustly divided by cruel circumstance. I can never forget the stunning moment when the rival Red Cross delegates embraced at Panmunjom in September, 1972, even though later they found little ground for agreement and their talks ended in deadlock.

It seems likely that Korea will be unstable, insecure and dangerous as long as the country remains divided. It follows that mere maintenance of the status quo is a dubious and perhaps impossible policy in the long run.

One Korean state has a "Communist" regime and the other a "democratic" regime, but both are *Korean* and there are striking mirror images. Their mutual tendencies to imitation seem to have been reinforced by personal contact during the recent and unsuccessful efforts at detente. Having isolated itself for many years, North Korea has recently seen the advantages in greater diplomatic and economic contacts with the world outside and is pursuing them along lines pioneered in Seoul. Meanwhile, South Korea's leaders have seen the advantages of national mobilization and control along Pyongyang lines and are moving in this direction.

After agreeing to constitutional limits on presidential authority in the 1960s, Park Chung Hee declared martial law in October, 1972, and instituted a new constitution which assures him unlimited power and tenure as president. Kim Il Sung, who already had unlimited power, announced a new constitution in December, 1972, giving him the title of "president" like Park.

Pyongyang built a 13-story building for its showcase Children's Palace; Seoul erected an 18-story building as a children's center. Pyongyang put up a 600-foot concrete television tower as a landmark in the city; Seoul erected a 774-foot concrete television and observation tower on the most prominent hill in town. South Korea built a showcase highway from Panmunjom to Seoul; North Korea built a showcase highway from Panmunjom to Pyongyang. A diplomat who has dealt recently with both states was stunned by some similarities of style and operation of their foreign offices. "There is the nice guy across the table, and in the next room and at the next appointment you meet the tough guy. You could change the names and the rhetoric and guess what is coming next."

The leadership circles of North and South Korea revolve around two interesting and authoritarian rulers. In some respects the patterns seem to be curious mirror images.

Kim Il Sung is a peasant son from the Pyongyang area. He was educated largely in Chinese schools in Manchuria and trained as a guerrilla fighter in the 1930s in the Northeast Anti-Japanese United Army (NAJUA). It is widely believed that he served for a time in the Soviet Army during World War II. In any case, the Russians facilitated and probably arranged his rise to power soon after their occupation of North Korea in 1945.

Most of the top-ranking figures in North Korea today are former colleagues of Kim's from NAJUA of about 40 years ago. The leader's son, Kim Jung Il, is considered the rising star within the leadership. The husband of the president's niece, Kim Byung Ha, is head of the powerful national security and political affairs bureau—in effect, the secret police.

PEASANT'S SON

Park Chung Hee of South Korea was born to a landless peasant near Taegu in the South and educated at local schools and a teachers college. Later he was trained in the Japanese Military Academy in Manchuria and served there in the early 1940s as a Japanese army lieutenant. He attended the second class of the post-war Korea Military Academy and later the U.S. Army artillery schools. Park was arrested, tortured and sentenced to death in connection with a Communist-tinged rebellion in the South in 1948 but managed to survive by cooperating with the authorities and was rehabilitated. He and a group of fellow officers seized power in a military coup in May, 1961, with the reluctant acquiescence of the United States.

Many of the most sensitive positions in South Korea are held by former coup colleagues or other long-time associates of Park. Kim Jong Pil, who is married to Park's niece, was an architect of the coup, later the organizer of the powerful KCIA (secret police) and is now prime minister. The national assembly speaker (and former prime minister), Chung Il Kwan, helped save Park from execution in 1948. Former KCIA chief Lee Hu Rak was the first spokesman for the coup. Park's chief of the presidential bodyguards, his predecessor in that job and the present mayor of Seoul were all close junior associates of Park in the coup days. The new deputy ambassador to the United Nations—named to the post as South Korea prepares to enter a critical debate this fall—is married to Park's daughter.

Having said all this, one must add that there are very important differences between the two Koreas as they presently exist. Three of these strike me as of particular importance:

South Korea begins with far more tolerance for individual choices than the rigid collectivism of the North, and at the moment is working back toward an authoritarian state. Freedoms which are unknown in the North—freedom of the press and private ex-

pression, freedom to move one's residence at will—are being eroded but they are far from snuffed out. And they remain the "right way" in the minds of large numbers of people.

South Korea has been a creature of the United States. The American connection, while by no means as benign as one might wish, has left a heritage that has proven difficult to eradicate.

The North has an ideology, which the South does not (unless it be the vague notion of betterment through economic growth). The North is also—in Korean terms—on the right side of the unification issue. Two years ago Park moved to an openly expressed "two Koreas" policy. This is realistic for the present and it is diplomatically expedient. But nationalism is a powerful force and Kim Il Sung is in better position to harness it.

The South is outward looking economically, highly involved in and dependent on external trade and foreign capital. The North has glorified self-reliance, though it may be in the early stages of a turn toward the outside.

With few natural resources and little historic industry, the South has become a factory on the Japanese model—taking in raw materials, processing them and selling to the world. Exports account for about 70 percent of its industrial manpower. The new five-year plan envisions foreign trade of about 80 percent of total GNP (compared to an impressive 65 percent now) and the vast sum of $2 billion per year in foreign capital pouring into the country. Thus South Korea must live in and with the world, with no chance to shut its gates to be again "the hermit kingdom" of traditional Korea. This extreme external involvement has meaning in every field—political, diplomatic and military as well as economic. The South Korean strategy offers great rewards if the world economy and its own management are sound—and eventual crisis if they are not.

As much of this implies, the armistice line at the DMZ and the regular—and—sterile meetings of the armistice commission drawn from both sides are among the few things which have remained frozen since the 1950–53 war. With fierce antagonisms and with the frontier remaining firmly in place, vital changes have been taking place on both sides.

GROWING PAINS

Economically the North started with a better base of industry and resources but has been outdistanced by the South in many respects—the cutoff of Soviet aid in the mid-'60's turned the North inward for a decade in search of self-reliance. Though her economy grew and the living standards of her people improved, the rate of change was slow. The emphasis was on heavy industry and military strength.

Recently, Pyongyang made a disastrous guess about world market prices for its metal exports, holding them off the market for price leaps—it turned out there was a big price decline due to worldwide recession. This caused an unprecedented and unexpected trade deficit in 1974 of about $500 million with non-Communist sources alone. There is also a large traded deficit with Russia. Worsened by the North's refusal to pay its bills or even show up to talk to creditors, Pyongyang's international credit standing has collapsed. At the moment, for example, it is reported to have a fleet of Swedish Volvos which have not been paid for, but no spare parts for them either. North Korea will have to work its way out of its present embarrassment—and probably will.

In the South the economic and social changes have been dramatic, if often uneven, from the villages to the burgeoning city of Seoul. Some of the U.S. war veterans coming back to Seoul last week could hardly believe this is the Korean they left.

The physical changes—mushrooming cities, gleaming expressways and other signs of modernization—are only part of the story. Since the end of the Korean War, life expectancy at birth has shot up from 50 years to 65 years—almost an additional year for every year that has passed. The number of primary school graduates has doubled, high school and college graduates have increased more than six times. The adult literacy rate of 92 per cent is one of the highest in the world.

Since the '50's—and particularly since Park took power in 1961—South Korea has entered a period of rapid and sustained economic growth on a different scale from most other developing nations. GNP growth of 10 per cent per year in real terms was the rule until the setback of the oil crisis. Total GNP in real terms has quadrupled since 1955, and exports have increased more than 40 times. U.S. aid, which sustained the South in the early post war years, is now paltry compared to the total economy. Today Korea makes steel supertankers, petrochemicals and electronics for sale to the world—and its plans are big. By 1981—only six years from now—it expects to export $2.4 billion in textiles and garments alone—more than its total GNP in 1961. Huge increases in production and export are planned for other industries, as well.

GNP per capita has shot up to $513, but due to inflation and low wage policies geared to export, South Korean workers took pay cuts in real terms mounting to 5 to 10 per cent last year. There was little protest—partly because protest is banned and the workers powerless, partly because people are still better off than they were a few years ago.

Still, the workers' pay scales and living standards are very low. A survey by the government-controlled Federation of Korean Trade Unions last year reported that more than 60 per cent of organized workers were paid less than 30,000 *won* monthly (about $60). A city family's minimum living cost was estimated at nearly 50,000 *won* ($100) in the same period. In a very large number of families, several people are working—just to get by. At the same time, a middle class is being built, a few are becoming very rich.

CONSTITUTION JETTISONED

Politically, South Korea has taken a turn toward authoritarianism under Park's 14-year rule. Park took power as a general in a military coup and reluctantly shifted to civilian clothes as an elected president with a limited term under strong American pressure. He extended his hold on the presidency from two terms to three terms by means of a disputed constitutional amendment. Even so, he would have had to step down this year had he not unilaterally—and probably illegally—jettisoned the constitution under martial law in late 1972. Now he is elected president by an easily-controlled council rather than by popular vote. And, while his present term under the new constitution will end in 1978, there is no reason why he cannot continue in office for as long as he wishes—and his strength permits.

With the constitutional limitation to which Park agreed in the 1960s, South Korea had the machinery to transfer power from one leader to another with order and legitimacy—and Park made noises about grooming a successor and stepping down. In 1972 he destroyed the means of passing power as well as the strength of the principal competing institution, the National Assembly. The political instability and recurrent upheavals of the past two years flow from this.

While his strength and some of his achievements are admired, Park is not a truly popular figure. There is no consensus in South Korea that he should be president forever—my guess is the consensus is quite the opposite—but under the present system the only way to oust him is by revolt, coup or assassination.

One wonders why an all-powerful leader has been accepted with so little known trouble in the North and so strongly resisted in the South. "Though it certainly wasn't perfect we had 25 years of open politics, while the North simply continued and expanded the oppression of the (pre-war) Japanese colonial system," one of my South Korean friends explained. Even Park gives lip-service to democracy, though he calls it "Korean-style democracy." It does not go down easily.

Ham Sok Hon, the white-bearded and respected senior freedom fighter, has been jailed by the Japanese, the Communists and the Rhee regime and shadowed and interrogated by Park's ubiquitous secret police. He sees little difference between them so far as tyranny is concerned and goes on fighting and speaking without respite.

Since independence from the colonial Japanese in 1945, two vivid experiences have deeply affected the thinking of South Koreans. One is the 1950 North Korean attack and the war which followed, an anti-Communist lesson which has never been forgotten. The other experience was the 1960 student revolution which led to the overthrow of President Syngman Rhee, who had grown tyrannical and unpopular. This national consciousness—almost a national myth—of student power explains why the campuses are perennially the focus of dissent and why a heavily-armed government so fears a few unarmed young men and women waving placards and shouting slogans in the streets.

Until the collapse in Vietnam gave sudden credibility to the North Korean threat, it seemed likely that Park and his growing list of domestic enemies—including large sections of the various churches as well as many students and intellectuals and much of the press—would interact with one another until the president or his apparatus finally went too far and Park was overthrown.

But Park has the upper hand for as long as the Northern threat seems truly pressing, and right now he is playing that hand fully to silence all competing voices and mobilize Korean society for the long haul.

But should threat of attack recede or North Korean military action be tried and fail, Park may well be faced again with an internal problem which will not go away. "I hate it," (the internal suppression and mobilization of today) an apolitical Korean said in conversation a few days ago, "but it is inevitable in these circumstances." When circumstances change, he will probably hate it more and accept it less.

Interaction with the North has worked in almost uncanny fashion for Park in recent years. His martial law constitution was accepted because hopes for detente were high at the time; Park sold his unchecked authority as the only way to negotiate with Kim Il Sung. When the detente faded, so did Park's support.

Last August Park's heavy-handed roundups and suppression had landed him in serious trouble at home and abroad, and Seoul seemed near to an internal explosion or a whispered coup. The bullets of an assassin, who has been linked to North Koreans living in Japan, bounced off Park's bulletproof lectern but killed his wife. The political tension was released in the national mourning and Park was saved.

Again, early this year, he faced serious trouble when fearless former political prisoners told of torture in prison. Their words were trumpeted by the country's leading newspaper, which was then in open revolt against Park's secret police. But the fall of Indochina saved Park, making the threat from North Korea more credible than in years. Kim Il Sung helped by flying to Peking. Now Park's stern measures and possibly

his continuance in power are buttressed by the threat of war rather than the possibility of peace.

Of politics in North Korea, virtually nothing is known. Kim Il Sung, "the great leader," has perhaps the greatest personality cult in history. But behind this, human beings—passionate, vivid Koreans—must somewhere exist, out of sight.

MILLIONS OF ARMED MEN

Militarily, both Koreas have been piling up armaments and increasing and modernizing their forces with characteristic industry and zeal for the past quarter century. Today the Korean peninsula is one of the most heavily armed areas of the world, bristling with powerful weaponry in the hands of more than 1 million men in regular armies on the two sides plus active and armed reserves of about 5 million more and mobilized defense corps of additional millions. This in a peninsula of about 50 million people in all—two thirds of them residing in the South.

South Korea's regular force is the third largest standing army in the non-Communist world, behind the United States and India. It is larger than that of France or West Germany and about twice as large as that of Egypt or Britain. North Korea's regular force almost matches the South's in manpower, but on a per capita basis the North is more heavily armed.

Should a second Korean civil war break out, it could make the first one seem like a game with toys even if direct participation of the three great powers could be avoided. The 1950–53 conflict was bloody enough—roughly 3 million Koreans of both sides were reported killed or missing, of a total population then of 30 million.

On June 25, 1950, according to military historians, North Korea had about 200,000 men in its regular forces including 10 army divisions armed with 550 howitzers, 242 tanks and a few lumbering airplanes. Today it is reported to have regular forces of 467,000 men, including 23 army divisions armed with 15,000 artillery pieces, Soviet Frog missiles, more than 1,000 tanks, 600 combat aircraft including 300 MIG fighter-bombers, helicopters, submarines, high-speed patrol boats armed with Styx missiles and much more.

North Korea is said to be manufacturing tanks and helicopters as well as naval craft and to be preparing to manufacture jet aircraft. It has extensive underground facilities designed to thwart an expected attack by U.S. tactical nuclear weapons. Commando units have recently been given parachute training for possible drops behind southern lines.

Twenty five years ago, South Korea was reported to have 105,000 men in its regular forces including 8 army divisions 91 howitzers, no tanks and a few light observation planes. Today it has a standing armed force of 625,000 men including 23 infantry divisions, 40 artillery battalions, 2,000 heavy guns up to 203 MM, Honest John surface-to-surface missiles, 1,000 tanks, 210 combat aircraft plus destroyers, minesweepers and patrol craft.

South Korea is manufacturing M–16 rifles, ammunition and military radios and preparing to produce high-speed patrol boats and jet aircraft with U.S. help. In 1974 it bought twice as much weaponry with its own foreign exchange ($169 million) than it actually received in U.S. military assistance grants. Given the development of the economy, some senior Koreans believe that within a few years the country will cease receiving U.S. military aid and may even begin paying part of the costs of U.S. troops stationed here, as is done now by West Germany. The end of aid and the beginning of payments presumably would reduce potential U.S. congressional leverage on the issues of human rights and repressing internal policies.

The 40,000 American troops remaining here are unimportant in the manpower scale when compared to the vast numbers of armed Koreans on two sides. Despite all the talk of rigorous infantry training, only about one-third of the Americans are combat forces. Most U.S. troops are assigned to logistical and headquarters duties. When I made an extensive tour of U.S. forces here two years ago, I found that many of them had little or nothing to do.

U.S. warplanes have a major role in compensating for North Korea's airpower advantage over the South, but this is to some extent a planned imbalance. The U.S., heavily committed to Seoul, maintains the imbalance in order to keep some control of the South Korean military situation.

The real importance of American troops is political and strategic. They are "trip-wire"—a virtual guarantee that the U.S. will be quickly involved in any major Korean conflict. The extensive stockpile of U.S. nuclear weapons here—reported to number well into the hundreds, including bombs, artillery shells and buried nuclear land mines—are a clear and present threat against the North. But should they ever be used, the world would be plunged into its first "tactical nuclear war" which would greatly increase nuclear proliferation and bring dangers beyond imagination.

MUST WAR COME?

Given the nature of the Korean people, the two regimes and their economic and military strengths, what are the chances of armed conflict sometime within the next few years? A sensitive observer here would have to say that today the chances seem reasonably good. The situation is fluid. Koreans are unpredictable. Tension in Korea can be dangerous because Koreans, under certain circumstances, can be explosive people.

The "scientific methods of aerial observation" mentioned to me by Park are said to disclose a gradual forward repositioning and build-up of North Korean forces near the 38th parallel. This could be either for defensive or offensive purposes—but appears to be more likely offensive. Recently South Korea has reinforced and repositioned its military power in forward areas north of Seoul.

The possible lightning strike which worries Park and the U.S. command would require a lightning response. Korea is thus a hair-trigger from explosion at any time. It might all happen so fast, or by such contrivance, that the U.S. might for a long time be unable to learn who did what to whom.

While recognizing the dangers, reason impels one to believe that the worst will not occur. Kim Il Sung has built a showcase capital in Pyongyang with wide boulevards, attractive parks and amenities for the people. He is building his country's industry. He has much to protect and defend. To take the chance of losing it all within a few hours in order to gain a devastated South would seem irrational beyond the scale of human thought.

Park has even more to lose because Seoul is so very vulnerable. Park benefits internally from tension, but the real thing would be a disaster. Just as Kim Il Sung probably cannot fight a long war in the South without Soviet or Chinese help—and thus must have their concurrence—so—Park could not fight a long war in the North without the American logistical tail and U.S. acquiesence.

Korea is one of the world's danger spots because major strategic interests of the United States, China and the Soviet Union overlap in this peninsula. These powers have conflicting and even irreconcilable interests in many respects, but right now they seem to have a common interest in averting an outburst in Korean which could cost each of them more than it could gain.

American and other diplomats in Peking believe China told Kim Il Sung on his recent visit to be cautious at least for the present. The Russians wouldn't even see Kim, and the fratenal Communist leader flew many hundred miles out of his way to avoid Soviet airspace on his way to Eastern Europe. But diplomats with contact in Pyongyang expect Kim to go to Moscow sometime within the next two months.

Over the middle distance the great powers may have less community of interest and also less influence on their heavily-armed Korean clients. And unless some solution or modus vivendi can be found, tension will persist and the dangers of accidental or deliberate explosion will wear away at the actuarial tables.

Until now the powers have given little priority to constructive discussion or even consideration of Korea, except for an occasional backroom dialogue and at least one accommodation with respect to the complex Korean question at the U.N. The priority for consideration may be upgraded now, but for a big power agreement on the long-term future in the peninsula seem slim.

When American withdrawal from Thailand, is completed a few months from now, South Korea will be the only U.S. military foothold on the mainland of Asia. In the wake of the Indochina collapse, the United States has redoubled its verbal commitments to Korea and substantially upgraded its threats of counterstrike should the North move. But a U.S. trip-wire posture involving two unpredictable Korean states, nuclear weapons, the fate of Japan and the strategic interests of China and the Soviet Union seems much too risky for permanent policy. About the best thing that can be said for it is that any sudden change could be even riskier.

South Korea is a creature of the United States to a greater degree than any faraway state in the world. Dean Rusk drew the line on the map. The U.S. kept the line intact by suppressing Korean leftists and installing a conservative separatist power in the immediate aftermath of World War II. The U.S. arranged to breathe legitimacy into the Southern regime through UN-supervised elections in the South only. The U.S. prevented the South from being annexed by Kim II Sung in 1960, at enormous cost all round. The U.S. brought the country back from rubble with economic aid, built its armed forces with military assistance and provided most of the markets and capital for Korea's economic takeoff.

That the U.S. has responsibilities in Korea and its people is evident. The question is how those responsibilities can be harmonized with Korea's past and future, with U.S. national interest and with what the American public will support over a long period of time. This question has hardly begun to be addressed here or in Washington.

In the meantime, the situation in Korea and by extension the peace of Asia and the world will continue to rest to a remarkable extent on Korean leaders who have their own interests and inclinations. Hang on to your hat. Korea is a land of surprises.

POSITION OF HEW ON S. 963, ADMINISTRATION OF DES TO ANIMALS

Mr. HUGH SCOTT. Mr. President, at the request of HEW, I ask unanimous consent to have printed in the RECORD a copy of a letter to me from Secretary Weinberger and a factsheet on S. 963, a bill to prohibit the administration of diethylstilbestrol—DES—to any animal intended for use as food and for other purposes.

There being no objection, the letter

and factsheet were ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C., *July 11, 1975.*

Hon. HUGH SCOTT,
Minority Leader, U.S. Senate, Washington, D.C.

DEAR HUGH: There is before the Senate, S. 963, as reported by the Committee on Labor and Public Welfare, a bill "To amend the Federal Food, Drug, and Cosmetic Act to prohibit the administration of the drug diethylstilbestrol (DES) to any animal intended for use as food, and for other purposes."

This Department has generally opposed the enactment of piecemeal legislation taking action on specific substances when broad statutory authority for administrative action already exists. However, in a letter to the Committee dated April 22, 1975, we did not object to those provisions of S. 963, as introduced, which prohibited the administration of DES to animals. The Committee bill revised the amendment to the Act which deals with the use of DES in animals. The original provision would have banned the administration of DES, i.e., provided a remedy against the farmer or feed-lot owner who administered DES to his livestock. As revised, the bill merely prohibits the introduction or delivery for introduction into interstate commerce of DES for purposes of administering the drug to animals. While this would merely provide a remedy against sellers of livestock products, the bill would not allow action to be taken against those administering DES to animals.

However, the Department strongly objected to the one-year moratorium on the use of DES as a postcoital contraceptive, proposed in S. 963 as introduced. We noted that this is a matter still under review within the Food and Drug Administration and involves a drug which currently satisfies the criteria for drug safety and efficacy for this use, prescribed in the Federal Food, Drug, and Cosmetic Act. The original bill would have thwarted FDA's efforts to put into effect a comprehensive set of requirements to enable the safe and effective use of DES for postcoital contraception. As we noted in our April 22 letter, even if the bill were enacted, DES would remain available on the market for use as replacement therapy in estrogen-deficient states and for treatment of certain cancers, and thus it is important that FDA continue to be able to require special packaging and labeling (including a patient leaflet containing sufficient warnings) to better assure proper use of DES in postcoital contraception.

Section 2 of the reported bill on the other hand, amends section 502 of the Federal Food, Drug, and Cosmetic Act to deem misbranded any drug containing DES unless its label bears a prescribed warning statement and unless certain other specified requirements are met. These labeling requirements would apply to all uses of DES. The proposed label warning requires a statement ("WARNING THIS DRUG MAY CAUSE CANCER") which is scientifically misleading and may unduly alarm patients since it does not require a brief statement of what is known of attendant risks of developing cancer. The additional requirements that the label state that "THIS DRUG MAY NOT BE USED AS A CONTRACEPTIVE AFTER SEXUAL INTERCOURSE . . ." would have to appear on all DES, wether or not the drug was intended for the use in postcoital contraception. As noted in our letter, DES can be used for several other purpose such as estrogen deficiency and for treatment of certain cancers.

In prescribing a specific labeling warning, the bill can be read as superseding the FDA's proposed patient leaflet for use of DES as a postcoital contraceptive, which would provide patients with much more detailed information, including some information not provided by label warnings prescribed in the bill. For example, the patient package insert provides the patient with information explaining that DES should not be taken if the patient is already pregnant, as such usage exposes the fetus to an unnecessary hazard.

This label warning suggests to patients that it is unlawful to use DES for postcoital contraception in cases other than rape or incest or comparable medical emergencies because of its wording "THIS DRUG MAY NOT BE TAKEN . . ." (emphasis added). The bill does not provide penalties for patients who use, nor physicians who prescribe it or pharmacists who dispense it, for ordinary cases of sexual intercourse not involving rape, incest or comparable medical emergency. Unless Congress intends to subject these individuals to possible criminal prosecution, there is nothing in S. 963 which would achieve the purpose of prohibiting the use of DES in such routine cases.

The bill would provide patients or their legal guardians to sign a written consent to use DES (for postcoital contraception or any other use). Such informed consent would have to be sent to FDA at least four times a year along with prescription scripts. The purpose of this reporting system is unclear. It is possible that this reporting system is designed more to discourage use of DES by applying an onerous paperwork burden on physicians than to increase the likelihood that the required informed consent forms are, in fact executed. Another possible intent is to enable the Agency to have access to signed copies of the consent forms and to obtain statistics on the incidence of the use of DES for postcoital contraception. If this is the case, these forms should include information on the circumstances under which the drug was prescribed. It should be noted that there is a potential for stigmatizing patients by categorizing the sexual incident which preceded the use of DES. Also, the implementation of a system making use of the statistics collected would require FDA to allocate limited resources from other programs.

We believe that the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research is an inappropriate body for addressing the substance of informed consent forms for therapeutic uses of DES.

The Department therefore strongly opposes enactment of section 2 of S. 963 which provides labeling requirements for DES.

Title II of S. 963 would statutorily establish the Food and Drug Administration (FDA); create the positions of FDA Commissioner, Deputy Commissioner, and General Counsel as Presidential appointees with the advice and consent of the Senate with five-year fixed terms, and vest specific statutory authority for carrying out the Federal Food, Drug, and Cosmetic Act in the FDA Commissioner rather than in the Secretary of HEW, who now delegates such authority to the Commissioner.

We view the practice of vesting authority at subordinate levels as inconsistent with the basic accountability of the Secretary of Health, Education, and Welfare for the effective administration and coordination of all programs within this Department. Although we believe that no useful purpose is served by establishing FDA in law, and by statutorily mandating a Presidential appointment with Senate confirmation of the FDA Commissioner, we would nevertheless not object to such provisions. However, we do oppose specifying the term of the appointment to be five years. The concept of a fixed term could create potential problems of the accountability of the FDA Commissioner to the Assistant Secretary for Health and the Secretary of HEW.

Similarly we oppose the establishment of the FDA Deputy Commissioner and General Counsel as Presidential appointments with Senate confirmation and five-year terms. The Presidential appointment of lesser officials, with resulting grade inflation, is unnecessary and undesirable. As we have already mentioned, such fixed terms would result in diminished internal accountability and responsibility among key agency officials. We also oppose the provision which would permit the establishment of twenty-five supergrade positions in the FDA as being inconsistent with the Department's responsibilities to manage the utilize of such positions in all of our programs.

We are advised by the Office of Management and Budget that there is no objection to the presentation of this report and that enactment of certain provisions in S. 963 as stated above would not be consistent with the Administration's objectives.

Sincerely,

_____,
Secretary.

HEW POSITION ON S. 963 AS REPORTED

Title I of S. 963 would ban the use of DES as an animal growth promotant and place some restrictions on its use as a postcoital contraceptive. Title II of S. 963 would establish the Food and Drug Administration (FDA) as an independent agency within the Department of Health, Education, and Welfare (HEW) and make the Commissioner, Deputy Commissioner, and the General Counsel Presidential appointments subject to Senate confirmation.

TITLE I

Concern about DES is understandable. It is a potent drug and its use should be carefully controlled.

DES in animal feed

The FDA has attempted to administratively ban the use of DES as a growth promotant in animals. The ban was overturned by the courts but only on procedural grounds. The FDA currently has sufficient authority to ban this use of DES, and it intends to pursue this action. We recognize, however, the intense interest of Congress in this matter and if the Congress decides that it should legislate this matter, DHEW would have no objections to prohibiting the administration of DES to animals. The reported bill, however, amended this provision to merely prohibit introduction of DES into interstate commerce and does not provide a remedy against farmers or feedlot owners.

DES as a postcoital contraceptive

The FDA, after careful consideration, has concluded that the use of DES as a postcoital contraceptive in emergencies is safe and effective. The FDA has established a rigorous control system including informed consent to assure that DES for this indication cannot be misused. There is no evidence to date which indicates any detectable risk of cancer to individuals taking the drug for this use. The FDA has sufficient authority to control the proper use of this drug, and we therefore oppose setting into legislation the mechanisms described in S. 963. We believe it is inappropriate for Congress to enact narrow legislation on a specific product. Such action can inhibit the present or future beneficial use of a drug and thus is not in the best interest of the public.

TITLE II

S. 963 would statutorily establish the Food and Drug Administration and make the Commissioner of FDA a Presidential appointee subject to Senate confirmation. Although we believe no useful purpose would be served by either provision, we do not object to these provisions.

However, the Department opposes those provisions of Title II which would establish

the Deputy Commissioner and General Counsel of FDA as Presidential appointees. Such appointments of lesser administrative agency officials is unwise and could result in diminished internal accountability and responsibility among key FDA officials.

The Department opposes the provision that would statutorily provide 25 supergrade positions in FDA and the provision to set a fixed term for the Commissioner.

Title II would vest authority for carrying out the Federal Food, Drug and Cosmetic Act in the FDA Commissioner rather than the Secretary of HEW. We oppose this provision as inconsistent with the basic accountability of the Secretary to administer the programs of the Department.

HOUSING FOR THE ELDERLY

Mr. CLARK. Mr. President, housing is one of the major concerns of all older Americans—if only because it is their No. 1 cost. Many older people's homes have grown too old or too expensive to keep; apartments have deteriorated, and many stand in need of repairs.

It is estimated that as many as 6 million elderly people could be living in substandard housing right now, and in most parts of the country there are people on the waiting list for every existing unit of elderly housing. In January 1973, President Nixon placed a moratorium on all housing programs, failing to take account of the proven success of housing programs for the elderly. As a result, Congress approved the Housing and Community Development Act of 1974, including a revised section 202 housing program to enable eligible sponsors to build specially designed, subsidized housing for the elderly.

Under this program, the Secretary of Housing and Urban Development can borrow up to $800 million from the Treasury. This money, in turn, can be loaned to eligible sponsors of housing for the elderly or handicapped. Loans are to be made to sponsors at the prevailing Government interest rate, plus an additional amount to cover administrative expenses.

The legislative history on this particular housing program is very clear. However, there has been a lackluster performance by the administration in implementing the program. Final regulations for it still have not been published, and the regulations that were published in the Federal Register for public comment have not met with approval in Congress or within the national organizations representing older Americans.

Because of this, the Senate Special Committee on Aging has held 2 days of hearings, chaired by Senator HARRISON WILLIAMS, the author of the new 202 program. Those hearings have provided a great deal of insight into the problems encountered in getting the 202 program implemented. And as a result of the hearings, the 202 housing program hopefully will be given the highest priority by the Secretary of Housing and Urban Development. Certainly, this kind of action is long overdue.

Mr. President, Barry Zigas—a writer with the Housing and Development Reporter—has written two articles about the controversy that has arisen over this elderly housing program. These articles appeared in the Washington Post on June 21 and June 28. They are very informative and, in my opinion, fairly and completely outline the difficulties between the Congress and the administration.

I ask unanimous consent that these two articles by Mr. Zigas be printed in the RECORD.

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

LOANS CREATING POLITICAL DEBATE

(By Barry Zigas)

A major fight over national housing policy is brewing between Congress and the Ford Administration over implementation of a $215 million direct federal loan program designed to provide bargain financing to nonprofit sponsors of low-cost housing for the elderly and handicapped.

Proposed regulations issued by HUD to guide the Section 202 direct loan program have become the center of a growing controversy involving the agency, Congress and representatives of 13 million older Americans.

At issue is an administration attempt to circumscribe the Section 202 loan program's scope by changing it from a combination construction and permanent financing device to one which provides interim funding only. In addition, HUD is tying the program to participation in its new (and untested) Section 8 leased housing assistance program, enacted last August.

Potential users of the loans say that the changes are designed to sabotage a program which has never been favored by either this administration or its predecessor.

HUD, however, maintains that the program has been restructured to make it more, not less, usable by coordinating it with the new leasing program, which also relies on private financing for the construction of new, subsidized units.

The Section 202 debate is yet another engagement in a national battle between those who feel that America's low and moderate income housing needs are best met through federally-subsidized construction of new units and the administration, which remains convinced that such subsidies are wasteful. Instead of committing federal assistance to particular buildings the government argues that national housing policy should provide funds to people in the form of an allowance, or rent supplement, which they could use in any housing they choose.

The new Section 8 program is modeled on this theory and it is the basic reasoning behind the administration's present stance on Section 202.

The direct loan program was created in the Housing Act of 1959. It provided construction financing and 50-year permanent loans at 3 per cent interest to nonprofit and limited dividend sponsors of housing for low and moderate income elderly and handicapped consumers. In ten years, about 45,000 units of new housing were constructed with its assistance. In the same period, only one of the approximately 300 project loans was foreclosed, making the program the undisputed champion of federal housing programs from an underwriter's point of view. And 1,155 of these section 202 dwellings are in the Metropolitan Washington area in seven separate projects. Two are in the District, four in suburban Maryland and one in Reston, Va.

According to the National Capital Housing Authority, at least that many more could be filled tomorrow with eligible tenants. There are 2,256 single, elderly persons now on the public housing waiting list in D.C., as well as 50 elderly couples.

In 1969, however, the administration announced that the Section 202 program would be discontinued. Implementation of the new, Section 236 rental assistance program, HUD argued, made the older program obsolete.

Under Section 236 of the National Housing Act, enacted in 1968, lenders received direct federal payments on behalf of nonprofit and limited dividend borrowers. This reduced the debt services on project loans to between 1 and 3 per cent.

Another, and more basic reason for the administration's decision to phase out Section 202, however, was its opposition to the direct loan approach. While the costs of the Section 236 program were spread out over 40 years and paid in small increments which showed little year-to-year impact on the federal budget, the Section 202 program's direct loans represented an annual drain of significant proportions.

The program's supporters argued that whereas the debt service subsidies were nonrecoverable, the elderly housing loans were eventually returned to a revolving fund, with interest. The program's track record left little doubt that this contention was, in fact, true.

The administration, however, despite repeated congressional directives indicating continued support for the program, kept it on ice and forged ahead with the ill-fated interest subsidy approach.

In January, 1973, this program was halted, along with all other federal housing subsidy programs. President Nixon told Congress in September of that year that a major review of housing policy had concluded that the interest subsidy approach was extravagant, and inequitable, benefiting only a small slice of the population, and not even those most in need of the assistance.

Then-HUD Secretary James T. Lynn argued that the program was expensive, outdated and contrary to the administration's push for a new leased housing approach modeled with housing allowances.

While Lynn, who won a reputation of his smooth handling of Congress during this hectic period, won on nearly every other critical issue, he was defeated on Section 202. The combined Section 202.

To meet some of Lynn's objections, however, Congress in the Housing and Community Development Act of 1974 modified Section 202 so that the loans would be made not at 3 per cent interest, but at a rate equal to the prevailing cost of similar Treasury borrowings, plus some HUD-determined fee for administrative expenses.

In addition, Section 202 projects were made eligible for subsidy payments under the Section 8 leased housing program, enacted in the same legislation, providing a link between the construction and rental subsidy programs which Lynn had said was absolutely essential.

A total of $800 million in loan authority was authorized for the program.

Following enactment, however, Lynn put the Section 202 program on the back burner.

FOR LOW-COST UNITS—SPONSORS COOL TO LOAN PLAN

(By Barry Zigas)

Federal implementation of a direct, bargain loan plan for construction of low-cast housing for the elderly and handicapped has raised a storm of protest from the prospective borrowers it was supposed to benefit.

This constituency—mostly non-profit labor, church and service organizations interested in sponsoring housing—contends that changes by the Ford administration in the Section 202 direct loan program have rendered it all but useless.

The Department of Housing and Urban Development, meanwhile argues that the revised program has been altered to make it more equitable. It also has been modified to comply with the current government shift away from production subsidies tied to par-

ticular buildings toward a modified form of housing allowance.

The Section 202 program, originally authorized in the Housing Act of 1959, provided financing of up to 50 years at 3 per cent interest for housing for the low- and moderate-income elderly and handicapped.

Amended by last year's Housing and Community Development Act, the program now provides direct federal loans at a higher rate, equal to the cost of comparable Treasury borrowings, plus a HUD-determined fee for administration.

Under the administrative changes proposed by HUD, the loans would be available only for the construction phase of a project's development, and only in cases where private commitments of permanent financing had already been obtained, and where the new—and untested—Section 8 leased housing assistance program will be used to further subsidize the final units.

These new regulatory changes emerged in mid-May, five months after former HUD Sec. James T. Lynn announced to the National Association of Home Builders that he was ordering implementation of the program, whose extension in the 1974 housing act he had bitterly opposed.

His change of heart had been forced by the concerted lobbying of potential sponsors, who have had no direct loans since 1969, when the program was phased out in favor of the now-discredited Section 236 rental assistance program.

HUD's new course, steered by Sec. Carla A. Hills, may also be altered as the result of strong lobbying by groups that claim to represent between 12 and 13 million senior citizens.

John B. Martin, legislative consultant to the National Retired Teachers Association and the American Association of Retired Persons says the new HUD regulations "neither offer non-profit sponsors an adequate opportunity to build under the designed program, nor establish an administratively viable program that will provide quality housing for older Americans."

HUD had changed a hugely successful one-window direct loan program into a three-window operation that was hopelessly complicated and costly for nonprofit sponsors, Martin told the Senate Subcommittee on Housing for the Aged recently.

He and other witnesses testified that such limited-budget sponsors can't afford to prepare applications for Section 8 assistance, with their attendant architects' drawings and plans, although his had to be done to meet the requirements for Section 202 construction financing.

Even if they could, the witnesses said, permanent financing was all but unavailable because of the special provisions of the leasing program.

Under Section 8, HUD signs a contract to provide housing assistance payments on behalf of tenants for a period not exceeding 20 years when private financing is used. The funds are used to make up the difference between 15 to 25 per cent of the tenant's income, and a HUD-approved rent.

Most lenders, builders and nonprofit sponsors alike have charged, aren't willing to extend 40-year financing with only a 20-year assurance of federal subsidies.

A logical alternative is HUD-FHA multifamily mortgage insurance. But the witnesses pointed out that lenders are charging too many points these days for making federally-insured loans. The extra costs involved here would negate any value the combination Section 202/Section 8 program had to begin with, they said.

These complaints were echoed in comments submitted to HUD through public review of its proposed regulations. Most called for implementation of permanent lending under Section 202, and asked that processing of the applications be done by specialists at the regional office level, not in the area offices as proposed by HUD.

HUD, in an attempt to defuse the criticism, is considering lending low-cost seed money to potential sponsors for financing front-end costs.

The reaction from sponsors to this peace-offering was hostile. While saying that they welcome any additional help they can get, the sponsors are adamant about having some guarantees of low-cost permanent loans.

In their own compromise move, they have suggested that instead of making direct, 50-year loans as provided in the statute, HUD should agree to purchase HUD FHA-insured loans at par, or their original value, thereby finessing the whole issue of points charged by lenders. This could be accomplished through the Government National Mortgage Association (GNMA), a wholly-owned subsidiary corporation within HUD designed to provide such secondary market aid.

The administration, however, is balking at this, claiming it would be a "double dip" subsidy. The administration has opposed builder-developer demands for the same arrangement on regular Section 8 loans.

Resolution of the conflict may lie in Congress, and it is there that the program advocates have made their most impressive inroads.

Sen. Harrison Williams (D–N.J.), a longtime fan of Section 202, threw his support behind the sponsoring groups at the June 6 hearings of this subcommittee. He was joined by Indiana Democrat Vance Hartke and Sen. Charles R. Percy (R–Ill.).

In the House, meanwhile, Minority Leader John J. Rhodes wrote HUD Sec. Hills urging that the entire Section 202 program be implemented immediately. Siding with the sponsoring groups in a rare break with administration policy, Rhodes called on Hills to provide not only seed money through Section 106, but also permanent loans, either directly or through GNMA.

The House Appropriations subcommittee on HUD, meanwhile, has set aside $300 million for the program for the first year starting July 1.

Clearly, HUD is surrounded on all sides. As one program advocate said, "the bid folks are killing these congressmen with mail. It's not like the other subsidy programs, where critics can say they're all on welfare, or chiseling the government. After all, how can you be against old people who need housing?"

HUD argues that that's not really the issue, that Section 8 by itself will provide plenty of housing for the elderly at reasonable rents. But given the administration's dismal record over the last two years on promised subsidized housing production, the "old folks" aren't likely to be convinced.

And with an estimated need of more than 100,000 units per year, the sponsoring groups say the legislation is not really the right answer anyway. Even Hills has testified in Congress that Section 8 isn't likely to produce more than 40,000 new unit reservations this fiscal year, and not more than 90,000 new ones next year.

MSGR. CLEMENT J. BUSEMEYER

Mr. TAFT. Mr. President, it has come to my attention that Msgr. Clement J. Busemeyer, who has been the parish priest at St. Joseph Church, in Cincinnati, for many years, has just retired from that parish.

Father Busemeyer has been an outstanding citizen and leader of the community for many years, and he will be sorely missed by his parish and by the city.

I join with his many friends in congratulating him on his many years of able service and I ask unanimous consent that an article from the Cincinnati Enquirer of June 26, 1975, be printed in the RECORD.

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

PARISH BINGOED WHEN FATHER BUSEMEYER CAME TO STAY IN '46

(By Barb Zigli)

When the Rev. Clement J. Busemeyer arrived at St. Joseph Church in 1946, the parish was about $60,000 in debt.

Its school population was nearly all white, although the neighborhood, the West End, was nearly all black.

To solve the financial problems he started a bingo game which has been going strong ever since.

He also integrated the school. "I let the news out that we would accept colored children, and they came in droves," he recalled.

After almost 30 years at St. Joseph, Monsignor Busemeyer, 65, retired Friday.

"He doesn't make a lot of noise, but he's always in the background doing things for people," said Mrs. Zemrhue Stratton, a parishioner who was Monsignor Busemeyer's housekeeper for 15 years and a church volunteer for 25 years.

"He's devoted to the neighborhood people, whoever they've been," added Jim Shea, editor of the Catholic Telegraph. Monsignor Busemeyer was business manager of the paper before he was assigned to St. Joseph.

Mrs. Bertie Domineack, principal of St. Joseph School, agreed the white, aging priest gets along well with the West End community. During the riots in the 1960s, she said, the church and school were never touched.

"He's responsible for quite a few black children getting scholarships from the archdiocese (Roman Catholic Cincinnati Archdiocese)," she explained.

He also appointed Mrs. Domineack, formerly the parish secretary, to her post. "I'm the only black principal in the archdiocese. He was the first to do it," she said.

One of Monsignor Busemeyer's first moves when he was appointed church administrator in 1946 was to start a bingo game. "We started on a Monday night," he recalled. "We were partners in the one at St. Henry's, but that wasn't keeping us alive.

"Then we started another bingo on Saturday nights, and between the two, it soon enough got us out of debt. We've been going great guns ever since."

The money helps support the church and school. "My successor will have no financial problems," Monsignor Busemeyer said.

The church now runs one weekly bingo on Saturday nights, and it attracts 1300–1500 people and brings in about $6000 a night, he said.

About 15 years ago the city wanted to widen Linn Street, so the old St. Joseph Church had to be torn down. "They thought I'd maybe go for $200,000 (for the building), but with the windows from Germany and Austria, I got them up to $450,000," he said proudly.

"I asked what they were going to do with the stained-glass windows, and one of the men said, "Oh, we'll probably save the lead," Monsignor Busemeyer recalled. He was able to save the old windows to put in the new church, dedicated in 1963 at 745 Lincoln Park Dr.

Monsignor Busemeyer, who became pastor of St. Joseph Church in 1949, started a successful kindergarten program in September, 1946. Once a month the church has a program for old people—a meal, birthday recognitions, free bingo and gifts. "It's some-

thing that keeps you in touch with your neighborhood," he explained.

"The old people really love him," Mrs. Domineack said. "He's not as modern as some people might want it in the way he says Mass, but the old people like it."

"He has a great respect for them."

Monsignor Busemeyer said he seldom has a problem finding volunteers to help the church. "In suburban parishes you may have a hard time getting people to work for you. I don't have any trouble."

Friday he became "pastor emeritus." Taking over the parish are the Rev. Neil Keller, with the Rev. William Cross as assistant.

CAPTIVE NATIONS WEEK

Mr. BURDICK. Mr. President, as we all know, July 13–19 has been designated Captive Nations Week ever since President Eisenhower first proclaimed this observance in 1959. While in the past we have devoted much comment and serious thought to those patriots all around the world who fought for the noble cause of freedom and failed, I believe this year—our Nation's 200th year—it is also appropriate to use this occasion to contemplate, celebrate, and affirm those freedoms which we in the United States enjoy.

One needs only read the Declaration of Independence or the Gettysburg Address to rediscover the tingles in the spine which highlight our special brand of American patriotism. It is throughout our 200 years that our commitment to these high and noble ideals has grown providing not only greater personal freedoms here at home, but also inspirations for greater self-determination for developing nations all around this globe.

We must contemplate those nations which have been subjected to the tyranny of foreign domination over the years, but we must not avoid those peoples within our own Nation which also have yet to achieve full equality and freedom. It has always been America's unique strength to not only look outward and preach, but also to look inward and change. It is with this thought in mind that I commend Captive Nations Week to each and every American as a time for serious thought and prayer.

THE DISCOVERY RULE

Mr. ROTH. Mr. President, the House of Representatives recently completed action on its reform of the Federal Rules of Criminal Procedure by passing H.R. 6799. One of the rules amended was 16(a)(1)(E), the discovery rule. The amendment would require the Justice Department to provide the defense on request, 3 days prior to criminal trial, with a list of the names and addresses of the witnesses whom the Government plans to have testify against the defendant. Present procedure calls for judicial discretion in allowing criminal discovery.

I join the Justice Department in opposition to this proposal. Many witnesses, especially in cases pertaining to organized crime, would refuse to testify if they were denied the protection of anonimity before trial. Furthermore, in cases dealing with violent crime, particularly when the defendant is free on bail, witnesses feel the need for the insulation provided by the present discovery procedure. In Delaware alone, the U.S. attorney's office believes there have been several attempts at witness intimidation, through actual violence, or through threats against the safety of the witness, or the witness' family. I am informed that terrorization of witnesses is common practice when organized crime, or violent criminals have been able to ascertain in advance of trial the identity of the witnesses to testify against them.

No doubt the House believed that the denial of discovery until 3 days before trial would provide sufficient protection for witnesses. I fear it shall not. In the course of criminal litigation, continuances, or postponements of the trial are frequently granted for any number of legal and valid, though sometimes technical reasons. Once the defense, by taking advantage of the proposed new discovery process, has learned who will testify against it, a continuance, for whatever reason granted, would gain all the time needed for intimidation.

The Senate Judiciary Committee is currently considering various recommendations on the reform of the Rules of Criminal Procedure, and action by the full Senate is expected soon. For Congress to compel the Justice Department to hand over a list of the names and addresses of Government witnesses, thereby heightening the chance of witness intimidation, or worse, would be irresponsible. I will not lend my support to such an ill-considered plan.

A GREAT AMERICAN

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the RECORD a story published in Spokane, Wash., in The Falls magazine, about a great American, a former Member of this body, C. C. Dill.

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

ALWAYS A DEMOCRAT—C. C. DILL

(By Paul Swift)

I was born down in Ohio. My father was a great Democrat. I was born in 1884, the year they elected the first Democratic president—Cleveland—since the days of Buchanan.

In those days the assessor took the population at the same time, in the fall. My father was over on the hillside husking corn (my mother told me the story). The assessor went over there and asked him how many hogs, horses, cows and so on. And he said, "I'm taking the census too; got any additions to the family?"

"Yes," my father told him, "I got a boy, born in September. Name's Clarence—Clarence Dill." "Hasn't he got a middle name?" the assessor asked. My father stood there a minute and then said, "Call him Cleveland! That'll give him 'C.C.' and he'll always be a Democrat."

Ninety-one years a member of the Democratic Party has got to be some sort of a record—and an active member at that. Clarence Cleveland Dill has known 12 and worked under five of the 14 presidents elected since that autumn he received his first cornfield baptism into politics. From 1914 to 1918 he served as U.S. Congressman from Spokane—counting Champ Clark, Sam Gompers and Uncle Joe Cannon as his friends. In 1922 he was elected U.S. Senator against heavy Republican opposition from every quarter.

Air and water became the political staples of his two terms in the Senate. As Chairman of the Commerce Committee in 1927 he wrestled with the newly emerging commercial uses of air: radio, telegraph and telephone. Dill wrote the nation's first Radio Law, because, as he puts it, "no one else was interested or knew anything about it." He also saw to it, in those early days of radio, that the Commission reserved a "proper number of channels for public use."

Referred to as "the radio expert of the Senate," Dill was ready by 1933 to take on more air: regulation of the American Telephone and Telegraph Company. He formulated the legislation creating the Federal Communications Commission. Opposing ATT executives and supporters, Dill fought the rate-fixing bill through the Senate and (with the help of friend Sam Rayburn) the House. Roosevelt promptly signed the bill.

Water, though, was Senator Dill's principal interest. The Columbia River, to be exact. Ever since the early 1900's, folks had contemplated irrigating the arid country spreading three million acres in north central Washington. The presence of one of the world's most powerful rivers winding its way through that rich but dry land seemed irresistibly suited to man's intervention.

Plans abounded. The Washington Water Power Company and the Spokane newspapers advocated a dam at Albeni Falls in the Pend Oreille River with a canal running from north of Spokane to the Columbia Basin. Rufus Woods, editor of the *Wenatche World*, agitated for a dam in the Columbia River itself at Grand Coulee.

Dill rapidly became interested in the Columbia Basin project and during his 1922 Senatorial campaign boasted himself as "the man to irrigate Columbia Basin lands and build the great Grand Coulee dam to produce low cost electricity for the whole Northwest." He later exacted a promise from then-Governor Roosevelt that if he were ever elected President he would see to it that the Grand Coulee Dam was built.

Dill worked diligently for Roosevelt's nomination and election and then pressed the President even more diligently for the dam. Hounded by Dill, Roosevelt finally ordered the WPA to allocate $63 million to start work on the dam.

Senator C. C. Dill returned to Spokane a hero—even in the six-column headlines of the *Spokesman-Review* which had fought him ever since he entered politics. 15–20,000 people surrounded the Great Northern station to greet "the Father of Coulee Dam" and to cheer the man they had only 15 years before ridiculed, branded a traitor and run out of office for his vote against the U.S. entering the Great War.

Dill retired from the Senate in 1934, his "work done." He opened up law offices in Washington, D.C. and Spokane, became a public utilities lawyer and expert and made a fortune in the process. Forty years later he still maintains a law office in downtown Spokane and still assiduously follows politics—especially Democratic politics.

Former Senator C. C. Dill would be the first to admit he feels darned good about himself, about his life. Talking with him and reading his autobiography, *Where Water Falls*, I felt I was hearing a political fairy tale . . . an Ohio plow-boy dreaming of "going to Congress," a college orator migrating to turn-of-the-century Spokane, a horseback Horatio Alger traveling from farm to farm begging votes, an uncompromising pacifist clear through World War One, "the handsomest man in the Senate" securing funds for the largest dam in the world, a power

expert negotiating water uses between America and Canada, a rich lawyer with a mansion overlooking the city, and now a likable, biblically-calm nonagenarian looking back on his life as a mission fulfilled.

"Well, how are you doing today, Mr. Dill?" I said entering his office recently. He stood up and leaned over his crowded desk and smiled. He was wearing a modish, generous-cuffed suit. He paused and then looked straight at me through his Coke-bottle glasses. "Peaceful," he said, "Peaceful."

About the only regret I gathered Dill had about his long life was that he hadn't met and married Mabel Dickson sooner than he did—at 55 years of age. As much as he enjoyed talking about his career and his role in the development of the Pacific Northwest's natural resources, it was current politics that preoccupied him.

I was just at lunch listening to Brock Adams speak. He's part of this new movement in Congress, a man worth watching. He and Tom Foley, if they live, are going to have one of the big fights this state has ever seen for the democratic nomination for the Senate when Magnuson or Jackson is gone. Brock and Foley are both good men but they're just as different as two men can be.

Dill sat behind stacks of magazines and out-of-town newspapers (there's a tv on his desk, too, and an old-time portable radio on his window sill), and as he talked he slid various articles over the piles to me to read.

The country is in a valley of doubt now. This Ford is an honest man—and that's a great thing in place of Nixon—but I think he lacks imagination of a kind that is necessary in this situation. I don't have the answer and I've lived through depression before. I don't think anyone knows what's necessary.

Dill's health is surprisingly good, except for his failing eyesight. He also rambles a lot—pleasant ramblings, however, through a mind full of anecdotes, ideas, famous people and fishing tales. We talked about Mark Twain for 45 minutes—a favorite of both of ours.

Like Twain, I never have been much involved with organized religion. When I was 10 or 12 the Presbyterian Church did hire me to clean out the church on Sundays and after weekday revival meetings. And I did go to Ohio Wesleyan University—Methodist—but I was mainly there to study under Robert Fulton, the best teacher of public speaking in the United States at that time.

Have you ever read what they call "Jefferson's Bible?" It's worth the time. Jefferson took all the supernatural, the miracles, out of Christ's life; it's titled "The Life and Morals of Jesus of Nazareth." Jefferson was the greatest defender of religious freedom our country has known.

I asked FCC pioneer Dill his opinion of the present-day television industry in general and, in particular, the numerous newspaper-tv-radio monopolies in cities across the country.

The Commission and the courts have failed to do anything about the excessive advertising and violence on television. It will take congressional action. As for the media monopolies, commissions like the FCC depend on appointments. Members too troublesome to the big interests get offered other jobs too good to refuse. It's that simple. The abuses continue.

Take the Cowles family here in Spokane. They've driven out every paper ever in competition with them. I knew the original William Cowles. When I came to Spokane in 1908 I got my first job with the Review, writing editorials. Cowles later called me a radical, fought me and overdid it. In those days the paper stood for things; the Review doesn't stand for anything now.

Even when Dill spoke of his political enemies he revealed little bitterness. "I never personally had any differences with Cowles," he stated in regard to the publisher who adamantly opposed him clear until Coulee Dam appeared on the horizon.

A widower for six years now, Dill has an apartment in Browne's Addition, where he cultivates a garden overlooking the Spokane River. "My work's done now," he told me while we prepared to leave the office together. His housekeeper had called and was on her way to pick him up. He carefully placed his tall, broad-brimmed felt hat on his head and continued talking. "I have no fear of death," he stated resolutely. We turned out the lights and began walking down the hallway.

No, I do not fear death. I don't know what's on the other side but I'm curious enough not to fight it.

I'd just as soon go to sleep as live to 100 or so having strokes and endless operations. If I knew I were going to die tonight, I wouldn't pray otherwise. I'm ready.

Ready or not, Dill shows all signs of living for sometime longer. Despite his personal and physical losses, his spirit is young. "I look to the young people. We have many fine young people in government today. I'm optimistic."

Last October Dill established a $16,000 fund (to be increased at his death), the interest of which pays a cash prize every two years to the best high school public speaker in the 23 counties served by PUD. "The greatest need in this country is training boys and girls to speak clearly," he told me.

In these days of media-maneuvered politics and a steady diet of White House gobbledygook, I'd hesitate to dismiss that statement of Senator Dill's as a naive return to old-fashioned, door-to-door politics. I do not agree with everything Dill's said and done; but looking the "peaceful," strong old statesman in the eyes, I put in with him that a lot of what's "necessary" is to say what we mean and do what we say. Speak clearly. Clarence Cleveland Dill wouldn't have it any other way.

THEY TRY TO STEM A WORLD-WIDE SPURT OF—TORTURE

Mr. ABOUREZK. Mr. President, one is horrified by the many varieties of torture which are being inflicted throughout the world on political prisoners and even on innocent persons for no known reason except to strike fear into everyone. Some in the Senate have begun trying to bring this outbreak of torture to a halt by cutting off U.S. aid to countries who hold political prisoners, by closing the International Police Academy, and by helping individual political prisoners gain asylum.

It is Amnesty International, however, who has been responsible for bringing this torture epidemic to light—by observing and gathering evidence, by seeking publicity, and by stirring diplomatic protest to the employment of torture in so many countries.

Michael T. Malloy has written an article in the July 12, 1975, National Observer about Amnesty International's efforts to stem this practice of torture. I ask unanimous consent that Mr. Malloy's article be printed in the RECORD.

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

THEY TRY TO STEM A WORLD-WIDE SPURT OF . . . TORTURE

(By Michael T. Malloy)

After a while, they disconnected the wire from my finger and connected it to my ear. They immediately gave a high dose of electricity. My whole body and head shook in a terrible way. My front teeth started breaking. At the same time my torturers would hold a mirror to my face and say: "Look what is happening to your lovely green eyes. Soon you will not be able to see at all. You will lose your mind. You see, you have already started bleeding in your mouth". . . .

An epidemic of torture is loose in the world, according to what seems to be the only organization that tries to keep track of such things. Amnesty International in January reported allegations of torture covering the past decade from more than 60 countries, adding 2 nations and 22 more pages to an already thick Report on Torture that it published in 1973.

Amnesty International has about 50,000 members, mostly in Europe, who form small, local groups to "adopt" political prisoners from other countries and work for their release. The world headquarters in London assigns each group three prisoners, drawn equally from the Western, Communist, and nonaligned worlds in an effort to avoid politics. The roughly 2,000 groups, including more than 100 in the United States, have adopted 15,000 prisoners since Amnesty was founded by a group of British lawyers in 1961. About 7,500 of these have been freed, some at least in part through Amnesty's influence.

"It was while working for these prisoners that Amnesty became aware that torture was used in so many of these countries not as an isolated incident but as a matter of government policy," says Ginetta Sagan, who heads Amnesty's efforts in the Western United States. "Often, for every prisoner adopted, we learned of several people who been arrested at the same time, tortured, and released. The documentation on this grew so big that it led Amnesty to begin its Campaign to Abolish Torture."

. . . When they finished with electric shocks, they lifted me up to my feet and several of those I mentioned above started beating me with truncheons. After a while I felt dizzy and could not sleep very well. Then I fainted . . .

Amnesty is curiously alone in this effort. Although ready enough to denounce torture when it's practiced in hostile countries, most nations—including the United States—look the other way when it involves allies. The United Nations General Assembly worried in a resolution last November about an "increase in the number of alarming reports on torture," but the U.N. is even less willing to rock the boat. The founding conference of the Campaign to Abolish Torture was scheduled at UNESCO House in Paris late in 1973. It had to find a new site at the last minute when UNESCO discovered that the conference meant to name countries using torture.

With Hitler and Stalin all too fresh in memory, one may dispute whether more people are being tortured now than before. But with radical terrorists plaguing more and more nations, there may be substance to the contention that more countries now use torture as a conscious tool of government, not merely to force information from captured dissidents but also to frighten the populace from following the dissidents' path.

"Sometimes people are picked up and tortured for no reason at all," contends the Rev. Fred Morris, a former Methodist missionary who was imprisoned for 17 days and tortured last autumn in Recife, Brazil. His captors variously accused him of being a Communist or in the CIA. "I had a student at the university, a girl who was picked up and tortured for three weeks, and the only possible reason was just that she was secretary of the student council. You see, that uncertainty is more effective than if they said, 'Everybody get in line or we are going to torture you.'"

. . . When I came to myself, I found out I was lying half-naked in a pool of dirty water. They tried to force me to stand up and run. At the same time they kept beating me with truncheons, kicking me, and pushing me up against the walls. They then held my hand and hit me with truncheons in my palms and on my hands, each one taking turns . . .

Against the nations that practice or quietly condone torture, Amnesty seems a puny adversary. It sends observers, gathers evidence, seeks publicity, and stirs diplomatic protests. But mostly it nags, nags, nags in a relentless letter-writing campaign by each group for its three prisoners. Writing letters to president, judges, jail wardens, and the prisoners themselves is one of the few concrete things such groups can do. Surprisingly, it can help.

"You never get a response back from Indonesia," says David Weissbrodt of an Amnesty group in Washington, D.C. "But an Indonesian ex-prisoner told us that everybody at the post office knows about it, the prisoners who sort the mail in the prisons also read our letters, and the prison officials all know someone is watching. He said it kept the guards and officials more aware that there were people out there who knew what they were doing and didn't approve. He said it was instrumental in improving their conditions?

ACTION AND REACTION

"You may think that hundreds of letters to the USSR without a reply can't be doing any good," a newly released Soviet political prisoner told Amnesty last winter. "But they are: They present a tremendous embarrassment, a threat to authorities. Only when you stop sending them do the thousands of political prisoners know the bad side of *detente*—when the pressure is off the USSR from outside, it goes on the so-called dissidents inside."

. . . As if all this was not enough, Umit Erdal attacked me and forced me to the ground. I fell on my face. He stood on my back and with the assistance of somebody else forced a truncheon into my anus . . .

Amnesty's research staff of 40 persons in London tries to make sure that prisoners are genuine political prisoners before assigning them to adoption groups. The groups in turn may try to get money to the victim's family, stir up a diplomatic protest, find a country that will offer him asylum, and so on. This opportunity to directly help a flesh-and-blood person has made Amnesty one of the world's fastest-growing civil-rights organizations. It has sections as far away as Nepal, and its U.S. groups tripled—from 35 to more than 100—in the past two years. There are more than 500 groups in West Germany, where Amnesty is so entrenched that an errant motorist may assign his fine to the organization.

A LEFTWARD TILT?

The names on Amnesty's U.S. letterhead range as far to the right as columnist William F. Buckley, Jr. But the membership is more heavily weighted with the kind of person who suspects that the U.S. Government is behind most right-wing torture regimes abroad. Conservatives, including Buckley, had complained before Saigon's fall that Amnesty protested torture by South Vietnam more than by North Vietnam.

Yet Amnesty campaigns vigorously for prisoners in Communist Europe and is largely responsible for telling the world about Russia's use of psychiatric hospitals as prisons and of psychiatric drugs as a form of torture. In trying to limit its allegations to those supported by evidence, however, Amnesty inevitably finds fewer adoptable prisoners in the most rigid dictatorships, where gathering evidence is practically impossible.

"Taiwan is so open that every time Chiang Kai-shek locks somebody up, we find out about it immediately," Amnesty's American legal counsel, Mark K. Benenson, said just before the Chinese leader died. "There may be 200 times as many prisoners in Communist China, but we don't know anything about them. Yet we can't drop the Taiwan prisoners for that reason.

"And most of the really terrible torture stories are coming out of right-wing dictatorships now," Benenson continues. "The Russians are more sophisticated than in Stalin's day. They just starve you to death now; they don't usually hurry you along with a terrific beating except sometimes with the religious dissenters in the Ukraine."

AVOIDING LOCAL CONFRONTATIONS

Benenson, a former U.S. chairman of Amnesty, passes the conservative litmus tests of standing up for the CIA and being a National Rifle Association member. "While there are a lot of left-leaning people in the organization, they know their biases and they make an effort to be straight," he says. "So it leans to the left until someone says, 'My God, we're leaning!' and then it gets jerked back."

. . . As I struggled to stand, he kept on saying: "You whore! See what else we will do to you. First tell us, how many people did you go to bed with? You won't be able to do it any more. We shall next destroy your womanhood" . . .

Besides drawing each group's prisoners from the East, West, and Third World, Amnesty steers away from politics by assigning only foreign prisoners to local groups, thereby avoiding confrontations between members and their governments. American members, for instance, had no voice in choosing the eight blacks and one imprisoned tax resister adopted by several foreign groups as American "prisoners of conscience" (but not as torture victims). This separation from local politics has enabled even a few Russians to dare to form an Amnesty group in Moscow, although several of them have been arrested recently.

TORTURE TERMED "UNTHINKABLE"

An Amnesty adoptee must be in prison for his beliefs, race, or religion, and must not have used or advocated violence. But Amnesty drops these rules to condemn all torture, terming torture as unthinkable as slavery. Its *Report on Torture* rejects the torturer's classic defense—"You have in your hands a man who has planted a bomb in this city and it will go off in four hours"—and warns instead: "History shows that torture is never limited to 'just once'; 'just once' becomes once again—becomes a practice and finally an institution." Ecuador, South Africa, Iran, Uruguay, Russia, Spain, South Vietnam, Tunisia, Brazil, Chile, Egypt, Argentina, the Philippines, Nepal, and Morocco are among the countries from which allegations of torture were reported in just four recent issues of Amnesty's monthly American newsletter or Mrs. Sagan's West Coast edition, Matchbox.

. . . They next made me lie on my back and tied my arms and legs to pegs. They attached an electric wire to the small toe of my right foot and another to the end of a truncheon. They tried to penetrate my feminine organ with the truncheon. As I resisted they hit my body and legs with a large ax handle. They soon succeeded in penetrating my sexual organ with the truncheon with the electric wire on, and passed current. I fainted . . .

Mrs. Sagan got into Amnesty in part because she was captured by the Gestapo and tortured in northern Italy in the last days of World War II. In separate interviews she and Morris both describe two kinds of persons among the torturers.

THE PSYCHOPATHIC TORTURER

"There is a group that obviously is psychopathic," says Morris. "You could tell they enjoyed the screams and the blood."

"The secret police would destroy the dossier of any psychopath in the region of Milan, especially sexual psychopaths, in exchange for their services as torturers," recalls Mrs. Sagan.

So the same threads run through testimony from different times and places. "The use of excrement, for example," says Mrs. Sagan. "Forcing inmates to . . . It's incredible! I saw it myself 30 years ago, and last week interviewing [victims from Chile and Brazil] the same thing was told. And the same things have been reported from Americans imprisoned in Mexico. That has to be a psychopathology of some kind."

CONCEPTS, NOT PEOPLE

But ultimately more dangerous than the sick torturers are the "normal" people whose ability to condone, order, or practice torture makes it all possible. "They are not necessarily bad people, but people who are afraid of disorder or economic insecurity or something," says Mrs. Sagan. "Little by little they come to believe that what the police are doing is good for the country, that anybody who does not agree with the government is a danger to their own personal security.

"They come to see people not as human beings but as an enemy. That's terribly important. They always say 'enemy of the state' and 'enemy of the people.' They are not kicking and burning and raping a person, they are raping an object, an enemy."

. . . A little later, the soldiers outside brought in a machine used for pumping air into people and said they would kill me. Then they untied me, brought me to my feet, and took me out of the room. With a leather strap they hanged me from my wrists onto a pipe in the corridor. As I hung half-naked, several people beat me with truncheons. I fainted again . . .

"The army officers who were responsible for my abduction and torture said the problems of Brazil were caused by international communism and recognized themselves as being on a war footing against it," Morris recalls. "I guess you'd call them superpatriots or McCarthyites. The problems they've had for 400 years in Brazil are caused by international communism, so all means are legitimate to stem the tide. 'War footing': They kept saying that."

THE "NORMAL" TORTURER

If torture can be practiced by "normal" and even idealistic people, then it can't be stopped by blaming bad men and wicked governments. It must be attacked as a threat that can erupt wherever political passions run high. And there is plenty of evidence of the "normal" person's potential to become a torturer:

Volunteers in a New Haven, Conn., learning experiment were asked to give small electric shocks to a second volunteer whenever he answered questions incorrectly. (The second volunteer was really an actor, the electric-shock button didn't work, and the experiment's real object was to test the button pusher's obedience to authority.) Most volunteers allowed the authoritative experimenter to goad them into giving what they thought were more and more dangerous electric shocks even after the actor began to scream and plead for mercy.

Stanford University students were screened for emotional normality and given roles as guards and prisoners in a mock jail. The two-week study was aborted after six days because it generated so much abuse and petty cruelty among the volunteers.

In one of the few torture cases that Am-

nesty reports from a European democracy, Belgian commandos—carried away by a NATO war game—tortured fellow Belgian soldiers from the "enemy" team with beatings and electric shock for 24 hours.

THE HIDDEN POTENTIAL

"If you are an authoritarian system, and convinced that it's for a just cause, and someone else will take the responsibility, I think normal people can be made to do it," Morris says of the torturers. "The guys who were giving the orders, like Major Maia, treated me very nicely after the real bloody part was over. He wanted to talk about the United States and practice his English, yet he was the guy giving the order for beating me and starving me and giving me electric shocks. If you met him in the street you could sit down and have a drink and a good conversation and you wouldn't detect any pathology."

. . . He beat me and threatened me. "Tonight I shall take you where your dead are. I shall have the corpses of all of you burnt. I will have you hanging from the ceiling and apply salt to your cut soles. . . . We kill whomever we want and bury him into a hole in the ground. Who would know if we did the same to you?" Extracted from the statement of Ayse Semra Eker of Turkey, as published in "Report on Torture."

A victim's will is crushed not just by pain but also by the despair that comes from being utterly alone and forgotten by everyone but the torturers. Mrs. Sagan knows that from her own experience; that's one reason she joined Amnesty and why she calls her newspaper Matchbox. As she sat in despair on her cell floor in 1945, the guard kicked the door open and threw in a loaf of bread along with the usual shower of abuse. Starving, she tore open the loaf and found a tiny matchbox containing the heart-lifting one-word message that others were working for her. It just said, "Courage!"

ANNOUNCEMENTS OF THE FEDERAL ELECTION COMMISSION

Mr. CANNON. Mr. President, I ask unanimous consent that certain announcements from the Federal Election Commission be printed in the RECORD.

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

ELECTION COMMISSION RESTRICTS CORPORATE SERVICES FOR CONVENTIONS

WASHINGTON, July 9.—The Federal Election Commission today limited the kinds of reduced-rate or free services that can be offered to the Democratic and Republican Parties by prospective host cities for the Parties' national presidential nominating conventions this year.

In an "Advisory Opinion" requested by both parties, the Commission ruled that reduced-rate or free services by corporations are prohibited by the legal ban against corporate contributions. The Commission cited Section 610 of the Criminal Code which bars any corporation, labor organization or national bank from making "a contribution or expenditure . . . in connection with any political convention . . . held to select candidates for any political office."

The Commission ruled that services offered by "local and state governmental agencies or municipal corporations" would be permitted, since those entities are not prohibited from making political contributions by Section 610, "provided that such facilities were not leased from corporations . . . for less than their fair market value." These municipal services would not be counted against the $2 million spending limit for national nominating conventions.

The Commission noted "two situations" where corporate activities would not be a violation of Section 610, and would be permitted, and also would not count against the statutory convention spending limit:

(1) where reduced-rates or free services were provided by a corporation as part of "an overall purchase transaction, if such reduction and/or facilities are offered in the ordinary course of business by the corporation to non-political conventions of corresponding size and duration." The Commission cited as an example the practice of hotels providing free rooms and meeting places as part of a large advance booking of paid rooms.

(2) a contribution by a local retail corporation to a local, non-profit civic association, business league, chamber of commerce, real estate board or board of trade, which is encouraging "that commerce which is necessarily entailed in the arrival of any major convention in the city where such local corporations are located," and so long as the contribution is made "in the reasonable expectation of a commensurate commercial return during the life of the convention."

DEMOCRATIC TELETHON LOAN GUARANTEES RULED "CONTRIBUTIONS"

WASHINGTON, July 9.—The Federal Election Commission today ruled that any "loan or guarantee" to the Democratic National Committee's proposed national telethon would be considered a "contribution" subject to the contribution limit of the campaign financing act.

The law states that "no individual shall make contributions aggregating more than $25,000 in any calendar year."

The Commission said that the "contribution" of a guarantor or endorser of a Telethon loan would be reduced or eliminated as the loan is repaid.

In an Advisory Opinion issued this afternoon the Commission rejected a DNC proposal that there must be a "direct and substantial relationship between the transfer of money or other things of value and the furtherance of the candidacy of a particular individual or group of individuals" for a loan to be considered a "contribution". The Commission ruled instead that "ultimately the election of its designated candidates is the purpose of any transfer of money or other thing of value to an organized political party."

"To rule as you request, would lead logically to the conclusion that any contribution to an organized political party would not come within the statutory definition of contribution unless 'earmarked' for a particular candidate's campaign," the Commission wrote the DNC.

The Commission added, "The effect of such a ruling would be to disadvantage any third party candidacies which ordinarily coalesce primarily around the candidacy of a named candidate since such a party would not claim that contributions to it were for a purpose other than to influence the election of the party's candidate for federal office."

The Commission agreed in the Advisory Opinion to numerous technical proposals of the DNC relating to reporting and disclosure procedures of national telethon funds.

HIGHLIGHTS: FEDERAL ELECTIONS—FEDERAL ELECTION COMMISSION PUBLISHES TWO ADVISORY OPINIONS, NATIONAL NOMINATING CONVENTIONS DEMOCRATIC PARTY TELETHON

FEDERAL ELECTION COMMISSION NOTICE 1975–12, ADVISORY OPINIONS

The Federal Election Commission announces the publication today of its first Advisory Opinions. Such opinions will issue from time to time in response to previously published Advisory Opinion Requests. The Commission's opinions are in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Act of 1971, as amended, of Chapter 95 or Chapter 96 of Title 26 United States Code, or of Section 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

The Commission points out that these advisory opinions should be regarded as interim rulings which are subject to modification by future Commission regulations of general applicability. In the event that a holding in either opinion is altered by the Commission's regulations, the persons to whom the opinions were issued will be notified.

AO 1975–1: National political party conventions

This advisory opinion is rendered under 2 U.S.C. 437f in response to requests (for advisory opinions) submitted by the Democratic National Committee and the Republican National Committee (hereinafter the Committees) and published together as AOR 1975–1 in the June 24, 1975, Federal Register (40 FR 26660). Interested parties were given an opportunity to submit written comments relating to the requests.

The requests state that both Committees are in the process of selecting sites for Presidential nominating conventions to be held in the summer of 1976. In connection with the conventions, private and public (municipal) corporations in some of the cities which are potential sites have offered to the National Committees for no charge or at reduced charges:

(1) The use of an auditorium or convention center, construction and convention related services therein such as: construction of podiums; press tables; false floors; camera platforms; additional seating, lighting, electrical, air conditioning and loudspeaker systems; offices; office equipment; and decorations. Rent is to be waived during the construction period;

(2) Various transportation services, including the provision of buses and automobiles;

(3) Law enforcement services necessary to assure orderly conventions;

(4) Use of convention bureau personnel to provide central housing and reservation services;

(5) Rooms in hotels in proportion to the number of rooms actually booked by the conventions;

(6) Local transportation, accommodations and hospitality for committees of the Parties responsible for choosing the sites of the conventions; and

(7) Other similar convention related facilities and services.

In addition, various local and state governmental agencies have offered the use of municipal and state facilities or services in connection with the conventions for no charge or at reduced charges.

The Committees request an advisory opinion indicating:

(A) Whether these transactions would violate 18 U.S.C. Sec. 610, (B) whether they must be treated as involving expenditures for the purposes of 26 U.S.C. Sec. 9008(d) and (C) the Commission's certification and disbursement procedures under 26 U.S.C. Sec. 9008(e) and (g).

A. Whether the transactions would violate 18 U.S.C. Sec. 610.

Section 610, Title 18, United States Code, makes it unlawful for a corporation ". . . to make a contribution or expenditure in connection with any political convention or caucus held to select candidates for any political office . . ." As used in Section 610 ". . . the phrase 'contribution or expenditure' [includes] any direct or indirect payment,

distribution, loan, advance, deposit, or gift of money, or any services, or anything of value . . . to any candidate, campaign committee, or political party or organization, in connection with any election, to any of the offices referred to in this section . . .".* 2 U.S.C. Sec. 591(a)(2) defines the term "election," as used in Section 610, as including "a convention or caucus of a political party held to nominate a candidate."

The Commission interprets the applicability of Section 610 as follows:

1. State or local governmental agencies and municipal corporations. It is the opinion of the Commission that any of the services, benefits or uses of property described in paragraphs numbered (1) through (7) above may be offered by state or local governmental agencies and municipal corporations without violating 18 U.S.C. Sec. 610. Section 610 prohibits only national banks, corporations and labor organizations from making contributions or expenditures in connection with political conventions. Thus, local or state governmental agencies or municipal corporations would not be prohibited from providing facilities or services to the Committees, provided that such facilities were not leased from corporations, national banks or labor organizations for less than their fair market value. The Commission would view with grave concern any evidence that any government or government instrumentality which makes such facilities available to a political committee, had received from any corporation, at a date proximate to the giving of such facilities, any substantial contribution of money, or the benefit of any ostensible business transaction which appears to have been out of the ordinary course of the corporation's business. Municipal corporations may not serve as conduits for contributions which a corporation may not make directly.

2. Private Corporations. It is the opinion of the Commission that, in general, private corporations are precluded by 18 U.S.C. Sec. 610 from donating or providing at less than fair market value any of the services, benefits or uses of property described in paragraphs (1) through (7) above. The Commission notes two situations, however, which in the Commission's opinion do not involve violations of Sec. 610.

(a) Where a corporation offers certain reductions in standard rates and/or gives to a national political convention the use of certain facilities without apparent charge, in return for the purchase by the convention of a certain minimum quantity of whatever product or service the corporation deals in, the rate reduction of offering of "free" facilities are not prohibited contributions under Sec. 610, but are rather details of an overall purchase transaction, if such reduction and/or facilities are offered in the ordinary course of business by the corporation to non-political conventions of corresponding size and duration. It is a widely known industry practice, for example, for hotels to offer reduced rates, some free rooms and free meeting space within the hotel in exchange for advance booking of large numbers of rooms. In the Commission's view, the rates, rooms and meeting spaces so provided do not, in general, involve prohibited contributions. The Commission may, of course, audit any hotel corporation's donations of space or reductions in rates in connection with the overall convention purchase of rooms to assure that such donations conform in kind and degree to those offered by such hotels in connection with any typical convention which purchases room space.

(b) Local corporations which are engaged at the retail level in the business of supplying consumer goods or services to the public may contribute funds to a local civic association, business league, chamber of commerce, real estate board or board of trade (1) not organized for profit and no part of the net earnings of which insures to the benefit of any private shareholder or individual, and (2) a principal objective of which must be the encouragement of that commerce which is necessarily entailed in the arrival of any major convention in the city where such local corporations are located. Such contributions must be made in the reasonable expectation of a commensurate commercial return during the life of the convention, as may be indicated by previous convention experience. In the view the Commission, a contribution so qualified has commercial characteristics sufficiently akin to the characteristics of a purchase transaction, as described above, as to fall outside the prohibition of Sec. 610. The Commission may, of course, conduct such investigations and audits as may be necessary to ensure that any such "contribution" in connection with a political convention conforms in degree to contributions made by the same corporation to such civic association or like organization in connection with other, non-political conventions of a similar size and duration.

In the Commission's opinion, no other corporate offering beyond those described in the foregoing two exceptions are permitted by 18 U.S.C. Sec. 610.

B. Whether the transactions involve expenditures under 26 U.S.C. Sec. 9008(d).

26 U.S.C. Sec. 9008(d)(1) provides that the national committee of a major party may not make expenditures with respect to a presidential nominating convention, which in the aggregate exceed $2 million. It is the view of the Commission that the transactions described under Part A of this opinion as falling outside of the scope of 18 U.S.C. Sec. 610 involve "expenditures," or "gratuities" which are not attributable to the $2 million limitation under which the committees operate.

C. The Commission's certification and disbursement procedures under 26 U.S.C. Sec. 9008(e) and (g).

Certification and disbursement procedures are in the process of being established by the Commission and will be the subject of a subsequent publication. Consequently, no opinion is expressed in this area at this time.

This advisory opinion is issued on an interim basis only pending the promulgation by the Commission of rules and regulations of general applicability. Any interpretation or ruling contained herein is to be construed as limited to the facts of the specific advisory opinion requests and should not be relied on as having any precedential significance except as it relates to those facts at the time of its issuance.

*The Commission notes that 18 U.S.C. 610 includes a definition for "contribution or expenditure" which is supplemental to the definitions in 18 U.S.C. 591. The relationship between the two definitions was addressed in *Ash* v. *Cort*, 496 F.2d 416, 424 (3rd Cir. 1974), rev'd on other grounds, 43 U.S.L.W. 4773 (1975).

"The definition given 'expenditure' in both sections traces back to the Federal Election Campaign Act of 1971. P.L. 92-225, Title II Secs. 201, 205 86 Stat. 3. The drafters clearly intended Sec. 591's definition to affect interpretation of Sec. 610, for they expressly provided that the definitions in Sec. 591 applied to use of those terms in Sec. 610. We note also that Sec. 591 indicates the 'meaning' of expenditures while Sec. 610 only indicates certain matters 'included' in that term. We therefore read Sec. 610 as supplementing rather than replacing Sec. 591's definition."

Furthermore, Section 101(f)(2) of the Federal Election Campaign Act Amendments of 1974, amended 18 U.S.C. 591 to make clear that the definitions therein could be modified in the substantive sections, to wit Section 610.

AO 1975-4: Democratic National Committee (Democratic Party Telethon)

The Federal Election Commission renders this advisory opinion under 2 U.S.C. 437f in response to a request submitted by a political committee. The request was made public by the Commission and published as AOR 1975-4 in the Federal Register on June 24, 1975 (40 FR 26663). Interested parties were given an opportunity to submit written comments relating to the request.

SHELDON S. COHEN, Esq.,
General Counsel,
Democratic National Committee.

DEAR MR. COHEN: Your letter of June 5, 1975, informed the Commission that on July 26 and 27, 1975, the Democratic National Committee ("DNC") will again sponsor a fundraising telethon for the benefit of the Democratic Party over the ABC television network. You further advised that the actual production of the telethon will be conducted by a Production Committee, organized under the California not-for-profit corporation law solely for the purpose of said production. Any amounts expended by the Production Committee will be reimbursed by the DNC out of the gross receipts of the telethon. Additionally, preliminary arrangements for both the production of the telethon and the disbursements of receipts have been worked out between the DNC and participating State Committees (as defined in your letter).

You have requested the Commission to rule on several aspects of the expenditure of funds and receipt of contributions in connection with this telethon. The remainder of this opinion will deal with those requests in the order in which they are raised in your letter.

1. You request a ruling that the endorsement or guarantee by any individual of all or a portion of any bank loan made to the DNC for purposes of financing the production of the telethon will not be treated as a "contribution" as defined in 18 U.S.C. § 591(e)(1). You request a similar ruling that the guarantee by any individual of a bank loan made to a state central committee, either for use by the state central committee in financing its own telethon obligations, or to enable the state central committee to advance funds to a state telethon committee, will not constitute a contribution. For purposes of this advisory opinion the Commission will treat these requests as substantially equivalent.

It is the Commission's conclusion that a loan or endorsement as described above is a "contribution" as defined in 18 U.S.C. § 591(e)(1) for purposes of the limitations contained in section 608 of Title 18 of the United States Code.

Section 591(e)(1) defines a contribution as "a gift, subscription, loan, advance, or deposit of money or anything of value, . . . made for the purpose of influencing the nomination for election, or election, of any person to Federal office . . ." etc. While the section excepts a bank loan made in the ordinary course of business, it includes an individual's guarantee or endorsement of such a loan.

In your request (and in your subsequent letter dated June 30, 1975), you contend that the described guarantee or endorsement is not a loan made for the purpose of influencing the election of a person for federal office, because there is no direct and substantial relationship between (1) the transfer of money or other things of value and (2) the furtherance of the candidacy of a particular individual, or group of individuals. The Commission does not agree with this contention. The language of the statute nowhere indicates that the purpose stated in section 591(e) need be direct and substantial or even that it be a principal purpose of the transfer. Ultimately, the election of its designated candidates is the purpose of any transfer of money or other thing of value to an orga-

nized political party. To rule as you request would lead logically to the conclusion that any contribution to an organized political party would not come within the statutory definition of contribution unless "earmarked" for a particular candidate's campaign. The effect of such a ruling would be to disadvantage any third party candidacies which ordinarily coalesce primarily around the candidacy of a named candidate since such a party could not claim that contributions to it were for a purpose other than to influence the election of the party's candidate for Federal office. Neither the elimination of the ceiling for contributions to organized political parties nor the disadvantaging of third party efforts can justifiably be said to be within the intent of Congress in enacting the 1974 amendments.

An analysis of the statutory language supports this reasoning. The word "person" is defined in section 591(g) to mean "an individual . . . or group of persons," while "candidate" is defined, in section 591(b) as "an individual who seeks nomination for election, or election, to Federal office . . . ." Had Congress wanted to restrict the purpose clause of section 591(e)(1) to particular candidacies it would have used the specifically defined word "candidate" instead of the more generally defined word "person". We believe this reasoning is further strengthened by the inclusion of the word "any" immediately preceding the word "person" in the purpose clause of section 591(e)(1). That indicates that Congress did not only have particular candidacies in mind but rather was focusing, in addition, on contributions made for the purpose of influencing the election to Federal office of a yet unnamed candidate or group of candidates, e.g., Democratic candidates for Federal office in the 1976 general election. Such would certainly be the end result of a contribution to the DNC no matter what its immediate use. For example, the use of the proceeds of the telethon to retire past debts would serve to strengthen the DNC's credit leading to further opportunities for bank loans, the use of the proceeds of which would be related to Federal elections. The Commission can find no distinction between the use of such contributions and the use of a guarantee or endorsement for the purpose of obtaining a loan to finance a telethon which will result in the receipt of such contributions.

Accordingly, it is the Commission's conclusion that the endorsements you describe constitute statutory contributions subject to the $25,000 limitation on individual contributions in 18 U.S.C. § 608(b)(3). To the extent that the primary loan remains unpaid, the endorsements shall be considered loans (and thus statutory contributions) from each guarantor or endorser in an amount equal to the proportion of the unpaid balance thereof that each guarantor or endorser bears to the total number of guarantors or endorsers.

2. You request a ruling that, since the telethon effort is a joint venture among the various state central and/or state telethon committees (as described in your letter), the provision of staff support from one committee to another and the general coordinating efforts of the DNC will not be treated as statutory contributions for purposes of either Title 2 or Title 18 of the United States Code.

Based on your description of the activities which will be undertaken by DNC staff members in conjunction with the staffs of the various State Committees, the Commission has concluded that such activities will not constitute a statutory contribution from the DNC to the various State Committees or from the State Committees to the DNC.

3. Your letter requests a ruling that the transfer of net telethon proceeds by a state telethon committee to a non-reporting state central committee will not affect the latter's non-reporting status.

The Commission agrees that the transfer of proceeds by a state telethon committee to a state central committee would not change the latter's status as a non-reporting committee provided, of course, that such funds are not intended to be spent, and, in fact, are not expended to influence the nomination or election of candidates to Federal office. We assume for purposes of this ruling that each state telethon committee will register as a political committee and will report all expenditures, receipts, and transfers in connection with its participation in the telethon.

4. The Commission agrees that, for purposes of the July 1975 telethon only, the Production Committee, which has registered as a political committee under 2 U.S.C. § 433, may be treated as an agent or subsidiary of the DNC and, thus, any of its transactions required to be reported under 2 U.S.C. § 434 may be reported by the DNC. This ruling is subject to the condition that the Production Committee maintain detailed records of its receipts and disbursements in accordance with 2 U.S.C. § 432 (c) and (d) and that such records will be preserved by the DNC. Moreover, the records must be available for audit upon request of the Commission.

5. The Commission agrees that all contributions made as a result of or in connection with the telethon should be considered as contributions to the DNC and reported as such in the report filed by the DNC. Consequently, a State Committee will not be required to report the receipt and transmission of a contribution payable to the DNC.

However, under 2 U.S.C. § 432(b) any State Committee and its agents receiving funds on behalf of the DNC must render a detailed account thereof to the DNC. Thus, it will be necessary for each State Committee to keep a detailed record of all such contributions as a part of its records subject to audit by the Commission.

In the case of a contribution which is made payable to a State Committee and then endorsed and transmitted to the DNC, the receipt and transmission must be reflected in the State Committee's report.

Finally, the Commission agrees that, where the DNC is in receipt of an individual's contribution which is earmarked for a particular committee or other recipient, the details as to identification of the contributor must be shown in reports of both the DNC and the recipient committee or other person.

6. You request a ruling that, in the case of states which have set up separate telethon committees, and in which the state central committee has made an initial advance to the state telethon committee to enable it to meet expenses, this loan transaction will not effect the status of the state central committee as a non-reporting committee.

