horse and called out: "The dollar is up!" when the horse's head rose. The same words were sung to the first notes of Beethoven's Fifth Symphony, which have now become a symbol of victory. People spoke of nothing but marks, dollars, and pounds, and the streets of the big cities resembled nothing so much as a stock exchange gone wild. The bars and night clubs were full to bursting with profiteers spending their ill-gotten gains by the handful.

A severe inflation is the worst kind of revolution. The stern measures—currency restrictions, curtailed production, draconic taxes—that a government can and sometimes must take systematically are nothing by comparison. For there is neither system nor justice in the expropriation and redistribution of property resulting from inflation.

A cynical "each man for himself" becomes the rule of life. But only the most powerful, the most resourceful and unscrupulous, the hyenas of economic life, can come through unscathed. The great mass of those who put their trust in the traditional order, the innocent and unworldly, all those who do productive and useful work, but don't know how to manipulate money, the elderly who hoped to live on what they earned in the past—all these are doomed to suffer. An experience of this kind poisons the morale of a nation.

A straight line runs from the madness of the German inflation to the madness of the Third Reich. Just as the Germans saw their marks inflated into millions and billions and in the end bursting, so they were later to see their state inflated into "the Reich of all the Germans," "the German Living Space," "the New Europe," and "the New World Order," and so too they will see it burst. In those days the market woman who without batting an eyelash demanded a hundred million for an egg, lost the capacity for surprise. And nothing that has happened since has been insane or cruel enough to surprise her.

It was during the inflation that the Germans forgot how to rely on themselves as individuals and learned to expect everything from "politics," from the "state," from "destiny." They learned to look on life as a wild adventure, the outcome of which depended not on their own effort but on sinister, mysterious forces. The millions who were then robbed of their wages and savings became the "masses" with whom Dr. Goebbels was to operate.

Inflation is a tragedy that makes a whole people cynical, hardhearted and indifferent. Having been robbed, the Germans became a nation of robbers.

SENATE—*Monday, September 8, 1975*

The Senate met at 12 noon and was called to order by Hon. ROBERT MORGAN, a Senator from the State of North Carolina.

PRAYER

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

Eternal Father, show us how to seek first the kingdom of God and His righteousness, lest our priorities be reversed and what ought to be subordinate usurps first claim upon us. Grant us a commitment to the eternal which transcends devotion to the temporal. Help us to read and heed the lessons of history. Keep our spirits sensitive and our minds keen. Give us ears to hear Thy voice and eyes to see Thy guidance. In all our ways, may we acknowledge Thee, in the confidence Thou wilt direct our paths.

We pray in His name, whose love is everlasting. 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 8, 1975.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ROBERT MORGAN, a Senator from the State of