The Commission does not agree and has concluded that, if a state central committee, which is presently a non-reporting committee, makes a loan to, or guarantees a loan for, a state telethon committee as described in your letter, such loan or guarantee will constitute an expenditure under 2 U.S.C. § 431(f) and, if in excess of $1,000 will cause the state central committee to become a "political committee" under 2 U.S.C. § 431(d) which must register with and report to the Commission.

This conclusion is based on the reasoning contained in the ruling under paragraph 1 above. To hold that a guarantee from an individual is a contribution but that a loan by the central committee of a state political party for the same purpose is not an expenditure would be inconsistent. Further, to deny that this kind of loan was made for the purpose of influencing a Federal election would, in the Commission's opinion, be detrimental to one of the principal purposes of the 1974 amendments, namely to make public all such contributions and expenditures. Finally, the Commission cautions any state central committee to avoid using funds contributed to it by a national bank corporation or labor organization for purposes of the loan transaction as described above.

7,8,9. The Commission agrees that the DNC and the various State Committees should report as described in your requests.

10. The Commission agrees with your contention that telethon expenses incurred by the DNC and by participating State Committees should not be counted against the applicable limitations for either the DNC or any State Committee under 18 U.S.C. § 608(b), (e) and (f).

This advisory opinion is issued on an interim basis only pending the promulgation by the Commission of rules and regulations of general applicability. Any interpretation or ruling contained herein is to be construed as limited solely to the facts of the specific advisory opinion requests and should not be relied on as having any precedential significance except as it relates to those facts at the time of its issuance.

THOMAS B. CURTIS,
Chairman for the Federal Election Commission.

ALEXANDR SOLZHENITSYN

Mr. FANNIN. Mr. President, everyone knows the dramatic story that has been Alexandr Solzhenitsyn's life—his work as a writer, his imprisonment by the Soviet Government because of his truthful writing, his refusal to submit to government pressure to follow the Communist line and his consequent harassment by his own country, and finally, his tortured decision to leave his homeland to make a new life in the West.

Mr. Solzhenitsyn's story is one of courage, determination, and belief in the right to pursue one's own definition of truth. His personal integrity, his ability to state his convictions and live accordingly, his refusal to quit the struggle against repression, have made him a symbol of freedom to men everywhere.

Mr. President, I was very pleased to have the opportunity today to meet Mr. Solzhenitsyn.

During this week, which is Captive Nations Week, it is especially appropriate that we pay tribute to Mr. Solzhenitsyn because he is a living example of an individual's ability to defy repression. He is a symbol to his countrymen and to all people suffering under the yoke of unbridled government control.

Recently he gave a very interesting and especially significant speech in Washington. He reminded us that the United States is the one country in the world which can stand up to repressive communism, and that if we do not help other countries resist aggression, there is no possible way that the other nations of the world can survive alone.

He pointed out that Communist governments will respect the United States only when we are firm in our dealings with them.

In his speech to the AFL-CIO, Mr. Solzhenitsyn said:

The very i eology of communism, all of Lenin's teachings, is that anyone is a fool who doesn't take what's lying in front of him. If you can take it, take it. If you can . t-tack, attack. But if there's a wall, then go back. And the Communist leaders respect only firmness and have contempt and laugh at persons who continually give in to them. Your people are saying, Power, without any

attempt at conciliation, will lead to world conflict. But I would say that power with continual subservience is no power at all.

Mr. Solzhenitsyn also warns us that there are dangers within our society:

I would like to call upon America to be more careful with its trust and prevent those wise persons who are attempting to establish even finer degrees of justice and even finer legal shades of equality—some because of their distorted outlook, others because of their short-sightedness, and still others out of self-interest—from falsely using the struggle for peace and for social justice to lead you down a false road. Because they are trying to weaken you; they are trying to disarm your strong and magnificent country in the face of this fearful threat—one which has never been seen before in the history of the world . . .

Mr. President, Alexandr Solzhenitsyn is helping renew our faith in our free society. His testimony reminds us of the terrors of communism, socialism, and fascism, and the penalty our people will pay if we allow ourselves to fall victim to these ideologies.

He is telling us that if we do not regain confidence in democracy and rededicate ourselves to our own democratic principles, we can lose the freedoms we cherish.

I feel that Mr. Solzhenitsyn can spark our pride and conviction in the greatness of our democratic, free enterprise system. I feel he can warn us about atrocities and personal restrictions which can be so easily imposed but about which we know nothing firsthand.

GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, our country was founded on strong principles of liberty and concern for the rights of the individual. Our Constitution serves as the foundation for the preservation of these rights and the framework for assuring these rights to all Americans. In the same way, many of the treaties and international agreements which our country signs seek to further insure these basic human rights to all peoples.

From past history and documentation, it seems clear that for many years the United States was a leader in this effort. In fact, the United States was the prime mover behind the drafting of the Universal Declaration on Human Rights following World War II, as well as the specific human rights treaties designed to implement the high principles of the declaration. This is particularly true in the case of the Genocide Convention, the first of these human rights treaties. Its aim is simple: to guarantee all racial, religious, ethnic and cultural groups the right to live without fear of extermination. What could be more basic to our concepts of freedom and liberty?

Yet for some reason our dedication has faltered in recent years. This makes absolutely no sense. The United States should stand second to none in this vital area. The American people as well as those of other nations will hail our ratification of this convention as a concrete example of our rededication to human rights.

With such thoughts in mind, I urge the U.S. Senate to ratify the Genocide Convention without further delay.

THE RAMIFICATIONS OF NUCLEAR TECHNOLOGY PROLIFERATION

Mr. ABOUREZK. Mr. President, in a recent publication of the American Enterprise Institute for Public Policy Research, Robert Pranger and Dale Tahtinen have dramatically presented the possibilities of nuclear war in the Middle East. The authors have successfully documented: First, the extremely high probability that Israel possesses a number of nuclear warheads; second, the existence of weapons systems in the Middle East capable of delivering these warheads—including F–4 Phantom fighter/bombers. Furthermore, the Israeli Government has requested our Defense Department for delivery of the LTV Aerospace Lance surface-to-surface missile which was specifically designed to carry nuclear warheads, and the F–14 fighter/bomber which is also capable of delivering nuclear warheads. Third, the authors have presented a number of scenarios in which nuclear warheads might be used in a future Arab-Israeli conflict, and fourth, some proposals for American responses should either the Arabs or the Israelis use nuclear weapons in a future war.

What makes Messrs. Pranger and Tahtinen's warnings and opinions worth heeding is Secretary of Defense James Schlesinger's failure to respond to the question of whether or not the American nuclear umbrella extended to Israel—interviews on "Issues and Answers," ABC–TV, July 6, 1975—the Congress and the American people have a right to know if the American Government has contingency plans to use American nuclear warheads to defend Israel.

Messrs. Pranger and Tahtinen also conclude that just as the French licensing of the nuclear reactor at Dimona, Israel has led to Israeli acquisition of nuclear warheads and Canadian licensing of a nuclear reactor in India has produced a similar result, it is highly likely that nuclear warhead proliferation will ride the wave of the export of American nuclear reactors. Furthermore, the American export of weapons systems capable of delivering nuclear warheads, such as the F–14 and the Lance battlefield missile, increases the possibility that nuclear warheads will actually be used.

To emphasize the urgency of Congress putting a halt to the export of American nuclear reactors, technology and warhead delivery systems, I ask unanimous consent excerpts from the Pranger/Tahtinen study be printed in the RECORD as a case-study of what the proliferation of nuclear technology can lead to.

The views expressed below are those of the authors and do not necessarily reflect the views of the American Enterprise Institute.

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

EXCERPTS FROM THE GRANGER/TAHTINEN STUDY

An examination of Table I reveals that a significant number of delivery systems available in Europe for nuclear war are also in the arsenals of the states most directly involved in the Arab-Israel conflict. Indeed, a key factor to keep in mind whenever nuclear systems are discussed is that there are certain types of weapons now in the Middle East conflict that were built *specifically as delivery systems for nuclear weapons.*

TABLE 1.—*NATO-WTO nuclear-capable delivery systems in the Middle East*

NATO

Ground-launched

Lance surface-to-surface missile [1]

WTO

Tactical aircraft

F–4 (Phanton) [2]

Sources: John W. R. Taylor, ed., *Jane's All the World's Aircraft 1974–75* (New York: Franklin Watts, Inc., 1974); R. T. Pretty and D. H. R. Archer, eds., *Jane's Weapon Systems 1972–73* (New York: McGraw-Hill, 1972); *The Military Balance 1974–75* (London: International Institute for Strategic Studies, 1974); Record, *U.S. Nuclear Weapons in Europe*, pp. 22, 24, 27, 39, 41; and Tahtinen, *The Arab-Israeli Military Balance since October 1973*, pp. 15–16.

Mystere IV–A

Ground-launched

Scud surface-to-surface missiles
Frog-7 surface-to-surface missiles
8-inch howitzer

Tactical aircraft

MiG-21 (Fishbed)
MiG-23 (Flogger)
Su-7 (Fitter)
Il-28 (Beagle)
Tu-16 (Badger)

SURVIVAL SCENARIO

To begin with, we should again take note of a survival syndrome that seems constantly present in the Middle East. For Israel this is expressed as fear of another holocaust similar to that which engulfed over six million European Jews during World War II. A corollary to this fixation is the so-called "Masada complex," a state of mind in Israel that would resist national capitulation until the last defender. It is likely that both fear of the holocaust and the idea of a Masada-like resistance are still very strong in Israeli policy-making circles and public opinion, but there is also a certain amount of self-confidence, born out of victorious military campaigns, that has expressed itself in Prime Minister Rabin's defiance of the United States during

[1] Pending delivery. A sales agreement between the United States and Israel is being held up by the current reassessment of American Middle East policy.
M–109 155-mm howitzer
M–110 8-inch howitzer

[2] Israel also has co-called "smart bombs," some varieties of which are nuclear capable and tremendously accurate. They are also highly effective in conventional modes. Yet it is most unlikely that the United States has provided any nuclear arming devices to Israel. This last consideration applies to all weapons itemized in this table: the U.S. and the U.S.S.R. have no doubt refrained from intentionally supplying the devices necessary to arm these systems for actual delivery of nuclear weapons. This technology, however, is not beyond the reach of Israel and, perhaps, some of the Arab states, and in case of emergency, the nuclear devices could be readily supplied and installed by the superpowers.

Kissinger's 1975 peace mission. While Israeli leaders have voiced objection to American policy in the past (as during the 1969–1971 period of the Rogers plans), it has not been so frankly asserted as during 1975 that Israel would carry out an "information struggle" regarding American presidential policy itself.[6] Not only Rabin's long tenure in America as Israel's ambassador but his *sabra* (native-born Israeli) background seem to make him less anxious about the holocaust. He knows Israel is stronger militarily than the Arabs, and as chief of staff during the 1967 war he played a major part in his country's most significant victory against its enemies.

From a security standjoint, however, the Six-Day War was in certain respects a poor bargain for Israel. The areas occupied in 1967 became a major focus for Arab anxieties about their own security. What residual holocaust fixation remained in Israel was thus mixed with new Arab fears for their own survival. This explosive mixture reached its most volatile state with the arrival of the first American F–4s in Israel during 1969 and Israel's subsequent deep-penetration raids into Egypt in 1970 with these Phantoms. October 1973 represented the almost inevitable Arab effort to gain some measure of military self-assurance for themselves, even though they were not victorious in any strict sense.[7]

Under present circumstances it is doubtful that survival anxieties are playing the kind of role in the Arab-Israeli conflict that they did until recently. Nonetheless, a new war in the Middle East would probably be interpreted by both sides as something of a final test—like two boxers struggling near the fifteenth round with a feeling that up to this point the match had been a draw. New peace initiatives after a fifth war would be slow in materializing. Israel might well annex the areas occupied in 1967. And the Arabs, sensing this, might become desperate. Fear for survival could then mount rapidly, among the Arabs because of possible Israeli annexation, and among the Israelis because they may think their enemies have given up hope of recovering their lost lands peacefully.

A new Arab-Israeli war, therefore, would be extremely dangerous in terms of the kinds of security anxieties it would release in the Middle East (to say nothing of outside anxiety over, among other things, another oil boycott). Under such circumstances, extreme measures involving nuclear or other unconventional weapons might be used in defense of real or imagined threats to national survival. Almost by definition the fifth Arab-Israeli war would be a sign of extreme bankruptcy on the part of the superpowers and international peacekeeping generally. And it is doubtful that regional combatants would listen to internal or external voices of restraint.

In a sense, nuclear war could erupt at any time in a fifth round of fighting between Israel and the Arab states because the enemy would be *figuratively*, if not literally, at the capital gates. Indeed, it would not take long before capital cities and other major population centers in the Middle East would be threatened with destruction, including those in Israel proper. At what point survival might become an issue, thus bringing the survival scenario into play, is anyone's guess, except for those in very high policy-making circles. Here, imagination might prove even stronger than reality; or better put, reality would merge with fantasy.

INTERDICTION SCENARIO

It should be recalled that certain tactical nuclear weapons in Europe can be used either to destroy large numbers of an enemy's approaching forces on the frontline or to strike behind lines against rail points, airfields, and so on. Whether used in shorter- or longer-range modes, however, such unconventional arms are designed to slow down or stop a superior conventional attack. Such an attack might come as a surprise or involve a powerful offensive (or counter-offensive) breakthrough, against which retreating forces would have to use some kind of extremely powerful interdiction to turn the tide or at least moderate it.

Middle Eastern wars have seen both surprise attacks and sudden breakthroughs. With the short distances involved and an expected increase in the numbers of tanks and other equipment likely to be used in a new round of fighting,[8] it may prove necessary for either side to mount an effective interdiction campaign. While one can imagine using conventional means for this, one lesson of the October 1973 War is especially important for the next war, should it occur: equipment and personnel losses were rapid and high, and in a war involving the use of more of everything, attrition should be worse.[9] Even if the superpowers could (or would) mount equipment airlifts on the 1973 scale, this would hardly replenish forces that are larger than they were then.[10] And some doubt may be expressed that even a 1973-style resupply effort would materialize. Whatever the size of an outside assistance effort, attrition would be more rapid than in 1973, given the likelihood that even better sophisticated weaponry is now deployed.[11]

Under these conditions, unconventional options might quickly become attractive if war should erupt again. Given the presence of various kinds of equipment with devices for protection against CBR attack, both sides must expect CBR warfare to be within the capabilities of their enemies. Perhaps the Arabs and Israelis are only imagining things, expecting as usual the worst possible behavior from their opponents. But this expectation would only drive each all the harder to develop its own unconventional options against the possibility that the other might take the initiative. Hence, it is somewhat meaningless to pledge that one's own nation will not be the first to use nuclear weapons (both Rabin and Sadat have so vowed), since all such promises, even if serious in the first place, would evaporate in desperate circumstances. The dictum of Clausewitz, quoted earlier, bears repeating: "In war more than anywhere else in the world, things happen differently to what we had expected, and look differently when near, to what they did at a distance."[12] Neither Egyptians nor Israelis have promised, in any case, *not* to develop unconventional options, whatever their good intentions "at a distance."

One military breakthrough occurred during the October 1973 War that, if the U.S. and the U.S.S.R. had not intervened, might have led Egypt to at least consider more desperate measures if the counter-offensive had continued. This was the Israeli crossing of the Suez Canal in a move to take Suez city. This move would not only have gained Israel more occupied territory, it would have sealed the fate of Egypt's Third Army on the Canal's east bank. Militarily and politically, Egypt could never have accepted these developments. Israeli leaders have subsequently said that American and Russian intervention "saved" Egypt's force in the newly gained narrow Sinai beachhead, and Sadat has stated that he would simply have cut Israel's invading force to ribbons with other conventional forces if he had no other choice.[13] What really would have happened is open to conjecture, but as noted earlier, American military experts were amazed at how much Egyptian equipment had sophisticated CBR protective devices, and one can imagine how Israel's competent forces were outfitted.

In fact, one can say that all of the past four Arab-Israeli wars have shown some form of surprise attack and/or breakthrough which proved decisive to their outcomes. Another round of fighting would no doubt bring other tactical shocks of enormous significance. But this time there may be more desperation in the air, thus providing ground for exaggerated responses to enemy moves that may or may not be purely tactical but could be interpreted in this environment as strategically threatening.

PREEMPTION SCENARIO

A preemptive move by Israel or the Arab states—what is now called by some "preventive war"—would likely occur when intelligence indicates that an opponent may well strike first, leaving little chance for repulsing the enemy by conventional means. This feeling of inferiority could dictate a preemptive move to prevent such an attack or weaken it. A feeling of inferiority could result for one of two reasons: (1) fear that one is ill-equipped to stand and fight in the first place, or (2) the fear that one is under-supplied for a long war once started.[14]

Preemption was used brilliantly by Israel's air force in the Six-Day War, in the context of a pervasive holocaust syndrome among Israel's policy-making elite on the eve of that conflict.[15] Controversy raged in Israel after the October 1973 War over why its leadership was surprised by Egypt and Syria, apparently on the assumption that with advance warning Israeli defense forces could have struck first.[16] There is little doubt that the Arab states would do likewise if they expected a surprise Israeli attack, although to date this has not been a preferred Arab strategy.[17]

In a sense, of couse, all preemptive or preventive war is a form of surprise attack. Sympathetic analysts of Israel's foreign policy have taken pains to demonstrate that Nasser's closing of the Straits of Tiran in 1967 and his successful effort to remove the United Nations Expeditionary Force from the Sinai were, in essence, acts of war, so that Israel's devastating preemption against Egypt's air force was retaliation, not surprise attack.[18] The effects of a preemptive strike, however, are the same as a surprise attack and will be so treated by the country attacked; both are designed to catch an enemy "by surprise." This might lead to the conclusion that since this will be the final round of fighting and one is already losing after the first shots, one had better take drastic interdictive action against the preemptor. Of course, the preemptor will probably calculate in advance that the attack will be greeted in this way, and so it will be important that the preemptive attack be so surprising and devastating that no retaliation can be mounted. Any preemptive strike against airfields in today's Middle East with the purpose of producing the same complete effect achieved by Israel against Egypt's air force in the 1967 war, would require enormous explosive power to destroy the kind of sheltering that now protects aircraft on the ground, even if one's attack plan could solve the wide-dispersal, quick-alert, and antiaircraft protection afforded today's Middle East air forces. Using nuclear weapons preemptively, out of fear that one's opponent will attack first and one will somehow be left inferior or that one's enemy might retaliate with his own unconventional means would, for all practical purposes, constitute engaging in a surprise atomic attack.[19]

Any preemptive use of nuclear weapons would not only bring world condemnation but probably retaliation of some sort from one or both superpowers. If Israel were to stage a preemptive strike against the Arabs, the Soviet Union might take drastic action against Israel, with the United States (depending on the nature of the Soviet retaliation) moving in turn against the U.S.S.R. If the Arab states were similarly to attack Israel, the United States might take retaliatory steps, leading to a Russian reaction of some kind.

Footnotes at end of article.

Preemptive attack with nuclear weapons would surely be the most dangerous use of unconventional arms in the Middle East, with grave repercussions for both the region and the world. Unfortunately out-and-out surprise and preemption are favored modes of warfare in the interminable struggle between the Arabs and the Israelis.

FOOTNOTES

[6] See Prime Minister Yitzak Rabin: "If we take, for example, the majority of the U.S. public, I believe it will accept and understand Israel's position. Within the administration there are some officials who very much wanted an agreement, whether for Middle Eastern reasons or perhaps for reasons of the situation of the United States in other spheres and areas. . . . I do not think that in the information struggle we are at a disadvantage." Quoted in FBIS-MEA-75-65, 3 April 1975, p. N 4, interview with IDF radio panel, 2 April 1975. See also Rabin on the "two principal levels" of Israel's effort in the U.S.: (1) "a detailed and full-fledged information campaign aimed at the entire American public"; and (2) "the political one . . . to principal personalities of the administration both in the executive and legislative branches." At the second level, "the confrontation is over the content of the relations between the two countries, over the positions of the administration in every sphere, and here we have to demonstrate a firm stand in our position." Quoted in FBIS-MEA-75-77, 21 April 1975, p. N 1, interview with Dov Goldstein of *Ma'ariv*, no date.

[7] A provocative analysis of the October War from an Arab perspective, is found in Ghassan Tueni, "After October: Military Conflict and Political Changes in the Middle East, *Journal of Palestine Studies*, vol. 3, no. 4 (Summer 1974), pp. 114–130.

[8] On the point of a more extensive war (though not necessarily tactics) in the next round, both Egyptian and Israeli chiefs of Staff Lieutenant General Muhammad Ali Fahmi, 22 February 1975, as reported in FBIS-MEA-75-37, 24 February 1975, p. D 1; and interview with Israeli Defense Forces Chief of Staff Lieutenant General Mordechai Gur, 11 April 1975, as reported in FBIS-MEA-75-75, 17 April 1975, p. N 4. Also, Martin Van Creveld observes: "It is a safe guess that the [Israeli] artillery expansion since the [October] war, both quantitatively and qualitatively, dwarfs whatever has been done in other fields. It would seem that the IDF expects its artillery to be able to deal with the hordes of Arab infantrymen that posed such a deadly threat in the October War. To this end, the greatest emphasis is put on cooperation between armour, motorized and mechanized infantry, and artillery." "Arms and the Men," *Jerusalem Post*, 18 March 1975.

The foregoing opinions must be placed alongside a more optimistic assessment of the October 1973 War by two western analysts: "Possibly, this part of the Middle East has come to learn, with modern conventional weapons, the same lesson about *de facto* military parity creating stability that Europe once learned with nuclear weapons." Elizabeth Monroe and A. H. Farrar-Hockley, "The Arab-Israel War, October 1973 Background and Events," *Adelphi Papers* no. 111 (London: The International Institute for Strategic Studies, 1975), p. 35.

[9] See Ibid., pp. 32–35. Monroe and Farrar-Hockley think the tremendous loss of expensive offensive equipment to relatively inexpensive defensive arms may herald an era of defensive war in the Middle East at lower monetary costs—the era of the missile taking the place of airplanes and tanks. General Gur, in the interview cited in footnote 8 above, would take issue: "If in the last war some 2,000 tanks clashed in the Golan Heights, the number could be greater in the [next] war. . . . I envisage that the general outline of the war will be very similar."

[10] Tahtinen, *The Arab-Israeli Military Balance since October 1973*, p. 2.

[11] See statement of General Fahmi, cited in footnote 8 above: ". . . there has naturally been an advancement in the quality of arms and the methods of fighting [since October 1973]."

[12] See footnote 7, Chapter 2, above.

[13] Monroe and Farrar-Hockley tend to agree with Egyptian viewpoint, "The Arab-Israel War, October 1973 Background and Events," p. 30; Israeli experts, however, cite the 19 October 1973 speech by as-Sadat where he said, "I cabled President al-Asad [of Syria] to inform him that I did not want to bear the historical responsibility for the destruction of the people of Egypt and the liquidation of its armed forces. I therefore agreed to a cease-fire." For example, see *Der Spiegel* interview with Israeli Defense Minster Shim'on Peres in German, 26 May 1975, as reported in FBIS–MEA–75–105, 30 May 1975, p. N7.

[14] Prime Minister Rabin has said that he thinks the question of Israel using preventive war is hypothetical, because he is confident the required military assistance will continue for Israel. This was in response to an interview query about the linkage between preventive war and not receiving enough arms aid: "You said recently that if Israel has the arms it requires it will not need to initiate a preventive war." Interview with Dov Goldstein, quoted in FBIS–MEA–75–77, 21 April 1975, p. N 4.

[15] See Brecher, *Decision in Israel's Foreign Policy*, regarding Israeli psychology on the eve of the Six-Day War, pp. 333–335, 342–343. 343.

[16] See Terence Smith, "Israeli Study of '73 War Cites Command Failures," *New York Times*, 31 January 1975 (the so-called Agranat Commission 1,512-page final report submitted to the Government of Israel on 30 January 1975).

[17] Answering a question about Israel launching a preventive war (posed by Eric Rouleau and Jean-Paul Peroncel-Hugroz in a *Le Monde* interview of 20 January 1975), President Sadat said: "Yes, I am sure of [Israel's intention to launch a preventive war], because the leaders of the Jewish state are hoping thereby to resolve their formidable problems while satisfying the army, which is trying to secure a decisive victory capable of restoring to it the prestige it lost during the last armed conflict. Israeli soldiers did not draw any lesson from the ordeal they suffered. Nevertheless, they ought to be on their guard: *We are as capable as they of resorting to a preventive war if we deem it vital for our defense.*" Quoted in FBIS–MEA–75–16, 23 January 1975, p. D 5, emphasis added.

[18] See Brecher, *Decisions in Israel's Foreign Policy*, Chapter 7.

[19] Use of precision guided munitions (PGM) might provide more accurate conventional explosive power. So-called "smart bombs" may improve conventional capabilities, without necessarily being sufficient to destroy, on the ground, the much larger numbers of aircraft in the Middle East today. More to the point, certain PGM can be used in nuclear modes (see Table 1 above).

WHAT SHOULD BE THE AMERICAN RESPONSE TO NUCLEAR WAR IN THE MIDDLE EAST?: A FOUR-PART PLAN

Clearly, nuclear war in the Middle East poses a grave threat to the stability and peace of the world. It is only prudent, therefore, that the United States consider in advance its overall posture toward this issue. If such a war should actually occur, it is likely that the nuclear code separating the superpowers and all humankind from a terrible holocaust would itself fall victim. The superpowers may have to consider steps, therefore, to forestall the acceptability of atomic war among medium powers.

Any planned American response to atomic or any other form of unconventional war in the Middle East should take account of all four aspects of the problem previously discussed. First, attention should be paid to third-party use of these means of warfare within the context of the Soviet-American nuclear equilibrium and excluding alliance partners. Are the provisions for such usage adequate to prevent outbreak of unconventional hostilities among medium powers and, if not, is the nuclear code of good conduct between Moscow and Washington strong enough to withstand corrosive forces once medium powers use nuclear weapons?

Second, the matter of technological capability to build nuclear weaponry should be examined. Within existing safeguards, are there ways of rationing this technology? If, at specific levels of national development, scientific and engineering information spreads relentlessly, avoiding efforts to curb it, should the United States encourage this form of cultural exchange? Can progress in the development of nuclear weapons be slowed down, if not stopped entirely?

Third, what attitude should the nuclear superpowers take toward the supply of nuclear-capable military equipment to their respective clients in the Middle East? Within its current security assistance programs, does the United States have the means to tightly control the flow of such delivery systems to medium powers? Should controls be tightened, and, if so, how? What about the feasibility of unilateral and bilateral arms control measures undertaken by the U.S. and the U.S.S.R.?

Fourth, if in spite of every effort at preventing nuclear war in the Middle East it should nonetheless occur, what might be the American response? What kind of contingency planning is necessary for this possibility? Should there be cooperation with the Soviet Union to contain unconventional hostilities within a strictly localized setting? How could such war be stopped once started? What kind of peace-keeping machinery would be necessary in the wake of nuclear war? Should United Nations forces be properly equipped for such circumstances, or is such peacekeeping a job for the superpowers?

The four areas of (1) strategic provision for third-party nuclear war, (2) control of technology, (3) security assistance and arms control and (4) contingency planning for unconventional warfare, provide some framework for a possible plan for an American response to nuclear war in the Middle East. We will conclude by separately examining each of these elements in the plan.

STRATEGIC PROVISION FOR THIRD PARTY NUCLEAR WAR

The chief danger posed for American interests by nuclear war in the Middle East is the possible erosion and rupture in the U.S.-U.S.S.R. nuclear equilibrium. With this damage to a fragile set of conventions that at once unites and yet separates the awesome strategic forces of the United States and the Soviet Union would come a greater probability of nuclear war between the superpowers.

Within the context of this informal yet highly exacting code of mutual deterrence, the chief governing agreement on third-party nuclear use is the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Prevention of Nuclear War signed by President Nixon and General Secretary Brezhnev on 22 June 1973. Possibly applicable to nuclear war in the Middle East is the following provision in Article IV of the agreement:

"If relations between countries not parties to this Agreement appear to involve the risk of nuclear war between the United States of America and the Union of Soviet Socialist Republics or between either Party and other countries, the United States and the Soviet Union, acting in accordance with the provisions of this Agreement, shall immediately

enter into urgent consultations with each other and make every effort to avert this risk."[1]

What the two superpowers are pledged to do is to meld third-party usage into the crisis-management machinery established between Moscow and Washington to avert nuclear war with each other. In a sense, however, this may be too generous an interpretation. When asked about obligations under Article IV (at a news conference on 22 June 1973), Secretary of State Kissinger specifically ruled out an American role as an arbiter between the Russians and the Chinese:

"What Article IV provides is that if either of the countries contemplates nuclear war with any other country, or of course with the other nuclear country, it has an obligation to consult the other signatory with the purpose of avoiding the situation that would produce such a war.[2]"

Apparently, third-party use of nuclear weapons which may eventually bring the U.S. and the U.S.S.R. into their own atomic war is not covered by the above interpretation. Indeed, when asked about whether Articles IV and VI obliged the United States to press Israel to sign the NPT, Kissinger responded by refusing to speculate about—

"The implications of the agreement on the actions of other countries with respect to existing multilateral agreements. . . . We could not assume that this agreement imposes on the United States a particular additional obligation with respect to treaties whose obligations are already clear.[3]"

In essence, then, third-party use of nuclear weapons in the Middle East is poorly covered or not covered at all under the 1973 Nixon-Brezhnev agreement. In light of the Atherton idea of "flexibility" in the American position on the NPT with regard to supplying nuclear materials in the Middle East, however, it is not even clear that the United States really covers the Middle East under the rudimentary "obligations" of a multilateral treaty (see Chapter 2). It is doubtful, therefore, that any clear American or Soviet understandings exist, publicly at least, on how to behave in bilateral or multilateral terms, should atomic weapons be used in the Middle East.

The serious deficiency of inadequate coverage of third-party use in the nuclear equilibrium between the United States and the Soviet Union should be remedied by some emendation of the 1973 agreement or creation of some new understanding that would clarify the roles of the two superpowers toward a conflict where nuclear weapons were used by medium powers with potentially serious consequences for relations between Moscow and Washington, but where, in the war's early phases, neither superpower was directly involved. In turn, the extension of the nuclear umbrellas of the U.S. and the U.S.S.R. over medium powers wtih their own nuclear weapons potential should be carefully considered and generally avoided, except for alliance partners already integrated into the strategic balance.

CONTROL OF TECHNOLOGY

The discussion of laser isotope-enrichment of uranium in Chapter 2 demonstrates the difficulty of rationing the export of technology among nations with comparable scientific development. Similarly, the building of nuclear weapons is a technology available to scientifically advanced groups worldwide. Having granted in principle the transfer of technology among cultures of roughly similar scientific expertise, however, one need not extend the same parity in practice. Nuclear technology is notoriously expensive, so that nations with highly trained human resources but low gross national products are not likely to be investing in major atomic weapons programs without significant outside assistance. Hence, Canada found itself being misled by India's "peaceful" applications of atomic energy, or so the Canadians alleged after India exploded its first nuclear device in 1974. Most Middle Eastern countries, including all the parties directly involved in the Arab-Israeli conflict have annual incomes already over-committed to national defense for conventional arms. Of course, since there are few public facts about the structure of defense budgets in the Middle East, it is impossible to determine from open sources just how military funds are allocated and spent. No doubt any expenditures on nuclear weapons would be highly classified. Nevertheless, one can assume with some assurance that a sound nuclear weapons program for any Middle Eastern state will demand a good deal of outside assistance, ranging from the many exchange visits between citizens of superpowers and citizens of client states to the numerous subventions for defense that go under the heading of economic and military assistance programs.

In principle, then, technology will spread through cultures of relatively comparable scientific standing, but in practice the capabilities of such cultures for turning something like nuclear competence into an atomic arsenal are limited. As noted earlier, very few nations or groups would be hard-pressed to put crude fission bombs in some sort of homemade delivery system, but the distance from this essentially terrorist activity to sophisticated military competence is a long one.

The superpowers should reevaluate and constantly assess those exchange programs which might contribute to giving "free" nuclear weapons technology where otherwise it would be quite expensive. In addition, their security assistance programs should be examined from the standpoint of what areas of a national defense budget are being contributed to. In this connection, the United States and the Soviet Union should have a clear, detailed picture of the military budgets of their clients in the Middle East. Finally, the supply of nuclear materials and equipment should be carefully monitored under existing multilateral agreements, with little or no room for "flexibility" in applying NPT standards to the Middle East.

The Economist has, perhaps, put the matter in its clearest perspective:

"No legalistic quibbling should be allowed to obscure the fact that parties to the treaty are pledged to supply no nuclear materials or equipment to countries that have not accepted full NPT safeguards on all their nuclear activities. This pledge has been flouted—and negotiations now in progress suggest an intention to go on flouting it. Prominent among the offending suppliers have been Canada and the United States, which are parties to the NPT, and France, which is not a party but has formally promised to act as if it were one. Prominent among the current or prospective beneficiaries are Egypt, India, Iran, Israel, Japan and South Africa. The deals made between these partners are all, of course, said to be of a tremendously peaceful nature—and, of course, they all swell the flood of plutonium.[4]"

SECURITY ASSISTANCE AND ARMS CONTROL

The magnitude of attempting reappraisal and control of sophisticated delivery systems capable of carrying nuclear weapons is perhaps best illustrated by a note in *Aviation Week & Space Technology* of 28 April 1975 to the effect that—

"Israel is attempting to generate domestic political pressure in the U.S. to break the Ford Administration's hold on the sale of McDonnell Douglas F–15 fighters and LTV Aerospace Corp. Lance battlefield missiles. Congressional pressure both from Jewish ethnic groups and the aerospace industry is being sought. *Israeli officials last week pressed McDonnell Douglas to enlist its Washington lobby to obtain release of the F–15s but were refused by the company. . . .* Israelis believe that objections from the State and Defense departments to providing F–15s and Lances can be overruled in Congress.[5]"

Realistically, most security assistance decisions on the Middle East are a matter of timing rather than categorical refusal. The most famous "reappraisal of American arms policy toward the region—prior to the one now being undertaken by the Ford administration—occurred in early 1970 when the United States was trying to couple Israel's request for more A–4s and F–4s to the peace initiatives spearheaded by Secretary of State William P. Rogers.[6] The timing approach does not rule out a total embargo or even a partial one, but it is likely that any such steps would be considered too drastic by one superpower if the other did not follow suit. Under highly unusual circumstances, however, where one or another Middle Eastern state might deliberately thwart the cause of peace for its own aggrandizement, and to the detriment of one or the other of the nuclear giants, one might imagine such a unilateral arms embargo.

This study, however, has concentrated on realistic possibilities, and the unilateral embargo option, while feasible, is extreme for a number of reasons including the political one alluded to in the article quoted above. With reference to nuclear delivery systems, most security assistance policies will fall somewhere between promiscuity and continence. And it will be likely that any long-term controls on the supply of such systems will be better sustained as bilateral agreements between Moscow and Washington rather than as one-sided gestures.

Elsewhere, one of the authors of this study has recommended a scheme for arms control in the Middle East that incorporates both unilateral and bilateral measures by the United States and the Soviet Union.[7] In another publication, the co-authors have dealt with methods for understanding, strengthening, and limiting military assistance programs.[8] Drawing from these previous studies, the following recommendations for controlling the flow of nuclear delivery systems into the Middle East are made.

The United States can tighten its control procedures by regularizing high-level review, including presidential decision making, of all major items that might contribute to nuclear capable military equipment in the Middle East. This review would encompass artillery as well as surface-to-surface missiles, aircraft, and maritime systems (see Chapter 3). In addition, on a unilateral basis, the intelligence community should be assigned to monitor all such equipment now in the Middle East, even that which appears entirely devoted to conventional use.

As a bilateral measure with the Soviet Union, the United States should propose an agreement of finite duration that would prohibit introduction into the Middle East of any launch vehicle that has not been totally stripped of special devices for use with nuclear ordnance. In addition, both superpowers should watch closely technological exchanges (including technical manuals and briefings) that might yield valuable information on how to construct nuclear arming devices for certain systems. Ordinance, such as "smart bombs" that could be converted to tactical nuclear use, should also be carefully controlled through bilateral agreements.[9]

CONTINGENCY PLANNING FOR UNCONVENTIONAL WARFARE

We noted at the end of the preceding chapter that a nuclear scenario involving preemptive or preventive war would cause special strains on the U.S.–U.S.S.R. nuclear equilibrium. The other scenarios discussed above would also generate tremors between Mos-

Footnotes at end of article.

cow and Washington. While a formal agreement, such as an amended Article IV in the 1973 Nixon-Brezhnev agreement on preventing nuclear war, would be highly desirable, there is probably no substitute for contigency planning by the superpowers for dealing with atomic war in the Middle East.

What should the United States do? From the standpoint of advance planning, there are probably two forms of appropriate American action, each related to a particular set of circumstances. At the outset of any nuclear war in the Middle East, the superpowers should work to contain the area of such fighting to the most restricted scope possible. This is another way of saying that a set of contingencies should involve isolating the combatants so that the effects of their warfare do not spread to wider regional populations and to the Soviet-American nuclear equilibrium.

A second group of contingencies has to do with stopping a nuclear war once it has started. While containing a Middle East nuclear war would involve United States and Soviet forces on the periphery in high alert status and yet in continuous contact with each other, ending such a war would require these same powers—separately, together, under the United Nations, or in some combination of these possibilities—to intervene, end the fighting, and move the parties back to prewar positions. A special kind of peacekeeping force will have to enter the picture, one equipped to handle defenses against tactical nuclear war and to administer medical and other programs in radioactive environments. It is likely that only American and Russian forces are equipped for this in any depth, which raises the issue of unilateral or bilateral peacekeeping units rather than the usual U.N. contingents, which do not include superpower units.[10] For contingency planning, therefore, the following steps are recommended.

The United States should prepare unilaterally and in consultation with the Soviet Union for possible nuclear war in the Middle East, the consultation being on an informal, low-key basis. Included in such preparation should be contingency planning for severely isolating the zone of atomic warfare and for terminating unconventional hostilities at the earliest possible date. Conflict termination would require full-scale preparation of an American peacekeeping force, perhaps in cooperation with a Russian one, capable of dealing with all aspects of an environment ravaged by nuclear weapons. Such destruction may be limited and involve but a few casualties, or it may cover an extensive area with many persons affected. Given the short distances in the Middle East, there is every likelihood that nuclear war, even if confined to the "battlefield," would quickly encompass large population centers and numerous noncombatants. Without the suggested contingency planning, however, nuclear war in the Middle East could well spread to world atomic war, a wildfire whose only containment would come when it devoured itself.

FOOTNOTES

[1] U.S. Department of State, *Department of State Bulletin*, vol. 69, no. 1778, 23 July 1973, pp. 160–161. Specifically excluded in Article VI(c) are "the obligations undertaken by either Party towards its allies or other countries in treaties, agreements, and other documents." This is an important clause, because its effect is that "third-party usage" will not be construed to mean the use of atomic weapons by alliance partners whose nuclear forces are integrated into the superpower nuclear equilibrium. The status of Middle East countries is murky; President Kennedy apparently assured Israel during 1962–1963 of *de facto* allied status (see footnote 3, Chapter 1); and a 1971 Treaty of Friendship remains in force between Egypt and the U.S.S.R.

[2] Kissinger, ibid., p. 147

[3] Ibid., p. 146. The question was coupled with a reference to a Flora Lewis article that contended that Kissinger "had taken a study by the Rand Corporation on how Israel could attack Egypt with an atomic bomb." Kissinger denied having seen such a study.

[4] "Nuclear Flat-Earth Thinking," p. 15. Elsewhere, Jozef Goldblat, of the Stockholm International Peace Institute, makes note of the following argument: "While a case could be made for some extension of the delay for the conclusion of the IAEA safeguards agreements by the parties to the NPT, in view of their formal commitment to non-proliferation, there is no excuse for doing so with respect to nonparties. In the light of these arguments, the recent accords on U.S. nuclear supplies to Egypt and Israel, neither of them party to the NPT or to IAEA safeguards agreements applying to all peaceful nuclear activities, appear as a breach of the NPT." He concludes by stating that the "fragility of the NPT" is mainly due to the fact that the parties, "especially the nuclear-weapon parties," have not fulfilled their commitments under the treaty. "The Indian Nuclear Test and the NPT," in Anne W. Marks, ed., *NPT: Paradoxes and Problems* (Washington, D.C.: The Arms Control Association and Carnegie Endowment for International Peace, 1975), pp. 35, 39–40. Quite obviously the U.S. Department of State does not agree with the idea that supply of nuclear materials to non-NPT states in the Middle East constitutes a breach of the NPT. Also, note Thomas O'Toole, "S. Africa Gets A-Bomb Type U.S. Uranium," *Washington Post*, 14 April 1975; and David Burnham, "New Curbs Urged on U.S. Nuclear Sales Abroad," *New York Times*, 24 April 1975 (with reference to recommendations by Rep. Les Aspin, D–Wis.).

[5] In "Washington Roundup," *Aviation Week & Space Technology*, vol. 102, no. 17 (28 April 1975), p. 15. See also Bernard Gwertzman, "75 Senators Back Israel's Aid Bids," *New York Times*, 22 May 1975. The number finally became seventy-six.

[6] See Brecher, *Decisions in Israel's Foreign Policy*, Chapter 8, and Robert J. Pranger, *American Policy for Peace in the Middle East 1969–1971: Problems of Principle, Maneuver and Time* (Washington, D.C.: American Enterprise Institute, 1971), pp. 23–28.

[7] Robert J. Pranger, *Towards Arms Control in the Middle East*, Middle East Problem Paper No. 9 (Washington, D.C.: The Middle East Institute, 1974).

[8] Robert J. Pranger and Dale R. Tahtinen, *Toward a Realistic Military Assistance Program* (Washington, D.C.: American Enterprise Institute, 1974), pp. 10–28.

[9] These prohibitions might also include visits to certain American military installations, laboratories, and private production facilities by official representatives and other citizens from medium powers. While such restrictions have been most often applied to persons from Communist countries, they might also include states with nuclear weapons potential—if it is not already too late.

[10] Over the past two years there have been suggestions from the Department of Defense that the use of nuclear weapons by third powers can somehow be countered by the United States under more flexible nuclear options of its own. Implicit in this approach is the belief of American defense planners that the United States can either deter such usage or actually fight wars against nuclear powers other than the U.S.S.R. and the P.R.C. Perhaps this has to do with problems of containing and terminating conflicts between medium powers involving atomic weaponry. The idea is unclear but interesting. See Secretary of Defense James R. Schlesinger, U.S. Department of Defense, *Annual Defense Department Report FY1975* (4 March 1974), pp. 28, 38; *Annual Defense Department Report FY 1976 and FY 197T* (5 February 1975), pp. II–2.

NEW JERSEY'S ELDERLY FACE COST-OF-LIVING SQUEEZE

Mr. WILLIAMS. Mr. President, the Senate Committee on Aging is documenting the major strains caused by inflation and recession upon our social security system.

On one hand, unemployment is reducing the number of workers who make the payroll tax contribution to social security.

On the other hand, rising living costs have caused a need to raise monthly benefits, as was the case this month when an 8-percent increase reached beneficiaries.

Thus, at a time when overall payments into social security are being reduced, outgo is increasing.

There is a clear need to deal with the financing problems caused by this situation, and fortunately—at hearings on "Future Directions in Social Security"—the committee has heard proposals for action to deal with immediate and long-range funding problems.

But, even while such proposals are considered, the Congress must remain sensitive to the day-in and day-out problems faced by older persons caught in the cost-of-living squeeze.

For this reason, committee members are conducting grassroots hearings to get firsthand information on what it is like to get along on social security benefits in today's marketplace. Such hearings had already been conducted by Senator TUNNEY in California and by Senator CLARK in Iowa when, a few weeks ago, I conducted one in Newark, N.J.

Much of the testimony, I must admit, was appalling. Older persons themselves told us of senior citizens who do not know how they are going to pay their next month's rent, of widows and others who cannot afford the carfare for medical care, of desperation caused by rising utility rates and high food prices, and of illnesses which are uncared for because medicare is limited and health care costs are going up.

Many of these problems are intense in Newark, but they also exist in smaller nearby communities and in some areas generally regarded as suburban. For example, the president of the Union County Senior Citizens Council described the high cost of shelter:

> In Union Township, as a result of a revaluation, home assessments brought some sharp increases in property taxes for some elderly on fixed income. One 84-year-old widow, with Social Security benefits of $148.40, must spend another $3.00 to file a protest because her taxes went up from $551 to $900 on a home purchased back in 1926.
>
> Another widow told me she must wait until the first of the month to have her leaky faucet fixed. Her taxes have been increased by over $200. Her gas bill is costing her $5 more each month and her electric bill has doubled to $16.00. Our Senior Citizens Housing Union Township has had its electric bill doubled mostly because of fuel adjustment, putting it $16,000 in the hole and increasing the basic rent from $112 to $120.

Undoubtedly, increased social security benefits can go part of the way in meeting such problems. It is clear, for example, that the present cost-of-living adjustment mechanism for social security

and for the supplemental security income program is deficient. For that reason, I have joined with the committee chairman, Senator CHURCH, in sponsoring legislation to make such payments twice a year, instead of once a year, when living costs go up by 3 percent. In addition, I am asking the Departments of Labor and Health, Education, and Welfare to investigate the desirability of a separate cost-of-living index which more realistically reflects actual spending patterns of the elderly.

I am pleased to report that Mrs. Vera Weinlandt, a New Jersey resident and a member of the American Association of Retired Persons National Legislative Council, gave emphatic support for that bill at the hearing.

I have also introduced a bill to provide Federal assurance that an 8-percent increase in social security should not result in reduced SSI benefits or loss of Medicaid, on a retroactive basis.

But social security cannot do it all. Mayor Kenneth A. Gibson of Newark made that clear when he called for a comprehensive national approach to senior service delivery nationally as well as locally. Essex County Freeholder Director Donald M. Payne said that Essex—with the largest number of senior citizens in any New Jersey county, 143,600, or 15 percent of total population—is paying special heed to health needs of these citizens. New Jersey Public Utilities Commissioner Joel Jacobson said that soaring costs of electricity and gas make it necessary to establish a "utility stamp" program patterned after the food stamp program. Mary Johnson, president of the National Council of Senior Citizens and director of a meals-on-wheels program in Jersey City said that her program, and other meals programs, need strong congressional support through the Older Americans Act and other Federal programs meant to meet service needs of the elderly. Jack Volosin, executive director of the New Jersey Senior Citizens Association, spoke in support of my legislation for an independent Social Security Administration.

Another positive action advocated by many witnesses was the opening up of Federal employment programs to older persons, not only mainstream and senior aides, but also the Comprehensive Employment Training Act.

One woman testified that she had worked as a domestic until she was 66 years old. Her doctor told her that she could not earn even those few dollars.

Then, as the witness described it:

Well, at that particular time, I really and truly felt that the walls were caving in on me and then I talked to this particular friend of mine, and she said to me, "Why don't you go to the North Jersey Community Union? They are hiring there."

First, before going for an interview, I first prayed to almighty God to give me just a little something to do to help myself. Then I went to North Jersey Community Union and I was accepted and I thanked God. My physical condition has become very good; my arthritis has become good, which I am so grateful for.

I feel now that I have something to live for. I have something to look forward to. I have a goal to reach; and I am willing to do whatever I can, whenever and wherever I am called upon. It is a privilege to me to go out and lend a hand. When I can help somebody else, then I know my life is worthwhile.

Mr. President, that elderly witness—as did so many older persons who testified at our hearing—put the issues clearly into perspective. Her work with the community union's health program had given her a new lease on life. She was helping herself perhaps even more than those she helped.

I wish that I could have the entire hearing record reprinted in the CONGRESSIONAL RECORD; it is significant and often heartwarming.

Instead, however, I will ask unanimous consent to have printed in the RECORD articles from the Newark Star-Ledger and the New York Times, the witness list, and my opening statement.

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

WITNESS LIST FOR A HEARING ON "FUTURE DIRECTIONS IN SOCIAL SECURITY: IMPACT OF THE COST-OF-LIVING UPON OLDER AMERICANS" BEFORE THE U.S. SENATE SPECIAL COMMITTEE ON AGING—JUNE 30, 1975

I. Opening statement—the Honorable Harrison A. Williams, Jr.

II. The Honorable Kenneth Gibson—Mayor, City of Newark. Accompanied by: Robert Strand, Director, Newark Office of Elderly Affairs; Rev. Kelmo Porter, Executive Director, Newark "Golden Age Project".

III. James Pennestri—Director, New Jersey Division of Aging.

IV. Newark Panel of Elders: Mrs. Mary Howard, (61 Mercer Street, Apt. 5C); Mr. Virgilio Lopez, (891 Broadway); Mrs. Nellie Grier, (738 Hunterdon Street); Mr. James Vasselli, (300 Delavan Avenue).

V. Panel on Health Issues: Hon. Donald M. Payne, Member, Essex Board of Freeholders; Otto Neurath, M.D., Professor of Medicine, New Jersey College of Medicine and Dentistry; Alice Ganster, R.N., North Jersey Community Union; Mrs. Jessie Porter, (39 Fabyan Place).

VI. Dr. Sylvia Herz—State Board of Psychological Examiners.

VII. Joel Jacobson—Commissioner, New Jersey Department of Public Utilities.

VIII. Herbert Bienstock—Assistant Regional Director for Labor Statistics, N.Y.C., U.S. Department of Labor.

IX. Panel on Food Costs: Mrs. Mary Johnson, Director, Jersey City Meals on Wheels Project. Accompanied by: Mrs. Flossie Simpson, (105 Virginia Venue, Jersey City); Mrs. Jenice Rankins, Nutrition Director, City of Newark; Mrs. Amelia Garrison, (69 Lincoln Street, Newark).

X. Mrs. Vera Weinlandt—Member, National Legislative Council, American Association of Retired Persons.

XI. Hon. William Hart—Mayor of East Orange, New Jersey.

XII. Jack Volosin—Executive Director, New Jersey Council of Senior Citizens.

XIII. Panel on Employment: Ramon Iglesias, (363 Grove Street, Jersey City); Mrs. Emma Bremer, (221 Jackson Street, Hoboken); Joseph L. Weinberg, Executive Director, Jewish Vocational Service of Metropolitan New Jersey, East Orange.

XIV. Panel From Nearby Counties: Mrs. Evelyn Frank, President, Union Country Senior Citizens Council. Accompanied by: Richard Fox, Plainfield Housing Authority; Anthony Anzalone, Chairman, Committee on Transportation for Senior Citizens, Central Bergen Chapter, Red Cross; Mrs. Hattie Edwards, 717 Catherine Street; Mrs. Nancy Bear, Social Worker, Strawberry Hill Senior Citizen Center, Middlesex County, New Jersey.

OPENING STATEMENT BY THE HONORABLE HARRISON A. WILLIAMS, JR.

Our witness list is long, and time is limited. And so this statement shall be brief.

First, I'd like to say that we are in Newark this morning to hear directly from as many older persons as possible and from those who work directly with the elderly. We're looking for the kind of testimony we don't always receive in Washington, D.C.

There, this Committee has heard from experts who have discussed the Social Security system in national terms. For example, in March we heard from persons who discussed the impact of inflation and recession upon Social Security benefits. Their message was clear: Social Security is not going broke, even though the demands caused by today's high prices and a work force hit hard by unemployment are severe.

Such testimony is valuable, but it doesn't tell us what is happening to individual people.

And so, the Committee on Aging has since conducted three field hearings, two in California and one in Iowa, on the impact of the high cost-of-living upon the elderly.

The Committee has received heart-rending testimony documenting harsh facts of life facing older Americans during these troubled economic times.

The first fact is that Social Security benefits are still generally inadequate. Even with the 8 percent increase due in three days, the average benefit for a retired workers will be only $200. For a couple it will be $341. And for a widow, only $193.

That eight percent—which was opposed by the Ford Administration, by the way, on the grounds that 5 percent was enough—does not bring Social Security up to the actual overall cost-of-living increase within recent years. From October 1972 to March 1975 prices rose by about 25 percent. But the Social Security increases since October 1972, including the new eight percent, will come to only 20 percent.

But the second economic fact of life I want to mention is that the *overall* increase in the cost-of-living doesn't really measure the cost increases faced by older persons. This is so because the elderly spend proportionately more of their incomes for items which are rising in cost more extremely than the other items in the index. I'm referring to housing—and that includes utilities—transportation, health care, and food. In short, I believe that the general cost-of-living index must be replaced; and I have introduced a bill calling for a special index for arriving at Social Security and Supplemental Security Income adjustments. That same bill also calls for cost-of-living increases whenever warranted during a 6-month period, instead of having to wait for a full year, as we do now.

There is a third fact of life which I'll mention before hearing from the witnesses. And that is it does little good to raise Social Security income by a few dollars a month if they are wiped away by needless drains on that income. Let's say, for example, that a doctor who has served a community for years and years decides one day to retire. Older persons who had depended upon him may now find that they have to travel miles to get health treatment, if indeed such care is available at any distance. A taxi may be the only way to reach medical help, and a taxi may be completely out of financial reach. Or let's say that the Ford Administration were to be successful in increasing charges to the consumer under Medicare, as it proposed early this year. Here again, there would be a new drain on retirement income.

I don't think we can expect the Social

Security system to pay for all the inadequacies of our transportation systems, our health care resources, and the social services needed by so many older persons. We need positive programs, under the Older Americans Act and under other auspices, to deal with those problems. I've called upon several witnesses today to give us information on such programs, and I will also ask for details about employment opportunities in the later years. After all, many persons near or beyond age 65 want to continue working, but quite often are denied the oportunity.

Finally, I would like to say that last week I introduced a bill to provide Federal assurance that an 8 percent increase in Social Security should *not* result in reduced SSI payments or loss of Medicaid. That bill, of course, cannot be passed within the next three days. But it can be made retroactive, and I intend to push for early Congressional consideration of this pass-along bill.

And now our first witness, the Mayor of Newark, Kenneth Gibson.

[From the Newark (N.J.) Star-Ledger, July 1, 1975]

JERSEY ELDERLY CITE "BLIGHT, NEGLECT"

(By Roger Witherspoon)

New Jersey's elderly are faced with rising costs, dwindling financial reserves, lack of government support and a pervasive fear that they are unwanted, witnesses told a U.S. Senate committee yesterday.

Government and labor officials and scores of senior citizens also told the special U.S. Senate Committee on Aging yesterday in Newark that existing federal and state income programs are inadequate to meet the needs of the elderly, particularly in the north Jersey-New York area.

"The needs of our elderly population are far greater than any other group in this country," Newark Mayor Kenneth Gibson testified. "Aged residents of urban areas suffer the worst of blight and neglect.

"While discussions, conventions and special news features focus and refocus on the despair of the American elderly poor, remedies too often revert to mere rhetoric."

The situation was put even more graphically by Mrs. Nellie Grier of Newark, director of the Friendly Fuld Golden Age Center in the city, who declared:

"High prices have hurt the seniors so much that all they have left is a few pennies to bury themselves. Many of them just don't have any money left at all.

"Old people live in places in this city where the rooms are so small you've got to go in forward and back out.

"And many of us are alone. The elderly do not need to live altogether alone. It's not right. And the elderly are hungry. They need food but can not buy any.

"The elderly need transportation. The transportation here is so bad. I want you to see an 85-year-old man struggling to push a food cart up the hill.

"We are completely shut in. We are completely cut off. The government owes the elderly a lot more than they are giving."

The hearing, in the Newark City Council chambers, was conducted by Sen. Harrison A. Williams Jr. (D–N.J.) as part of an extensive committee project to determine the effectiveness of the existing Social Security and Supplemental Security Income programs.

The committee has been holding hearings around the country, Williams said, "to find on a personal level what the rising cost of living has meant to the elderly living under these programs." Another hearing will be held in Toms River in September.

Mrs. Mary Howard, 75, of Newark, who is blind in one eye and confined to a wheelchair, said the programs conducted by the Golden Age Center and similar institutions "are so great for us senior citizens, for there is no other way for us to get around."

"They pick us up, take us on shopping trips, take us to doctors, talk to us, feed us," she said. "It is a wonderful thing, and you can't let it die."

Not all of those who testified were elderly. Dr. Syvia Herz, a psychologist and sociologist from South Orange and a member of the advisory council to the Essex County Senior Citizens Commission, said there is a need for a "reordering of priorities" so that the elderly get the attention they deserve.

"According to the dictionary," she said, "senior means superior, higher, more advanced in rank of office—and that's what our senior citizens are.

"They are senior in experience, knowledge and wisdom and can and are making a great contribution to our society. Our sick society has made castaways of our elders, and they have to beg to get a meal to eat, to get money for health services and day care centers and are a disenfranchised group placed in a subservient position by our youth-oriented culture.

"It was the senior citizens who built these United States of America and they who produced the lawyers, the doctors, the constructors and builders of this great nation.

"At age 65 and older, senior citizens are very productive and should not be automatically retired."

Joel Jackobson, a member of the Public Utilities Commission, urged Williams to sponsor legislation "to ease the burden of the senior citizens and others on low fixed incomes who find the current necessary and reqquired utility rates too burdensome to assume."

Jacobson said "energy stamps" should be provided to be used in paying soaring utility rates, since the PUC lacks the authority to discriminate in its rates and charge more to those who can best afford to pay.

Williams said at the end of the session that the outreach type of program "is working miracles for the people they reach."

"The problem is they do not reach enough," he said. "We need to expand this type of service to meet the needs of all the senior citizens."

[From the New York Times, July 1, 1975]

WILLIAMS LISTENS TO PLEAS BY AGED—GREATER FEDERAL AID SOUGHT FOR THOSE BEING SQUEEZED BY RISING LIVING COSTS

(By Walter H. Waggoner)

NEWARK, June 30.—United States Senator Harrison A. Williams Jr., ranking member of a special Senate committee on the aging, heard officeholders and the elderly plead today for greater Federal assistance to those squeezed between fixed incomes of pensions and Social Security and the rising cost of living.

Nellie Grier, a 75-year-old widow from Newark's predominantly black Central Ward and director of a neighborhood group for the elderly, told a cheering audience of about 200 in Newark's City Council Chamber that "senior citizens are very, very important."

Praised by Senator Williams, Democrat of New Jersey the only member of the committee present, for her "sharp" presentation, Mrs. Grier described the privations that the elderly poor suffer in living conditions and transportation, and she added:

"Many of them are able to hold decent jobs, but they are shut out from these jobs only because of their age."

"PATCHWORK OF COMPROMISE"

A few minutes earlier, Newark's Mayor, Kenneth A. Gibson, called for a program to "reform, restructure and reorganize the dominant and necessary Federal efforts to provide services to senior citizens."

"Most of the present Federal programs, commendable as they are," he said, "are a patchwork of compromise and accommodation. They do not reflect well-rounded comprehensive efforts in which immediate and future needs are represented in a balanced program."

Senator Williams's meeting in Newark, where unemployment is high and its elderly residents are a severe drain on the city's limited resources, occurred on the same day that the full Senate Committee on Aging issued a 393-page report critical of the Ford Administration's program for dealing with the problems of the poor and elderly.

"PERSISTENT EFFORT" SEEN

In a preface to the report, the committee's chairman, Frank Church, Democrat of Idaho, accused the Ford Administration of carrying out a "strategy for cutbacks" in programs for the aging, and he declared:

"The elderly are faced by . . . a determined and persistent effort by the present Administration to cut back on programs essential for the well-being of our senior population."

In the opening statement at the hearing today, which, has followed two others, in California and in Iowa, Senator Williams said the committee was seeking "the kind of testimony we don't always receive in Washington, D.C."

The New Jersey Democrat said the committee had been assured by Washington officials that "Social Security is not going broke," but that such testimony, while valuable, "doesn't tell us what is happening to individual people."

In addition to Mrs. Grier, among those individuals testifying today was Virgilio Lopez, who told how three Newark residents, all over 63 years of age and with incomes ranging from $125 to $185 a month, had to pay $125 a month rent for accommodations in the same "old three-story house," sharing cooking and bathing facilities.

BIENSTOCK SPEAKS

The broader view, in which individual hardships were translated into statistics, were presented by Herbert Bienstock, assistant regional director for the United States Department of Labor's Bureau of Labor Statistics Middle Atlantic Regional Office.

"There are indications," he said, "that the inflation of recent years has impacted the elderly in the New York-Northeastern New Jersey area more sharply than in other areas or groups."

The cost of living for retired couples in this area, he said, was "sharply above the national average in 1973." He defined the retired couple as a husband 65 years or over, and his wife, and being self-supporting in an urban area.

Mayor Gibson, however, said that an examination of the statistics on the increasing elderly population and "the deprived economic condition of most elderly Americans" indicated that "the ability for a majority of senior citizens to become self-sufficient, with the most far-reaching of Social Security legislations, is very limited."

"This is not to imply that Congress should not legislate maximum benefits," he continued. "However, such an examination does point to the realization that our elderly must have and should have the assistance of their Government to lead comfortable and wholesome lives."

ANYBODY CAN GET INTO OIL

Mr. ABOUREZK. Mr. President, Jimmy Breslin's column in the July 14, 1975 Washington Star presents a provocative reflection of the soul and mind of our country today. I ask unanimous consent that it be printed in the RECORD.

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

ANYBODY CAN GET INTO OIL

(By Jimmy Breslin)

Sometimes in this city everything becomes so close that a glimpse may be had of the condition of the soul of the country.

In the morning in the rain, John Swearingen, chairman of the board of Standard Oil Company of Indiana, came out of his limousine with his wife, daughter and chauffeur and into a television studio on Connecticut Avenue. Swearingen sat on the set waiting for the show to begin. His daughter and chauffeur were in a viewing room. His wife, blue sweater, white pants, large diamond, moved between the set and a control room, where the cameras, in tests, had her husband's face on rows of screens.

"Those chins," she said. He had his head tilted down and flesh bunched up to form a couple of chins.

"Weight shows up something fierce on television," somebody said to her.

"I know. We can't do anything about it. We're so happy, we gained five pounds."

She walked over to the set and smoothed her husband's grey hair. She stepped away, crouched down and began coaching him.

"Sit back," she said.

He sat back a little more in the chair.

"Sit back more. You'll be comfortable."

He sat back.

They cleared the set a minute before the show was to start and she came into the viewing room. A small gold whistle was around her neck.

"Is it a real whistle?" she was asked.

She put the whistle in her mouth and made it give a high-pitch sound, but not a sound high enough to summon any help.

"I only blow it during the hockey games," she said. Blow the whistle for the Chicago Black Hawks.

Of course, she couldn't know about the other sport. Blow the whistle on the street to get the police.

Ralph Nader was on the show with Swearingen. Swearingen's wife frowned. "Look how this Nader is; he stays that way to be sympathetic."

"Your husband looks all right," one of the television people said.

"Fat cat," she said.

The show, ABC's "Issues and Answers" was a sort of debate between Nader and Swearingen. It is impossible to have a debate with an oil man such as Swearingen. In the middle of the gas shortage last year, a partial discovery showed Standard Oil of Indiana's profits were up a few hundred percent. Swearingen announced then that he felt the profit was perfectly proper. Nobody yelled. On this television show he said he wanted competition, the price system, to control the price of oil. When it was pointed out to him that major oil companies go on joint ventures, rather than compete with each other, Swearingen said that, why, there was no conspiracy; we do have joint ventures, but that's very well known. Around the country, people listened and slept.

The sponsor of the television show was the oil company Exxon, whose representatives in Italy gave $86,000 or so to the Communist party. A total of $46 million in political contributions in Italy over a nine-year period. What, you must wonder, do oil companies give in bribes to major politicians in Washington?

When the show ended, Nader and Swearingen stayed on the set and talked. Mrs. Swearingen said she was trying to write a book about corporate wives.

"What would it say?" she was asked.

"How we help our husbands."

"What would be one way to show how you help?"

"Well, I'm here today, being a helpmate. Here on this show. And I really should be getting ready for my golf match on Tuesday."

"By playing golf today."

Her husband was arguing with Nader about the tremendous burden of costs and taxes major oil companies must carry.

"When was the last time one of the big oil companies lost any money?" Swearingen was asked.

"Oh, back in the '30s maybe."

"Then oil sounds like a good business."

"You can get into it, anybody can get into it," he said.

Ten minutes after this, in the middle of a $1.25 cab ride to an office for work, we had the cab stop at three-story brick apartments at 1418 First Street, in the Southwest section of Washington. Curtis Niler, who is 17, was inside a ground floor apartment with his family. Niler was first seen, during this visit to this city, in June, on the last day of high school. He was walking around Cardozo High School and he said he was supposed to get a job for the summer.

"I fill out papers, they say, 'I have to find somethin' for you. I'll call you.' "

"What do you do if you don't get a job?"

"Just sit around, you know."

Yesterday afternoon, Curtis Niler sat in his kitchen, staring at the rain.

"Supposed to get somethin', but I don't have nothin' yet," he said.

"Do you look?"

"Go out in the daytime lookin'. Cost money."

"How much money do you take with you?"

"Fifty cent."

"What kind of a job are you looking for?"

"Clean up."

"And you can't get that?"

"One place I got a chance. OIC. Call Opportunities Industrial Center. They train you for a job. I think maybe I can get on that."

"Training? But then you have go back to school right away."

"Not goin' to school no more."

"Then until you get this OIC, what do you do?"

"Nothin'."

"Well, like, what do you do at night?"

"Walkin' the street."

His mother sat on a couch in the living room, drinking soda and staring at television. The green walls were smudged with children's handmarks.

"He been lookin', so far ain't nothin' happenin'," she said. A black kerchief was wrapped around her head. There is a large protrusion over her right eye.

"She had a brain abscess," another woman in the room said. "She been in the hospital two, three years. Had a bone taken out of her head. The kids, they was in a foster home."

"I hope somethin' happens," the mother said, staring at the television. In the kitchen her son sat motionless and looked out the window at the rain.

The hallway outside the apartment door was filled with young kids listening to radios. Sit in the halls and write on the walls. In another doorway, tall youth, about 17, big arms and a thick neck, watched the rain. "Nothin' to do today," he said. "Can't go out and rob somebody, you too conspicuous alone in the rain."

On First Street in Washington, D.C., in the country of the United States, they don't know what everybody in the other Washington, in the circle of government of the United States, knows: That you can go into oil; anybody can go into oil.

ANTIRECESSION AID TO STATE AND LOCAL GOVERNMENTS

Mr. WILLIAMS. Mr. President, I am pleased to join in cosponsoring S. 1359, the Intergovernmental Antirecession Act.

This bill offers a creative approach to the fiscal crisis of our State and local governments by authorizing emergency antirecession grants on the basis of both need and the ability of these governments to meet these problems themselves.

SYNOPSIS OF LEGISLATION

The funds available under this program would be divided into two categories. One-third of the funds would go to State governments and two-thirds of the funds would go to local governments. The formula for the distribution to both State and local governments would take into account both unemployment and taxes raised by each recipient government with unemployment given double weight. Unemployment would provide a measure of the impact of the recession on a particular government. The level of taxes raised would provide a measure of the size of operations of that particular government and their attempt to meet the fiscal crisis themselves. State and local governments whose unemployment rate drops below 6 percent would not receive assistance under this program.

Once the national rate of unemployment rises to 6 percent, S. 1359 would authorize $125,000,000 plus $62,500,000 multiplied by the number of one-half percentage points by which the rate of seasonally adjusted national unemployment exceeded 6 percent. These funds would be used for the maintenance of basic services customarily provided to persons within the jurisdiction of the recipient State and local governments. It is important to give these governments as much flexibility as possible in spending these funds so that this assistance can be used to complement other Federal programs to stimulate the economy.

IMPACT ON THE ECONOMY

In recent years, the State and local government sector of our economy has become increasingly important, both as an employer and a provider of goods and services. Since 1967, this sector has grown 28 percent, a growth rate significantly above the 14.8 percent rate for the remainder of the economy. In the same period, State and local governments' purchases of goods and services have increased as a percentage of gross national product, from 11.3 percent to 13.7 percent in 1974. If we are to achieve recovery from the second worst depression in this century, we cannot ignore the contribution to economic well-being which must be made by our State and local governments.

The current fiscal crisis faced by our State and local governments not only seriously endangers the adequate provision of vital community services, but also acts as a drag on the economy as a whole. Rising unemployment has resulted in a serious loss of tax revenues and, as a result, State and local governments have gone from a combined surplus of $4 billion in 1972, the year revenue sharing was enacted, to a combined deficit of $7.9 billion last year. In a recent study of 48 States conducted by the Joint Economic Committee, 35 were found to have specific constitutional provisions forbidding deficit

spending. Thus, the tremendous revenue loss suffered by these governments must, in most cases, be recaptured by increases in their taxes.

EFFECT ON NEW JERSEY

In my home State of New Jersey, expenditures will have to be cut by over $400 million, a cutback of 15 percent from a budget of $2.8 billion, to meet the constitutional requirements of a balanced budget. The alternative to this drastic cutback in State services is to raise New Jersey's taxes which already rank among the highest in the Nation. Throughout the country, State and local governments are being forced to take drastic budgetary measures because of the recession-induced decline in tax revenues and increases in demand for basic local services. Our States and cities are forced to reduce services and increase taxes and have raised an additional $8 billion. Yet, they still face massive deficits this year.

While the Federal Government is trying to speed up economic recovery by cutting taxes, our State and local governments are delaying the impact of that effort by raising their own taxes. While the Federal Government is trying to create new jobs through public service employment, State and local governments are forced to neutralize that goal by cutting back on job-producing capital projects and by laying off regular employees, only to replace them with public service employees.

COMPARISON WITH REVENUE SHARING

Revenue sharing provides Federal assistance to virtually every unit of government in the country. Intergovernmental assistance on the other hand, as represented by S. 1359, is selectively targeted to only those States and local governments hardest hit by recession and who have attempted to raise the revenue to meet the need themselves. Intergovernmental antirecession assistance is based on the same Federalist principles as revenue sharing and represents the emergency response required by our severe recession.

CONCLUSION

Intergovernmental assistance is an antirecession program only and Federal funds will phase out as the Nation's unemployment rate falls below 6 percent. Such countercyclical programs are the best response to recessions because they are automatically activated as the crisis begins. This approach eliminates the time lag between the crisis and the legislative response.

S. 1359 should not be considered a substitute for any categorical program, but rather as a temporary State and local assistance measure. As chairman of the Senate Labor and Public Welfare Committee, I feel intergovernmental antirecession assistance is needed to reduce the reliance of State and local governments upon budgetary actions which run counter to national economic policy. Our economic policies can have little meaning if our cities and States continue to face financial decline and decay.

"WAS IT A RESCUE MISSION OR AN EXCUSE FOR REPRISAL?"

Mr. ABOUREZK. Mr. President, the *Mayaguez* incident has left us with many haunting, unanswered questions.

It is time we reconsidered this tragic incident. Let us look again and seek answers to the questions of what actually happened and why. The July 2, 1975 issue of New Times carried a story, which first appeared in Resist, that provides great insight into the *Mayaguez* incident. Mr. President, I ask unanimous consent that this article be printed in the RECORD.

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

THE "MAYAGUEZ" INCIDENT RECONSIDERED: WAS IT A RESCUE MISSION OR AN EXCUSE FOR REPRISAL?

The official White House line on the Mayaguez affair is that President Ford ordered Marines, warships, fighter-bombers and helicopters into combat in Cambodia solely to recover the captured U.S. cargo ship and its 39 crew members.

White House press secretary Ron Nessen stated May 16 that the president "firmly rejects" speculation that the United States welcomed the crisis. Nessen said the decision to use force "was based 100 percent and entirely on a single consideration—to get the crew and the ship back."

But rescue was only part of the story. Ford, Secretary of State Kissinger and other members of the National Security Council also clearly saw the incident as an opportunity to reassert American power in Southeast Asia. The New York Times reported as early as May 13—the day after the Mayaguez was captured—that "High ranking sources familiar with military strategy and planning said privately that the seizure of the vessel might provide the test of American determination in Southeast Asia that . . . the United States has been seeking since the collapse of the allied governments in South Vietnam and Cambodia."

The Associated Press, the New York Times and Time all described Kissinger as determined from the start to take advantage of the Mayaguez incident to deliver "a sharp, decisive blow" to the new leftist government in Cambodia. In effect, Kissinger wanted reprisal raids—a punitive military attack, not a mere rescue mission.

Kissinger's advocacy of military force reportedly clashed with Defense Secretary Schlesinger's cautionary advice against overreaction. Schlesinger is said to have advised the minimum use of force necessary to get back the ship and the crew, while Kissinger favored massive retaliation to draw the line in Asia.

Kissinger's view won out in the National Security Council and Ford sent in the Marines, Air Force and Navy to recover the Mayaguez, teach the Cambodians a lesson, and prove to the world what the Ford administration in the post-Vietnam war era was not weak and indecisive. To underline this point, the administration was apparently even considering using B–52 bombers, according to a "top United States official" (presumably Kissinger himself) quoted in the New York Times on May 17.

The White House, despite high U.S. casualty figures, was euphoric about the Mayaguez recovery mission. Congress, for the most part, was also jubilant, as even old-time antiwar critics gave qualified support to the Marine operation. What's more, early polls—before complete casualty figures were released—showed that the American public overwhelmingly approved of Ford's handling of the situation.

But the Mayaguez affair has raised disturbing and unanswered questions that might yet make the Mayaguez recovery a Pyrrhic victory.

1. Why was the Mayaguez in waters claimed by Cambodia? Ford called the Cambodian seizure of the merchant ship "an act of piracy" on the "high seas." Yet, the ship was captured only eight miles off Poulo Wai, a small island claimed by Cambodia. And although the U.S. recognizes only a three-mile offshore territorial limit, Washington has long been aware that Cambodia like some 40 other nations, asserts a 12-mile limit. This was the case even under the U.S.-backed Lon Nol regime.

The State Department and the CIA knew that the small Cambodian navy was aggressively defending its maritime zone (for good reason, as the Cambodian communique about the incident described the U.S. backed and organized spy and espionage missions that had been taking place since the fall of the Lon Nol regime off the coast of Cambodia) firing on a South Korean ship on May 3, and seizing a Panamanian freighter May 7 and detaining it for 36 hours.

Yet the U.S. intelligence agencies did not warn American ships to steer clear of these dangerous and sharply contested waters.

2. Why was the capture of the Mayaguez treated as a crisis? The U.S. and many other governments frequently seize the commercial ships of other countries. The settlement of these seizures are, according to experts in international law, routinely handled through diplomatic channels or courts. For instance, Ecuador, which claims a 200-mile fishing limit, has repeatedly arrested U.S. tuna ships, often jailing the crew, confiscating the cargo and imposing stiff fines. The U.S. opposed these seizures, but has never intervened militarily to secure the release of a ship captured by Ecuador.

Only five days after the capture of the Mayaguez, the U.S. Coast Guard seized the Polish fishing trawler Kalmar off the northern California coast for allegedly operating within the 12-mile fishing limit claimed by the U.S. The case is now before a San Francisco court.

Jordan Paust, co-chairperson of the American Bar Association's committee on international law and use of force, referred to similar legal precedents in calling Ford's response to the Mayaguez capture hasty and illegal. Paust said Ford's statements about piracy and seizure on the "high seas" were "ludicrous and contrary to consistent views of legal advisers in our own State Department."

3. Did the administration exhaust peaceful means to obtain the release of the crew? The State Department said it first pursued diplomatic efforts to recover the Mayaguez, but Prince Norodom Sihanouk stated May 22 on a visit to North Korea that neither he nor the Royal Cambodian Government of National Union (GRUNK) was ever informed of diplomatic steps by the United States to secure the release of the American freighter.

Kissinger himself confirmed at a news conference May 16 the Cambodian accusation that U.S. aircraft began harassing Cambodian patrol boats within 12 hours of the seizure of the Mayaguez. And U.S. planes had already sunk at least three Cambodian vessels before Washington asked the United Nations May 14 for help in settling the conflict.

It is also unclear why Ford did not halt the Marine operation on the operation of May 14 when Phnom Penh radio began broadcasting news that it would release the Mayaguez.

4. Why did U.S. planes bomb Cambodia after the crew of the merchant ship was safely aboard the USS Wilson? The first

bombing raid on the Cambodian mainland destroyed 17 planes at Ream, an airfield near the port city of Sihanoukville (Kompong Som). The second raid—whose disclosure was delayed by the Pentagon—hit a fuel depot and a railroad yard on the outskirts of the city.

The Pentagon claimed the second raid was to protect the Marines fighting on Tang Island, 30 miles away, but did not explain how the Cambodians could have interfered with the withdrawal of the Marines, since their tiny air force had been destroyed by the first bombing raid.

Nevertheless, Ford maintained in an interview published May 21 in the New York Daily News that there was "no punitive element" in the bombing.

It is interesting to note that one Marine source told the Los Angeles Times May 19 that headaches, concussions and loss of hearing suffered by some Marines "might have resulted from the dropping on Tang Island of a 15,000 pound bomb—the largest nonnuclear weapon in the U.S. arsenal."

5. Why did the Cambodians capture the Mayaguez? Hu Nim, the Cambodian Minister of Information, broadcast an explanation May 15 saying the Mayaguez has entered Cambodian waters at a time when the new government is deeply suspicious of foreign naval-activity, claiming to have captured recently several espionage ships in the Gulf of Thailand.

The official described one incident in which a Cambodian ship intercepted a boat off Koh Prins and found seven Thai crew members aboard with rifles, plastic explosives, grenades, mines and U.S. built telecommunications equipment. Hu Nim said that the crew members admitted they had been trained by the CIA in Thailand and that their mission was to hook up with agents who stayed behind in Cambodia after the collapse of the Lon Nol regime.

Finally, there is the issue of media manipulation on the part of the White House in regard to U.S. casualties. White House press secretary Ron Nessen denied May 19 that there was any news management in the delay in announcing U.S. casualties incurred in the Mayaguez incident. A reporter asked Nessen: "We received the good news of the success of the mission immediately and the bad news days later. Does this suggest news management?"

Shifting casualty figures
(May 15–20)

Day	Dead	Missing	Wounded
Thursday	1	0	0
Friday	1	13	22
Sunday	5	16	70-80
Monday	5	16	49
Tuesday	15	3	50

And on May 21, it was revealed that a helicopter crash in Thailand, killing 23 servicemen, was related to the *Mayaguez* operation. The helicopter was carrying Marines to the U.S. base at Utapao for possible use in the military assault on Tang Island. That meant a total of 38 American deaths. No one at the Pentagon is saying how many Cambodians died.

THE BARD OF FEDERAL HILL

Mr. PELL. Mr. President, today is a particularly happy day in the life of a wonderful Rhode Islander who has devoted his life to entertaining and bringing joy to his fellow men.

I refer to Antonio Victorio Marrocco, better known as Tony Monaleek, who today celebrates his 80th birthday.

Tony was born at the corner of Cedar and Crout Streets on Federal Hill in Providence and has spent his life in this vibrant Italo-American neighborhood—the center of the proud Italo-American culture in my State.

In recent years he has become the chronicler of the rich and fascinating history of Federal Hill. Every week in "The Echo," a Rhode Island weekly newspaper that is known as "The Italo-American Voice of Rhode Island," a regular feature is Tony's column, "The Federal Hill Story."

Over the years Tony has recounted in glowing detail the history of the families, the churches, the schools, the shops, the street corners that have made Federal Hill the lively neighborhood that it is.

Tony would be the first to protest that he is not a schooled historian. He is far more than any academic historian can be—he is a chronicler of the streets, a man with a vivid and exact memory and a colorful writing style that brings the Federal Hill of the past to life for readers of the Echo. I know that I am joined by thousands of Rhode Islanders who wish Tony and his wonderful wife Angelina many, many more happy years and thank him for all he has done to brighten our lives.

Happy birthday, good old Monaleek.

FAIR TRADE LAWS

Mr. ROTH. Mr. President, I have cosponsored legislation to abolish all fair trade laws. Specifically, this bill would repeal the Federal laws which have exempted individual States from the antitrust laws and allowed them to enact fair trade laws.

Fair trade laws were enacted years ago during the Depression to protect small retailers from price-cutting practices of larger retailers, but the net effect of these laws has been to increase consumer prices, reduce competition, and protect inefficient businesses.

The fair trade laws allow a manufacturer to sign an agreement with a retailer setting a minimum price at which his product can be sold. This agreement prevents a retailer from reducing the price and offering discounts to the consumer.

In Delaware, the fair trade law permits a manufacturer to sign a single fair trade agreement with only one retailer and then force every other retailer in the State to abide by that agreement.

According to Justice Department estimates, these laws increase prices on fair-traded items between 18 and 27 percent, and the economic report of the President has estimated that fair trade laws cost the American consumer $2.1 billion a year.

This Federal legislation banning fair trade laws would apply to all commodities except alcoholic beverages. Under the 21st amendment to the Constitution, the individual States have exclusive jurisdiction over all matters involving alcoholic beverages, including the conditions or terms under which liquor can or cannot be sold. This means that this Federal legislation will not preempt in any way the Delaware General Assembly's decision whether or not to exclude alcoholic beverages from their fair trade repeal legislation.

The fair trade laws are a perfect example of the Government's practice of enacting well-intentioned legislation that was designed to help consumers but that ultimately led to higher consumer prices. It is another indication of how Government overregulation has contributed to the economic problem we are experiencing today. These fair trade laws have resulted in higher consumer prices and reduced competition, and I believe that it is time to repeal these laws.

YOUTH CONSERVATION CORPS FUNDS RELEASED

Mr. ABOUREZK. Mr. President, I am gratified that the administration late last week released the money for the summer operation of the Youth Conservation Corps. Obviously, the passage of Senate Resolution 205, disapproving the deferral of their funds, left them little choice in the matter. By approving the resolution last week, the Congress was providing direct jobs to thousands of young people in every State in the country who would otherwise be out of work.

It is my understanding that this was the first the new budget law was used to declare an unreported deferral. Not only did passage of Senate Resolution 205 reaffirm the Congress commitment to an excellent and worthwhile program, it reasserted the constitutional authority of the legislative branch over the power of the purse.

The Senate should be commended for its swift action in assuring our youth these summer jobs and for creating this added stimulus to our economy. I would like to add my personal note of thanks to the cosponsors of Senate Resolution 205: Senators CHURCH, FORD, HUMPHREY, JACKSON, JAVITS, MCGEE, MCGOVERN, MCINTYRE, and especially to the majority and minority leadership for clearing the way to immediate consideration of this timely legislation.

The Senate action was a vote of confidence in an excellent program and an important reaffirmation of the principles of the Impoundment Control Act.

THE MANSFIELD AMENDMENT TO SENATE RESOLUTION 166—THE NEW HAMPSHIRE ELECTION DISPUTE

Mr. CLARK. Mr. President, it is widely known that this body has spent a considerable amount of time in the past month debating the New Hampshire Senate election dispute. In my opinion, no evidence has yet been presented to indicate that we are unable to meet our constitutional responsibility and to decide this case on the facts. However, we are faced with a classic "Mexican-standoff." Even though we have voted several times to hear and decide this disputed election, a minority of the Members has refused to let that happen. Surely, by now every Member of the Senate has had ample opportunity to hear and study the well-reasoned debate on most of the 35 issues and ballots before us. Nevertheless, we find ourselves at an impasse.

In order to break this impasse, the distinguished majority leader has made what I believe to be an eminently fair compromise. It involves probably the most crucial issue—the so-called skip-candidate ballots. I have already voted once in support of the Wyman position on this question because I felt is would be unfair to treat skip-Wyman ballots differently than skip-Durkin ballots even though Mr. Wyman failed to protest the skip-Durkin ballots during the recount conducted by Secretary of State of New Hampshire. With the Mansfield compromise there can be no question that both candidates would receive equal treatment in this regard.

Mr. President, if this proposal is passed, 13 of the 27 disputed ballots and 2 of the 8 disputed issues would be settled, and the Senate could dispense with the remaining ballots and issues very quickly.

Senator MANSFIELD deserves our congratulations for working out this eminently fair approach, and I urge my colleagues to support it.

I ask unanimous consent that two recent editorials from the Washington Post on this subject be printed in the RECORD.

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

[From the Washington Post, July 8, 1975]

RESOLVING THE NEW HAMPSHIRE CASE

The Senate's first priority this week should be to find a sensible and expeditious way to finish its review of the extremely close New Hampshire Senate race between Republican Louis C. Wyman and Democrat John Durkin. The wrangling over this tangled case has already gone on for far too long. Other important business is beginning to back up. The Senate looks increasingly petty and partisan. And the people of New Hampshire have been denied one senator for more than six months.

The Constitution gives the Senate final authority to judge such election contests. To reach a decision at all, the Senate will have to vote cloture and impose strict limits on future debate. To reach a decision that will be generally acceptable as fair, the Democrats who dominate the Senate will have to agree to inquire further into some of the Republicans' complaints about possible missing ballots and the like. The most substantial of these issues involves the so-called "single skip" ballots, those on which the voter cast a straight party-line vote, then indicated by additional marks that he wanted to vote for every candidate of that party *except* the Senate candidate. Mr. Durkin's forces have protested eight such "skip Wyman" ballots, which they argue should be tallied as "no votes". Mr. Wyman's supporters maintain that if those ballots are to be thrown out, the Senate should go back through about 180,000 ballots and retrieve and reject what they describe as "hundreds" of "skip-Durkin" ballots that, according to the GOP, have been counted as Durkin votes.

So far the Senate Democrats have opposed any such search. Now, however, Majority Leader Mike Mansfield and others are preparing to offer a plan under which the General Accounting Office, as a neutral agent, would search the ballot boxes for additional "single skip" votes. Any that do turn up would be thrown out. Obviously if Mr. Wyman is right about the numbers, this would mean a large and probably decisive deduction from Mr. Durkin's count. Whatever the outcome, this approach would resolve about 15 of the 35 questions now tying up the Senate. Moreover, if such a plan garners a few more votes for cloture, the Senate would finally be able to limit future argument.

The first instinct of most Republicans may be to oppose the Mansfield plan because it does not deal with all of the GOP's protests about alleged quirks in the count. That should not be a serious stumbling block. A GAO audit of the ballots could certainly be enlarged to cover additional points—if both parties are really interested in settling the case. The Democrats' initiative is the most constructive effort on this front in weeks. By their response, the Senate Republicans will show whether they really want to settle this election through a serious inquiry—or perpetuate a stalemate in which nobody wins.

THE NEW HAMPSHIRE ELECTION MESS

Instead of moving smartly toward a resolution of the New Hampsire election case, the Senate ended another week of bitter debate almost as frustrated and fogbound as before. The Democrats made a major overture toward breaking the deadlock, but the Republicans brusquely rejected it. Three more cloture attempts fell short. Both sides did manage to agree to vote Tuesday on one point involving a possible recount in 10 precincts. But as the Senate suspended its inconclusive arguing and started to take up energy bills, the people of New Hampshire were still short a senator.

There may be plenty of reasons, but there is no excuse for the Senate's inability to settle the Wyman-Durkin case. Each day of squabbling merely strengthens the nationwide impression that the Senate cannot decide who won the contest last November, and that the best approach would be to hold a new election in the state. That is what the Republicans have advocated all along, and their strategy has been self-fulfilling to a point. As long as 40 senators refuse to end debate, the fight will—as they predict—go on and on.

A new election is not, however, the fairest or most desirable remedy. Last November's outcome was obviously very close, and some ballots are very hard to judge. But it has not been shown that, on the merits, the necessary judgments are impossible. A new election would not be a rerun in any real sense; it would not tell us what New Hampshire's voters were trying to say last November. It would be an entirely new election, under different circumstances with, no doubt, different issues and a different turnout. Moreover, even that drastic step might not give New Hampshire another senator any time soon. The state's new special-election law is likely to face legal challenges that could run on for months. Finally, it is always conceivable that the same procedural flaws that started all the trouble could infect a new election too—and might even bring the results back to the Senate again.

All told, it is far wiser and constitutionally more correct to finish the Senate review and decide as quickly and judiciously as possible which candidate, Mr. Wyman or Mr. Durkin, got more valid votes last November. For all its bickering, the Rules Committee has already dealt with most of the contested ballots and has narrowed the issues to quite manageable scope. A way to proceed from here is not hard to prescribe. In our view, the Senate should first set firm deadlines for all future debate and votes, then proceed to vote on whether the so-called "skip-candidate" ballots ought to be counted or not. The General Accounting Office, as an impartial auditor, should be directed to go back through all the ballots and audit not only the "skip-candidate" votes but also the 15 precincts in which counting irregularities or missing votes have been alleged by Mr Wyman's camp. Meanwhile the Senate should be voting on the other ballots and issues that the Rules Committee was unable to resolve. GAO should then combine its own audit, the Rules Committee's tally and the Senate's judgments and produce a final count. Whoever wins would then be seated.

It is easy—almost embarrassingly easy—for disinterested observers to recommend such a course. The problem is that few senators, at the moment, are disinterested. The contest has become a test of partisan power, loyalty and stamina. The Democrats are reluctant to concede that they erred in trying to limit the inquiry too much. Many Republicans, no doubt, are tired of the obstructionist strategy of their leadership but do not want to be the first to jump ship by voting for cloture. Yet more and more senators on both sides ought to be growing tired of the games and increasingly ashamed of the spectacle their maneuvering has produced. Such general unhappiness could be a useful force by causing a resurgence of institutional pride and common sense. Those are the elements that must be mobilized to bring this unhappy stalemate to a fair and expeditious end.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. If there is no further morning business, morning business is closed.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Missouri is recognized not to exceed 9:30 a.m.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that that time be extended if needed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator from Missouri be allowed his full 15 minutes.

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

THE NUCLEAR SAFEGUARDS DELUSION

Mr. SYMINGTON. Mr. President, accompanied by staff members George W. Ashworth of the Senate Committee on Foreign Relations, David A. Raymond of the Senate Committee on Armed Services , and Gen. Albion W. Knight, Jr. of the Joint Committee on Atomic Energy, I visited Vienna and Geneva June 29 through July 3 during the Senate recess.

On this trip, we explored a number of questions concerning recent developments in the strategic arms race, including the spread of capability to make nuclear weapons in presently nonnuclear states. Those related areas can only become increasingly important to our own security as well as the rest of the world.

In Vienna, we held extended talks with officials of the International Atomic Energy Agency—IAEA. This Agency is considered the principal "safeguards" instrument of the Non-Proliferation Treaty to insure that nuclear technology is not diverted to weapons development.

Unfortunately, the position of U.S. Permanent Representative to the IAEA has been vacant for some months; and in light of recent developments, let us

hope this does not reflect any loss of interest in the vital work this Agency was set up to perform.

In Vienna, we also met with United States and foreign delegates to the talks on Mutual Balanced Force Reductions—MBFR. The U.S. delegation is ably led by the Honorable Stanley Resor.

When we arrived in Geneva, a new round of the strategic arms limitation talks—SALT—was just getting underway, this after many postponements; and we held discussions with members of the U.S. negotiating team headed by the Honorable U. Alexis Johnson.

Based upon our deliberations at IAEA, MBFR, and SALT, it is increasingly apparent that the control of nuclear proliferation and related aspects of arms limitation not only is loose, but is slipping. It appears that the prospects for meaningful arms control have become increasingly doubtful.

The more I read the papers on this subject, the more I am impressed that what we are talking about is form, not substance.

The discussions held in Vienna with officials of the IAEA were of special interest in light of the multibillion dollar nuclear "deal" which had just been concluded between the Governments of West Germany and Brazil. Earlier we were informed that this arrangement was first offered to the United States but rejected by this Government because we would not allow the export of a complete fuel cycle—including enrichment and reprocessing facilities—which could be used to make nuclear weapons.

Now West Germany, however, a country which has both signed and ratified the Non-proliferation Treaty—and thereby committed itself "not in any way to assist" another state to manufacture nuclear weapons—has agreed to transfer to Brazil—a country which has not even signed, let alone ratified, this treaty—all the material, equipment and technology needed to establish and operate a full nuclear weapons fuel cycle.

This agreement marks the first sale of a complete fuel cycle to any nation. Note that in this case, the recipient nation is in the Western Hemisphere and possesses extensive uranium deposits.

The German-Brazil "deal" will enable Brazil to produce nuclear weapons for its own possible use as well as for sale to other countries, including Germany.

Questioning of this dangerous arrangement is reinforced by divergent testimony presented to the Senate Foreign Relations Committee by people high in the State Department as against statements released by the West German Government. Last month State testified that the United States protested the deal, tried to stop it, but could not succeed. Later during that same month, however, the Chancellor of West Germany, Helmut Schmidt, stated at a news conference in Bonn that the American Government "has not expressed a word of criticism to us."

In any case, and regardless of who is responsible, for the first time a country which has refused to either sign or ratify the Non-Proliferation Treaty now has been able to purchase a complete nuclear fuel cycle which can be used for a weapons development program.

This demonstrates that the countries which are capable of supplying nuclear technology have been either unable or unwilling to reach a significant agreement among themselves with respect to the transfer of this technology to nonnuclear states. More than that, it is becoming increasingly clear that commercial interests now prevail over consideration of nuclear weapons control. This sale by West Germany to Brazil confirms that fact.

Despite the IAEA inspection system, which over recent years people had been led to believe would check the spread of nuclear weapons, today that agency actually furnishes no safeguards to check any such spread. During our visit to the IAEA, we found that this agency does little more than monitor roughly the flow of nuclear materials. It has no power of either prevention or enforcement.

In this regard, the following conclusion of the Acheson-Lilienthal report of 1946 would appear to still hold true today: "A system of inspection superimposed on an otherwise uncontrolled exploitation of atomic energy by national governments will not be an adequate safeguard."

Any enforcement of sanctions in the case of safeguard violations detected by the IAEA—that is, diversion of nuclear fuel from peaceful to weapons-development purposes—would appear to be the responsibility of the United Nations. As a congressional representative on the U.S. Delegation to the last U.N. session, however, I found the possibility would be remote indeed that the U.N. would enforce sanctions against a country which obtained nuclear weapons.

Turning to the subject of the present SALT negotiations, our visit to Geneva confirmed that progress in SALT has been slow and tortuous. Summed up, the two parties have not yet achieved any meaningful control over the nuclear arms race; and the pace of new weapons technology, as illustrated by the so-called "cruise missile," along with additional precision-guided vehicles, seems to be outstripping efforts to curb the arms race.

A great scientist once characterized the nuclear picture of the 1950's as "two scorpions in a bottle."

Today there are six scorpions in that bottle, and we now know that soon there will be many more; so it is becoming increasingly apparent that what any two countries may decide will not necessarily be decisive, no matter how many nuclear weapons they may possess.

Any country which possesses nuclear weapons could provide a grave threat to virtually any other country, a condition which implies future danger to all nations.

In this nuclear age, while the spread of atomic weapons continues unchecked, the assurance of any nation that it would not seek nuclear weapons—or would only seek nuclear explosive devices for "peaceful purposes"—may only reflect its current public attitude. But, as Lord Palmerston once observed regarding the behavior of nations,

We have no eternal allies, we have no perpetual enemies. Our interests are eternal and perpetual and those interests it is our duty to follow.

In this connection, consider that 30 years ago our two chief enemies in war were Germany and Japan, and two of our strongest allies were the Soviet Union and China; therefore any nation would be foolish to consider present alinements and present appearances of mutual goals to be a permanent state.

In any case, the nuclear genie is now out of control, and the number of scorpions continues to grow.

The Subcommittee on Arms Control, International Organizations and Security Agreements of the Senate Foreign Relations Committee, which I chair, will resume hearings on nonproliferation this Friday, at which time we will receive testimony from the Honorable Dwight Porter, director of International Government Affairs of the Westinghouse Electric Corp., and former Permanent Representative to the International Atomic Energy Agency in Vienna.

It was reported in the press that Brazil had originally approached the Westinghouse Corp. for the nuclear arrangement it was finally able to receive from West Germany.

I would estimate that since World War II we have probably put over $200 billion into the defense of West Germany which, of course, means also the defense of Europe; and yet they accepted the arrangement which this Nation refused to give the Brazilians, and in doing so they have set up a nuclear power in the Western Hemisphere.

Our hearings will examine various aspects of this arrangement.

We shall also examine broadly new developments in the commercial nuclear field, such as the Common Market's reported turn to the Soviet Union for enriched uranium which it has in the past purchased almost exclusively from the United States.

Finally, Mr. President, I ask unanimous consent that two articles which have illuminated recent developments in the nuclear field be printed in the RECORD. The first, from the Wall Street Journal of July 2, entitled, "Nuclear-Plant Growth Arousing Global Fears of Spreading Weapons"; and the second article from the New York Times of July 6, and is entitled, "Europeans Turning to Soviet Uranium."

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

UNCHAINED ATOM?—NUCLEAR PLANT GROWTH AROUSING GLOBAL FEARS OF SPREADING WEAPONS

(By Bowen Northrup)

LONDON.—A few days ago diplomats from eight countries held a meeting here that was so secret they declined to give details of the meeting's schedule, what was discussed or even the names of those attending. One breach of the tight security and some of the participants would have pulled out.

That isn't to be risked, because the diplomats were meeting on a subject that desperately requires harmony of purpose: regulating the spread of nuclear power technology that would ultimately lead to the spread of atomic weapons.

The diplomats represented the eight countries that have nuclear technology to export: the U.S., the Soviet Union, Britain, France, Canada, West Germany, Japan and Italy. Their goal is to set up firm ground rules for the strict control of all nuclear technology and materials sold to other nations.

The issue has quite suddenly come to a head because of West Germany's agreement, signed in Bonn last week, to sell Brazil a nuclear "package" that is one of the biggest transactions of the nuclear age. It's worth at least $4 billion and perhaps double that. As part of the package, over the next 15 years the Germans will be selling the Brazilians not only power plants but also the know-how for making their own nuclear fuel, either from uranium or plutonium. Unfortunately this same fuel technology can also be turned away from the peaceful atom of nuclear power to the deadly atom of nuclear weaponry.

AN URGENT ISSUE

It's even more unfortunate that Brazil, like several other nuclear aspirants, hasn't signed the Nuclear Nonproliferation Treaty by which non-nuclear nations are prohibited from making nuclear explosives and agree to submit to international inspection of nuclear facilities. "The proliferation of nuclear weapons is now a more urgent issue than at any time in the past decade," says John Maddox, a British scholar at the International Institute for Strategic Studies in London.

Nuclear technology is hardly a mystery any more. Nuclear plants are available from a number of manufacturers; the processes for turning uranium into nuclear fuel are well known and the chemical extraction of plutonium from used nuclear fuel is almost basic technology. Put together as a package they would give a developing nation a degree of energy independence that the forces of nationalism are coming to demand.

The critical question is will these countries use this technology for energy or weapons production? And will the companies that sell them the technology take steps to ensure its peaceful use?

There are 426 reactors planned or operating in 38 nations outside the U.S. Frank Barnaby, director of the International Peace Research Institute in Stockholm, says: "Any spread of nuclear technology is serious without a corresponding indication that countries will give up that part of their sovereignty that is required to put the technology under international control."

SOUTH KOREAN WARNING

That indication simply isn't there with many of nuclear energy's new customers. France, for example, is discussing the building of a massive, multibillion-dollar nuclear fuel factory in Iran. Neither country has signed the nonproliferation treaty. Neither has Argentina, which is buying nuclear plants from Canada.

South Korea, which has signed the treaty, is also buying plants from Canada and is rumored to be negotiating for a French plutonium-processing plant. Recently, despite the treaty, President Park Chung Hee warned that South Korea might have to develop its own arsenal of nuclear weapons if the U.S. nuclear umbrella fails.

The danger that power-plant sales can indeed lead to the development of nuclear explosives was clearly demonstrated last year when India set off a device made from plutonium extracted from a research reactor supplied by Canada. India said the device was developed only for peaceful purposes.

The concern of the nuclear superpowers, the U.S. and the Soviet Union, is that the manufacturers of nuclear equipment might be a little too eager to sell their technology. European companies particularly need the business because they have limited domestic markets. Mr. Maddox says there is a major threat posed by "the degree to which the commercial interests of the nuclear industry will erode the (nonproliferation) treaty."

Some U.S. nuclear sources believe that West Germany made certain concessions to the Brazilians over the future control of its technology in order to win the massive contract. "It's too bad that the West Germans are willing to give away this technology so easily," says Jarvis Cotton, manager of international marketing for Westinghouse Electric.

A CHILL IN WASHINGTON

Perhaps his bitterness can be excused because originally the Brazilians went to Westinghouse for the contract. The Brazilian government was seeking as many as eight nuclear power plants from Westinghouse plus U.S. government export licenses for nuclear-fuel and plutonium-processing technology.

The problem is that most of the non-Communist world's nuclear fuel or enriched uranium as it's called, is made in three massive U.S. government-owned plants that were originally built for the weapons program. Washington is only now planning for the transfer of this technology to U.S. industry and is firmly opposed to its exportation. There is also opposition to the spread of plutonium-processing technology.

"For the Brazilians it was simple, for us it was complicated," says Mr. Cotton. "At some critical stage the U.S. government took a position that was considered negative by the Brazilians and they (the Brazilians) turned the whole process off." Mr. Cotton doesn't know precisely what offended the Brazilians: "I only know that a chill developed."

Washington's stiff attitude to selling nuclear technology in a package recently was expressed by Sen. John Sparkman, chairman of the Senate Foreign Relations Committee, who called the situation "appalling." It's known that Washington has expressed its displeasure to Bonn over the transaction.

The West Germans privately dismiss all this talk as commercial sour grapes. They have negotiated safeguards with the Brazilians in conjunction with the International Atomic Energy agency in Vienna that in some respects "go beyond" the nonproliferation treaty, says an official in Bonn.

A SCRAMBLE FOR BUSINESS

The Germans make another point. "Other countries would have sold them (the Brazilians) the system if West Germany hadn't," according to the Bonn official.

This scramble for business, warns Mr. Cotton, is going to put the five U.S. reactor manufacturers at a disadvantage if Washington continues to take a "hard line" position.

There are, he says, between 50 and 75 million-kilowatt nuclear plants coming up for bids around the world, over the next five years or so. Some of these, he says, will only go to those companies that can offer package deals of nuclear plants plus uranium and plutonium technology.

That is why the eight nations that export nuclear technology are meeting in London. They are desperately trying to set up a code before the nuclear-sales race gets out of hand.

"The problem is the treaties and inspection techniques," says A. L. Natwick an international specialist at General Electric. An official of another company says one obvious goal for the eight nations is to "bring France into the system of backing adequate safeguards." Another goal is to agree to controls on the transfer of technology and know-how as well as equipment and materials.

Even with these stringent controls, Mr. Maddox, the British scholar, warns that the Brazilians could comply with the letter of the agreement but build their own weapons-producing installation through a long-term "parallel imitative effort." The German transaction, he declares "will obviously make it easier for Brazil at some future stage to build an unsafeguarded device."

PLENTY OF URANIUM

A look at the West German technology that's to be exported shows how this might be done. First the nuclear plants themselves will be built by Kraftwerk Union AG, a joint venture of Siemens and AEG-Telefunken. The company has firm commitments for two 1.3-million-kilowatt power stations, and the Brazilians have taken an option for six more.

Brazil, which is generally a resource poor nation, does have abundant deposits of uranium (and, indeed, part of the agreement calls for Brazil to export uranium to West Germany as partial payment). But to turn the uranium into fuel for the nuclear plants, Brazil must build a plant to enrich the metal.

Kraftwerk Union's so-called light-water reactors use uranium fuel in which the fissionable isotope uranium-235, which is only 0.7% of natural uranium, is increased to about 5%. In the U.S. this is done by "filtering" gasified uranium through miles of tubing. Another process, being developed both by the U.S. and a West German-Dutch-British consortium, concentrates the uranium-235 by whirling the gasified uranium in a centrifuge.

The only totally West German technology available for export is the "jet nozzle" process, which since 1970 has been under development by the STEAG combine in Essen. STEAG will build its first pilot plant in Brazil by 1981 and will follow this with a commercial plant. The process requires enormous amounts of electricity, which Brazil could provide with hydroelectric power.

A MAN-MADE FUEL

This doesn't mean that Brazil will then have the stuff of bombs, because nuclear devices need almost solid uranium-235. But, nuclear experts say, the nozzle technique could be adapted for producing bomb-grade uranium.

There is another source of weapons material: plutonium. This "man-made" radioactive metal is a by-product of the nuclear reaction inside the reactor. But it can only be obtained by removing the used uranium fuel from the reactor and running it through a chemical extraction plant.

Because plutonium is an ideal fuel for nuclear reactors and, of course, means that less uranium has to be used, it's expected that plutonium plants are going to provide a brisk business for manufacturers some time in the future. (At present there are only a handful of commercial plutonium plants around the world and none operating in the U.S.)

This means that plutonium is likely to be plentiful. The Stockholm peace research institute believes the situation is already dangerously advanced. It calculates that by 1983, 80 tons of bomb-grade plutonium will be "available." Of this, one-third will be in the hands of nations that haven't signed the nonproliferation treaty—or enough to make about 50 bombs of "nominal" size.

There's also a problem with plutonium plants that needs to be tackled by the exporting countries. Engineers call it "material unaccounted for," or the plutonium that gets "lost" in a plant's intricate system of pipes or that sticks to fuel cannisters. It can amount to 3% to 5% of a plant's plutonium production, and Mr. Maddox believes these safeguards are unsatisfactory.

Clearly Bonn is hoping that such problems will be resolved by the time the reprocessing plant is delivered to Brazil six years or so from now. And to those who are nervous about the prospect, a Bonn official emphasizes. "There will be no export licenses

issued unless complete safeguards are assured."

[From the New York Times, July 6, 1975]

EUROPEANS TURNING TO SOVIET URANIUM

(By William M. Drozdiak)

BRUSSELS.—The European Economic Community, which traditionally has purchased enriched uranium almost exclusively from the United States, is turning increasingly to the Soviet Union to fuel its nuclear-power plants—at least through the 1970's, while Europe develops her own production capacity.

Not only has burgeoning world demand strained American production capacity to the limit, but also the Russians are selling the fuel at lower prices and with fewer transport problems.

The main reason for the escalating demand for nuclear power is the quadrupling in oil prices that has occurred since 1973. Nuclear power is the cheapest alternative to oil for production of electricity.

The Common Market countries, to cut their reliance on oil imports to 40 per cent from 65 per cent of annual energy needs over the next 10 years, plan to triple energy production from nuclear power plants by 1980, but their own nuclear-fuel industries are not expected to reach maturity until the end of the decade. Therefore imports will be needed.

Should delays in the European fuel development occur, dependence on Russian nuclear fuel would be prolonged, and some question whether the Soviet Union would then try to exert political pressures through its dominant supply role.

Common Market energy officials, however, dismiss such a scenario. But one European diplomat mused: "Relying on the Arabs and Russians at the same time for our fuel supplies is not my idea of a secure energy posture."

Echoing the opinion of most observers, an E.E.C. energy official sees the purchase of Russian nuclear fuel as a simple business deal.

"We want to diversify our fuel sources, and the Russians provide one possibility. They, in turn, need to earn money to pay for Western machinery."

He added a caveat, though, reminiscent of the pre-détente era:

"We hope to avoid buying too much of their enriched uranium. After all, one must not tempt the devil."

The nine E.E.C., members still get most of their nuclear fuel from the United States, with less than 20 per cent coming from the Soviet Union, but the American share is expected to drop to 25 per cent in 10 years. In 1977, dependence on Russian enriched uranium will shoot up to more than 60 per cent, according to E.E.C. energy-supply officials. They expect to import 3.2 million units of separative work from the Soviet Union that year and 1.7 million units from the United States, although the figures are subject to change.

The American fuel sells for $42.10 per enriched unit, and the price will rise to $53.35 per unit after Aug. 20. The Russians use the American price as a reference and discount theirs by 3 to 5 per cent depending on the size of the order.

More important than price is the question of availability of the fuel. By Congressional act, the United States cannot pledge nuclear fuel deliveries above existing production levels.

In June 1974, the United States had to stop accepting new long-term contracts to enrich uranium because the three enrichment plants run by the Energy Research and Development Administration were fully committed through the early 1980's.

As a result, European overtures to the Russians have been greeted with tacit approval by United States authorities.

This spring Washington even granted permission to ship American uranium to the Soviet Union for processing into nuclear fuel destined for West German power plants. Using hydroelectric power from a giant dam near Lake Baikal, the Soviet enrichment plant is believed to produce annually as much nuclear fuel as each of the three American facilities.

Soviet output of enriched—that is, fissionable—uranium is estimated at 10 million units of separative work annually, about half of 17 to 20 million units a year.

United States output, however, is expected to rise to 27 million units by 1980 and President Ford has said he will ask for legislation to authorize the production and sale of enriched uranium by private industry, thereby further expanding production capacity. At present there is a Government monopoly on such work. Europeans also expect to produce the fuel by that time, and they anticipate cutting Soviet imports to less than 2 million units by 1979.

The Russians started churning out enriched uranium for utilities abroad in 1971, when they signed a contract with the French to supply the Fessenheim power plant with a small amount of nuclear fuel.

Bigger enrichment deals followed with a growing list of nations, including West Germany, Britain, Belgium, Italy and Japan, and the Soviet Union seems eager to expand this trade.

Once supply contracts have been signed, the Europeans say they encounter no delivery problems with the Soviet fuel, in contrast to recurrent troubles over American shipments.

The latest dispute between the United States and the Common Market over nuclear-fuel deliveries occurred in April, when the United States Nuclear Regulatory Commission stopped issuing export licenses for all nuclear materials while it completed a full review of transport safeguards.

Common Market energy officials sent a vigorous protest to the State Department deploring the lack of consultation before the commission's move, which raised in their eyes, "serious concern over the security of nuclear fuel supplies from the United States."."

American officials replied that public outcry over the discovery of a shipment of nuclear material through regular commercial channels in March provoked an urgent investigation before the Europeans could be informed.

The shipment in question—200 pounds of plutonium, a highly toxic, radioactive extract from spent uranium— was being flown from an Italian nuclear plant to the Westinghouse processing plant near Pittsburgh, through Kennedy Airport, where it was discovered.

In theory 200 pounds of plutonium would be sufficient to produce nine nuclear weapons with yields equal to that of the bomb dropped on Nagasaki during World War II, or a force of about 20,000 tons of T.N.T.

After the explanation, Common Market energy officials were more understanding of the toughened United States stance on nuclear controls.

"We obviously realize that you can't move this dangerous stuff around like sacks of potatoes," commented one official here later.

But like the Arab oil embargo in 1973, the recent controversy made it clear to many Europeans how vulnerable they are to the whims of outside fuel suppliers.

Consequently, the matter has evoked more strident European calls for expediting self-reliance in nuclear-fuel production—a goal that remains distant partly because of European differences over which of two processes to use.

Directors of the Anglo-Dutch-West German nuclear consortium, Urenco, have called on the nine Common Market countries to increase financing to speed the development of European uranium enrichment plants. The consortium was formed in 1970 to develop jointly the centrifugal force method of enrichment.

Experts had been divided over the merits of that method of enrichment and the traditional gas diffusion process, used in Western technology since the Manhattan Project in 1945. Consequently a rival consortium, Eurodif, was formed by France, Italy, Spain and Belgium to build gas-diffusion enrichment plants.

In January, Iran lent Eurodif $1 billion and announced that she would share in the costs of a new Eurodif plant being constructed at Tricastin in southern France.

Until the oil crisis struck, it appeared that the two consortia would be fighting each other to corner what was, at that time, a relatively small market for nuclear fuel.

But now, booming world demand and the eroding American enriched-uranium monopoly have widened the future market and induced both groups to increase their original investment plans.

While Urenco could bring new capacity on stream in four years, the Eurodif system would take six to eight years. And a new gas diffusion factory costs at least $2.5 billion, plus $1 billion to finance the three thermal-power stations required for the plant's own energy needs.

Nor are costs and processing differences the only deterrents to expediting the move away from dependency on imports.

The wave of nuclear protests that swept the United States a few years ago has also reached Europe, and more people are becoming hostile to the spread of nuclear installations.

Last year, massive public opposition forced the French Government to abandon plans to build the Chinon nuclear-powered electricity station in the Loire Valley, and construction of the Whyl Nuclear Power Plant near Freiburg, West Germany, was halted by massive public opposition earlier this year.

Faced with such obstacles, the European nuclear-energy program will not achieve self-sufficiency for at least several more years community experts say. In the meantime the Soviet Union has found a lucrative source of hard currency.

DETERMINATION OF SENATE ELECTION OF NEW HAMPSHIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the unfinished business, Senate Resolution 166, with time thereon to be limited to 2 hours. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 166) relating to the determination of the contested election for a seat in the United States Senate from the State of New Hampshire.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of division 2, with the time to be equally divided and controlled by the Senator from Oregon (Mr. HATFIELD) and the Senator from Nevada (Mr. CANNON) until the hour of 10:30 a.m.

The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. No, I just wanted to be sure that the vote would still occur at 10:30 a.m. and that the time thus consumed out of the 1 hour, which began at 9:30, will be equally charged against both sides.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. CANNON. Mr. President, I suggest the absence of a quorum, and I ask that the time be charged equally to both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Who yields time?

Mr. HATFIELD. Mr. President, I inquire of the Chair as to the time situation at the moment.

The PRESIDING OFFICER. Each side has 20 minutes.

Mr. HATFIELD. I thank the Chair.

Mr. President, I yield myself 10 minutes of the 20 minutes that I have for my side.

Mr. President, yesterday the discussion centered around a number of points. One was that Mr. Wyman's protests were not made in a timely fashion.

Mr. President, it is my purpose today to both document what I understand to be the case for Mr. Wyman's request to recount the 10 voting precincts enumerated in issue No. 1 and to correct what I believe to be numerous misstatements, although undoubtedly inadvertent, concerning the state of the record.

Initially, it is important for the Senate to understand exactly what a "precinct protest" is. A precinct protest is a protest lodged by one side or another—or both—to the count of an entire voting precinct. It consists of a request to merely open up the box and merely count the paper. All of the judgmental calls have been removed through the protest process at the recount and are among the 3,500 ballots that went before the ballot law commission and the Rules Committee. The ballots remaining in the box are clearly ballots for either Wyman, Durkin, Chimento, or no one. All that is requested is to physically count them.

The number of ballots involved in each of the 10 precincts protested by Wyman are as follows:

1. Gorham (Wyman protest)	1028
2. Bedford (Wyman and Durkin protest)	1950
3. Claremont, ward 2 (Wyman protest)	1812
4. Concord, ward 1 (Wyman protest)	1009
5. Gilford (Wyman protest)	1406
6. Hanover (Wyman protest)	2074
7. Newmarket (Wyman protest)	1307
8. Pelham (Wyman protest)	1613
9. Salem (Wyman and Durkin protest)	5607
10. Somersworth, ward 1 (Wyman protest)	588
	18,394

Except for Salem, which has five boxes, the ballots from each of the other eight protested precincts are probably contained in one or two boxes per precinct. The whole process of retallying these boxes would take no more than 3 or 4 working days.

Why were precinct protests taken?

The recount itself was conducted in an atmosphere of tremendous confusion. All of the boxes were opened and counted in one insufficiently large room in the State House. Each side had observers, friends, relatives and well-wishers who, along with the press, crowded into the room around the counting tables. This created a great deal of noise and commotion, which was not conducive to an orderly proceeding. Additionally, the long hours, often from 9 a.m. until 11 p.m., placed a great deal of stress upon the secretary of state's personnel who were in charge of the recount.

At the beginning of the recount, Mr. Durkin was represented by Tom Downs of Michigan. Downs had apparently instructed the Durkin checkers to protest everything that moved. Consequently, they began to protest all ballots marked with a checkmark and all absentee ballots, despite the fact that these were perfectly good ballots under New Hampshire law. As a defensive measure, Wyman people responded in kind. The result was that hundreds of ballots were being protested and piled by the secretary of state's personnel into numerous special categories. This only added to the confusion already existing.

I quote here from the testimony of one of Mr. Wyman's attorneys, Dort Bigg, before the ballot law commission on December 7, 1974 concerning the situation during the recount.

A. I was personally present through the, virtually, entire process, with the exception of momentary absences from the room. I was present from the opening moment through to the end of the proceeding of the initial stage of the recount in Portsmouth. . . .

Q. And, generally, the hours during which that phase of the process was conducted, when did it start in the morning, when did we get done at night?

A. We started at 9 o'clock in the morning, or as close to it as we could gather everyone, and the proceedings normally went into a recess of approximately an hour at lunchtime, approximately an hour at dinnertime, and we ran variously from as late as 9 o'clock—or, as early as 9 o'clock to as late as 11:00 or 11:30 on some occasions.

Q. In this process, in the Council Chambers, how many teams of workers were there working for the Secretary in processing the ballots?

A. I don't think I ever counted them. I would estimate something like 12 to 15.

Q. Teams?

A. Teams, that is correct.

Q. Of two persons each?

A. For the Secretary of State.

Q. And their work on the ballots was observed in what manner by representatives of the candidates?

A. Seated opposite the representatives of the Secretary of State, with each team was one representative from Mr. Wyman's team, one from Mr. Durkin's team and, initially, there were a few representatives for Mr. Chimento. There were also wandering observers who stood behind the counters in some instances. There was no pattern to that—it was sort of haphazard.

Q. As the two members of the Secretary's team handled the ballots what, generally, did they do, what was the process on their part?

A. First the Secretary of State, or his Deputy, opened the ballot box, normally under the eyes of representatives of each of the major candidates. The ballots were then physically removed from the box and an organization, or sorting process was undertaken by the representatives of the Secretary of State. In some instances all of the ballots had been folded up and had to be unfolded and arranged. In other instances they were merely arranged and put in an order to count expeditiously. At one stage of the proceeding, I think it was the first day, the Secretary of State's representatives, upon being advised of a general protest by the Durkin people of all ballots which were marked with anything other than an X, and all absentee ballots, undertook, in the first instance, to physically segregate those displaying them to the representatives of the candidates.

Q. This is at the counting table?

A. That is at the counting table, that is correct.

Q. Now, at this point, when the Durkin forces indicated a general protest to all absentees and all ballots marked in any manner other than with an X in the square, what did the Wyman forces do so far as protests are concerned?

A. By way of protective reaction, I directed all of the Wyman representatives to similarly protest all absentee ballots for Durkin and all ballots for Durkin which were marked with anything other than an X. . . .

Q. What was the method there of being sure that the candidates' representatives saw the ballots that were of concern to him?

A. As the Secretary of State and his Deputy went through the protested ballots, and ballots counted for neither candidate, he ruled how they should be counted, and he placed before the adversely affected party that ballot, at the time he made the ruling and, at that time, the legal representative had the opportunity to log a formal protest, in which case that individual specific ballot was, again, physically segregated, a pink sheet such as we have seen attached to the protested ballots here was affixed to it by a staple, the Secretary of State or his Deputy marked on the pink sheet for whom he had ruled the ballot, by whom it was protested, and then those sheets, those ballots with the pink sheet attached, were taken under—well, not under guard, but in the presence of a representative of each party to the Xerox room, they were Xeroxed, and copies were made available to those who required them.

Q. All right. Now, when the Durkin forces lodged their general protest against all absentee ballots, with the result that the Wyman forces did the same, and when the Durkin forces lodged their general protest against all ballots marked other than with an X in the squares, and the Wyman forces took the same protective action, what was the result insofar as the taking of protested ballots over for checking by the Secretary of State, what was it?

A. On the first day, the original counters did not count ballots which fell into these two categories. And, what immediately followed was a terrible bottleneck, in which the Secretary of State and his Deputy were forced to do the bulk of the counting. So, at the end of the first day, it was finally agreed that instead of physically separating those ballots which fell into the two general protest categories, that is ballots marked with other than an X, and absentee ballots, with the understanding that both sides had a general protest to all of the ballots falling in these general categories.

Q. In numbers, in those two categories, what was it, a matter of 10, hundreds, or thousands?

A. Thousands.

Q. But, your understanding was that there was a general protest by both sides that reached all of these ballots?

A. That is absolutely correct. I met with Mr. Millimet, in the presence of the Secretary of State, and we discussed it and reached an agreement on it. It was the only

reasonable way of proceeding, and I think we would still be up there counting ballots if we still had that bottleneck.

As a practical matter, the precinct protests of each side concern those precincts where the protesting side lost a substantial number of votes. I ask unanimous consent that the following tabulation of the change of votes in the 10 precincts protested by Mr. Wyman from election night totals to the recount totals be printed in the RECORD. For the record, I wish to note that those totals range from a gross change of 18 votes in Concord, ward 1, to 173 votes in Claremont, ward 2, from the the election night totals to the recount totals.

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

(See exhibit 1.)

Mr. HATFIELD. Although only a net of 365 votes changed from the election night totals—from a plus 355 for Wyman to a plus 10 for Durkin—the gross changes from the election night votes to the recount votes are much higher. As between Wyman and Durkin, a total of 2,762 votes were either added or subtracted from their election night figures as a result of the recount. I ask unanimous consent to have printed in the RECORD a complete tabulation of the changes for each of the two contestants between their election night figures and the recount figures, indicating the gross change of 2,762 votes.

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

(See exhibit 2.)

Mr. HATFIELD. The Wyman precinct protests were lodged when his floor general, attorney Dort Bigg, was advised by the lay checkers that they disagreed with the count made by the secretary of state's personnel, when there was a substantial and unusual change in the Wyman totals, or when there was some special problem which arose from the count. An example of the latter was the town of Salem. The Salem ballots were contained in five separate boxes. Amidst a great deal of confusion, the Salem ballots were all spread out on the tables for recounting. Wyman gained 64 votes and Durkin gained 89, resulting in a net gain in Salem of 25 votes for Durkin. Both sides registered a precinct protest in Salem because of their dissatisfaction with the counting process.

It has been brought to my attention that the town of Salem was involved in a second recount on November 29 and 30, 2 days after the completion of the U.S. Senate recount and prior to the commencement of the ballot law commission proceedings in the U.S. Senate race. This was a recount of the Governor's Councilor, district 3, race. Apparently, the recount of the town of Salem caused some difficulty there as it had in the U.S. Senate race because the notation on the Secretary of state's official tally sheet from the councilor recount states "changed by review by lawyers by both sides." This is a further indication of the potential inaccuracy of the Salem totals.

In addition to the town of Salem, two other precincts among the 10 precincts protested by Mr. Wyman and encompassed by Issue No. 1 were also recounted in the Governor's Councilor race. I ask unanimous consent at this time to have printed in the RECORD a comparison of the number of ballots tallied in the U.S. Senate race and in the Governor's Councilor race in those three precincts as a result of the respective recounts conducted by the same secretary of state. In Newmarket, the councilor recount showed one more ballot being cast than was reflected in the Senate recount. In Salem, five more ballots are recorded in the councilor race than were totaled in the Senate recount and in Somersworth, ward 1, one more ballot is reflected in the Councilor's recount over the Senate recount. Again, these discrepancies cause one to suspect the accuracy of the secretary of state's recount.

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

(See exhibit 3.)

Mr. HATFIELD. Another example of a special problem is the town of Bedford. When Bedford was recounted, it was learned that a box of ballots was missing. Upon investigation, it was determined that a second box of ballots had erroneously not been forwarded to the secretary of state and was still in the custody of the town clerk. This caused a great deal of confusion and Mr. Durkin's representatives immediately lodged a protest to Bedford. The second box was retrieved by the State police and recounted separately and the results added to those from the first box. The result was a net loss of 82 votes for Wyman. Wyman representatives therefore also lodged a protest to Bedford.

In the town of Gorham, Mr. Wyman lost 98 votes in the recount. A precinct protest was lodged. The election officials from Gorham were called as witnesses before the ballot law commission because their very careful election night records and practice indicated that their election night totals were correct. It was believed that a box which had previously been thought to contain only the constitutional question ballots actually contained the ballots which represented the loss of Mr. Wyman's votes and which might not have been recounted by the secretary of state. The ballot law commission agreed merely to open that box. Only constitutional question ballots were found in the box; no regular ballots were found. The regular ballots from the town of Gorham were not thereafter retallied and have never been retallied to the present date. Consequently, the significant change from the election night totals to the recount totals and the discrepancy from the careful processes of the Gorham officials in counting ballots have never been explained.

It has been suggested by some that no evidence has been presented to justify the proposition that there is error in the count in the 10 precincts protested by Mr. Wyman. I ask unanimous consent that a tabulation reflecting the discrepancies between the number of voters checked off as voting on the checklist and the number of ballots tallied in the U.S. Senate recount be printed in the RECORD. This tabulation reflects a discrepancy of up to 54 additional votes in Claremont, ward 2, being tallied as opposed to voters having been checked off on the checklist.

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

(See exhibit 4.)

Mr. HATFIELD. I also ask unanimous consent that a tabulation comparing the number of ballots distributed by the secretary of state to the election officials in the 10 precincts prior to the election to the number of unused ballots returned after the election plus the number of ballots tallied at the election, as recounted, be printed in the RECORD. It should be noted that the figures for the number of ballots distributed are not accurate to the digit because they are calculated by weight, but that the figures are the official secretary of state totals. In each of the 10 precincts there were more ballots cast at the election, according to the recount figures, plus unused ballots returned that there were ballots distributed prior to the election. This is further indication that the secretary of state's recount figures are suspect.

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

(See exhibit 5.)

Mr. HATFIELD. It has been suggested by Mr. CANNON that the protests by Mr. Wyman's representatives in the 10 precincts in question were not made in timely fashion. Mr. CANNON has even indicated that the protests were made after the recount was over. This is not true.

I wish to read from the testimony of Mr. Wyman's attorney at the recount, Dort Bigg, concerning the manner and time which he lodged Mr. Wyman's precinct protests.

Q. Were there any instances, Mr. Bigg, in which protests were lodged against all of the ballots from individual precincts?

A. There were.

Q. How did that come about?

A. I can't recall the first instance in which that occurred. *It was one of the Durkin representatives who did lodge a general protest against an entire voting precinct.* I believe it was Mr. Millimet, I cannot recall the specific Town or Ward where it occurred. But, he did so by orally informing the Secretary of State, or his Deputy, that he wished to lodge a protest against an entire Ward or Town. My recollection is that the first time that occurred was the first time there was a major discrepancy that turned up in the counting, which was adverse to the Durkin interests.

Q. You heard the protest being lodged by Mr. Millimet?

A. I heard it.

Q. Whether it was the first one or not—

A. I heard it only by the happenstance that I was in the presence. There was no particular effort made to communicate that protest to me, or to any particular representative of the Wyman forces. It was a personal communication from the Durkin representative to the Secretary of State or his Deputy.

Q. And, did either the Secretary or his Deputy indicate that any more formal action would be necessary in order to preserve that protest?

A. Not to my knowledge, not to me.

Q. From that point on, whenever there was a major discrepancy between the vote as being returned from the precincts and the vote as found at the recount, which was adverse to Mr. Wyman's interest, what did you do?

A. Each time there was a change in the recount over the election night figures, which I considered to be substantial and which I

felt was adverse to the Wyman interest, I informed whoever was handy, either Mr. Kelley or Mr. Stark, of our wish to lodge a protest on behalf of the Wyman interests to the entire Ward or Town.

Q. Was there any indication given to you on those instances that anything more than your verbal protest was required in order to preserve Mr. Wyman's rights in those instances?

A. *There was not* . . . .

Q. Did you make precinct objections, that is against the entire ballot, from Gorham, Gilford, Hanover, a Claremont Ward, and a number of other Wards that you specified in your letter of appeal of November 27?

A. My letter of appeal was drawn based upon the notes that I had made of specific protests that I had lodged during the course of the recount. I find it difficult to recall each and every Ward and Town to which a specific protest was lodged, at this time, but if it is in my letter, it is from my notes as to a specific protest which I had made.

The letter of Attorney Bigg recording Mr. Wyman's precinct protests was not prepared after the recount was over. On the morning of November 27—prior to the conclusion of the recount and the announcement of those results—Attorney Bigg telephoned the secretary of state and reiterated his precinct protests and received adverse rulings thereon from the secretary of state.

Again, I quote from testimony of Mr. Bigg before the ballot law commission.

Q. Now, on the next morning, the Wednesday morning, what, if anything, did you do with regard to attempting to further document your protests?

A. I placed a number of telephone calls—in fact I spent the entire morning on the telephone talking to the Attorney General, the Secretary of State, and the Deputy Secretary of State.

Q. What was the purpose of these calls?

A. I was attempting to persuade the Secretary of State. either individually or through the Attorney General, to defer the announcement of a winner pending further work on the various areas of specific protests which I had made. And, amongst those were the Nashua absentee ballots situation, a situation in Gorham, the counting of write-in ballots in Exeter, and the other items, the other areas where I had made specific protests.

Q. Did you also bring up the void ballot counting?

A. I did indeed, I brought that up specifically. I was concerned that some of these protests might fall into a jurisdictional hiatus, or void, in that, under my reading of the Statute, the Ballot Law Commission would consider only rulings of the Secretary of State and, therefore, I sought specific rulings of the Secretary of State on each of these specific protests so that we would have—so that the Ballot Law Commission would have jurisdiction to review them. And, I sat there on the telephone with my notes in hand, and when it became apparent, when I was informed that they were not going to defer the announcement of a purported winner, I said, all right, I talked to Mr. Stark, he and Mr. Rudman were on the phone to me, in the same telephone conversation, but not at the same time, the telephone was passed to Mr. Stark and I said, all right, now I want rulings on each of these, so that I can take them to the Ballot Law Commission, and *I reviewed everything that is in my letter.*

Q. Of November 27?

A. Of November 27, that is correct.

Q. Did you get adverse rulings as to your contentions in each instance?

A. I did indeed.

Q. By telephone?

A. By telephone.

If there is any question concerning whether or not protests to entire precincts were registered by either or both sides during the recount, I ask unanimous consent that the affidavit of the secretary of state, Robert L. Stark, attesting to that fact be printed in the RECORD at this time. This affidavit appears on page 1344 of the committee hearings and should dispel any question that any Member of this body has concerning whether or not Mr. Wyman's protests were timely lodged. Indeed, Mr. Durkin's own counsel has upon several occasions indicated that the Durkin forces also lodged precinct protests during the recount and at one time even the figure of 46 specific precincts has been mentioned.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 6.)

Mr. HATFIELD. To the extent that any suggestion has been made—which it was in the "Durkin Position" portion of the committee report—that precinct protests are required to be in writing, I wish to quote from the New Hampshire statute, chapter 59, section 96 concerning recounts:

At the time and place so appointed and notified, the ballots shall be counted by the secretary of state and such assistants as he may require. The various candidates, their counsel and assistants shall have the right to inspect the ballots and participate in such recount under such suitable rules as the secretary of state may adopt. Each candidate or his counsel shall have the right to protest the counting of or failure to count any ballot. The secretary of state shall thereupon rule on said *ballot* and shall attach thereto a memorandum setting forth the name of the candidate making the protest and the ruling thereon.

It may be noted that the wording of the statute applies solely to protests of individual ballots. The statute in no way addresses itself to precinct protests, except to say that the parties may participate in the recount under "such suitable rules as the Secretary of State may adopt." The Secretary of State has adopted no such rules concerning precinct protests and one certainly cannot affix a writing or memorandum to a precinct as he can to a ballot.

At no time, including in his testimony before the ballot law commission did the Secretary indicate that he requested or required a writing with respect to precinct protests. In fact, he testified in response to a question by Attorney Millimet, Mr. Durkin's counsel:

Q Did you make a record of requests of that nature?

A No I didn't.

Even Attorney Millimet, in response to a question by the chairman of the ballot law commission as to whether or not he felt, in behalf of Mr. Durkin, that all protests were required to be written stated as follows:

Now I haven't quite said that, and I would like the record to be as clear as possible. What I have said is that the determination of whether the ballots, which do not meet the statutory standards, should be counted, is not for this Commission. That is for the U.S. Senate, and no one else.

Now, with respect to the question of waiver, it is certainly clear that Mr. Wyman brought his 10 precinct protests to the ballot law commission through his letter of appeal of November 27 by Attorney Bigg. Although Attorney Stanley Brown—who has been quoted ad nauseum by Mr. CANNON—only initially offered 4 of the 10 protested precincts to the commission—Gilford, Bedford, Somersworth, Ward 1, and Gorham—that was done by Mr. Brown to test the jurisdictional limits of the commission.

It became perfectly clear during the course of the commission's process that the ballot law commission indeed had no jurisdiction to retally entire precincts. On December 5, the day after the commission proceedings commenced, the chairman of the ballot law commission preliminarily stated concerning the precinct protests that:

I have, personally, some difficulty with this request also, because of the scope of the Statute.

This preliminary indication of the commission's position regarding its own jurisdiction was later confirmed by specific rulings.

For example, on December 11, 1974, Attorney Brown requested in behalf of Mr. Wyman that the constitutional question ballots from the town of Gorham, which is the subject of one of the 10 precinct protests, be recounted to compare that count with the secretary of state's count of the recount of the regular ballots. The commission denied the request, Chairman Snow stating in explanation that:

It seems to me this one is outside the scope of the protested ballot, and clearly is outside of it, and, therefore, I am inclined to vote in the negative on this issue.

Likewise, Commissioner Rudman stated in explanation:

We are not here to recount the recount. To follow this logic to the end we ought to recount the whole recount, because I am sure there are probably other errors made. All I am saying is, I think you are right, evidence for the Senate should be collected and preserved.

In light of the obvious indications that the ballot law commission did not consider requests to retally entire precincts would be within its jurisdiction, Attorney Brown did indeed on December 20 withdraw from the commission his request to consider Mr. Wyman's precinct protests. This was not a waiver of any rights vis-a-vis the U.S. Senate. The language chosen by Mr. Brown to the effect that he "withdrew" and "was not pressing" these protests was not accidental. No mention is made of waivers.

Throughout the ballot law commission proceedings, both sides withdrew or did not ask for rulings on many ballots and issues. That is why 3,500 protested ballots went to the commission, but the commission was only requested to and in fact ruled upon 400 of those ballots. The parties did not intend to and did not in fact waive their protests on the remaining ballots.

A review of the ballot law commission transcript reveals a record replete with such withdrawals and failures to ask for rulings by counsel for both contestants. On some occasions, the withdrawals were acccompanied by a specific reservation

of rights vis-a-vis the Senate and sometimes they were not. But, both parties were at all times aware that the Senate had plenary power and that all rights were reserved for presentation to the Senate. This fact and the fact that protests were not waived with respect to the Senate before the ballot law commission was implicitly recognized by the Rules Committee in its determination to permit a review of the entire 3,500 ballots that went before the commission and not just those that were specifically ruled upon by the commission.

The position of Mr. Durkin with respect to the limitation upon review of this election in the U.S. Senate is totally at odds with the position taken by him and his counsel in New Hampshire. For example, his counsel, Attorney Millimet, stated on December 27 before the Hillsboro County Superior Court concerning the protests that Mr. Wyman had taken to that court—and which were later ruled to be outside its jurisdiction:

And our position has always been that the exclusive procedure for determining all of these questions is to go through the Ballot Law Commission. You count the ballots, and if you are dissatisfied and it is a non-legislative office, you go to the State Superior Court. If it's legislative, you go to the legislative body.

With respect specifically to precinct protests, the very same Attorney Millimet stated before the ballot law commission as follows:

What I would like to say on doing this with 46 other Towns [Durkin precinct protests] is that if that is to be done there is only one place it can legitimately be done, that is in the Senate. This Commission's power is limited, and I stated so many times, to 68:42, counting and checking the ballots which were marked protested. And, that beyond that point, *in an election involving candidates for legislative body, only the legislative body can do it.* . . . The fairest thing we can do to the U.S. Senate is to not disturb any more processes, or any ballots, than we have to do, because they have the final authority as to deciding what legal effect is to be given to the facts, and they have the final authority to determine the facts, and every time we open a box, every time we disturb the record, we expose it to further hazard, no matter how hard we try to avoid it. I object to doing it.

Despite Attorney Millimet's protestations, however, it was Mr. Durkin who actually requested and received the only rulings before the ballot law commission with respect to its jurisdiction over precinct protests. In the towns of Conway and Salem, the latter of which is also one of Mr. Wyman's precinct protests, Mr. Durkin had lodged precinct protests at the recount. On December 23, the commission specifically refused to recount both Salem and Conway. In explaining his vote on the Salem matter, Commissioner Rudman stated:

In the absence of some testimony that there is error plainly on the face of the tally sheet, I don't think that the Statute authorizes us to recount the recount.

In the face of the clear record concerning the ballot law commission's own opinion regarding its lack of jurisdiction to retally any entire precinct, as opposed to reviewing individual ballots, any suggestion of waiver on the part of Mr. Wyman is ludicrous. One cannot waive anything before a body that has no jurisdiction to consider it. As the chairman of the ballot law commission testified on January 9, before the Subcommittee on Privileges and Elections:

The Commission consistently refused during this hearing to consider and rule upon issues which can be broadly described as "voting irregularities." We did this basically for two reasons. The first, and the most important, was that *there was no specific statutory authority which, in our opinion, allowed us to do it in the enabling statute.* Second, the same statutory section which prescribed authority, we thought specifically gave the parties a proper recourse for voting irregularities within the New Hampshire Superior Court. *Or, failing that, before this body, the United States Senate.*

Mr. Snow went on to enumerate the "voting irregularities" which were deemed beyond the commission's jurisdiction. Included in his recitation was the statement, "We refused the request to recount all ballots in the town of Salem." Thus spaketh the chairman of the ballot law commission.

Regardless of the jurisdictional situation, the record establishes that Mr. Wyman's representatives in fact did not waive their protests, but merely withdrew them for consideration by the U.S. Senate in the event that the election contest was referred here. Nothing more clearly indicates that no such waiver was intended or contemplated than the fact that Mr. Wyman's precinct protests were reiterated by Attorney Brown in Mr. Wyman's very first presentation to the U.S. Senate during the January 9, 1975 hearings before the Subcommittee on Privileges and Elections where Mr. Brown stated "and I see, and I suggest to this august Senate, that if you are going into it to review of the election return, that sensibly you should recount those precincts, because the rights to have them recounted were preserved."

Throughout the "Durkin position" portion of the committee report, there is continued mention of a waiver by Mr. Wyman of his precinct protests by an alleged failure by him to exhaust his State remedies, by applying to the New Hampshire Attorney General for a recount of these precincts. I do not recall this argument being made on the floor and I think I may know why. Because the New Hampshire attorney general has no authority to conduct recounts. I ask unanimous consent to have printed in the RECORD the letter of Attorney General Rudman of June 6, 1975, to the committee clarifying this matter.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 7.)

Mr. HATFIELD. It ought to be clear from the above that Mr. Wyman not only has not waived his precinct protests, but indeed has raised them at every available opportunity—in each case only to be met by Mr. Durkin with an argument as to why they should not be considered.

But let us for a moment forget the legalities of timely protest and waiver and talk a little about due process and basic fair play.

The Rules Committee has already established the precedent of considering new protests that were not raised in New Hampshire and were only made before the Senate—but this was in favor of Mr. Durkin. Among the ballots reviewed by the Rules Committee are ballots which were never protested in New Hampshire by Wyman or Durkin, but by the third candidate, Mr. Chimento. I read from the transcript of the proceedings before the Riddick panel:

Mr. VAN LOAN. I think the record should reflect that this was protested by Mr. Chimento and not protested by Mr. Durkin at the recount and is now protested by Mr. Durkin.

Mr. BROWN. Can we do that?

Mr. DUFFY. What?

Mr. BROWN. Now protest a ballot not protested at a prior level?

Mr. MEARA. It was protested at a prior level by Mr. Chimento.

Likewise, on other occasions Mr. Durkin's representatives were permitted to lodge completely new protests before the Rules Committee on ballots that had been protested in New Hampshire for different reasons. In one instance, a Wyman ballot which had been protested in New Hampshire because it had been marked for Wyman with a checkmark rather than an X was discovered to also have a mark in Mr. Chimento's box. Although both contestants had stipulated that ballots marked with a check were good ballots, Mr. Durkin was allowed to adopt a new protest to this ballot on the basis of the Chimento mark. The committee voted that ballot as a no vote and Mr. Wyman therefore lost one vote.

If Mr. Durkin has been permitted to raise wholly novel protests before the Senate, Mr. Wyman ought at least to be able to have protests which he made in New Hampshire—and which have never been acted upon by anybody on the merits—considered here in the Senate.

With respect to that red herring, ballot security, I should perhaps begin and end with Attorney General Rudman's explicit letter to the committee of June 6, 1975. In that letter Mr. Rudman stated:

As I noted in my remarks to the press and in subsequent converations with members of your staff, I am completely satisfied that those ballots housed at the Armory were in the same condition when they were handed over to the officers of the United States Senate staff on February 10, 1975, as when they were placed into the storage area at the Armory. I continue to be distressed that various individuals have seen fit to make unfounded and baseless allegations concerning these ballots. *I challenge anyone to show one ballot that has in any way been altered or destroyed because of the method of storage employed by New Hampshire officials.* I submit that this cannot be done because these ballots, as I noted earlier, have been carefully and dutifully maintained in their original state.

I ask unanimous consent that the letter be printed in the RECORD in full.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 8.)

Mr. HATFIELD. If the Senate does not honor Mr. Wyman's protests, what are we to do? Are we to deny the requests of Professor Ford and the New Hampshire secretary of state? Do we burn the bal-

lots so that no one will know the truth. Or are we to turn over the ballots and be second guessed by history.

Why not take the sensible, the reasonable, the fair approach. Count the ballots. Let the truth shine forth. As the last editorial holdout for a new election, the Washington Post, stated in its most recent pronouncement of July 14, an impartial arbiter should go back through all the ballots and audit "the 15 precincts in which counting errors or missing votes have been alleged by Mr. Wyman's camp." Perhaps the Post is trying to tell the majority something. Perhaps this is Custer's last stand. Perhaps if you deny this, you will stand alone—naked in your greed, condemned by all—even your friends.

As to how the minority feels about this matter, I harken the majority to the words of the first great Republican: "Let us have faith that right makes might, and in that faith let us to the end dare to do our duty as we understand it."

As did Mr. Rudman, I defy anyone to offer any evidence that these ballots have been tampered with. Who did it? Mr. Wyman? Or was it Mr. Durkin? The mere asking of the question ought to suggest to any fair man the answer.

It has been suggested that the problem is presented by the fact that the 180,000 ballots in the basement of the Senate Office Building were subjected to other recounts. That is true. The secretary of state did conduct recounts in 13 other local races.

But these recounts were all completed in 2 days—November 29 and 30—prior to the ballots being removed to the supposedly insecure National Guard Armory and prior even to the ballot law commission hearings in the Senate race which began on December 4. Furthermore, these other recounts concerned not only the 180,000 ballots in question now, but also the 3,500 ballots which were subsequently reviewed by the ballot law commission in the Senate race and about which no questions of security have been raised.

Finally, the 13 additional recounts about which we read so much in the "Durkin position" were not even statewide recounts, but were just for several State representatives and one Governor's councilor. Of Mr. Wyman's 10 protested precincts, only 4 were recounted in other races: Pelham, Claremont, Ward 2, Salem, and Somersworth, Ward 1. The other 6 were never touched.

Now, this question of ballot insecurity is not just a red herring. It is an attempt to confuse and mislead the Senate. The 180,000 ballots in question were only in the National Guard Armory for approximately 1 month. The ballots were removed from the State House to the Armory around December 30, 1974. They were picked up by the Senate team, under the command of Senator PELL, on February 10 and transported to Washington. Since the first week in February, these ballots have remained under 24-hour guard, with a Republican and a Democratic lock, in room 2B of the Russell Senate Office Building.

If these ballots are so defective, why on Earth are we spending so much money to guard them? Perhaps it is because they hold secrets that some dare not reveal. Certainly, the expense and manpower which has been devoted to their present security is hardly to be justified if they were rendered unclean by previous insecurity. Can it be that these ballots have a story to tell that some wish not to be told?

If the Senate cares about who won the election, technicalities of waiver, et cetera, should not be particularly relevant. For example, both Mr. Wyman and Mr. Durkin made precinct protests to Salem and Bedford. This is a two-vote election. If either party has made a good faith protest to the accuracy of the count where only two votes separate the contestants, the protest ought reasonably to be considered.

Since the election is being reviewed for claims by Mr. Durkin not involving fraud or corruption, but which only allege error, the claims of Mr. Wyman alleging error ought also be reviewed.

Since the Senate is exercising its plenary power to review an election absent a charge of fraud or corruption, it should do so in behalf of the electorate of New Hampshire and not one or both of the contestants. The question, therefore, is whether there is doubt about the accuracy of the result, not whether one of the contestants made a particular tactical maneuver.

The Hatfield motion as adopted by the Rules Committee and Senate Resolution 166, as amended by the Griffin motion of June 18, both state that consideration shall be given to any protest raised by either party, at any stage of the proceedings. That Mr. Wyman made protest to these 10 precincts is apparent. That these protests have been prosecuted before the Senate is equally apparent. Under the resolutions of both the Rules Committee and the Senate, these protests ought to be honored.

The role of the Senate is not to determine who had the more facile lawyer or who used the more careful language. If we are to judge the elections of our Members, we ought to be trying to find out who won.

Who cares who waived what? A serious and substantial allegation has been made by Mr. Wyman that counting errors exist in these 10 precincts. If he is correct, the base from which we are working—which is plus two for Wyman—is a bed of sand. Does not anybody care? Especially when it is so easy to find out. Open the boxes and count the paper.

Well, if the U.S. Senate does not care who won, apparently others do. On the last day of the committee hearings, Mr. GRIFFIN read into the record a telegram which had been received by Mr. HATFIELD. It was from a Prof. Merriam C. Ford of the University of New Hampshire requesting all of the paper ballots for "research, review, and historical preservation." No reply has apparently been made by the committee to Professor Ford.

Likewise, on June 25, 1975, the New Hampshire Governor and Council unanimously resolved to direct the secretary of state, at the conclusion of the Senate review of the New Hampshire election, to request the return of the ballots and to "publicly recount any precincts not recounted by the U.S. Senate in order that the people of New Hampshire have the knowledge that all protests by either candidate were reviewed and publicly declared." I ask unanimous consent that a copy of the resolution be printed into the RECORD.

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

(See exhibit 9.)

Mr. HATFIELD. Now, Mr. President, I think it is amply clear that at no time were the legitimacy of these protests by Mr. Wyman challenged or effectively quashed by any legal procedure or by the record of questions and answers and testimony by the parties to the case. I therefore believe that to raise this question that somehow Mr. Wyman's forces had abandoned their protest or they had not been lodged in a timely fashion is just not borne out by the record.

We heard it said that there were certain statements made which led to the implication or the conclusion by the chairman that somehow Mr. Wyman had waived his protest right over these 10 ballots. At no time did the attorney waive these rights. There is no place in the record where the word "waived" has been used to indicate that they were abandoning their protests. They found certain places where there had been rulings or there had been discussions as to the jurisdiction and that they did not press those points at that time. I think that is understandable. If it has been clearly indicated in some way through conversation, ruling or through record that certain protests were not going to be taken as jurisdiction of that agency or that body or that commission, or whatever it is, it is only logical that you do not pursue and press those points. Those points are not waived merely because you are not pressing them at the moment.

I think the record is very clear that they did not waive these rights, that they did not press. They withdrew from pressing those rights, but they certainly did not adandon them.

It is clear that from the very beginning there was discussion and there was much evidence that the final action on this contested election in New Hampshire would ultimately reach the U.S. Senate. We had not only the secretary of state and the ballot law commission but we had a Supreme Court case that very clearly indicated that certain items in protest would only be determined by the U.S. Senate. To try to interpret or try to apply a concept of waiver or of abandonment of those protests is just without foundation.

Again I raise this interesting point that was made yesterday about whether or not we have the security of the ballots.

The ACTING PRESIDENT pro tempore. The Senator's allotted 10 minutes have expired.

Mr. HATFIELD. I yield myself another minute.

Mr. President, I can only say, as it relates to the question of security of the ballots or the possibility that these ballots have been tampered with or have been in a situation where they could

be tampered with, that that is raising a false issue. I think it is a diversionary tactic that bears no relation to the issue at hand because, again, I would emphasize that there was no question as to the integrity, or challenge of lack of security, on these ballots when Mr. MANSFIELD, the distinguished majority leader, or Mr. CRANSTON, the distinguished Senator from California, offered their so-called "compromise," which I reject as a compromise but at least it is called a compromise by their language, when they suggest that we go back into those 180,000 ballots and make a selection from them or review them.

The ACTING PRESIDENT pro tempore. The Senator's additional minute has expired.

Mr. HATFIELD. One more minute.

Therefore, it seems to me it does make a great deal of logic or sense to say that these are secure under one circumstance for one action, but not under another, when it comes to an action requested by the other side. That is selective application of the issue raised, and therefore I think the issue falls on that basis.

Of course, we have not had equal application of the New Hampshire law to both sides, we have not had equal application of justice to both sides, and we have not had equal application in responding to the protests of both sides; so I suggest we should not expect equal application here.

The ACTING PRESIDENT pro tempore. The Senator's additional minute has expired.

The exhibits follow:

EXHIBIT 1

Town	Gross change	Net Wyman loss
Gorham	104	−98
Bedford	19	−82
Claremont, ward 2	173	−173
Concord, ward 1	18	−18
Gilford	61	−61
Hanover	19	−19
Newmarket	31	−31
Pelham	36	−36
Salem	153	−25
Somersworth, ward 1	103	−99
Total	780	−642

EXHIBIT 2

Towns	Wyman			Durkin		
	Election night	Recount	Change	Election night	Recount	Change
Belknap County:						
Alton	581	580	−1	210	213	+3
Barnstead	330	333	+3	199	198	−1
Belmont	378	380	+2	393	394	+1
Center Harbor	133	132	−1	85	85	0
Gilford	762	761	−1	528	588	+60
Gilmanton	285	285	0	157	157	0
Laconia:						
Ward 1	400	399	−1	341	339	−2
Ward 2	251	253	+2	597	600	+3
Ward 3	159	160	+1	150	150	
Ward 4	332	332	0	349	348	−1
Ward 5	321	346	+25	466	479	+13
Ward 6	495	488	−7	467	473	+6
Meredith	814	821	+7		446	+1
New Hampton	216	223	+7	131	123	−8
Sanbornton	194	195	+1	181	182	+1
Tilton	392	392	0	329	330	+1
Total			59			101
Carroll County:						
Albany	58	58	0	23	23	0
Bartlett	261	262	+1	137	137	0
Brookfield	127	123	−4	27	28	+1
Chatham	20	20	0	12	12	0
Conway	883	954	+71	452	446	−6
Eaton	70	70	0	25	25	0
Effingham	98	103	+5	42	52	+10
Freedom	137	138	+1	52	50	−2
Hart's Location	10	10	0	4	4	0
Hale's Location						
Jackson	113	107	−6	81	82	+1
Madison	199	183	−16	59	59	0
Moultonborough	516	516	0	195	196	+1
Ossipee	420	414	−6	171	178	+7
Sandwich	276	274	−2	146	146	0
Tamworth	278	278	0	158	158	0
Tuftonboro	388	390	+2	110	111	+1
Wakefield	385	385	0	177	177	0
Wolfeboro	879	881	+2	330	328	−2
Total			116			31
heshire County:						
Alstead	153	153	0	154	153	−1
Chesterfield	244	247	+3	298	297	−1
Dublin	207	207	0	153	154	+1
Fitzwilliam	230	231	+1	155	154	−1
Gilsum	55	55	0	70	70	0
Harrisville	72	70	−2	12	121	−1
Hinsdale	265	259	−6	272	270	−2
Jaffrey	595	593	−2	442	443	+1
Keene:						
Ward 1	303	301	−2	680	682	+2
Ward 2	306	307	+1	599	604	+5
Ward 3	281	383	+102	545	591	−4
Ward 4	626	659	+33	902	923	+21
Ward 5	448	454	+6	778	800	+22
Marlborough	230	224	−6	258	257	−1
Marlow	75	75	0	52	52	0
Nelson	68	68	0	70	71	+1
Richmond	77	77	0	53	54	+1
Rindge	290	289	−1	199	199	0
Roxbury	20	20	0	31	31	0
Stoddard	80	82	+2	52	52	0
Sullivan	66	67	+1	92	92	0
Surry	65	65	0	98	98	0
Swanzey	460	463	+3	714	712	−2
Troy	122	123	+1	278	277	−1
Walpole	416	418	+2	466	484	−2
Westmoreland	167	161	−6	195	190	−5
Winchester	287	286	+1	339	338	−1
Total			+181			766

Towns	Wyman			Durkin		
	Election night	Recount	Change	Election night	Recount	Change
Coos County:						
Atkinson						
Bean's Grant						
Bean's Purchase						
Berlin:						
Ward 1	264	266	+2	820	818	−2
Ward 2	351	351	0	860	861	+1
Ward 3	529	531	+2	802	799	−3
Ward 4	151	150	−1	807	805	−2
Cambridge				1	1	0
Carroll	126	128	+2	78	79	+1
Chandler's Purchase						
Clarksville	26	27	+1	15	17	+2
Colebrook	323	322	−1	137	134	−3
Columbia	49	49	0	33	33	0
Crawford's Purchase						
Cutt's Grant						
Dalton	71	73	+2	47	46	
Dix's Grant						
Dixville	11	11	0	5	5	0
Dummer	39	39	0	23	23	0
Errol	59	57	−2	31	31	0
Erving's Grant						
Gorham	479	378	−101	590	587	−3
Green's Grant						
Hadley's Purchase						
Jefferson	142	141	−1	78	76	−2
Kilkenny						
Lancaster	551	593	+42	308	314	+6
Low and Burbanks Grant						
Martin's location						
Milan	109	108	−1	99	99	0
Millsfield	3	3	0	1	1	0
Northumberland	380	379	−1	402	401	−1
Odell						
Pinkham's Grant				4	4	0
Pittsburg	169	169	0	55	55	0
Randolph	46	66	+20	33	54	+21
Sargent's Purchase						
Second College Grant						
Shelburne	48	48	0		26	
Stark	43	43	0	35	35	0
Stewartstown	111	114	+3	52	51	−1
Strafford	67	67	0	79	79	0
Success						
Thompson						
Wentworth's Location	9	10	+1	2	2	0
Whitefield	321	321	0	167	167	0
Total			183			49
Grafton County:						
Alexandria	81	80	−1	63	62	−1
Ashland	273	272	−1	157	156	−1
Bath	157	157	0	38	38	0
Benton	31	31	0	4	4	0
Bethlehem	299	297	−2	137	137	0
Bridgewater	91	91	0	64	64	0
Bristol	440	437	−3	130	129	−1
Campton	286	285	−1	106	107	+1
Canaan	208	208	0	203	208	+5
Dorchester	52	52	0	23	22	−1
(1)	33	33	0	37	37	0
Ellsworth	13	13	0	4	4	0
Enfield	284	285	+1	283	283	0
Franconia	141	141	0	131	131	0
Grafton	88	87	−1	43	42	−1
Hanover	680	677	−3	291	307	+16
Haverhill	648	647	−1	237	243	+6
Hebron	76	75	−1	36	36	0
Holderness	246	247	+1	110	110	0
Landaff	53	53	0	15	15	0

[1] Town not designated.

Towns	Wyman			Durkin		
	Election night	Recount	Change	Election night	Recount	Change
Grafton County—Continued						
Lebanon:						
Ward 1	331	331	0	460	448	−12
Ward 2	244	248	+4	418	418	0
Ward 3	409	411	+2	419	424	+5
Lincoln	209	209	0	82	82	0
Lisbon	253	253	0	86	86	+1
Livermore						
Littleton	1,225	1,226	+1	735	751	+16
Lyman	35	35	0	19	19	0
Lyme	190	192	+2	180	181	+1
Monroe	128	128	0	40	39	−1
Orange	31	31	0	25	25	0
Orford	212	209	−3	128	129	+1
Piermont	109	109	0	56	57	+1
Plymouth	638	636	−2	387	389	+2
Rumney	216	212	−4	84	87	+3
Sugar Hill	89	89	0	62	62	0
Thornton	166	165	−1	47	48	+1
Warren	162	162	0	34	34	0
Waterville Valley	47	48	+1	20	20	0
Wentworth	114	114	0	28	28	0
Woodstock	255	155	−100	70	73	+3
Total			136			80
Hillsborough County:						
Amherst	1,155	1,151	−4	710	716	+6
Antrim	314	310	−4	134	133	−1
Bedford	1,471	1,467	−4	829	907	+78
Bennington	134	132	−2	71	72	+1
Brookline	252	251	−1	159	158	−1
Deering	117	117	0	64	64	0
Francestown	158	158	0	101	100	−1
Goffstown	1,645	1,639	−6	1,466	1,465	−1
Greenfield	137	137	0	77	77	0
Greenville	177	176	−1	226	220	−6
Hancock	303	313	+10	171	165	−6
Hillsborough	495	493	−2	212	212	0
Hollis	651	670	+19	507	479	−28
Hudson	1,099	1,097	−2	1,748	1,761	+13
Litchfield	179	179	0	195	195	0
Lyndeborough	169	170	+1	76	74	−2
Manchester:						
Ward 1	1,830	1,831	+1	1,251	1,250	−1
Ward 2	1,434	1,432	−2	1,231	1,233	+2
Ward 3	832	832	0	1,065	1,068	+3
Ward 4	906	908	+2	1,080	1,079	−1
Ward 5	727	762	+35	899	937	+38
Ward 6	1,246	1,245	−1	1,322	1,322	0
Ward 7	920	920	0	1,128	1,128	0
Ward 8	1,022	1,022	0	1,159	1,162	+3
Ward 9	981	981	0	1,232	1,232	0
Ward 10	1,144	1,144	0	1,296	1,297	+1
Ward 11	740	740	0	885	985	+100
Ward 12	1,086	1,080	−6	1,335	1,335	0
Mason	94	94	0	60	60	0
Merrimack	1,142	1,143	+1	1,385	1,382	−3
Milford	1,180	1,179	−1	933	936	+3
Mont Vernon	170	170	0	114	114	0
Nashua:						
Ward 1	731	731	0	1,048	1,049	+1
Ward 2	994	995	+1	934	936	+2
Ward 3	541	541	0	851	856	+5
Ward 4	246	249	+3	860	894	+34
Ward 5	356	356	0	974	974	0
Ward 6	535	535	0	1,258	1,259	+1
Ward 7	376	377	+1	1,116	1,116	0
Ward 8	806	806	0	1,108	1,108	0
Ward 9	455	453	−2	761	760	−1
New Boston	246	278	+32	194	197	+3
New Ipswich	255	259	+4	189	188	−1
Pelham	615	596	−19	863	880	+17
Peterborough	940	934	−6	599	602	+3
Sharon	32	32	0	20	20	0
Temple	154	155	+1	69	70	+1
Weare	420	416	−4	238	240	+2
Wilton	430	430	0	261	267	+6
Windsor	24	24	0	8	8	0
Total			178			376
Merrimack County:						
Allenstown	315	318	+3	82	816	−6
Andover	209	217	+8	237	238	+1
Boscawen	298	301	−3	286	291	+5
Bow	617	619	+2	619	618	−1
Bradford	238	238	0	119	119	0
Canterbury	175	175	0	179	179	0
Chichester	211	211	0	160	160	0
Concord:						
Ward 1	457	449	−8	524	534	+10
Ward 2	613	609	−4	761	757	−4
Ward 3	484	492	+8	447	440	−7
Ward 4	453	452	−1	585	584	−1
Ward 5	347	345	−2	418	415	−3
Ward 6	331	323	−8	553	561	+8
Ward 7	700	706	+6	816	817	+1
Ward 8	672	676	+4	691	694	+3
Danbury	105	105	0	55	55	0
Dunbarton	215	215	0	182	184	+2
Epsom	328	326	−2	229	227	−2
Franklin:						
Ward 1	251	251	0	348	348	+1
Ward 2	259	257	−2	455	452	−3
Ward 3	338	336	−2	368	369	+1
Henniker	355	355	0	252	252	0
Hill	94	95	+1	32	34	+2
Hooksett	995	991	−4	900	889	−11
Hopkinton	781	777	−4	569	572	+3
Loudon	255	255	0	231	229	−2
Newbury	161	160	−1	106	106	0
New London	373	738	+1	339	329	−10
Northfield	251	252	+1	259	262	+3
Pembroke	689	687	−2	919	917	−2
Pittsfield	424	423	−1	252	250	−2
Salisbury	105	105	0	84	85	+1
Sutton	144	154	+10	132	133	+1
Warner	319	321	+2	239	240	+1
Webster	127	127	0	121	121	0
Wilmot	109	109	0	63	63	0
Total			90			87
Rockingham County:						
Atkinson	440	443	+3	246	246	0
Auburn	289	287	−2	291	289	−2
Brentwood	249	249	0	141	141	0
Candia	414	412	−2	235	233	−2
Chester	351	348	−3	145	145	0
Danville	199	199	0	63	65	+2
Deerfield	310	311	+1	177	171	−6
Derry	1,694	1,688	−6	1,135	1,112	−23
East Kingston	126	126	0	91	91	0
Epping	453	452	−1	313	314	+1
Exeter	1,634	1,630	−4	1,249	1,249	0
Fremont	244	245	+1	113	114	+1
Greenland	385	385	0	354	356	+2
Hampstead	600	601	+1	304	307	+3
Hampton	1,477	1,482	+5	1,400	1,398	−2
Hampton Falls	312	313	+1	174	174	0
Kensington	174	201	+27	152	174	+22
Kingston	651	651	0	323	322	−1
Londonderry	866	876	+10	754	755	+1
New Castle	141	241	+100	186	187	+1
Newfields	128	130	+2	85	87	+2
Newington	146	146	0	126	127	+1
Newmarket	469	442	−27	800	804	+4
Newton	316	315	−1	154	154	0
North Hampton	568	564	−4	475	477	+2
Northwood	330	370	+40	185	186	+1
Nottingham	209	205	−4	155	156	+1
Plaistow	682	683	+1	354	355	+1
Portsmouth:						
Ward 1	397	397	0	680	681	+1
Ward 2	500	500	0	655	655	0
Ward 3	279	279	0	372	369	−3
Ward 4	503	500	−3	599	607	+8
Ward 5	379	380	+1	556	558	+2
Ward 6	166	166	0	340	340	0
Raymond	683	680	−3	403	406	+3
Rye	830	835	+5	790	791	+1
Salem	2,108	2,172	+64	2,700	2,789	+89
Sandown	321	234	+3	105	105	0
Seabrook	649	653	+4	528	515	−13
South Hampton	140	139	−1	122	123	+1
Stratham	353	349	−4	245	246	+1
Windham	535	535	0	428	428	0
Total			334			203
Strafford County:						
Barrington	338	339	+1	342	342	0
Dover:						
Ward 1	449	448	−1	687	690	+3
Ward 2	315	317	+2	672	682	+10
Ward 3	411	413	+2	675	673	−2
Ward 4	430	427	−3	623	624	+1
Ward 5	547	547	0	769	760	−9
Ward 6	347	347	0	449	452	+3
Durham	697	712	+15	1,222	1,245	+23
Farmington	597	598	+1	477	475	−2
Lee	226	225	−1	285	285	0
Madbury	100	100	0	119	119	0
Middleton	47	47	0	39	40	+1
Milton	301	301	0	243	242	−1
New Durham	159	158	−1	68	68	0
Rochester:						
Ward 1	424	425	+1	376	377	+1
Ward 2	584	589	+5	480	485	+5
Ward 3	388	388	0	500	491	−9
Ward 4	557	554	−3	721	722	+1
Ward 5	482	484	+2	477	473	−4
Rollinsford	219	221	+2	362	350	−12
Somersworth:						
Ward 1	243	245	+2	231	332	+101
Ward 2	156	153	−3	297	300	+3
Ward 3	150	148	−2	301	298	−3
Ward 4	217	216	−1	390	395	+5
Ward 5	148	147	−1	344	343	−1
Strafford	223	223	0	160	160	0
Total			49			200

EXHIBIT 2—Continued

Towns	Wyman			Durkin		
	Election night	Recount	Change	Election night	Recount	Change
Sullivan County:						
Acworth	85	85	0	64	64	0
Charlestown	377	375	−2	406	406	0
Claremont:						
Ward 1	288	297	+9	589	598	+9
Ward 2	806	656	−150	1,051	1,074	+23
Ward 3	222	224	+2	774	772	−2
Cornish	197	197	0	206	206	0
Croydon	49	49	0	55	55	0
Goshen	78	79	+1	85	85	0
Grantham	64	64	0	48	47	−1
Langdon	55	56	+1	34	34	0
Lemester	114	113	−1	67	67	0
Newport	818	815	−5	996	979	−17
Plainfield	158	160	+2	219	218	−1
Springfield	87	86	−1	47	47	0
Sunapee	467	467	0	302	298	−4
Unity	43	43	0	95	95	0
Washington	100	98	−2	42	42	0
Total			176			57

EXHIBIT 3

COMPARISON OF TOTAL BALLOTS TALLIED IN SENATE RECOUNT AND IN GOVERNOR'S COUNCILOR (DISTRICT 3) RECOUNT IN PRECINCTS COVERED BY WYMAN'S PRECINCT PROTESTS

	Senate	Councilor	Difference
Newmarket	1,307	1,308	+1
Salem	5,607	5,612	+5
Somersworth 1	588	589	+1

EXHIBIT 4

PRECINCT PROTESTS—CHECKLIST/BALLOT COMPARISON

	Checklist	Ballots	Difference
Gorham	1,001	1,028	+27
Bedford	2,432	2,451	+19
Somersworth 1	573	588	+15
Claremont 2	1,749	1,803	+54
Concord 1	1,004	1,009	+5
Hanover	2,053	2,074	+21
Newmarket	1,302	1,307	+5
Pelham	1,610	1,613	+3
Salem	5,607	5,607	
Gilford	1,405	1,406	+1

EXHIBIT 5

PRECINCT PROTESTS—UNUSED BALLOTS PLUS BALLOTS TALLIED/BALLOTS DISTRIBUTED COMPARISON

	Distributed	Tallied	Plus unused	Total	Difference
Gorham	2,340	1,028	1,334	2,362	+22
Bedford	4,260	2,451	1,888	4,339	+79
Somersworth 1	960	588	393	981	+21
Claremont 2	4,080	1,803	2,365	4,168	+88
Concord 1	2,040	1,009	1,074	2,083	+43
Hanover	5,400	2,074	3,570	5,644	+244
Newmarket	2,820	1,307	1,550	2,857	+37
Pelham	3,960	1,613	2,368	3,981	+21
Salem	13,380	5,607	7,883	13,490	+110
Gilford	2,940	1,406	1,612	3,018	+78

EXHIBIT 6

April 21, 1975.

AFFIDAVIT

I am Robert L. Stark, Secretary of State of New Hampshire.

During the recount of the New Hampshire U.S. Senate election ballots in November, 1974, precinct challenges were taken verbally by both contestants. As indicated in Attorney Bigg's letter of November 27th there were demands of that nature from both sides during the counting of the ballots.

My response to all such requests was uniformly in the negative or we would never have been able to get through the recount. I would not recount a precinct on an allegation that the tally sheet was incorrect or for any other reason and I do not recall having recounted any precinct a second time in my conduct of the recount of the Nov. 5th Senatorial election no matter which side protested the precinct.

ROBERT L. STARK,
Secretary of State.

Subscribed and sworn to before me, this 21st day of April, 1975.

[SEAL] CATHERINE HARDY,
Justice of the Peace.

My commission expires May 18, 1978.

EXHIBIT 7

THE STATE OF NEW HAMPSHIRE,
Concord, June 6, 1975.

Hon. ROBERT P. GRIFFIN,
U.S. Senate, Committee on Rules and Administration, Room 125, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR GRIFFIN: I am in receipt of your telegram of June 5, 1975 in which you have requested the opinion of this office as to the scope of New Hampshire RSA 7:6-c (supp). It is my understanding that the United States Senate, and particularly the Committee on Rules and Administration which you are a member, is considering the Wyman-Durkin election contest and as part of your consideration, you are concerned with New Hampshire election laws.

RSA 7:6-c (supp) states, in pertinent part, that ". . . the attorney general may in his discretion, conduct investigations to determine whether any violations of the election laws has occurred and may prosecute anyone responsible for such a violation . . ." It is the opinion of this office that this statute confers on the Attorney General the authority to investigate and prosecute election law violations. It does not allow the Attorney General, on his own motion, to compel a recount to invalidate an election, or in any way alter the results of an election. The purpose of this statute is solely for the prosecution of election law violations.

I trust the above is responsive to your inquiry. I will be most willing to provide whatever further assistance or cooperation within my authority to you in this matter. In order that all parties interested in the outcome of this matter may be fully apprised, I have taken the liberty of sending copies of this letter as indicated below.

Sincerely,

WARREN B. RUDMAN,
Attorney General.

EXHIBIT 8

THE STATE OF NEW HAMPSHIRE,
Concord, June 6, 1975.

Hon. HOWARD W. CANNON,
Chairman, U.S. Senate Committee on Rules and Administration, Russell Senate Office Building, Washington, D.C.

Re November 5, 1974 United States Senate Election.

DEAR SENATOR CANNON: I have been informed that various remarks that I have made to the press concerning the security of those ballots which did not come before the Ballot Law Commission for that body's review have been misinterpreted and have been used as a basis for an argument that these ballots should not be reviewed. I am writing to you at this time so that I might set any fears that you or any member of the Committee might have to rest concerning the security and integrity of these ballots.

As you know, those ballots that were the subject of the hearing before the Ballot Law Commission were kept in a locked vault in the New Hampshire State Police Headquarters. There were approximately 3,500 ballots in this category. The remaining ballots from the general election were placed in a locked equipment garage at the New Hampshire National Guard Armory in Concord. At the time these ballots were placed at their respective locations, it was unclear as to which ballots you would be considering. Subsequently, all ballots were turned over to the Senate.

It is true that the ballots at the National Guard Armory were not held in a vault. Quite simply, as is apparent from the vast number of the same, there was no vault large enough to hold all these ballots. However, this should not lead you or anyone to the erroneous conclusion that the integrity of these ballots has in any way been compromised. In fact, quite the opposite is true.

As I noted in my remarks to the press and in subsequent conversations with members of your staff, I am completely satisfied that those ballots housed at the Armory were in the same condition when they were handed over to the officers of the United States Senate staff on February 10, 1975, as when they were placed into the storage area at the Armory. I continue to be distressed that various individuals have seen fit to make unfounded and baseless allegations concerning these ballots. I challenge anyone to show one ballot that has in any way been altered or destroyed because of the method of storage employed by New Hampshire officials. I submit that this cannot be done because these ballots, as I noted earlier, have been carefully and dutifully maintained in their original state.

So that I might make myself completely clear on this subject, let me state again my position concerning these ballots. It is my belief that the method of storage of these ballots should in no way mitigate against their review by you or your Committee. It is becoming tedious to have to explain a method of storage that was agreed upon by all parties in this matter prior to its use. At all times during the storage of these ballots, they were available for inspection by anyone interested in this matter, although no one bothered to take advantage of this opportunity. I confess that they were not locked behind special doors. However, this does not mean that these ballots are

now somehow different than they wer prior to going into storage. If someone is arguing that because these ballots were stored as they were, they cannot now be reviewed by you, I regard that argument as without basis in fact and not worthy of your consideration.

As you may gather, I feel most strongly about this. I have written to you at this time so as to answer any argument of this sort. I realize that your task in this matter is a difficult one and I do not wish to make it any more difficult than is necessary. However, this sort of specious argument does not contribute to the resolution of this election, a resolution which has already been too long in coming. I stand ready to provide you with any further information or assistance.

Sincerely,

WARREN B. RUDMAN, *Attorney General.*

EXHIBIT 9

THE STATE OF NEW HAMPSHIRE RESOLUTION

Whereas, the State of New Hampshire held an election in November of 1974 for a seat in the United States Senate; and

Whereas, after many delays and the passage of nearly seven months the United States Senate has failed to settle the dispute that arose from that election; and

Whereas, it now appears that numerous protests of certain tallies of votes by the Secretary of State will not be heard by the United States Senate; and

Whereas, those protests were not heard before the State Ballot Law Commission or before the courts of this State because both of those bodies believe that only the United States Senate had jurisdiction to examine those protests;

Now, therefore, regardless of the outcome of the election dispute now pending before the United States Senate and in the interests of all of the people of the State of New Hampshire, th. Governor and the Honorable Council adopt the following resolution:

Resolved, That the Secretary of State is hereby directed to make the following request to the President of the United States Senate:

The State of New Hampshire requests that when the United States Senate has concluded its deliberations pertaining to the United States Senate election held in New Hampshire in November of 1974, the said Senate return to the Secretary of State all ballots, absentee ballots, absentee ballot applications, checklists, tally sheets and any other papers or documents that were delivered by the State to the United States Senate; and be it further

Resolved, That when the Secretary of State receives said documents and papers he is publicly to recount any precincts not recounted by the United States Senate in order that the people of the State of New Hampshire have the knowledge that all protests by either candidate were reviewed and publicly declared.

Mr. CANNON. Mr. President, I want to point out some of the weaknesses of the argument of my distinguished colleague from Oregon.

First, on the point that he is raising that there should be a recount, there has been absolutely no evidence offered at any time, before the Rules Committee or otherwise, to support the bald assertion that the secretary of state's tally sheet is inaccurate, which is what they claim here. There has been no evidence at all, either before the Rules Committee or elsewhere, in support of that proposition.

Let me explain to the Senate what actually transpired in this recount.

On election night, at the count itself, the parties simply have watchers there if they so desire, and the counters count and announce the results, or turn the results in and they are announced.

On the recount, the parties each have watchers there who have the opportunity to examine the ballots and to tally the ballots, to have them counted, and to make any objections they want at that time. And under New Hampshire law, if an objection is made, a protest slip is attached to the ballot by the secretary of state, and he records the action that he takes and the protest by either one of the parties, or by both if it happens to be by both.

So the point is that the parties themselves had watchers there and were very carefully, through those checkers or watchers, insuring the accuracy of the count.

But the first time there was any question as to the accuracy of the counts on these precincts, other than my colleague's statement that it was made orally during the recount—and it may have been, I do not know—but the first written record of it was in Dort Bigg's letter of November 27, which was the day after the recount had been concluded, and was at a time when Mr. Wyman knew that he had been declared the loser, that he had lost by 10 votes as a result of the recount, and that is when the Dort Bigg letter came in.

And it listed the 10 precincts in which they were contesting the accuracy of the count.

My distinguished colleague has gone to great lengths to say that there was no waiver as such by Mr. Wyman's lawyer.

I do not know what he would define as a waiver. I do know that earlier yesterday he was criticizing lawyerish language, but a waiver is a waiver any way one wants to describe it. When a lawyer says, "I do not wish to pursue these protests," that certainly constitutes a waiver.

One can dress it up any way one wants, either by lawyer language or nonlawyer language, and it still constitutes a waiver.

Furthermore, Mr. President, Mr. Wyman had the legal position of being able to appeal to either the Attorney General or the New Hampshire Supreme Court to look into the matter, if he complained about something going wrong in these precincts, under RSA 7:6–C and he did not do that. This was in an interim period of November 27 when he filed the Dort Bigg's letter up to the time of December 4.

What happened on December 4? December 4 was the time that Mr. Brown waived his request, and I say "waived" advisedly, to recount or to go into the count of the 6 precincts of the 10 that had been mentioned.

I again, Mr. President, refer to Mr. Brown's "precise language."

Mind you, Mr. President, this was on December 4 at the hearing before the ballot law commission, and is reflected in their transcript. It is after the Dort Bigg letter of November 27 had been filed that, "said we protest these 10 precincts," among other things.

Then, this is Mr. Brown:

We request that this Commission completely review all of the ballots, used and unused, together with the other relevant election documents, of Gorham, Bedford, Gilford and Somersworth Ward 1, unless we can be afforded an opportunity to review certain of these documents to satisfy ourselves that less than a full review is necessary in order that justice be done.

Chairman SNOW. Give us those again. Gorham and Gilford I got—what were the other two?

Mr. BROWN. Gorham, Bedford, Gilford and Somersworth Ward 1.

Those are all quotes, Mr. President. Now I am saying that those four were four of the 10 that were listed in the Dort Bigg's letter—

Chairman SNOW. Okay.

Mr. BROWN.——

These are Mr. Brown's words, his precise words. The Senator is quibbling about whether there is a waiver—

Mr. BROWN. The Commission will recall that in Mr. Bigg's appeal notice we listed several others. We don't intend to pursue the others.

That is Mr. Brown's language. If that does not constitute a waiver, it may not in ordinary language to the Senator from Oregon, as he criticized lawyerish language yesterday, but Mr. Brown is an outstanding lawyer, who appeared before the Rules Committee for weeks and weeks during the process of the proceedings in this matter. This is what Mr. Brown says:

We don't intend to pursue the others.

They have never answered that question other than to say, "oh, they did not wave it, this does not constitute a waiver." My goodness. We have to take language at what it means to the ordinary person, and if that is not a waiver I am very sadly mistaken.

Again I want to quote from Mr. Brown:

What is involved here with these four precincts is that responsible election officials and voters in each of these precincts are insistent to us that their original counts were valid and the counting errors occurred here during the recount. Logically, logically, this may actually be true. It is just as possible that people of good will working hard counting ballots can make an error in the State House as at the Town Hall. We, therefore, because of special circumstances in each of four precincts, wish a further review.

Does that imply, Mr. President, that they wished a further review with respect to the six precincts that he said he did not intend to pursue?

The ACTING PRESIDENT pro tempore. The Senator's 10 minutes have expired.

Mr. CANNON. Five minutes more.

Of course, it does not raise any such implication.

Mr. Brown went on:

With the exception of four precincts that I mentioned—we don't anticipate having to go outside of the envelopes in which Mr. Stark and Mr. Kelley segregated out the ballots that are subject to protest, by all parties.

Mr. President, that related to the ballots, the 3,500 so-called, that were protested by one or the other or both of the parties and were separated to go to the ballot law commission.

My distinguished colleagues from Oregon has suggested here that they knew what the ruling was going to be, and therefore this was one of the reasons

why they did not press this matter at that time before the ballot law commission. This happened: The first statement there happened on December 4. He referred to the Supreme Court. I would point out that the Supreme Court did not rule on that matter until January 6. So they must have been clairvoyant at least if that was what they based their failure to press those other protests on.

He suggested that it was because they knew how the ballot law commission was going to rule. The ballot law commission did not rule on that matter until December 23, so this occurred after Mr. Brown's waiver on all 10 of the precincts. So this suggestion that they knew how the ballot law commission was going to rule or that the Supreme Court had said that this could only be decided by the Senate is a lot of poppycock.

Mr. President, going to December 20—we have been talking about December 4, and the December 4 meeting was where Mr. Brown waivered any protests as to the six precincts—and here is what happened on December 20.

December 20, this was the statement that was made:

Taking into consideration all of the issues having to do with recounts in Lancaster, Meredith, Goffstown, Merrimack, Seabrook; the absentee vote in Amherst, absentee vote situation in Nashua; Manchester voting machine situation. With respect to Goffstown, the only issue there is the American Party possible double vote, which we haven't ruled on, and which we'll rule on. I've been advised of that, and that's correct for the record.

In addition to all your other objections which have been continuing, that we have no authority to do what we are doing, that we have gone beyond the scope of the statute in considering what we have considered—

And this is Mr. Millimet, Mr. Durkin's attorney:

Well, I haven't said that about most of the proceedings, may it please the Chairman, but you apprehended my views on the issues that you enumerated.

Chairman SNOW. I mean, what I'm saying is I don't think you need to state it again.

Mr. MILLIMET. Yes. It's in the record, we understand that.

Now Mr. Brown, again, and this is December 20, it is before the ballot law commission had made any ruling on this subject, they had not even ruled on the salient protest of Mr. Durkin which incidentally Mr. Durkin has waived and never raised here to the Senate.

Mr. BROWN. So far as the precinct recount requests—and I had four of them——

Chairman SNOW. Gilford, Bedford, Somersworth Ward 1 in Gorham.

Mr. MILLIMET. You didn't mention Somersworth.

Chairman SNOW. I was going to ask you about it.

Mr. BROWN. I am not pressing on any of those. . . .

I would like to ask my distinguished colleague does that sound like a waiver, technically it is a waiver if he wants to get lawyerish language maybe, that is not a waiver. He just says he is not pressing on any of them. That is all. He is abandoning them. Maybe abandonment is a better word for me to use than waiver. And he goes on:

. . . but I may have some live testimony with regard to the Somersworth situation, depending upon how my brother's case develops, and I withdraw the request for the precinct reviews.

There is a clear withdrawal. We have an abandonment. We have a withdrawal. We do not have the precise use of the word waiver.

So I hope my colleague will respond to that.

And Chairman Snow then says——

The ACTING PRESIDENT pro tempore. The Senator's 5 minutes are up.

Mr. CANNON. Two minutes, Mr. President.

The chairman so says:

Gilford, Bedford, Somersworth Ward 1, and Gorham.

Mr. BROWN. Yes.

This is Mr. Brown, the very fine lawyer for Mr. Wyman, who had not raised the issues because they were raised by Mr. Bigg's letter of November 27, but had presented this case to the ballot law commission; first waived the six of them, second, waived the other four.

Chairman Snow said to his members:

Did you get that?

Commissioner Rudman, who was the Attorney General:

Yes, I did.

Commissioner CROWLEY. I got it.

Now, Mr. President, I do not know whether we want to call it a waiver, an abandonment, a withdrawal, whatever fancy term we want to use, but he was satisfied on those 10 precincts. I submit, Mr. President, that without any charge, any allegation of anything having gone wrong, to just come in now and say we want to go on a fishing expedition and go out and recount 10 precincts again, which had been thoroughly considered by his attorneys before the ballot law commission, I submit, is absurd.

Mr. President, I reserve the remainder of my time.

Mr. HATFIELD. Mr. President, I believe I have 5 minutes.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. HATFIELD. I yield myself 2 minutes.

Mr. President, I find myself again in that interesting position of having to try to interpret lawyer language. I think the only thing that has been abandoned here in this discussion is the distinguished chairman's abandonment of the legal language and the legal training that he has. He has refused to recognize even a common thing called the dictionary, which says that a waiver is a legal act, is "the act of intentionally relinquishing or abandoning a known right, claim, or privilege."

Mr. Brown is a distinguished lawyer. He knows what a waiver is. If he had wanted a waiver, he would have used the word, "waiver." Even the ballot law commission says, we issue this certificate of declaration mindful of the legal recourse to either or both parties as set forth in section 2.

The distinguished chairman says if Mr. Wyman had wanted to appeal, he could have appealed to the attorney general. Again, he is abandoning his legal training and background, because very clearly, in the document before the committee, the very thing the chairman quoted, RSA 7:6–C, the attorney general states:

The attorney general may in his discretion, conduct investigations to determine whether any violation of the election laws has occurred and may prosecute anyone responsible for such a violation. . ." It is the opinion of this office that this statute confers on the Attorney General the authority to investigate and prosecute election law violations. It does not allow the Attorney General, on his own motion, to compel a recount to invalidate an election, or in any way alter the results of an election. The purpose of this statute is solely for the prosecution of election law violations.

No violation has been charged. Here we are, Mr. President, throwing sand up, throwing dust up to obscure the case. All I can say is he has at no time abandoned or waived his rights.

The ACTING PRESIDENT pro tempore. The Senator's 2 minutes have expired.

Mr. HATFIELD. I yield 2 minutes to the Senator from Tennessee.

Mr. BROCK. Mr. President, I do not care what the word "waiver" means; I do not know whether anybody waived anything here. We are trying to settle an election. I do not know what Mr. Durkin has to hide. I do not know why in the dickens we cannot go in and count 10 precincts, tabulate them; they are there, already stacked.

It does not mean a tinker's dam to me whether a lawyer said this or that. I want to know who won this election. That is all this question is about. It will take 1 day for two or three GAO auditors to do a physical count of these stacks of ballots. Then we have an answer that lays this whole question to rest and nobody can hassle anybody about it any more.

What are we trying to do here? Are we going to try to hassle about legal terms or are we going to try to settle an election? Are we going to worry about technicalities or are we going to worry about the integrity of the Senate of the United States and the Constitution of the United States or the right of the people of New Hampshire to have a vote in the Senate? That is the question.

When they did a recount, these 10 precincts had a variance in the recount of 780 votes, of which 642 were taken from Mr. Wyman. There are only two votes splitting these people. That is a 4 percent margin of error in the recount and the election was determined by one one-thousandth of 1 percent.

It is a charade, it is a ridiculous charade to talk about anything other than what we are trying to accomplish. That is to determine who won the New Hampshire seat.

I do not care about waivers; I do not care about lawyers; I do not care about their language. I care about the integrity of this body. I cannot believe that the Senate would not at least allow us to recount 10 precincts that were pro-

tested. Every single Durkin protest has been accepted by the committee. Why not this Wyman protest? All he is asking is to retabulate to find out if there were mathematical errors.

The ACTING PRESIDENT pro tempore. The Senator's 2 minutes have expired.

Mr. HATFIELD. I yield a minute to the Senator from Kansas.

Mr. DOLE. Mr. President, I share the concern just expressed by the distinguished Senator from Tennessee. I do not think we should be too concerned about the legal niceties of waiver. It has been my view and has been my understanding in the past several weeks that we are trying to determine fairly in this body, if we can, who won the election in the State of New Hampshire. We can spend a great deal of time arguing the legal niceties and what may have been said by this attorney or what may not have been said by some other attorney. As I understand it, and I have spoken frequently with reference to the contest, because I want to understand what is going on, it is my firm belief that if we are to determine who won the election in the State of New Hampshire, that is the only question that we have before us.

The ACTING PRESIDENT pro tempore. All the time of the Senator from Oregon has expired.

Mr. CANNON. Mr. President, the Senator is absolutely right. What we are trying to do here is determine who won the election. The attorney general of the State of New Hampshire stated it correctly—and he is a member of the ballot law commission—when he said that the answer lies in those approximately 400 protested ballots that the parties protested for one reason or another on the particular count, as to whether it should have been a no-vote, as to whether it should have been a vote for one or a vote for the other.

That is the whole contest here that is involved: the ballots themselves that were really protested by these parties. These extraneous issues are a lot of red herrings dragged across the trail. It has been continued throughout this entire process. But the attorney general said it exactly right when he said:

> I think it is absurd to talk about going beyond those roughly 400 protested ballots that both of the parties protested and took to the ballot law commission.

True, they had protested 3,500-odd at the time of the recount, because they filed a lot of defensive protests and they knew that a lot of those protests were not good, not valid. So when they went to the ballot law commission, they narrowed it down to about 400 that they presented to the commission and they said:

> Here are the matters that you have to determine.

We have heard a lot about the committee having considered all of Mr. Durkin's protests. Mr. Durkin did not present any protests to the committee except the markings on those precise ballots. He said:

> I do not agree with the rulings that happened on some of those 400-odd ballots.

Those were the issues that were presented to the committee to rule on. We actually took over 900 ballots, because when the parties went through the 3,500 again, they came out with over 900 ballots that they wanted to bring to the committee for a decision. We have ruled on all but 27 of them right here. The reason we could not rule on that 27 is because we ended up in a tie vote on the committee.

That is where the whole story lies with respect to this election: In deciding those 27 ballots, putting them in the ballot box, having the General Accounting Office come in and tabulate those ballots and apply the results to the results of the ballot law commission, either adding to one or taking away or adding to the other or taking away. That will give us the results of this election. It will do it expeditiously and it will do it without running into a lot of these red herrings that are dragged across the trail to try to confuse the issue and to try to get it referred back to New Hampshire again, for a new election.

We voted on that matter a few times—eight to be precise. We voted on the subject of declaring a vacancy and returning it to New Hampshire in one form or another eight times. Yet, this is the first time that we are going to vote on one of the issues in the resolution. We have not yet voted on one of the ballots, which are really the key to this whole election, those 27 tie ballots, plus the other ballots that are in the box.

I say again, I have not the slightest idea of who is ahead in this, because we viewed most of those ballots in a masked condition and we did not know whom we were voting for.

I think if we would have been able to do it on these particular ones we probably would not have had any tie votes here either. But, Mr. President, so far we have had 28 rollcall votes in this matter; we have had 26 live quorums, 6 cloture votes, 8 votes to return the matter back to New Hampshire in one form or another, and we still have not voted on one solitary ballot.

ADDITIONAL STATEMENTS ON DIVISION 2

Mr. TAFT. Mr. President, I would like to take a few minutes to address issue No. 1 which is presently before the Senate for determination. Mr. Wyman has made certain precinct protests in which he objected to the count of 10 voting precincts. What is Mr. Wyman asking that is so difficult to honor? He merely asks us to open up the ballot boxes which are located here in Washington and to physically count the pieces of paper therein. It is important to note that there are no judgmental calls necessary in his request, all of the judgmental calls have been removed through the protest process at the recount before the New Hampshire secretary of state. The judgmental ballots are among the 3,500 ballots that went before the ballot law commission and the Rules Committee. Thus, the ballots remaining in the box are clear calls for Wyman, Durkin, Chimento, or none. All that is requested, and I believe should be granted, is to separate them into piles and to physically recount them. I think the Senate would be completely remiss in its responsibilities if it did not honor the Wyman request.

How many ballots are we talking about? The number of ballots involved in each of the 10 precincts protested by Wyman are as follows:

1. Gorham (Wyman protest)	1028
2. Bedford (Wyman and Durkin protest)	1950
3. Claremont, Ward 2 (Wyman protest)	1812
4. Concord, Ward 1 (Wyman protest)	1009
5. Gilford (Wyman protest)	1406
6. Hanover (Wyman protest)	2074
7. Newmarket (Wyman protest)	1307
8. Pelham (Wyman protest)	1613
9. Salem (Wyman and Durkin protest)	5607
10. Somersworth, Ward 1 (Wyman protest)	588
Total	18,394

Except for the Salem Precinct, which has five boxes, the ballots from each of the other protested precincts are probably contained in one or two boxes per precinct. The whole process of retallying these boxes should take no more than 2 or 3 days which I believe anyone will agree cannot unduly prolong or burden the Senate investigation.

As I understand it, the recount which was conducted by the New Hampshire secretary of state was done in an atmosphere of tremendous confusion. All of the boxes were opened and counted in one insufficiently large room in the New Hampshire State House. Each side had observers, relatives, friends, and well-wishers who, along with the press, crowded into the room around the counting table. It probably resembled a typical House-Senate conference, only worse. Undoubtedly, this created a great deal of noise and commotion, which was not conducive to an orderly proceeding. Additionally, the long hours ensuing during the counting placed a great deal of stress upon the secretary of state's personnel who were in charge of the recount.

At the beginning of the recount, Mr. Durkin was represented by Tom Downs of Michigan. Downs had apparently instructed the Durkin checkers to protest everything that moved. Consequently, they began to protest all ballots marked with a checkmark and all absentee ballots, despite the fact that these were perfectly good ballots under New Hampshire law. As a defensive measure, Wyman people responded in kind. The result was that hundreds of ballots were being protested and piled by the secretary of state's personnel into numerous special categories. This only added to the confusion already existing.

As a practical matter, the precinct protests of each side concern these precincts where the protesting side lost a substantial number of votes. Although only a net of 365 votes changed from the election night totals—from a plus 355 for Wyman to a plus 10 for Durkin—the gross figures are much higher. As between Wyman and Durkin, a total of 2,477 votes were either added or subtracted from their election night figures as a result of the recount.

The Wyman precinct protests were

lodged when his floor general, Attorney Dort Bigg, was advised by Wyman's lay checkers that they disagreed with the count made by the secretary of state's personnel, when there was a substantial and unusual change in the Wyman totals, or when there was some special problem which arose from the count. An example of the latter was the town of Salem. The Salem ballots were contained in five separate boxes. Amidst a great deal of confusion, the Salem ballots were all spread out on the tables for recounting. Wyman gained 64 votes and Durkin gained 89, resulting in a net gain in Salem of 25 votes for Durkin. Both sides registered a precinct protest in Salem, because of their dissatisfaction with the counting process.

Another example of a special problem is the town of Bedford. When Bedford was recounted, it was learned that a box of ballots was missing. Upon investigation, it was determined that a second box of ballots had erroneously not been forwarded to the secretary of state and was still in the custody of the town clerk. This caused a great deal of confusion and Mr. Durkin's representatives immediately lodged a protest to Bedford. The second box was retrieved by the State police and recounted separately and the results added to those from the first box. The result was a net loss of 82 votes for Wyman. Wyman representatives therefore also lodged a protest to Bedford.

Personal contact was made by Mr. Wyman's attorney, Eugene Van Loan, with the moderator of Bedford, who is the chief local election official. The moderator explained his election night counting procedure and was completely unable to account for such a large discrepancy in the count.

In the town of Gorham, Mr. Wyman lost 98 votes in the recount. A precinct protest was lodged. The election officials from Gorham were called as witnesses before the ballot law commission because their very careful election night records and practice indicated that their election night totals were correct. It was believed that a box which had previously been thought to contain only the constitutional question ballots actually contained the ballots which represented the loss of Mr. Wyman's votes and which might not have been recounted by the secretary of state. The ballot law commission agreed merely to open the box. Only constitutional question ballots were found in the box; no regular ballots were found. The commission thereafter denied all requests to retally any of the ballots as being outside its statutory jurisdiction.

The Senate has determined that it will find out which candidate won this election. Therefore, technicalities of waiver, et cetera, if they are urged by Durkin forces should not be particularly relevant. For example, both Mr. Wyman and Mr. Durkin made precinct protests to Salem and Bedford. This is a two-vote election. If either party has made a good faith protest to the accuracy of the count where only two votes separate the contestants, the protest ought reasonably to be considered.

Since the election is being reviewed for claims by Mr. Durkin not involving fraud or corruption, but which only allege error, the claims of Mr. Wyman alleging error ought also to be reviewed.

Since the Senate is exercising its plenary power to review an election absent a charge of fraud or corruption, it should do so in behalf of the electorate of New Hampshire and not one or both of the contestants. The question, therefore, is whether there is doubt about the accuracy of the result, not whether one of the contestants made a particular tactical maneuver.

The Hatfield motion as adopted by the Rules Committee and Senate Resolution 166, as amended by the Griffin motion of June 18, both state that consideration shall be given to any protest raised by either party, at any stage of the proceedings.

As I understand it, the Rules Committee has already established the precedent in Mr. Durkin's behalf that new protests which had never been made by a contestant before; that is, not just waived—will be permitted and honored. This involves the making of protests by Mr. Durkin's people of ballots which had previously only been protested by Chimento and the changing by Mr. Durkin's people of the nature of their protests from one type of protest to another.

This being the case and in the context of our mandate to arrive at the facts underlying the election, I urge my colleagues to vote yes as to issue 1. To fail to honor this simple request in an election this close will subject the Senate to justifiable criticism which is bound to linger long after either Mr. Wyman or Mr. Durkin is seated in this body.

Mr. McINTYRE. Mr. President, I support Mr. Wyman's appeal on this issue despite two major reservations.

It does appear that by his lack of action at the time of the secretary of state's recount Mr. Wyman has technically waived his appeal on the count of the precincts in question. The importance of this whole matter is such, however, that I do not feel an appeal should be dismissed purely on a technicality. Therefore, I feel that I must personally support the granting of this request.

There are two very bothersome problems, however, Mr. President. The first is the fact that there is no evidence whatsoever to support the allegation that the count was incorrect in these precincts other than human error. And it would appear that during the secretary of state's recount every effort was made to minimize the possibility of such error.

Second, I am concerned with the security of these ballots, especially in light of the January 31 statement of New Hampshire's attorney general:

> We have never been concerned about tight security on those ballots. The key to the election is in the 3,500 protested ballots not the others. No one was concerned about those ballots until it became politically convenient.

I would urge the committee to pay the utmost attention to this security issue and report to the full Senate any indication that the ballots have been improperly handled.

Though I have these two reservations, Mr. President, I shall support this request.

The ACTING PRESIDENT pro tempore. All time has expired.

Under the previous order, the hour of 10:30 a.m. having arrived, the Senate will now proceed to vote on the passage of division 2.

The question is on agreeing to division 2, paragraph (1) putting lines 7 through 12 into the resolution.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUGH SCOTT. Regular order, Mr. President.

The ACTING PRESIDENT pro tempore. The Senate will be in order. The Senators will take their seats.

The legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that the Senator from Ohio (Mr. GLENN) is absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "nay."

The result was announced—yeas 44, nays 49, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—44

Allen	Garn	Percy
Baker	Goldwater	Roth
Bartlett	Griffin	Schweiker
Beall	Hansen	Scott, William L.
Bellmon	Hatfield	Stafford
Brock	Helms	Stennis
Brooke	Hruska	Stevens
Buckley	Javits	Taft
Byrd, Harry F., Jr.	Laxalt	Talmadge
Case	Long	Thurmond
Curtis	Mathias	Tower
Dole	McClure	Weicker
Domenici	McIntyre	Young
Fannin	Nunn	
Fong	Packwood	
	Pearson	

NAYS—49

Abourezk	Haskell	Moss
Bentsen	Hathaway	Muskie
Biden	Hollings	Nelson
Bumpers	Huddleston	Pastore
Burdick	Inouye	Pell
Byrd, Robert C.	Jackson	Proxmire
Cannon	Johnston	Randolph
Chiles	Kennedy	Ribicoff
Church	Leahy	Scott, Hugh
Clark	Magnuson	Sparkman
Cranston	Mansfield	Stevenson
Culver	McClellan	Stone
Eagleton	McGee	Symington
Ford	McGovern	Tunney
Gravel	Mondale	Williams
Hart, Gary W.	Montoya	
Hart, Philip A.	Morgan	

NOT VOTING—6

Bayh	Glenn	Humphrey
Eastland	Hartke	Metcalf

So Division 2, paragraph (1), lines 7 through 12, was rejected.

Mr. HUGH SCOTT. Mr. President, I move to reconsider the vote by which Division 2 was rejected.

Mr. CANNON. Mr. President, I move to lay that motion on the table.

Mr. HUGH SCOTT. I demand the yeas and nays.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to lay on the table.

Mr. HANSEN. The yeas and nays have been requested, Mr. President.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays was ordered.

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

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senators will kindly cease conversing so that the Senate will be in order. Those Senators not seated will please take their seats.

Mr. HUGH SCOTT. Regular order, Mr. President.

The ACTING PRESIDENT pro tempore. Regular order has been called for.

The clerk will resume.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Montana (Mr. SYMINGTON) are necessarily absent.

I further announce that the Senator from Ohio (Mr. GLENN) and the Senator from North Carolina (Mr. MORGAN) are absent on official business.

I further announce that if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) is necessarily absent.

The result was announced—yeas 45, nays 46, as follows:

[Rollcall Vote No. 279 Leg.]

YEAS—45

Abourezk	Haskell	Mondale
Bentsen	Hathaway	Montoya
Bumpers	Hollings	Moss
Burdick	Huddleston	Muskie
Byrd, Robert C.	Inouye	Nelson
Cannon	Jackson	Pastore
Church	Johnston	Pell
Clark	Kennedy	Proxmire
Cranston	Leahy	Randolph
Culver	Long	Ribicoff
Eagleton	Magnuson	Sparkman
Ford	Mansfield	Stevenson
Gravel	McGee	Stone
Hart, Gary W.	McGovern	Tunney
Hart, Philip A.	Metcalf	Williams

NAYS—46

Allen	Fong	Pearson
Baker	Garn	Percy
Bartlett	Goldwater	Roth
Beall	Griffin	Schweiker
Biden	Hansen	Scott, Hugh
Brock	Hatfield	Scott, William L.
Brooke	Helms	Stafford
Buckley	Hruska	Stennis
Byrd, Harry F., Jr.	Javits	Stevens
Case	Laxalt	Taft
Chiles	Mathias	Talmadge
Curtis	McClellan	Thurmond
Dole	McClure	Tower
Domenici	McIntyre	Weicker
Fannin	Nunn	Young
	Packwood	

NOT VOTING—8

Bayh	Glenn	Morgan
Bellmon	Hartke	Symington
Eastland	Humphrey	

So the motion to lay on the table was rejected.

The PRESIDING OFFICER (Mr. CLARK). The question now recurs on agreeing to the motion to reconsider the vote by which Division 2 of issue 1 was rejected.

Mr. HUGH SCOTT. Mr. President, I demand the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider the vote by which Division 2 of issue 1 was rejected. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Indiana (Mr. HARTKE), and the Senator from Minnesota (Mr. HUMPHREY) are necessarily absent.

I further announce that the Senator from Ohio (Mr. GLENN) and the Senator from North Carolina (Mr. MORGAN) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The result was announced—yeas 45, nays 47, as follows:

[Rollcall Vote No. 280 Leg.]

YEAS—45

Allen	Fong	Percy
Baker	Garn	Roth
Bartlett	Griffin	Schweiker
Beall	Hansen	Scott, Hugh
Bellmon	Hatfield	Scott, William L.
Brock	Helms	Stafford
Brooke	Hruska	Stennis
Buckley	Javits	Stevens
Byrd, Harry F., Jr.	Laxalt	Taft
Case	Mathias	Talmadge
Chiles	McClellan	Thurmond
Curtis	McClure	Tower
Dole	McIntyre	Weicker
Domenici	Nunn	Young
Fannin	Packwood	
	Pearson	

NAYS—47

Abourezk	Haskell	Montoya
Bentsen	Hathaway	Moss
Biden	Hollings	Muskie
Bumpers	Huddleston	Nelson
Burdick	Inouye	Pastore
Byrd, Robert C.	Jackson	Pell
Cannon	Johnston	Proxmire
Church	Kennedy	Randolph
Clark	Leahy	Ribicoff
Cranston	Long	Sparkman
Culver	Magnuson	Stevenson
Eagleton	Mansfield	Stone
Ford	McGee	Symington
Gravel	McGovern	Tunney
Hart, Gary W.	Metcalf	Williams
Hart, Philip A.	Mondale	

NOT VOTING—7

Bayh	Goldwater	Morgan
Eastland	Hartke	
Glenn	Humphrey	

So the motion to reconsider was rejected.

Mr. MANSFIELD. I would hope that this would indicate to the Senate that there is no steamroller in operation. The Senate has had a chance to face up to its difficulty in this matter, and I would like at this time to pose a unanimous-consent request for the rest of the bill if the distinguished Republican leader or the ranking Republican member on the committee would be willing to consider it.

Mr. HATFIELD. We will consider it.

Mr. HUGH SCOTT. We will consider anything.

Mr. MANSFIELD. Mr. President, I ask unanimous consent there be a 1-hour time limitation on each of the remaining issues from now on so that we can dispose of the 35 or 36 or 37 issues remaining.

The PRESIDING OFFICER. Is there objection?

Mr. HUGH SCOTT. Mr. President, reserving the right to object, I think we ought to take these one at a time.

The Washington Post of yesterday made a suggestion, which seems to some of us to have a certain amount of merit. Among other things, they proposed that the Senate count those 10 precincts which the Senate has now refused even to consider to count. It was not even willing to vote on counting them up or down. It was merely voting on whether or not it would shape a resolution for the consideration of the Senate.

Mr. MANSFIELD. Mr. President, will the Senator yield there?

Mr. HUGH SCOTT. Yes.

Mr. MANSFIELD. Perhaps the idea that we take the issues one at a time has merit to it.

I ask unanimous consent that there be a 1-hour time limitation on the Cranston-Mansfield amendment and that the vote occur tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, I reserve the right to object.

Supplementing what the distinguished minority leader has already said, it seems to me that this vote, that was just taken, is particularly tragic in terms of the prospects of any kind of a compromise being worked out.

The Washington Post on yesterday indicated that they were not yet ready to recommend that there be a new election and then proceeded to set forth the elements of a fair compromise.

The Senate unfortunately has just rejected, although by a close vote, the first major item that would be necessary to that compromise.

It is this Senator's opinion, and I speak only for myself, that a compromise is impossible and the only alternative is to send this matter back to New Hampshire. It is the view of this Senator that that is the answer that we will ultimately have to arrive at.

So I do object to the request that is now pending.

The PRESIDING OFFICER. Objection is heard.

Mr. CRANSTON. Mr. President, I just make one point.

A compromise was offered by Senator MANSFIELD and Senator LONG——

Mr. ROBERT C. BYRD. Mr. President, under the regular order the vote is to occur on the passage of the energy bill.

I ask unanimous consent that the Senator from California may have—how much time?

Mr. CRANSTON. I would just like to have 1 minute.

Mr. ROBERT C. BYRD. One minute, and that the distinguished Republican leader have 1 minute.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CRANSTON. The closeness of the three votes we have just had with all Republicans voting one way and with Democrats on this side of the aisle divided on this issue, indicates that there is not a rampant majority overriding ruthlessly a helpless minority. There were deep concerns on this side on this issue, as there have been deep concerns upon other issues. The closeness of this vote indicates there will be other close decisions if we are allowed to have other votes.

There is a strong desire on the part of many Senators, if not all Senators, on this side to look at each issue as it comes, to compromise where compromise is possible, to vote with the other side wherever that is possible within one's conscience on these issues. I think that should be noted in terms of the very close vote that just occurred.

Mr. HUGH SCOTT. Mr. President, I continue to say that there are issues on which we should consider possible stipulation, possible compromise. This clearly was one of them. This and the next one are the ones made by the Washington Post.

It is no wonder that the majority wants to steamroller us, not only on this issue but on the next one as soon as they can get to it, because that knocks out the one possible proposal of compromise that might have had some merit here that we could have gone into.

In answer to the charge that there was no steamroller, indeed there was. This issue passed, just before the announcement of the vote, by a majority, I believe, of three votes. Then four votes were changed. Of course, I would never, ever, refer to how they were changed, but four votes were changed.

Mr. SYMINGTON. Will the Senator yield?

SEVERAL SENATORS. Regular order, Mr. President.

The PRESIDING OFFICER. The Senator's minute has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. Symington have 1 minute.

Mr. MOSS. Mr. President, reserving the right to object.

Mr. HUDDLESTON. I object.

The PRESIDING OFFICER. Objection is heard.

EMERGENCY PETROLEUM ALLOCATION EXTENSION ACT OF 1975

The Senate resumed the consideration of the bill (S. 1849) to extend the Emergency Petroleum Allocation Act.

The PRESIDING OFFICER. The Senate will now proceed to vote on S. 1849, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 1849) to extend the Emergency Petroleum Allocation Act.

The PRESIDING OFFICER. The question is, Shall the bill, as amended, pass? The clerk will call the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that the Senator from Ohio (Mr. GLENN), and the Senator from North Carolina (Mr. MORGAN) are absent on official business.

I further announce that, if present and voting, the Senator from Ohio (Mr. GLENN), the Senator from North Carolina (Mr. MORGAN), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is absent on official business.

I further announce that, if present and voting, the Senator from Arizona (Mr. GOLDWATER) would vote "nay."

The result was announced—yeas 62, nays 29, as follows:

[Rollcall Vote No. 281 Leg.]

YEAS—62

Abourezk	Hart, Philip A.	Nelson
Allen	Haskell	Nunn
Beall	Hathaway	Pastore
Bentsen	Hollings	Pearson
Biden	Huddleston	Pell
Brooke	Inouye	Percy
Bumpers	Jackson	Proxmire
Burdick	Javits	Randolph
Byrd, Harry F., Jr.	Johnston	Ribicoff
	Kennedy	Roth
Byrd, Robert C.	Leahy	Schweiker
Cannon	Magnuson	Sparkman
Case	Mansfield	Stafford
Chiles	Mathias	Stennis
Church	McClellan	Stevenson
Clark	McGovern	Stone
Cranston	McIntyre	Symington
Culver	Mondale	Talmadge
Eagleton	Montoya	Tunney
Ford	Moss	Weicker
Hart, Gary W.	Muskie	Williams

NAYS—29

Baker	Garn	McGee
Bartlett	Gravel	Packwood
Bellmon	Griffin	Scott, Hugh
Brock	Hansen	Scott, William L.
Buckley	Hatfield	
Curtis	Helms	Stevens
Dole	Hruska	Taft
Domenici	Laxalt	Thurmond
Fannin	Long	Tower
Fong	McClure	Young

NOT VOTING—8

Bayh	Goldwater	Metcalf
Eastland	Hartke	Morgan
Glenn	Humphrey	

So the bill (S. 1849), as amended, was passed as follows:

S. 1849

An act to extend the Emergency Petroleum Allocation Act

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

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Emergency Petroleum Allocation Extension Act of 1975".

EXTENSION OF MANDATORY ALLOCATION PROGRAM

SEC. 102. Section 4(g)(1) of the Emergency Petroleum Allocation Act of 1973 is amended by striking out "August 31, 1975," wherever it appears and inserting in lieu thereof "March 1, 1976,".

TITLE II

SEC. 201. This title may be cited as the "Coal Conversion Extension Act of 1975".

SEC. 202. Section 2(f)(1) of the Energy Supply and Environmental Coordination Act of 1974 is amended by striking "June 30, 1975" and inserting "December 31, 1976".

SEC. 203. Section 11(c)(2) of the Energy Supply and Environmental Coordination Act of 1974 is amended by adding the following new subparagraph:

"(E) Price trends and related developments for coal and for other major energy sources which are not subject to direct price regulation at any level by the United States Government. As soon as practicable after the date of enactment of this subparagraph and at such times thereafter as he deems appropriate, the Federal Energy Administrator, after consultation with such other persons and agencies as he deems appropriate, shall provide an assessment of the relationship between price trends and related developments for energy sources covered by this subparagraph and energy policies, including any recommendations he may have in connection with such assessment.".

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 1849.

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

ADDITIONAL STATEMENTS ON S. 1849

EXTENSION OF EMERGENCY PETROLEUM ALLOCATION ACT

Mr. MOSS. Mr. President, I rise in support of S. 1849, extension of the Emergency Petroleum Allocation Act. Passage of the bill is vital to protect consumers from unjustifiable oil company price increases, to preserve the positive trends we have seen recently in the inflation rate, and to prevent a new explosion of job layoffs in industry.

At the outset, I want to make clear that our ultimate goal must be to restore free markets in energy. Free markets are unquestionably a more efficient allocator of economic resources and a more effective protection against unfair prices than Government regulation can ever be. It is equally clear, however, that there is not a free market in oil in the United States today. The price of oil, left unregulated by the Federal Government, is pegged to the monopoly price set by the OPEC cartel. That price is now around $13.40 per barrel, and every indication points to at least another $2 per barrel increase in the fall when the OPEC oil ministers again meet.

If the Emergency Petroleum Allocation Act is not extended, the Government's authority to control oil price increases will lapse on August 31. There will quickly follow a series of petroleum price increases which would be disastrous for the consumer, the farmer, business and the economy as a whole. At present, about 40 percent of our domestically produced oil sells at the OPEC level, $13.40. The end of price controls will mean a rise in the other 60 percent from its present price of $5.25 per barrel to the $13.40 monopoly level. That will mean increases in the price of gasoline which will make the 4 cents rise of July 4 seem like peanuts. And gasoline price hikes are only the beginning.

The price of food will skyrocket, because agriculture—as every farmer knows—is energy-intensive, and fertilizer is made from petroleum products.

Home heating and electric utility bills will continue to skyrocket upward—up nearly 25 percent this past year.

The cost of all goods and services will inflate because of increased transportation and material costs.

The President has belatedly recognized that instant decontrol of oil prices is a prescription for economic disaster. I am glad to see him now supporting an extension of the EPAA. But the administration still has a long way to go before its policy of surrendering control over U.S. energy prices to the Arab monopolists and opting to ration energy by wealth begins to acquire the outlines of a sensible course of action.

DETERMINATION OF SENATE ELECTION IN NEW HAMPSHIRE

The PRESIDING OFFICER. Under the previous order, the Senate will now continue with the consideration of Senate Resolution 166, which the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 166) relating to the determination of the contested election for a seat in the United States Senate from the State of New Hampshire.

The PRESIDING OFFICER. The question is on issue No. (2), division No. 3, lines 1 through 5 on page 2. The pending amendments to this question are the amendment of the Senator from California inserting language and the amendment of the Senator from Montana to the amendment of the Senator from California.

Mr. ROBERT C. BYRD. Mr. President, the pending question then is on the adoption of the amendment by Mr. MANSFIELD to the amendment by Mr. CRANSTON?

The PRESIDING OFFICER. That is correct.

Mr. ROBERT C. BYRD. Mr. President, I have listened with great interest to references to the Washington Post editorial. I note that the following passage occurs in that editorial, and I read it:

A way to proceed from here is not hard to prescribe. In our view, the Senate should first set firm deadlines for all future debate and votes—

now that can be done by unanimous consent or by cloture.

—then proceed to vote on whether the so-called "skip-candidate" ballots ought to be counted or not.

I would ask unanimous consent, in the spirit of the passage that I have read from that editorial, that there be 2 hours of debate on that amendment tomorrow morning after the two leaders or their designees have been recognized, the time to be divided and controlled by Mr. CANNON and Mr. HATFIELD, and that a vote then proceed on the amendment, with a tabling motion in order.

Mr. HANSEN. Mr. President, reserving the right to object, let me observe that—and I do not know what a steamroller is, I am a dirt farmer myself—I must say that any time you are able to switch votes, as was done earlier on the first vote here today, it seems to me that although I do not claim to understand how a steamroller really works, it occurred to me that the objective that was achieved of being able to switch the votes, as was done at the last minute, would bear some reasonable similarity to a steamroller.

As a consequence, I quite agree with the distinguished minority whip that really, the only way this issue is going to be resolved is to send it back to the State of New Hampshire.

I would further observe, Mr. President, that I have no doubt but what we will have to vote on cloture several more times. I think it will be interesting to future historians to read the RECORD and observe how 61 or fewer than that but, anyway, a majority party, can persist in trying to impose its will on a minority despite the overwhelming conviction around the country that the only proper, decent, and fair way to resolve the issue, is not to try to steal the seat here in the Senate but rather to let the people of New Hampshire decide that issue.

Accordingly, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERT C. BYRD. Mr. President, reference has been made to stealing a seat. I do not think it is any more proper to accuse the Senate of attempting to steal a New Hampshire Senate seat than it would be to accuse the New Hampshire ballot law commission of having stolen the seat last fall.

Mr. MANSFIELD. Mr. President, the Constitution of the United States of America, article I, section 5, states:

Each House shall be the judge of the elections, returns, and qualifications of its own members. . .

Mr. HANSEN. Mr. President, let me observe that, that issue, that particular portion of the Constitution which has been read and reread and interpreted by more people than there are constitutional authorities, I dare say, I do not think it can be contended successfully, at least to the satisfaction of most Americans, that the framers of the Constitution and those who ratified it ever intended that the Congress of the United States was to usurp the rights of the States in determining who had won an election absent any charge of fraud or wrongdoing.

Accordingly, I do not subscribe to the very broad interpretation that is now being impliedly made with respect to this provision of the Constitution.

I point out again that if we are to assume that any time some disgruntled unsuccessful candidate for election happens to be a member of the majority party in the Senate, it is a very simple matter for him to appeal to the Senate, and if we are to succumb, as many hope we might here, to that sort of protest, then I would say that we are opening up a Pandora's box. We are vitiating the concept of the States' rights of the State of New Hampshire or any other State to determine, within the legal framework of its own laws, who won an election. That seems to be the issue here.

I just cannot believe we are going to enhance the public's opinion of our understanding of the Constitution if we go through the charade we have been indulging in here for some time. I do not feel at all that when you review this and consider the fact that the State of New Hampshire has set up legal procedures that are to be followed in the case of an election and, indeed, they have been followed——

The PRESIDING OFFICER. The Senate will please be in order. Senators will please take their seats.

The Senator from Wyoming.

Mr. HANSEN. When they have been followed, there has been a strict adherence to New Hampshire law with due respect to rulings by the Supreme Court of the State of New Hampshire. On that basis, the sequence in that, in trying to judge what the outcome of that election was, as I understand it, was, first, that Mr. Wyman had won by a rather goodly number of votes, I think some 350 or approximately that number.

Then Mr. Durkin appealed to the secretary of state and following the count by that officer, the results that were obtained unofficially in the State of New Hampshire were reversed and Mr. Durkin was declared the winner by 10 votes.

Then, further appeal to the administrative procedures that are provided in determining and resolving the outcome of a contested election.

Very properly, Mr. Wyman appealed to the ballot law review commission and on that basis a further recount was made and Mr. Wyman was declared the winner by two votes.

That final, legislatively provided for appeal procedure then was duly certificated by the Governor of the State of New Hampshire, and Mr. Wyman was declared the winner by two votes.

I make the point, Mr. President, that it makes little difference insofar as the average person around the country is concerned whether he had won by 2 votes or 200 or 2,000. The fact is that according to New Hampshire law, which I think should rule in governing in this respect, Mr. Wyman was declared the winner. His election was duly certificated to the Senate of the United States. Mr. Durkin, understandably being unhappy, was losing the election, as indeed, I submit he did, appealed to the Senate.

He appealed to the Senate because he knew, as we all know, that the Democrats have a larger number in this body than is represented by those of us who adhere to the Republican label.

As a consequence, we now have had I do not know how many cloture votes. We will undoubtedly have more, because as long as the majority party in the Senate wants to ask for cloture, we will continue to vote on cloture.

But I note that there has not been any deviation in the issue insofar as Members' voting goes, and I suspect, in due time, even the overwhelming number of Democrats, as spoken for, as they are, by the leadership here, will conclude it might make good political sense to let the people of New Hampshire rather than the Democrats and the Republicans, divided as they are in the Senate of the United States, decide that issue.

Mr. GRIFFIN. Will the Senator yield?

Mr. HANSEN. Without losing my right to the floor——

Mr. ROBERT C. BYRD. Mr. President, do I not have the floor? I had the floor and yielded to Mr. MANSFIELD who read from the Constitution, then the distinguished Senator from Wyoming responded.

Mr. HANSEN. I asked for recognition, Mr. President.

Mr. ROBERT C. BYRD. I had the floor, I never gave it up.

The PRESIDING OFFICER. It is the Chair's understanding that I recognized the Senator from Montana on his own.

Mr. ROBERT C. BYRD. Well, the Senator from Montana asked me to yield. I had not sat down. I had just completed speaking.

Mr. HANSEN. Well, I certainly recognize——

The PRESIDING OFFICER. The Chair's recollection is that I recognized the——

Mr. HANSEN. Mr. President, I did not realize he was trying to hold the floor.

Mr. ROBERT C. BYRD. I am not attempting to hold the floor.

Mr. HANSEN. Very well.

The PRESIDING OFFICER. It is the Chair's understanding that I recognized the Senator from Montana separately and the Senator from Wyoming separately.

Mr. GRIFFIN. Will the Senator from Wyoming yield?

Mr. HANSEN. Without losing my right to the floor to the Senator.

Mr. ROBERT C. BYRD. Now who is trying to hold the floor?

Mr. HANSEN. The Senator from Wyoming makes no bones about it. He is very happy to be recognized and he does intend to hold the floor until he finishes whatever statements he makes.

The PRESIDING OFFICER. Is there objection to the Senator from Wyoming's unanimous-consent agreement to yield the floor without losing it?

Mr. CANNON. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WILLIAM L. SCOTT. Will the Senator yield for a question?

Mr. HANSEN. Only for a question, without losing my right to the floor.

Mr. WILLIAM L. SCOTT. Would it be the opinion of the distinguished Senator from Wyoming that the Senate could fulfill its constitutional responsibility to be the judge of the election and qualifications of its own Members, by referring this matter back to the people of New Hampshire because of the various matters, the closeness of the vote, the changes from one side to the other, as it went through the various processes within the State of New Hampshire? Would not the Senate in the distinguished Senator's views be fulfilling its constitutional responsibility in doing that?

Mr. HANSEN. I agree completely with my good friend from Virginia.

As I interpret the Constitution of the United States and this issue, I think the Senate, indeed, would be doing honor to itself and improve its image in the opinion of most Americans if it were to do precisely that.

Mr. WILLIAM L. SCOTT. Would not the Senate be fulfilling its constitutional responsibility if it said that the final decision of the State of New Hampshire in certifying Mr. Wyman as the Senator-elect from the State of New Hampshire by two votes was proper. If we followed the decision of the State of New Hampshire and seated Mr. Wyman, would that not be a fulfillment of the responsibility of the Senate? Do we not, in fact, have two reasonable alternatives, either to seat Mr. Wyman in accordance with the decision of the people of New Hampshire and their elected officials, or to refer the matter back because of the closeness of the race? Would the Senator care to comment?

Mr. HANSEN. The answer of the Senator from Wyoming to the interrogatory is, yes. I think it would.

As a matter of fact, I have spoken previously, observing that these are the two options we have, either we can recognize the legitimate, legal actions of the sovereign State of New Hampshire in saying as, indeed, it has said to the Senate of the United States, we have elected Louis Wyman to represent New Hampshire in the Senate of the United States.

That is the one option. So far, we have refused to take that position.

I have contended that if we refuse to take that position, then the other alternative that will be acceptable, so I am told, to the people of New Hampshire and, indeed, will be sanctioned and approved by an overwhelming majority of Americans in every State, not only New Hampshire but in the other 49 as well, and which has received overwhelming endorsement in most of the important major dailies in the United States which have chosen to speak on the issue, we would be doing what they have called for, and that is, if we choose not to seat Mr. Wyman despite the fact that he has been duly certificated as having won that election, as being entitled in every respect to a seat in the U.S. Senate, a privilege or a right which has so far been denied him by the action of the majority party here in this instance. If we do not want to do that, then I think we can send the election back to New Hampshire and let them say once again who they would like to have represent that State in the Senate of the United States.

Mr. President, I stand in support of the proposition to declare the Senate seat from New Hampshire vacant, and for this issue to be sent back to the State of New Hampshire for a new election.

After many hours of debate, it is increasingly clear to me and many of my colleagues that the determination must be made by the people of New Hampshire, the people whom this Senator will represent.

If this matter is not sent back to New Hampshire, what will be the results? I submit that they are the following: First, protracted debate in this body, bringing the lawmaking process almost to a standstill. Second, the Senate could, by some means, count the votes, when this matter is surely the responsibility of the State of New Hampshire. Third, the Senate will come under increasing attack by those in America who feel that this election is the responsibility of the State and people of New Hampshire.

If this matter is sent back to New Hampshire for a new election, the Senate will not be abrogating its responsibility set forth in article I, section 5, of the U.S. Constitution—to be the judge of the elections, returns, and qualifications of its own Members.

Rather, this body, by its action, gives recognition and respect to the fact that the States should conduct their own elections, and the Senate should exercise its constitutional authority only in the most exceptional cases.

The point is that the State of New Hampshire is best equipped to conduct an election and certify to the Senate the winner of that election. For the Senate to declare a winner not only usurps the authority of the sovereign State of New Hampshire, but sets a dangerous precedent affecting the successful functioning of this body in legislative affairs. What is to prevent future contests in this body from bringing the process of lawmaking to a grinding stop?

I support the resolution to send this matter back to the State of New Hampshire to be resolved by the people and the election machinery of that State.

The PRESIDING OFFICER. The 2 hours for debate on Senate Resolution 166 have expired.

AUTOMOBILE FUEL ECONOMY AND RESEARCH AND DEVELOPMENT ACT OF 1975

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1883, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 1883) to conserve gasoline by directing the Secretary of Transportation to establish and enforce mandatory fuel economy performance standards for new automobiles and light duty trucks, to establish a research and development program leading to advanced automobile prototypes, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. On this bill, there is a 4-hour time limit, the time to be equally divided between the Senator from Washington and the Senator from Kansas.

Who yields time?

ORDER FOR RECOGNITION OF SENATOR TAFT TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I yield myself—on behalf of the majority manager of the bill—2 minutes.

Mr. President, I ask unanimous consent that tomorrow, after the two leaders or their designees have been recognized under the standing order, Mr. TAFT be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Reserving the right to object, what was the request?

Mr. ROBERT C. BYRD. I withdraw the request.

Mr. DOMENICI. I wish to present a unanimous-consent request on staffing.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERT C. BYRD. I yield.

PRIVILEGE OF THE FLOOR—S. 1883

Mr. DOMENICI. Mr. President, I ask unanimous consent that Bratt Pringle and Frank Gorman of my staff be granted floor privileges during the debate on the pending business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. GRIFFIN. Mr. President, how is the time controlled?

The PRESIDING OFFICER. By the Senator from Washington and the Senator from Kansas, a 4-hour time agreement, the time to be equally divided.

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Kansas (Mr. PEARSON) I yield myself 2 minutes.

I want to say to the distinguished majority whip that I am sorry. I did not hear the request. Otherwise, I am sure it would be all right.

Mr. ROBERT C. BYRD. The request that Mr. TAFT, who sits on the Senator's side of the aisle, have 15 minutes in the morning after the two leaders are recognized.

Mr. GRIFFIN. I am certain the distinguished majority whip knows and realizes that I would not object. I wish he would resubmit the request or I shall do so. I apologize for the fact that I did not hear the request.

Mr. ROBERT C. BYRD. The Senator owes me no apology.

I repeat the request, Mr. President.

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

Mr. ROBERT C. BYRD. Now, Mr. President, I make various unanimous-consent requests which have been previously cleared on both sides of the aisle.

TIME LIMITATION AGREEMENT—S. 1513

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 1513, a bill to extend the Appalachian Regional Development Act of 1965, is made the pending business before the Senate, there be a time limitation of 2 hours on the bill, to be equally divided between Mr. RANDOLPH and Mr. BAKER; that there be a time limitation on any amendment of ½ hour; a time limitation on any debatable motion or appeal or point of order in the event the Chair submits such point of order to the Senate for its discussion of 20 minutes, and that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

The text of the unanimous-consent agreement is as follows:

Ordered, That during the consideration of S. 1513 (Order No. 272), a bill to extend the Appalachian Regional Development Act of 1965, debate on any amendment shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, and that debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: Provided, That in the event the manager of the bill is in favor of such amendment, debatable motion, appeal, or point of order, the time in opposition thereto shall be controlled by the Minority Leader or his designee: Provided further, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from West Virginia (Mr. Randolph) and the Senator from Tennessee (Mr. Baker): Provided, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

TIME LIMITATION AGREEMENT—S. 586

Mr. ROBERT C. BYRD. Now, Mr. President, I ask unanimous consent that with respect to S. 586, a bill to amend the Coastal Zone Management Act of 1972, there be a time limitation of 2 hours, to be equally divided between Mr. HOLLINGS and Mr. STEVENS; that there be a time limitation of 1 hour on any amendment; a time limitation on debatable motions or appeals or points of order of 20 minutes, and that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The text of the unanimous consent agreement is as follows:

Ordered, That during the consideration of S. 586 (Order No. 271), a bill to amend the Coastal Zone Management Act of 1972 to authorize and assist the Coastal States to study, plan for, manage, and control the impact of energy resource development and production which affects the Coastal Zone, and for other purposes, debate on any amendment shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill, and that debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: Provided, That in the event the manager of the bill is in favor of such amendment, debatable motion, appeal, or point of order, the time in opposition thereto shall be controlled by the Minority Leader or his designee: Provided further, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from South Carolina (Mr. Hollings) and the Senator from Alaska (Mr. Stevens): Provided, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

TIME LIMITATION AGREEMENT—H.R. 6799

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that with respect to H.R. 6799, an act to approve certain of the proposed amendments to the Federal Rules of Criminal Procedure, there be a time limitation of 1 hour, to be equally divided between Mr. MCCLELLAN and Mr. HRUSKA; that there be a time limitation on any amendment, debatable motion or appeal of 30 minutes, and the same with respect to points of order if submitted to the Senate, and that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The text of the unanimous-consent agreement is as follows:

Ordered, That during the consideration of H.R. 6799 (Order No. 270), an act to approve certain of the proposed amendments to the Federal Rules of Criminal Procedure, to amend certain of them, and to make certain additional amendments to those rules, debate on any amendment, debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided*, That in the event the manager of the bill is in favor of such amendment, debatable motion, appeal, or point of order, the time in opposition thereto shall be controlled by the Minority Leader or his designee: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the Senator from Arkansas (Mr. McClellan) and the Senator from Nebraska (Mr. Hruska): *Provided*, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

ORDER FOR CONSIDERATION OF CONFERENCE REPORT—H.R. 4035

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that with respect to a conference report on H.R. 4035—and this has been cleared with Mr. FANNIN and Mr. JACKSON—the conference report be called up at 1 p.m. tomorrow, and that a vote on the conference report occur no later than 3 p.m.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

TIME LIMITATION AGREEMENT—S. 644

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that with respect to S. 644, a bill to amend the Consumer Products Safety Act, there be a time limitation of 2 hours, to be divided between Mr. Moss and Mr. PEARSON; a time limitation on an amendment by Mr. BUCKLEY of 2 hours; a time limitation on any other amendment, debatable motion or appeal or point of order if submitted to the Senate of ½ hour, and that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The text of the unanimous consent agreement is as follows:

Ordered, That during the consideration of S. 64 (Order No. 247), a bill to amend the Consumer Product Safety Act to improve the Consumer Product Safety Commission, to authorize new appropriations, and for other purposes, debate on any amendment (except an amendment to be offered by the Senator from New York (Mr. Buckley) on which there shall be 2 hours), debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided,* That in the event the manager of the bill is in favor of such amendment, debatable motion, appeal, or point of order, the time in opposition thereto shall be controlled by the Minority Leader or his designee: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Utah (Mr. Moss) and the Senator from Kansas (Mr. Pearson): *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

TIME LIMITATION AGREEMENT—S. 1281

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that in respect of S. 1281, a bill to improve public understanding of the role of depository institutions in home financing, there be a time limitation of 2 hours, to be equally divided between Mr. TOWER and Mr. PROXMIRE, a time limitation on any amendment of 1 hour, a time limitation on any debatable motion or appeal or point of order submitted to the Senate of 20 minutes, and the agreement to be in the usual form.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The text of the unanimous consent agreement is as follows:

Ordered, That during the consideration of S. 1281 (Order No. 182), a bill to improve public understanding of the role of depository institutions in home financing, debate on any amendment shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill, and that debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: Provided, That in the event the manager of the bill is in favor of any such amendment, debatable motion, appeal, or point of order, the time in opposition thereto shall be controlled by the Minority Leader or his designee: Provided further, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from Texas (Mr. TOWER): Provided, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

Mr. ROBERT C. BYRD. Mr. President, I believe that completes the unanimous-consent requests that I would like to propound at this time. I thank the distinguished Republican whip and all the Senators.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I yield such time as he may require to the Senator from New Mexico.

AUTOMOBILE FUEL ECONOMY AND RESEARCH AND DEVELOPMENT ACT OF 1975

The Senate continued with the consideration of the bill (S. 1883) to conserve gasoline by directing the Secretary of Transportation to establish and enforce mandatory fuel economy performance standards for new automobiles and light duty trucks, to establish a research and development program leading to advanced automobile prototypes, and for other purposes.

Mr. DOMENICI. Mr. President, I have pending an amendment, No. 590, on S. 1883. I ask unanimous consent that it be in order to ask for the yeas and nays at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOMENICI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. Is the Pastore rule still in effect?

The PRESIDING OFFICER. Yes, it is.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that Charles Lacy of my staff be granted the privileges of the floor.

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

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the following staff personnel be granted the privileges of the floor: Michael Brownlee, David Clanton, David Freeman, Allan Hoffman, Dan Jaffe, Arthur Pankopf, Michael Pertschuk, Lynn Sutcliffe, and Mary Jo Manning.

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

Mr. HOLLINGS. Mr. President, as we open debate on S. 1883, the Automobile Fuel Economy and Research and Development Act of 1975, the Congress is faced with a basic and quite simple question: Are we really serious about energy conservation?

Is the United States finally ready to take meaningful steps to limit its oil consumption, or will we be content to drain our own oil reserves faster than we can find what little is left and to become more and more dependent on the OPEC cartel.

The United States is a nation that relies heavily on petroleum, consuming more than 17 million barrels a day, or half as much as the rest of the world combined.

At present, 6 million barrels are imported daily, and domestic production is still going down, not up.

Our entire economy is at the mercy of the OPEC cartel and if they raise prices by $4 per barrel in September, as has been strongly hinted at, the additional inflationary drain would be another $8 billion for the imported oil, and more than $30 billion if the President gets his way and eliminates price controls.

The fiscal drain on the American economy created by high-priced oil imports and the resulting outflow of U.S. dollars is a prime cause of inflation in this country.

This drain has contributed to the highest rate of inflation in decades, helped tip us into the present recession, and is now interfering with the recovery from that recession.

These pressures are felt by many other nations as well. Unless we begin to conserve energy, we cannot ever overcome the economic monsters of inflation and recession.

A significant and growing fraction of these imports, 22.7 percent in the first quarter of this year, is from the Arab nations. Increasing our dependence on the Middle East for oil, which seems inevitable if current consumption patterns persist, is an open invitation for the Arabs to use oil as a political weapon. We have already experienced one embargo, and not-so-veiled threats of a second embargo have been raised by some Arab spokesmen.

While the debate over many aspects of national energy policy continues, there is agreement that energy conservation must be a key element of that policy. The reasons are obvious. By saving energy, we can save the country from many of the most basic and troublesome problems afflicting us at home and abroad. And it has a much needed impact upon present consumption of conventional fuels, helping bridge the span to alternate energy sources of the future. The issue is thus not whether to save energy, but how to do it most effectively. The automobile, of which there are more than 100 million registered in the United States, stands out as the single largest end-user of petroleum, accounting for nearly 40 percent of present consumption, or more than 6.5 million barrels of oil each and every day.

One way to try to save gasoline is to tax it. The House of Representatives has rejected that approach, and I agree with their action. The time to achieve savings in fuel economy is when the cars are built. It is too late after the consumer has purchased his car. With the present state of public transportation, he often has no choice but to pay the tax and drive. Instead of a tax and a hope that fuel consumption would decline, this bill assures that fuel economy is built into all new cars and that is the simplest and fairest way to be sure that savings will be achieved.

Automobiles have been, and will remain, an important element in our national life. But it is also clear that we cannot continue guzzling fuel as usual. No

area requires more careful attention than the automobile. Mr. John R. Quarles, Deputy Administrator of the Environmental Protection Agency, accurately described the situation when he stated:

If we are unwilling to face up to the problem of the automobile, we might as well forget about the goal of energy conservation.

Facing up to the problem of the automobile means, at the very least, providing the technological base now for mass producing cleaner, safer, and more fuel efficient cars in the 1980's and beyond. In this context it is important to note that the President recommended only $10 million for automobile research and development in fiscal year 1976 within ERDA. This contrasts sharply with the $38 million budgeted for NASA to reduce the fuel consumption of aircraft. Aircraft presently use less than one seventh of the liquid fuels that automobiles use.

The President's energy program, in general, stands in sharp contrast to the carefully drawn congressional energy program prepared under the capable leadership of our distinguished colleague from Rhode Island, Senator PASTORE, and our distinguished colleague from the House of Representatives, Congressman JIM WRIGHT of Texas. This program very properly rejects the fundamental premise of the President's program that the only way to achieve energy conservation is to deliberately raise the price of all petroleum products to all Americans by heavy indiscriminate additions in taxation. Additional tariffs on oil imports are not sure to reduce imports, but will surely make imports more costly to American consumers.

At a time when the most urgent national need is to revive the Nation's economy and put Americans back to work, the President's tariff program would further burden the economy and make economic recovery even more lengthy and difficult. S. 1883 addresses the challenge laid down by our present situation by calling for mandatory fuel economy performance standards for new automobiles and new light duty trucks and by calling for an extensive Federal research and development effort designed to develop production prototypes of low-polluting, energy efficient automobiles that also meet presently required safety and damageability standards. It is also in complete accord with the congressional energy program's specific recommendations for achieving meaningful energy conservation in the transportation sector, and could be the single most important piece of energy conservation legislation to come before the Senate this year. In the following remarks, I will briefly discuss the fuel economy standards portion of S. 1883, and leave discussion of the automotive research and development title to my colleague from California, Senator TUNNEY.

Under title I, the Secretary of Transportation is directed to establish yearly minimum fuel economy performance standards, applicable to each manufacturer's production of new automobiles or new light duty trucks, as appropriate. The standards would apply to model years 1977 through 1985.

Standards for automobiles would be set to achieve an industrywide average new car fuel economy of at least 21 miles per gallon in model year 1980, and at least 28 miles per gallon in model year 1985. These goals could be modified by the Secretary, subject only to a resolution of disapproval by either House.

Light duty trucks would not be subject to the fuel economy improvement goals set for automobiles, but would be subject to minimum average fuel economy performance standards set for each model year at the maximum feasible level by the Secretary.

Compliance would be determined by the EPA Administrator who is responsible for measuring the fuel economy of individual model types. Of course, if, as usual, manufacturers make changes to their vehicles during the model year which affect fuel economy, undated fuel economy figures would be used by the EPA Administrator in determining a manufacturer's fleet average fuel economy.

If a manufacturer failed to meet the required average fuel economy standard, the manufacturer would be liable for civil penalties, which could be waived or modified under certain well-defined circumstances. A manufacturer could also recoup any penalty that is paid through the achievement of superior fuel economy performance in subsequent years.

A fuel economy labeling program for new cars and new light duty trucks would also be required.

The approach of S. 1883 was adopted for several reasons. First, mandatory fuel economy standards will provide a greater degree of certainty with regard to fuel savings than any other policy currently being assessed. At a time when U.S. oil imports are approaching 40 percent of consumption, such certainty is essential. S. 1883 also leaves maximum flexibility to a manufacturer to meet the fuel economy standards. This will result in a more diverse product mix and wide consumer choice.

Finally, let me address a question that is central to the need for this legislation: Could not the fuel economy improvements required by this bill be achieved via voluntary action by the automobile industry? The President has called for such a voluntary program but, unfortunately, the President's program has several deficiencies:

It calls for only a 40 percent fuel economy improvement in model year 1980 relative to 1974, reducing the fuel savings that could be attained through S. 1883. This reduction would amount to 55 million barrels in 1980 and to at least 100 million barrels in 1985.

The President's program would unnecessarily freeze automobile emission standards for the next 5 years. This freeze would ostensibly be imposed in order to meet the fuel economy improvement target. Technical data available to the committee clearly refutes the need for such a freeze.

The so-called agreements provided to the President by the automakers are highly qualified, and legally unenforceable.

The voluntary approach thus offers at best a lower level of fuel savings in exchange for a higher level of pollution. In fact, there is no basis for believing Congress will freeze automobile emission standards, and therefore the voluntary approach does not represent any commitment at all by the industry.

There is little in the automobile industry's record to inspire confidence in a voluntary approach. There is also concern that the automobile industry may see economic disincentives in pursuing a voluntary program too diligently. This is because, historically, the biggest and least fuel efficient cars have been associated with the largest profits. As summarized in an article which appeared in the Consumer Guide 1974 Car Preview:

Like the other automakers, Ford is anxious to keep sales of its big cars at peak level. Big cars are where the money is made.

Thus, while there has been some movement toward better mileage, whether it will be given a high enough priority year after year, lies at the heart of the need for this legislation. This concern was cited by several witnesses before the committee, including people with intimate knowledge of the automobile industry, such as Leonard Woodcock, president of the United Auto Workers. In his presentation to the committee he stated:

For too many years the UAW has pointed out that the big three auto companies have followed a marketing strategy based on cars that are too large, too expensive, and use too much fuel. We urged that policy be changed.

However, these manufacturers preferred to pursue short-term profit maximization, and paid little attention to the real needs of the American public, including environmental and conservation considerations. Occasionally, short-term goals have resulted in emphasis on fuel economy, especially by producing smaller cars, and the present concern over gas consumption may have precipitated such a period.

In the past, such activities have been short-lived—the "small cars" get progressively bigger and heavier, the only reduction is in fuel economy, so that now we cannot rely upon mere assurances, or voluntary commitments, from these companies. Federal fuel economy requirements are needed in order to assure that national fuel conservation goals will be met.

It was for these reasons that the Commerce Committee voted 11 to 5 to favorably report this bill to the Senate. I now ask the Senate to take the next important step in transforming this bill into a major underpinning of our national energy program.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the United Auto Workers approving this particular measure. This letter from the UAW, the chief representative of employees of the automobile industry in America, is dated June 30, 1975, and is signed by Jack Beidler, the legislative director.

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

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW,

Washington, D.C., June 30, 1975.

DEAR SENATOR: As part of our national effort to reduce energy consumption, the UAW has long recognized the importance of

achieving greater fuel efficiency in motor vehicles. As we have testified repeatedly this year before congressional committees, we believe this can be accomplished most effectively and equitably through a federal program mandating fuel efficiency standards, backed up by civil penalties for failure to comply with the standards.

The Committee on Commerce has reported S. 1883 which, if enacted, would provide such a federal program to encourage the production of more fuel-efficient automobiles in this country. The Committee bill calls for an improvement of 50 percent in average fuel efficiency by 1980 and 100 percent by 1985 over the average of 14 miles per gallon in 1974. This would result in an average of at least 21 miles per gallon for new passenger automobiles manufactured for sale in, or imported into, this country by 1980. Five years later, the figure would be 28 miles per gallon.

The Commerce Committee bill contains a second title which would create an automotive research and development program within the Department of Transportation to develop prototypes of advanced automobiles with high fuel efficiency and emissions, safety and other features meeting federal standards. This too would be a federal initiative strongly endorsed by the UAW.

We believe the Commerce Committee bill deserves your enthusiastic support. We hope you will vote for it and against weakening amendments when it is taken up by the full Senate. On behalf of the UAW, I wish to thank you for your consideration of our position on this important national issue.

Sincerely,

JACK BEIDLER,
Legislative Director.

Mr. HOLLINGS. I also ask unanimous consent to have printed in the RECORD a letter in support of the measure from Congress Watch, dated June 17, 1975, and signed by Joan Claybrook.

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

PUBLIC CITIZEN,
June 17, 1975.

DEAR SENATOR: The Senate will soon vote on S. 1883—the Automobile Fuel Economy and Research and Development Act of 1975. This important legislation defines the Senate's initial role in establishing auto economy standards and develops a research and development program to produce technological innovations for future improvements. We urge your support for this legislation.

Automobiles consume over one-third of all petroleum used in America. In 1974 General Motors cars averaged 12.2 MPG. In 1975, in the face of the energy crisis and sagging auto sales, they achieved a 15.7 MPG average or a 28% improvement over 1974, thus demonstrating that significant increases in efficiency are possible on short order.

In 1975 Volkswagen achieved an average of over 26 MPG and imports generally captured 20% of the total domestic car market. In 1973 auto imports were valued at $6.5 billion while export of U.S. autos accounted for only $1.8 billion. Fuel economy is a major factor in the difference.

S. 1883 mandates improved auto fuel efficiency. It establishes an industry-wide standard of 21 MPG in 1980 and 28 MPG in 1985. The joint EPA/DOT report of October 1974 indicates that this goal is technologically and financially achievable. Other reports with similar findings include the "Automobile Emission Control—The Technical Status and Outlook as of December 1974", EPA, January 1975; "Potential New Car Fuel Economy", FEA, November 1974.

Although the bill's standards will require minor retooling and design changes, these costs are more than offset by the program's resultant fuel conservation. The EPA/DOT study indicates that the capital requirements for necessary technological and design changes to meet the 1980 standard may run from 50 to 200 million dollars over each of the next five years. This is at maximum less than 10% of current annual rates of capital expenditure of the motor industry.

The savings resulting from the 1980 standard will be 800,000 barrels of gasoline per day. This conservation would reduce by $9 million per day* the energy price drain from the economy—a senseless drain into the pockets of OPEC for its price-inflated oil. These savings also could help alleviate the demand pressure for petroleum products in other areas of the market place. Therefore, the fuel efficiency standards will produce far greater savings for the national economy than the relatively minor investment.

The EPA/DOT report indicates that the 1980 standards are achievable with a variety of industry action: adjustment in the emission control system, change in sales mix to more efficient models, reduction of aerodynamic drag, better transmissions including overdrive, change in rear axle ratios, improvement in air/fuel metering and reduction in engine size and vehicle weight.

Mandatory improvements in fuel economy will result in gasoline conservation and reduced air pollution due to reduced fuel consumption. Improved fuel efficiency by American auto manufacturers may well also result in stemming the tide of imports and offer the potential of increased auto exports.

For all of these reasons we urge you to support this important legislation, S. 1883.

Sincerely,

JOAN CLAYBROOK.

Mr. HOLLINGS. I yield to the distinguished Senator from Michigan.

Mr. GRIFFIN. Mr. President, I shall be interested in reading the letter from the spokesman for the United Auto Workers.

I do know that the testimony of Mr. Leonard Woodcock before the Commerce Committee was to the effect that any effort to impose mandatory fuel economy standards should be related to action that Congress would take with respect to emission controls.

It is ridiculous to have the Senate considering a bill that would require a certain standard of fuel economy for automobiles without also deciding at the same time what is going to be done about the emission standards. Is it reasonable or logical to go ahead and pass this bill which would arbitrarily impose a fuel economy standard accompanied by very severe civil penalties for violation—without knowing what Congress is going to do with regard to emisson standards?

That is what we are asked to do. I submit that the Senate cannot do that unless we do not really care about the automobile industry and its workers. Eighteen percent of the workers in the automobile industry are still out of work, and I submit that at least part of this problem is the result of some of the unfortunate and unwise regulations that Congress has passed heretofore.

I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I am a member of the Committee on Finance. Last week we had appearing before that committee representatives of three of the major automobile manufacturers: the president, as I recall, of General Motors; the vice president or executive vice president, I think, for Ford Motors; and a vice president in charge of engineering from Chrysler.

Those three gentlemen all testified that the key point, the key consideration, in the mileage that a car gets is related directly to the weight of the automobile. Without exception, they said that all of the tests that have been conducted by EPA disclose—and I quote this, now, essentially from what Mr. Estes, the president of General Motors said—that without exception, their cars had ranked first or among the first when tested in comparison with foreign cars on every test that was by weight.

He said:

> Our problem is not one of being able to compete with foreign cars. If we want to make the cars smaller, if we want to ignore what the American people want to buy, we can get fuel economy. All we have got to do is strip away everything, take off all of the weight, and our engine can presently compete.

I make the point that what we are talking about, if we want to insist upon better mileage performance, is to have the Congress of the United States dictate, through legislative policy, to the American people the kind of cars they are going to buy.

The second point I want to make is that Mr. Woodcock testified this morning before the Finance Committee. I was on hand when he testified. I read his statement, and I know what he said.

On the one hand, he says that he thinks the Congress of the United States should mandate efficiency in cars—in other words, how many miles per gallon they are going to get. That was on page 2 of his testimony.

On page 3 of his testimony, he says he thinks the American public ought to have the right to decide the kind of a car they want to buy. If a family can afford only one car—and many families can afford only one car, and they may be having a hard time paying for one car—if they decide, in their good judgment, that that car ought to be a station wagon, he says he thinks they ought to have that right.

Mr. GRIFFIN. What if it is a family that has five members, and they cannot ride in a small car, and they can afford only one?

Mr. HANSEN. I think that is exactly the point Mr. Woodcock was addressing when he said he thinks the people who fit in that category ought to have the right to buy a station wagon or a heavier car.

I just do not think we can do it both ways. I do not think we can say, on the one hand, we are going to insist that these cars have a certain miles-per-gallon capacity, and on the other, extend, as I believe we should, to the American public the right to decide the kind of car they want to own.

I thank my friend from Michigan for yielding.

Mr. GRIFFIN. I thank the Senator from Wyoming for his contributions.

Mr. President, we have heard a lot in recent months about the great concern for the consumer. I suggest it is rather ironic that the Senate is turning to the

*This figure is calculated based on a price per barrel of $11.50, the average import price today.

consideration of legislation that will inevitably lead to higher car prices and quite possibly more unemployment—particularly in an industry, which has contributed, along with the housing industry, to the recession that we have recently experienced.

Unless there is improvement in these industries, the rest of the economy is not likely to respond as all of us would hope. The passage of this bill, especially in the form that it is presented to the Senate, puts the cart before the horse. Any reference or determination as to what the automobile emission standards are going to be in the period ahead, is going to be a step backward.

Maybe it has been good politics—although I question whether it still is—to drag out the familiar dragon, the automobile, at regular intervals and go through some kind of a ritual of slaying.

This became popular a few years ago when Mr. Nader received a good deal of publicity, and apparently there are those who believe that it is still good politics.

But let me say that the automobile industry is not just important to the State of Michigan, or to the workers in the State of Michigan, which I have the honor to represent. It is too often overlooked that the automobile industry directly or indirectly provides one out of every seven jobs in the United States. That is not just in the State of Michigan, but thoughout the United States, one out of every seven jobs is dependent directly or indirectly on the automobile industry. Every State and every community is adversely affected when the Congress takes unwise action that damages the automobile industry and the workers that rely on it.

Unfortunately, the timing of this bill could not be worse. The automobile industry and its workers have been suffering disproportionately from the current recession, and the unemployment rate in the automobile industry is roughly twice the national average. Even though auto sales have improved somewhat in recent weeks, they are still below depressed 1974 levels.

Even more disturbing, I suggest, is the fact that imports are continuing to capture a growing percentage of the market.

I am very concerned that one of the effects of enactment of this legislation is to encourage even greater sales here in the United States of imported automobiles in the period immediately ahead. That certainly should not be the direction that we would want to go.

In the face of all this, the need right now with respect to the automobile industry is not for more Government regulation but for less. I think it is interesting that the automobile industry and its workers are not seeking any special subsidy. They are not asking for handouts or some special tax break. All they are asking is for less Government regulation, for an opportunity to recover. Instead of having the opportunity to recover, they are met with legislation such as this.

Existing Federal safety, emission, and bumper standards have already added somewhere between $400 and $700, depending on the particular car, to the price that people now pay for their new automobile. The President's Energy Resources Council estimates that emission standards now scheduled for 1978 cars will further boost the price of new cars by $230 to $270 per car.

But increased costs are not the only problem with the 1978 emission standards. They will also reduce fuel economy by an estimated 7 to 17 percent, which translates into an energy loss of approximately 200,000 to 400,000 barrels of oil per day in 1980.

To balance the twin objectives of clean air and better fuel economy, President Ford has proposed and obtained a commitment from the U.S. auto industry to voluntarily improve fuel economy by 40 percent between now and 1980. But that is coupled with a 5-year moratorium on emission standards which this bill completely ignores. It is important to understand and emphasize that President Ford is not suggesting any kind of a rollback with respect to emission standards. He is only suggesting that we do not go any further for a period of 5 years so that we can achieve even greater energy conservation.

If the pending bill were to transform the President's voluntary program into mandatory legislation, I think it would at least be defensible. But it would be unnecessary because there are strong market pressures from foreign competition which is pushing U.S. automakers toward greater fuel efficiency.

More economical U.S.-made cars are being rushed from the drawing board onto the production line. We do not need this legislation for that to happen. It is happening right now.

Unfortunately, the pending bill ignores this trend and market pressures altogether. It goes much further than is technically or economically feasible.

Indeed, this bill requires that by 1985 there be a 100-percent improvement in fuel efficiency. The committee report itself says this:

> That any fuel economy standard for 1985 must be somewhat speculative at this point.

Those words are quoted out of the committee report. Notwithstanding this uncertainty, the bill would impose very severe civil penalties for violation of fuel economy standards.

These enormous civil penalties would mean, for example, that if General Motors were to fall short of meeting these standards by a mile per gallon, it could be subject to a penalty of up to half a billion dollars, based on a normal sales year. Chrysler, which lost $94 million in the first quarter of this year, could be hit with civil penalties under this bill up to $150 million in the event it failed by a mile per gallon to meet these standards.

In comparison, the estimated cost of converting a plant from large to small car production is about $100 million. So one can readily see that we are legislating some very drastic and questionable civil penalties, not only on General Motors but also on other segments of the automobile industry which are experiencing serious economic setbacks.

These stiff standards and penalties could produce some very, very unfortunate consequences in terms of the economy of the country as a whole. Compliance with the standards will have to depend on a sales mix of large and small cars in a given model year. In a sense, the manufacturer has to try to anticipate how many people will buy small cars and how many people will buy medium- and large-sized cars. If there is a mistake in trying to anticipate what the public will buy, the consequences are likely to be severe in terms of higher costs and more unemployment.

It seems to me quite unnecessary, quite unreasonable, in the difficult economic climate that we have today to put this kind of legislation on the back of an industry that is already struggling. To successfully achieve a 28-mile per gallon industrywide fuel economy average can mean sacrificing the legitimate needs of many Americans for larger cars, such as station wagons. The Senator from Wyoming has already made this point.

As much as some would like to have the automobile declared nonessential—and I sometimes wonder if that is not the objective of some in this body—for large families, including 20 percent of the American families, large cars are a necessity, not a luxury. We still have not, by law, imposed birth control or limited families to three or four, and there are families that include four and five children. There is just no way that a large family can get along with one of these very, very small cars. As long as this is the case, and 20 percent of the American families fall into that category, some of the cars that are going to be built and purchased are going to be medium and larger sized cars. And naturally, since fuel economy is related to weight, they are not going to get the same mileage.

Mr. President, while I strongly believe in the importance and the need for encouraging greater fuel economy with respect to automobiles, I believe this is very unwise legislation to enact at this time, particularly when it ignores altogether the absolute importance of auto emission standards. There is just no rational way that Congress can impose mandatory fuel economy standards and ignore what are going to be the standards as far as auto emissions are concerned. Under those circumstances, it seems to me that the Senate, in its wisdom, should reject this bill, or at least lay it on the table for the immediate future.

I am glad to yield to the distinguished Senator from Idaho.

Mr. McCLURE. Mr. President, I rise in opposition to this bill, which clearly discriminates against those sections of the Nation like Idaho that have invested heavily in tourism. Besides those workers directly employed at producing automobiles, this bill will most surely injure those people who depend on tourism for their living.

In effect this bill mandates a massive conversion to small, subcompact cars. The 1985 standard of 28 miles per gallon, beyond any doubt, will require manufacturers to drop certain models like standard station wagons and produce primarily cars weighing around 2,500 pounds. These cars simply cannot satisfy

the recreational and vacation needs of many American families.

A subcompact cannot tow a boat, a minicar cannot pull a camper, two- or four-passenger vehicles cannot comfortably carry an average-sized American family on a vacation. In short, the automobile we are mandating the automakers to make available to the car buying public will simply not satisfy all of the transportation expectations of many Americans.

Washington, by substituting its preferences for those of the American consumer will severely limit the uses of the average automobile and seriously disrupt the tourist industry.

Everyone, including the auto industry, wants the fuel economy of automobiles to be improved. The rising price of gasoline makes it imperative that motor vehicles have the capability of traveling farther on a gallon of gasoline.

The auto companies realize this economic fact. They are scrambling to build, advertise and sell the most fuel-efficient vehicles possible. Together, they are investing some $5.5 billion to improve the fuel economy performance of their automobile products. They are spending these huge sums of private capital because they understand the consumer's message: fuel economy is an important consideration in the purchase of a new car.

Not all American car owners make uniform demands on their automobile. The traveling salesman may need a larger car than the urban commuter. A large family wants and requires a larger car than the newly married, childless couple. Mandatory fuel economy standards, arbitrarily set by a Government bureaucracy, cannot satisfy this wide variety of consumer needs and wants.

The auto companies must be allowed enough flexibility to satisfy all of these consumer requirements. Right now, half of all the American cars produced and sold are full-size sedans or station wagons. This bill, if fully implemented, will make those models collector's items. We cannot legislate consumer preferences, especially when the target for regulation is a marketable feature of the automobile, which safety and emissions control standards are not.

Let us not put the auto companies in another legislative straitjacket. If we allow them to meet the consumer's demand, which includes fuel economy considerations, we will achieve substantial energy savings without disrupting the Nation's economy and aggravating unemployment.

While it may be argued that this bill is only prospective, that it does not apply now—it applies only in 1980 and again in 1985, with standards then imposed—I think there is no one who can really argue that any expectation that a 100-percent increase in fuel economy mandates anything other than a 4-cylinder 2,400-pound automobile. There is no assurance on the part of anyone who is sponsoring this legislation that the American consumers, in preference to buying such an automobile, will not simply hold onto other cars that more adequately meet their transportation requirements.

Will it then be the response of Government that the people who own older automobiles must turn them in? Will we remove them from the highway by some kind of legislative fiat? If we do not do that, if we do not interfere with the right of the individual family to own the kind of automobile that they want, or to continue to own the one that they already own, will we not then see a buyer resistance that reduces the total output of Detroit? If that occurs, of course, there will be a massive increase or a massive shift of employment. I was going to say a massive increase in unemployment, but there perhaps might be a shift of employment away from the production of automobiles into some other line of production.

I think those uncertainties, and the certainty that we cannot answer those questions, indicate that we should not pass this kind of legislation at this time.

Mr. WILLIAM L. SCOTT. Will the gentleman yield?

Mr. McCLURE. I am happy to yield to the Senator from Virginia.

Mr. WILLIAM L. SCOTT. Mr. President, I appreciate the Senator's yielding. He serves on the Senate Public Works Committee as I used to do. I wonder if the distinguished Senator would tell us the status of any legislation that would freeze the auto emission standards at their present level since that does appear to be very pertinent to the proposal that is now before us.

Some years ago I spoke with some of the officers of the auto industry and they told us they could design and build engines that would provide greater fuel efficiency. The officials thought, if given sufficient time, they would be able to do this. Perhaps the Senator could tell us the status of clean air proposals regarding automobiles in his committee.

Mr. McCLURE. I would say to the Senator from Virginia that the committee is now engaged in markup of the Clean Air Act amendments. We had 1 hour of markup this morning; we expect to have another hour, at least, tomorrow morning. We are starting at 8 o'clock each morning on those markup sessions, but it is too early to tell exactly what will come out of the deliberations of the committee.

I might just add that the things we are looking at are primarily the identifying pollutants of HC, CO, and NO_x, and we have spent most of our time so far discussing the question of NO_x; whether we will make a change in that emission level is yet to be decided.

But associated with those pollutants is the question of sulfate and sulfuric acid mists which have emerged only recently as an acknowledged problem. While the committee in its report on this legislation has tried to indicate that no real problem exists, it certainly is a real problem we are going to have to address, and the fact that it is created primarily by the addition of the catalyst-equipped automobile, which became necessary in order to be able to get some kind of fuel economy on automobiles with the emission standards that were then set up in statute, only indicates further the need for caution in mandating future levels of fuel economy when we are still trying desperately to do something about the emissions of present automobiles, but recognizing that there is a fuel penalty in each of those decisions we make.

Mr. WILLIAM L. SCOTT. The distinguished Senator from Michigan a few minutes ago spoke about a voluntary agreement between the auto industry and the President whereby they would be able to achieve greater fuel economy, and they promised to do this. But it was conditioned upon a 5-year freeze of the present emission standards, and he emphasized it was not a rollback but a freeze at the present levels to encourage development of cleaner burning and fuel-efficient engines.

I wonder if it would be wise for any action to be taken on this bill or for this measure to be recommitted to the committee until some decision is made with regard to auto emission standards.

Mr. McCLURE. Well, Mr. President, if the Senator will yield, I will attempt to answer that question, and will do so in this way: Certainly what is done on the emissions controls will affect what can be done in terms of mileage efficiency of automobiles.

We have already seen, as we attempted to remove these pollutants, there was only one way we could do that without an unacceptable damage to mileage, and that was by going the route of catalyst-equipped automobiles. There are other technologies that show promise, but they are not on the production line.

As we move into more and more catalyst-equipped automobiles, we must recognize that we have now created a sulfate and sulfuric acid mist problem that did not exist before, and if we are going to solve that problem then we must move into some other things that also show promise of a fuel penalty. We are talking about the question of the level, permissible, of NO_x emissions, and one of the solutions being suggested that would move towards the statutory levels of NO_x emissions is to add a second or perhaps a third catalyst to the one that already exists on automobiles. But all of the experts would indicate to us that if we do that there is a further fuel penalty involved which would make it more impossible for the industry to meet mileage requirements that are set forth in this bill.

The agreement that may have been reached between the President and the auto industry to attempt to reach a 40-percent increase in gas mileage also presupposes an extension of the current levels of emission standards, ones that are currently in effect, not the statutory ones that will come into effect, and those decisions have not yet been made.

Each of them bears upon the question of whether or not there will be the possibility for the kind of increases in gas mileage that are called for in this legislation.

Mr. WILLIAM L. SCOTT. It would seem to me, Mr. President, that as we

impose more and more controls on business generally and on the automobile industry in particular, we create new problems.

The distinguished Senator from Idaho has spoken about new problems being created by the acid mist he speaks of arising out of an effort to control the auto emissions standards.

I am just thinking if we accomplish the same thing on a voluntary basis or by negotiating, as the President is attempting to do, and get commitments from the auto industry rather than just passing a law saying there shall be certain standards observed as of a certain date, I doubt that we know what is possible for the auto industry to achieve by a certain date and still retain the automobile as it is today, as the principal means of travel for the vast majority of the people of the country, to travel with their families from place to place on business and pleasure.

Would the Senator care to comment on this?

Mr. McCLURE. Mr. President, if the Senator will yield further, I, indeed, would because I think the very difficulty of predictability of what happens is one of the reasons for caution in this entire field. I was one of several people who tried to indicate at the time we were moving in the direction of the catalyst-equipped automobile that certainly the catalyst was going to create a sulfate and sulfuric acid problem. That was brushed aside by people who wanted the catalyst-equipped automobile to be put on the market as being an irrelevant discussion, so speculative that we did not need to consider it.

Now that the catalyst-equipped automobile is on the market they are coming forward and saying, "Now, this is a problem."

I suggest that what we are creating here is another predictable kind of situation in which people will come back in and say, "Now you have to alter the law because we cannot do what we set out to do."

I am in favor of increasing the gasoline mileage of automobiles. I think, perhaps, a 40-percent increase under certain standards is a reasonably attainable goal. From all the evidence I have seen we could do that. We could still probably market a 6-cylinder automobile and some 8-cylinder cars, V–8's, that could meet that standard. But there is no way, absolutely no way, that anybody can point to that you can have a 100-percent increase in automobile gas mileage with the kind of emission standards we are talking about without going to a 4-cylinder subcompact automobile.

If anybody has an answer that will indicate that my statement is wrong I would like to see it because I have read as much as I know how to read; I have sampled a great variety of literature; I have listened to hour after hour of testimony and that, to me, emerges as a crystal-clear fact.

Are we prepared in the Senate today to say to the people of this country that the only kind of automobile they can own after 1985 is a 4-cylinder subcompact? I would suggest that the people of this country would want us to consider that very seriously before we take that kind of step and mandate that kind of automobile performance standard that has no more latitude than what I have just suggested.

Mr. WILLIAM L. SCOTT. Mr. President, of course, all of us are concerned about clean air, the quality of the Nation's air. But, I believe, we must think about the health of the American economy. I am concerned about the number of foreign-made automobiles purchased by the citizens of this country today. I am advised the percentage of the automobiles being purchased in this country that are manufactured abroad is at an alltime high; and it is my understanding that our domestic automobile industry is in serious economic difficulty.

I believe that as far as we are reasonably able we should permit the automobile industry to make substantial progress toward a recovery.

I just doubt that this proposal that we have before us today is a wise one. I have reservations about the Congress requiring that, as of a certain date, the automobile shall be able to use only a certain number of miles to a gallon of gas.

In my opinion we should free the automobile industry and business generally of as much Government control as possible. This country has achieved the status that other nations envy because we have had the free enterprise system; and if we substitute Government control for that freedom we have enjoyed over the years we may not long be the envy of the world.

Mr. PHILIP A. HART. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield such time as may be required to the senior Senator from Michigan.

Mr. PHILIP A. HART. Mr. President, I ask unanimous consent that during the discussion and disposition of this legislation Miss Katherine Schirmer be granted privilege of the floor.

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

Who yields time?

Mr. GRIFFIN. Mr. President, I yield such time as he may require to the Senator from Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. FANNIN. I thank the Senator from Michigan.

Mr. President, I am opposed to this bill and very concerned about the stipulations in the bill. I believe it will adversely affect the citizens of Arizona. Although my State does not contain an automotive assembly plant, we do employ over 25,000 people in the sales and servicing of motor vehicles. As the standards in this bill force auto manufacturers to build smaller and smaller cars until they reach the 28 miles per gallon required in 1985, I am convinced that new car sales in my State will decline appreciably. My belief is supported by the recent testimony of the auto manufacturers before the Senate Committee on Finance and by reports from the U.S. Department of Transportation pertaining to the sales of motor vehicles all over this Nation.

Mr. President, I am very proud that in this great country of ours people have the right to determine what particular investment they will make in a motor vehicle in accordance with their needs.

We have certain needs as far as a motor vehicle is concerned in my State of Arizona that do not exist in many States of the Nation. Although we have a perfect climate most of the year, we do have a period in the summertime when the mercury climbs up in the 110° to to 115° bracket. At that time, the temperature in a car could be up in the 130° to 140° bracket. So this is something that must be taken into consideration in purchasing a car.

A salesman that is traveling in the warmer areas of my State—and some of the areas, as I say, are quite warm in the summertime—needs to have refrigeration, he needs to have a car that is adequately powered to carry that refrigeration load and also to carry the size car that will permit him the comfort of travel.

If not, he will be, as he was in the days before refrigeration, arriving at his destination in a very uncomfortable position where his clothes look as if he had been out taking a sweat bath or had been sleeping in his clothes because they would be in such discomposure.

This is something that is very important because we have people that arrive on schedule and ready to appear before an audience, ready to appear before the people they are dealing with, and this is of vital consequence to them.

Then we have many variations of climate in my State. We have the plateau areas, down in the desert country where the extreme heat exists that I am talking about. We also have the next plateau where it is hilly and mountainous where they require a car with greater power to travel through those areas.

Many of the ranchers live in areas where they do have extreme conditions to contend with as far as the slopes are concerned, requiring additional horsepower, and of course will use additional fuel.

But as far as the fuel utilization in that type of car, if they have a car that is underpowered, they would have it in low gear so much of the time that probably the actual consumption of fuel would be greater than if the engine happened to be powered with a motor of proper size to carry that vehicle load.

Then, too, there are so many places in my State where workers live in areas not quite adjacent to their place of employment and they have car pooling. It is pretty difficult to have car pooling when we have the compact cars that make it uncomfortable to have over three or four passengers. This could be a distinct disadvantage.

Then we have, when we start to talk about employment, in addition to those persons employed directly by the auto industry, many Arizonans employed in the tourism industry. Many families vacation in our beautiful State towing travel trailers and camping trailers.

Some Members have spoken out about a particular State where this is a great factor. These people need full-size cars for safety to be able to handle that particular unit that they happen to be towing.

I know there are many cases where accidents have happened from the whip of the trailer or some vehicle being towed.

Thousands of other families visit Arizona each year after traveling hundreds of miles in the comfort of their automobiles that are air-conditioned and are equipped so that they can travel at long distances without great discomfort.

They would not be as inclined to vacation in our southwestern State if they were forced to travel in the cramped space of four-passenger subcompact cars with little luggage space.

Where would they put the luggage in many of these cars? If they put it on top, it creates a great hazard, and still there is not space for it anyplace else.

Also, Mr. President, approximately 117-000 Arizona families contain five or more members. That is 26 percent of all our families. These families need family-size sedans and station wagons. And they should not have to pay heavy taxes or fines whether those taxes be levied directly on the car buyer or on auto manufacturer and passed on to the consumer.

Mr. President, as I have stated, we in Arizona also have a particular requirement for auto air-conditioning due to our warm climate.

I want to emphasize that because it is something that is vital, even in trucks, but since we are not discussing the truck unit I will not comment on that, but this is something that I am afraid if they start setting the standards it will soon affect the smaller truck vehicles and we could see a great step backward for the people that are operating those vehicles.

We have, of course, many workers who are employed, fully employed, on sales and work where they are traveling long distances, as I have explained, and if they have to travel in a smaller compact car without refrigeration, they are going to be up against a very serious problem.

We have as much right to air-conditioning in our cars as we have to air-conditioning in our homes and offices and as much need for air-conditioning as people in some of our northern States have for car heaters. I know that air-conditioning causes a loss in fuel economy, about 6 percent average according to the DOT. That loss is heavier in smaller cars in many cases because of overloading. In fact many of the smaller cars which now meet or come close to meeting the standards of this bill are not adequately powered to run air-conditioners.

When the citizens of Arizona make their decision to purchase a new car, they take many important factors into consideration: Passenger carrying capacity, gasoline prices, towing ability, safety, fuel economy, vehicle price and others. They do not need the Congress in Washington to tell them what kind or size of cars they must drive in Arizona.

That is something that we have always been proud about, as I stated at the beginning of my statement, self-determination. The American people certainly do not like to be dictated to, especially to the type of cars that they will be able to purchase.

Like people all over America, the car buyers of Arizona are demanding more efficient cars. This is something that I think we should all work toward.

I happen to have been in the business of selling propane gas at one time, and had a great deal to do with the conversion of cars to make them more efficient where they would burn propane gas. Not only did it help from the standpoint of the efficiency of the car, but it certainly helped as far as the emissions were concerned. Certainly, there is not enough propane gas available to take care of our needs. There is a greater shortage of propane gas than there is of gasoline, so a conversion to that fuel is not practical.

Any auto manufacturer who does not respond to the demand for car efficiency and for changes that are demanded by the general public will lose sales. It is the free market system that is providing and will continue to provide optimum balance between transportation and energy conservation.

Mr. President, when we talk about the foreign cars and talk about our manufacturers here in this country, I think we should realize that over the years our manufacturers have worked at a great disadvantage. Still, what is happening? The car manufacturers are paying taxes in this country, they are employing people in great numbers, in addition to their sales people and the ones who service the cars around the Nation because they also service and sell foreign cars, but the foreign cars are coming into our country at very low tariffs, at a disadvantage to our own manufacturers. They are coming in at 3 and 3.5 percent tariff and flooding our markets, running as high as 30 percent or more of the car sales in this country. In some States they even exceed 40 percent.

When we try to get cars into their countries, we run up against a barrier of either nontariff charges or high tariff charges. The average tariff in the European Economic Community is around 10 percent. But then they have other nontariff barriers that bring it up considerably.

We talk about the number of cars coming in from Japan and look at the quid pro quo with Japan and we realize how unfair it has been to this country.

Just a few years ago when American Motors especially was trying to sell their small car and trying to get sales in Japan, they had a small car but they could not get it into a competitive position because not only did they have a 17.5-percent tariff in those years, they had nontariff barriers that brought it up to around 60 percent. So the American car shipped into Japan was going in there with a 60-percent penalty or more, whereas the Japanese car was coming into the United States at that particular time was on a 4.5-percent tariff which has gone down a half percent a year for some time and has held at around 3 or 3.5 percent.

So, Mr. President, I urge my colleagues to consider just what is involved in this legislation. If this bill is passed, we are voting for a measure that is adverse to the best interest of the consumers of this country. We are not benefiting the consumers. We are working a hardship on the consumers. We are taking away from them the freedom of choice. We are dictating to them as to what they will do as far as their purse is concerned.

Mr. President, I believe this is a very unfair position for the Congress to take. That is, not giving the people the right of self-determination.

Mr. President, I hope we can defeat this particular bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The bill is open to amendment.

Mr. HOLLINGS. Mr. President, I am awaiting the return to the Chamber of my distinguished colleague from California. I understand that the distinguished Senator from New Mexico is ready to submit his amendment concerning research and development. The Senator from California is handling that section of our bill.

Just by way of comment, we have heard discussed here everything from the problems of large families, to the problems of tourism. It all began to be somewhat ridiculous when we started talking about killing the auto industry dragon, and finally we have heard the constitutional argument that this bill is against the right of self-determination.

I do not know how we can get more ridiculous in a discussion of this particular measure.

Everyone who is familiar with this bill knows that each of these stated concerns has a reasonable answer. For one thing, large families are certainly provided for in S. 1883. The automobile sales mix assumed in the October 1974 fuel economy study by the Department of Transportation and the Environmental Protection Agency is consistent with the number of large cars that will be required by large families and for towing purposes.

I can also tell you what has hurt tourism, because I come from a tourism State. Tourism has been hurt because the price of travel has gone up.

Now, I am not talking about those of us who will be traveling in jet planes, but I am talking about the ordinary tourists who really mean business to the State of South Carolina and the State of Arizona. If there is conservation, therefore, making gasoline available for automobile travel, and the cost of travel is reduced through the use of fuel efficient cars, then tourism will be promoted.

The distinguished Senator from Wyoming was talking about hearing Leonard Woodcock of the United Auto Workers say that on the one hand we should have this bill and on the other hand the family should have a choice. There is nothing contradictory in this bill. This bill actually expands our freedom of choice. We are trying to enlarge the

choices available to Americans by going to the fuel economy car. It is conceivable that nobody will have the choice of owning an automobile if the price of automobile travel continues to go up. They will not be able to afford one. There will be those without cars and those with cars. So we are really trying to get everybody a car within reason because the gasoline belongs to the people of America.

What does the distinguished Mr. Woodcock say? Quoting Mr. Woodcock before the committee let me read exactly what he said, about jobs:

For too many years the United Auto Workers has pointed out that the big three auto companies have followed a marketing strategy based on cars that are too large, too expensive, and use too much fuel. We urged that policy be changed.

He says, in the past tense:

We urged that policy be changed.

However, these manufacturers preferred to pursue short-term profit maximization, and paid little attention to the real needs of the American public, including environmental and conservation considerations. Occasionally, short-term goals have resulted in greater emphasis on fuel economy, especially by producing smaller cars, and the present concern over gas consumption may have precipitated such a period.

In the past, such activities have been short-lived—the "small" cars get progressively bigger and heavier, the only reduction is in fuel economy, so that now we cannot rely upon mere assurances, or voluntary commitments, from these companies.

Here is the chief representative of the automobile makers of America, in Arizona, in Detroit, in South Carolina, wherever they are.

Finally, he says:

Federal fuel economy requirements are needed in order to assure that national fuel conservation goals will be met.

He said that in support of this bill. What do the Environmental Protection Agency and the Department of Transportation studies show? From reading the introductory language, they seem to say, "Oh, it is going to wreck the industry, and sales, and everything else."

On the contrary, reading from that particular report:

The effect of potential fuel economy improvements would likely be to increase sales to levels slightly above the basic trend, or at worst leave the trend essentially unchanged. It is not expected that sales will decline because of mandated fuel economy requirements based on cost estimates used in this report.

They go right on down the line, and they say it is not only going to increase sales. The distinguished Senator from Arizona is on the Committee on Finance, and has been concerned with balance of payments, and yet the study says it is going to improve our balance of payments position, and achieve the goal. This is a bill for which the gentlemen on the other side ought to be leading the way. This is the first measure, really, to reach the floor, to bring about a change in the way of life in America through energy conservation. And we have got to do it.

You cannot do it voluntarily. The automobile companies are in business to make money, and the credo there is, the bigger the car the bigger the profit. There is no doubt about that. We have consumer reports, the testimony of witnesses, and everything else.

They do a little bit to compete with that foreign manufacturer, but that much and no more. They do not have a national problem in their book. They do not have an energy crisis. They have a profits problem.

If I am chairman of the board of General Motors, I will do as much as I can to make the biggest profits I can, and I do not blame the distinguished chairmen of the board of General Motors, Ford, and Chrysler. Because the bigger the car, the bigger the profits. The more accessories, the bigger the profits.

Mr. President, a similar measure just passed the House overwhelmingly. They took many features of our bill. They tried the excise tax, and rebates, until they found the rebates were really rewarding the foreign manufacturers, and the excise taxes could be considered, as they have been discussed by the Senator from Michigan, an even greater burden on the industry. We eliminated those things in the Senate bill. The House Members tried their level best to go the price route, and were rejected by a majority of their own colleagues. They finally picked up our own Senate bill, and that is practically what has been passed on the House side.

We hear, "Oh, this is going to take away jobs."

Mr. President, it is going to create jobs, by getting them off of dead center.

A lot of the automakers have not realized the crisis. They think they have a right to do anything they want, that we have an unlimited supply in America, disregarding the Geological Survey that says we have only 30 years of oil left in the good old United States of America, and only 15 or 20 more years of natural gas.

Under the sky is the limit criterion, they are right. In that case, if we had a free market—which we do not have—I could buy my right of self-determination, free marketplace, and all of those other slogans that apply to constitutional matters; but not to the energy crisis.

But we are in an energy crisis. And here is the President, he has had two-thirds of his program—$2 out of the $3 per barrel tariff—and how much gasoline did he save? Zero. Because the automobile is fundamental to America. The administration has not saved 1 gallon of gasoline.

We had an energy crisis, and we conserved a little more last year, but now he says, "They have a Democratic Congress over there that is puzzled and confused; join with me and the sheiks, and all the rest of the people wrecking this economy. That will get me by November of next year, then we will get the British Prime Minister, because he has had experience in this field, and we will be way down the road to becoming another Great Britain."

That is what they are asking for. They do not say to raise it a dollar or two dollars, like President Ford says, and hopes. We hear all of this about closing stations, and 55-mile-an-hour speed limits, and all that stuff.

That all sounds good on paper. But we say get the car where it is manufactured, and by 1985 we will save 2 million barrels per day. By 1977 we will save 285,000 barrels a day.

They have a big debate going on over in the Armed Services Committee about the Elk Hills Naval Petroleum Reserve. Mr. President, there is the equivalent of the Elk Hills production, right in this bill. We will, in a realistic fashion, save that 285,000 barrels a day by 1977. With some of the other conservation measures the distinguished Presiding Officer and others have mentioned, we will save another 2 million barrels, and then it will make sense to talk about a Project Independence.

I was with President Ford in November, when he said, "Under no circumstances can we afford any further increases in prices." I was with President Ford on December 31, when he vetoed the cargo preference bill, and said 12 cents a barrel would be inflationary and wreck the economy.

And then on January 12, after having said 12 cents might have been inflationary in December—he must have slipped on the slopes or something—because by January 12 he was racing CARL ALBERT to get on TV to announce the $3 duty.

They have got 2 of the 3 dollars, and where is the conservation? None. Zero. It is pust political talk.

The trouble is, the media do not understand the program. They do not understand it is one of two alternatives, price controls or regulation. Not like the OSHA regulations; I agree, we have too many regulations of that kind. I am on the side of trying to cut out the blooming regulations.

But we tried it voluntarily, and everybody agrees now it is just against their pocketbooks. We leave the flexibility and freedom in here, where they can choose the sales materials, the marketing procedures, and the advertising programs; we do not restrict them to anything. And when it gets to emission control, we give flexibility again. Because we have no way of determining what the oxides of nitrogen, standard will be. We now have a 3.1 grams per mile requirement that goes in 1978 to 0.4 grams per mile and it could be changed again by the Committee on Public Works and my distinguished friend from New Mexico.

But whatever it is we want something realistic, and we left that open-ended. We have not put any cart before the horse. We have left that horse totally free to run. We have to run in America. We have to move and we have to start moving on conservation.

As to the first blooming conservation bill we get in the Chamber they say, "No, not now; wait 5 years." What kind of program is that? The first real conservation bill they say, "No, not now; wait 5 years," and bring out the fanciful arguments about the right of self-determination.

One of the significant portions of the bill, if not more important because that

is going to direct the way in research and development was contained in a bill sponsored by the distinguished Senator from California. He has led the way, and we joined in the particular bill.

I am glad to yield to him at this time.

Mr. TUNNEY. Mr. President, I thank the distinguished Senator from South Carolina for yielding to me. He has explained to the Senate today about as well as I have ever heard the importance of the section of the bill which provides for greater energy efficiency in an automobile by 1980 and 1985.

The one thing that I have not been able to understand is why the administration feels that they can rely on the voluntary assurances of the automobile industry that by 1980 they are going to have 40 percent greater energy efficiency. They say through their spokesman, who came before our committee, they can rely on the automobile industry because they are "honorable men," and that is a direct quote.

Unfortunately, as my distinguished friend has pointed out so clearly, for years the automobile industry has felt that the best way that to maximize profits was to build a car that was lower, longer, wider, and more expensive. They loaded down these cars with all the energy consumptive add-ons, which would make their 10 or 15 percent profit substantially more on a car that is worth say $7,000 than on a car that is worth $4,000 or $3,000.

I congratulate the Senator from South Carolina for the tremendous leadership that he has shown in this area. It has not been easy. There has been a major lobbying effort against this measure of which I am very proud to have been a cosponsor.

But I will spend the rest of the time in my opening statement to address another problem, which this bill confronts, and which I think is very important. This is the R. & D. package, where we hope to develop an advanced automotive system.

It is clear that for too long in this country we have relied on the so-called unfettered free enterprise system to develop the kind of automobile which is going to be, first, protective of our health, with low emission standards; second, energy efficient; third, adaptable to an intermodal, a pattern of transportation; and, fourth, a safe automobile, which is not going to allow as many as 50,000 people a year to be killed.

There is no greater advocate than I of the free enterprise system, particularly when we have true competition. But in the automobile industry, we do not have true competition. Approximately 15 percent of the GNP of our Nation indirectly and directly is attached to the automobile industry. General Motors has about 50 percent of that, and that means approximately 7 percent of GNP directly or indirectly can be attributed to one company.

There is no question in my mind that the reason that the automobile companies have been so slavish in following one another is because they have been able to divide the profits up and have not had to face true competition for design improvements, efficiency, and low emission standards which are so desirable to the general public but which do not necessarily, at least in the short term, add to the profits of the companies.

The companies had, as the leaders in management of their corporations, men who were highly skilled engineers, and they were very good marketers, but they did not have the daring entrepreneurs such as existed when the automobile industry first got started. They were not willing to take chances. They basically were terribly conservative.

Where has it led us? Where it has led us to is that the National Academy of Science came out with a report last year that said 15,000 people die every year from air pollution, and the number one contributor to air pollution is the automobile; and this situation is getting worse every year.

Where it has led us is to a situation where we are now, in many parts of the country, completely dependent upon the automobile, and those automobiles, in some instances, get 8 miles to a gallon. We now are importing 40 percent of our oil from overseas. Our foreign policy objectives are, in many instances, being thwarted by sheiks and sultans who own the oil.

So, our basic national security is threatened. When one considers that nearly 40 percent of the oil that is consumed in this country is consumed by the automobile, one realizes how important it is that we have a limited Government intervention in order to protect the free enterprise system of this country.

If we do not have a limited Government intervention to create the kind of energy efficiencies that are contained in this bill, then, in my view, at some future point we are going to have massive Government intervention; for I daresay, if we have another boycott and it should last for any sustained period of time, we are going to have a tremendous push in this country for the Government to start taking over basic industries. The automobile industry is an industry where I think there would be a demand for a very substantial Government intervention. That is something I do not want to see happen.

Unfortunately, it seems to me that the automobile industry has behaved in the last few years like lemmings heading toward a cliff. They do not understand, in my view, what is good for them. In this case, what is good for them is to put the kind of R. & D. money forward, to develop an advanced automotive pollution system as an alternative to the internal combustion engine. If all the automobile companies were doing this research, I am sure by this time we would already have that kind of system available. But we do not have it available because they have put their R. & D. dollars into a catalytic converter device which is basically designed to protect, to save, to perpetuate the internal combustion engine. It has been a tremendous waste of money. I said so, I might say, before the catalytic converter device regulations were promulgated by the Environmental Protection Agency last year. I thought it was a great mistake then, and I think it is a great mistake now.

What we need is substantial R. & D. money directed at the problem of developing an alternative to the internal combustion engine. We are not just talking about the engine; we are talking about safety features as well. We are talking about energy efficiency. We are talking about low emission standards. We are talking about making that system adaptable to different modes of transportation.

In other words, what we hope to do in this bill is to give to the Department of Transportation an opportunity to focus moneys in a critical amount to the problem of solving vehicular travel in this country between now and the end of the century.

I point out that there is substantial support for the position of Federal dollars going into this R. & D. effort from a number of different agencies at the Federal level, universities, and private study groups. For instance, the FEA stated in its Novmeber 6, 1974, report entitled "The Federal Government Role in Automotive Research and Development."

> . . . the integration of the national objectives of energy efficiency, alternatives to petroleum, and minimum environmental impact into a coherent long-term program in R&D requires prospectives and responsibilities well beyond those of the private automobile companies, whose objectives are rooted in the marketplace.

Mr. Fred Secrest, executive vice president of the Ford Motor Co., stated in committee hearings that I chaired in March of this year:

> We are spending all of the money we can raise on R&D for alternative engines. I have no objection to a Government research program. . . . I would support it, yes.

There are other agencies as well that have indicated that they are supportive of this effort. Dixy Lee Ray indicated that she felt a substantial amount of money, running in terms of hundreds of millions of dollars, ought to be made available for this kind of R. & D. effort.

Dixy Lee Ray, who is the past chairman of the Atomic Energy Commission, in a report to President Nixon entitled "The Nation's Energy Future," stated that funding for advanced propulsion systems should be $53 million in fiscal year 1975 and a total of $300 million for fiscal years 1975 through 1979.

An MIT study, which evaluated the automobile industry programs to develop alternative engines, concluded that while new automotive developments may hold promise of long term contributions to pollution abatement and fuel savings, there is clearly a divergence of industry and public interests.

This divergence is reflected in the fact that the automobile company investments into alternative powerplant are and have been steadily decreasing since 1970. For example, Ford Motor Co. spent $32 million for this purpose in 1973 and only $19 million in 1975.

It is clear that we do need a substantial R. & D. program. The question is,

where should this program rest? Should it rest with ERDA or should it rest with the Department of Transportation? I think that it is clear that it ought to rest with the Department of Transportation, although ERDA ought to continue to do its research into energy efficiency. We have provisions in this legislation which make it very clear that ERDA's R. & D. effort is to be protected and it cannot be duplicated by the Department of Transportation.

What we are talking about with an advanced automotive system is an entire package. We are talking about safety as well as energy efficiency. We are talking about low emission standards as well as energy efficiency. We are talking about being able to use that vehicle in an intermodal sense.

For instance, some futurists suspect that it will not be too long before we will be hooking up cars on freeways to a central energy system which will move that car along, evenly spaced between other cars, and then, when it is time to get off that freeway, they will be able to direct the car off an egress route. These cars will then utilize their own powerplant capability to drive on side roads.

We know that today, one of the most popular railroad rides in the country is to take your car, put it on the train in Washington, D.C., have it transported to Florida and then take the car off the train and be able to drive in Florida. There is no question in my mind that we are going to see more of such programs. I expect that we will see a good deal of it across country, people being prepared to sit in a train during the main ride of a thousand, 2,000, 3,000 miles and then, when they get to their destination, taking their car off and be able to drive it around the countryside.

What we are envisioning in this proposal today is a Department of Transportation R. & D. effort that is not just limited to energy, although energy is important. It is directed toward the entire automobile system in order to make it more compatible with the needs of our society as we move toward the end of this century. By the end of this century we are going to be running out of oil, we are going to be desperately needful of basic raw materials. So we need to have the kind of R. & D. program that is envisioned in this legislation to conserve our energy and natural resources.

We held many days of hearings on this legislation. Initially, the program was lodged in the Environmental Protection Agency because it was directed toward auto emissions. Then this so-called advanced automotive propulsion systems program was switched over to ERDA, where it is now.

I wish to say, particularly to my friend from New Mexico, who plans to offer an amendment soon, that in no way are we taking away from ERDA their responsibilities as they relate to energy R. & D. We have language in the bill that protects ERDA's R. & D. program and protects it very clearly.

In section 605 of title II, it is stated:

The Secretary shall not make contracts, grants or obligation guarantees for, or conduct or accelerate, any research and development which may duplicate, in whole or in substantial part, any project (1) that has been sponsored by the Administrator, under the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901) or any other Federal law; or (2) that will be or is likely to be so sponsored within the reasonably foreseeable future.

That is what I call total protection for ERDA.

ERDA is a fine agency. I serve on the Joint Atomic Energy Committee. I have gone over their budget. I think that they are doing a good job. I am very pleased that, at least, we have centralized in one agency all of the R. & D. efforts for energy in this country. It was long overdue. I think that the work that ERDA does has been, so far, worthy of the trust that many of us placed in it when we approved the Agency.

But let us not give ERDA the responsibility of developing an advanced automotive system. I cannot think of anything that would weaken the effectiveness of the Agency quicker than to have to take over a major responsibility that has been given already to another department, the Department of Transportation.

Mr. DOMENICI. Will the Senator yield?

Mr. TUNNEY. I shall in a minute.

I also point out that the moneys being made available under this legislation to the Department of Transportation can be contracted out to ERDA, to the Environmental Protection Agency, to any other public agency or private contractor, for the purpose of developing this advanced propulsion system. ERDA, undoubtedly, will receive a substantial amount of this money under a protocol arrangement that will be entered into by the Department of Transportation and ERDA. Such arrangements are common among Federal agencies and there is no reason why it cannot go on in the area of automotive research and development.

I yield to my friend from New Mexico.

Mr. DOMENICI. I call up my amendment at this time, unless the Senator has something else in mind.

Mr. TUNNEY. I yield the floor at this time for that purpose.

AMENDMENT NO. 590

Mr. DOMENICI. Mr. President, I call up my amendment No. 590 and ask that it be considered.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. DOMENICI. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 24, beginning with line 5, strike out all through the end of the bill and insert in lieu thereof the following:

TITLE II—RESEARCH AND DEVELOPMENT

SEC. 201. This title may be cited as the "Automotive Transport Research and Development Act of 1975".

SEC. 202. The Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.), as amended by title I of this Act, is further amended by adding at the end thereof the following new title:

"TITLE VI—RESEARCH AND DEVELOPMENT

"SHORT TITLE

"SEC. 601. This title may be cited as the 'Automotive Transport Research and Development Act'.

"FINDINGS AND PURPOSES

"SEC. 602. (a) FINDINGS.—The Congress finds that—

"(1) Existing automobiles, on the average, fall short of meeting the long-term goals of the Nation with respect to safety, environmental protection, and energy conservation.

"(2) Advanced alternatives to existing automobiles could, with sufficient research and development effort, meet these long-term goals, and have the potential to be mass produced at reasonable cost. Such advanced automobiles could be operated with significantly less adverse environmental impact and fuel consumption than existing automobiles, while meeting all of the other requirements of Federal law.

"(3) Insufficient resources are being devoted, both by the Federal Government and by the private sector, to research and development of advanced automobiles and automobile components.

"(4) An expanded research and development effort by the Federal Government into advanced automobiles and automobile components would complement and stimulate corresponding efforts by the private sector and would encourage automobile manufacturers to consider seriously the substitution of such advanced alternatives for existing automobiles and automobile components.

"(5) The Nation's energy, safety, and environmental problems are urgent, and therefore advanced automobiles and automobile components should be developed, tested, and prepared for manufacture within the shortest practicable time.

"(b) PURPOSES.—It is therefore the purpose of the Congress in this title—

"(1) to develop ground propulsion systems which are energy conserving, have clean emission characteristics, and are capable of being produced in large numbers at reasonable mass production per unit costs, such systems to meet or better all air quality standards set by or under the Clean Air Act;

"(2) to develop alternative energy sources for use in ground propulsion systems; and

"(3) to preserve, enhance, and facilitate competition in research, development, and production of existing and alternative automobiles and automobile components.

"DEFINITIONS

SEC. 603. As used in this title, the term—

"(1) 'Administrator' means the Administrator of the Energy Research and Development Administration;

"(2) 'developer' means any person engaged in whole or in part in research or other efforts directed toward the development of production prototypes of an advanced automobile or automobiles;

"(3) 'fuel' means any energy source capable of propelling an automobile;

"(4) 'fuel economy' refers to the average number of miles traveled in representative driving conditions by an automobile per gallon of fuel consumed, as determined by the Administrator of the Environmental Protection Agency, in accordance with test procedures established by rule. Such procedures shall require that fuel economy tests be conducted in conjunction with emissions tests mandated by section 206 of the Clean Air Act (42 U.S.C. 1857f–5);

"(5) 'ground propulsion systems' means the engine, transmission, or drive, and associated controls, necessary to power auto-

mobiles, trucks, trains, buses, and selected light marine vehicles;

"(6) 'production prototype' means an automobile which is in its final stage of development and which is capable of being placed into production, for sale at retail, in quantities exceeding 10,000 automobiles per year;

"(7) 'reliability' refers to the average time and distance over which normal automobile operation can be expected without repair or replacement of parts, and to the ease of diagnosis and repair of an automobile and of its systems and parts which fail during use or which are damaged in an accident; and

"(8) 'safety' refers to the performance of an automobile or automobile equipment in such a manner that the public is protected against unreasonable risk or accident and against unreasonable risk of death or bodily injury in case of an accident.

"DIVISION OF ADVANCED PROTOTYPES AND GROUND PROPULSION SYSTEMS

"SEC. 604. (a) There is established within the Energy Research and the Development Administration a Division of Advanced Prototypes and Ground Propulsion Systems and the Administrator shall carry out his functions pursuant to this title, through such Division.

"(b) The Administrator shall carry out a program of research, development, and demonstration of ground propulsion systems, including alternative energy sources for use therein, so as to contribute, among others, to the following objectives—

"(1) the improvement and verifying of ground propulsion systems with emphasis on efficiency, performance, and usefulness;

"(2) the development of energy conserving ground propulsion systems;

"(3) the development of ground propulsion systems with clean emission characteristics, economical per unit cost, and low per mile energy consumption; and

"(4) the most effective utilization in such program of the scientific and engineering resources of the United States already in existence, with close cooperation among all interested agencies of the United States in order to avoid unnecessary duplication and waste of effort, facilities, and equipment.

"(c) In carrying out his functions under this section, the Administrator shall evaluate and make a continuing comparative assessment of all ground propulsion systems presently in use, or in a conceptual or development stage.

"(d) The Administrator is authorized to enter into contracts and other agreements or arrangements, and to make such grants, as he may determine necessary and appropriate in carrying out his functions under this section. The Administrator shall, in carrying out such functions, utilize, to the maximum extent, the resources and cooperation of the private sector.

"(e) The Administrator, shall establish an advisory board for the purposes, among others, of encouraging the private sector to participate in the research, development, and demonstration carried out pursuant to this section, and to advise with and make recommendations to the Administrator on legislation, policies, administration, research, and other matters affecting this section.

"(f) The Administrator shall consult and cooperate with the heads of other Federal agencies with respect to their respective duties and responsibilities which relate to this title, and the Administrator and such heads of other agencies shall coordinate their respective activities in areas of shared concern, to the extent practicable, in order that the duties and responsibilities of all may be performed in a way that will lead to the accomplishment of the policy of this title in the shortest time and in the most efficient and cost-effective manner possible.

"(g) There is authorized to be appropriated for the purposes of this section and not to exceed $20,000,000 for the fiscal year ending June 30, 1976, not to exceed $40,000,000 for the fiscal year ending June 30, 1977, and not to exceed $75,000,000 for each of the three succeeding fiscal years.

"ASSISTANCE IN THE DEVELOPMENT OF PRODUCTION PROTOTYPES OF ADVANCED AUTOMOBILES

"SEC. 605. (a)(1) The Administrator shall provide funds, by contract, to initiate, continue, supplement, and maintain research and development programs or activities which, in the Administrator's judgment, appear likely to lead or contribute to the development, in production prototype form, of an advanced automobile or advanced automobiles.

"(2) The Administrator is authorized to make such contracts with any Federal agency, laboratory, university, nonprofit organization, industrial organization, public or private agency, institution, organization, corporation, partnership, or individual.

"(b) The Administrator, in the exercise of duties and responsibilities under this section and section 606, shall consult with the Administrator of the Environmental Protection Agency and shall establish procedures for periodic consultation with representatives of science, industry, and such other groups as may have special expertise in the areas of automobile research, development, and technology. The Administrator may establish an advisory panel or panels to review and to make recommendations with respect to applications for funding under this section and guarantees under section 606.

"(c) Each contract under this section shall be made in accordance with such rules and regulations as the Administrator shall prescribe in accordance with the provisions of this section and of section 602 of this title. Each application for funding shall be made in writing in such form and with such content and other submissions as the Administrator shall require.

"(d) There is authorized to be appropriated not to exceed $50,000,000 to carry out the provisions of this section.

"OBLIGATION GUARANTEES

"SEC. 606. (a)(1) The Administrator is authorized, in accordance with the provisions of this section and such rules and regulations as he shall prescribe, to guarantee, and to make commitments to guarantee, the payment of interest on, and the principal balance of, loans and other obligations, if the obligation involved is, or will be, entered into in order to initiate, continue, supplement, and maintain research and development programs or activities which, in the Administrator's judgment, appear likely to lead to the development, in production prototype form, and to the availability, of an advanced automobile or advanced automobiles. Each application for such an obligation guarantee shall be made in writing to the Administrator in such form and with such content and other submissions as the Administrator shall require, in order reasonably to protect the interests of the United States. Each guarantee and commitment to guarantee shall be extended in such form, under such terms and conditions, and pursuant to such regulations as the Administrator deems appropriate. Each guarantee and commitment to guarantee shall inure to the benefit of the holder of the obligation to which such guarantee or commitment applies. The Administrator is authorized to approve any modification of any provision of a guarantee or a commitment to guarantee such an obligation, including the rate of interest, time of payment of interest or principal, security, or any other terms or conditions, upon a finding by the Administrator that such modification is equitable, not prejudicial to the interests of the United States, and has been consented to by the holder of such obligation.

"(2) The Administrator is authorized to so guarantee and to make such commitments to any Federal agency, laboratory, university, nonprofit organization, industrial organization, public or private agency, institution, organization, corporation, partnership, or individual.

"(b) No obligation shall be guaranteed by the Administrator under subsection (a) of this section unless the Administrator finds that no other reasonable means of financing or refinancing is reasonably available to the applicant.

"(c)(1) The Administrator shall charge and collect such amounts as the Administrator may deem reasonable for the investigation of the applications for the guarantee of an obligation, for the appraisal of properties offered as security for such a guarantee, or for the issuance of commitments to guarantee.

"(2) The Administrator shall set a premium charge of not more than 1 percent per year for a loan or other obligation guaranteed under this section.

"(d) No guarantee or commitment to guarantee an obligation entered into by the Administrator shall be terminated, canceled, or otherwise revoked, except in accordance with reasonable terms and conditions prescribed by the Administrator. Such a guarantee or commitment to guarantee shall be conclusive evidence that the underlying obligation is in compliance with the provisions of this section and that such obligation has been approved and is legal as to principal, interest, and other terms. Such a guarantee or commitment shall be valid and incontestable in the hands of a holder as of the date when the Administrator entered into the contract of guarantee or commitment to guarantee, except as to fraud, duress, mutual mistake of fact, or material misrepresentation by or involving such holder.

"(e)(1) If there is a default in any payment by the obligor of interest or principal due under an obligation guaranteed by the Administrator under this section, and such default has continued for 60 days, the holder of such obligation shall have the right to demand payment by the Administrator of such unpaid amount. Within such period as may be specified in the guarantee or related agreements, but not later than 45 days from the date of such demand, the Administrator shall promptly pay to such obligee the unpaid inteerst on, and unpaid principal of, the obligation guaranteed by the Administrator as to which the obligor has defaulted, unless the Administrator finds that there was no default by the obligor in the payment of interest or principal or that such default has been remedied.

"(2) If a payment is made by the Administrator under paragraph (1) of this subsection, the Administrator shall have all rights specified in the guarantee or related agreements with respect to any security which the Administrator held with respect to the guarantee of such obligation, including, but not limited to, the authority to complete, maintain, operate, lease, sell or otherwise dispose of any property acquired pursuant to such guarantee or related agreements.

"(3) If there is a default under any guarantee or commitment to guarantee an obligation, the Administrator shall notify the Attorney General who shall take such action against the obligor or any other parties liable thereunder as is necessary to protect the interests of the United States. The holder of such obligation shall make available to the United States all records and evidence necessary to prosecute any such suit.

"(f) There are authorized to be appropriated to the Administrator such sums as are necessary, not to exceed $25,000,000 to pay the interest on, and the principal balance

of, any obligation guaranteed by the Administrator as to which the obligor has defaulted: *Provided*, That the outstanding indebtedness guaranteed under this section shall not exceed $25,000,000.

"TESTING OF PRODUCTION PROTOTYPES

"SEC. 607. (a) The Administrator of the Environmental Protection Agency shall test, or cause to be tested, in a facility subject to Environmental Protection Agency supervision, each production prototype of an automobile developed in whole or in part with Federal financial assistance under this title, or any ground propulsion system referred to the Environmental Protection Agency for such purpose by the Administrator, to determine whether such production prototype or system complies with any exhaust emission standards or any other requirements promulgated or reasonably expected to be promulgated under any provision of the Clean Air Act (42 U.S.C. 1857 et seq.), the Noise Control Act of 1972 (42 U.S.C. 4901), or any other provision of Federal law administered by the Administrator of the Environmental Protection Agency. In conjunction with any test for compliance with exhaust emission standards under this section, the Administrator of the Environmental Protection Agency shall also conduct tests in conjunction with the Administrator to determine the fuel economy of such prototype automobile.

"(b) The Administrator shall test, or shall cause to be tested in a facility subject to supervision by the Administrator, all production prototypes of advanced automobiles developed with assistance pursuant to this title. Such tests shall be conducted, according to testing procedures to be developed by the Administrator, to determine whether each such automobile complies with any standards promulgated as of the date of such testing or reasonably expected to be promulgated prior to the sale at retail of such automobile, under any provision of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381), the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.), the Automobile Information Disclosure Act (15 U.S.C. 1232), and any other statute enacted by Congress and applicable to automobiles.

"(c) The Administrator of the Environmental Protection Agency and the Administrator may at the request of a developer and payment of costs test any production prototype or ground propulsion system pursuant to the provisions of this section. Such tests by the Administrator of the Environmental Protection Agency may also be provided for determination of future compliance with provisions of law referred to in subsection (a).

"(d) The Administrator of the Environmental Protection Agency is authorized during the 5-year period following the date of enactment of this title to evaluate and assess technology which he feels will lead to the meeting of automobile emission standards pursuant to the Clean Air Act and fuel economy standards pursuant to this Act.

"(e) There is authorized to be appropriated not to exceed $20,000,000 to carry out the provisions of subsection (d) of this section. Such amount shall be equally divided over the 5-year program provided for in such subsection.

"RECORDS, AUDIT, AND EXAMINATION

"SEC. 608. (a) Each recipient of financial assistance or guarantees under this title, whether in the form of grants, subgrants, contracts, subcontracts, obligation guarantees, or other arrangements, shall keep such records as the Administrator shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance was given or used, the amount of that portion of such total cost which was supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives shall, until the expiration of 3 years after completion of the project or undertaking referred to in subsection (a) of this section, have access for the purpose of audit and examination to any books, documents, papers, and records of such receipts which in the opinion of the Administrator or the Comptroller General may be related or pertinent to the grants, subgrants, contracts, subcontracts, obligation guarantees, or other arrangements referred to in such subsection.

"REPORTS

"SEC. 609. (a) On or before July 1 of each year, the Administrator shall submit to Congress an annual report of activities under this title. Such report shall include, but need not be limited to—

"(1) an account of the state of automobile research and development in the United States;

"(2) the number and amount of grants made and of obligations guaranteed;

"(3) the progress made in developing production prototypes of alternate ground propulsion systems within the shortest practicable time after the date of enactment of this title;

"(4) suggestions for improvements in advanced automobile research and development, including recommendations for legislation; and

"(5) the progress made by the private sector in implementing alternate ground propulsion systems in future production prototypes.

"(b) On or before July 1 of each year the Administrator of the Environmental Protection Agency shall submit to Congress an annual report of activities under this title. Such report shall include, but need not be limited to—

"(1) an account of the state of the automobile industry in meeting the emission standards pursuant to the Clean Air Act and the fuel economy standards pursuant to this Act;

"(2) the development of new or improved technology that has the capability to meet such emission standards;

"(3) the failure of the automobile industry to fully utilize existing technology for future production; and

"(4) the need for Government research and development in certain areas dealing with such emission standards.

"(c) Reports pursuant to this section shall be made directly to Congress without submission to or clearance of any other Federal agency.

"(d) There is authorized to be appropriated not to exceed $1,000,000 in each fiscal year to carry out the provisions of this section.

"GOVERNMENT PROCUREMENT

"SEC. 610. At any time the Administrator informs the Administrator of General Services that a production prototype has been tested pursuant to section 607 and found to meet all the requirements under such section the Administrator of General Services shall prescribe such regulations as are necessary to require all Federal agencies to procure and to use such prototype to the maximum extent feasible. Such Administrator shall also provide technical specifications and other information with respect to such prototypes. Such Administrator, and all other appropriate officers of the United States, shall take all steps which are necessary or appropriate to comply with and to implement such regulations, with respect to all federally owned motor vehicles, by the earliest practicable date.

"RELATIONSHIP TO ANTITRUST LAWS

"SEC. 611. (a) Nothing in this title shall be deemed to convey to any person any immunity from civil or criminal liability, or to create any defenses to actions, under the antitrust laws.

"(b) As used in this section, the term 'antitrust laws' means the Act of July 2, 1890 (15 U.S.C. 1 et seq.), as amended; the Act of October 15, 1914 (15 U.S.C. 12 et seq.) as amended; the Federal Trade Commission Act (15 U.S.C. 41 et seq.) sections 73 and 74 of the Act of August 27, 1894 (15 U.S.C. 8 and 9), as amended; and the Act of June 19, 1936, ch. 592 (15 U.S.S. 13, 13a, and 212), as amended.".

Mr. DOMENICI. First, I say to the distinguished Senator from California that, with respect to many of the concepts that he has expressed here today and the concept of a substantial American investment in research and development as it affects new, alternate, improved sources of ground transportation and individual mobility, he and I are not too far apart. I am reminded that the President of the United States asked a group of our most distinguished scientists to meet under the leadership of Dixy Lee Ray to bring together a national format in terms of where we ought to be putting research money and what American thrust ought to be forthcoming because of the apparent energy shortage in America and the need to move in new directions.

While the Senator from California has most aptly described her contention in that report which, indeed, for some reason has not been followed through by the executive, that very distinguished group recommended that for at least 3 successive years, starting this year—we are already a year late—that the United States of America ought to be spending $100 million a year in research and development moving toward the improvement of automobile engines, alternate sources of fuel, in fact total new concepts and designs for automobility.

Where the Senator and I disagree is not that that is indeed needed in the United States, but where should it be done.

I would remind the Senate and the distinguished Senator from California that for about 18 months the Congress grappled with the idea of setting up one Energy Research and Development Administration. We finally accomplished that when we created ERDA.

I remind the Senator from California that on August 15, 1974, on the floor of the Senate, as appears in the RECORD, the distinguished Senator from California introduced a very detailed statement. It was introduced by Senator MAGNUSON in behalf of the distinguished Senator from California and the distinguished Senator from Michigan (Mr. PHILIP A. HART).

It went into detail in August of 1974 on the problem we have confronting us here today. In that statement, which preceded an amendment to ERDA, the distinguished Senator from California and the distinguished Senator from Michigan, and many others, proposed precisely that ERDA have the exact responsibility that the Senator from Cali-

fornia is urging go to the Department of Transportation today.

If the Senator would care to check the RECORD, it was offered as an amendment to make it more specific that ERDA should have research and development expertise in-house developed by them to move in the direction of advanced propulsion systems and new technology for new prototype automobiles for the United States for the future.

I remind the Senator that we voted on that; that it passed unanimously; that the Senator from California voted for that, very specifically that it would be in ERDA.

When that ERDA bill went to conference what came out, since it was a brand-new agency, was a general thrust to ERDA to begin research and development in the field of automobility and new modes of transportation and, perhaps, the conferees at that time thought it was enough to give them a general charge and that it was enough to direct them to take the programs that EPA was doing, which were in the field, and move them over to ERDA, which they have done, and they left out the specific direction that is found in my bill today which has nothing to do with the first portion that Senator HOLLINGS argued about, but merely with the research and development part.

I would generally follow both in money and in thrust the ideas of the Senator from California. But it appears to me that there is no greater energy research subject matter than research into new kinds of automobility and conservation and pollution control. It appears to me that the Senator's argument that we ought to put this into the Department of Transportation—and I hope he will respond to this—makes no more sense than if we would come down here tomorrow and say:

> We are dragging our feet a little bit on solar energy, so let us take it out of ERDA, where we put it, and let us create within Interior another department to handle solar energy.

It makes no more sense than to say:

> ERDA has such a big job that maybe we should not have given them coal research and development, which we gave them as part of a total American energy and research and development package. Let us take it away from them now and put it back in Interior.

I do not believe the Senator from California would dispute that my motives are no different from his excepting that I would like very much to have a comprehensive ongoing American policy that meshes with everything else.

Since ERDA was created for that purpose, after tremendous effort by a number of committees of Congress, from Government Operations to Interior to the Joint Committee on Atomic Energy, and charged with this responsibility, where there is language in it that it is theirs, we have even moved from EPA responsibilities on advanced propulsion that were in EPA, and they are now in ERDA.

They are not enough when you add all of them up. There is $17 million between DOT and ERDA with its new responsibilities taken from EPA.

But now to say since we have a new and exciting mission-oriented task, and the framework we created after all this effort under the heading of ERDA, we should take away from it and give over to the Department of Transportation the research and development in this effort seems to me to be ignoring many things.

The distinguished Senator from California is much aware that the laboratory capacity that was formerly that of the Atomic Energy Agency, some in his State, some in my State, some in Alabama and some in Tennessee, those great national laboratories are already involved in some of the work he is talking about. Livermore and Sandia Base, now under the umbrella of ERDA, are looking at the internal combustion engine to find out many of the things that we did not know. Livermore and Sandia, under an agreement with ERDA, are involved in a total look at how we can save money by changing the chamber, the gas chamber, that combusts in an internal combustion engine.

This is not the Department of Transportation. This is the great capacity of the in-house laboratories already operated by ERDA under their umbrella, and it is the desire of the Senator from New Mexico that very specifically ERDA be told:

> We want you to spend substantial amounts of money building an in-house capacity, taking those laboratories that we have got to do advanced prototype work on the concept of improving automobility, improving engines that move Americans by car.

It appears to me there is no question but that in an orderly process, which we worked so hard to build into ERDA, it belongs there.

I have not lowered the amount of money suggested. I do not know if they can spend that either the Senator or I wish to authorize in an orderly manner, but they are involved in alternate fuels, which are related to the prototype and innovative automobility. They are involved in metals work, which is one of the things everyone says must be worked on to produce a new and exciting concept in terms of automobility. They are involved in the metallurgy that will go into the engines in the future.

So it appears to me today the issue is a very simple one. If everyone wants the U.S. Government to follow the recommendations of its best scientists—and I assume that is a given fact—then the issue is, do we want ERDA, the National Energy Research and Development entity, to take that cause and run with it and cooperate with other agencies, or do we want to take away from it that which we worked so hard to build into it, one of the major functions in terms of future energy needs of this country.

As the Senator well knows, other than my amendment is a little bit stronger on in-house capacity, is, perhaps, a little bit stronger in the NSF approach to more grants to institutions, which is close enough to where the administrator, whoever he may be, may do it in the same way in terms of dollars, I have added one other ingredient to mine which I do not think the Senator objects to, and that has to do with giving EPA a little bit stronger mission and a little bit more money and a little bit stronger mandate to report every year on auto emission technology.

I discussed this with the Senator from California before, and I put it in my amendment because after months of hearings, as I expressed to him, in the Public Works Committee we are constantly getting black and white on what catalysts will do and what they will not do, what the dual catalyst will do, and what the triple catalyst will do, and it appears to me that EPA either does not have enough mandate or enough money or enough of an annual mandate to report not only to OMB, because in my amendment I say report to Congress and OMB as to their findings on the technology and the art of cleaning up the automobile engine in terms of the practical, the feasible, as to what we can do.

That is a separate and distinct part and perhaps depending upon how the amendment goes, I can nonetheless get it into an appropriate law, and I am convinced it is a must if we are going to add any objectivity to the next 3 or 4 years of dispute in the Congress, in particular with reference to nitrous oxide as it is emitted from the internal combustion engine.

So, in summary, what I have done has in no way altered the first part of this bill which has to do with conservation in terms of the fleet, the average conservation mandated and discussed by the distinguished Senator from South Carolina, but have taken the section that has to do with R. & D. and, basically, I have increased the Government's role by establishing within ERDA a Division of Advanced Prototype in Greater Propulsion System, directly in ERDA, not within the Department of Transportation, which would develop the capacity to lead or contribute in the production of improved or new automotive systems.

I increased the technology assessment capacity of EPA within EPA's framework to evaluate technological developments designed to employ future fuel and emission standards, and that one is over 5 years, $20 million, with a report directly to Congress each year and to the executive.

In each of these instances, as to both entities, I required an annual report.

In conclusion, I would like to have printed in the RECORD an excerpt from the ERDA authorization hearings in the House. The reason I chose them is because James Kane was asked by the distinguished chairman of that subcommittee, Mr. McCormack, some very precise questions about ERDA's role in this area of advanced technology.

We will find in appendix B in CRS, pages 31 through 35 of part 1 of the February 18, 1975, hearings, a series of questions and answers that I think are right in point.

Mr. President, I ask unanimous consent that these entire questions and answers be made part of the RECORD at this point and then I shall just refer to one or two of them.

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

APPENDIX B

The following questions relating to ERDA's role in automotive research and development were asked during ERDA's authorization hearings:

Question 14. What level of funding (by year) would be required to put the Government in the position of providing the early R&D work necessary for development of the next generation of highly efficient low emission automobiles, and to prepare for the period toward the end of this century when natural petroleum will probably not be available as a major fuel for transportation?

Answer. The level needed is dependent on policy options which are being analyzed by the ERDA management. Essentially the decisions concern the extent of the Federal Government effort in the development of hardware. If the Federal Government were to concentrate on long term basic and applied research, budgets up to the current level would appear sufficient. Currently, the AAPS program also includes work in the Advanced Development Phase (ADP) wherein engineering prototypes of new type engines are tested in vehicles in laboratories and on the road. Hardware thus demonstrated would still not be available for immediate production, rather, some continued development by industry would be required before production decisions would be practical. If it is determined that the ERDA APPS effort should continue through the ADP, a budget of up to $100 million yearly could be requested. I should emphasize that this number represents a personal judgment, one that is not based on careful study. It is also not intended to be our official position of this agency.

Question 24. (a) The auto companies have committed themselves to improving fuel consumption by 40 percent by 1980. In the light of this short term commitment, and the general economic conditions in the auto sector, what portion of the private R&D work will be devoted to long term R&D directed to alternatives to petroleum based automotive transportation?

(b). Do you have an estimate of the magnitude of the total effort which will be needed in the long term R&D?

Answer. (a) We are aware of the current economic condition of the U.S. auto industry. We anticipate that the preponderance of the industrial effort will be devoted to the near term with very little emphasis on the middle term and essentially no work on long term R&D directed to alternatives to petroleum based automotive transportation. We intend to fully review and evaluate industry plans for R&D and to seek industry consultation in the formulation of the ERDA automotive energy R&D plan.

(b). Not at this time. These data will appear in our comprehensive agency plan.

Question 25. If the Federal Government accepts responsibility for leadership in developing the long term R&D program:

(a). Is AAPS program structured to meet this challenge?

(b). Will an in-house capability be required?

(c). How do you propose to develop a general plan? How will you coordinate with DOT and FEA?

(d). How do you propose to insure technology transfer to the private sector, and assure private involvement in all aspects of the program?

(e). How will you optimize the twin needs for fuel efficiency and emission control in the program?

Answer (a). The AAPS program as it stands today is not structured to meet this challenge in the long term. The program was structured to be short term in nature starting off with the President's definition of AAPS goal (Message on Environment February 1970) "to demonstrate within five years. . . ." We are fortunate to have the AAPS program in the ERDA because the experienced personnel will form the nucleus for ERDA's task of developing long range programs.

(b). Our current thinking is that a strong in-house capability including laboratory backup will be essential to a viable Federal program.

(c). Prior to submittal of the comprehensive ERDA plan our staff will be in consultation with management of the U.S. auto industry, the Society of Automotive Engineers and the technical advisory committee to the AAPS program (members from industry, universities and government agencies) to formulate R&D plans in this area. The DOT, EPA, NASA and FEA among others are actively represented on this committee.

(d). Technology transfer from the ERDA program to industry is a process which must be worked on continually at each step in the development program. Several approaches are planned to facilitate this process including: dissemination of information generated periodically in a timely manner (past Contractor Coordination Meetings held every 6 months); contracting directly with the automobile industry and suppliers as well as industry with small high technology firms and universities; cost sharing of projects with industry; and, perhaps most important of all—provide an invigorating climate within the program, with contractors and with would-be contractors, to support creative ideas wherever the source. This serves as an insurance for a successful technical program which in itself fosters the technology transfer process.

(e). For the conventional internal combustion engine the conditions where minimum exhaust emissions are achievable are not compatible with maximum fuel economy. It is a fact for this type engine and for most heat engines employing intermittent combustion processes that these two important parameters are coupled. In recent years, use of exhaust after treatment to reduce emissions has been popular with the industry because this is one step in the direction of decoupling the two parameters, i.e., the engine is tuned for good fuel economy and the aftertreatment makes up for the emissions which result. New engine systems that will be studied and developed in the ERDA program (to obtain new information) will be those which are inherently clean in emissions and which offer very high potential for efficient energy conversion.

Question 26. If the Federal Government accepts no substantial role for automotive R&D:

(a). How will it assure the public that private industry does the necessary amounts and kinds of R&D?

(b). How will it assure itself of what the R&D issues and potentials are without its own independent efforts?

(c). How will private industry be stimulated to perform the necessary kinds and amounts of basic research in such areas as combustion, high temperature materials, combustion products, electrochemistry, etc., which must be done to underwrite the long term technology development?

Answer. If a substantial Federal role is not taken there is no straightforward way in which the ERDA could ensure that private industry would commit the needed R&D efforts, including the basic research necessary to underwrite the long-term technology development.

Question 38. How do you see the role of the Government in automotive R&D? How do you view the Federal role separating into work on transportation for the period when petroleum is no longer available as a major source of fuel for automobiles, and that for work which will delay that time?

Answer. The basic role of the ERDA automotive energy R&D is to develop technological alternatives to conventional propulsion systems and ultimately to develop independence from fuels derived from petroleum. These developments are intended to serve several important purposes:

They will motivate industry, universities and individuals to pursue work on complementary programs and on the development of new energy efficient concepts which otherwise may not surface. In this sense the ERDA will serve as a catalyst.

They will provide a base of knowledge available to all (public, congress and Federal policymakers) regarding what can and cannot be accomplished with the alternatives.

They will provide a credible source of information in a highly controversial area which is currently lacking such a source.

Since the primary ERDA role is to develop alternative technology, it follows that this role would tend to be best fulfilled by focusing more on alternatives that industry is not working on. Traditionally, the U.S. auto industry has emphasized short range research having low-risk and a high potential for early payoff. As a result, we expect the industry to concentrate more on finding ways to decrease production cost and on short-term fixes to conventional propulsion and vehicular systems and on near term alternative engines to achieve fuel economy improvements.

Industry has the capability in these areas and we do not anticipate appreciable new information need be generated by the ERDA. We expect in the short term, ERDA will focus on two main areas as a background for planning the R&D. We will assess the tradeoffs between fuel economy, emissions and safety and will concentrate on developing energy saving technologies which could be introduced by industry into the marketplace by 1985 but which industry is not likely to develop on its own. An example of such technologies would be the application of the Rankine cycle to utilize waste heat in the exhaust from Diesel trucks with potential improvement in fuel economy of about 20 percent.

At present we believe that the bulk of the ERDA work will focus on middle term developments related to alternative propulsion systems and alternative fuels which could be introduced into the marketplace between 1985 and 2000. The long term (beyond 2000) efforts directed toward the development of alternatives to petroleum based automotive transportation will be at a reduced level initially, but will increase as the program progresses.

Question 39. What are the overall national goals in automotive R&D in the mid- and long term (i.e., 1985–2000)? What portions of these goals should be addressed by private industry and what by the Government programs?

Answer. The ultimate goal of the automobile energy R&D program should be to develop the technologies necessary to eliminate the dependence of highway vehicles (autos, buses and trucks) on petroleum as the energy source. To achieve this goal several important objectives must be achieved along the way. First and foremost is to "stretch-out" the available supply of petroleum by using fuel much more efficiently in the future than in the past. This "stretch-out" gives us more time to work on developing permanent solutions to the problem.

The "stretch-out" can be accomplished in several ways. One is through use of regulatory means. The ERDA can provide data to support this method. A second way is to improve the energy efficiency of conventional vehicular systems. The ERDA will pursue development of hardware to improve the energy efficiency of the conventional spark ignition and Diesel engines in areas that would otherwise not be covered. The third way to "stretch-out" the available supply of

fuel is to utilize non-petroleum base fuels as a substitute for gasoline and distillates. The ERDA is planning to study the problems involved in utilization of fuels such as methanol, methanol/gasoline blends, fuel from coal and shale and hydrogen. A fourth way is to develop alternative propulsion systems to replace conventional systems if shown to be significantly more efficient, cleaner burning, conservative of materials, etc., while efficiently burning any type of fuel.

While these means are being developed to "stretch-out" the time when alternative sources will be needed, the necessary R&D on these alternatives will be underway by the ERDA. This latter effort is summarized below.

A basic premise in one of our planning approaches is that in the long run the U.S. will have a highly developed electrical economy where the energy sources for the electricity derive from fossil fuels, nuclear, solar or geothermal sources. If this future develops, ways must be found to make a viable option, the utilization of electrical energy as the basic energy source for highway vehicles. It follows that on-board energy storage such as batteries, thermal storage, mechanical devices (flywheels) etc., will be needed. These on-board sources would be recharged by the basic electric source.

In response to the second part of the question we are currently addressing the subject of industry/government participation in each time phase of the program. Our recommendations in this matter will appear in our response to Congress as mandated in Public Law 93-577.

Question 40. Does ERDA have a role to play in demonstrations relative to new forms of personal transportation?

Answer. The ERDA is responsible for performing research and development that will contribute to the development of the technologies necessary to have an energy efficient personal transportation system. I consider demonstrations of these technologies in the form of prototype systems hardware to be an integral part of ERDA responsibilities and a necessary function in carrying out the ERDA role of generating new information in this area. Please note this is my personal view of ERDA's role. The question of the breadth and depth of the government responsibility and authority in demonstrating technologies and their applications is currently under review.

Question 41. What policies do you have relative to working across the interfaces to EPA, DOT and FEA in automotive R&D, and in what areas does ERDA have the lead? Can you analyze how ERDA's programs will impact in these other agencies?

Answer. The ERDA should lead in developing and demonstrating new technologies related to improving energy efficiency and in eliminating the dependence on petroleum for highway vehicles. In addition, the ERDA can assist in determining the impacts on fuel economy that results from decisions by other agencies; for example, on emissions and highway and vehicle safety standards. Our approach to the interfaces with EPA, DOT and FEA and alike will be to make maximum use of the task force approach whenever possible.

Question 42. What is the ERDA thinking regarding the desirability of an in-house laboratory to spark the Government program? How would you go about deciding how to constitute such a lab from among present ERDA and NASA competence already available?

Answer. There is a firm need for an in-house lab and analytical capability in automotive energy R&D. This capability would provide an independent check on contractor work and would explore new and alternative approaches to problem solving technologies not being covered externally.

We intend to review fully the technical and management capabilities of the NASA, our own Energy Research Centers and National Laboratories in this important area. We are in the process of making decisions on how we might best apply these capabilities to meeting program requirements. Since specific programmatic requirements are still in the development stage, we will feel it would be premature at this time to specify final organizational and geographical characteristics.

Question 43. (a). How will you involve the private sector in planning the overall national program which will address the national goals (as distinct from the narrower Federal goals).

(b) What role will the universities and small high technology companies play in the total National program?

Answer. (a) Our staff intends to review the drafts of the program plan with management of the U.S. auto industry and with key staff of the Society of Automotive Engineers prior to submittal to Congress. These consultations will be made early enough in the planning process to permit the consideration of non-Federal plans as they may influence the overall plan in terms of emphasis, specific program areas and funding.

(b) We expect the universities to play a key role in the program by conducting basic research in areas such as combustion, materials, heat transfer and physical chemistry. The small technology companies will participate through the contract mechanism in proposing and exploring new concepts for propulsion systems or components.

Question 44. Can you, or will you, make an estimate of the overall National investment which will be required for automotive R&D between now and 1990? How will you involve the private sector in analyzing these requirements and assuming their share of them?

Answer. It is premature to provide the cost estimate at this time because the program has not been defined in depth as yet. Better definition will result from planning now underway. We will review our preliminary plans with management of the U.S. auto industry, and with a committee from the Society of Automotive Engineers. These reviews will be used to strengthen the plan and to achieve the proper funding split before final submittal of our plan in July.

Question 45. End use conservation has been the object of a recent American Physical Society study. Many areas where the scientific approach of the modern sophisticated scientist could help are identified. One of these was a new attention to the thermodynamic principles for fuel handling built around the second law, and the concept of availability of work. Others were opportunities for improving automobile performance by looking carefully at the visco-elastic properties of rubber, and opportunities for developing windows which have new heat handling properties.

Answer. We are aware of the APS program of summer studies, especially the one which emphasized the concept of useful work, rather than energy. This same point has been made in articles by Charles Berg and by a group from Thermo Electron Corporation. We will certainly make use of the results of studies such as those done by APS.

Question 46. Many other areas for involvement of sophisticated science exist, but it will be necessary first to identify these, and to bring them to the research community. Can you identify the principal such areas, as related to conservation, in which basic science may be expected to interface to low technology as it does now to high technology?

Answer. There are a large number of areas in conservation—not necessarily end-use conservation, where basic science advances are essential. The following list is meant to exemplify, and is not meant in any way to be complete.

(1) Advances in superconductivity, especially new materials will affect our transmission and storage programs directly.

(2) Advances in understanding catalysis are necessary for low-temperature fuel cells and practical electrolysis processes. Substitutes for precious metals as catalysts/electrodes must be found.

(3) Improvements in absorption-cycle heat pumps would make solar cooling more straightforward and would greatly increase the usefulness of low grade thermal energy for space heating.

(4) An improved understanding of the fracture and deformation process in polymer fibers, such as DuPont's Kevlar, might greatly increase the capability of flywheels to store energy.

(5) Advances in predictive modelling of combustion, with experimental normalization and verification by laser diagnostic methods would let us explore in detail combustion processes in real situations.

(6) The use of gas turbines in small vehicles may not be practical unless rare and costly superalloys can be replaced by ceramics. Materials development and accurate methods for the prediction of cyclic thermal stress loading are required for a mass produced ceramic turbine.

Question 50. In your testimony, the importance of interagency cooperation was stressed—e.g., FEA+ERDA. Please submit a list of specific areas where cooperative efforts are definitely planned or underway.

Answer. The Agency with which we expect to have the most interaction is FEA. The following require close cooperation to avoid duplication of effort: Conservation in Buildings; conservation in industrial process; and conservation in transportation systems.

Representatives of ERDA have also held discussions with representatives of the following agencies: DOT-related to mutual areas of interest in transportation. NBS—related to conservation in residences. HUD—related to conservation in residences.

Mr. DOMENICI. Mr. Kane was asked by Mr. McCormack to answer certain of these questions.

The first question was:

Question 25. If the Federal Government accepts responsibility for leadership in developing the long term R&D program:

(a). Is AAP'S program structured to meet this challenge?

(b). Will an in-house capability be required?

(c). How do you propose to develop a general plan? How will you coordinate with DOT and FEA?

(d). How do you propose to insure technology transfer to the private sector, and assure private involvement in all aspects of the program?

(e). How will you optimize the twin needs for fuel efficiency and emission control in the program?

Answer (a). The AAPS program as it stands today is not structured to meet this challenge in the long term. The program was structured to the short term in nature starting off with the President's definition of AAPS goal (Message on Environment February 1970) "to demonstrate within five years. . . ." We are fortunate to have the AAPS program in the ERDA because the experienced personnel will form the nucleus for ERDA's task of developing long range programs.

(b). Our current thinking is that a strong in-house capability including laboratory backup will be essential to a viable Federal program.

(c) Prior to submittal of the comprehensive ERDA plan our staff will be in consultation with management of the U.S. auto industry, the Society of Automotive Engineers and the technical advisory committee to the AAPs program (members from industry, universities and government agencies) to formulate R&D plans in this area. The DOT EPA, NASA and FEA among others are actively represented on this committee.

(d). Technology transfer from the ERDA program to industry is a process which must be worked on continually.

And they go on to discuss it.

Question 26. If the Federal Government accepts no substantial role for automotive R&D:

(o). How will it assure the public that private industry does the necessary amounts and kinds of R&D?

And that is answered:

Answer. If a substantial Federal role is not taken there is no straight-forward way in which the ERDA could ensure that private industry would commit the needed R&D efforts, including the basic research necessary to underwrite the long-term technology development.

I do not want to read the remaining ones, but I can say to my distinguished friend from California that throughout these questions and answers by the man in charge of the program at ERDA, it was almost implicit that ERDA is beginning to put in place an R. & D. program of exactly the type we are mandating by legislation today, and that once they get it created as ERDA, it did not even enter their mind we would take a major R. & D. effort of this type and splinter it off and put it into the Department of Transportation, any more than we would put it in FEA or EPA.

So I conclude by saying that while the Senator and I agree on what we should do, I honestly believe that the total in-house capacity that ERDA has, with all the labs under its control, that we have a far better chance of doing this quicker, cheaper, with far more scientific expertise in their control than that which DOT now has. I am aware of what they have. I think the Senator has basically discussed this. They are in the area of mileage efficiency, safety, and a few others, principally at the Massachusetts lab, but they do not begin to compare with the capacity ERDA has to meet this new and exciting challenge which I commend the distinguished Senator for initiating.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mr. TUNNEY. Mr. President, I certainly appreciate the interest that my friend from New Mexico has shown in this legislation.

On many occasions, he has consulted with me on an informal basis to make improvements in the legislation, and I have no doubt that his goals are the same as mine in wanting to have an advanced automotive automobile which achieves all the things that I have indicated that our legislation is designed to achieve.

The only problem is that we have a difference of opinion as to how we get there and I hope my friend will not hold it against me if I say that I think our way, the committee's way, is better.

I would like to address just one point that he made about the effort that Senator MAGNUSON, Senator HART, and myself made last year to get a program somewhat similar to this program attached to the ERDA bill.

I think we have to look at the history of the legislation to understand why we did that.

In December of 1973, Congress passed a comprehensive energy bill which contained as a part of that legislation a research and development effort to develop an alternative to the internal combustion engine.

The major package went from the Senate back over to the House of Representatives and was referred to the House Interstate and Foreign Commerce Committee.

And here it stayed. They were not able to get any action whatsoever on the overall package or the individual parts.

As the Congress wore on, it was clear to Senator MAGNUSON, Senator HART and to me that the only way we could get any effort in the effort to develop a clean energy efficient alternative to the internal combustion engine, would be to attach it to a vehicle which was sure to pass the Congress. We would not have preferred to do that, but we felt it was the best that we could hope for. So when the Federal Non-Nuclear Energy Research and Development bill came up, which we all knew was going to pass and become law, we attached that amendment, unfortunately the amendment was dropped in conference.

This year we had an extensive opportunity to spend some time studying the matter. We held days of hearings. We consulted with experts from the various agencies and the universities, from academia, as well as people in the industry. The committee decided that the best approach is the one contained in this bill.

The approach used is to give the Department of Transportation the major responsibility, as I indicated earlier, but in no way do we inhibit, curtail, derogate or impede the activities of ERDA in the field of energy research and development.

I wish to quote from the bill itself, section 605. It says:

"SEC. 605. The Secretary shall not make contracts, grants or obligation guarantees for, or conduct or accelerate, any research and development which may duplicate, in whole or in substantial part, any project (1) that has been sponsored by the Administrator, under the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901) or any other Federal law; or (2) that will be or is likely to be so sponsored within the reasonably foreseeable future.

We are giving ERDA everything it could want, which is energy R. & D. We just do not want ERDA to get into the field of transportation. They have no expertise in the field of transportation. We have a Department of Transportation that is supposedly doing that. If it is not doing it adequately, then it is up to us in our oversight to make sure that they are doing it correctly.

I cannot think of any way to destroy a research and development agency designed to find efficiencies for energy, new sources of energy, than to give them the entire automobile transportation mess of this country.

The Senator knows as well as I do that that would create a diffusion of focus and it would result in the kind of internecine warfare between the agencies, the Department of Transportation and ERDA, that would stymie this whole legislative purpose.

I would point out that ERDA is totally protected.

I also want to point out that in the legislation of the committee we provide for the development of an advanced automobile system, and then we define what an advanced automobile system is. It is one which is propelled by fuel. It is a personal use transportation vehicle propelled by fuel which is energy efficient, which is safe, which is damage resistant and environmentally sound. Then we go on and list a lot of things—that it has to operate safely and to the extent practical is capable of intermodal adaptability.

Then we say that at a minimum the advanced automobile system must be capable of being produced, distributed, operated and disposed of in compliance with any requirement of the Federal law including, but not limited to, requirements with respect to fuel economy, exhaust emissions, noise control, safety and damage resistance.

Should all of that be transferred into ERDA? It doesn't make sense. There is no reason that ERDA ought to have all of that and they should not want it.

I might point out to my very able friend from New Mexico that he in his amendment does not even require the development of advanced automobile systems. The Senator, in his amendment refers to ground propulsion systems and defines it to mean the engine, transmission, or drive, and associated controls necessary to power automobiles, trucks, planes, buses and selected vehicles, but he does not get to such things as exhaust emission problems, safety, and so on.

What we are talking about is a total package, a total package in which ERDA plays a very major role, which is to develop energy efficient systems for this advanced automobile.

I also might say that the Senator's amendment cuts back on the loan guarantee program from the $175 million, we have in our bill, to $25 million. I think the loan guarantee is an excellent way to proceed. If we like the free enterprise system, and I believe everyone here does—everyone who has talked to this bill so far has—we would like to see private enterprise have an opportunity to borrow some money and do the work and then pay the money back if they hit pay dirt and are able to develop the technology. They ought to be able to pay it back.

I might say when I first got started in this legislation, which was 3½ years ago, I was in favor of having EPA do the job because mainly I was focusing at that time on achieving the emission standards that had been adopted in the Clean Air Act of 1970. I thought we ought to have a Federal R. & D. program to do it. It seemed to me that the Environmental Protection Agency would be the proper agency to do it.

I have subsequently changed my mind for a variety of reasons: One, it seemed to me that just the emission standards portion of the legislation that I had talked to earlier was not adequate for what

we needed in the way of an advanced automotive system for the future. Clean air was important, but energy efficiency was important, safety was important and all of these other things were important, too. That is why we began to change our focus in the Environmental Subcommittee of the Commerce Committee away from EPA, away from just ERDA, to the Department of Transportation, which has been given the major responsibility for the transportation system of this country.

I recognize the Senator's good will in this effort. I certainly in no way want to detract from the energy and the intelligence that the Senator has applied to this problem. But I would have to respectfully disagree with the approach that the Senator uses. I think with this amendment the Senator truncates the efforts that are being made by the Commerce Committee in developing an advanced automobile system. I think the Senator hurts ERDA. As one who feels that ERDA is an excellent agency that is really applying itself in a very vigorous fashion to the R. & D. needs of energy in this country, I must say that there is no better way, as a practical matter to destroy the functions of that agency than to give them the whole transportation mess of this country as it relates to automobile systems.

So I would respectfully ask my colleagues to reject this amendment, however well-intentioned. It just does not do the job. As a matter of fact, it probably will hurt us in a national effort to get the job done.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DOMENICI. I wish to respond for a moment. Have the yeas and nays been ordered, Mr. President?

The ACTING PRESIDENT pro tempore. The yeas and nays have been ordered.

Mr. DOMENICI. I say to my distinguished friend from California that the one point that he has made that my bill does not specifically call for the creation of a prototype with all the definitions that he has in it within 4 years should not be taken to mean that my bill does not permit it but, rather, that I honestly do not believe it is going to be done in any event by anyone, DOT, AEC, ERDA, or all combined. I think the Senator's bill does not say it will either, because we cannot ask for the impossible. Rather, it says that is the goal of the mission.

I think one can find that same kind of mission within the scientific charge that is in my bill.

Mr. TUNNEY. Mr. President, will the Senator yield on that point?

Mr. DOMENICI. I am delighted to yield.

Mr. TUNNEY. Initially we did have a target date of 4 years, which had to be achieved, but it became obvious that much as we would want to have a goal set, with a time period to achieve that goal, it was quite ridiculous to mandate that technological breakthrough had to be achieved by a date certain.

So what we did in the legislation this year, and I now quote from section 602 on page 25, was say that the desire of Congress was to achieve these production practicable time consistent with appro- prototypes of advanced automobiles within 4 years from the date of enactment of the title, or within the shortest priate research and development techniques.

The point of adding that was that we realized it would be, perhaps, impossible to do it in 4 years, and we were therefore giving the agency an escape clause that they would have to achieve the goal of advanced automobiles within the earliest practicable time.

The thing that is important about establishing a goal, and I think the Senator would agree with this, is that we would never have gotten to the moon if we had not had a goal of doing it in the decade of the 1960's. In all planning, you have to have a management target, and a time frame within which to achieve that target.

I am not a scientist, but I know you also have to have what they call critical mass spending. For example, you can spend $20 million a year on research and development and never achieve a technological breakthrough, where sometimes you can spend $100 million a year for 3 years and achieve a breakthrough. That is why we have a rather substantial amount of money being made available—$175 million in contracts and grants, and $175 million in loan guarantees, or a total of $350 million to be used over 4 years, to achieve that goal.

I think that is what we need, and I think it is not fair to characterize this bill as saying, "You have to meet the goal within 4 years, or somehow you fail to meet your national responsibility."

We say, "You have to do it in 4 years if you can, and if not, in the shortest practicable time in order to achieve a breakthrough."

Mr. DOMENICI. Mr. President, I am prepared to yield back the remainder of my time, if the Senator from California is prepared to yield back his.

Mr. TUNNEY. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. SCHWEIKER). All remaining time having been yielded back, the question is on agreeing to the amendment (No. 590) of the Senator from New Mexico (Mr. DOMENICI).

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Indiana (Mr. HARTKE), and the Senator from Minnesota (Mr. HUMPHREY) are necessarily absent.

I further announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Kentucky (Mr. FORD), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. JOHNSTON), the Senator from New Jersey (Mr. LEAHY), the Senator from North Carolina (Mr. MORGAN), and the Senator from Utah (Mr. MOSS) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Vermont (Mr. LEAHY) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Nevada (Mr. LAXALT) is necessarily absent.

I also announce that the Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The result was announced—yeas 37, nays 47, as follows:

[Rollcall Vote No. 282 Leg.]

YEAS—37

Abourezk	Fong	Percy
Bartlett	Garn	Randolph
Beall	Gravel	Roth
Bellmon	Hansen	Schweiker
Biden	Helms	Scott, William L.
Brock	Hruska	Stafford
Buckley	Javits	Taft
Chiles	McClellan	Thurmond
Church	McClure	Tower
Curtis	Montoya	Weicker
Dole	Muskie	Young
Domenici	Nunn	
Fannin	Packwood	

NAYS—47

Allen	Haskell	Nelson
Baker	Hatfield	Pastore
Bentsen	Hathaway	Pearson
Brooke	Hollings	Pell
Burdick	Inouye	Proxmire
Byrd, Harry F., Jr.	Jackson	Ribicoff
Byrd, Robert C.	Kennedy	Scott, Hugh
Cannon	Long	Sparkman
Case	Magnuson	Stennis
Clark	Mansfield	Stevens
Cranston	Mathias	Stevenson
Culver	McGee	Stone
Eagleton	McGovern	Symington
Griffin	McIntyre	Talmadge
Hart, Philip A.	Metcalf	Tunney
	Mondale	Williams

NOT VOTING—15

Bayh	Goldwater	Johnston
Bumpers	Hart, Gary W.	Laxalt
Eastland	Hartke	Leahy
Ford	Huddleston	Morgan
Glenn	Humphrey	Moss

So Mr. DOMENICI's amendment (No. 590) was rejected.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the Senate rejected the amendment.

Mr. HATHAWAY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CANNON. Will the Senator yield to me briefly?

Mr. HOLLINGS. I yield to the Senator from Nevada.

CONTINUATION THROUGH JULY 31, 1975 OF AUTHORITY FOR COMMITTEES TO PAY COMPENSATION AND MAKE EXPENDITURES FOR INQUIRIES AND INVESTIGATIONS

Mr. CANNON. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 207) continuing through July 31, 1975, the authority of Senate committees to pay compensation and make expenditures for inquiries and investigations, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CANNON. Mr. President, the continuing resolution will expire today. The Committee on Rules has been tied up on other matters. We have been considering money resolutions, but we will not have them all concluded today. This will simply extend the time to July 31. It does nothing else but extend the operating time of the resolution to July 31.

Mr. HATFIELD. Mr. President, I wish to say that as ranking minority member of the Committee on Rules, I concur with the request of the chairman of the committee.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 207) was agreed to, as follows:

S. RES. 207

Resolved, That Senate Resolution 111, Ninety-fourth Congress, agreed to March 17 (legislative day, March 12, 1975, as amended, is further amended by striking out "July 15, 1975, each place it appears therein and inserting in lieu thereof "July 31, 1975".

UNANIMOUS CONSENT AGREEMENT—S. RES. 166

Mr. CANNON. Mr. President, I ask unanimous consent that after the final vote has been cast on each part of the resolution, as it has been divided, the Secretary of the Senate shall be authorized to revise the language of that part of the resolution so as to indicate or reflect the decision of the Senate by its vote.

Mr. HATFIELD. Mr. President, I wish the record to show that again, as the ranking member of the minority of the Committee on Rules and in consultation with the chairman, this has the concurrence of the minority to correct a parliamentary matter.

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

Mr. GRIFFIN. I have some concerns—while the time agreements have already been entered into, and I think that any notice about Thursday would certainly be helpful, I have some concerns—about taking more than 1 day at a time. I wonder, perhaps, if we can get agreement on the schedule for tomorrow and maybe the leadership on that side would indicate what they intend to do on Thursday and Friday, and I do not think there will be any difficulty.

Mr. ROBERT C. BYRD. Very well.

Mr. HATFIELD. Mr. President, reserving the right to object, will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. HATFIELD. I am sure the Senator intended to include S. 166 on Thursday. According to my hearing and that of the clerk it was not included in the statement of the distinguished majority whip.

ORDER FOR CONSIDERATION OF CERTAIN LEGISLATION TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow after the two leaders or their designees have been recognized under the standing order or in the alternative, after any 15-minute orders have been consummated that may be entered in the meantime, the Senate proceed to the consideration of Senate Resolution 166 for not to exceed 2 hours, after which the Senate then proceed, if the hour is not yet 1 p.m., to the consideration of S. 586, a bill to amend the Coastal Zoning Management Act of 1972; that at the hour of 1 p.m. that measure, S. 586, be temporarily laid aside, and that the Senate then proceed to the consideration of the conference report at 1 p.m. on H.R. 4035; that time for debate and action on that conference report be limited to not to exceed 2 hours; that after the disposition the conference report on H.R. 4035 the Senate resume consideration of S. 586, a bill to amend the Coastal Zone Management Act of 1972; and that a call for the regular order not be in order tomorrow afternoon while the Senate is considering S. 586 and the conference report on H.R. 4035.

Mr. WEICKER. Mr. President, reserving the right to object, and I am not quite certain as to what my position will be, I repeat the request that I made or the suggestion I made earlier or last week that in order to attempt to see whether there are common grounds of reconciliation on the New Hampshire matter, Senate Resolution 166 be put back on the calendar as the pending business. We are giving the illusion of progress to the American people by this 2-hour-a-day routine, and, very frankly, there is no progress, I think, which is well known by each Senator on the floor; that the sides are just as much in concrete today as they were last week, and I really do not particularly care to participate in that kind of a charade.

I can understand why we should get the rest of the business done, and that is why I say I am perfectly satisfied to see it go back on the calendar, to arrive at such an agreement for a short period of time, and then do all the rest of the business before us, so that outside of the public spotlight the various proponents of the positions involved here can have an opportunity to get together. But I do not think I really care to be a part of the 2-hour-a-day charade on New Hampshire, and I think that is exactly what is being proposed, not by the distinguished majority whip, but rather by agreement on both sides.

So I repeat my suggestion. Would there be merit, at least through the remainder of this week, not to afford any time to New Hampshire in public but rather let us afford that to the other legislative issues before the Senate and have the various ranking members, members of the leadership, get together on New Hampshire in quiet and, perhaps, we might see whether or not we could resolve some of the differences which certainly obviously we have got to resolve after this morning?

Mr. ROBERT C. BYRD. Well, Mr. President, I think there is something to be said for temporarily laying the New Hampshire matter aside for a day or so. But I believe the Senate can make just as much progress on other measures because time agreements have been entered into with respect to those other measures while, at the same time, it can be debating and hoping for some progress on the New Hampshire election dispute. So I would hope that the distinguished Senator would not interpose an objection to this request.

Mr. WEICKER. Let me put it this way because I know the distinguished ranking minority member of the committee (Mr. HATFIELD) has given considerable thought to the request that is being propounded for tomorrow. I do not want to jump in at the last minute and in any way interfere with that.

Let me just say this then at this time. I will not object to the unanimous-consent request for tomorrow, but I put the Senate on notice that is the last time that I will not object. Let us either get to New Hampshire and do it, or let us set it aside and get to the rest of the business while we get our positions into an area where there is a possibility of compromise. This business is just a charade, and it does not make any sense, and the American public does not understand it when all of a sudden they are going to find out 4 months from now that we are just as much in concrete as we were before. So I will not object to the request for tomorrow. On the other hand, I want to put the Senate on notice that I will object to such requests afterward.

Mr. ROBERT C. BYRD. Mr. President, I hope the distinguished Senator will at least consider withholding such a feet-in-concrete statement of position. The Senate is making progress, and it is making progress on two tracks, and such progress is being made, after consultation between the leadership on both sides of the aisle. The leadership on the side of the distinguished Senator from Connecticut has been working with the leadership on this side of the aisle in an effort to move energy bills and other very important legislation along while, at the same time, keeping before the Senate the New Hampshire election dispute.

The distinguished Senator from Connecticut is certainly within his rights to object to any unanimous-consent request, and I do not question that. But I would hope he would at least consider withdrawing the statement that he will flatly oppose any further unanimous-consent request of this kind. He can still make such objections, but I hope he will let the leadership on both sides of the aisle continue to have some flexibility in the leadership's effort to carry out its duty to move legislation ahead.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

REQUEST FOR CONSIDERATION OF H.R. 6799 ON THURSDAY

Mr. ROBERT C. BYRD. Mr. President, a request I shall now make goes beyond what the distinguished Republican whip had suggested. The distinguished Senator from Arkansas (Mr. MCCLELLAN) had hoped to be able to proceed with H.R. 6799, an act to approve certain proposed

amendments to the Federal Rules of Criminal Procedure, on Thursday.

In an effort to accommodate the wishes of Mr. McCLELLAN which, as I understand it, accord with the wishes of Mr. HRUSKA—I am told Mr. HRUSKA has no objection—I ask unanimous consent that on Thursday, after the two leaders or their designees have been recognized under the standing order, there be not to exceed 2 hours for debate on the New Hampshire election dispute, after which the Senate proceed to the consideration of H.R. 6799. This would conform to the request by the distinguished Senator from Arkansas (Mr. McCLELLAN).

Mr. GRIFFIN. Mr. President, reserving the right to object, and I will object, not only on the grounds indicated to protect the Senator from Connecticut (Mr. WEICKER), who is here to protect himself, but also because I feel I would not like to see us get locked in beyond tomorrow, until other Senators have had an opportunity to consider this question. But I do appreciate the information as to what the majority would like to do on Thursday. I hope it can be worked out.

Mr. ROBERT C. BYRD. Will the distinguished Senator from Connecticut——

Mr. GRIFFIN. But I shall object for the time being.

Mr. ROBERT C. BYRD. Mr. President, I would like to see if I might get some understanding as to just what the problem is here.

Mr. GRIFFIN. Well, I will object anyway, if the Senator can talk the Senator from Connecticut in, because I told the majority whip, as I indicated before, at this time at least for this unanimous-consent with respect to the schedule on Thursday.

Obviously, the majority has a great deal of flexibility as to what they can do, but I would respectfully request that we wait until tomorrow before we get to the schedule.

Mr. ROBERT C. BYRD. Very well. I have no intention of pursuing the request, but what I would like to do is get some understanding, if I may, as to just what the majority leadership is being set up for here.

Is there an objection to operating on a two-track system, or what is the objection?

There are other ways of proceeding to keep the legislative process moving without resorting to unanimous-consent requests and I am, for one, not ready for the majority leadership to surrender its leadership to any Senator in fulfilling its responsibility to schedule legislation and get on with the work of the Senate as much as possible.

It is our duty as the leadership here, properly constituted, to move the legislation along. I, for one, am not going to get down on bended knees and with hat in hand to keep the legislative process moving.

If it is the desire of certain Senators to prevent a two-track system from operating, I would like to know it. That is all I want to know.

Mr. GRIFFIN. The majority whip seems to be quite exercised.

Mr. ROBERT C. BYRD. The majority whip is not exercised at all; not at all.

Mr. GRIFFIN. He ought to keep in mind there has been a good deal of agreement here on time limits on a number of bills, which I think are in keeping with what the majority leader and the whip are trying to do.

The only thing I am trying to say is that a unanimous-consent agreement involves the consent of all 100 Members of the U.S. Senate and there is some difference of opinion on my side. I regret it, but that is the case. We are not all agreed on what we should do in the particular situation.

I am not in a position at this point to say there is no objection.

Mr. ROBERT C. BYRD. Well, I am not making any request.

May I say to the distinguished Republican whip, he knows very well that I cleared this entire set of requests with him prior to submitting it.

Mr. GRIFFIN. The time agreements.

Mr. ROBERT C. BYRD. Now I have been cut off at the pass, midway, and I am not blaming the Republican whip for that, except now he says we ought not proceed beyond tomorrow, whereas earlier he indicated to me it would be all right to proceed with all of the bills on which agreements have been reached.

Mr. GRIFFIN. Perhaps there was some——

Mr. ROBERT C. BYRD. I am not blaming the Republican whip because we cannot get beyond tomorrow, but the distinguished Senator from Connecticut has indicated that after this request he would interpose an objection to any further unanimous-consent requests that would entail a two-track system.

That is all I want to know. Is the threat being made here that the Senate will not proceed after tomorrow on a two-track system?

If such a threat is being made, may I say that the Senate does not have to depend on unanimous-consent requests in order to move to two tracks.

All I want to know is what to expect. Then we will act accordingly on this side of the aisle.

I have not yet seen the rulebook written that allows one Senator or a handful of Senators, to prevent the Senate indefinitely from moving from one measure to another. Motions may be debated, but unanimous-consent requests are not the only vehicles for taking up business.

Mr. WEICKER. Well, I remind the distinguished Senator from West Virginia that I recommended that we just temporarily, for the rest of the week—and I had a very simple request, not all complicated—move around the issue of New Hampshire. A very simple request. Why not for several days set New Hampshire aside rather than go through the charade and the rhetoric on the floor and do all the rest of the business being referred to by the distinguished Senator from West Virginia.

It was merely a suggestion. I in no wise—not that I could, I am not part of the leadership, I am only one Senator speaking out and I feel just as the Senator does that these matters should be attended to—what I am saying, which is the truth of the matter, that the exercise we are going through now, this 2-hours-a-day routine, and trying to move all this legislation around it, and these unanimous-consent requests, makes absolutely no sense at all, as a practical matter, and the distinguished Senator from West Virginia knows that as well as I do.

Mr. ROBERT C. BYRD. No, no, the Senator is speaking for himself.

Mr. WEICKER. All right, I will speak for myself.

The fact is that there has been no accommodation. The rollover that took place in the well of this Chamber today on issue No. 1 makes it very clear that the element of partisanship is still present to such a great degree that this issue cannot be resolved on the basis of logic, fact, fairness, or anything else.

I am suggesting that a little cooling off would not be a bad thing and might enable us when we come back after several days to dispose of the New Hampshire matter in a real way, rather than an illusory way, which is what is going on now.

That was all that was suggested by the Senator from Connecticut.

Mr. ROBERT C. BYRD. Well, in propounding requests for two tracks, I was merely reflecting what I thought was an understanding that met with the approval of the ranking minority member of the Rules Committee and the Republican leader (Mr. HUGH SCOTT).

I discussed this with the Republican leader and with Mr. HATFIELD prior even to discussing it with the distinguished Republican whip, so I was merely proceeding on the basis of an understanding that I thought had been reached.

I am perfectly willing to leave the matter stay where it is at the moment, and I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, may I say that I fully support what the distinguished assistant majority leader just said.

If we are going to operate in this body, the leadership has to understand that any individual Senator by exercising tremendous power, which he has, and objecting to a unanimous-consent request, can undercut the leadership on both sides temporarily.

Mr. ROBERT C. BYRD. For awhile.

Mr. MANSFIELD. Temporarily.

May I say that when the leadership on both sides of the aisle were elected by the Members of their party in conference, that it was done so on the basis of certain confidence in them and on the basis of the possibility that we would exercise mature judgment and would not undertake to undercut any Senator on either side of the aisle.

The relationship between the Republican and Democratic leadership has been excellent. There has been understanding. We have always tried to put our cards on the table and the Republican leadership has done the same.

So I would point out that in response to the suggestion made by the distinguished Senator from Connecticut, who is vitally interested in the issue, of course, all the way from the beginning, that any conversations or meetings between the joint leadership could take

place just as easily with 2 hours devoted to S. 166 as with having it withdrawn from consideration for a couple of days.

However, in this way, perhaps, we could undertake two measures at the same time.

I repeat, there is nothing to prevent the joint leadership from meeting to discuss what the distinguished Senator from Connecticut had in mind and there is the possibility always that as we go along some grievance, some settlement at some point of some votes can be had on the basis of amendments offered to the legislation pending.

I would hope that the distinguished Senator from Connecticut, who has a pretty strong temper at times, would give heed to the position in which the leadership finds itself and remember that this was not done on a haphazard or an impetuous basis, but only after consultation with the manager, the ranking Republican member of the committee, the Republican leader, and the assistant Republican leader, as well.

We do have a difficult schedule ahead of us, as has been indicated. We would like to take up as much energy legislation as possible this month. There are other pieces of legislation in the offing not yet on the calendar. It is going to take all that the Senate can do to face up to the legislative schedule which will be confronted for the remaining 2½ weeks of this month.

I would hope that the distinguished Senator from Connecticut who is a reasonable man and a fair man most of the time, when he is not too mad, will understand the situation in which the leadership does find itself.

Mr. GRIFFIN. Mr. President, if I could be recognized, it serves no useful purpose to go on and on except that I just want to remind the distinguished majority leader and majority whip that, whereas there had been objection to committees sitting while the New Hampshire election contest was being considered in the Senate, that position has been waived or set aside so that other business can be taken up.

There have been time agreements entered into with respect to a number of pieces of somewhat controversial legislation. There is every indication of cooperation on this side of the aisle so the Senate can get to other items of business.

One of the staff people has put in front of me the fact that 102 bills have been passed by the Senate since we have been debating the New Hampshire contest. So we have accomplished quite a few other things.

It is not unusual to only get unanimous consent for a schedule that proceeds for 1 day in the future. That is quite the normal situation around here.

I think we can work it out. That is what I want to say.

Mr. ROBERT C. BYRD. Mr. President, I am very well satisfied with the turn of events. I was not exercised at all about the rejection of my request which would have extended the two-track program beyond tomorrow. The one thing that did excite me a little bit was what I thought was intended, on the part of Mr. WEICKER, to be an admonition to the leadership that beyond tomorrow we could not expect to get any further unanimous-consent requests to operate on a two-track basis. I may have misunderstood the distinguished Senator. I am willing to leave things as they are now and hope that by tomorrow we can look toward Thursday and operate in a way that will promote the good interest of the Senate and see us get on with action not only with respect to New Hampshire but other measures on the calendar as well.

AUTOMOBILE FUEL ECONOMY AND RESEARCH AND DEVELOPMENT ACT OF 1975

The Senate continued with the consideration of the bill (S. 1883) to conserve gasoline by directing the Secretary of Transportation to establish and enforce mandatory fuel economy performance standards for new automobiles and light duty trucks, to establish a research and development program leading to advanced automobile prototypes, and for other purposes.

Mr. HOLLINGS. Mr. President, the senior Senator from West Virginia has been very indulgent.

We have a little housekeeping amendment. The bill on the desk at the present time calls for an 180-day study of the 55-mile-per-hour speed limit. I have an amendment to delete that. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 22, beginning on line 9, strike section 510(a) and insert in lieu thereof:

"SEC. 510. (a) Within 180 days after the date of enactment of this title, the Secretary shall prepare and submit to the Congress and the President a comprehensive report setting forth findings and containing conclusions and recommendations with respect to speed limiting devices known as governors. Such report shall include, but not be limited to, an examination of the feasibility, practicality, safety, and associated energy savings of a requirement that manufacturers install on all new automobiles, new light duty trucks, and other new motor vehicles devices that would make it impossible to operate such vehicles at speeds in excess of the national maximum speed limit for any sustained period of time."

Mr. HOLLINGS. Mr. President, it has recently come to my attention that the Senate Public Works Committee, under the capable leadership of Senator RANDOLPH, is planning to hold hearings this summer on the 55-mile per hour national speed limit. In light of this, the 180-day study of the speed limit called for in S. 1883 appears superfluous and I therefore offer an amendment to delete this study from the bill. My amendment would retain the study of speed-limiting devices known as governors, and would extend the study to other devices and vehicle modifications which would have the effect of inhibiting the use of motor vehicles at speeds in excess of the national maximum speed limit.

I am glad to yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I appreciate the opportunity for a brief colloquy on the subject matter. The able Senator from South Carolina (Mr. HOLLINGS) has appropriately called attention to the act of the Commerce Committee in connection with the recognition—and it is that—of the 55 mile-per-hour-speed-limit as a fuel conservation technique. He correctly observes that the Committee on Public Works will consider this matter in hearings within the next few weeks and that the speed limit study required in section 510 of the pending bill is, therefore, unnecessary.

The national maximum speed limit has been in effect, Mr. President, for more than 18 months. Its effectiveness in saving both fuel and lives will be examined by our Subcommittee on Transportation in hearings on the Federal Aid Highway Act of 1975.

The fuel conservation benefits of slower driving are easily discernible. The Federal Energy Administration estimates that 125,000 barrels a day would be saved if there were universal compliance with the 55 mile-per-hour-speed-limit, approximately 3 percent of our total national energy consumption.

I want to say the 125,000 barrels, of course, is barrels of gasoline.

There is some doubt—it has been raised as a doubt—about the speed limit's effectiveness in reducing the highway deaths. But authoritative studies indicate that more than half of the reduction in the death toll last year was attributable to slower driving speeds.

I regret that in recent months the traffic death rate has begun to climb above last year's record, although the number of persons dying on highways is still less than in 1973. This, Mr. President, may be the result of more driving because of diminished fears of fuel shortages. But it may also be a consequence of motorists ignoring the speed restriction.

Mr. President, the key to the success of the 55-mile-per-hour speed limit lies in the observance by motorists and the enforcement by police authorities. Members of the Committee on Public Works will carefully review, I say to the manager of this bill, all aspects of the national speed limit in the hearings that have been mentioned. I am confident that our inquiries will produce the type of information sought by the provision Senator HOLLINGS now proposes to delete from the pending measure.

Mr. HOLLINGS. Mr. President, in concurring with the remarks of the distinguished chairman of our Public Works Committee, I commend him and his committee for their leadership on this 55-mile-per-hour score. He not only introduced it originally but at the beginning of this year, in February, had on both sides of the aisle a unanimous resolution relative to conservation with a keynote of limitation at 55 miles per hour for the speed of automobiles. This has not only

saved many, many lives but in our estimation from our study and in our presentation of this particular measure were it really uniformly enforced across the land would grow into at least 1 million barrels per day by the next 2 or 3 years if we only had that conservation measure being enforced. I think we will begin to gain that credibility and thrust and weight, you might say, in this particular endeavor of automobile fuel economy as we add this measure to the statute books, as we follow the distinguished Senator from West Virginia and his Public Works Committee in the fine work they are doing.

I am ready to yield back——

Mr. RANDOLPH. This final comment, if my colleague will yield.

Mr. HOLLINGS. Yes.

Mr. RANDOLPH. There must be a continuing conservation crusade, not only in this matter but across a broad front, because we can within this country have conservation measures like the one the distinguished Senator is now addressing himself to and has given to us his thinking on the subject; and in many, many other aspects of our national life great savings can be made, and frankly we can diminish the need for the importation of petroleum from overseas.

Mr. HATHAWAY. Mr. President, I am glad to see that this bill requires the Department of Transportation to look at the possibility of putting governors or other kinds of speed inhibiting devices on vehicles. Although this was previously considered by the Department when they issued a proposed rule for governors on vehicles, the Department subsequently withdrew that proposal. Since that time, however, the 55 mile per hour speed limit has been established along with new awareness, of both the energy and safety consequences of excessive speed. I hope that the Department will take a thorough and fresh look at this idea in their report in light of these changed conditions and report fully to Congress on both governors and other devices which would inhibit violations of the speed limits, such as mandatory buzzer or light systems.

Mr. HOLLINGS. Mr. President, I am ready to yield back the remainder of my time.

Mr. HATFIELD. Mr. President, I call up an amendment.

Mr. HOLLINGS. Mr. President, before the Senator calls up his amendment, can we yield back the time and adopt this amendment?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment was agreed to.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the name of the Senator from New Mexico (Mr. MONTOYA) be added as a cosponsor of S. 1883.

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

Mr. HOLLINGS. I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I call up an amendment which I have at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD) proposes an amendment as follows:

On page 5, line 8, strike out "and".

On page 5, line 14, strike out—

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. HATFIELD's amendment is as follows:

On page 5, line 8, strike out "and".

On page 5, line 14, strike out "." at the end thereof and insert in lieu thereof "; and".

On page 5, between lines 14 and 15, insert the following new paragraph:

"(12) 'retrofit device' means any component, equipment, or other device that is designed to be installed in a motor vehicle (as an addition to, as a replacement for, or through alteration or modification of, any existing component equipment, or other device) for the purpose of prolonging the useful life of lubricating oils, increasing the fuel economy and/or improving the exhaust emissions of such vehicle.".

On page 12, between lines 15 and 16, insert the following new section:

"RETROFIT DEVICES

"SEC. 505. (a) DUTIES OF THE ADMINISTRATOR.—(1) Within 120 days after the date of enactment of this title, the Administrator shall promulgate procedures by rule in accordance with section 553 of title 5, United States Code, for evaluating and confirming fuel economy representations of retrofit devices.

"(2) The Administrator, in accordance with procedures established under paragraph (1) of this subsection, shall test, or cause to be tested, as expeditiously as possible after the date of enactment of this title, all retrofit devices being marketed as to which representations are made concerning increased fuel economy.

"(3)(A) The Administrator, in accordance with procedures established under paragraph (1) of this subsection, shall test, or cause to be tested, prototypes of retrofit devices for which a written description has been submitted to the Administrator, and which show potential for increasing fuel economy, and other devices for which the Administrator determines testing is necessary. Procedures for testing such prototype devices may include a requirement for preliminary testing by a qualified independent testing laboratory: *Provided*, That if the Administrator finds that a prototype device for which a written description has been submitted does not show potential for increasing fuel economy, the Administrator shall state in writing, in a timely fashion the reasons for such finding.

"(B) The developer of such prototype device may subsequently request reconsideration of the Administrator's finding under subparagraph (A) upon submission of independent laboratory test results which appear to confirm the developer's representations concerning improved fuel economy. The Administrator may then test such device in accordance with procedures established under paragraph (1) of this subsection, make a new finding that such device does not show potential for increasing fuel economy with reasons stated in writing, or report the independent laboratory test results in accordance with the requirements of subsection (d) of this section.

"(4) Each device qualifying for testing under paragraphs (2) and (3) of this subsection shall be tested to determine whether such device changes, and the extent of such change, fuel economy and exhaust emissions of a motor vehicle by comparison with an otherwise identical motor vehicle in which such device is not installed.

"(b) REPORTING OF RESULTS.—The Administrator shall publish in the Federal Register a summary of all test data and the result of all tests conducted under this section, together with the Administrator's conclusions as to (1) the effect of such device on fuel economy; (2) the effect of such device on exhaust emissions; and (3) any other information which the Administrator determines to be relevant in evaluating such device. Such results shall also be submitted to the Secretary and the Federal Trade Commission. The Federal Trade Commission shall analyze such data and other information and take appropriate action whenever it shall determine that any retrofit device has been falsely advertised or represented in a manner that violates the Federal Trade Commission Act (U.S.C. 4 et seq.).

(c) DEMONSTRATION.—There shall be established within the Environmental Protection Agency a program to demonstrate the potential for fuel savings when existing motor vehicles are equipped with retrofit devices. Such program shall demonstrate such potential on a range of vehicles representative of the current automotive fleet.".

On page 12, line 18 strike out "505" and insert in lieu thereof "506".

On page 15, line 16, strike out "506" and insert in lieu thereof "507".

On page 17, line 4, strike out "507" and insert in lieu thereof "508".

On page 17, line 16, strike out "508" and insert in lieu thereof "509".

On page 22, line 2, strike out "509" and insesrt in lieu thereof "510".

On page 22, line 9, strike out "510" and insert in lieu thereof "511".

On page 23, line 21, strike out "511" and insert in lieu thereof "512": (a) SECRETARY.—"

On page 24, line 4, strike out " "." at the end thereof.

On page 24, between lines 4 and 5, insert the following new subsection:

"(b) ADMINISTRATOR.—There are authorized to be appropriated to the Administrator for carrying out the provisions of this title funds not to exceed $300,000 for the fiscal year ending June 30, 1976; not to exceed $150,000 for the transitional quarter ending September 30, 1976; not to exceed $2,000,000 for the fiscal year ending September 30, 1977; and not to exceed $2,000,000 for the fiscal year ending September 30, 1978.".

Mr. HATFIELD. For the benefit of the Members present, my proposed amendment embodies the text of printed amendment No. 600 offered on June 20 by myself and the senior Senator from Idaho and the junior Senator from Washington. The proposed amendment contains perfecting language of a technical nature to amendment 600.

This amendment to S. 1883 is intended to close an important gap in Federal vehicle research and development programs directed toward the development of fuel efficient vehicles. On May 5, the Subcommittee on Energy Research and Water Resources of the Senate Interior and Insular Affairs Committee, of which I happen to be a member, took testimony regarding automotive research and development efforts. As the hearing progressed, it became evident that present and potential research programs hold

great promise for the development of energy efficient vehicles.

Unfortunately, almost all existing efforts are directed toward new vehicle economy and those who can afford new vehicles. Almost nothing is being done to assist those who cannot afford new vehicles. Additionally, little appreciation is given to the enormous fuel savings that might be achieved should fuel saving technologies or devices be successfully applied to existing vehicles.

The proposed amendment directs the Administrator of the Environmental Protection Agency to undertake a program for the testing, evaluation, and demonstration of existing or prototype devices which may be used for increasing the fuel economy of existing vehicles. The test results of the device evaluated would be published in the Federal Register. Ultimately, vehicles combining various proven devices would be used to demonstrate the potential for improving the fuel economy of existing vehicles.

That is all the amendment proposes.

Mr. President, I wish to compliment the strong and thoughtful efforts by members of the Commerce Committee in their consideration of S. 1883. I would also single out as well the efforts of the committee staff and in particular Mr. Alan Hoffman, of the professional staff, for their assistance in the preparation of this amendment.

Mr. President, I ask unanimous consent that a brief statement by the Senator from Washington (Mr. JACKSON) in support of this amendment be printed in the RECORD.

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

STATEMENT OF SENATOR JACKSON

AMENDMENT TO S. 1883

This amendment to the Automobile Fuel Economy and Research and Development Act of 1975 is intended to remedy an important deficiency in Federal programs aimed at alleviating the fuels and energy shortages facing our nation. Admittedly there are existing programs to develop fuel efficient vehicles. I know first hand that the Congress for eight years and more has been concerned, first, with the creation of non-polluting vehicles, and then belatedly, as the energy crisis became front page news, fuel efficient vehicles. The results are not encouraging when today, the consumer is faced with a composite mileage for American vehicles of about 15.9 miles per gallon for 1975 models. True, there are now new cars on the market—American made—that achieve over thirty miles per gallon on the highway, but this is a small consolation for the citizen who cannot afford the luxury of economy.

Outside of the developmental programs for increased mileage for new cars, the Administration's plan to encourage fuel conservation is to raise the price of fuel at the pump to such an extent that it hurts. We all know who this will effect the most. That segment of the population that can least afford it. People who have to spend a disproportionate share of their incomes on fuels and energy to begin with. Not only will moderate income citizens be saddled with the lion's share of the costs involved, but they are the least able to pay the increased costs. There are, or will be, fuel efficient vehicles available but again, the people able to pay inflated prices for new cars in order to take advantage of their economy of operation will be those least affected by high priced gasoline and inflation in general.

An economy car costs almost three thousand dollars—this coupled with high interest rates put them out of the reach of that portion of the population which needs economy most. The nation will have economy cars. economy for those who can afford it.

Many people for years to come will be stuck with vehicles that were designed for an era of cheap fuels. They can't afford a new car because of high prices and they can't afford the old car because of high fuel costs. Chances are they will make do with what they have which will have a negative effect on fuel consumption.

The life cycle of an automobile is about eight to ten years, from delivery to the consumer until final delivery to the scrap yard, abandonment, or what have you. High interest rates, high costs, and unemployment slow down new car sales thereby prolonging the period of replacement of the fuel inefficient vehicle. Even if we were able to double the efficiency of new cars tomorrow, it would be years before a significant impact was made on total fuel consumed.

So far, all of our efforts are aimed at helping those who can afford a new car and penalizing those who can't. Nothing is being done to help those who, for economic reasons, have to buy used cars or keep the ones they have. The amendment offered by the Senior Senator from Idaho, the Senior Senator from Oregon and myself, hopefully, will provide some relief. It is a straightforward measure and self-explanatory.

I must acknowledge the assistance and advise of Walter M. Mayer of Sante Fe, New Mexico, in the compilation of the data which led to the drafting of this amendment. To my knowledge, he is one of the few people who have fully grasped the potential impact which could be made by improving the efficiency of existing motor vehicles. And without any personal gain, he has collected the background information to bring the potential to the notice of government.

Mr. HOLLINGS. Mr. President, on behalf of the manager of the bill, we welcome this amendment.

It will provide consumers with the information needed to evaluate fuel economy claims of currently marketed automobile retrofit devices, and will encourage the development of new devices. This amendment will also encourage drivers to improve the fuel economy of existing vehicles, and is thus a natural complement to S. 1883.

I commend the Senator from Oregon and his cosponsors of the amendment. We are willing to accept it, and yield back the remainder of our time.

Mr. HATFIELD. I thank the Senator. Did the Senator ask for a vote on this amendment?

Mr. HOLLINGS. I yield back the remainder of my time, and I ask for a voice vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

The amendment was agreed to.

Mr. HOLLINGS. Mr. President, I call up my labeling amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from South Carolina (Mr. HOLLINGS) proposes an amendment as follows: On page 15, on line 15, strike sections 506(a), (b), and (c), an insert in lieu thereof the following.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. HOLLINGS' amendment is as follows:

On page 15 beginning on line 15, strike sections 506 (a), (b), and (c) and insert in lieu thereof:

"LABELING, ADVERTISING AND DISCLOSURE

"SEC. 506. (a) LABELING.—(1) Beginning not later than 180 days after the date of enactment of this title, each manufacturer shall cause to be affixed to, and each dealer shall cause to be maintained on, each new automobile and new light duty truck, in a prominent place, a Motor Vehicle Energy Guide prepared and issued by such manufacturer.

(2) The format of such Motor Vehicle Energy Guide shall be determined by the Federal Trade Commission, by rule pursuant to section 553 of title 5, United States Code, after consultation with the Secretary, the Administrator, and the Administrator of the Federal Energy Administration. Such Motor Vehicle Energy Guide shall set forth, in clear and understandable language and form, detailed information with respect to:

(A) the fuel economy for such automobile or light duty truck, as appropriate, as determined pursuant to this title;

(B) the estimated annual fuel cost associated with the operation of such automobile or light duty truck, as appropriate, as determined in accordance with subsection (b) of this section.

(C) the manner in which such estimated annual fuel cost was determined including the time period upon which such estimate is based, the suggestions as to how such estimate could be refined to take account of the personal driving circumstances of a prospective purchaser;

(D) a range of fuel economy performance of automobiles or light duty trucks, as appropriate, so as to facilitate comparison shopping; and

(E) any other aspects of automobile or light duty truck operation deemed appropriate by the Federal Trade Commission.

(3) Posting of the fuel economy information required by paragraph (2) of this subsection shall not be construed to constitute, directly or indirectly, a warranty as to fuel economy performance. Nothing in this section shall be deemed to prohibit a manufacturer or dealer from representing orally or in writing that the information required to be provided or disclosed by this section is based on representative driving conditions as determined by the Administrator.

(b) COMPUTATION OF ESTIMATED ANNUAL FUEL COSTS.—

(1) Each manufacturer of a new automobile or new light duty truck shall determine the estimated annual fuel cost of such automobile or light duty truck in accordance with instructions to be issued by the Administrator. Such determinations may, at the discretion of the Administrator, include a range of estimated annual fuel costs to reflect geographical or other differences in usage patterns or energy costs. Commencing not later than 90 days after the date of promulgation of fuel economy testing procedures in accordance with this title, estimated annual fuel cost data shall be included as part of the material shipped with each such automobile or light duty truck by a manufacturer to a dealer.

(2) If a range of estimated annual fuel costs is provided to dealers in accordance with paragraph (1) of this subsection, each dealer involved shall select the estimated annual operating cost that is applicable in accordance with instructions to be issued

by the Administrator and included with the material shipped to the dealers under paragraph (1).

(c) ADVERTISING.—The Federal Trade Commission shall, by rule pursuant to section 553 of title 5, United States Code, identify the categories and types of advertisements for new automobiles and new light duty trucks which it shall direct to contain the information which is required under subsection (a) (2) of this section, to the extent prescribed by it. In accordance with rules to be established by the Commission, if any such advertisement displays the purchase price or fuel economy characteristics of a new automobile or light duty truck, the Commission may require such advertisement to include a statement as to the estimated annual fuel cost or the fuel economy of such automobile or light duty truck, whichever is appropriate. If the Administrator directs that the estimated annual fuel costs shall be determined separately for different geographic regions of the Nation, advertising covering more than one such region shall include national average values with respect to estimated annual fuel costs.

(b) BOOKLET.—Within 6 months after the date of enactment of this title, and annually thereafter, a booklet which compiles the automobile and light duty truck fuel economy information provided to, or developed by the Administrator under this title for a given model year shall be published by the Administrator in a public document to be placed on sale at the Government Printing Office. Such booklet shall present such information in a clear, concise, and objective manner, and the Administrator shall take steps to encourage the widest possible distribution of such booklet and any revision thereof: Provided, that nothing in this section may be construed to require the compilation of lists which compare the estimated annual fuel costs of automobiles by model or manufacturer's name.

(e) DISCLOSURE.—Beginning 180 days after the date of enactment of this title, it shall be unlawful for any dealer to sell, or offer for sale in commerce, any new automobile or new light duty truck, unless the estimated annual fuel cost of such automobile or light duty truck, is disclosed by such dealer prior to any such sale. Such disclosure shall appear on the same label, tag, direct-mail statement, or any other place on which the purchase price or acquisition cost of such automobile or light duty truck is stated, in accordance with rules to be established by the Federal Trade Commission. Any such disclosure requirement in this subsection shall be considered to be fulfilled if the dealer obtains a written statement from the purchaser that such purchaser has read the relevant Motor Vehicle Energy Guide. Mail-order literature, catalogs, brochures, and other media communications that are received in more than one geographic region that contain automobile or light duty truck price or acquisition cost data may include national average values with respect to estimated annual fuel costs."

On page 16 line 20, strike "(d)" and insert in lieu thereof "(f)".

On page 17, lines 9 and 10, strike the words "and advertising" and insert in lieu thereof ", advertising and disclosure".

On page 17, line 11, strike the word "and", and insert in lieu thereof: "Any such failure shall be an unfair and deceptive act or practice under section 5 of the Federal Trade Commission Act. Any person that fails to comply with any labeling, advertising, or disclosure, requirement mandated or authorized under section 506 shall be subject to a civil action under section 5(m)(1)(A) and section 19 of the Federal Trade Commission Act; and"

On page 18, line 12, strike the word "paragraph" and insert in lieu thereof: "paragraphs (3) and".

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. I yield myself such time as may be necessary.

Mr. President, addressing our distinguished colleague on the other side of the aisle helping to manage this measure, this is really to conform this particular measure with the labeling bill reported out by the Committee on Commerce and passed, I believe, by the Senate last Friday.

This amendment clarifies and extends the labeling and advertising section of S. 1883, and conforms it with the corresponding section of the proposed Energy Labeling and Disclosure Act. This act was reported favorably by the Commerce Committee on June 12, and passed by the Senate on July 11. Under this amendment, each new automobile and new light duty truck would have attached a manufacturer prepared motor vehicle energy guide, which would set forth, clearly and understandably, information on fuel economy and estimated annual fuel costs.

The amendment would also require disclosure of estimated annual fuel costs by a dealer to a prospective automobile purchaser prior to the completion of any purchase.

This truth-in-energy approach, which is also applied in the Energy Labeling and Disclosure Act to devices other than automobiles, will provide consumers with information necessary to intelligent purchase decisions, and will foster increased energy conservation. It has been accepted by the Republican manager of this bill, and I strongly urge its adoption.

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

Mr. GRIFFIN. I yield back the time on this side.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment offered by the Senator from South Carolina.

The amendment was agreed to.

Mr. HOLLINGS. Mr. President, I now call up the electric vehicle amendment I have at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 23, between lines 19 and 20, insert the following paragraph:

"(c)(1) Within 180 days after the date of enactment of this title, the Secretary shall prepare and submit to the Congress and the President a comprehensive report setting forth findings and containing conclusions and recommendations with respect to whether or not electric vehicles and other vehicles not consuming fuel (as defined in section 503 of this title) should be covered by this title. Such report shall include, but not be limited to, an examination of the extent to which such vehicles should be included under the provisions of this title, the manner in which energy requirements of such vehicles may be compared with that of fuel consuming vehicles, the extent to which inclusion of such vehicles would stimulate their production and introduction into commerce, and any recommendations for legislative action.

"(2) As used in this subsection the term 'electric vehicle' means a vehicle powered primarily by an electric motor drawing current from rechargeable batteries, fuel cells, or other portable sources of electrical current."

Mr. HOLLINGS. Mr. President, I have checked this matter also with the minority side.

This amendment recognizes that vehicles powered primarily by electric motors drawing current from rechargeable batteries, fuel cells, or other portable sources of electrical current, while not of great significance today, may soon become much more important.

The amendment calls for a 180-day study to clarify the issues that would be raised by the introduction of such vehicles into the fleet in reasonable numbers, including whether or not such vehicles should be included under the provisions of title I of S. 1883.

This approach guarantees that Congress will have, on a timely basis, informed minds before considering legislation affecting such vehicles.

I urge the adoption of the amendment, and I am glad to yield back the remainder of my time.

Mr. GRIFFIN. Mr. President, I yield back the time on this side.

The PRESIDING OFFICER (Mr. STEVENS). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from South Carolina.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. GRIFFIN. Mr. President, I yield to the very patient Senator from Nebraska (Mr. CURTIS).

Mr. CURTIS. I thank my distinguished friend.

Mr. President, I take this occasion not only to speak in reference to this bill, but to our energy policy generally.

If the Congress of the United States continues along the path it has charted, we are locking in and making permanent the depression that we now have upon us.

It does not take near the labor force, nor our productive capacity, to provide the necessities of life. We have become so efficient that to provide the bare necessities will not produce an economy that gives everyone employment. It is when we have money to spend for things beyond: For instance, one of the fastest growing industries has been the boat industry. Travel through most any of the States, and one will see in the back yards and near the garages boats where families hook them onto their cars, and they go off, enjoy the great country that we have, and they go fishing.

Mr. President, if our solution to the energy problems consists of putting automobile manufacturers and others in a straitjacket and, by compulsion, forces the whole country to small cars, there will be no more boats pulled, and there will be few campers pulled. It will affect the tourist business.

Mr. President, there is an alternative answer. The answer to our energy problem is not for us to retreat from activity. The right alternative consists of several facets.

First, we should encourage the search for and the discovery and production of

more petroleum. Congress so far has gone in the opposite direction.

Second, Mr. President, we should have a national policy that provides disincentives for businesses and individuals to use petroleum when there is a substitute.

A sizable portion, maybe up to 40 percent, of our electricity is made by burning petroleum. There is no reason in the world why that should not all be coal. The idea of imposing restrictions upon American industry to produce something that will not meet the needs of America is not the answer.

Mr. President, in addition to encouraging the production of more oil, in addition to a policy that would encourage substitutes for petroleum, such as coal, for producing electricity, we should move forward with a program of synthetic gasoline.

It was my privilege to visit the Union of South Africa this spring. There I learned that that nation, which is rich in many things, is not rich in oil: it has gold, its diamonds, its coal, and many other things. But instead of becoming dependent totally upon offshore production, that country has perfected a way to produce gasoline for motor cars out of coal. When they first started, it was uneconomical. But with the improved technology and the increase in the price of petroleum products, they are now making their gasoline from coal and it is competitive, Their present facilities will provide about 15 to 17 percent of their gasoline requirements.

They are in the process of doubling their facilities and, in spite of the growth of their industry, they are going to produce 25 percent of their gasoline needs.

These are some of the things we should be doing here.

Mr. President, we can compel the production of only the very small cars. It will not hurt the idle rich who jet here, there, and elsewhere, and then hire a car. It is middle America that wants a full-size family car so the whole family can go on a vacation, so they have the power to pull a boat and to pull a camper, and do these other things.

Tourism is an important industry in most every State. It employs a great many people. It brings purchasing power in from the outside. There are some States that are totally dependent on tourism for their major industry.

Mr. President, I realize that a law compelling the production of only smaller cars will not necessarily stop all of that. It will stop some of it.

What I am saying is, if we take a defeatist attitude in reference to our energy problems, we are going to have the depression stay on. Our present depression is largely one related to energy.

Why is it that there is just severe unemployment in Detroit and like centers of the automobile industry?

Sales have slowed up because the people are afraid that tomorrow gasoline will be rationed or they will not be able to get it.

Mr. President, there is another point that I think the Senate ought to consider, and that is that we can accomplish more under a voluntary system than under a compulsion. The Committee on Finance began hearings this week on the energy bill sent over to us from the House of Representatives. We received assurances from the Secretary of the Treasury, the Federal Energy Administration, and from three of the major auto manufacturers that their voluntary program to improve full economy is working. Pick up any magazine and one will see the claims and assertions as to what their new cars can make.

We should do that under the voluntary system. Then we will preserve a fair measure of the full-sized cars, and we will not be doing something that hampers our entire economy.

Mr. President, the conversion and the reversal of these trends costs money. The information that we received was that General Motors is spending $3 billion and Ford is spending $2 billion to increase fuel economy in future models. This places a severe strain on capital requirements. One other manufacturer even mentioned the possibility that some form of Government assistance might be necessary.

The bill before us does not assist in the economy effort. It does just the opposite. It will put the industry in a straitjacket.

According to the terms of the bill, if some manufacturer misses the mark a small amount, the penalty amounts to a sizable sum running into the hundreds of millions of dollars.

Such fines are certain to aggravate the capital requirements of these companies and hamper progress toward better, more efficient cars.

Mr. President, in the tax rebate bill, we took away part of the existing incentives to produce more oil. In the Congress resistance to decontrol, we are discouraging the production of petroleum in this country. Can we find a businessman anywhere or anyone knowledgeable of American business who will dispute the fact that price controls discourage production?

It is time for Congress to take steps to encourage the production of petroleum. It is time that Congress directed its efforts toward policies that will bring about a conversion of our electrical energy-producing industry from petroleum to coal. Mr. President, it is time that we built our own plants for making gasoline out of coal.

If we are going to have full employment in America, we are going to have to expend energy. Full employment means that our trucks run on the highways, that our farm machines operate, that we have ample fertilizer, that our airplane lines are not curtailed, that the buses run.

Full employment means that industries like boat building and selling and servicing of boats, the tourist industry, and all of these other things must run full blast if we are to have full employment in this country. We cannot reach full employment by being defeatist and carrying on procedures here which lessen our supplies of energy in this country.

Mr. President, the State of Nebraska is largely a rural State. Yet the individuals engaged in the manufacture, sale, and servicing of motor vehicles and automotive parts represent 27,000 people—with their families, no doubt, 100,000 people. This legislation moves in the wrong direction. I shall vote against it. I hope that the Congress of the United States will take the steps necessary to give us more energy and take the steps necessary to persuade those activities which do not require petroleum not to use it.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time is the quorum to be called?

Mr. CURTIS. I ask unanimous consent that it be charged to both sides.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRIFFIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 5, line 17, strike "July 1, 1975" and insert in lieu thereof "January 1, 1976", and at line 22, strike "1977" and insert in lieu thereof "1978".

On page 6, line 14, strike "August 1, 1975" and insert in lieu thereof "March 1, 1976"; and at line 20, strike "1977" and insert in lieu thereof "1978".

On page 7, line 19, strike "1976" and insert in lieu thereof "1977".

On page 8, line 11, strike the comma and everything thereafter through line 14 and insert in lieu thereof a period.

Mr. GRIFFIN. Mr. President, as an indication of how unrealistic this legislation is as it would apply to the automobile industry, there is likely to be only 6 to 8 months' leadtime for the standards as they would apply to the 1977 model year. UAW President Leonard Woodcock—whose support for this legislation has been referred to several times—indicated in his statement of support that he thought there should be 3 years of leadtime for the automobile industry to meet standards of this kind. I also did not know whether the distinguished floor manager was prepared to offer some modification or not, but this bill, as it comes before the Senate would require the promulgation of standards applicable to the 1977 model year by July 1 of 1975, a date that has already passed.

The amendment at the desk provides that that date for the promulgation of regulations applicable to the 1977 models would be January 1, 1976. It would also extend the leadtime so that the bill would apply to 1978 models rather than to 1977 models, because the automobile industry is already tooling up and getting ready to produce 1977 models.

This is an aspect that is not adequately understood. It is not adequately understood by those in Congress who try

to be automotive engineers and who do not know very much about making automobiles, what is really involved in making engineering changes of the kind that this legislation would mandate. Frankly, the legislation will be far from acceptable to this Senator with this change, but I think that it will be interesting to see what the reaction is to this very reasonable proposal that might make the legislation just a little bit more practical and reasonable. I hope that the manager of the bill will accept it. If not, I shall have to ask for a rollcall vote.

Mr. President, I reserve the remainder of my time.

Mr. HOLLINGS. Mr. President, we would have to oppose the amendment, and we certainly join the distinguished Senator's request for the yeas and the nays.

My answer to this is out of the very voice and lips of the distinguished Senator from Michigan, which is really one of the things that have nonplussed me from the very beginning in trying to handle this bill. It is either a monster, a terrible thing, that we are trying to visit on the automobile industry or in the next breath we hear, "Don't worry about it. You don't need a law."

Now, of course, the Senator is correct with respect to the design of the car. But the marketing and production schedules have not been set. There is full flexibility to alter those which is our means of complying with the 1977 standards.

With respect to the July 1 date, we would have to update that if we could get this bill passed and agreed upon, and I see no reason why not, since it has been passed on the House side, and possibly signed by our President the first part of August, and we would have to take and make a technical amendment and change July 1 to September 15 or even October 1. But the point is in all of its advertising and what we want to do now is to get in tandem with the automobile industry and keep the momentum going in this direction and not delay it for a year.

We hear from our distinguished colleagues on the other side of the aisle—I think it is an expression that haunts everyone on this side of the aisle—"bite the bullet, bite the bullet." Every time I look around we are going to "bite the bullet." That means cut out the delaying over here in Congress, cut out all this debating, cut out the evasion and avoidance, and let us get on with an energy program.

Then when we come to this saying, "Let's delay it by 1 more year," and they think that is reasonable.

I would rather sing the tune that now is the time to give a message to the American public—crystal clear—that we intend to conserve in America energy as best we can and, specifically, with respect to the automobile we are going to start now in the 1977 model year which will not be a burden on this industry.

Just 2 weeks ago and this is the letter we put in the RECORD, from the UAW, signed by its legislative director, and I quote:

> We believe the Commerce Committee bill deserves your enthusiastic support. We hope you will vote for it and against weakening amendments when it is taken up by the full Senate.

Of course, we will have to vote against this weakening amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. STEVENS). Who yields time?

Mr. GRIFFIN. Mr. President, I may offer another amendment which would provide that the Secretary of Transportation shall set fuel economy standards for aircraft to achieve a 25-percent improvement in the average fuel economy of aircraft by 1980. I will be interested in the reaction of the manager of the bill to that proposal.

I have to admit that I have a certain motive in offering this amendment—although I shall vote for it—to demonstrate the apparent fixation on the automobile industry despite the fact that fuel used by aircraft is also an important consideration in trying to achieve energy conservation.

I cannot help but observe and call the attention of the Senator and the country to the fact that time after time it is only the automobile industry that is regulated.

According to studies by the Department of Transportation and the Federal Energy Administration, aviation is the least energy-efficient form of transportation. In fact, in 1973, the Senate recognized the need to improve fuel efficiency of aircraft by requiring the Secretary to study the feasibility of improving aircraft fuel economy by 50 percent by 1984.

In the Commerce Committee's report to the bill the following explanation was given for that proposal:

> For example, the InterAgency Transportation Panel in its 1972 report concluded that significant improvement in the fuel economy of aircraft and vessels could be achieved and that improvement could even be made in trains which are, perhaps, the most energy-efficient means of transportation. Both recreational vessels and commercial aircraft are less efficient than automobiles on a passenger-miles per gallon basis.

In its Project Independence report, the Federal Energy Administration noted, and I quote:

> Air travel, though less than one-third as efficient as auto and about one-eighth as efficient as bus travel, accounts for a growing portion of transportation energy use—virtually all this increase at the expense of the more energy-efficient modes.

Mr. President, without this legislation President Ford has proposed, and the automobile industry has agreed to achieve, not a 25-percent improvement, as my amendment would provide for aircraft, but a 40-percent improvement in fuel efficiency for automobiles by 1980. But, no, that is not good enough. We have to have this legislation which mandates a 50-percent increase by 1980 and a 100-percent increase by 1985, even though the committee in its own report acknowledges that there is no basis whatsoever, except speculation, for mandating such a requirement by 1985.

What is going to happen, just as sure as we are standing here, is that we are going to increase the sales of foreign automobiles in this country. They are already absorbing 20 percent of the market at the present time. The unemployment in the automobile industry among its workers is at an all-time high, yet there is some kind of dogged determination just to continue to make things worse so long as the automobile industry and its workers are made the target.

I cannot, for the life of me understand, if the concern here is about conservation of fuel—and, of course, that is the reason for this bill—why are we not concerned about the fuel that is consumed in aircraft? Why we are not concerned about the fuel that is consumed in boats?

But no, there is no concern about that at all.

I know what the answer of the manager of the bill is going to be. He will refer to the fact that nearly 50 percent or more of the energy used in transportation is used in automobiles, and that is true. But there is 50 percent of it that is not used in automobiles and is used by other modes of transportation.

Obviously, we can only have one amendment pending at a time and I reserve the right to offer that amendment.

I do not know when the manager may want to proceed to vote on the amendment, but I would be ready at any time.

Mr. HOLLINGS. I would be glad to vote on the pending amendment right now.

Before I yield back the remainder of my time on that amendment, I might make a few comments about aircraft so that we will have the RECORD. Someone might read this RECORD.

Number 1, there is nothing punitive about the automobile proposal now before this body.

On the contrary, it is part and parcel of a comprehensive program, Mr. President, to effectuate conservation generally across the board.

Now, how do we do it? We passed the housing bill. We first came there and we are going to propose again a series of credits and loans to insulate some 40 million homes. We have got industrial conservation in the mandatory conservation bill that passed this Senate 6 weeks to 2 months ago, now on the House side.

Yes, that automobile consumes 40 percent of every barrel of oil consumed, leaving, as the distinguished Senator points out, the additional 60 percent, or remaining 60 percent, so we are going after that remaining 60 percent in every way we know how.

We go after it with respect to Government buildings, we go after it with respect to electrical appliances. We just passed the labeling bill last Friday. We take each one of these steps as we go down.

It so happens that the distinguished Senator, if he had wandered onto this particular measure from the Public Works Committee or the Foreign Relations Committee and did not know what was going on in the country or did not know what was going on in the committee, I could understand his comment.

But this is a ranking senior member

on our Aviation Subcommittee of Commerce where the distinguished presiding officer serves along with us all, and the Senator from Michigan at the time raised that particular point, that we ought to bring it up and let us move the committee's attention from automobiles over to airplanes. We said to the Senator that we would go after that. It would probably be a little more cautious. A car can run out of gas, pull to the side, but an airplane is something we cannot fool around with. We have got to be absolutely positive there.

But in serving on that committee we would be glad to set up hearings and determine exactly how much conservation—as has been pointed out in the early part of the debate, the President provided $38 million for research and development in NASA—to try to effectuate fuel economy in the aircraft industry.

I am also on that subcommittee and we will get our attention to them. But the point is that we are after the main target; seven times more in that automobile than in that aircraft, only one-seventh as large as the aircraft consumption of petroleum fuels; and so it is that we are back now down to the automobile and that is my reaction to it.

I think, as the distinguished Senator has been candid enough to point out, even adopt this amendment I will still not vote for the bill, but if I can confuse and compound and keep talking like, ipso facto, I come from automobile country, namely, Detroit, then I can somehow impart the idea that I am standing here for the worker, which I say is false, false, false.

The worker cannot be better represented by his own United Auto Workers. His United Auto Workers endorses this bill 100 percent. The word used is enthusiastically, and they ask we not have any weakening amendments.

Again, that is my reply, respectfully, to my distinguished friend, that this is one intended to confuse. The Senator is not really trying for jobs, he is not really trying for conservation, he is trying to take his own automobile manufacturers' position and impose it on the majority will of this body similarly as they tried over on the House side, and they voted almost 3 to 1 for this particular measure.

With that, I think enough has been said. We will have to oppose it when it comes up, in regard to the matter of delaying the whole program for another year for the 1978 models.

If we can get enough of our colleagues to get the yeas and nays, I would be willing to yield back the remainder of my time.

Mr. President, I suggest the absence of a quorum with the time equally divided between both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HOLLINGS. Mr. President, it is now our intent to discuss several amendments, but first we want to get the yeas and nays on the pending Griffin amendment and the yeas and nays on passage. I ask first for the yeas and nays on the Griffin amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. I ask for the yeas and nays on passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GRIFFIN. Mr. President, will the Senator yield to me?

Mr. HOLLINGS. I yield.

Mr. GRIFFIN. I ask unanimous consent, Mr. President, that it be in order at this time to ask for the yeas and nays on a motion I shall make to commit the bill to the Committee on Finance.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan? Without objection, it is so ordered.

Mr. GRIFFIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. Now, Mr. President, I ask unanimous consent to momentarily set aside the Griffin amendment to submit an amendment on behalf of our colleague the Senator from Minnesota (Mr. HUMPHREY).

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

Mr. HOLLINGS. I send to the desk the Humphrey amendment, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Minnesota (Mr. HUMPHREY) proposes an amendment, at the end of the bill, to add a new title.

Mr. HOLLINGS. I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. HUMPHREY'S amendment is as follows:

At the end of S. 1883, add the following new title:

Title III—AMENDMENTS TO TITLE III OF MOTOR VEHICLE INFORMATION AND COSTS SAVINGS ACT

Section 301. (a) EXTENSION OF STATE PROGRAMS.—Subsection (b) of section 303 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1963(b)) is amended by deleting "June 30, 1976" in the second sentence and by inserting in lieu thereof "September 30, 1977".

(b) Section 311 of such Act is amended to read as follows:

"FUEL EFFICIENCY

SEC. 311. (a) The Secretary shall establish one, and no more than three, new special motor vehicle diagnostic inspection demonstration project to assist in the research, rapid development, and evaluation of advanced inspection, analysis, and diagnostic equipment suitable for use by the States in high volume inspection facilities designed to assess the safety, noise, emissions, and fuel efficiency of motor vehicles. Such project shall perform the inspections of motor vehicles for the purpose of evaluating the conditions of parts, components, and repairs (1) required to comply with State and Federal safety, noise, and emissions standards and (2) in order to assist the vehicle owner in achieving the optimum fuel and maintenance economy.

"(b) The Secretary shall evaluate the existing diagnostic analysis and test equipment available for use in the small automotive repair establishments and report to the Congress within 18 months after enactment of this section, as to the scope of research and development required to make this equipment compatible with the most costly and complex State vehicle inspection and diagnostic equipment. The report shall assess the extent to which private industry can meet the needs of the small automotive repair shops for low cost test equipment which can be developed to comply with the Federal safety, noise, and emissions performance standards promulgated by the Secretary, the Administrator of the Environmental Protection Agency, and by State or local regulatory agencies, and it shall contain recommendations on legislation designed to promote the development of such low cost test equipment for small automotive repair shops.

"(c) The Secretary shall within 18 months after the date of enactment of this section prepare and submit to the Congress and the President a comprehensive report setting forth findings and containing conclusions and recommendations with respect to an inspection and other possible programs designed to maintain and improve the fuel economy of motor vehicles throughout their useful life. Such report shall include, but not be limited to, an examination of the technical, economic, and administrative feasibility of the inspection and other programs; the fuel and cost savings that might be achieved if such programs were instituted; whether such programs if instituted should be voluntary or mandatory; who should administer such programs; and any other factor bearing on the cost and effectiveness of such programs. It shall also contain recommendations on legislation designed to achieve improved fuel efficiency in existing vehicles with a vehicle inspection program and with other programs which the Secretary shall evaluate pursuant to this section.

"(d) In complying with the provisions of this section, the Secretary shall consult with the Administrator of the Environmental Protection Agency."

(c) Section 321 of such Act is amended to read as follows:

"There are hereby authorized to be appropriated to carry out the provisions of this title $5,000,000 for the fiscal year ending June 30, 1976; $1,500,000 for the fiscal year transition period from July 1, 1976, through September 30, 1976; $7,500,000 for the fiscal year ending September 30, 1977; and $7,500,000 for the fiscal year ending September 30, 1978, to be used for the purpose of implementing section 311; such sums to remain available until expended.".

Mr. HOLLINGS. Mr. President, this amendment is to establish not more than three motor vehicle diagnostic inspection demonstration projects. It was heretofore authorized, and similar legislation has already passed the U.S. Senate. The Senator from Minnesota is now proposing that not more than three of these diagnostic inspection demonstration projects be instituted:

STATEMENT OF SENATOR HUMPHREY

Energy conservation is essential if we hope to break the stranglehold that high energy prices have placed on our economy. Many suggestions on how to increase the level of energy conservation in general and gasoline conservation in particular have surfaced since the 1973 oil embargo.

The Automobile Fuel Economy and Research and Development Act of 1975 (S. 1883), is one approach for fostering ever lower rates of gasoline consumption. This bill does two things. It establishes mandatory fuel economy performance standards for new automobiles and new light duty trucks. And it calls for, and creates, an extensive Federal effort in automotive research and development to make the internal combustion engine as efficient as possible, and to design alternative auto engines.

While S. 1883 provides an effective way to put more efficient cars and trucks on the road, it can be expanded to include the problem of what to do with the 100 million cars already there. It is, for example, impossible to conserve the large amounts of gasoline necessary to achieve a modicum of energy independence unless the cars we already drive are maintained at peak efficiency.

The Vehicle Emission Check Committee, which is based in Rhode Island, recently reported that we could save 3.8 billion gallons of gasoline annually if all cars now being driven were tuned properly. The savings figure rises to 4.6 billion gallons annually if our nation's 20 million light trucks are also included. That's equal to some 250,000 barrels of oil a day.

The Champion Spark Plug Company pointed out last year that just as some cars are gross pollution emittors, others are gross fuel wasters. Champion found that one in every thirty cars is wasting anywhere from 20% to 35% of its fuel.

Time Magazine observed similarly that the average car owner could save 75 gallons of gasoline each year simply by keeping his engine in tune.

This enormous potential for reducing our gasoline consumption with better tuned autos must be evaluated. The provisions in the Fuel Efficiency Amendment to S. 1883 cosponsored by Senator Humphrey and Senator Moss will call upon the Secretary of Transportation to make that evaluation.

It proposes a plan to maximize the efficiency of cars already in operation. The amendment empowers the Secretary of Transportation to establish a research and development program to develop diagnostic equipment for use by States in high volume auto inspection facilities. The diagnostic equipment can be used to determine how well a car is tuned, thus indicating the operating efficiency of the auto.

The second part of the amendment directs the Secretary to determine the quality level of the existing equipment used for diagnosing automobile operating efficiency. In addition, he will assess the degree to which private industry can meet the needs of small auto repair shops for such diagnosing equipment, and to what degree Federal assistance is necessary.

These two parts of my amendment are identical to provisions of S. 1518, which we passed back on June 5th, with the backing of the Senate Commerce Committee.

The new part and third part of my amendment directs the Secretary to evaluate and report to Congress within 18 months on programs to improve the fuel efficiency of *existing* autos.

The report is to include conclusions and recommendations with respect to auto tune-up inspection programs. The report will assess whether it would be economically feasible, for example, to require State motor vehicle inspection sites to test for operating efficiency.

These provisions will allow us to determine whether and how we should seek to capture at least a part of the potential 4.6 billion gallons of gasoline, that could be saved annually if we maintained our cars at peak efficiency.

The Fuel Efficiency Amendment broadens the scope of the Automobile Fuel Economy Act and makes it a comprehensive piece of legislation. With this amendment, then, we can at least potentially expect gasoline consumption savings from all cars, not just the new ones.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I yield back the time on our side.

Mr. HOLLINGS. I yield back the remaining time, and urge the adoption of the amendment.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Minnesota (Mr. HUMPHREY).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Senate now return to consideration of the Griffin amendment.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from Michigan (Mr. GRIFFIN). Who yields time?

Mr. HOLLINGS. Mr. President, this is the amendment that relates to the year in which fuel economy standards are first to become effective. We will then also have a vote with regard to recommitting the bill, and then, if we do not recommit, a vote on passage?

Mr. GRIFFIN. That is correct. There will be a short discussion, perhaps, on the motion to recommit after we vote on this amendment.

I yield back the remainder of the time on this side.

Mr. HOLLINGS. I yield back the remainder of our time.

The PRESIDING OFFICER (Mr. STEVENS). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Michigan (Mr. GRIFFIN). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Indiana (Mr. HARTKE), and the Senator from Minnesota (Mr. HUMPHREY) are necessarily absent.

I further announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Kentucky (Mr. FORD), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Vermont (Mr. LEAHY), the Senator from Utah (Mr. Moss), and the Senator from North Carolina (Mr. MORGAN) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Vermont (Mr. LEAHY) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Texas (Mr. TOWER) is necessarily absent.

I also announce that the Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The result was announced—yeas 27, nays 57, as follows:

[Rollcall Vote No. 283 Leg.]

YEAS—27

Allen	Garn	Roth
Bartlett	Gravel	Scott,
Bellmon	Griffin	William L.
Brock	Hansen	Stafford
Buckley	Hart, Philip A.	Stevens
Byrd,	Helms	Taft
Harry F., Jr.	Hruska	Talmadge
Curtis	Laxalt	Thurmond
Dole	McClure	Young
Fannin	Percy	

NAYS—57

Abourezk	Hatfield	Nelson
Baker	Hathaway	Nunn
Beall	Hollings	Packwood
Bentsen	Inouye	Pastore
Biden	Jackson	Pearson
Brooke	Javits	Pell
Burdick	Kennedy	Proxmire
Byrd, Robert C.	Long	Randolph
Cannon	Magnuson	Ribicoff
Case	Mansfield	Schweiker
Chiles	Mathias	Scott, Hugh
Church	McClellan	Sparkman
Clark	McGee	Stennis
Cranston	McGovern	Stevenson
Culver	McIntyre	Stone
Domenici	Metcalf	Symington
Eagleton	Mondale	Tunney
Fong	Montoya	Weicker
Haskell	Muskie	Williams

NOT VOTING—15

Bayh	Goldwater	Johnston
Bumpers	Hart, Gary W.	Leahy
Eastland	Hartke	Morgan
Ford	Huddleston	Moss
Glenn	Humphrey	Tower

So Mr. GRIFFIN's amendment was rejected.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I think that my distinguished colleague now has a motion to commit the bill to the Committee on Finance. I am willing to yield back the remainder of my time. The yeas and nays have been ordered. We are ready to vote on that, unless he wants to debate it further.

Mr. GRIFFIN. Mr. President, I send a motion to the desk and ask that it be considered.

The PRESIDING OFFICER. The motion will be stated.

The legislative clerk read as follows:

Motion by Mr. GRIFFIN to commit the bill, S. 1883, to the Committee on Finance.

Mr. GRIFFIN. Mr. President, one of the very confusing and unfortunate aspects of trying to pass judgment on this legislation is that it is so closely related and dependent on what other committees are doing with regard to similar legislation. I have already spoken at some length, and will not go on any further, about the relationship of fuel economy to auto emission standards. We are asked in this bill to set mandatory standards for fuel economy for automobiles without waiting to see what the Senate or Congress is going to do with regard to emission standards. In my mind, that is absolutely ridiculous.

Beyond that, the Committee on Finance, is holding hearings on a House-passed bill that contains provisions similar to those in this bill.

It seems to me that any sensible energy program has to be considered as a whole, as a package. I can understand that Senators want to do something about fuel economy, but it needs to be taken in context with other aspects of our energy program.

This motion does not kill the bill. It is not designed to kill the bill. If it does not prevail, those who are against the bill will have a chance to vote for or against it on final passage. I should think that many Senators would want to have the opportunity to have this bill considered by the Committee on Finance along with the other energy legislation that it is now considering. So I give the Senate this opportunity to refer this bill to the Committee on Finance for its consideration.

Mr. HOLLINGS. Mr. President, I shall speak very briefly, and then we will be prepared to vote.

We have to oppose committing the bill to the Committee on Finance. Quite to the point, when we first started, we had days of hearings in the previous Congress. Many of the automobile fuel economy bills contained the feature of rebates to award the gas saver and excise tax provisions for the gas guzzler. This bill has deleted both. There is no rebate provision, there is no excise tax provision. There is no provision with respect to the automobile fuel economy provisions now at the desk in S. 1883 subject to the jurisdiction of the Committee on Finance.

What occurred on the House side, as everybody knows, is that they tried to do just that. In the Committee on Ways and Means, under Mr. ULLMAN, they tried to include an excise tax. It was rejected.

Then they finally came along with their own Commerce Committee bill, because they were being accused of having a marshmallow. To give some substance to all of their work, they included a fuel economy provision. If the chairman of the Finance Committee and other members report out a tax on a gas guzzler, then it will be a proper subject for consideration by the Senate.

We had 11 days of hearings. It has been considered by the Senate completely. The chairman of the Committee on Finance voted for the reporting of this particular bill. I think we should go ahead now. I think it is only a delaying tactic to withhold what we have all been asking for as a beginning for a program within Congress on conservation.

I oppose the motion. I shall not move to table it. I will give the gentleman an up-and-down vote on his motion. I hope that we will vote "no."

Is the Senator willing to yield back the remainder of his time?

Mr. GRIFFIN. I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, the Committee on Finance has been considering H.R. 6860, the energy bill from the House, for some time. That bill establishes a set of auto efficiency standards, which are 18.5 miles per gallon for the 1978 model year, 19.5 miles per gallon for 1979, 20.5 miles per gallon for 1980, and 28 miles per gallon for 1985 and thereafter. Companies must meet the standards—or pay the penalties, discussed below—on their U.S. and foreign car production separately, with domestic production defined to include Canada. The Secretary of Transportation is to establish standards for the years 1981–84, and the 1985 standard can be changed by the Secretary subject to a one-House congressional veto. The bill imposes on any manufacturer who fails to meet these standards a civil penalty of $50 per car for each mile per gallon by which the manufacturer's sales-weighted "harmonic" fleet average gas mileage is below the standard. This penalty is not deductible under the Federal income tax. The Secretary of Transportation is also to establish separate standards for light-duty trucks, multipurpose passenger vehicles, and vehicles manufactured by companies that manufacture fewer than 10,000 vehicles per year. The civil penalty rules described above are also to apply to vehicles failing to meet these standards. The Secretary of Transportation also is to reduce the mileage standards to the extent necessary to take account of any more stringent auto emissions standards that are imposed in the future. Any manufacturer that exceeds the mileage standards by more than 0.5 miles per gallon for any one model year may carry back or carry over this excess for 1 year (thereby reducing the mileage standard for the year to which the excess is carried).

It seems to me that encompassed in the consideration of different issues by that committee very well are some of the concerns that are reflected in the bill now before us. I do not argue at all with the distinguished Senator from South Carolina as to the jurisdiction of the Committee on Commerce in this regard.

Instead of taking up each of these issues piecemeal, it seems that there might be some merit in an overall comprehensive approach that I think undoubtedly would result if it were to be referred to the Committee on Finance.

I can assure my good friend from South Carolina that the chairman of that committee (Mr. LONG) understands full well the concerns of the Senator from South Carolina.

I think further, that I am able to say that the work that has been done by this committee will be most helpful in permitting the Committee on Finance to draft language and a bill that will address the overall issue. The merit in that approach, I think, is obvious.

We have had a splintering of jurisdiction so that each of us, each committee—with respect specifically to the Committee on Interior and Insular Affairs, we have had bill after bill addressing the same subject and the same issue. Rather than continue that sort of effort on a hit and run basis, as we have been doing, the idea of trying to put together a comprehensive package has great appeal to me.

Mr. HOLLINGS. May I ask the Senator from Wyoming, does he mean a comprehensive package on automobile fuel economy?

Mr. HANSEN. That is precisely one of the subjects that is being considered now by the Committee on Finance. We have had testimony from the heads of the three largest automobile manufacturers in the country to this specific point. We have had testimony from Leonard Woodcock, president of the UAW, on this specific point. It will be dealt with.

I have to say that it is being done. My answer is "Yes."

Mr. HOLLINGS. The Senator's answer is "Yes." This is the comprehensive treatment on automobile fuel economy. The witnesses he has named have not only testified but are endorsing this particular bill.

Mr. HANSEN. Let me say this: The criticism or the fault rather that I find in dealing with one facet of the energy crisis or of our response to the energy crisis is precisely this effort here on the floor. It is important, I do not minimize that at all. I would point out to my good friend from South Carolina that while the automobile does constitute a very important use of petroleum, it does, as a matter of fact, only use 13 percent of all of the petroleum we consume in the United States.

While I do not minimize at all the importance of it, I would say that when you consider that the big cars, the gas guzzlers, constitute a small percentage of those cars, and the possibility of effecting economies is a small percentage, the fact remains that that is only one little tip of the iceberg. There are many other considerations as well.

Mr. GRIFFIN. Mr. President, will the Senator from Wyoming yield for this reference?

Mr. HANSEN. I would be happy to.

Mr. GRIFFIN. The president of the UAW, Mr. Woodcock, did testify this morning before the Committee on Finance, as has already been suggested. He did testify to this point and, notwithstanding the repeated statements that the UAW supports this bill, I want to point out that Mr. Woodcock this morning said, and I quote:

> The fact is we need additional knowledge to determine appropriate emission and fuel efficiency goals for the 1980's, and I have advocated Government action requiring research and development for auto manufacturers' demonstrated improvements in their production capabilities in order to provide the technological basis for studying such standards. In that regard I question whether the establishment of a fuel efficiency standard for 1985 models is justifiable at this time.

I want to point out that this bill before us now requires and sets fuel efficiency standards for 1985. So it certainly cannot be said that Mr. Woodcock supports this bill as it is now written.

Mr. HANSEN. If I may just make one observation, and then I would be happy to yield to my good friend from Nebraska, I misspoke myself, Mr. President. I said the automobile consumed 13 percent of our petroleum supplies. I am in error. My good friend, the Senator from Tennessee (Mr. BROCK) has called my attention to the fact that the automobile consumed 30 percent. It consumes 13 percent of the total amount of energy that we use in the United States. But in terms of petroleum exclusively the figure should have been, and I thank my good friend from Tennessee, Mr. BROCK, for

correcting the error that I made when I spoke on that point, it should be and it is 30 percent.

I am very happy to yield to the Senator from Nebraska.

Mr. CURTIS. It would be my hope that the Senator from South Carolina would agree to this motion to commit.

When we had a hearing this week, one member of the committee questioned at length the Treasury witnesses about the tax which deals with this same problem of cars that use a great deal of gasoline.

Within the last hour I received a "Dear Colleague" letter from a distinguished Senator on the other side of the aisle asking me to cosponsor or to join in a letter asking for cosponsors of a proposal that would use the tax method to identify cars that consume too much gasoline.

I am not critical of any committee for defending its jurisdiction. I am thinking of the people back home, and I am thinking of those people who have a responsibility in our industry and in our business world, of how they can comply with all the multiplicity of laws that we write in reference to energy.

If there is a desire not to refer this particular bill to the Finance Committee, I think that is all right. But, as an alternative, they should hold up the measure until the appropriate committee had an opportunity to explore the use of a tax disincentive to bring out these things.

I am not suggesting that I would favor what the Finance Committee would produce. I do not know what they would produce, but I do think we owe to the people of the country the duty of not passing a different energy bill here every week just to be passing something, just to have our input.

I believe the committee should cooperate on this, and so I hope the Senate will not take the step of passing their bill until the Finance Committee has had a chance to go into the tax angle of it.

Mr. HOLLINGS. Mr. President, the committee report is before each Member. On page 36 Senators will see referred there on motion to delete the rebates and penalty provisions the vote was 14 to nothing. We voted unanimously in Commerce to do away with rebates and penalty provisions. Had we retained any of those type provisions it could well have been within the jurisdiction of the Finance Committee.

Additionally, on that same page, of course, the distinguished Senator from Louisiana (Mr. LONG), chairman of the Finance Committee, voted to report this bill favorably.

I do not want to inject this unnecessarily into this particular debate, but, obviously, everyone knowing the Senator from Louisiana, of his capability, and knowing of his keen sense of responsibility, if he thought we were doing this in piecemeal fashion he would have been the first to raise that particular point.

What would be piecemeal is taking a bill that the distinguished Senator from Wyoming does not contest is within our jurisdiction primarily, and taking a bill that is primarily within its jurisdiction, having had 11 days of hearings, having it considered by two Congresses, and having Congress generally berated for not dealing with conservation, and when it comes up saying, "No, not now, delay it."

Even the distinguished Senator from Michigan, who now makes a motion, had not even thought of that until a few minutes ago because he and I were talking pretty much during the day about the various amendments and various particular things to be considered.

Now it is true we have got a matter of insulating homes, we have got conservation within industries, we have got electrical appliances labeling that has passed; we have many other measures concerning coal and railroads, and all of these particular measures are going to have to be considered as they are reported by the different committees, by Public Works on emissions; as they are reported by Interior with respect to offshore drilling; as they are reported in the housing bill by Banking, Housing and Urban Affairs.

This deals in a comprehensive way on the one subject of automobile fuel economy and, as I have just reported, not a single Senator of our committee had in mind the inclusion of rebates or the inclusion of penalties.

We do not have any pending amendments that would say, "Let us amend the bill with respect to a penalty or a particular rebate."

If they report from the Finance Committee such a bill it would probably be within its jurisdiction and we would not be asking that it be referred over to Commerce. But this, in my opinion, is a delaying motion.

I would be glad to withhold the remainder of my time and yield to the Senator from Tennessee.

Mr. BROCK. Mr. President, I just wanted to say that I intend to support this amendment not so much because I am worried about jurisdiction, but I am so deeply frustrated by the inability of this Congress to deal with, in a comprehensive fashion with, a very comprehensive problem.

I do not know what it takes. It is true we have got a massive energy problem in sum total, and yet we continue to allow a fragmentation of jurisdiction, of coverage of interests, and of approaches, none of which has any relationship to the other.

I do not know that the Finance Committee has any special talent. I agree with the Senator from Wyoming, who has had the testimony. I do not believe we have any more competence than the Commerce Committee has to deal with it, but I do not think we can continue to defraud the American people by telling them we are coming up with energy bills when, in fact, those bills that are coming out are competing with each other. They are not complementary, they are not coherently drawn, they are not cogent, and they are not run through a fulcrum to synthesize a program that spreads across the vast bulk of this entire Nation of ours.

Each committee has its nice little jurisdiction and each committee is jealously guarding that jurisdiction to protect its turf.

I just cannot believe that we will refuse to come to grips with a fundamental problem regarding the Senate itself, and our lack of will, or ability, or something, to face up to a basic question as to our ability to function on a coherent, broad basis.

The Senator from Illinois and I have had legislation before this body for a year and a half now to study the committee system. We cannot even get that resolution passed to study the problem.

So, we continue to come up with bills like this that deal with one nibbling bit of the problem.

Sure, there are a lot of gasoline gallons involved, but we are dealing with it in the most backward, back-handed, incredible fashion that I have seen in my life.

We pass the list saying whether we have the technology to do it rather than understanding the marketplace has greater incentives than Congress, always has, always will.

We need to use the strength of the system rather than destroying it, but we do not do that. We say, well, this is in this jurisdiction, we have got jurisdiction in Finance, somebody else in Interior, somebody else in Agriculture, Banking, or whatever.

We have yet to face up to a fundamental question of whether or not we will, as a mandate the American people have given us to deal with the problem, that takes 200 million American citizens.

Mr. DOMENICI. Mr. President, will the Senator from South Carolina yield?

Mr. HOLLINGS. Yes, I yield such time as necessary.

Mr. DOMENICI. I shall not let the Senator down because I am not going to support my distinguished friend, but I want to tell him why and I want to, for the first time, express some views about what is happening to us.

If the Senator from Michigan had proposed that all energy matters before the U.S. Senate be deferred for a time certain, let us say 3 weeks, and that none come here until we have them all, at least all those that are pending, from Senator RANDOLPH'S coal conversion bill, to the bill we have in Public Works on the Clean Air Act, to this one, to the bill over before Finance, if we had them all here for 2 or 3 weeks—we have cliches in our country—if we have energy week in the Senate, or energy month in the Senate, and all these committees that have their bills, let them complete them and let the leadership tell them they are through with them by a certain date, and then let somebody write a master report relating one to the other, then let the distinguished Senator bring this one here and let us understand it in relationship to Senator MUSKIE'S which will come here on clean air, and then that also involves coal conversion, so we would know what we are doing when we get to Senator RANDOLPH'S 1777 bill on coal conversion, and then we would get Senator LONG'S bill that comes here on Ways and Means, then it seems he would get my support.

But of all the bills that we have to consider as far as the first portion of this bill, it is rather innocuous standing on its own. It has got appropriate

exceptions to take care of what we do in clean air.

But I rise in a sense of frustration also because it appears to me that every committee ought to be inquiring, before it brings these bills to the floor, what bills are pending in the other committees that are about to be reported out that have inconsistencies, that have another approach to solving the American energy problem.

But we are not doing that. We are from now until August 1 bent on a new kind of schedule. We are going to get every other energy bill here, but it is going to defy the 100 Members of this body, with the excellent staffs, to relate one to another for their own conflicting approaches.

There is still the nuclear issue to be considered versus coal. There is coal versus natural gas. There is the coal slurry. There is natural gas to be made out of coal. All competing, one with another, in the jurisdictional dominance of the various committees.

I do not rise to argue about the jurisdiction for perhaps that is the way we have to go at it for the time being, and I do not think we can have our committee to handle it all. I think that is Utopia. We cannot get it done in the middle of a crisis.

But it seems to me, whether I am but a voice crying in the wilderness, perhaps I will cry every day, but we are not going to get an energy policy in this Congress just because we decide we are off Wyman for awhile and every other day we will bring a new energy bill here, unless we figure out a procedure and we are smart enough to do it without destroying the committees, to bring a number of them here with some reports that relate one to another, some reports rendered perhaps by the Democratic side's Energy Policy Committee. Maybe we could appoint some, maybe they could review each bill as it relates one to another to give us one master report, if 8 or 10 bills come up, one after another, with one master study or one kind of super study that at least relates.

I can say to my distinguished friend from South Carolina that I do not think we are going to have enormous conflicts on this one. I think it is good it comes up today. But I can predict for the Senator that the Clean Air Act versus the Coal Conversion Act versus Senator PEARSON's 692, or his substitute to 692 on natural gas versus Senator LONG's bills in Ways and Means, there is going to be more conflict by the time they hit the desk of the President, even after conference, that he is going to be justified in vetoing them all.

We are going to find that in one instance we are hellbent to produce more natural gas. In another, we are not sure whether we ought to convert to coal. In another, nondegradation of clean air areas of our country. No one will know where we are by August 1.

I thank my distinguished friend for yielding a few moments of time.

Mr. HOLLINGS. I thank my distinguished friend from New Mexico (Mr. DOMENICI) on his very cogent and persuasive statement, and I agree also with the Senator from Tennessee (Mr. BROCK).

If we could refer this bill to the Finance Committee and solve what bothers these two gentlemen and also bothers me, I would be moving to do that.

There is no way. Sending this bill to the Finance Committee will not solve that problem.

Mr. DOLE. Mr. President, I favor the motion to recommit S. 1883, the Automobile Fuel Economy and Research and Development Act of 1975, to the Senate Committee on Finance.

That committee is currently holding hearings and will begin markup within the next few days on H.R. 6860, the Energy Conservation and Conversion Act of 1975. Title II of that legislation includes provisions which establish mandatory auto fuel standards almost identical to those contained in S. 1883. Since the need for comprehensive, integrated energy conservation legislation is apparent, it would seem wise to give the Finance Committee maximum flexibility in shaping a well-coordinated energy package.

The Finance Committee has already heard from several witnesses on the issue of auto fuel efficiency standards. In light of these facts, I would urge the Senate to defer action on isolated pieces of energy legislation so that the Finance Committee can consider auto fuel standards along with alternative energy conservation proposals.

Mr. HOLLINGS. I am glad to yield back the remainder of my time if the Senator from Michigan is.

Mr. GRIFFIN. I yield back my time.

The PRESIDING OFFICER. All time has expired or the time is yielded back. The question is on agreeing to the motion of the Senator from Michigan to commit. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. HARTKE), the Senator from Mississippi (Mr. EASTLAND), and the Senator from Minnesota (Mr. HUMPHREY) are necessarily absent.

I further announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Kentucky (Mr. FORD), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Vermont (Mr. LEAHY), the Senator from North Carolina (Mr. MORGAN), and the Senator from Utah (Mr. Moss) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Vermont (Mr. LEAHY) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Texas (Mr. TOWER) is necessarily absent.

I also announce that the Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The result was announced—yeas 25, nays 59, as follows:

[Rollcall Vote No. 284 Leg.]

YEAS—25

Baker	Fong	Packwood
Bartlett	Garn	Roth
Beall	Gravel	Scott, William L.
Bellmon	Griffin	Stafford
Brock	Hansen	Stevens
Buckley	Helms	Thurmond
Curtis	Hruska	Young
Dole	Laxalt	
Fannin	McClure	

NAYS—59

Abourezk	Hatfield	Nunn
Allen	Hathaway	Pastore
Bentsen	Hollings	Pearson
Biden	Inouye	Pell
Brooke	Jackson	Percy
Burdick	Javits	Proxmire
Byrd, Harry F., Jr.	Kennedy	Randolph
	Long	Ribicoff
Byrd, Robert C.	Magnuson	Schweiker
Cannon	Mansfield	Scott, Hugh
Case	Mathias	Sparkman
Chiles	McClellan	Stennis
Church	McGee	Stevenson
Clark	McGovern	Stone
Cranston	McIntyre	Symington
Culver	Metcalf	Taft
Domenici	Mondale	Talmadge
Eagleton	Montoya	Tunney
Hart, Philip A.	Muskie	Weicker
Haskell	Nelson	Williams

NOT VOTING—15

Bayh	Goldwater	Johnston
Bumpers	Hart, Gary W.	Leahy
Eastland	Hartke	Morgan
Ford	Huddleston	Moss
Glenn	Humphrey	Tower

So the motion to commit was rejected.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the motion to commit was rejected.

Mr. MANSFIELD. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. HATHAWAY). The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1883) was orded to be engrossed for a third reading, and was read the third time.

ADDITIONAL STATEMENTS ON S. 1883

Mr. HANSEN. Mr. President, the bill that is before the Senate today, according to its sponsors, has been proposed as a measure to promote energy conservation.

Last Thursday we had a witness before the Senate Finance Committee, which is holding hearings on this same subject, who pointed out how little energy can be conserved by regulating the automobile. He said that all automobiles on the road use about 30 percent of all petroleum consumed. There are about 100 million cars on the road today and about 10 percent of these are new each year. Therefore, if 10 percent are new, the regulations proposed under S. 1883 would apply in the first year to those automobiles using only 3 percent of petroleum consumed. This witness indicated that the improvements on these cars which use only 3 percent of the fuel would be somewhere around 5 percent. We can see from this that the amount of petroleum that would be saved by this bill would be very small indeed. Furthermore, since the automobile consumes only 13 percent of all energy consumed

in this country, the overall energy savings would be even less.

Now that we have looked at what the savings would be, let us look at what the costs of this legislation would be. In the first place, the requirements of this bill, which include a standard of 28 miles per gallon by 1985, would have a damaging effect on the tourism industry which is especially important to my State.

Why is this so? Cars which would average 28 miles per gallon—and this is on the EPA test procedure which combines city and rural driving—would not be the kind of cars families could use for vacation trips—for pulling campers and for comfortable, safe driving. It is my understanding from the hearings we have had in the Finance Committee that the kind of cars available to the American public under this bill would be the very small subcompact—a four passenger, low-powered car with little or no luggage carrying capacity.

There is a place for these small cars and again, in hearings underway in Finance Committee, manufacturers have indicated that they are planning to build these kinds of cars which will compete directly with the foreign imports. However, it is highly unlikely that these minicars will satisfy the needs of all Americans. For example, around 23 percent of all American families have five or more members. I do not think that the U.S. Congress wishes to make it impossible for families to travel together by, in effect, outlawing the cars they need for that purpose.

Another factor which must be considered is safety. While small cars perform well when properly used, it is a fact that they are not as safe as the larger vehicles. This is a simple matter of physics. In a report from the Department of Transportation to a subcommittee in the House in support of a 19.6 miles per gallon goal, that Department estimated that there would be "approximately 9 percent fewer fatalities in unbelted accident cases because the average car weight—at 19.6 miles per gallon—is 260 pounds more than the 3,400 pound average weight needed to attain 22.2 miles per gallon." This illustrates the importance of vehicle size to safety. I ask unanimous consent that a report on that study by DOT may be included at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HANSEN. Mr. President, it appears to me that the Congress needs to study in much more depth the possible impact of this proposed law before adopting it. Several executive branch agencies and departments, including DOT, FEA, and EPA are currently engaged in an extensive study of automobile fuel efficiency requirements for the years ahead. This report is due at the beginning of next year. It would seem prudent for the Congress to defer its action on fuel economy regulations until the results of this study are available.

A delay in passing another set of complex, controversial regulations does not mean a delay in achieving better fuel efficiency in automobiles. I am sure every Member of this body is familiar with the intensive advertising by U.S. auto makers of new models on the basis of their improved fuel economy. Furthermore, the manufacturers have pledged to the President that they will improve overall fuel economy by 40 percent by 1980. Their customers are demanding this increased fuel efficiency and we should not attempt to interfere with the process with more and more regulations. I urge that S. 1883 not be approved.

EXHIBIT 1

The following material is supplied as requested to clarify the reasons why DOT chose 19.6 miles per gallon for the Voluntary Fuel Economy Program rather than the apparently feasible 22.2 miles per gallon discussed on page 36 and given in Figure 1 of the joint DOT/EPA report "Potential for Motor Vehicle Fuel Economy," October, 1974.

From the text, prior to page 36 of the Report, it is apparent that the emission standards for the quoted mileage are not assumed to be the statutory standards. The projections are based on standards of 1.5 grams per mile of HC, 15 grams per mile of CO and 3.1 grams per mile of NOx. These are the statutory standards for model year 1975.

On the question of whether the emission standards indicated in the footnote on pages 8 and 9 of the joint DOT/EPA report were assumed in arriving at the projections of Figure 1, the footnote was only informational. It was not a basis for the study and the report. The footnote was only added to indicate the regulatory situation at the time of the report. It was agreed at the outset that a range of emission standards would be investigated. The projections of Figure 1 are the maximum feasible limit.

The report also states that it is technically feasible by 1980 to make a maximum shift to a sales mix of 10 percent large-sized cars, 50 percent medium-sized cars, and 40 percent small-sized cars. The auto industry would, by that time, have the capacity to make such a shift. However, it was considered that consumer buyer preferences would not support that strong a shift to the smaller cars.

As a result, it was decided to set a goal of 40% yielding 19.6 miles per gallon for 1980 with emission standards of 0.9 grams per mile of HC, 9 grams per mile of CO, and 3.1 grams per mile of NOx, at the same time, planning for a fleet mix of 20 percent large cars, 45 percent medium cars and 35 percent small cars with the larger and medium cars significantly improved in fuel economy. It was felt that consumer buying preferences would support this mix.

This choice fleet mix also has the advantage of approximately 9 percent fewer fatalities in unbelted accident cases because the average car weight is 260 lbs. more than the 3,400 lb. average weight needed to attain 22.2 miles per gallon.

In conclusion, 19.6 miles per gallon was chosen as being more attainable primarily as a result of consumer preferences, but it has the additional advantage of improved safety and emission standards.

Mr. CRANSTON. Mr. President, I commend the Commerce Committee for reporting to the Senate an excellent measure to establish mandatory fuel economy performance standards for new cars and light duty trucks and to establish a research and development program in search of advanced automotive power systems.

I also commend my colleague from California (Mr. TUNNEY) for his contribution to this bill. Title II of S. 1883 is substantially the same as a bill he introduced over 2 years ago. It creates within the Department of Transportation an automotive research and development program to develop production prototypes of advanced automobiles which can achieve high fuel efficiency while complying with Federal emissions and safety standards.

Title I of S. 1883 adds a new title V to the Motor Vehicle Information and Cost Savings Act which would establish mandatory fuel economy standards to be enforced by the Department of Transportation. By 1980, the bill requires a 50-percent improvement in average fuel economy over 1974 models. A 100-percent improvement would be the goal in 1985. Mandatory fuel economy standards would also be established, at levels determined by the Secretary of Transportation, for light duty trucks.

The standards would apply to a manufacturer's average annual production, leaving to the manufacturer maximum flexibility in determining how to meet the standards. Civil penalties would be imposed on manufacturers who fail to achieve these standards, but such penalties could be waived or modified as determined by the Secretary of Transportation. A fuel economy labeling program for new cars and new light duty trucks would also be established by S. 1883.

Mr. President, the achievement of improved automotive fuel economy is a major cornerstone of a sensible national energy policy. The automobile is the single largest user of petroleum products, accounting for some 40 percent of total national consumption. Unless we can significantly reduce the energy requirements of new automobiles, we will be merely chasing our tails in pursuit of a solution to our energy problems.

In 1974, new cars averaged 14 miles per gallon. A 50-percent increase for new model cars in 1980 would bring this average up to 21 miles per gallon, and the 1985 goal of a 100-percent improvement would bring average miles per gallon up to 28.

Numerous Government and private studies have concluded that the goal of 21 miles per gallon for 1980 model year automobiles can be achieved without sacrificing our current statutory emission standards for hydrocarbons and carbon monoxide, and probably without a relaxation of our oxides of nitrogen standards. In fact, EPA has stated in its February 1975 report entitled, "Automobile Emission Control—The Technical Status and Outlook as of December 1974," that "there is no inherent relationship between exhaust emission standards and fuel economy." In short, Mr. President, given an adequate commitment on the part of the manufacturers to meet these moderate fuel economy standards, the bill's goal of 21 miles per gallon by 1980 can be achieved without sacrificing our clean air goals.

The 1985 goal of 28 miles per gallon is probably achievable, but such achievement is less certain than the 1980 standard. Accordingly, S. 1883 provides the Secretary of Transportation the authority to adjust the 1985 goal as late as 1982, provided Congress consents. Whether or not we are able to achieve

this laudable goal by 1985, in my opinion, will depend in large part upon the success of the research and development program established under title II of S. 1883, as well as on the good faith efforts of the automobile manufacturers.

Mr. President, it is clearly in the national interest to reduce in the shortest possible time the energy requirements of new automobiles. That this can be achieved without any substantial sacrifice of our efforts to improve air quality is encouraging. I urge the Senate to pass this bill.

Mr. MUSKIE. Mr. President, I support the pending legislation to require auto manufacturers to improve motor vehicle fuel economy. I know of no alternative to a legislative mandate to the auto manufacturers. As chairman of the Subcommittee on Environmental Pollution, I have watched the auto industry delay, ignore, and defeat efforts to improve auto exhaust emissions. Only a statutory mandate has kept that industry on a course toward developing the clean car and even that mandate has been only partially successful.

Voluntary agreements with auto manufacturers have proved to be a poor substitute for a mandated public policy articulated in legislation and backed up by administrative and judicial processes.

Mr. President, much talk has occurred about the relationship between auto exhaust emissions and fuel economy. The auto industry would have us believe that dirty cars are efficient cars and that clean cars get poor fuel economy. And, there is a body of evidence that shows that the choices of technology to power cars and clean exhausts have had an adverse impact on efficiency.

But, it is false to say that fuel economy and clean air are incompatible. Given the proper choices of technology, the proper sizing of cars, the proper sizing of engines, the proper selection of options and advanced technological applications to component parts, this country can have a very clean and highly efficient personal transportation vehicle. The question is not whether the fuel economy and emissions are compatible technologically or economically, but whether or not our auto manufacturers will agree to make needed adjustments in the way they do business to provide the American consumer with that kind of car.

Mr. President, it may be that the past failures of our industry, combined with current energy shortages and competitive pressures from abroad, will make difficult, if not impossible, these adjustments on a time schedule which is acceptable to the American people.

The Subcommittee on Environmental Pollution has examined this question with some care. On the basis of the very best evidence that is available from the Environmental Protection Agency, the Department of Transportation, the Federal Energy Administration, and the National Academy of Sciences, I am satisfied that major fuel economy cars can be made while maintaining most, if not all, of our auto emission objectives.

The most important thing that we in the Congress must do is establish, at the earliest possible date, the requirements and timetables for both fuel economy and emissions so that the industry can gear its efforts to meet those societal demands.

Cognizant of this objective, the Subcommittee on Environmental Pollution has scheduled an exhausting series of clean air markup sessions to resolve clean air issues and to provide the certainty that is needed for those who relate environmental requirements to energy and economic needs.

Mr. President, we met today at 8 a.m. We will meet tomorrow and Thursday at 8 a.m. And, we will meet Wednesday in the evening after the Senate session. We will continue to meet morning and night until the subcommittee at least has completed a bill. We will hope to have a bill reported to the Senate before the August recess so that all committees working on related issues can make their decisions accordingly.

Mr. President, this is a difficult schedule but these are difficult times. We on the Subcommittee on Environmental Pollution are committed to it. We hope that our colleagues in the Senate will support us in our actions.

Mr. BUCKLEY. Mr. President, the additional views that the Senator from Michigan (Mr. GRIFFIN) introduced pointed to some of the fatal defects in the legislation that have not been corrected. There is no possible way that a manufacturer can determine the exact "mix" of product sales. Therefore, there is no way for an automobile manufacturer operating in entire good faith to avoid the possibility of punitive fines. This is an elementary factor of fair treatment. Accordingly, I shall vote against the bill.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Indiana (Mr. HARTKE), and the Senator from Minnesota (Mr. HUMPHREY) are necessarily absent.

I further announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Kentucky (Mr. FORD), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Vermont (Mr. LEAHY), the Senator from North Carolina (Mr. MORGAN), and the Senator from Utah (Mr. Moss) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Vermont (Mr. LEAHY), and the Senator from North Carolina (Mr. MORGAN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Texas (Mr. TOWER) is necessarily absent.

I also announce that the Senator from Arizona (Mr. GOLDWATER) is absent on official business.

The result was announced—yeas 63, nays 21, as follows:

[Rollcall Vote No. 285 Leg.]

YEAS—63

Abourezk	Hathaway	Pastore
Baker	Hollings	Pearson
Beall	Inouye	Pell
Bentsen	Jackson	Percy
Biden	Javits	Proxmire
Brooke	Kennedy	Randolph
Burdick	Long	Ribicoff
Byrd, Robert C.	Magnuson	Roth
Cannon	Mansfield	Schweiker
Case	Mathias	Scott, Hugh
Chiles	McClellan	Stafford
Church	McGee	Stennis
Clark	McGovern	Stevens
Cranston	McIntyre	Stevenson
Culver	Metcalf	Stone
Domenici	Mondale	Symington
Eagleton	Montoya	Taft
Fong	Muskie	Talmadge
Hart, Philip A.	Nelson	Tunney
Haskell	Nunn	Weicker
Hatfield	Packwood	Williams

NAYS—21

Allen	Dole	Laxalt
Bartlett	Fannin	McClure
Bellmon	Garn	Scott, William L.
Brock	Gravel	Sparkman
Buckley	Griffin	Thurmond
Byrd, Harry F., Jr.	Hansen	Young
Curtis	Helms	
	Hruska	

NOT VOTING—15

Bayh	Goldwater	Johnston
Bumpers	Hart, Gary W.	Leahy
Eastland	Hartke	Morgan
Ford	Huddleston	Moss
Glenn	Humphrey	Tower

So the bill (S. 1883) was passed, as follows:

S. 1883

An Act to conserve gasoline by directing the Secretary of Transportation to establish and enforce mandatory fuel economy performance standards for new automobiles and light duty trucks, to establish a research and development program leading to advanced automobile prototypes, and for other purposes

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

TITLE I—AUTOMOBILE FUEL ECONOMY

SEC. 101. This title may be cited as the "Automobile Fuel Economy Act of 1975".

SEC. 102. The Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) is amended by adding at the end thereof the following new title:

"TITLE V—FUEL ECONOMY

"SHORT TITLE

"SEC. 501. This title may be cited as the 'Automobile Fuel Economy Act'.

"DECLARATION OF POLICY

"SEC. 502. (a) FINDINGS.—The Congress finds that—

"(1) Automobiles are the single largest and most significant user of petroleum products.

"(2) The amount of fuel required for automobile and light duty truck transportation could be substantially reduced through technologically feasible improvements in automobile and light duty truck fuel economy.

"(b) PURPOSE.—It is therefore declared to be the purpose of the Congress in this title—

"(1) to assure, to the maximum extent practicable, that manufacturers of automobiles and light duty trucks reduce the amount of fuel consumed by new automobiles and light duty trucks per mile traveled without reducing standards for safety, damageability, or environmental quality; and

"(3) to increase the industrywide average fuel economy for new automobiles to achieve at least a 50-percent improvement in such average by model year 1980, and at least a 100-percent improvement in such average by model year 1985, over the model year 1974 industrywide average fuel economy level of 14 miles per gallon.

"DEFINITIONS

"SEC. 503. As used in this title, the term—

"(1) 'Administrator' means the Administrator of the Environmental Protection Agency;

"(2) 'automobile' means a four-wheeled vehicle propelled by fuel which is manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails, and which has as its primary intended function the transportation of not more than ten individuals. The term does not include any vehicle manufactured for export, and exported, from the United States;

"(3) 'average fuel economy' means an harmonic average of fuel economy weighted on the basis of automobiles manufactured, or light duty trucks manufactured, as appropriate. As used in this paragraph, 'harmonic average of fuel economy weighted on the basis of automobiles manufactured, or light duty trucks manufactured, as appropriate,' means the total number of automobiles or light duty trucks, as appropriate, manufactured for sale in the United States in a given model year by a manufacturer and its affiliates, divided by a sum of terms, each term of which is a fraction created by dividing the number of automobiles of a given model type produced in a given model year by the fuel economy measured for each particular model type, as determined by the Administrator;

"(4) 'dealer' means any person engaged in the business of selling new automobiles or new light duty trucks, as appropriate, to purchasers who buy for purposes other than resale;

"(5) 'fuel' means gasoline and diesel oil;

"(6) 'fuel economy' refers to the average number of miles traveled in representative driving conditions by an automobile or light duty truck per gallon of fuel consumed, as determined by the Administrator in accordance with test procedures established by rule. Such procedures shall require that fuel economy tests be conducted in conjunction with emissions tests mandated by section 206 of the Clean Air Act, as amended (42 U.S.C. 1857f–5);

"(7) 'light duty truck' means any motor vehicle rated at 6,000 pounds gross weight or less which (A) is designed primarily for purposes of transportation of property including a derivative of such a vehicle, or (B) has special features modifying such vehicle for predominant offstreet or offhighway operation and use. The term does not include any vehicle manufactured for export, and exported, from the United States;

"(8) 'manufacturer' means a manufacturer or an importer of automobiles or light duty trucks;

"(9) 'manufactured' includes imported;

"(10) 'model type' means a particular class of automobile or light duty truck, as defined by the Secretary in close consultation with the Administrator;

"(11) 'model year', with reference to any specific calendar year, means the manufacturer's annual production period (as determined by the Administrator) which includes January 1 of such calendar year. If the manufacturer has no annual production period, the term 'model year' shall mean the calendar year; and

"(12) 'retrofit device' means any component, equipment, or other device that is designed to be installed in a motor vehicle (as an addition to, as a replacement for, or through alteration or modification of, any existing component, equipment, or other device) for the purpose of prolonging the useful life of lubricating oils, increasing the fuel economy and/or improving the exhaust emissions of such vehicle.

"MINIMUM FUEL ECONOMY PERFORMANCE STANDARDS

"SEC. 504. (a) ESTABLISHMENT.—(1) Not later than July 1, 1975, the Secretary, in consultation with the Administrator and the Administrator of the Federal Energy Administration, shall establish, by rule pursuant to section 553 of title 5, United States Code, minimum average fuel economy performance standards for automobiles that are manufactured in each of the model years from 1977 through 1985. The standards, which shall be equally applicable to each manufacturer, shall be set for each such model year at a level which the Secretary determines is the maximum feasible such level and which is high enough to result, by model year 1980, in an industrywide average fuel economy level which represents at least a 50-percent improvement over the industrywide average fuel economy level for model year 1974. Such standards shall be set at a level which is high enough to result, by model year 1985, in an industrywide average fuel economy level which represents at least a 100-percent improvement over the industrywide average fuel economy for model year 1974. Such standards shall be designed in such a manner as to result in steady progress toward the achievement of such improvement goals for model years 1980 and 1985.

"(2) Not later than August 1, 1975, the Secretary, in consultation with the Administrator and the Administrator of the Federal Energy Administration, shall establish, by rule pursuant to section 553 of title 5, United States Code, minimum average fuel economy performance standards for light duty trucks that are manufactured in each of the model years from 1977 through 1985. The standards, which shall be equally applicable to each manufacturer, shall be set for each such model year at a level which the Secretary determines is the maximum feasible such level.

"(3) In establishing standards under this subsection the Secretary shall take into account the impact of other Federal standards applicable to automobiles and to light duty trucks, as appropriate.

"(4) The Secretary may, by rule promulgated pursuant to section 553 of title 5, United States Code, exempt from the requirements of standards promulgated under this subsection any manufacturer who manufactures not more than 10,000 automobiles per model year if (A) such automobiles are sold predominantly for commercial use; (B) such exemption will not significantly detract from the goals specified in paragraph (1) of this subsection; and (C) such exemption is necessary to avoid an unreasonable burden on such manufacturer. Whenever such an exemption is granted to a manufacturer, the Secretary shall simultaneously establish and promulgate for such manufacturer alternate standards which shall represent the maximum feasible level of fuel economy for such manufacturer for the term of such exemption.

"(5) The Secretary shall, not later than January 1 of each calendar year beginning in 1976, make a review of the standards which are applicable to future model years. The Secretary shall publish the results of each such review in the Federal Register. The review required to be made by January 1, 1979 shall include a comprehensive analysis of the program required by this title. Such analysis shall include an assessment of the ability of the Nation to meet the industrywide average fuel economy requirement for 1985, as specified in paragraph (1) of this subsection, and any legislative recommendations the Secretary might have for improving the program required by this title.

"(6) Any average fuel economy performance standard promulgated under this subsection and any amendment thereto which would change the fuel economy required in a given model year, shall be promulgated at least 18 months prior to the beginning of the model year with respect to which such standard or amendment is applicable, except that the standard applicable to model year 1977 shall be promulgated at least 12 months prior to the beginning of such model year.

"(b) AMENDMENT AND MODIFICATION.—(1) The Secretary may, from time to time, upon the basis of new information, amend, modify, or revise any average fuel economy performance standard established under subsection (a) of this section. No such amendment, modification, or revision is authorized if it would reduce such a standard below the minimum level necessary to meet the improvement goals for model years 1980 and 1985, as specified in subsection (a)(1) of this section, or as modified pursuant to paragraph (2) of this subsection.

"(2) If the Secretary finds—

"(A) in the course of the review required to be made by January 1, 1977 or prior thereto, that the improvement goal for model year 1980, as specified in subsection (a)(1) of this section; or

"(B) in the course of the review required to be made by January 1, 1979 or by January 1, 1982, that the improvement goal for model year 1985, as specified in subsection (a)(1) of this section;

cannot reasonably be attained or could reasonably be made more stringent, the Secretary is authorized to establish a modified goal at a level that represents the maximum feasible industrywide average fuel economy for model year 1980, or for model year 1985, as the case may be. Any such modified goal shall be established by rule pursuant to section 553 of title 5, United States Code, and shall not be subject to judicial review. A notice of the establishment of such a modified goal shall be promptly submitted to the Congress by the Secretary. Such a modified goal shall become effective and have the force and effect of law 60 days after the date of such submission, unless either House of Congress disapproves such modified goal by resolution of disapproval in accordance with section 1017 of Public Law 93–344 (31 U.S.C. 1407). If either House of Congress disapproves such modified goal, the Secretary may establish a new modified goal and submit a new notice or the Secretary may resubmit the same notice to the Congress, except that no such notice may be submitted—

"(i) later than June 30, 1977, with respect to the review required by January 1, 1977;

"(ii) later than June 30, 1979, with respect to the review required by January 1, 1979; and

"(iii) later than June 30, 1982, with respect to the review required by January 1, 1982.

"(c) COMPLIANCE.—Each manufacturer shall, after the date of enactment of this Act, comply with any applicable minimum average fuel economy performance standard. Compliance is to be determined by the Administrator, in accordance with test procedures to be established by the Administrator by rule pursuant to section 553 of title 5, United States Code, Nothing in this title shall be construed to require each individual automobile or light duty truck manufactured by a particular manufacturer to meet is in compliance if the average fuel economy performance standard; a manufacturer is in compliance if they average fuel economy of all automobiles or light duty trucks, as appropriate, manufactured by such manufacturer during a particular model year equals or exceeds such standard for such model year. The Administrator shall report the findings of compliance determinations to the Secretary.

"(d) JUDICIAL REVIEW.—(1) Any person who may be adversely affected by any rule

promulgated under this section may, at any time prior to 60 days after such rule is promulgated, file a petition for judicial review of such rule, in the United States Court of Appeals for the District of Columbia or in the United States Court of Appeals for any circuit in which such person resides or maintains its principal place of business. A copy of the petition shall be forthwith transmitted by the clerk of such court to the Secretary or the Administrator, as the case may be. The Secretary or Administrator, as the case may be, shall thereupon cause to be filed in such court the record of the proceedings upon which the rule which is under review was based, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter.

"(2) If the petitioner applies to the court in a proceeding under paragraph (1) of this subsection for leave to make additional submissions, and shows to the satisfaction of the court that such additional submissions are material and that there were reasonable grounds for the failure to make such submissions in the administrative proceeding, the court may order the Secretary or the Administrator, as the case may be, to provide additional opportunity to make such submissions. The Secretary, or the Administrator, as the case may be, may modify or set aside the rule involved or make a new rule by reason of the additional submissions and shall file any such modified or new rule with the return of such additional submissions. The court shall thereafter review such new or modified rule.

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

"(4) Remedies under this subsection shall be in addition to, and not in lieu of, any other remedies provided by law.

"RETROFIT DEVICES

"SEC. 505. (a) DUTIES OF THE ADMINISTRATOR.—(1) Within 120 days after the date of enactment of this title, the Administrator shall promulgate procedures by rule in accordance with section 553 of title 5, United States Code, for evaluating and confirming fuel economy representations of retrofit devices.

"(2) The Administrator, in accordance with procedures established under paragraph (1) of this subsection, shall test, or cause to be tested, as expeditiously as possible after the date of enactment of this title, all retrofit devices being marketed as to which representations are made concerning increased fuel economy.

"(3) (A) The Administrator, in accordance with procedures established under paragraph (1) of this subsection, shall test, or cause to be tested, prototypes of retrofit devices for which a written description has been submitted to the Administrator, and which show potential for increasing fuel economy, and other devices for which the Administrator determines testing is necessary. Procedures for testing such prototype devices may include a requirement for preliminary testing by a qualified independent testing laboratory: *Provided,* That if the Administrator finds that a prototype device for which a written description has been submitted does not show potential for increasing fuel economy, the Administrator shall state in writing, in a timely fashion, the reasons for such finding.

"(B) The developer of such prototype device may subsequently request reconsideration of the Administrator's finding under subparagraph (A) upon submission of independent laboratory test results which appear to confirm the developer's representations concerning improved fuel economy. The Administrator may then test such device in accordance with procedures established under paragraph (1) of this subsection, make a new finding that such device does not show potential for increasing fuel economy with reasons stated in writing, or report the independent laboratory test results in accordance with the requirements of subsection (d) of this section.

"(4) Each device qualifying for testing under paragraphs (2) and (3) of this subsection shall be tested to determine whether such device changes, and the extent of such change, fuel economy and exhaust emissions of a motor vehicle by comparison with an otherwise identical motor vehicle in which such device is not installed.

"(b) REPORTING OF RESULTS.—The Administrator shall publish in the Federal Register a summary of all test data and the result of all tests conducted under this section, together with the Administrator's conclusions as to (1) the effect of such device on fuel economy; (2) the effect of such device on exhaust emissions; and (3) any other information which the Administrator determines to be relevant in evaluating such device. Such results shall also be submitted to the Secretary and the Federal Trade Commission. The Federal Trade Commission shall analyze such data and other information and take appropriate action whenever it shall determine that any retrofit device has been falsely advertised or represented in a manner that violates the Federal Trade Commission Act (U.S.C. 4 et seq.).

"(c) DEMONSTRATION.—There shall be established within the Environmental Protection Agency a program to demonstrate the potential for fuel savings when existing motor vehicles are equipped with retrofit devices. Such program shall demonstrate such potential on a range of vehicles representative of the current automotive fleet.

"DUTIES AND POWERS OF THE SECRETARY AND THE ADMINISTRATOR

"SEC. 506. (a) GENERAL.—(1) For purposes of carrying out the provisions of this title, the Secretary or the Administrator, or their duly designated agents, may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, the Administrator, or such agents deem advisable. The Secretary, the Administrator, or their duly designated agents, shall at all reasonable times have access to, and for the purpose of examination the right to copy, any documentary evidence of any person having materials or information relevant to any function of the Secretary or of the Administrator under this title. The Secretary or the Administrator is authorized to require, by general or special orders, any person to file, in such form as the Secretary or the Administrator may prescribe, reports or answers in writing on specific questions relating to any such function. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary or the Administrator within such reasonable period as the Secretary or the Administrator may prescribe.

(2) The district court of the United States for a judicial district in which an inquiry is carried on may, in the case of contumacy or refusal to obey a duly authorized subpena or order issued under paragraph (1) of this subsection, issue an order requiring compliance with such subpena or order. Any failure to obey such an order of the court may be punished by such court as a contempt thereof.

"(3) Witnesses summoned pursuant to this subsection shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"(b) INSPECTION.—(1) Each manufacturer shall establish and maintain such records, make such reports, conduct such tests, and provide such material and information as the Secretary or the Administrator may reasonably require to carry out their duties under this title and under any rules promulgated pursuant to this title. A manufacturer shall make all of such items and information available, in accordance with such reasonable rules as the Secretary or the Administrator may prescribe. Upon the request of a duly designated agent of the Secretary or of the Administrator, a manufacturer shall permit such agent to inspect finished automobiles or light duty trucks and appropriate books, papers, records, and documents.

"(2) The district court of the United States for a judicial district in which an inspection is carried out or requested may, if a manufacturer refuses to accede to any reasonable requirement or request issued or made under paragraph (1) of this subsection, issue an order requiring compliance with such requirement or request. Any failure to obey such an order of the court may be punished by such court as a contempt thereof.

"(c) PUBLIC DISCLOSURE OF INFORMATION.—The Secretary or the Administrator shall disclose information obtained under this title to the public, except that any information which contains or relates to a trade secret or other confidential information referred to in section 1905 of title 18, United States Code, which if disclosed would result in significant competitive damage, shall not be disclosed to the public (other than to officers or employees concerned with carrying out this title), unless such information is relevant to any proceeding under this title. Nothing in this subsection shall authorize the withholding of information by the Secretary or the Administrator, or any officer or employee under their control, from any duly authorized committee of the Congess.

"(d) REPRESENTATION.—Notwithstanding any other provisioin of law, the Secretary or the Administrator may direct their own attorneys to represent them in any civil action under or arising out of any provisions of this title.

"LABELING, ADVERTISING, AND DISCLOSURE

"SEC. 507. (a) LABELING.—(1) Beginning not later than 180 days after the date of enactment of this title, each manufacturer shall cause to be affixed to, and each dealer shall cause to be maintained on, each new automobile and new light duty truck, in a prominent place, a motor vehicle energy guide prepared and issued by such manufacturer.

"(2) The format of such motor vehicle energy guide shall be determined by the Federal Trade Commission, by rule pursuant to section 553 of title 5, United States Code, after consultation with the Secretary, the Administrator, and the Administrator of the Federal Energy Administration. Such motor vehicle energy guide shall set forth, in clear and understandable language and form, detailed information with respect to:

"(A) the fuel economy for such automobile or light duty truck, as appropriate, as determined pursuant to this title;

"(B) the estimated annual fuel cost associated with the operation of such automobile or light duty truck, as appropriate, as determined in accordance with subsection (b) of this section;

"(C) the manner in which such estimated annual fuel costs was determined including the time period upon which such estimate is based, the suggestions as to how

such estimate could be refined to take account of the personal driving circumstances of a prospective purchaser;

"(D) a range of fuel economy performance of automobiles or light duty trucks, as appropriate, so as to facilitate comparison shopping; and

"(E) any other aspects of automobile or light duty truck operation deemed appropriate by the Federal Trade Commission.

"(3) Posting of the fuel economy information required by pargraph (2) of this subsection shall not be construed to constitute, directly or indirectly, a warranty as to fuel economy performance. Nothing in this section shall be deemed to prohibit a manufacturer or dealer from representing orally or in writing that the information required to be provided or disclosed by this section is based on representative driving conditions as determined by the Administrator.

"(b) COMPUTATION OF ESTIMATED ANNUAL FUEL COST.—

"(1) Each manufacturer of a new automobile or new light duty truck shall determine the estimated annual fuel cost of such automobile or light duty truck in accordance with instructions to be issued by the Administrator. Such determinations may, at the discretion of the Administrator, include a range of estimated annual fuel costs to reflect geographical or other differences in usage patterns or energy costs. Commencing not later than 90 days after the date of promulgation of fuel economy testing procedures in accordance with this title, estimated annual fuel cost data shall be included as part of the material shipped with each such automobile or light duty truck by a manufacturer to a dealer.

"(2) If a range of estimated annual fuel costs is provided to dealers in accordance with paragraph (1) of this subsection, each dealer involved shall select the estimated annual operating cost that is applicable in accordance with instructions to be issued by the Administrator and included with the material shipped to the dealers under paragraph (1).

"(c) ADVERTISING.—The Federal Trade Commission shall, by rule pursuant to section 553 of title 5, United States Code, identify the categories and types of advertisements for new automobiles and new light duty trucks which it shall direct to contain the information which is required under subsection (a)(2) of this section, to the extent prescribed by it. In accordance with rules to be established by the Commission, if any such advertisement displays the purchase price or fuel economy characteristics of a new automobile or light duty truck, the Commission may require such advertisement to include a statement as to the estimated annual fuel cost or the fuel economy of such automobile or light duty truck, whichever is appropriate. If the Administrator directs that the estimated annual fuel costs shall be determined separately for different geographic regions of the Nation, advertising covering more than one such region shall include national average values with respect to estimated annual fuel costs.

"(d) BOOKLET.—Within 6 months after the date of enactment of this title, and annually thereafter, a booklet which compiles the automobile and light duty truck fuel economy information provided to, or developed by the Administrator under this title for a given model year shall be published by the Administrator in a public document to be placed on sale at the Government Printing Office. Such booklet shall present such information in a clear, concise, and objective manner, and the Administrator shall take steps to encourage the widest possible distribution of such booklet and any revision thereof: *Provided*, That nothing in this section may be construed to require the compilation of lists which compare the estimated annual fuel costs of automobiles by model or manufacturer's name.

"(e) DISCLOSURE.—Beginning 180 days after the date of enactment of this title, it shall be unlawful for any dealer to sell, or offer for sale in commerce, any new automobile or new light duty truck, unless the estimated annual fuel cost of such automobile or light duty truck, is disclosed by such dealer prior to any such sale. Such disclosure shall appear on the same label, tag, direct mail statement, or any other place on which the purchase price or acquisition cost of such automobile or light duty truck is stated, in accordance with rules to be established by the Federal Trade Commission. Any such disclosure requirement in this subsection shall be considered to be fulfilled if the dealer obtains a written statement from the purchaser that such purchaser has read the relevant motor vehicle energy guide. Mail order literature, catalogs, brochures, and other media communications that are received in more than one geographic region that contain automobile or light duty truck price or acquisition cost data may include national average values with respect to estimated annual fuel costs.

"(f) CONFORMING AMENDMENT.—Section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232) is amended by striking out in the first paragraph 'disclosing the following information concerning' and inserting in lieu thereof 'disclosing the information required by the Automobile Fuel Economy Act together with the following information concerning'.

"PROHIBITED CONDUCT

"SEC. 508. The following conduct is prohibited:

"(1) the failure to provide information as required in accordance with this title;

"(2) the failure to permit inspection pursuant to this title;

"(3) the failure to comply with any labeling, advertising, and disclosure requirement mandated or authorized under section 507 of this title. Any such failure shall be an unfair and deceptive act or practice under section 5 of the Federal Trade Commission Act. Any person that fails to comply with any labeling, advertising, or disclosure, requirement mandated or authorized under section 507 shall be subject to a civil action under section 5(m)(1)(A) and section 19 of the Federal Trade Commission Act; and

"(4) the failure to comply with any other provision of this title or any standard, rule, regulation, or order issued pursuant to this title.

"CIVIL PENALTY

"SEC. 509. (a) DETERMINATION OF PENALTY.—(1) Any manufacturer who is determined by the Secretary, after a proceeding (not to exceed 180 days in length) in accordance with section 554 of title 5, United States Code, to have failed to comply with section 504(c) of this title shall be liable to the United States for a civil penalty of not less than $50 and not more than $100 for each mile per gallon by which the average fuel economy of the automobiles or light duty trucks, as appropriate, manufactured by such manufacturer during the same model year falls short of the applicable minimum fuel economy performance standard established under section 504(a) of this title, multiplied by the total number of automobiles or light duty trucks, as appropriate, manufactured by such manufacturer during such model year. Fractional miles per gallon deviations from an applicable standard shall be penalized on the basis of the $50 to $100 civil penalty multiplied by such fraction.

"(2) Any person who is determined by the Secretary, after a proceeding in accordance with section 554 of title 5, United States Code, to have violated a provision of section 508 of this title, other than paragraphs (3) and (4) thereof, shall be liable to the United States for a civil penalty of not more than $10,000 for each violation; each day of a continuing violation is a separate violation.

"(3) The amount of a civil penalty under paragraphs (1) or (2) of this subsection shall be assessed by the Secretary by written notice.

"(b) WAIVER OF PENALTY.—(1) Except as provided in paragraphs (2) and (3) of this subsection, the Secretary may waive, modify, or remit, with or without conditions, a civil penalty for which a manufacturer is determined to be liable under subsection (a) of this section only (A) to the extent necessary to prevent the insolvency or bankruptcy of the manufacturer involved; (B) to the extent appropriate to reflect the impact of any acts of God, fires, or strikes on the failure to attain an applicable standard; or (C) to the extent necessary to prevent the substantial lessening of competition within the automobile or light duty truck industries.

"(2) The Secretary may waive or modify a civil penalty for which a manufacturer is determined to be liable under subsection (a)(1) of this section if the manufacturer involved demonstrates to the Secretary that if the penalty were paid the manufacturer would lack sufficient capital and the ability to attract sufficient capital to manufacture automobiles or light duty trucks, as appropriate, in compliance with minimum average fuel economy performance standards and at competitive prices. Before granting any such waiver or modification the Secretary shall examine and approve a compliance plan which shall be submitted by the manufacturer seeking such waiver or modification. A compliance plan shall speciy the manner in which applicable average fuel economy performance standards will be complied with in the future.

"(3) The Secretary may waive or modify a civil penalty determined under subsection (a)(1) of this section if, and to the extent that the manufacturer involved demonstrates to the Secretary that its failure to comply with an applicable average fuel economy performance standard resulted from an unanticipated retail sales mix among different classes of automobiles or light duty trucks, as appropriate, manufactured by it and that such mix was beyond the control of the manufacturer: *Provided*, That the Secretary may not waive or modify any such penalty unless the manufacturer involved demonstrates to the Secretary that it included in its automobiles or light duty trucks, as appropriate, all of the improvements to increase fuel economy that were technologically feasible, and that it made a good faith effort to produce or stimulate a retail sales mix that would have resulted in compliance with the applicable standards, through advertising, pricing practices, availability of models and any other means.

"(c) RECOUPMENT OF PENALTY.—A manufacturer who pays a civil penalty as a result of a determination under subsection (a)(1) of this section may recoup from the United States all or part of the amount paid if, in any of the next five model years, such manufacturer exceeds the minimum average fuel economy performance standard applicable in that model year. The amount recouped shall be calculated by multiplying (1) the number of miles per gallon (or fraction thereof) by which such manufacturer exceeds the applicable average fuel economy performance standard, multiplied by (2) the total number of automobiles or light duty trucks, as appropriate, manufactured by such manufacturer during such model year and by (3) the per mile rate at which the civil penalty was assessed against such manufacturer. The total amount recouped by a manufacturer shall not exceed the amount of any such civil penalty paid by such manufacturer.

"(d) JUDICIAL REVIEW.—(1) Any interested person may obtain review, in the appropriate court of appeals of the United States, of a civil penalty assessed under this section. Such review may be obtained by filing notice of appeal in such court within 30 days after the date of the order assessing such penalty and by simultaneously sending a copy of such notice by certified mail to the Secretary. The Secretary shall promptly file in such court a certified copy of the record upon which failure to comply or violation was found and such penalty imposed. The determinations of the Secretary shall be set aside if found to be unsupported by substantial evidence, pursuant to section 706 (2) (E) of title 5, United States Code.

"(2) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court of appeals has entered final judgment in favor of the Secretary, the Attorney General shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

"RELATIONSHIP TO STATE LAW

"SEC. 510. After the effective date of any rule that is promulgated under this title relating to minimum average fuel economy performance standards, or to fuel economy labeling or advertising, no State or political subdivision thereof may adopt or enforce any standards relating to such matters which are inconsistent therewith.

"REPORTS

"SEC. 511. (a) Within 180 days after the date of enactment of this title, the Secretary shall prepare and submit to the Congress and the President a comprehensive report setting forth findings and containing conclusions and recommendations with respect to speed limiting devices known as governors. Such report shall include, but not be limited to, an examination of the feasibility, practicality, safety, and associated energy savings of a requirement that manufacturers install on all new automobiles, new light duty trucks, and other new motor vehicles devices that would make it impossible to operate such vehicles at speeds in excess of the national maximum speed limit for any sustained period of time.

"(b) Within 180 days after the date of enactment of this title, the Secretary shall prepare and submit to the Congress and the President a comprehensive report setting forth findings and containing conclusions and recommendations with respect to a requirement that each new automobile and light duty truck be equipped with a fuel flow instrument reading directly in miles per gallon and the most feasible means of equipping used automobiles and used light duty trucks with such instruments. Such report shall include, but not be limited to, an examination of the effectiveness of such instruments in promoting voluntary reductions in fuel consumption, the cost of such instruments, means of encouraging automobile and light duty truck purchasers to voluntarily purchase automobiles or light duty trucks, as appropriate, equipped with such instruments, and any other factor bearing on the cost and effectiveness of such instruments and their use.

"(c) (1) Within 180 days after the date of enactment of this title, the Secretary shall prepare and submit to the Congress and the President a comprehensive report setting forth findings and containing conclusions and recommendations with respect to whether or not electric vehicles and other vehicles not consuming fuel (as defined in section 503 of this title) should be covered by this title. Such report shall include, but not be limited to, an examination of the extent to which such vehicle should be included under the provisions of this title, the manner in which energy requirements of such vehicles may be compared with that of fuel consuming vehicles, the extent to which inclusion of such vehicles would stimulate their production and introduction into commerce, and any recommendations for legislative action.

"(2) As used in this subsection the term 'electric vehicle' means a vehicle powered primarily by an electric motor drawing current from rechargeable batteries, fuel cells, or other portable sources of electrical current.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 512. (a) SECRETARY.—There are authorized to be appropriated to the Secretary for carrying out the provisions of this title funds not to exceed $1,000,000 for the fiscal year ending June 30, 1976; not to exceed $750,000 for the transitional quarter ending September 30, 1976; not to exceed $3,000,000 for the fiscal year ending September 30, 1977; and not to exceed $3,000,000 for the fiscal year ending September 30, 1978.

"(b) ADMINISTRATOR.—There are authorized to be appropriated to the Administrator for carrying out the provisions of this title funds not to exceed $300,000 for the fiscal year ending June 30, 1976; not to exceed $150,000 for the transitional quarter ending September 30, 1976; not to exceed $2,000,000 for the fiscal year ending September 30, 1977; and not to exceed $2,000,000 for the fiscal year ending September 30, 1978.".

TITLE II—RESEARCH AND DEVELOPMENT

SEC. 201. This title may be cited as the "Automotive Transport Research and Development Act of 1975".

SEC. 202. The Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.), as amended by title I of this Act, is further amended by adding at the end thereof the following new title:

"TITLE VI—RESEARCH AND DEVELOPMENT

"SHORT TITLE

"SEC. 601. This title may be cited as the 'Automotive Transport Research and Development Act'.

"FINDINGS AND PURPOSES

"SEC. 602. (a) FINDINGS.—The Congress finds that—

"(1) Existing automobiles, on the average, fall short of meeting the long-term goals of the Nation with respect to safety, environmental protection, and energy conservation.

"(2) Advanced alternatives to existing automobiles could, with sufficient research and development effort, meet these long-term goals, and have the potential to be mass produced at reasonable cost. Such advanced automobiles could be operated with significantly less adverse environmental impact and fuel consumption than existing automobiles, while meeting all of the other requirements of Federal law.

"(3) Insufficient resources are being devoted, both by the Federal Government and by the private sector, to research and development of advanced automobiles and automobile components.

"(4) An expanded research and development effort by the Federal Government into advanced automobiles and automobile components would complement and stimulate corresponding efforts by the private sector and would encourage automobile manufacturers to consider seriously the substitution of such advanced alternatives for existing automobiles and automobile components.

"(5) The Nation's energy, safety, and environmental problems are urgent, and therefore advanced automobiles and automobile components should be developed, tested, and prepared for manufacture within the shortest practicable time.

"(b) PURPOSES.—It is therefore the purpose of the Congress in this title—

"(1) to make contracts and grants for, and support through obligation guarantees, research and development leading to production prototypes of advanced automobiles within 4 years from the date of enactment of this title, or within the shortest practicable time consistent with appropriate research and development techniques, and to secure the certification after testing of those prototypes which are likely to meet the Nation's long-term goals with respect to fuel economy, safety, environmental protection, and other objectives; and

"(2) to preserve, enhance, and facilitate competition in research, development, and production of existing and alternative automobiles and automobile components.

"DEFINITIONS

"SEC. 603. As used in this title, the term—

"(1) 'Administrator' means the Administrator of the Energy Research and Development Administration;

"(3) 'advanced automobile' means a personal use transportation vehicle propelled by fuel, which is energy-efficient, safe, damage-resistant, and environmentally sound and which—

"(A) requires, consistent with environmental requirements, the least total amount of energy to be consumed with respect to its fabrication, operation, and disposal, and represents a substantial improvement over existing automobiles with respect to such factors;

"(B) can be mass produced at the lowest possible cost consistent with the requirements of this title;

"(C) operates safely and with sufficient performance with respect to acceleration, cold weather starting, cruising speed, and other performance factors;

"(D) to the extent practicable, is capable of intermodal adaptability; and

"(E) at a minimum, can be produced, distributed, operated, and disposed of in compliance with any requirement of Federal law, including, but not limited to, requirements with respect to fuel economy, exhaust emissions, noise control, safety, and damage resistance;

"(3) 'damage resistance' refers to the ability of an automobile to withstand physical damage when involved in an accident;

"(4) 'developer' means any person engaged in whole or in part in research or other efforts directed toward the development of production prototypes of an advanced automobile or automobiles;

"(5) 'fuel' means any energy source capable of propelling an automobile;

"(6) 'fuel economy' refers to the average number of miles traveled in representative driving conditions by an automobile per gallon of fuel consumed, as determined by the Administrator of the Environmental Protection Agency, in accordance with test procedures established by rule. Such procedures shall require that fuel economy tests be conducted in conjunction with emissions tests mandated by section 206 of the Clean Air Act (42 U.S.C. 1857f–5);

"(7) 'intermodal adaptability' refers to any characteristic of an automobile which enables it to be operated or carried, or which facilitates such operation or carriage, by or on an alternate mode or other system of transportation;

"(8) 'production prototype' means an automobile which is in its final stage of development and which is capable of being placed into production, for sale at retail, in quantities exceeding 10,000 automobiles per year;

"(9) 'reliability' refers to the average time and distance over which normal automobile operation can be expected without repair or replacement of parts, and to the ease of diagnosis and repair of an automobile and

of its systems and parts which fail during use or which are damaged in an accident;

"(10) 'safety' refers to the performance of an automobile or automobile equipment in such a manner that the public is protected against unreasonable risk of accident and against unreasonable risk of death or bodily injury in case of accident;

"(11) 'Secretary' means the Secretary of Transportation;

"(12) 'State' means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or any other territory or possession of the United States; and

"(13) 'Vehicle Certification Board' means the Low-Emission Vehicle Certification Board established pursuant to section 212 of the Clean Air Act (42 U.S.C. 1857f–6e).

"DUTIES OF THE SECRETARY

"SEC. 604. The Secretary shall establish, within the Department of Transportation, a program to insure the development of one or more production prototypes of an advanced automobile or advanced automobiles within 4 years after the date of enactment of this title, or within the shortest practicable time consistent with appropriate research and development techniques and which utilizes, to the maximum extent practicable, nonpetroleum base fuels. In furtherance of the purposes of this title, and in order to stimulate such development of an advanced automobile by private interests the Secretary shall—

"(1) make contracts and grants for research and development efforts which are likely to lead or contribute to the development of an advanced automobile or advanced automobiles in accordance with the provisions of section 607 of this title;

"(2) make obligation guarantees for research and development efforts which show promise of leading or contributing to the development of an advanced automobile or advanced automobiles, in accordance with the provisions of section 608 of this title;

"(3) establish and conduct new projects and accelerate existing projects within the Department of Transportation which may contribute to the development of production prototypes of an advanced automobile or advanced automobiles;

"(4) test or direct the testing of production prototypes, and secure certification as advanced automobiles for those which meet the applicable requirements, in accordance with section 609 of this title;

"(5) collect, analyze, and disseminate to developers information, data, and materials that may be relevant to the development of an advanced automobile or advanced automobiles;

"(6) prepare and submit studies, as required under section 612 of this title; and

"(7) evaluate any reasonable new or improved technology, a description of which is submitted to the Secretary in writing, which could lead or contribute to the development of an advanced automobile.

"COORDINATION BETWEEN THE SECRETARY AND THE ADMINISTRATOR

"SEC. 605. The Secretary shall not make contracts, grants or obligation guarantees for, or conduct or accelerate, any research and development which may duplicate, in whole or in substantial part, any project (1) that has been sponsored by the Administrator, under the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901) or any other Federal law; or (2) that will be or is likely to be so sponsored within the reasonably foreseeable future. The Secretary and the Administrator shall consult and cooperate with respect to their respective duties and responsibilities, and they shall coordinate their respective activities, in areas of shared concern, to the extent practicable, in order that the duties and responsibilities of both officers may be performed in a way that will lead to the accomplishment of the policy of this title in the shortest time and in the most efficient and cost-effective manner possible. The Administrator shall assist the Secretary to the extent of the lawful authority of, and funds appropriated to, the Administrator, in the carrying out of any duties described in section 604 of this title.

"POWERS OF THE SECRETARY

"SEC. 606. In addition to the powers specifically enumerated in any other provision of this title, the Secretary is authorized to—

"(1) appoint such attorneys, employees, agents, consultants, and other personnel as the Secretary deems necessary, define the duties of such personnel, determine the amount of compensation and other benefits for the services of such personnel and pay them accordingly;

"(2) procure temporary and intermittent services to the same extent as is authorized under section 3109 of title 5, United States Code, but at rates not to exceed $150 a day for qualified experts;

"(3) obtain the assistance of any department, agency, or instrumentality of the executive branch of the Federal Government upon written request, on a reimbursable basis or otherwise, identifying the assistance the Secretary deems necessary to carry out any duty under this title. Such assistance shall include, but is not limited to, the transfer of personnel with their consent and without prejudice to their position and rating;

"(4) enter into, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of duties under this title, with any government agency or any person; and

"(5) purchase, lease, or otherwise acquire, improve, use, or deal in and with any property; sell, mortgage, lease, exchange, or otherwise dispose of any property or other assets; and accept gifts or donations of any property or services in aid of any purpose of this title.

"CONTRACTS AND GRANTS

"SEC. 607. (a) GENERAL.—(1) The Secretary shall provide funds, by contract and grant, to initiate, continue, supplement, and maintain research and development programs or activities which, in the Secretary's judgment, appear likely to lead or contribute to the development, in production prototype form, of an advanced automobile or advanced automobiles.

"(2) The Secretary is authorized to make such contracts and grants with any Federal agency, laboratory, university, nonprofit organization, industrial organization, public or private agency, institution, organization, corporation, partnership, or individual.

"(b) CONSULTATION.—In addition to the requirements of section 605 of this title, the Secretary, in the exercise of duties and responsibilities under this section, shall consult with the Administrator of the Environmental Protection Agency and shall establish procedures for periodic consultation with representatives of science, industry, and such other groups as may have special expertise in the areas of automobile research, development, and technology. The Secretary may establish an advisory panel or panels to review and to make recommendations with respect to applications for funding under this section.

"(c) PROCEDURE.—Each contract and grant under this section shall be made in accordance with such rules and regulations as the Secretary shall prescribe in accordance with the provisions of this section and of section 602 of this title. Each application for funding shall be made in writing in such form and with such content and other submissions as the Secretary shall require.

"OBLIGATION GUARANTEES

"SEC. 608. (a) GENERAL.—(1) The Secretary is authorized, in accordance with the provisions of this section and such rules and regulations as the Secretary shall prescribe, to guarantee, and to make commitment to guarantee, the payment of interest on, and the principal balance of, loans and other obligations, if the obligation involved is, or will be, entered into in order to initiate, continue, supplement, and maintain research and development programs or activities which, in the Secretary's judgment, appear likely to lead to the development, in production prototype form, and to the availability, of an advanced automobile or advanced automobiles. Each application for such an obligation guarantee shall be made in writing to the Secretary in such form and with such content and other submissions as the Secretary shall require, in order reasonably to protect the interests of the United States. Each guarantee and commitment to guarantee shall be extended in such form, under such terms and conditions, and pursuant to such regulations as the Secretary deems appropriate. Each guarantee and commitment to guarantee shall inure to the benefit of the holder of the obligation to which such guarantee or commitment applies. The Secretary is authorized to approve any modification of any provision of a guarantee or a commitment to guarantee such an obligation, including the rate of interest, time of payment of interest or principal, security, or any other terms or conditions, upon a finding by the Secretary that such modification is equitable, not prejudicial to the interests of the United States, and has been consented to by the holder of such obligation.

"(2) The Secretary is authorized to so guarantee and to make such commitments to any Federal agency, laboratory, university, nonprofit organization, industrial organization, public or private agency, institution, organization, corporation, partnership, or individual.

"(b) EXCEPTION.—No obligation shall be guaranteed by the Secretary under subsection (a) of this section unless the Secretary finds that no other reasonable means of financing or refinancing is reasonably available to the applicant.

"(c) CHARGES.—(1) The Secretary shall charge and collect such amounts as the Secretary may deem reasonable for the investigation of applications for the guarantee of an obligation, for the appraisal of properties offered as security for such a guarantee, or for the issuance of commitments to guarantee.

"(2) The Secretary shall set a premium charge of not more than 1 percent per year for a loan or other obligation guaranteed under this section.

"(d) VALIDITY.—No guarantee or commitment to guarantee an obligation entered into by the Secretary shall be terminated, canceled, or otherwise revoked, except in accordance with reasonable terms and conditions prescribed by the Secretary. Such a guarantee or commitment to guarantee shall be conclusive evidence that the underlying obligation is in compliance with the provisions of this section and that such obligation has been approved and is legal as to principal, interest, and other terms. Such a guarantee or commitment shall be valid and incontestable in the hands of a holder as of the date when the Secretary entered into the contract of guarantee or commitment to guarantee, except as to fraud, duress, mutual mistake of fact, or material misrepresentation by or involving such holder.

"(e) DEFAULT AND RECOVERY.—(1) If there is a default in any payment by the obligor of interest or principal due under an obligation guaranteed by the Secretary under this

section, and such default has continued for 60 days, the holder of such obligation shall have the right to demand payment by the Secretary of such unpaid amount. Within such period as may be specified in the guarantee or related agreements, but not later than 45 days from the date of such demand, the Secretary shall promptly pay to such obligee the unpaid interest on, and unpaid principal of, the obligation guaranteed by the Secretary as to which the obligor has defaulted, unless the Secretary finds that there was no default by the obligor in the payment of interest or principal or that such default has been remedied.

"(2) If a payment is made by the Secretary under paragraph (1) of this subsection, the Secretary shall have all rights specified in the guarantee or related agreements with respect to any security which the Secretary held with respect to the guarantee of such obligation, including, but not limited to, the authority to complete, maintain, operate, lease, sell or otherwise dispose of any property acquired pursuant to such guarantee or related agreements.

"(3) If there is a default under any guarantee or commitment to guarantee an obligation, the Secretary shall notify the Attorney General who shall take such action against the obligor or any other parties liable thereunder as is necessary to protect the interests of the United States. The holder of such obligation shall make available to the United States all records and evidence necessary to prosecute any such suit.

"(f) AUTHORIZATION FOR APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary, not to exceed $175,000,000, to pay the interest on, and the principal balance of, any obligation guaranteed by the Secretary as to which the obligor has defaulted: *Provided*, That the outstanding indebtedness guaranteed under this section shall not exceed $175,000,000.

"TESTING AND CERTIFICATION

"SEC. 609. (a) ENVIRONMENTAL PROTECTION AGENCY.—The Administrator of the Environmental Protection Agency shall test, or cause to be tested, in a facility subject to Environmental Protection Agency supervision, each production prototype of an automobile developed in whole or in part with Federal financial assistance under this title, or referred to the Environmental Protection Agency for such purpose by the Secretary, to determine whether such production prototype complies with any exhaust emission standards or any other requirements promulgated or reasonably expected to be promulgated under any provision of the Clean Air Act (42 U.S.C. 1857 et seq.), the Noise Control Act of 1972 (42 U.S.C. 4901), or any other provision of Federal law administered by the Administrator of the Environmental Protection Agency. In conjunction with any test for compliance with exhaust emission standards under this section, the Administrator of the Environmental Protection Agency shall also conduct tests to determine the fuel economy of such prototype automobile. Such Administrator shall submit all test data and the results of such tests to the Vehicle Certification Board.

"(b) SECRETARY.—The Secretary shall test, or shall cause to be tested in a facility subject to supervision by the Secretary, all production prototypes of advanced automobiles which the Secretary or a developer may submit to the Vehicle Certification Board for certification under subsection (c) of this section. Such tests shall be conducted; according to testing procedures to be developed by the Secretary, to determine whether each such automobile complies with any standards promulgated as of the date of such testing or reasonably expected to be promulgated prior to the sale at retail of such automobile, under any provision of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381), the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.), the Automobile Information Disclosure Act (15 U.S.C. 1232), and any other statute enacted by Congress and applicable to automobiles. The Secretary shall also refer any such automobile to the Administrator of the Environmental Protection Agency for testing pursuant to the provisions of subsection (a) of this section. All production prototypes of advanced automobiles may be submitted to the Secretary for testing under this subsection, including vehicles developed without any Federal financial assistance under this title. All test data and the results of all tests conducted by the Secretary, or subject to the Secretary's supervision, shall be submitted to the Vehicle Certification Board, together with all conclusions, and reasons therefor, with respect to whether the automobile tested merits certification as an advanced automobile. The Secretary, or the Administrator of the Environmental Protection Agency, if appropriate, shall conduct, or cause to be conducted, any additional tests which are requested by the Vehicle Certification Board and shall furnish to such Board any other information which it requests or which is deemed to be necessary or appropriate.

"(c) VEHICLE CERTIFICATION BOARD.—Upon application by a developer or by the Secretary, with respect to a production prototype of a particular automobile or automobiles, and upon the receipt of all required and relevant test data and test results pursuant to subsections (a) and (b) of this section, the Vehicle Certification Board shall certify such automobile as an advanced automobile or shall issue a denial of such certification with reasons therefor. Each application for certification shall be made to the Vehicle Certification Board in writing, in such form and with such content and other submissions as such Board may require. Each determination as to certification shall be made in accordance with such reasonable rules and regulations as such Board shall prescribe.

"PATENTS

"SEC. 610. (a) TITLE TO INVENTIONS.—Whenever an invention is made or conceived during, or in the course of, or as a consequence of, activity conducted in accordance with or related to a contract made or entered into under this title, title to such invention shall vest in the United States, if the Secretary determines that—

"(1) the person who made the invention was employed or assigned to perform research or development work, and that the invention is related to the work such person was employed or assigned to perform, or that it was within the scope of such person's employment duties, whether or not the invention was made during working hours and whether or not the invention was made with a contribution from the Government; or

"(2) the invention is related to the contract, or to the work or duties which the person who made the invention was employed or assigned to perform, even though such person was not employed or assigned to perform research or development work, if the invention was made during working hours, or If it was made with a contribution from the Government.

As used in this subsection, the term "contribution from the Government" includes the use of Government facilities, equipment, materials, allocated funds, information proprietary to the Government, or any services during working hours of Government employees. If patents are issued on such an invention the patents shall be issued to the United States, unless in particular circumstances the Secretary, in accordance with this section, waives all or any part of the rights of the United States.

"(b) REPORT.—Each contract entered into by the Secretary under this title with any person shall contain effective provisions requiring such person to furnish a prompt and written report to the Secretary with respect to any invention, discovery, improvement, or innovation which may be made in the course of, or as a consequence of, activity conducted in accordance with or related to such contract. Each such report shall contain accurate and complete technical information, in accordance with specifications of the Secretary.

"(c) WAIVER.—The Secretary may waive all or any part of the rights of the United States with respect to any invention or class of inventions which is made, or which may be made, by any person or class of persons in the course of, or as a consequence of, activity conducted in accordance with, or related to, any contract under this title, pursuant to regulations prescribed by the Secretary in conformity with the provisions of this section, if the Secretary determines that the interests of the United States and of the general public would best be served by such a waiver. The Secretary shall maintain and periodically update a publicly available record of waiver determinations. In making such determinations, the Secretary shall strive to—

"(1) make the benefits of the advanced automobile research and development program widely available to the public in the shortest practicable time;

"(2) promote the commercial utilization of such inventions;

"(3) encourage participation by private persons in the Secretary's advanced automobile research and development program; and

"(4) foster competition and prevent undue market concentration, or the creation or maintenance of other situations inconsistent with the antitrust laws.

"(d) CONTRACT WAIVERS.—In determining whether it would best serve the interests of the United States and of the general public to grant such a waiver to a contractor at the time a contract is entered into, the Secretary shall include as considerations—

"(1) the extent to which the participation of the contractor will expedite the attainment of the purposes of the program;

"(2) the extent to which a waiver of all or any part of such rights in any or all fields of technology is needed to secure the participation of the particular contractor;

"(3) the extent to which the contractor's commercial position may expedite utilization of the research and development program results;

"(4) the extent to which the Government has contributed to the field of technology to be funded under the contract;

"(5) the purpose and nature of the contract, including the intended use of the results developed thereunder;

"(6) the extent to which the contractor has made or will make substantial investment of financial resources or technology developed at the contractor's private expense which will directly benefit the work to be performed under the contract;

"(7) the extent to which the field of technology to be funded under the contract has been developed at the contractor's private expense;

"(8) the extent to which the Government intends to further develop, to the point of commercial utilization, the results of the contract effort;

"(9) the extent to which the contract objectives are concerned with the public health, public safety, or public welfare;

"(10) the likely effect of the waiver on competition and market concentration; and

"(11) the extent to which a contractor, which is a nonprofit educational institution, has a technology transfer capability and program which is approved by the Secretary as being consistent with the applicable policies of this subsection.

"(e) SUBSEQUENT WAIVERS.—In determining whether it would best serve the interests of the United States and of the general public to grant such a waiver at a subsequent date to a contractor or to an inventor, with respect to an identified invention, the Secretary shall specifically consider (1) paragraphs (4) through (11) of subsection (d), as applied to such invention; (2) the extent to which such waiver is a reasonable and necessary incentive to call forth private risk capital for the development and commercial distribution of such invention; and (3) the extent to which the plans, intentions, and ability of the contractor or inventor are likely to result in expeditious commercial distribution of such invention.

"(f) RESERVATIONS.—Whenever title to an invention is vested in the United States, a revocable or irrevocable, nonexclusive, and paid-up license for the practice of such invention throughout the world may be reserved to the contractor or to the inventor thereof. The rights to such an invention may be similarly reserved in any foreign country in which the United States has elected not to secure patent rights and in which such contractor or inventor elects to secure a patent, subject to the rights described in subsections (h)(2), (h)(3), (h)(6), and (h)(7) of this section: *Provided*, That such a contractor or inventor shall 3 years after the date of issuance of such a patent, and at any time upon the specific request of the Secretary, submit the report specified in subsection (h)(1) of this section.

"(g) LICENSES.—(1) Subject to subsection (g)(2) of this section, the Secretary shall determine and promulgate regulations specifying the terms and conditions upon which licenses may be granted in any invention to which title is vested in the United States.

"(2) Pursuant to subsection (g)(1) of this section and after notice and an opportunity for a hearing, the Secretary may grant exclusive or partially exclusive licenses in any invention, only if the Secretary determines that—

"(A) the proposed license would best serve the interests of the United States and of the general public, in light of the applicant's intentions, plans, and capacity to bring such invention to practical or commercial applications;

"(B) the desired practical or commercial application of such inventions have not been achieved, or are not likely expeditiously to be achieved, under any nonexclusive license which has been granted, or which may be granted, on such invention;

"(C) exclusive or partially exclusive licensing is a reasonable and necessary incentive to make available the risk capital and other financing necessary to bring the invention to the point of practical or commercial applications; and

"(D) the terms and scope of exclusivity of the proposed license are not substantially greater than are necessary to provide sufficient incentive for bringing such invention to the point of practical or commercial applications, and to provide the licensee with sufficient opportunity to recoup its costs and to earn a reasonable profit thereon: *Provided*, That the Secretary shall not grant such an exclusive or partially exclusive license if the Secretary determines that the grant of such a license will tend substantially to lessen competition or to result in undue concentration in any section of the country in any line of commerce to which the technology to be licensed relates. The Secretary shall maintain and periodically update a publicly available record of determinations concerning applications for and the grant of such licenses.

"(h) TERMS AND CONDITIONS.—Any waiver of rights, and any grant of an exclusive or partially exclusive license, shall contain such terms and conditions as the Secretary may determine to be appropriate for the protection of the interests of the United States and of the general public. Such terms and conditions may include, but need not be limited to—

"(1) periodic, written reports, at reasonable intervals and at any time when specifically requested by the Secretary, on the commercial use that is being made or is intended to be made of the invention involved;

"(2) the right, at a minimum, of an irrevocable, nonexclusive, and paid-up license to make, use, and sell the invention involved throughout the world, by or on behalf of the United States (including any Government agency) and by or on behalf of the States and their political subdivisions, unless the Secretary determines that it would not be in the public interest to acquire such a license for the States and their political subdivisions;

"(3) the right in the United States to sublicense any foreign government to make, use, and sell the invention involved, pursuant to any existing or future treaty or agreement, if the Secretary determines it would be in the national interest to acquire this right;

"(4) the reservation in the United States of the rights to the invention involved in any country in which the contractor does not file an application for a patent within such time as the Secretary shall determine;

"(5) the right in the Secretary to require the granting of a nonexclusive, exclusive, or partially exclusive license to a responsible applicant or applicants, upon terms reasonable under the circumstances (A) to the extent that the invention involved, or an application thereof, is required for public use by governmental regulations; (B) to the extent that it may be necessary to fulfill health, safety, or energy needs; or (C) for such other purposes as may be stipulated in the applicable agreement;

"(6) the right in the Secretary to terminate the waiver or license involved, in whole or in part, unless the person who receives such waiver of rights or who is granted such license demonstrates to the satisfaction of the Secretary that such person has taken, or that such person will take within a reasonable time thereafter, effective steps to accomplish substantial utilization of the invention involved;

"(7) the right in the Secretary, commencing 3 years after the grant of a license and 4 years after the effective date of a waiver of rights to an invention, to require the granting of a nonexclusive or partially exclusive license to any responsible applicant, upon terms reasonable under the circumstances, and the right in the Secretary, under appropriate circumstances, to terminate such a waiver or license, in whole or in part, following the filing of a petition with the Secretary, by an interested person, and after notice and an opportunity for a hearing—

"(A) if the Secretary after providing an opportunity to the recipient of such waiver or license, and to any other interested person, to submit such relevant and material information as may be appropriate and after reviewing such information, determines that such waiver or license has tended substantially to lessen competition or to result in undue concentration in any section of the country in any line of commerce to which the technology relates; or

"(B) unless the recipient of such waiver or license demonstrates to the satisfaction of the Secretary at such hearing that such recipient has taken, or that such recipient will take, within a reasonable time thereafter, effective steps to accomplish substantial utilization of the invention involved.

"(i) NOTICE.—The Secretary shall cause a notice to be published periodically, not less than once each year, in the Federal Register and in other appropriate publications, including the electronic media, advising the public of the right to have a hearing, as provided in subsection (h)(7) of this section, and of the availability of the records of determinations under this section.

"(j) SMALL BUSINESS.—If the applicant for a waiver of rights to an invention or for a license is a small business, as defined by regulations of the Small Business Administration, the Secretary shall consider and accord weight to such factor.

"(k) OTHER LICENSES.—Whenever the Secretary, pursuant to such regulations as the Secretary shall prescribe, and upon the application by any person, determines that—

"(1) a right under any patent, which is not otherwise reasonably available, is reasonably necessary, in furtherance of the policy of fostering expeditious commercial application of advanced automotive technologies, to the development, demonstration, or commercial application of any advanced automotive invention, process, or system; and

"(2) there are no other reasonable methods to achieve such development, demonstration, or commercial application,

the Secretary shall so certify to an appropriate district court of the United States. The Secretary shall petition such court to order and the owner and/or the exclusive licensee of such patent to grant a license thereunder at such reasonable royalty and on such reasonable and nondiscriminatory terms and conditions as the court shall determine. The court shall provide such patentee or exclusive licensee, or both, as appropriate, an opportunity for a hearing, including a de novo review of the determination of the Secretary. The appropriate district court shall be the district court for the judicial district in which the patentee or the exclusive licensee of such patent resides, does business, or is found.

"(l) PROTECTION.—The Secretary is authorized to take all necessary and appropriate steps, which are suitable, to protect any invention or discovery to which the United States holds title. The Secretary shall require that any contractor or other person, who acquires rights to an invention under this section, protect such invention.

"(m) DEFINITIONS.—As used in this section, the term—

"(1) 'contract' means any contract, grant, agreement, understanding, obligation guarantee, or other arrangement which involves any research and development work; the term includes any assignment, substitution of parties, or subcontract thereunder;

"(2) 'contractor' means any person who has a contract with, or on behalf of, the Secretary under this title;

"(3) 'invention' means any invention or discovery, whether patented or unpatented; and

"(4) 'made', when used in relation to any invention, means the conception or first actual reduction to practice of such invention.

"RECORDS, AUDIT, AND EXAMINATION

"SEC. 611. (a) RECORDS.—Each recipient of financial assistance or guarantees under this title, whether in the form of grants, subgrants, contracts, subcontracts, obligation guarantees, or other arrangements, shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance was given or used, the amount of that portion of such total cost which was supplied by other sources, and such other records as will facilitate an effective audit.

"(b) AUDIT AND EXAMINATION.—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives shall, until the expiration of 3 years after completion of the project or undertaking referred to in subsection (a) of this section, have access for the purpose of audit and examination to any books, documents, papers, and records of such re-

ceipts which in the opinion of the Secretary or the Comptroller General may be related or pertinent to the grants, subgrants, contracts, subcontracts, obligation guarantees, or other arrangements referred to in such subsection.

"REPORTS

"SEC. 612. On or before July 1 of each year, the Secretary shall submit to Congress an annual report of activities under this title. Such report shall include, but need not be limited to—

"(1) an account of the state of automobile research and development in the United States;

"(2) the number and amount of contracts and grants made and of obligations guaranteed;

"(3) the progress made in developing production prototypes of advanced automobiles within the shortest practicable time after the date of enactment of this title; and

"(4) suggestions for improvements in advanced automobile research and development, including recommendations for legislation.

"GOVERNMENT PROCUREMENT

"SEC. 613. The Administrator of General Services shall consult periodically with the Vehicle Certification Board to determine when production prototypes of an advanced automobile are likely to be available. After a production prototype has been certified, under section 609(c) of this title, as an advanced automobile, the Vehicle Certification Board, in conjunction with the Administrator of General Services, shall prescribe such regulations as are necessary to require all Federal agencies to procure and to use such advanced automobiles to the maximum extent feasible. Such Administrator shall, with the assistance of such Board, provide technical specifications and other information with respect to automobiles certified under this title as advanced automobiles. Such Administrator, and all other appropriate officers of the United States shall take all steps which are necessary or appropriate to comply with and to implement such regulations, with respect to all federally owned motor vehicles, by the earliest practicable date.

"RELATIONSHIP TO ANTITRUST LAWS

"SEC. 614. (a) DISCLAIMER.—Nothing in this title shall be deemed to convey to any person any immunity from civil or criminal liability, or to create any defenses to actions, under the antitrust laws.

"(b) ANTITRUST LAWS DEFINED.—As used in this section, the term 'antitrust laws' means the Act of July 2, 1890 (15 U.S.C. 1 et seq.), as amended; the Act of October 15, 1914 (15 U.S.C. 12 et seq.), as amended; the Federal Trade Commission Act (15 U.S.C. 41 et seq.) sections 73 and 74 of the Act of August 27, 1894 (15 U.S.C. 8 and 9), as amended; and the Act of June 19, 1936, ch. 592 (15 U.S.C. 13, 13a, and 212), as amended.

"AUTHORIZATION FOR APPROPRIATION

"SEC. 615. There are authorized to be appropriated to carry out the purposes of this title, other than section 608 of this title, funds not to exceed $55,000,000 for the fiscal year ending June 30, 1976, not to exceed $20,000,000 for the transitional quarter ending September 30, 1976, and not to exceed $100,000,000 for the fiscal year ending September 30, 1977.".

TITLE III—AMENDMENTS TO TITLE III OF MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT

SEC. 301. (a) EXTENSION OF STATE PROGRAMS.—Subsection (b) of section 303 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1963(b)) is amended by deleting "June 30, 1976" in the second sentence and by inserting in lieu thereof "September 30, 1977".

(b) Section 311 of such Act is amended to read as follows:

"FUEL EFFICIENCY

"SEC. 311. (a) The Secretary shall establish 1, and no more than 3, new special motor vehicle diagnostic inspection demonstration project to assist in the research, rapid development, and evaluation of advanced inspection, analysis, and diagnostic equipment suitable for use by the States in high volume inspection facilities designed to assess the safety, noise, emissions, and fuel efficiency of motor vehicles. Such project shall perform the inspections of motor vehicles for the purpose of evaluating the conditions of parts, components, and repairs (1) required to comply with State and Federal safety, noise, and emissions standards and (2) in order to assist the vehicle owner in achieving the optimum fuel and maintenance economy.

"(b) The Secretary shall evaluate the existing diagnostic analysis and test equipment available for use in the small automotive repair establishments and report to the Congress within 18 months after enactment of this section, as to the scope of research and development required to make this equipment compatible with the most costly and complex State vehicle inspection and diagnostic equipment. The report shall assess the extent to which private industry can meet the needs of the small automotive repair shops for low cost test equipment which can be developed to comply with the Federal safety, noise, and emissions performance standards promulgated by the Secretary, the Administrator of the Environmental Protection Agency, and by State or local regulatory agencies, and it shall contain recommendations on legislation designed to promote the development of such low cost test equipment for small automotive repair shops.

"(c) The Secretary shall within 18 months after the date of enactment of this section prepare and submit to the Congress and the President a comprehensive report setting forth findings and containing conclusions and recommendations with respect to an inspection and other possible programs designed to maintain and improve the fuel economy of motor vehicles throughout their useful life. Such report shall include, but not be limited to, an examination of the technical, economic, and administrative feasibility of the inspection and other programs; the fuel and cost savings that might be achieved if such programs were instituted; whether such programs if instituted should be voluntary or mandatory; who should administer such programs; and any other factor bearing on the cost and effectiveness of such programs. It shall also contain recommendations on legislation designed to achieve improved fuel efficiency in existing vehicles with a vehicle inspection program and with other programs which the Secretary shall evaluate pursuant to this section.

"(d) In complying with the provisions of this section, the Secretary shall consult with the Administrator of the Environmental Protection Agency.".

(c) Section 321 of such Act is amended to read as follows:

"There are hereby authorized to be appropriated to carry out the provisions of this title, $5,000,000 for the fiscal year ending June 30, 1976; $1,500,000 for the fiscal year transition period from July 1, 1976, through September 30, 1976; $7,500,000 for the fiscal year ending September 30, 1977; and $7,500,000 for the fiscal year ending September 30, 1978, to be used for the purpose of implementing section 311; such sums to remain available until expended.".

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. TUNNEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make any necessary technical and clerical corrections in the engrossment of S. 1883.

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

AUTHORIZATION TO PRINT "ENACTMENT OF A LAW"

Mr. MANSFIELD. Mr. President, I send a resolution (S. Res. 208) to the desk, which is cosponsored by the Republican leader, the chairman of the Committee on Rules and Administration (Mr. CANNON), the ranking Republican member (Mr. HATFIELD), which has been cleared on both sides, and ask for its immediate consideration.

The resolution (S. Res. 208) was read, considered by unanimous consent, and agreed to as follows:

Resolved, That Senate Document Numbered 35, Nintieth Congress, First Session, entitled "Enactment of a Law," relative to the procedural steps in the legislative process, be revised by the Parliamentarian of the Senate, under the direction of the Secretary of the Senate, and be reprinted as a Senate document.

SEC. 2. There shall be printed ten thousand additional copies for the use of the Committee on Rules and Administration.

ALEXANDR SOLZHENITSYN

Mr. HELMS. Mr. President, earlier this afternoon in the Russell Office Building, a distinguished citizen of the world, Alexandr Solzhenitsyn, delivered an inspiring address to an assemblage of citizens, including many Members of this Congress, from both House of Representatives and the U.S. Senate.

In that statement, he expressed his gratitude to the U.S. Senate for twice having voted to confer honorary citizenship upon him. He said,

Mr. President, I interpret this to mean that you have in mind not just myself as a person but the millions of my fellow countrymen who have been deprived of rights, and even those in the other Communist countries, those millions who have never been able and are still unable to express their opinions in the press, in parliament, or in international conferences.

Mr. Solzhenitsyn then spoke of the suffering and the strife and the yearnings of voiceless millions throughout this world who have no hope for freedom as a result of the growing, spreading tyranny of communism.

Mr. President, I have on a number of occasions during the past 3 weeks conferred with this great and courageous man. On each occasion, I have been even more impressed with the remarkable intellect and the dedication of Mr. Solzhenitsyn to the cause of freedom. I, for one, am honored as an American citizen that he is in our country and that he is speaking out on various matters, including the perils of so-called détente, saying things that may not be popular with those who would appease the Communists, but which, nonetheless, are warnings that must be heeded by the American people if we hope to preserve freedom in the world.

I want to share with my colleagues the

full text of Mr. Solzhenitsyn's address this afternoon. Therefore, Mr. President, I ask unanimous consent that it be printed in full in the RECORD at the conclusion of my remarks.

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

SPEECH BY ALEXANDR SOLZHENITSYN BEFORE MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

Gentlemen:

Here, in the Senate Office Building, I must begin by saying that I have in no way forgotten the signal, and even exceptional, honor paid me by the United States Senate in twice endeavoring to declare me an honorary citizen of the United States.

I interpret this to mean that you have in mind not just myself as a person, but the millions of my fellow countrymen who have been deprived of rights, and even those in the other communist countries—those millions who have never been able, and are still unable, to express their opinions in the press, in parliaments, or at international conferences.

In conveying to you my gratitude for the decisions of the United States Senate relating to myself, I am even more conscious of my responsibility as representative of those others—a responsibility almost too burdensome for the shoulders of a single human being. But since I have never lost sight of the suffering, the striving, and the yearnings of those other voiceless millions, and have had no other aim in life than to give voice to them, this has lent me strength for my public appearances in this country and for my appearance before you here today. There are as yet few back there, in the communist countries, who speak out, but millions understand how loathsome and repulsive the system is. Whoever can do so "votes with his feet," simply fleeing from this mass violence and extermination.

Here today I see not only members of the Senate, but also a group of Representatives. Thus, I am speaking for the first time to participants in your country's legislative process whose influence in recent years has spread well beyond the limits of American history alone.

In virtually every respect our Russian historical experience has been almost the opposite of yours. Our enormous sufferings in the twentieth century have made this Russian experience a bitter example, one which is too overwhelming, one which—as it were—comes to you from the future. Hence it is the more needful that we convey to one another our mutual experiences—persistently and with complete sincerity. One of the most terrible dangers of the present day is precisely that the destinies of the world are tangled together as never before, so that events or mistakes in one part of the world are immediately felt in all the others. At the same time the exchange of information and of opinions between populations is blocked by iron barriers on the one side, while, on the other, it is distorted by distance, by misinformation, by narrowness of outlook, or through deliberate misinterpretation by observers and commentators.

In my few addresses here in your country I have attempted to break through that calamitous wall of ignorance or of unconcerned arrogance. I have tried to convey to your countrymen constrained breathing of the inhabitants of Eastern Europe, in these very weeks when an amicable agreement of diplomatic shovels will bury and pack down bodies still breathing in a common grave. I have tried to explain to Americans that 1973, the tender dawn of détente, was precisely the time when the starvation rations in the prisons and concentration camps of the USSR were made even skimpier while in the very most recent months, when more and more Western speechmakers were pointing to the beneficial consequences of "détente", the Soviet Union put the finishing touches on an even more novel and important improvement in its system of punishment: retaining their undying primacy in the invention of forced labor camps, the Soviet jailors have now established a novel form of solitary confinement—forced labor in the solitary cells—cold, hungry, without fresh air, without sufficient light, and working according to impossible output norms. And failure to fulfill is punished by confinement under even more brutal conditions.

Alas, such is human nature that we never feel the sufferings of others until we ourselves have to share them. I am not certain that in my addresses here I have succeeded in conveying the breath of that terrible reality to American society which is complacent in its prosperity. But I have done what I was bound to do, and what I could. So much the worse if the justice of my warnings becomes evident only some years hence.

Your country has just recently passed through the extended ordeal of Vietnam, which so exhausted and divided your society. I can tell you with confidence that this ordeal was the least of the long chain of similar trials which awaits your country in the near future.

Whether or not the United States so desires, it stands at the peak of world history and takes the burden of leadership if not of the whole world, then of at least a good half of it. The United States has not had a thousand years to train for this. Maybe the 200 years of your existence has been time to weld together a sense of national awareness. The load of obligations and responsibilities has fallen on you unbidden.

That is why you members of the Senate and of the House of Representatives, each one of you, is not just an ordinary member of an ordinary Parliament—you have been elected to a particular position in the contemporary world. I would like to convey to you how we—the citizens of the communist countries look upon your words, deeds, proposals, and enactments—as brought to us over the radio sometimes with warm approval and sometimes also with horror and despair. But we never have a chance to respond out loud.

Perhaps some of you, in your minds, still feel yourselves just representatives of your state or party—but we from over there, far away from here, the whole world itself, does not perceive these differences. We do not look upon you as Democrats or Republicans, not as representatives of the East or West coast or the Midwest, we see you as figures upon each of whom depends whether the course of world history will tend to tragedy or salvation.

In the oncoming combination of a world political crisis with a shift in the spiritual values of a humanity exhausted and choked by the existing false hierarchy of values, you or your successors in the Capitol will have to confront, and are confronting today, tasks which are immeasurably greater, incomparably greater, than the petty calculations of diplomacy, the inter-party struggle, or the clash between President and Congress. There is no choice but to rise to the tasks of the age.

Very soon, only too soon, your state will have need not only of exceptional men but of great men. Find them in your souls. Find them in your hearts. Find them in the heart of your country.

Mr. HELMS. I thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, after Mr. TAFT has been recognized and has completed his remarks under the order previously entered, there be a brief period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 5 minutes each, such period to be for the introduction of bills, resolutions, petitions, memorials, and statements into the RECORD only.

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

ORDER FOR CONSIDERATION OF SENATE RESOLUTION 166 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the completion of routine morning business tomorrow, the Senate resume consideration of Senate Resolution 166.

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

AUTHORITY FOR COMMITTEE TO FILE REPORTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs have until midnight tonight to file reports.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at the hour of 10 o'clock tomorrow morning. After the two leaders or their designees have been recognized under the standing order, Mr. TAFT will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 5 minutes each, at the conclusion of which, the Senate will resume consideration of Senate Resolution 166, the New Hampshire election dispute, for not to exceed 2 hours.

The Senate will then take up S. 586, a bill to amend the Coastal Zoning Management Act of 1972, to authorize and assist the coastal States to study, plan for, manage, and control the impact of energy resource development and production which affects the coastal zone. There is a time limit on that bill.

At the hour of 1 o'clock tomorrow, S. 586 will be temporarily set aside and the Senate will take up the conference report on H.R. 4035, an energy measure, and debate thereon will be limited to not to exceed 2 hours.

Upon the disposition of the conference report, the Senate will resume consideration of S. 586, the Coastal Zone Man-

agement bill. Rollcall votes on amendments to that bill and on final passage of the bill may be expected, as well as a rollcall vote on final passage of the conference report on H.R. 4035.

Depending upon the hour at which the Senate completes action on S. 586 tomorrow, the Senate may very well proceed, before the day is over, to the consideration of some other measure which has been cleared for action.

RECESS UNTIL 10 A.M. TOMORROW

Mr. STONE. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and at 5:28 p.m., the Senate recessed until Wednesday, July 16, 1975, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 15 (legislative day of July 11), 1975:

COMMODITY CREDIT CORPORATION

Richard E. Bell, of Maryland, to be a member of the Board of Directors of the Commodity Credit Corporation, vice Clayton Yeutter.

DEPARTMENT OF AGRICULTURE

Richard E. Bell, of Maryland, to be an Assistant Secretary of Agriculture, vice Clayton Yeutter.

DEPARTMENT OF STATE

The following-named Foreign Service Officers for promotion from class one to the class of Career Minister:

Theodore L. Eliot, Jr., of California.
Arthur A. Hartman, of New Jersey.
Deane R. Hinton, of Illinois.
William E. Schaufele, Jr., of Ohio.
Richard L. Sneider, of New York.
Helmut Sonnenfeldt, of Maryland.
Wells Stabler, of the District of Columbia.
Viron P. Vaky, of Texas.

Hans N. Tuch, of Illinois, a Foreign Service Information Officer of class one, for promotion to the class of Career Minister for Information.

THE JUDICIARY

Richard D. Rogers, of Kansas, to be U.S. District Judge for the District of Kansas vice George Templar, retired.

IN THE U.S. NAVY

Vice Adm. George P. Steele, II, U.S. Navy, for appointment to the grade of vice admiral on the retired list, pursuant to the provisions of title 10, United States Code, section 5233.

IN THE U.S. MARINE CORPS

Lt. Gen. Herbert L. Beckington, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general in accordance with the provisions of title 10, U. S. Code, section 5233.

IN THE ARMY

The following-named officers for promotion in the Army of the United States, under the provisions of Public Law 92–129:

ARMY PROMOTION LIST

To be lieutenant colonel

Adams, Frank S., xxx-xx-xxxx
Adams, James D., xxx-xx-xxxx
Affourtit, Rene J., xxx-xx-xxxx
Aidif, Thomas H., xxx-xx-xxxx
Aikman, Larry P., xxx-xx-xxxx
Akridge, Jimmie H., xxx-xx-xxxx
Albertson, Tom L., xxx-xx-xxxx
Alcala, Raoul H., xxx-xx-xxxx
Alden, John H., xxx-xx-xxxx
Aldrich, Harold B., xxx-xx-xxxx
Alexander, Don R., xxx-xx-xxxx
Alexander, Franklin, xxx-xx-xxxx
Alexander, Junius R., xxx-xx-xxxx
Allen, Alex L., xxx-xx-xxxx
Allen, Cullen S., xxx-xx-xxxx
Allen, Frank C., xxx-xx-xxxx
Allen, James H., xxx-xx-xxxx
Alley, James H., xxx-xx-xxxx
Allison, Samuel C., xxx-xx-xxxx
Alpern, Stephen I., xxx-xx-xxxx
Alsop, Jackie R., xxx-xx-xxxx
Amick, Robert L., xxx-xx-xxxx
Ammerman, Robert H., xxx-xx-xxxx
Anderson, James Y., xxx-xx-xxxx
Anderson, Jimmie M., xxx-xx-xxxx
Anderson, Morris D., xxx-xx-xxxx
Anderson, Philip E., xxx-xx-xxxx
Anderson, Thomas W., xxx-xx-xxxx
Anderson, Warren H., xxx-xx-xxxx
Andres, Dudley H., xxx-xx-xxxx
Andrews, Raymond G., xxx-xx-xxxx
Andrews, William R., xxx-xx-xxxx
Apfel, Paul W., xxx-xx-xxxx
Applegarth, Donald, xxx-xx-xxxx
Arbogast, William R., xxx-xx-xxxx
Archer, C. A., xxx-xx-xxxx
Archer, John R., xxx-xx-xxxx
Archibald, Harold R., xxx-xx-xxxx
Archibald, Thomas, xxx-xx-xxxx
Arflack, Kenneth B., xxx-xx-xxxx
Armstrong, Alan P., xxx-xx-xxxx
Arndt, Gary L., xxx-xx-xxxx
Arnold, James E., xxx-xx-xxxx
Arnold, Joseph V., xxx-xx-xxxx
Arthur, James F., xxx-xx-xxxx
Ash, Hughes L., Jr., xxx-xx-xxxx
Atkins, George C., xxx-xx-xxxx
Atseff, Vladimir, xxx-xx-xxxx
Avery, Wesley B., xxx-xx-xxxx
Ax, George R., xxx-xx-xxxx
Babcock, Charles S., xxx-xx-xxxx
Babel, Otto, xxx-xx-xxxx
Bacas, Harry J., xxx-xx-xxxx
Bachelor, Larry D., xxx-xx-xxxx
Badine, Alan H., xxx-xx-xxxx
Bagnerise, Joseph W., xxx-xx-xxxx
Bailey, William N., xxx-xx-xxxx
Baird, Thomas H., xxx-xx-xxxx
Baker, Charles R., xxx-xx-xxxx
Baker, Wardell G., xxx-xx-xxxx
Baldwin, Edward R., xxx-xx-xxxx
Ballenger, Kenneth, xxx-xx-xxxx
Bangasser, Frederick, xxx-xx-xxxx
Bangerter, Jerald C., xxx-xx-xxxx
Bankson, Peter R., xxx-xx-xxxx
Baratto, David J., xxx-xx-xxxx
Barber, Don W., xxx-xx-xxxx
Bare, George P., xxx-xx-xxxx
Barnes, Wilson E., xxx-xx-xxxx
Barnett, John R., xxx-xx-xxxx
Barone, Ercole M., xxx-xx-xxxx
Barrell, Donald H., xxx-xx-xxxx
Barringer, Ronald W., xxx-xx-xxxx
Barrowman, Thomas J., xxx-xx-xxxx
Bartholomew, Alanso, xxx-xx-xxxx
Bassett, Franklyn B., xxx-xx-xxxx
Baucom, Billy J., xxx-xx-xxxx
Bauer, David W., xxx-xx-xxxx
Bean, Roger K., xxx-xx-xxxx
Bechtel, Jerome J., xxx-xx-xxxx
Beck, William F., xxx-xx-xxxx
Beinhacker, Neal D., xxx-xx-xxxx
Belan, Charles G., xxx-xx-xxxx
Beld, Thomas W., xxx-xx-xxxx
Belitz, Charles L., xxx-xx-xxxx
Bell, Jerry L., xxx-xx-xxxx
Belleville, Maurice, xxx-xx-xxxx
Benchoff, Dennis L., xxx-xx-xxxx
Bendele, James C., xxx-xx-xxxx
Bennett, James L., xxx-xx-xxxx
Bennett, Larry T., xxx-xx-xxxx
Bennett, Thomas R., xxx-xx-xxxx
Benson, Richard D., xxx-xx-xxxx
Benson, Roy, Jr., xxx-xx-xxxx
Bernstein, Charles, xxx-xx-xxxx
Berry, John A., xxx-xx-xxxx
Berry, Peter T., xxx-xx-xxxx
Bertelkamp, John N., xxx-xx-xxxx
Berumen, Florencio, xxx-xx-xxxx
Beruvides, Esteban, xxx-xx-xxxx
Best, David M., xxx-xx-xxxx
Beyer, Lawrence M., xxx-xx-xxxx
Bidgood, Ferdinand, xxx-xx-xxxx
Bierbaum, Carl R., xxx-xx-xxxx
Bierly, Robert N., xxx-xx-xxxx
Bilberry, Ralph W., xxx-xx-xxxx
Billings, Barry B., xxx-xx-xxxx
Bilyeu, Ronald E., xxx-xx-xxxx
Biondi, Richard M., xxx-xx-xxxx
Bireley, Judson L., xxx-xx-xxxx
Bisbey, Jay B., xxx-xx-xxxx
Bistany, Peter J., xxx-xx-xxxx
Bittrich, Lowell D., xxx-xx-xxxx
Black, Joe D., xxx-xx-xxxx
Black, Ronald L., xxx-xx-xxxx
Blake, Phillip L., xxx-xx-xxxx
Blake, William B., xxx-xx-xxxx
Blanchard, Joseph H., xxx-xx-xxxx
Bledsoe, James H., xxx-xx-xxxx
Blesse, James S., xxx-xx-xxxx
Blewett, John H., xxx-xx-xxxx
Bochnowski, Frank J., xxx-xx-xxxx
Bohls, Robert J., xxx-xx-xxxx
Boice, Craig H., xxx-xx-xxxx
Boice, William M., xxx-xx-xxxx
Bokor, John A., xxx-xx-xxxx
Bolling, George H., xxx-xx-xxxx
Bomersheim, Phil K., xxx-xx-xxxx
Bonifay, Isaac F., xxx-xx-xxxx
Booth, Van D., xxx-xx-xxxx
Borg, Charles T., xxx-xx-xxxx
Borrello, Ronald A., xxx-xx-xxxx
Botelho, George E., xxx-xx-xxxx
Bouton, Peter H., xxx-xx-xxxx
Bowden, John T., xxx-xx-xxxx
Bowe, Robert M., xxx-xx-xxxx
Bowers, Joseph M., xxx-xx-xxxx
Bowersox, Wilbur G., xxx-xx-xxxx
Box, Joe M., xxx-xx-xxxx
Boyd, Claude D., xxx-xx-xxxx
Boyd, William L., xxx-xx-xxxx
Boyle, Clarence E., xxx-xx-xxxx
Boyles, Harry W., xxx-xx-xxxx
Boyt, Edward, xxx-xx-xxxx
Boznak, Rudolph G., xxx-xx-xxxx
Braden, Frank R., III, xxx-xx-xxxx
Bradley, Peter W., xxx-xx-xxxx
Brafford, Robert T., xxx-xx-xxxx
Branscome, Dexter A., xxx-xx-xxxx
Bratz, Gordon T., xxx-xx-xxxx
Braun, Thomas R., xxx-xx-xxxx
Bray, Robert F., xxx-xx-xxxx
Bennan, Patrick M., xxx-xx-xxxx
Bretsch, Kenneth P., xxx-xx-xxxx
Brett, Thomas H., xxx-xx-xxxx
Briggs, David B., xxx-xx-xxxx
Briggs, Duncan D., xxx-xx-xxxx
Brigham, Hugh W., xxx-xx-xxxx
Brinkley, Ulyus O., xxx-xx-xxxx
Brisach, Eugene M., xxx-xx-xxxx
Brooks, Delbert R., xxx-xx-xxxx
Brooks, Lawrence E., xxx-xx-xxxx
Brooks, Ronald E., xxx-xx-xxxx
Broshous, Charles R., xxx-xx-xxxx
Brown, Gerald C., xxx-xx-xxxx
Brown, John B., xxx-xx-xxxx
Brown, Roger A., xxx-xx-xxxx
Brown, Stanley M., xxx-xx-xxxx
Browning, Robert W., xxx-xx-xxxx
Brunner, Karl R., xxx-xx-xxxx
Bryde, Walter J., xxx-xx-xxxx
Buchert, Kenneth D., xxx-xx-xxxx
Buckles, Harvey I., xxx-xx-xxxx
Burch, Fenwick H., Jr., xxx-xx-xxxx
Burd, Cleve J., xxx-xx-xxxx
Burden, John R., xxx-xx-xxxx
Burgess, Douglas R., xxx-xx-xxxx
Burke, Richard S., xxx-xx-xxxx
Burley, Edward B., xxx-xx-xxxx
Burnell, Robert W., xxx-xx-xxxx
Burns, Jerald C., xxx-xx-xxxx
Burton, Martin C., xxx-xx-xxxx
Butcher, Richard D., xxx-xx-xxxx
Butler, Billy C., xxx-xx-xxxx
Butler, Dennis F., xxx-xx-xxxx
Butler, Lyle, W., xxx-xx-xxxx
Butterworth, Larry, xxx-xx-xxxx

Buttolph, Dan D., xxx-xx-xxxx.
Buyle, Kenneth R., xxx-xx-xxxx.
Byrd, Johnnie P., xxx-xx-xxxx.
Byrnes, David F., xxx-xx-xxxx.
Byrnes, James P., xxx-xx-xxxx.
Cabe, Lewis R., xxx-xx-xxxx.
Cagle, Charles H., xxx-xx-xxxx.
Cahill, Ralph D., xxx-xx-xxxx.
Caldwell, Marion L., xxx-xx-xxxx.
Caldwell, Robert W., xxx-xx-xxxx.
Calkin, Ellery F., xxx-xx-xxxx.
Callahan, Joseph C., xxx-xx-xxxx.
Calverase, Francis, xxx-xx-xxxx.
Cameron, Carl H., xxx-xx-xxxx.
Campbell, Charles L., xxx-xx-xxxx.
Campbell, Dan H., xxx-xx-xxxx.
Campbell, Jerry P., xxx-xx-xxxx.
Campbell, Kenneth H., xxx-xx-xxxx.
Canant, Raymond G., xxx-xx-xxxx.
Candia, Ruben A., xxx-xx-xxxx.
Cantrell, William D., xxx-xx-xxxx.
Capps, Larry R., xxx-xx-xxxx.
Caraballo, Julian T., xxx-xx-xxxx.
Caram, Meredith H., xxx-xx-xxxx.
Caraway, Lynn I., xxx-xx-xxxx.
Carey, Arthur T., xxx-xx-xxxx.
Carlile, Ronald E., xxx-xx-xxxx.
Carlson, Donald R., xxx-xx-xxxx.
Carlson, Gunnar C., xxx-xx-xxxx.
Carlson, Richard I., xxx-xx-xxxx.
Carlton, Melvin W., xxx-xx-xxxx.
Carmean, Clayton H., xxx-xx-xxxx.
Carney, Roger F., xxx-xx-xxxx.
Carney, Thomas P., xxx-xx-xxxx.
Carolan, James M., xxx-xx-xxxx.
Carr, James A., xxx-xx-xxxx.
Carr, John M., xxx-xx-xxxx.
Carr, Milton B., xxx-xx-xxxx.
Carter, Arthur P., xxx-xx-xxxx.
Carter, Lewis L., xxx-xx-xxxx.
Carter, Randall O., xxx-xx-xxxx.
Casey, John L., xxx-xx-xxxx.
Cash, John A., xxx-xx-xxxx.
Cassada, Thomas W., xxx-xx-xxxx.
Catlett, Richard W., xxx-xx-xxxx.
Catron, George R., xxx-xx-xxxx.
Catron, Robert L., xxx-xx-xxxx.
Catt, Jackie D., xxx-xx-xxxx.
Caulk, Richard R., xxx-xx-xxxx.
Cerjan, Paul G., xxx-xx-xxxx.
Chabot, Brion V., xxx-xx-xxxx.
Chamberlain, Craig, xxx-xx-xxxx.
Chamberlain, William, xxx-xx-xxxx.
Champ, Alan D., xxx-xx-xxxx.
Chapman, Don C., xxx-xx-xxxx.
Chapman, Gerald, Jr., xxx-xx-xxxx.
Chapman, Harmon B., xxx-xx-xxxx.
Chapman, Jimmy R., xxx-xx-xxxx.
Chapman, Ruthven H., xxx-xx-xxxx.
Chapman, William S., xxx-xx-xxxx.
Chatfield, James M., xxx-xx-xxxx.
Cheatham, Fred C., xxx-xx-xxxx.
Chesser, Conrad F., xxx-xx-xxxx.
Chew, Moylan S., xxx-xx-xxxx.
Child, John, xxx-xx-xxxx.
Childrey, Albert B., xxx-xx-xxxx.
Chitren, Vincent R., xxx-xx-xxxx.
Chittenden, Warde P., xxx-xx-xxxx.
Chole, Hilbert H., xxx-xx-xxxx.
Chronis, Nicholas N., xxx-xx-xxxx.
Chucala, Steven, xxx-xx-xxxx.
Cincotti, Joseph G., xxx-xx-xxxx.
Clardy, Clinton W., xxx-xx-xxxx.
Clark, Carl M., xxx-xx-xxxx.
Clark, Daniel D., xxx-xx-xxxx.
Clark, Daniel R., xxx-xx-xxxx.
Cleaver, Donald E., xxx-xx-xxxx.
Click, David L., xxx-xx-xxxx.
Clifton, Jack H., xxx-xx-xxxx.
Coates, Albert, xxx-xx-xxxx.
Cody, Michael A., xxx-xx-xxxx.
Coffman, Glenn E., xxx-xx-xxxx.
Cole, Raymond D., xxx-xx-xxxx.
Cole, Robert H., xxx-xx-xxxx.
Cole, Theodore R., xxx-xx-xxxx.
Coleman, Jean D., xxx-xx-xxxx.
Collins, Billie K., xxx-xx-xxxx.
Collins, Charles D., xxx-xx-xxxx.
Collins, Francis C., xxx-xx-xxxx.
Collins, Michael D., xxx-xx-xxxx.
Comee, William C., xxx-xx-xxxx.
Comello, Jerome J., xxx-xx-xxxx.
Conforti, Gilbert, xxx-xx-xxxx.
Conley, Willard C., xxx-xx-xxxx.
Conlin, Thomas J., xxx-xx-xxxx.
Conte, Ronald D., xxx-xx-xxxx.
Coody, Leon C., xxx-xx-xxxx.
Cook, Grady W., xxx-xx-xxxx.
Coombs, John G., xxx-xx-xxxx.
Coombs, Robert M., xxx-xx-xxxx.
Cooper, David E., xxx-xx-xxxx.
Cooper, Kenneth D., xxx-xx-xxxx.
Cooper, Ted V., xxx-xx-xxxx.
Cope, Robert C., xxx-xx-xxxx.
Copenhaver, Warren, xxx-xx-xxxx.
Cornell, Gerald, xxx-xx-xxxx.
Cornell, Warren D., xxx-xx-xxxx.
Coryell, Richard E., xxx-xx-xxxx.
Costa, Robert A., xxx-xx-xxxx.
Costanten, Leon M., xxx-xx-xxxx.
Coston, Morris L., xxx-xx-xxxx.
Cothran, James M., xxx-xx-xxxx.
Cottington, David C., xxx-xx-xxxx.
Coulson, James E., xxx-xx-xxxx.
Covault, Marvin L., xxx-xx-xxxx.
Cox, Billy W., xxx-xx-xxxx.
Cox, William W., xxx-xx-xxxx.
Cozanitis, Eleas A., xxx-xx-xxxx.
Cramer, Carl L., xxx-xx-xxxx.
Cramer, Larry V., xxx-xx-xxxx.
Cranston, Robert L., xxx-xx-xxxx.
Cratty, William E., xxx-xx-xxxx.
Crawford, Robert C., xxx-xx-xxxx.
Crawford, William R., xxx-xx-xxxx.
Creekmore, Joseph P., xxx-xx-xxxx.
Creighton, William, xxx-xx-xxxx.
Cremer, Frank N., xxx-xx-xxxx.
Cressall, William F., xxx-xx-xxxx.
Cressler, Walter L., xxx-xx-xxxx.
Crinan, James R., xxx-xx-xxxx.
Crismon, Charles R., xxx-xx-xxxx.
Crocker, Aaron O., xxx-xx-xxxx.
Crosby, George T., xxx-xx-xxxx.
Crouch, William W., xxx-xx-xxxx.
Crowder, George L., xxx-xx-xxxx.
Crowder, James M., xxx-xx-xxxx.
Crowson, William L., xxx-xx-xxxx.
Crump, John C., xxx-xx-xxxx.
Crumpton, Alfred T., xxx-xx-xxxx.
Cuccaro, Joseph T., xxx-xx-xxxx.
Culley, Harold E., xxx-xx-xxxx.
Cullum, Richard O., xxx-xx-xxxx.
Culp, Clovis R., xxx-xx-xxxx.
Culp, Richard B., xxx-xx-xxxx.
Cummings, Edward H., xxx-xx-xxxx.
Cummings, Ezra C., xxx-xx-xxxx.
Cummings, Patrick W., xxx-xx-xxxx.
Curbow, Stanton L., xxx-xx-xxxx.
Curry, John J., xxx-xx-xxxx.
Cushman, James M., xxx-xx-xxxx.
Cuttell, Dee E. xxx-xx-xxxx.
Cypher, Ronald P., xxx-xx-xxxx.
Dacunto, Lawrence J., xxx-xx-xxxx.
Dalager, Patrick D., xxx-xx-xxxx.
Dalgleish, Grant B., xxx-xx-xxxx.
Danforth, William W., xxx-xx-xxxx.
Daniel, Clyde J., xxx-xx-xxxx.
Daniel, Richard A., xxx-xx-xxxx.
Daniel, Walter B., xxx-xx-xxxx.
Danner, Malcolm A., xxx-xx-xxxx.
Danner, Robert F. xxx-xx-xxxx.
Darden, Harold W., Jr., xxx-xx-xxxx.
Dascanio, John L., xxx-xx-xxxx.
Daum, Richard S., xxx-xx-xxxx.
Davidson, Paul R., xxx-xx-xxxx.
Davies, Michael D., xxx-xx-xxxx.
Davis, David L., xxx-xx-xxxx.
Davis, Don M., xxx-xx-xxxx.
Davis, Michael F., xxx-xx-xxxx.
Davis, Norman J., xxx-xx-xxxx.
Davis Peter A., xxx-xx-xxxx.
Davis, Russell H., Jr., xxx-xx-xxxx.
Davison, Max A., xxx-xx-xxxx.
Dean, George A., xxx-xx-xxxx.
Debastiani, Richard, xxx-xx-xxxx.
Deblois, Thomas A., xxx-xx-xxxx.
Debolt, Harold F., xxx-xx-xxxx.
Decko, Charles, Jr., xxx-xx-xxxx.
Dee, David D., xxx-xx-xxxx.
Deely, John R., xxx-xx-xxxx.
Deloach Javan M., xxx-xx-xxxx.
Denney, Steve H., xxx-xx-xxxx.
Dervaes, Arthur S., xxx-xx-xxxx.
Desantis, Edward, xxx-xx-xxxx.
Dewire, James E., xxx-xx-xxxx.
Dickerson, Michael, xxx-xx-xxxx.
Diebold, Jerome A., xxx-xx-xxxx.
Digregorio, Anthony, xxx-xx-xxxx.
Dillard, Franklin R., xxx-xx-xxxx.
Dillard, James H., xxx-xx-xxxx.
Disney, Robert C., xxx-xx-xxxx.
Dolan Edmund J. xxx-xx-xxxx.
Dollner, David V., xxx-xx-xxxx.
Donaldson, Benjamin, xxx-xx-xxxx.
Dorsey, Ira, xxx-xx-xxxx.
Doty, Richard V., xxx-xx-xxxx.
Doucet, Raymond L., xxx-xx-xxxx.
Dowdell, Archie L., xxx-xx-xxxx.
Downer, George R., xxx-xx-xxxx.
Downey, John T., xxx-xx-xxxx.
Downing, Wayne A., xxx-xx-xxxx.
Doyle, William J., xxx-xx-xxxx.
Drew, Joseph A., xxx-xx-xxxx.
Driver, Lewis F., xxx-xx-xxxx.
Dubov, Bruce J., xxx-xx-xxxx.
Duckworth, Charles, xxx-xx-xxxx.
Duey, William E., xxx-xx-xxxx.
Duff, John A., xxx-xx-xxxx.
Dugas, Sidney P., xxx-xx-xxxx.
Duggan, Lawrence W., xxx-xx-xxxx.
Dukes, Donald L., xxx-xx-xxxx.
Duncan, Jerry G., xxx-xx-xxxx.
Dunford, William H., xxx-xx-xxxx.
Dungan, Avalon L., xxx-xx-xxxx.
Dunham, Rockwood S., xxx-xx-xxxx.
Dupont, Arnold R., xxx-xx-xxxx.
Durbin, Jerome A., xxx-xx-xxxx.
Durning, Allan R., xxx-xx-xxxx.
Duryea, Lyman C., xxx-xx-xxxx.
Dye, Joseph D., xxx-xx-xxxx.
Dyer, Robert E., xxx-xx-xxxx.
Dygert, George H., xxx-xx-xxxx.
Dzanis, Edward L., xxx-xx-xxxx.
Earwood, Harold J., xxx-xx-xxxx.
Easterbrook, John E., xxx-xx-xxxx.
Eaton, Hal S., xxx-xx-xxxx.
Eaves, Maynard D., xxx-xx-xxxx.
Ebbesen, Samuel E., xxx-xx-xxxx.
Ed, Robert C., xxx-xx-xxxx.
Edgette, Charles W., xxx-xx-xxxx.
Edinger, Jerry D., xxx-xx-xxxx.
Edwards, Richard C., xxx-xx-xxxx.
Egedenissen, Dag, xxx-xx-xxxx.
Egersdorfer, Rudolf, xxx-xx-xxxx.
Eggerichs, James M., xxx-xx-xxxx.
Eggleston, Howard C., xxx-xx-xxxx.
Eidson, Edward W., xxx-xx-xxxx.
Ekman, Michael E., xxx-xx-xxxx.
Ellis, Bruce H., xxx-xx-xxxx.
Ellis, Claude, Jr., xxx-xx-xxxx.
Ellis, James R., xxx-xx-xxxx.
Ellis, Joseph T., xxx-xx-xxxx.
Emerson, Lloyd A., xxx-xx-xxxx.
Emery, Douglas E., xxx-xx-xxxx.
Emond, Rene J., xxx-xx-xxxx.
Endicott, James A., xxx-xx-xxxx.
Enfield, Samuel W., xxx-xx-xxxx.
Enloe, Donald R., xxx-xx-xxxx.
Ericksen, Harold J., xxx-xx-xxxx.
Ernest, Marion D., xxx-xx-xxxx.
Erwin, Hamilton, III, xxx-xx-xxxx.
Eubanks, Earl W., Jr., xxx-xx-xxxx.
Eubanks, Herman T., xxx-xx-xxxx.
Evans, Daniel M., xxx-xx-xxxx.
Evans, Donald L., xxx-xx-xxxx.
Evans, Kenneth A., xxx-xx-xxxx.
Evans, Loyal G., xxx-xx-xxxx.
Faery, Henry F., xxx-xx-xxxx.
Fairchild, James B., xxx-xx-xxxx.
Fancher, Harry L., xxx-xx-xxxx.
Fanning, John P., xxx-xx-xxxx.
Farmen, William N., xxx-xx-xxxx.
Farrell, Francis W., xxx-xx-xxxx.
Farris, Billy D., xxx-xx-xxxx.
Fasghing, George H., xxx-xx-xxxx.
Fedorochko, William, xxx-xx-xxxx.
Fegan, Charles B., xxx-xx-xxxx.
Felber, Joseph G., xxx-xx-xxxx.
Fenlon, James A., xxx-xx-xxxx.
Fenn, Harlin L., xxx-xx-xxxx.
Fenton, Roland D., xxx-xx-xxxx.
Ferguson, George A., xxx-xx-xxxx.

Ferns, Gary H., xxx-xx-xxxx
Fero, James P., xxx-xx-xxxx
Ferrari, Robert G., xxx-xx-xxxx
Fetterolf, Robert J., xxx-xx-xxxx
Fields, Clinton A., xxx-xx-xxxx
Fields, James C., xxx-xx-xxxx
Fiero, Robert S., xxx-xx-xxxx
Finley, George A., xxx-xx-xxxx
Finnerty, John J., xxx-xx-xxxx
Fisher, Richard B., xxx-xx-xxxx
Fisher, Thomas P., xxx-xx-xxxx
Fitzgerald, Joseph, xxx-xx-xxxx
Fitzpatrick, Hugh W., xxx-xx-xxxx
Fitzpatrick, James, xxx-xx-xxxx
Floyd, Howard J., xxx-xx-xxxx
Flynn, Dennis J., xxx-xx-xxxx
Foley, Robert F., xxx-xx-xxxx
Forbus, Jere K., xxx-xx-xxxx
Ford, James L., xxx-xx-xxxx
Foster, David H., xxx-xx-xxxx
Foster, Harry G., xxx-xx-xxxx
Fothergill, Robert, xxx-xx-xxxx
Foulds, David G., xxx-xx-xxxx
Fourson, George R., xxx-xx-xxxx
Foust, Edward D., xxx-xx-xxxx
Fowkes, Reginald B., xxx-xx-xxxx
Fox, Louis W., xxx-xx-xxxx
Fox, Morton, xxx-xx-xxxx
Foye, Robert, Jr., xxx-xx-xxxx
Franco, Michele M., xxx-xx-xxxx
Frank, Basil E., xxx-xx-xxxx
Frank, John J., xxx-xx-xxxx
Frankenberger, Charles, xxx-xx-xxxx
Frasche, Louis D., xxx-xx-xxxx
Freeman, Larry M., xxx-xx-xxxx
Freeman, Waldo D., xxx-xx-xxxx
Freese, Jon A., xxx-xx-xxxx
Freitag, Merle, xxx-xx-xxxx
Freitag, William W., xxx-xx-xxxx
Friant, Fritz, xxx-xx-xxxx
Frierson, Donald M., xxx-xx-xxxx
Friesz, Leonard L., xxx-xx-xxxx
Fringer, John W., Jr., xxx-xx-xxxx
Frink, Dennis D., xxx-xx-xxxx
Frith, John R., xxx-xx-xxxx
Fritsche, Donald J., xxx-xx-xxxx
Fritts, Courtney R., xxx-xx-xxxx
Frix, Robert S., xxx-xx-xxxx
Froehle, Harold A., xxx-xx-xxxx
Fulton, Larry B., xxx-xx-xxxx
Furey, Bartley W., xxx-xx-xxxx
Gabrysiak, Walter J., xxx-xx-xxxx
Galliers, Richard J., xxx-xx-xxxx
Gallup, Walter A., xxx-xx-xxxx
Gamino, John M., xxx-xx-xxxx
Garcia, Miguel A., xxx-xx-xxxx
Garens, Ralph W., xxx-xx-xxxx
Garner, George K., xxx-xx-xxxx
Garton, Edward R., xxx-xx-xxxx
Garvey, James G., xxx-xx-xxxx
Gatanas, Mark D., xxx-xx-xxxx
Gates, Richard H., xxx-xx-xxxx
Gay, Andrew G., Jr., xxx-xx-xxxx
Gay, Homer G., Jr., xxx-xx-xxxx
Gaydar, Leonard E., xxx-xx-xxxx
Gee, John T., xxx-xx-xxxx
Gehlsen, Emroy M., xxx-xx-xxxx
Geiger, John F., xxx-xx-xxxx
Geisinger, John L., xxx-xx-xxxx
Gentle, Gary S., xxx-xx-xxxx
Gerard, Jacques B., xxx-xx-xxxx
German, Abraham L., xxx-xx-xxxx
Germann, Anthony C., xxx-xx-xxxx
Getgood, John H., xxx-xx-xxxx
Gibbs, Homer J., xxx-xx-xxxx
Gibbs, John S., xxx-xx-xxxx
Gigicos, Chris G., xxx-xx-xxxx
Gillespie, Henry B., xxx-xx-xxxx
Gillespie, Paul H., xxx-xx-xxxx
Gillespie, Wayne G., xxx-xx-xxxx
Gillette, Samuel G., xxx-xx-xxxx
Gilliam, Taft R., xxx-xx-xxxx
Gilligan, Joseph M., xxx-xx-xxxx
Giordano, Frank R., xxx-xx-xxxx
Girard, Valmore J., xxx-xx-xxxx
Giabus, Kenneth J., xxx-xx-xxxx
Glaser, Kenneth R., xxx-xx-xxxx
Glaze, James E., xxx-xx-xxxx
Gledhill, David W., xxx-xx-xxxx
Glenn, John F., xxx-xx-xxxx
Glenn, John T., xxx-xx-xxxx
Glenn, Robert, xxx-xx-xxxx
Godwin, James S., xxx-xx-xxxx
Golding, Willard E., xxx-xx-xxxx
Goldman, Alvin, xxx-xx-xxxx
Gorden, Fred A., xxx-xx-xxxx
Gordon, Charles L., xxx-xx-xxxx
Gordon, Don E., xxx-xx-xxxx
Gorrell, Stanley L., xxx-xx-xxxx
Graham, Edward S., xxx-xx-xxxx
Graham, Leonard T., xxx-xx-xxxx
Graham, Richard J., xxx-xx-xxxx
Grande, Vincent G., xxx-xx-xxxx
Granrud, Jerome H., xxx-xx-xxxx
Grant, David E., xxx-xx-xxxx
Grant, William, Jr., xxx-xx-xxxx
Grasseschi, Thomas, xxx-xx-xxxx
Graves, Forrest V., xxx-xx-xxxx
Gray, Robert O., xxx-xx-xxxx
Gray, Ronald E., xxx-xx-xxxx
Greason, Earl S., xxx-xx-xxxx
Green, Edward R., xxx-xx-xxxx
Green, Frank D., xxx-xx-xxxx
Green, James L., xxx-xx-xxxx
Green, Norris B., xxx-xx-xxxx
Greene, Robert F., xxx-xx-xxxx
Greenwald, Donald P., xxx-xx-xxxx
Gregg, Emil C., xxx-xx-xxxx
Gregor, Charles H., xxx-xx-xxxx
Grieb, Kenneth G., xxx-xx-xxxx
Greif, William J., xxx-xx-xxxx
Grier, Edward G., Jr., xxx-xx-xxxx
Griffis, Fletcher H., xxx-xx-xxxx
Griffith, Jack H., xxx-xx-xxxx
Griffith, Kenneth C., xxx-xx-xxxx
Griffith, Ronald H., xxx-xx-xxxx
Griffitts, Richard, xxx-xx-xxxx
Griggs, James L., xxx-xx-xxxx
Griggs, Joe H., xxx-xx-xxxx
Grimmett, Norman D., xxx-xx-xxxx
Gripkey, Edward M., xxx-xx-xxxx
Grones, Melvin J., xxx-xx-xxxx
Grundborg, Kenneth, xxx-xx-xxxx
Guenther, Hartmuth, xxx-xx-xxxx
Guest, James A., xxx-xx-xxxx
Guiler, Douglas C., xxx-xx-xxxx
Guindon, Richard G., xxx-xx-xxxx
Gulla, John F., xxx-xx-xxxx
Gumm, Donald J., xxx-xx-xxxx
Gunn, Lloyd R., Jr., xxx-xx-xxxx
Gunter, William J., xxx-xx-xxxx
Haber, Sigmund J., xxx-xx-xxxx
Haertle, William R., xxx-xx-xxxx
Hagan, Joe P., xxx-xx-xxxx
Hagwood, Henry M., xxx-xx-xxxx
Hahn, William F., xxx-xx-xxxx
Halbert, Edward, xxx-xx-xxxx
Hall, Bruce W., xxx-xx-xxxx
Hall, Charles A., xxx-xx-xxxx
Hall, Dennis C., xxx-xx-xxxx
Hall, James A., xxx-xx-xxxx
Hall, Robert L., xxx-xx-xxxx
Hall, William N., xxx-xx-xxxx
Halley, Fred N., xxx-xx-xxxx
Hallihan, James J., xxx-xx-xxxx
Halus, Michael B., xxx-xx-xxxx
Hambric, John L., xxx-xx-xxxx
Hamby, Larry B., xxx-xx-xxxx
Hamilton, George A., xxx-xx-xxxx
Hammerbeck, Allan W., xxx-xx-xxxx
Hammond, Glenn E., xxx-xx-xxxx
Hammond, William R., xxx-xx-xxxx
Hancock, Barney P., xxx-xx-xxxx
Haney, James D., xxx-xx-xxxx
Hanne, William G., xxx-xx-xxxx
Hannon, Harold M., xxx-xx-xxxx
Hansell, Charles R., xxx-xx-xxxx
Hanson, Merle A., xxx-xx-xxxx
Hardiman, Robert R., xxx-xx-xxxx
Hardin, Alva V., xxx-xx-xxxx
Harmon, William E., xxx-xx-xxxx
Harper, Thomas M., xxx-xx-xxxx
Harrell, Charles J., xxx-xx-xxxx
Harris, Benjamin T., xxx-xx-xxxx
Harris, Bobby R., xxx-xx-xxxx
Harris, David J., xxx-xx-xxxx
Harris, Franklin N., xxx-xx-xxxx
Harris, Peter R., xxx-xx-xxxx
Harrison, Jerry C., xxx-xx-xxxx
Harrison, Kent E., xxx-xx-xxxx
Hartzog, William W., xxx-xx-xxxx
Harvell, Kenneth E., xxx-xx-xxxx
Harvey, Jan V., xxx-xx-xxxx
Hasslinger, John B., xxx-xx-xxxx
Hasson, Ross D., xxx-xx-xxxx
Hatcher, John M., xxx-xx-xxxx
Hatcher, Michael J., xxx-xx-xxxx
Haupt, Jerome L., xxx-xx-xxxx
Hawkins, Harry R., xxx-xx-xxxx
Hawkins, Joseph E., xxx-xx-xxxx
Hawkins, Lawrence R., xxx-xx-xxxx
Haycraft, Thomas J., xxx-xx-xxxx
Hayes, John H., xxx-xx-xxxx
Hayes, Ralph E., xxx-xx-xxxx
Hays, Loyd J., xxx-xx-xxxx
Hazen, Donald E., xxx-xx-xxxx
Healy, Richard W., xxx-xx-xxxx
Heath, Harold D., xxx-xx-xxxx
Heath, Hugh M., xxx-xx-xxxx
Heath, Roger A., xxx-xx-xxxx
Heckman, George M., xxx-xx-xxxx
Hegerich, Robert L., xxx-xx-xxxx
Heiberg, William L., xxx-xx-xxxx
Heiden, Heidi B., xxx-xx-xxxx
Heller, Stephen M., xxx-xx-xxxx
Helman, Robert D., xxx-xx-xxxx
Helvey, Robert L., xxx-xx-xxxx
Henderson, Arthur L., xxx-xx-xxxx
Hendricks, Christopher, xxx-xx-xxxx
Hendricks, Thomas J., xxx-xx-xxxx
Hendrickson, Richard, xxx-xx-xxxx
Henry, Charles R., xxx-xx-xxxx
Henry, Larry F., xxx-xx-xxxx
Henry, Terence M., xxx-xx-xxxx
Herman, Dean A., Jr., xxx-xx-xxxx
Hernaiz, Alfonso M., xxx-xx-xxxx
Herndon, Doyle L., xxx-xx-xxxx
Herr, Wayne L., xxx-xx-xxxx
Herrick, Curtis J., xxx-xx-xxxx
Herrick, Robert M., xxx-xx-xxxx
Herrling, John P., xxx-xx-xxxx
Hervin, Jerry D., xxx-xx-xxxx
Hickman, Carlos W., xxx-xx-xxxx
Hickman, Stanford W., xxx-xx-xxxx
Hicks, Dewey D., xxx-xx-xxxx
Hicks, Harold J., xxx-xx-xxxx
Hidalgo, Manuel A., xxx-xx-xxxx
Higdon, George P., xxx-xx-xxxx
Higginbotham, Jerry, xxx-xx-xxxx
Higgins, John M., xxx-xx-xxxx
Hiller, Donald R., xxx-xx-xxxx
Hilliard, Edwin M., xxx-xx-xxxx
Hilton, Kenneth R., xxx-xx-xxxx
Hilton, Thomas G., xxx-xx-xxxx
Hinds, Jim E., xxx-xx-xxxx
Hinson, Kenneth E., xxx-xx-xxxx
Hintz, Norman C., xxx-xx-xxxx
Hites, Robert D., xxx-xx-xxxx
Hitti, John L., xxx-xx-xxxx
Hixson, John A., xxx-xx-xxxx
Hoaas, John G., xxx-xx-xxxx
Hobbs, Dale G., xxx-xx-xxxx
Hodel, Gerhardt W., xxx-xx-xxxx
Hodge, Ashley R., xxx-xx-xxxx
Hodges, Benjamin F., xxx-xx-xxxx
Hofrichter, Francis, xxx-xx-xxxx
Hogan, Donal D., xxx-xx-xxxx
Holbert, Billy W., xxx-xx-xxxx
Holcomb, Rowland R., xxx-xx-xxxx
Homman, Philip E., xxx-xx-xxxx
Holmes, John L., xxx-xx-xxxx
Holsonback, John K., xxx-xx-xxxx
Hone, Gerald J., xxx-xx-xxxx
Hood, Charles M., xxx-xx-xxxx
Hoogstraten, Richard, xxx-xx-xxxx
Hooper, Lynn C., xxx-xx-xxxx
Hope, Terrill C., xxx-xx-xxxx
Hopkins, John R., xxx-xx-xxxx
Hopkins, Norman P., xxx-xx-xxxx
Hopkins, Robert G., xxx-xx-xxxx
Hopper, James A., xxx-xx-xxxx
Hosman, Henry R., xxx-xx-xxxx
Hosman, Patrick M., xxx-xx-xxxx
House, John C., xxx-xx-xxxx
Howard, William A., xxx-xx-xxxx
Howe, Robert D., xxx-xx-xxxx
Hoy, Pat C., II, xxx-xx-xxxx
Hruby, Kenneth L., xxx-xx-xxxx
Hubbard, Jerry A., xxx-xx-xxxx
Hubbard, Johnny R., xxx-xx-xxxx
Hudson, David L., xxx-xx-xxxx
Huff, Harold L., xxx-xx-xxxx
Huff, William J., xxx-xx-xxxx

Humbert, David W., xxx-xx-xxxx
Humes, Jack T., xxx-xx-xxxx
Humphrey, Richard A., xxx-xx-xxxx
Hunt, Dennis R., xxx-xx-xxxx
Huntley, John H., xxx-xx-xxxx
Huntley, William M., xxx-xx-xxxx
Hurst, Nicholas R., xxx-xx-xxxx
Huskinson, William, xxx-xx-xxxx
Husnian, Azad, xxx-xx-xxxx
Hutcheson, John D., xxx-xx-xxxx
Hutchinson, Joseph W., xxx-xx-xxxx
Ichiyama, Ronald S., xxx-xx-xxxx
Idol, Wayne K., xxx-xx-xxxx
Ingram, Kenneth A., xxx-xx-xxxx
Inman, Ralph E., xxx-xx-xxxx
Irving, John P., xxx-xx-xxxx
Jackson, Charles H., xxx-xx-xxxx
Jackson, Donald B., xxx-xx-xxxx
Jacob, Gustave F., xxx-xx-xxxx
Jaffe, Stephen G., xxx-xx-xxxx
James, Robert B., xxx-xx-xxxx
James, Tommie P., xxx-xx-xxxx
Janas, Edward A., xxx-xx-xxxx
Jansen, Edward M., xxx-xx-xxxx
Janutolo, Dandolo M., xxx-xx-xxxx
Jarvis, Charles W., xxx-xx-xxxx
Jascewsky, Joseph A., xxx-xx-xxxx
Jenkins, Joe E., xxx-xx-xxxx
Jenrette, Albert W., xxx-xx-xxxx
Jeszenszny, John F., xxx-xx-xxxx
Jilbert, Gerald R., xxx-xx-xxxx
Johnson, Anthony, xxx-xx-xxxx
Johnson, Benjamin F., xxx-xx-xxxx
Johnson, Charles C., xxx-xx-xxxx
Johnson, David C., xxx-xx-xxxx
Johnson, Emmett F., xxx-xx-xxxx
Johnson, James G., xxx-xx-xxxx
Johnson, Robert C., xxx-xx-xxxx
Johnson, Thomas G., xxx-xx-xxxx
Johnson, Thomas M., xxx-xx-xxxx
Johnson, Thomas W., xxx-xx-xxxx
Johnson, William N., xxx-xx-xxxx
Johnston, Joseph W., xxx-xx-xxxx
Joiner, Robert E., xxx-xx-xxxx
Jones, Arland A., xxx-xx-xxxx
Jones, Charles F., xxx-xx-xxxx
Jones, Dean C., xxx-xx-xxxx
Jones, Jack L., xxx-xx-xxxx
Jones, Joel D., xxx-xx-xxxx
Jones, John B., xxx-xx-xxxx
Jones, Louis R., xxx-xx-xxxx
Jones, Robert E., xxx-xx-xxxx
Jones, Thomas C., xxx-xx-xxxx
Jones, William S., xxx-xx-xxxx
Jones, William W., xxx-xx-xxxx
Jorgenson, Kermit V., xxx-xx-xxxx
Joyce, Larry E., xxx-xx-xxxx
Junio, Francis M., xxx-xx-xxxx
Kahn, William, xxx-xx-xxxx
Kaiser, Robert A., xxx-xx-xxxx
Kambrod, Matthew R., xxx-xx-xxxx
Kamerling, Richard., xxx-xx-xxxx
Kane, John R., xxx-xx-xxxx
Kane, Peter J., xxx-xx-xxxx
Kane, Richard T., xxx-xx-xxxx
Kanouse, James W., xxx-xx-xxxx
Karl, Richard G., xxx-xx-xxxx
Karsteter, Robert B., xxx-xx-xxxx
Katholi, William D., xxx-xx-xxxx
Katsarsky, Leonard, xxx-xx-xxxx
Kavanaugh, Paul A., xxx-xx-xxxx
Kays, James L., xxx-xx-xxxx
Keating, Albert C., xxx-xx-xxxx
Kee, Robert J., xxx-xx-xxxx
Keller, John T., xxx-xx-xxxx
Kellom, Bernard K., xxx-xx-xxxx
Kelly, William F., xxx-xx-xxxx
Keisey, Donald R., xxx-xx-xxxx
Kennedy, Albert G., xxx-xx-xxxx
Kenney, Donald, xxx-xx-xxxx
Kenyon, Richard H., xxx-xx-xxxx
Keszler, Lawrence W., xxx-xx-xxxx
Key, Robert C., xxx-xx-xxxx
Kilday, John B., xxx-xx-xxxx
Killebrew, Ben E., xxx-xx-xxxx
Killingstad, Karl P., xxx-xx-xxxx
Kindred, Jon D., xxx-xx-xxxx
King, Donald H., xxx-xx-xxxx
King, Jack J., xxx-xx-xxxx
King, Joseph S., xxx-xx-xxxx
King, Thomas R., xxx-xx-xxxx
Kinkade, David R., xxx-xx-xxxx
Kinney, Linford N., xxx-xx-xxxx
Kirby, Donald T., xxx-xx-xxxx
Kirchner, Warren F., xxx-xx-xxxx
Kirkland, Cleo D., xxx-xx-xxxx
Kirkpatrick, William, xxx-xx-xxxx
Kirwin, Patrick J., xxx-xx-xxxx
Kish, Francis B., xxx-xx-xxxx
Kleese, Gene D., xxx-xx-xxxx
Kleese, Lee F., xxx-xx-xxxx
Klein, Robert E., xxx-xx-xxxx
Kleinstiver, Lloyd, xxx-xx-xxxx
Klingensmith, David, xxx-xx-xxxx
Knight, John M., xxx-xx-xxxx
Knoop, Paul R., xxx-xx-xxxx
Knox, Granvile S., xxx-xx-xxxx
Kobayashi, Norman T., xxx-xx-xxxx
Kopcsak, George C., xxx-xx-xxxx
Korf, Calvin L., xxx-xx-xxxx
Korhonen, John E., xxx-xx-xxxx
Kosiba, Leo M., xxx-xx-xxxx
Kouns, Darryle L., xxx-xx-xxxx
Krahe, Francis X., xxx-xx-xxxx
Krape, Darryl S., xxx-xx-xxxx
Kreger, Arthur E., xxx-xx-xxxx
Kuhn, Wayne B., xxx-xx-xxxx
Kulish, Jon N., xxx-xx-xxxx
Kunde, Gerald R., xxx-xx-xxxx
Kuypers, Thomas O., xxx-xx-xxxx
Lablonde, George T., xxx-xx-xxxx
Laboa, Guy A., xxx-xx-xxxx
Lacey, William G., xxx-xx-xxxx
Lacquement, Richard, xxx-xx-xxxx
Ladue, Wade W., xxx-xx-xxxx
Lagas, Joseph V., xxx-xx-xxxx
Laird, Kenneth W., xxx-xx-xxxx
Laird, William R., xxx-xx-xxxx
Lambert, Harold E., xxx-xx-xxxx
Lammers, Bruce T., xxx-xx-xxxx
Landers, Robert J., xxx-xx-xxxx
Landram, David M., xxx-xx-xxxx
Landrum, Sidney E., xxx-xx-xxxx
Landry, John R., xxx-xx-xxxx
Lane, Bishop L., xxx-xx-xxxx
Lang, Neil B., xxx-xx-xxxx
Lang, William A., xxx-xx-xxxx
Langseth, Leslie G., xxx-xx-xxxx
Lanier, James N., xxx-xx-xxxx
Lamphear, Paul J., xxx-xx-xxxx
Lanzotti, Robert E., xxx-xx-xxxx
Larcomb, David J., xxx-xx-xxxx
Larkins, James M., xxx-xx-xxxx
Larosa, Peter, xxx-xx-xxxx
Larson, Richard E., xxx-xx-xxxx
Lauder, Ralph H., xxx-xx-xxxx
Lawson, Billy R., xxx-xx-xxxx
Lazzaro, Gerald J., xxx-xx-xxxx
Leadbetter, Richard, xxx-xx-xxxx
Lechner, Ralph C., xxx-xx-xxxx
Ledee, Ramirez J., xxx-xx-xxxx
Lee, Dwayne G., xxx-xx-xxxx
Lee, Harold S., xxx-xx-xxxx
Lee, Wilbur L., xxx-xx-xxxx
Leech, Robert L., xxx-xx-xxxx
Lefebvre, John A., xxx-xx-xxxx
Legge, Barnwell I., xxx-xx-xxxx
Lehrer, Glenn H., xxx-xx-xxxx
Leide, John A., xxx-xx-xxxx
Lenhart, George D., xxx-xx-xxxx
Lenti, John M., xxx-xx-xxxx
Leonard, James E., xxx-xx-xxxx
Leonard, Theodore J., xxx-xx-xxxx
Lethcoe, Gerald E., xxx-xx-xxxx
Letonoff, Victor T., xxx-xx-xxxx
Leuty, Ray S., xxx-xx-xxxx
Leverette, Thomas E., xxx-xx-xxxx
Lew, James R., xxx-xx-xxxx
Lewis, Billie G., xxx-xx-xxxx
Lewis, Jerome X., xxx-xx-xxxx
Lewis, Larry M., xxx-xx-xxxx
Lewis, Terris C., xxx-xx-xxxx
Liddle, Jack W., xxx-xx-xxxx
Lind, Richard W., xxx-xx-xxxx
Line, Edward D., xxx-xx-xxxx
Linn, David L., xxx-xx-xxxx
Lionetti, Donald M., xxx-xx-xxxx
Lipinski, Robert H., xxx-xx-xxxx
Little, Allan G., xxx-xx-xxxx
Little, John A., xxx-xx-xxxx
Littlewood, Arthur, xxx-xx-xxxx
Livengood, Raymond, xxx-xx-xxxx
Lloyd, James W., xxx-xx-xxxx
Logan, James F., xxx-xx-xxxx
Lohr, Richard A., xxx-xx-xxxx
Lombardo, Roy S., xxx-xx-xxxx
Longhofer, James E., xxx-xx-xxxx
Loomis, Leonard J., xxx-xx-xxxx
Looram, James F., xxx-xx-xxxx
Lopezsanchez, Andre, xxx-xx-xxxx
Lord, Gary R., xxx-xx-xxxx
Losa, Gene A., xxx-xx-xxxx
Lott, George B., xxx-xx-xxxx
Lotz, Reinhard M., xxx-xx-xxxx
Love, Heilbron B., Jr., xxx-xx-xxxx
Love, William H., xxx-xx-xxxx
Lowry, Robert C., xxx-xx-xxxx
Lucas, Joseph C., xxx-xx-xxxx
Lucas, Kenneth W., xxx-xx-xxxx
Lundberg, William F., xxx-xx-xxxx
Luton, Charles G., xxx-xx-xxxx
Lyman, Donald R., xxx-xx-xxxx
Lynch, James F., xxx-xx-xxxx
Lynch, Thomas H., xxx-xx-xxxx
Lynn, Clyde D., xxx-xx-xxxx
Lyons, Sidney E., xxx-xx-xxxx
Macaulay, David J., xxx-xx-xxxx
MacGregor, Harry G., xxx-xx-xxxx
Mackin, John P., xxx-xx-xxxx
Macleod, Roger T., xxx-xx-xxxx
Maddox, Edgar D., xxx-xx-xxxx
Maddox, Edward R., xxx-xx-xxxx
Madish, Daniel T., xxx-xx-xxxx
Magnell, Carl O., xxx-xx-xxxx
Magness, Charles F., xxx-xx-xxxx
Maguire, Michael E., xxx-xx-xxxx
Maksimowski, Ferdinand, Jr., xxx-xx-xxxx
Malinoski, Joseph C., xxx-xx-xxxx
Mallion, Richard J., xxx-xx-xxxx
Mallory, Philip H., xxx-xx-xxxx
Malmberg, James E., xxx-xx-xxxx
Maloney, William H., xxx-xx-xxxx
Mann, Marion E., xxx-xx-xxxx
Manolakis, John J., xxx-xx-xxxx
Manosky, Richard D., xxx-xx-xxxx
Marcinkowski, Robert, xxx-xx-xxxx
Marks, Samuel L., xxx-xx-xxxx
Marmon, Herman S., xxx-xx-xxxx
Marotta, Joseph R., xxx-xx-xxxx
Marsh, Caryl G., xxx-xx-xxxx
Martin, Jack M., xxx-xx-xxxx
Martin, John A., xxx-xx-xxxx
Martin, Robert G., xxx-xx-xxxx
Martin, Roderick C., xxx-xx-xxxx
Martinson, Juri, xxx-xx-xxxx
Mashburn, Richard J., xxx-xx-xxxx
Mason, Leslie P., xxx-xx-xxxx
Mathis, Douglas, xxx-xx-xxxx
Mathison, James S., xxx-xx-xxxx
Matthews, Carlos M., xxx-xx-xxxx
Matthias, Harold L., xxx-xx-xxxx
Matz, William M., xxx-xx-xxxx
Maurer, Raymond W., xxx-xx-xxxx
May, Billy W., xxx-xx-xxxx
May, Karl E., xxx-xx-xxxx
Maynard, Truman, xxx-xx-xxxx
Mays, Jack M., xxx-xx-xxxx
Mayville, William C., xxx-xx-xxxx
McAleer, Michael E., xxx-xx-xxxx
McBennett, John P., xxx-xx-xxxx
McCahan, Alan R., xxx-xx-xxxx
McCain, Williston B., xxx-xx-xxxx
McCarthy, Daniel J., xxx-xx-xxxx
McCollister, Kenneth, xxx-xx-xxxx
McCormick, Donald R., xxx-xx-xxxx
McCormick, James P., xxx-xx-xxxx
McCormick, Michael, xxx-xx-xxxx
McCoskey, James L., xxx-xx-xxxx
McDaniel, Everett S., xxx-xx-xxxx
McDaniel, Joseph H., xxx-xx-xxxx
McDevitt, James J., xxx-xx-xxxx
McDonald, Alfred H., xxx-xx-xxxx
McDonald, William K., xxx-xx-xxxx
McDowell, James I., xxx-xx-xxxx
McEvoy, Edward B., xxx-xx-xxxx
McFarland, James W., xxx-xx-xxxx
McGeary, Martin N., xxx-xx-xxxx
McGillen, John L., xxx-xx-xxxx
McGough, James B., xxx-xx-xxxx
McGowan, Edward B., xxx-xx-xxxx
McHugh, Richard K., xxx-xx-xxxx
McInnis, Irby N., xxx-xx-xxxx
McKimmey, James R., xxx-xx-xxxx

McKinney, John J., xxx-xx-xxxx
McKisson, Raymond C., xxx-xx-xxxx
McManus, George H., xxx-xx-xxxx
McNamara, William T., xxx-xx-xxxx
McPeek, Donald F., Jr., xxx-xx-xxxx
McPherson, Thomas H., xxx-xx-xxxx
McQuillen, George P., xxx-xx-xxxx
McRee, Marshall R., xxx-xx-xxxx
McRorie, Raymond C., xxx-xx-xxxx
McSlarrow, James E., xxx-xx-xxxx
McWain, James T., xxx-xx-xxxx
Mease, Jennings H., xxx-xx-xxxx
Medbery, Wade E., Jr., xxx-xx-xxxx
Medenbach, Philip C., xxx-xx-xxxx
Meder, Gene L., xxx-xx-xxxx
Medley, Ted, xxx-xx-xxxx
Melcher, John F., xxx-xx-xxxx
Melton, Kenneth F., xxx-xx-xxxx
Meriaux, Richard D., xxx-xx-xxxx
Merrill, William B., xxx-xx-xxxx
Merritt, Albert S., xxx-xx-xxxx
Merski, Norman R., xxx-xx-xxxx
Metress, Patrick A., xxx-xx-xxxx
Michie, Richard L., xxx-xx-xxxx
Middleton, Robert D., xxx-xx-xxxx
Mierau, Michael D., xxx-xx-xxxx
Miller, Donald W., xxx-xx-xxxx
Miller, Dyson R., xxx-xx-xxxx
Miller, George P., xxx-xx-xxxx
Miller, Gerald C., xxx-xx-xxxx
Miller, James E., xxx-xx-xxxx
Miller, Joseph B., xxx-xx-xxxx
Miller, Richard S., xxx-xx-xxxx
Miller, Russell E., xxx-xx-xxxx
Miller, Stuart A., xxx-xx-xxxx
Miller, Thomas H., xxx-xx-xxxx
Mills, Donald R., xxx-xx-xxxx
Minor, Richard E., xxx-xx-xxxx
Mirkovich, Richard, xxx-xx-xxxx
Misura, John P., xxx-xx-xxxx
Mitchell, Stuart G., xxx-xx-xxxx
Mitchell, Tilden A., xxx-xx-xxxx
Miyamasu, Paul K., xxx-xx-xxxx
Miyashiro, Charles, xxx-xx-xxxx
Moats, Bruce E., xxx-xx-xxxx
Mock, Phillip W., xxx-xx-xxxx
Moe, John A., xxx-xx-xxxx
Moeller, Lawrence B., xxx-xx-xxxx
Moeller, William E., xxx-xx-xxxx
Mohr, Harley R., xxx-xx-xxxx
Moldaschel, William, xxx-xx-xxxx
Monahan, James F., xxx-xx-xxxx
Monroe, Dewitt T., xxx-xx-xxxx
Monroe, Mark A., xxx-xx-xxxx
Montgomery, Horace, xxx-xx-xxxx
Moore, David G., xxx-xx-xxxx
Moore, Gary L., xxx-xx-xxxx
Moore, Michael E., xxx-xx-xxxx
Moore, Walter B., xxx-xx-xxxx
Moran, Eugene F., xxx-xx-xxxx
Morgan, Creed R., xxx-xx-xxxx
Morgan, Jon R., xxx-xx-xxxx
Morgart, James W., xxx-xx-xxxx
Morin, Michael J., xxx-xx-xxxx
Morin, Reynold, xxx-xx-xxxx
Morris, Jimmy R., xxx-xx-xxxx
Morris, Richard C., xxx-xx-xxxx
Moses, George L., xxx-xx-xxxx
Moss, Donald W., xxx-xx-xxxx
Moss, Frederick E., xxx-xx-xxxx
Moss, Willard J., xxx-xx-xxxx
Mottl, Richard J., xxx-xx-xxxx
Moulton, William E., xxx-xx-xxxx
Mulholland, Robert, xxx-xx-xxxx
Mullen, Frederick F., xxx-xx-xxxx
Mullin, Richard C., xxx-xx-xxxx
Mullins, Raiford F., xxx-xx-xxxx
Mulvihill, William, xxx-xx-xxxx
Munson, Don B., xxx-xx-xxxx
Murphy, Errol L., xxx-xx-xxxx
Murphy, Michael H., xxx-xx-xxxx
Murphy, Richard E., xxx-xx-xxxx
Murphy, Robert C., xxx-xx-xxxx
Murray, Marvin R., Jr., xxx-xx-xxxx
Murray, Warren E., xxx-xx-xxxx
Murray, William B., xxx-xx-xxxx
Murrill, Fredrick H., xxx-xx-xxxx
Musmanno, Francis J., xxx-xx-xxxx
Mussells, John D., xxx-xx-xxxx
Musselman, James A., xxx-xx-xxxx

Myer, Allan A., xxx-xx-xxxx
Myers, Ernest L., xxx-xx-xxxx
Myers, Nathan J., xxx-xx-xxxx
Mylks, Herbert W., xxx-xx-xxxx
Naatjes, Clarence S., xxx-xx-xxxx
Naftzinger, Joseph, xxx-xx-xxxx
Nartsissov, George, xxx-xx-xxxx
Naumann, Walter E., xxx-xx-xxxx
Neal, George W., xxx-xx-xxxx
Neal, Paul G., xxx-xx-xxxx
Neale, James F., xxx-xx-xxxx
Neesmith, Delmus M., xxx-xx-xxxx
Nehammer, Karl F., xxx-xx-xxxx
Nelson, Charles R., xxx-xx-xxxx
Nelson, Edward E., xxx-xx-xxxx
Nelson, Landy T., xxx-xx-xxxx
Nettles, John S., xxx-xx-xxxx
Nichols, Lester D., xxx-xx-xxxx
Nilson, Gary L., xxx-xx-xxxx
Noack, Richard R., xxx-xx-xxxx
Noble, George P., III, xxx-xx-xxxx
Nobles, Charles S., xxx-xx-xxxx
Nolan, George E., Jr., xxx-xx-xxxx
Nolen, James T., xxx-xx-xxxx
Norman, William L., xxx-xx-xxxx
Norton, Daniel B., xxx-xx-xxxx
Nutt, Robert M., xxx-xx-xxxx
O'Brien, Charles A., xxx-xx-xxxx
O'Brien, Francis D., xxx-xx-xxxx
O'Bryan, James D., xxx-xx-xxxx
O'Connell, James T., xxx-xx-xxxx
Ogg, Paul C., xxx-xx-xxxx
O'Hara, Thomas C., xxx-xx-xxxx
O'Hara, William D., xxx-xx-xxxx
O'Keefe, Thomas C., xxx-xx-xxxx
Oliver, John B., xxx-xx-xxxx
Oliver, Ralph H., Jr., xxx-xx-xxxx
Olson, Walter E., Jr., xxx-xx-xxxx
O'Malley, Dennis J., xxx-xx-xxxx
O'Malley, Thomas K., xxx-xx-xxxx
O'Neill, Michael E., xxx-xx-xxxx
Orlov, William S., xxx-xx-xxxx
Orms, Robert J., xxx-xx-xxxx
Orton, Robert D., xxx-xx-xxxx
Orzechowski, Richard, xxx-xx-xxxx
Osborne, Arthur D., xxx-xx-xxxx
O'Shea, Robert W., xxx-xx-xxxx
Ostick, Charles T., xxx-xx-xxxx
Oswandel, Robert E., xxx-xx-xxxx
Overholser, William, xxx-xx-xxxx
Owens, William B., xxx-xx-xxxx
Owens, William D., xxx-xx-xxxx
Paaso, Thomas H., xxx-xx-xxxx
Pachosa, Matthew H., xxx-xx-xxxx
Page, Leroy Z., II, xxx-xx-xxxx
Page, William C., xxx-xx-xxxx
Pagonis, William G., xxx-xx-xxxx
Painter, Donald E., xxx-xx-xxxx
Pakula, Kenneth R., xxx-xx-xxxx
Palsha, Robert J., xxx-xx-xxxx
Paolina, Michael A., xxx-xx-xxxx
Paone, Joseph F., xxx-xx-xxxx
Paquette, Edward H., xxx-xx-xxxx
Paris, Howard S., xxx-xx-xxxx
Parker, Eliot V., xxx-xx-xxxx
Parker, Frank W., xxx-xx-xxxx
Parker, Neal G., xxx-xx-xxxx
Parnell, William C., xxx-xx-xxxx
Parr, Gary K., xxx-xx-xxxx
Pate, Rupert E., xxx-xx-xxxx
Patterson, David H., xxx-xx-xxxx
Patty, J. W., III, xxx-xx-xxxx
Pauli, John T., xxx-xx-xxxx
Paulsen, Hans W., xxx-xx-xxxx
Pavlin, Ivan C., xxx-xx-xxxx
Payne, Guy H., xxx-xx-xxxx
Pearce, David L., xxx-xx-xxxx
Pearcy, Charles G., xxx-xx-xxxx
Pearson, John E., xxx-xx-xxxx
Pedersen, Richard E., xxx-xx-xxxx
Pedigo, Bobbie G., xxx-xx-xxxx
Peffers, Gerald L., xxx-xx-xxxx
Pellicci, Jack A., xxx-xx-xxxx
Pena, Alfonso V., xxx-xx-xxxx
Pennywell, Johnson, xxx-xx-xxxx
Percival, David C., xxx-xx-xxxx
Perezlebron, Hector, xxx-xx-xxxx
Perry, Stephen O., xxx-xx-xxxx
Peters, Shelton V., xxx-xx-xxxx
Peters, William R., xxx-xx-xxxx

Peterson, Frank W., xxx-xx-xxxx
Petty, James D., xxx-xx-xxxx
Pfannmuller, Walter, xxx-xx-xxxx
Phelan, Frank J., xxx-xx-xxxx
Pheneger, Michael, xxx-xx-xxxx
Philbrook, Robert L., xxx-xx-xxxx
Phillips, Alan B., xxx-xx-xxxx
Phillips, Calvin E., xxx-xx-xxxx
Phillips, Henry A., xxx-xx-xxxx
Phinney, Bruce A., xxx-xx-xxxx
Pike, Gerald D., xxx-xx-xxxx
Pike, Thurston E., xxx-xx-xxxx
Pilanski, Paul L., xxx-xx-xxxx
Piper, Larry D., xxx-xx-xxxx
Plaster, Roy C., xxx-xx-xxxx
Poch, Todd, R., xxx-xx-xxxx
Polk, Burley R., xxx-xx-xxxx
Polk, John A., xxx-xx-xxxx
Pope, Fred R., xxx-xx-xxxx
Pope, Joe T., xxx-xx-xxxx
Popovich, Marko L., xxx-xx-xxxx
Porterfield, Edward, xxx-xx-xxxx
Post, Elwyn D., xxx-xx-xxxx
Potter, Anthony D., xxx-xx-xxxx
Pounder, Dennis J., xxx-xx-xxxx
Powell, Beverley E., xxx-xx-xxxx
Powers, James H., xxx-xx-xxxx
Prall, Eric L., xxx-xx-xxxx
Preston, Edward G., xxx-xx-xxxx
Price, James W., xxx-xx-xxxx
Proctor, Michael J., xxx-xx-xxxx
Pugh, Merlyn L., xxx-xx-xxxx
Pursch, William C., xxx-xx-xxxx
Pursel, Terry C., xxx-xx-xxxx
Putman, Gerald H., xxx-xx-xxxx
Queen, Avril L., xxx-xx-xxxx
Quinn, Larry G., xxx-xx-xxxx
Quinn, Richard L., xxx-xx-xxxx
Quinn, Robert L., xxx-xx-xxxx
Rader, Allan L., xxx-xx-xxxx
Rafferty, John L., xxx-xx-xxxx
Ragland, Richard C., xxx-xx-xxxx
Ramos, James R., xxx-xx-xxxx
Ramsey, Charles G., xxx-xx-xxxx
Randall, Marshall B., xxx-xx-xxxx
Ranney, Thomas A., xxx-xx-xxxx
Rappaport, Arthur N., xxx-xx-xxxx
Rasmussen, Richard, xxx-xx-xxxx
Ray, Paul H., xxx-xx-xxxx
Ray, Roy G., xxx-xx-xxxx
Ray, Thomas L., xxx-xx-xxxx
Raymond, Charles W., xxx-xx-xxxx
Raymond, William M., xxx-xx-xxxx
Reber, John L., xxx-xx-xxxx
Redemann, David H., xxx-xx-xxxx
Redmond, Lawrence A., xxx-xx-xxxx
Reece, Frank S., xxx-xx-xxxx
Reed, David B., xxx-xx-xxxx
Reed, Jean D., xxx-xx-xxxx
Reed, Keith G., xxx-xx-xxxx
Reedy, Clyde M., xxx-xx-xxxx
Reese, Thomas F., xxx-xx-xxxx
Reeves, Troy, Jr., xxx-xx-xxxx
Regan, Carl J., xxx-xx-xxxx
Regel, Thomas J., xxx-xx-xxxx
Reiber, Carl F., Jr., xxx-xx-xxxx
Reiber, Curtis B., xxx-xx-xxxx
Rekowski, James A., xxx-xx-xxxx
Reynolds, Harvey J., xxx-xx-xxxx
Reynolds, Joseph C., xxx-xx-xxxx
Rhame, Thomas G., xxx-xx-xxxx
Rhynsburger, Robert, xxx-xx-xxxx
Rice, Paul J., xxx-xx-xxxx
Richards, David J., xxx-xx-xxxx
Richards, Donald R., xxx-xx-xxxx
Richards, John W., xxx-xx-xxxx
Richeson, Alfred K., xxx-xx-xxxx
Rickard, Wayne R., xxx-xx-xxxx
Riddick, Larry G., xxx-xx-xxxx
Riley, James E., xxx-xx-xxxx
Riley, Larry L., xxx-xx-xxxx
Rinehart, Barton B., xxx-xx-xxxx
Rink, James H., xxx-xx-xxxx
Rippetoe, Joe F., xxx-xx-xxxx
Risley, Dannie J., xxx-xx-xxxx
Robbins, Chandler P., xxx-xx-xxxx
Roberts, James E., xxx-xx-xxxx
Robertson, Edward H., xxx-xx-xxxx
Robertson, Gerald E., xxx-xx-xxxx
Robinson, Charles D., xxx-xx-xxxx

Robinson, Ronald M., xxx-xx-xxxx
Robinson, Terence M., xxx-xx-xxxx
Robocker, William W., xxx-xx-xxxx
Roche, Terrence L., xxx-xx-xxxx
Roeder, Helmut A., xxx-xx-xxxx
Rogers, Jack D., xxx-xx-xxxx
Rogers, Martin M., xxx-xx-xxxx
Rogers, Robert C., xxx-xx-xxxx
Rogers, Rufus B., xxx-xx-xxxx
Roll, George E., xxx-xx-xxxx
Rollins, George N., xxx-xx-xxxx
Rondiak, Roman, xxx-xx-xxxx
Rose, Louis, xxx-xx-xxxx
Rose, Thomas L., xxx-xx-xxxx
Rose, Wilbur V., xxx-xx-xxxx
Rosenkranz, Robert, xxx-xx-xxxx
Rosher, Galen D., xxx-xx-xxxx
Rosler, Curtis W., xxx-xx-xxxx
Ross, Joseph A., xxx-xx-xxxx
Ross, Raymond R., xxx-xx-xxxx
Rossi, Arnold T., xxx-xx-xxxx
Rouse, Richard F., xxx-xx-xxxx
Routh, Ronald H., xxx-xx-xxxx
Rovan, William P., xxx-xx-xxxx
Royce, James B., xxx-xx-xxxx
Ruddle, Arthur R., xxx-xx-xxxx
Rudesill, Robert S., xxx-xx-xxxx
Rumph, Robert R., xxx-xx-xxxx
Runey, Dennis I., xxx-xx-xxxx
Runke, Richard P., xxx-xx-xxxx
Runyon, Floyd L., xxx-xx-xxxx
Russell, Donald A., xxx-xx-xxxx
Russell, Jerry W., xxx-xx-xxxx
Russell, Stanley W., xxx-xx-xxxx
Ruszkiewicz, John J., xxx-xx-xxxx
Ryan, Michael T., xxx-xx-xxxx
Ryan, Richard B., xxx-xx-xxxx
Rydberg, Carl R., xxx-xx-xxxx
Saathoff, Donald, IV, xxx-xx-xxxx
Sachse, Alfred L., xxx-xx-xxxx
Sachs, Joseph P., Jr., xxx-xx-xxxx
Safford, Donald B., xxx-xx-xxxx
Salmon, Joseph, xxx-xx-xxxx
Samuel, Charles H., xxx-xx-xxxx
Sanders, Larry F., xxx-xx-xxxx
Sandlin, Ray L., xxx-xx-xxxx
Sangster, James H., xxx-xx-xxxx
Sannicks, Karl L., xxx-xx-xxxx
Sapienza, Guy F., xxx-xx-xxxx
Sasai, Calvin Y., xxx-xx-xxxx
Sawtelle, Donald W., xxx-xx-xxxx
Schaaf, James C., xxx-xx-xxxx
Schaeffer, Theodore, xxx-xx-xxxx
Scharberg, Garry A., xxx-xx-xxxx
Schatzman, Thomas F., xxx-xx-xxxx
Scheel, Clarence A., xxx-xx-xxxx
Scheuing, Gary E., xxx-xx-xxxx
Schiemann, Robert J., xxx-xx-xxxx
Schimming, James L., xxx-xx-xxxx
Schmidt, Donald A., xxx-xx-xxxx
Schmidt, Jackie, xxx-xx-xxxx
Schmidt, John L., xxx-xx-xxxx
Schmidt, Leroy A., xxx-xx-xxxx
Schmidt, William A., xxx-xx-xxxx
Schmidtman, Michael, xxx-xx-xxxx
Schneider, Michael, xxx-xx-xxxx
Schnell, Hudson A., xxx-xx-xxxx
Schooff, Maury W., xxx-xx-xxxx
Schroeder, Fredrick, xxx-xx-xxxx
Schrum, James R., xxx-xx-xxxx
Schuler, William D., xxx-xx-xxxx
Schultz, Kenneth R., xxx-xx-xxxx
Schumann, Lawrence, xxx-xx-xxxx
Sciple, Carl B., xxx-xx-xxxx
Scott, Engle W., xxx-xx-xxxx
Scott, Hugh J., xxx-xx-xxxx
Scott, James T., xxx-xx-xxxx
Scott, Walter S., xxx-xx-xxxx
Scruggs, James T., xxx-xx-xxxx
Scudder, William I., xxx-xx-xxxx
Searcy, James W., xxx-xx-xxxx
Searles, Jonathan W., xxx-xx-xxxx
Seaver, James R., xxx-xx-xxxx
Seaward, Richard S., xxx-xx-xxxx
Sebert, Alan G., xxx-xx-xxxx
Seguin, Robert P., xxx-xx-xxxx
Seignious, Richard, xxx-xx-xxxx
Sexton, Donald E., xxx-xx-xxxx
Seymour, Roger G., xxx-xx-xxxx
Shafer, Harold S., xxx-xx-xxxx
Shank, Edward L., xxx-xx-xxxx
Shanley, Leo B., xxx-xx-xxxx
Shaul, Charles D., xxx-xx-xxxx
Shaver, Frank J., xxx-xx-xxxx
Sheehan, William G., xxx-xx-xxxx
Shepherd, William M., xxx-xx-xxxx
Sherard, Stewart, xxx-xx-xxxx
Sherrod, Dale E., xxx-xx-xxxx
Sherron, Thomas H., xxx-xx-xxxx
Shimek, Daniel W., xxx-xx-xxxx
Shine, Joseph P., xxx-xx-xxxx
Shipley, Dale W., xxx-xx-xxxx
Shoemaker, John B., xxx-xx-xxxx
Shohan, Robert W., xxx-xx-xxxx
Short, Alonzo E., xxx-xx-xxxx
Shost, Alan T., xxx-xx-xxxx
Shugart, James W., xxx-xx-xxxx
Siegel, Herbert, xxx-xx-xxxx
Siegfried, Richard, xxx-xx-xxxx
Siegling, William A., xxx-xx-xxxx
Sikora, Thomas F., xxx-xx-xxxx
Sills, Edward G., xxx-xx-xxxx
Silvasy, Stephen, Jr., xxx-xx-xxxx
Silveria, Donald C., xxx-xx-xxxx
Simpson, Andrew R., xxx-xx-xxxx
Simpson, William C., xxx-xx-xxxx
Sines, Kenneth A., xxx-xx-xxxx
Singsank, James J., xxx-xx-xxxx
Sklar, Richard R., xxx-xx-xxxx
Sloan, Jimmy B., xxx-xx-xxxx
Slovacek, Anthony S., xxx-xx-xxxx
Smallen, Ray H., xxx-xx-xxxx
Smalley, Bruce G., xxx-xx-xxxx
Smathers, Sam T., xxx-xx-xxxx
Smelcer, Charles, xxx-xx-xxxx
Smith, Daniel A., xxx-xx-xxxx
Smith, Donald E., xxx-xx-xxxx
Smith, Edward N., xxx-xx-xxxx
Smith, Harold B., xxx-xx-xxxx
Smith, Horace M., xxx-xx-xxxx
Smith, John R., xxx-xx-xxxx
Smith, Richard P., xxx-xx-xxxx
Smith, Robert F., xxx-xx-xxxx
Smith, Tommy J., xxx-xx-xxxx
Smith, Vernelle T., xxx-xx-xxxx
Smith, Wade C., xxx-xx-xxxx
Snoddy, George R., xxx-xx-xxxx
Snow, Edward F., xxx-xx-xxxx
Sobieski, Henry F., xxx-xx-xxxx
Sodano, Guy R., xxx-xx-xxxx
Sollohub, Charles J., xxx-xx-xxxx
Sorensen, Ralph L., xxx-xx-xxxx
Sorini, Laurence F., xxx-xx-xxxx
Sowle, Peter H., xxx-xx-xxxx
Spann, Juan W., xxx-xx-xxxx
Speedie, John C., xxx-xx-xxxx
Spicer, John M., xxx-xx-xxxx
Spicuzza, William L., xxx-xx-xxxx
Spigarelli, Raymond, xxx-xx-xxxx
Spillane, Robert B., xxx-xx-xxxx
Spin, William A., xxx-xx-xxxx
Spivy, Berton E., xxx-xx-xxxx
Sprague, Ronald K., xxx-xx-xxxx
Springer, Anthony T., xxx-xx-xxxx
Sprinsky, William H., xxx-xx-xxxx
Staehler, Joseph C., xxx-xx-xxxx
Stageberg, Richard, xxx-xx-xxxx
Stanford, Harold D., xxx-xx-xxxx
Stanley, Gerald I., xxx-xx-xxxx
Starnaud, Charles E., xxx-xx-xxxx
State, Donald L., xxx-xx-xxxx
Stauffer, Wallace J., xxx-xx-xxxx
Stearns, Raymond L., xxx-xx-xxxx
Steiger, Donald W., xxx-xx-xxxx
Stein, Harry E., xxx-xx-xxxx
Stephens, Donald G., xxx-xx-xxxx
Stephens, William J., xxx-xx-xxxx
Stetson, Sterling L., xxx-xx-xxxx
Stevens, Harlow H., xxx-xx-xxxx
Stevens, John W., xxx-xx-xxxx
Stevens, Ralph P., xxx-xx-xxxx
Stewart, James M., xxx-xx-xxxx
Stewart, John F., Jr., xxx-xx-xxxx
Stiepock, Robert C., xxx-xx-xxxx
Stillman, Geoffrey, xxx-xx-xxxx
Stockman, William L., xxx-xx-xxxx
Stokes, Orville P., xxx-xx-xxxx
Stovall, Rayburn C., xxx-xx-xxxx
Stowe, Wain W., xxx-xx-xxxx
Straetz, Donald F., xxx-xx-xxxx
Strand, Douglas H., xxx-xx-xxxx
Stratton, James G., xxx-xx-xxxx
Strimbu, George, xxx-xx-xxxx
Stringham, Joseph S., xxx-xx-xxxx
Stubblefield, Jo, xxx-xx-xxxx
Stuhlmuller, Kimbal, xxx-xx-xxxx
Stupka, Michael B., xxx-xx-xxxx
Suhosky, Robert J., xxx-xx-xxxx
Sullivan, James A., xxx-xx-xxxx
Summers, Don A., xxx-xx-xxxx
Sumner, John H., xxx-xx-xxxx
Sutter, Ronny L., xxx-xx-xxxx
Swanson, Harold M., xxx-xx-xxxx
Sweeney, John P., xxx-xx-xxxx
Swift, Ivan C., xxx-xx-xxxx
Symons, Rodney W., xxx-xx-xxxx
Szabo, Richard M., xxx-xx-xxxx
Tancreti, Roger J., xxx-xx-xxxx
Tanner, Junius I., xxx-xx-xxxx
Tapscott, Donald A., xxx-xx-xxxx
Taranto, Monroe J., xxx-xx-xxxx
Tate, George W., xxx-xx-xxxx
Taylor, James B., xxx-xx-xxxx
Taylor, John N., xxx-xx-xxxx
Teates, Bryan W., Jr., xxx-xx-xxxx
Tebo, Robert J., xxx-xx-xxxx
Tenbrook, James J., xxx-xx-xxxx
Terry, William F., II, xxx-xx-xxxx
Teska, Thomas E., xxx-xx-xxxx
Tetreault, Raymond, xxx-xx-xxxx
Theofanous, Angelo, xxx-xx-xxxx
Theuer, Paul J., xxx-xx-xxxx
Thielen, Edward J., xxx-xx-xxxx
Thomas, Billy M., xxx-xx-xxxx
Thompson, Charles F., xxx-xx-xxxx
Thompson, James B., xxx-xx-xxxx
Thompson, Richard A., xxx-xx-xxxx
Thorne, Tommy L., xxx-xx-xxxx
Threefoot, Philip S., xxx-xx-xxxx
Thurgood, Leon C., xxx-xx-xxxx
Thurman, James D., xxx-xx-xxxx
Tillman, Clifford R., xxx-xx-xxxx
Tilton, Franklin T., xxx-xx-xxxx
Tippin, Scott M., xxx-xx-xxxx
Tisson, Guenter J., xxx-xx-xxxx
Tobin, William G., xxx-xx-xxxx
Tocher, Robert B., xxx-xx-xxxx
Tolliver, Ronald P., xxx-xx-xxxx
Tomiczek, Paul W., Jr., xxx-xx-xxxx
Tomlinson, Carey G., xxx-xx-xxxx
Totolo, Robert C., xxx-xx-xxxx
Totten, Robert G., xxx-xx-xxxx
Tower, William E., xxx-xx-xxxx
Tozer, William S., xxx-xx-xxxx
Tracy, James L., xxx-xx-xxxx
Tracy, Lawrence L., xxx-xx-xxxx
Tragesser, John N., xxx-xx-xxxx
Trauner, Ronald F., xxx-xx-xxxx
Treadwell, Clarence, xxx-xx-xxxx
Trodella, Robert A., xxx-xx-xxxx
Troth, Robert S., xxx-xx-xxxx
Tucker, Henry B., xxx-xx-xxxx
Tudhope, Lawrence K., xxx-xx-xxxx
Tudor, Robert W., xxx-xx-xxxx
Turnage, John O., xxx-xx-xxxx
Turner, Teddy W., xxx-xx-xxxx
Tyler, James W., xxx-xx-xxxx
Ullman, Cornell L., xxx-xx-xxxx
Ulmer, Donald J., xxx-xx-xxxx
Valliant, Charles M., xxx-xx-xxxx
Vanderschaaf, John, xxx-xx-xxxx
Vangorder, Henry P., xxx-xx-xxxx
Varnon, Jerry R., xxx-xx-xxxx
Vaughn, Thomas B., xxx-xx-xxxx
Vela, Rene A., xxx-xx-xxxx
Vemity, Charles G., xxx-xx-xxxx
Vermilyea, Carl P., xxx-xx-xxxx
Vespia, Vincent, Jr., xxx-xx-xxxx
Vickers, Anthony M., xxx-xx-xxxx
Villaronga, Raul G., xxx-xx-xxxx
Vinci, Frank, Jr., xxx-xx-xxxx
Vinci, Joseph F., xxx-xx-xxxx
Vinson, Billy R., xxx-xx-xxxx
Vogel, Donald L., xxx-xx-xxxx
Volponi, Anthony A., xxx-xx-xxxx
Votaw, John F., xxx-xx-xxxx
Wacloff, Robert L., xxx-xx-xxxx
Waddell, Decatur F., xxx-xx-xxxx
Waddell, Ralph L., xxx-xx-xxxx
Waddell, Richard D., xxx-xx-xxxx
Wade, Jerry F., xxx-xx-xxxx

Waghelstein, John D., xxx-xx-xxxx
Wahlberg, Arlen B., xxx-xx-xxxx
Waits, John P., xxx-xx-xxxx
Waldhour, Louis G., xxx-xx-xxxx
Waldrop, William R., xxx-xx-xxxx
Walker, Byron G., xxx-xx-xxxx
Walker, Edward G., xxx-xx-xxxx
Walker, Frederick A., xxx-xx-xxxx
Walker, Larry T., xxx-xx-xxxx
Walls, Merritt P., xxx-xx-xxxx
Walsh, Daniel P., xxx-xx-xxxx
Walsh, Martin W., xxx-xx-xxxx
Warchol, Leanard J., xxx-xx-xxxx
Ward, Franklin M., xxx-xx-xxxx
Ward, Joseph G., II, xxx-xx-xxxx
Ward, Michael, xxx-xx-xxxx
Ward, Robert E., xxx-xx-xxxx
Ward, William B., xxx-xx-xxxx
Ware, William M., xxx-xx-xxxx
Warren, Claude H., xxx-xx-xxxx
Warren, James A., xxx-xx-xxxx
Washington, Charles, xxx-xx-xxxx
Washington, Raleigh, xxx-xx-xxxx
Watkins, Charles C., xxx-xx-xxxx
Watkins, John A., xxx-xx-xxxx
Watson, Kermith G., xxx-xx-xxxx
Watson, Samuel J., xxx-xx-xxxx
Weaver, Charles R., xxx-xx-xxxx
Weaver, James H., xxx-xx-xxxx
Webb, Ernest L., xxx-xx-xxxx
Webb, Gerald E., xxx-xx-xxxx
Webster, Thomas H., xxx-xx-xxxx
Weedel, Joseph F., xxx-xx-xxxx
Weeks, Leo J., xxx-xx-xxxx
Weinberg, Richard A., xxx-xx-xxxx
Weir, David E., xxx-xx-xxxx
Wells, Herbert D., xxx-xx-xxxx
Welsh, James B., xxx-xx-xxxx
Welsh, Lawrence E., xxx-xx-xxxx
Wendt, Robert L., xxx-xx-xxxx
Weske, William I., xxx-xx-xxxx
Wesneski, Carl A., xxx-xx-xxxx
West, Brownie D., xxx-xx-xxxx
West, John J., xxx-xx-xxxx
Westbrook, Paul H., xxx-xx-xxxx
Westmoreland, Verlon, xxx-xx-xxxx
Westpheling, Charles, xxx-xx-xxxx
Westry, Oliver B., xxx-xx-xxxx
Whaley, Max, xxx-xx-xxxx
Whatley, David T., xxx-xx-xxxx
Wheeler, Jack C., xxx-xx-xxxx
Wheeler, John B., xxx-xx-xxxx
Wheeler, Philip A., xxx-xx-xxxx
Whipple, Berkley A., xxx-xx-xxxx
Whisenhunt J., Dee, xxx-xx-xxxx
Whitaker, Lewis H., xxx-xx-xxxx
Whitcomb, Richard G., xxx-xx-xxxx
White, Billy C., xxx-xx-xxxx
White, Donald R., xxx-xx-xxxx
White, Fay T., xxx-xx-xxxx
White, Harry N., xxx-xx-xxxx
White, James M., xxx-xx-xxxx
White, John W., xxx-xx-xxxx
White, Walter S., xxx-xx-xxxx
Whitehead, Robert W., xxx-xx-xxxx
Whiteside, Daniel L., xxx-xx-xxxx
Whitlaw, Nathaniel, xxx-xx-xxxx
Whitley, James R., xxx-xx-xxxx
Whitley, Wade H., III, xxx-xx-xxxx
Whitlock, Donald L., xxx-xx-xxxx
Whitsett, Richard D., xxx-xx-xxxx
Whitworth, David C., xxx-xx-xxxx
Wild, Allen R., xxx-xx-xxxx
Wilder, Samuel D., xxx-xx-xxxx
Wilder, William B., xxx-xx-xxxx
Wiley, Noble J., xxx-xx-xxxx
Wilhelm, Robert S., xxx-xx-xxxx
Wilkie, David G., xxx-xx-xxxx
Willard, Jack T., xxx-xx-xxxx
Williams, Bill H., xxx-xx-xxxx
Williams, Billy D., xxx-xx-xxxx
Williams, Charles A., xxx-xx-xxxx
Williams, Charles E., xxx-xx-xxxx
Williams, Frank K., xxx-xx-xxxx
Williams, James E., xxx-xx-xxxx
Williams, Jon W., xxx-xx-xxxx
Williams, Lyons H., xxx-xx-xxxx
Williams, Robert B., xxx-xx-xxxx
Williams, Russell L., xxx-xx-xxxx
Williamson, Garret W., xxx-xx-xxxx
Williford, Sherman, xxx-xx-xxxx
Willis, Benjamin L., xxx-xx-xxxx
Willison, Darryl L., xxx-xx-xxxx
Wilson, Bruce E., xxx-xx-xxxx
Wilson, Gene R., xxx-xx-xxxx
Wilson, James E., xxx-xx-xxxx
Wilson, John B., xxx-xx-xxxx
Wilson, John H., xxx-xx-xxxx
Wilson, Robert B., xxx-xx-xxxx
Wilson, Walter K., xxx-xx-xxxx
Wingenter, Anthony, xxx-xx-xxxx
Winters, James M., xxx-xx-xxxx
Wisby, James M., xxx-xx-xxxx
Witcher, Robert A., xxx-xx-xxxx
Witherspoon, Eugene, xxx-xx-xxxx
Witherspoon, Jerry, xxx-xx-xxxx
Witt, Billy J., xxx-xx-xxxx
Wolfarth, William M., xxx-xx-xxxx
Wolff, Robert R., xxx-xx-xxxx
Wollmering, Lawrence, xxx-xx-xxxx
Wolpert, Robert A., xxx-xx-xxxx
Wood, Anthony B., xxx-xx-xxxx
Wood, William A., xxx-xx-xxxx
Woodall, Thomas J., xxx-xx-xxxx
Woodbeck, Charles A., xxx-xx-xxxx
Woodhurst, Charles, xxx-xx-xxxx
Woodle, Arthur G., xxx-xx-xxxx
Woods, Andrew D., Jr., xxx-xx-xxxx
Woodson, William B., xxx-xx-xxxx
Woolweaver, Robert, xxx-xx-xxxx
Worlund, Shyron L., xxx-xx-xxxx
Wright, Frederick S., xxx-xx-xxxx
Wright, Jerry T., xxx-xx-xxxx
Wright, Kenneth E., xxx-xx-xxxx
Wright, Robert K., xxx-xx-xxxx
Wrockloff, George E., xxx-xx-xxxx
Yardas, Douglas A., xxx-xx-xxxx
Yates, John R., xxx-xx-xxxx
Yawn, Malcolm T., xxx-xx-xxxx
Yeagley, John P., xxx-xx-xxxx
Yetman, Robert R., xxx-xx-xxxx
York, Dennis J., xxx-xx-xxxx
York, Donald, xxx-xx-xxxx
York, James J., xxx-xx-xxxx
Young, Ernest, Jr., xxx-xx-xxxx
Zakas, Louis H., xxx-xx-xxxx
Zebarth, Roger L., xxx-xx-xxxx
Zingle, Paul R., xxx-xx-xxxx
Zook, Neil J., xxx-xx-xxxx
Zorn, Burl A., xxx-xx-xxxx
Zutter, Donald S., xxx-xx-xxxx

CHAPLAIN CORPS

To be lieutenant colonel

Ackerman, Henry F., xxx-xx-xxxx
Alutius, Joseph F., xxx-xx-xxxx
Bezanson, Ronald S., xxx-xx-xxxx
Blount, Forest N., xxx-xx-xxxx
Borson, Bernard K., xxx-xx-xxxx
Burnett, Lewis G., xxx-xx-xxxx
Danielson, Wendell, xxx-xx-xxxx
Dennigan, Patrick J., xxx-xx-xxxx
Devine, Kevin A., xxx-xx-xxxx
Dunn, Roger T., xxx-xx-xxxx
Durham, John K., xxx-xx-xxxx
Edwards, Conard O., xxx-xx-xxxx
Ennis, Robert J., xxx-xx-xxxx
Evans, John M., xxx-xx-xxxx
Foreman, William E., xxx-xx-xxxx
Garrett, Harry S., xxx-xx-xxxx
Garrett, Robert G., xxx-xx-xxxx
Giannattasio, Nathaniel, xxx-xx-xxxx
Gushwa, Robert L., xxx-xx-xxxx
Hagin, J. Ward, xxx-xx-xxxx
Harano, Roger D., xxx-xx-xxxx
Hrin, Basil A., xxx-xx-xxxx
Huntley, Jack R., xxx-xx-xxxx
Kearney, Thomas L., xxx-xx-xxxx
Kinney, Donald W., xxx-xx-xxxx
Kita, Edward J., xxx-xx-xxxx
Loftus, Conrad W., xxx-xx-xxxx
McMillan, Charles E., xxx-xx-xxxx
Meiss, John P., xxx-xx-xxxx
Mouchette, Edward D., xxx-xx-xxxx
Murja, Milan, xxx-xx-xxxx
Myers, Glenn L., xxx-xx-xxxx
Njus, Irving C., xxx-xx-xxxx
Peck, Ernest B., xxx-xx-xxxx
Petersen, Gordon H., xxx-xx-xxxx
Redding, Duane D., xxx-xx-xxxx
Roat, Stanley G., xxx-xx-xxxx
Rowan, Edwin J., xxx-xx-xxxx
Selph, Justus P., xxx-xx-xxxx
Simpson, John W., xxx-xx-xxxx
Sisk, Leroy A., xxx-xx-xxxx
Sowards, Douglas H., xxx-xx-xxxx
Spencer, Ronald D., xxx-xx-xxxx
Stewart, Richard E., xxx-xx-xxxx
Tkach, Norman A., xxx-xx-xxxx
Venzke, Rodger R., xxx-xx-xxxx
Webster, Norris M., xxx-xx-xxxx
White, Buster P., xxx-xx-xxxx
Williams, Bruce M., xxx-xx-xxxx
Williams, Walter K., xxx-xx-xxxx
Woehr, David J., xxx-xx-xxxx
Workman, Ralph C., xxx-xx-xxxx

WOMEN'S ARMY CORPS

To be lieutenant colonel

Burbank, Arlene G., xxx-xx-xxxx
Burris, Nancy A., xxx-xx-xxxx
Cadoria, Sherian G., xxx-xx-xxxx
Groome, Sally L., xxx-xx-xxxx
Hewlett, Mary E., xxx-xx-xxxx
Hubik, Delores H., xxx-xx-xxxx
Litehiser, Donna A., xxx-xx-xxxx
Pennington, Doris V., xxx-xx-xxxx
Ramsay, Claudia G., xxx-xx-xxxx
Rinkel, Marcia L., xxx-xx-xxxx
Thompson, Flora G., xxx-xx-xxxx
Westerfield, Los L., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

Anderson, Charles H., xxx-xx-xxxx
Barnard, John D., xxx-xx-xxxx
Barnes, Perry A., xxx-xx-xxxx
Barnes, Walter, Jr., xxx-xx-xxxx
Blakemore, Vaughan, xxx-xx-xxxx
Bleich, Roland, xxx-xx-xxxx
Boe, Gerard P., xxx-xx-xxxx
Cantrell, James E., xxx-xx-xxxx
Carnahan, Robert P., xxx-xx-xxxx
Carroll, William F., xxx-xx-xxxx
Clark, Charles F., xxx-xx-xxxx
Creighton, James P., xxx-xx-xxxx
Delane, Charles E., xxx-xx-xxxx
Derrickson, William, xxx-xx-xxxx
Ditmars, Dennis L., xxx-xx-xxxx
Dix, Richard A., xxx-xx-xxxx
Dolbier, James A., xxx-xx-xxxx
Dominguez, Roberto, xxx-xx-xxxx
Donehew, Gerald R., xxx-xx-xxxx
Drill, John C., xxx-xx-xxxx
Elliott, Robert F., xxx-xx-xxxx
Forrer, Dennis B., xxx-xx-xxxx
Fulton, William R., xxx-xx-xxxx
Gerukos, John G., xxx-xx-xxxx
Goodman, Dorris C., xxx-xx-xxxx
Green, Grant E., xxx-xx-xxxx
Hall, Joseph A., xxx-xx-xxxx
Heggers, John P., xxx-xx-xxxx
Hill, Walter B., xxx-xx-xxxx
Holcomb, Robert E., xxx-xx-xxxx
Houston, William E., xxx-xx-xxxx
Howard, Jimmie B., xxx-xx-xxxx
Irwin, Glen D., xxx-xx-xxxx
Jasper, Willard O., xxx-xx-xxxx
Johnson, Donald A., xxx-xx-xxxx
Johnson, Walter F., xxx-xx-xxxx
Keller, Thomas E., xxx-xx-xxxx
Lingle, Kenneth C., xxx-xx-xxxx
Longley, Rark E., xxx-xx-xxxx
Lund, Nelson H., xxx-xx-xxxx
Mallory, Lloyd M., xxx-xx-xxxx
Malone, Richard L., xxx-xx-xxxx
Manaro, Arthur J., xxx-xx-xxxx
Marchand, Francis W., xxx-xx-xxxx
Marine, Wayne E., xxx-xx-xxxx
McCauley, Charles L., xxx-xx-xxxx
Meiers, Richard E., xxx-xx-xxxx
Mercado, Robert K., xxx-xx-xxxx
Merritt, Thomas E., xxx-xx-xxxx
Munley, Thomas C., Jr., xxx-xx-xxxx
Nelson, Donald C., xxx-xx-xxxx
Olander, Leroy H., xxx-xx-xxxx
Osborn, Thomas E., xxx-xx-xxxx
Osborne, Edward J., xxx-xx-xxxx
Pollock, Archie D., xxx-xx-xxxx
Schumacher, Leonard, xxx-xx-xxxx
Silvers, Paul, xxx-xx-xxxx
Simpson, Calbrieth, xxx-xx-xxxx
Soles, Elmer M., xxx-xx-xxxx

Spruiell, Jerry B., xxx-xx-xxxx
Stone, Leland M., xxx-xx-xxxx
Summary, James J., xxx-xx-xxxx
Thompson, Eugene G., xxx-xx-xxxx
Trumbla, Thomas E., xxx-xx-xxxx
Vallandingham, James, xxx-xx-xxxx
Vance, William M., xxx-xx-xxxx
Vimont, William J., xxx-xx-xxxx
Waters, George A., xxx-xx-xxxx
Webb, Byron D., xxx-xx-xxxx
Weiss, Joseph D., xxx-xx-xxxx
Whitlaw, Joseph T., xxx-xx-xxxx
Yamanouchi, Kenneth, xxx-xx-xxxx
Young, James R., xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

Buss, Carole J., xxx-xx-xxxx
Dayton, Miller P., xxx-xx-xxxx
Doctor, Robert L., xxx-xx-xxxx
Hammond, Charles W., xxx-xx-xxxx
Hartman, Charles W., xxx-xx-xxxx
Jolin, Janet P., xxx-xx-xxxx
Lucas, Mary E., xxx-xx-xxxx
Shannon, Phillip D., xxx-xx-xxxx
Touchard, Maryjo S., xxx-xx-xxxx
Troy, Oneta D., xxx-xx-xxxx
Vickery, Jane C., xxx-xx-xxxx

VETERINARY CORPS

To be lieutenant colonel

Fairchild, David G., xxx-xx-xxxx
Fruin, John T., xxx-xx-xxxx
Johnsen, Dennis O., xxx-xx-xxxx
Kerr, William K., xxx-xx-xxxx
Reddin, George B., Jr., xxx-xx-xxxx
Reynolds, Buddy L., xxx-xx-xxxx
Reynolds, Scott L., xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

Ammon, Kathryn J., xxx-xx-xxxx
Antilla, Betty J., xxx-xx-xxxx
Borg, Naldean J., xxx-xx-xxxx
Bourne, Olga C., xxx-xx-xxxx
Budack, Marietta E., xxx-xx-xxxx
Burns, Marlene G., xxx-xx-xxxx
Carson, Amelia J., xxx-xx-xxxx
Christ, Nancy M., xxx-xx-xxxx
Clayton, Sanford A., xxx-xx-xxxx
Devoss, Joan K., xxx-xx-xxxx
Fiaschi, Peter J., xxx-xx-xxxx
Gray, Helen V., xxx-xx-xxxx
Harder, Mary F., xxx-xx-xxxx
Hawkins, Roberta W., xxx-xx-xxxx
Herman, James W., xxx-xx-xxxx
Istvan, Dorothy E., xxx-xx-xxxx
Kalandros, Konstant, xxx-xx-xxxx
King, Joyce W., xxx-xx-xxxx
Kucha, Deloros H., xxx-xx-xxxx
Kuntz, Mary K., xxx-xx-xxxx
Lamontagne, Mary E., xxx-xx-xxxx
Lifshen, Sheldon, xxx-xx-xxxx
Mattiesen, Jerry A., xxx-xx-xxxx
McKenzie, Nancy J., xxx-xx-xxxx
Messerschmidt, Mary, xxx-xx-xxxx
Pocklington, Dorothy, xxx-xx-xxxx
Rossi, Marguarite J., xxx-xx-xxxx
Ruester, Margaret E., xxx-xx-xxxx
Samuels, Claude C., xxx-xx-xxxx
Shinskie, Edward F., xxx-xx-xxxx
Skinner, Fay J., xxx-xx-xxxx
Snell, Joan, xxx-xx-xxxx
Steinike, Mary L., xxx-xx-xxxx
Stemm, Patricia A., xxx-xx-xxxx
Stepulis, John J., xxx-xx-xxxx
Sutherland, William, xxx-xx-xxxx
Troniar, Maryrose F., xxx-xx-xxxx
Vanlith, Rita W., xxx-xx-xxxx
Vineys, Eugenia A., xxx-xx-xxxx
Walls, Marion J., xxx-xx-xxxx
Yamabayashi, Gilbert, xxx-xx-xxxx
Zitzelberger, John, xxx-xx-xxxx

EXTENSIONS OF REMARKS

THE NEED FOR FOOD STAMP REFORM

HON. ROBERT W. DANIEL, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1975

Mr. ROBERT W. DANIEL, JR. Mr. Speaker, the food stamp program is a well-intentioned program that has grown wildly out of proportion. What began 10 years ago as a modest Federal project funded at $40 million will this year cost well over $6.6 billion.

While the cost of the food stamp program has increased by over 14,000 percent in the last 10 years, the number of Americans living below the poverty level has declined.

We need to provide assistance to those Americans who really need our help, but we cannot ask the taxpayers to finance a multi-billion dollar program with no rational limits. Present Federal regulations permit millions of Americans who are not economically deprived to become eligible for food stamps. Today one in every four Americans, 57.3 million, are eligible for food stamps. We are fast approaching the point at which a third or a half of the American people may be eligible for this form of public assistance.

Enough is enough. I have joined today with 55 colleagues in the House in introducing legislation which will overhaul the entire food stamp program. A companion bill is being simultaneously introduced in the Senate.

Our intention is to correct its abuses while strengthening its merits. We offer a program of reform. We propose changes that will reduce the food stamp rolls while simultaneously expanding benefits to the truly needy. We hope to end the national scandal of allowing affluent families to literally live off the labor of those who must work for their daily bread.

Shocking Federal regulations have turned a worthy and humane food stamp program into an administrative nightmare and a public ripoff. Some able-bodied persons who do not wish to work can get food stamps. Persons who quit their jobs without good reason can get food stamps. Minor children can get food stamps without parental consent or control. The owners of jewelry, furs, and luxury appliances can get food stamps. There is literally no limit to the ways the taxpaying public can be exploited through the food stamp program.

And yet, food stamps were initiated because there was a valid need for them. Some of our countrymen needed a hand, and we were rightly willing to extend it to them. Some still are in need, and I believe the American people are still willing to aid them.

That is why, for those most in need, the National Food Stamp Reform Act would significantly expand nutritional assistance. Millions of poor Americans would benefit directly and substantially from its enactment. The elderly, who are least able to defend their pocketbooks against the onslaught of federally created inflation, would be given special consideration. And the food stamp allotment of every recipient would be immediately increased by 29 percent.

The reforms we are proposing will accomplish all this at the same time that they cut back the food stamp rolls and simplify administration. We estimate that a reformed food stamp program, carefully administered and generously available to the truly needy, would save $2 billion this year and would keep the program from getting completely out of hand in years ahead. That is $2 billion in Federal revenues which could be returned to the taxpayers of America, who also must buy groceries for their families.

That savings can be effected through several commonsense measures—

By using the Federal Government's poverty indices as the cutoff points for food stamp eligibility.

By eliminating the present complicated system of income deductions through which many high-income families qualify for food stamps.

By instituting reasonable resource limitations, to insure that individuals who possess considerable material wealth do not take advantage of their neighbors by using food stamps.

By denying food stamp eligibility to college students, strikers, and able-bodied persons, without small children, who do not choose to work.

By instituting simple administrative procedures, now woefully lacking, which will crack down on food stamp fraud, multiple applications, and the black marketeering of food stamps.

Because the National Food Stamp Reform Act combines the frugality we owe all taxpayers with the generous compassion our country has always shown to the less fortunate, I am happy to submit it for the consideration of the House. I join my distinguished colleagues from the House and Senate in recommending this legislation not only to the Congress, but also to the President and to the American people. Together we can make the food stamp program less expensive and more effective. This bill offers us the means to do so. We need only the will to use it.

TRIBUTE TO PETER M. McGAVIN

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1975

Mrs. SULLIVAN. Mr. Speaker, I would like to say a few words of tribute to the memory of Peter M. McGavin, Execu-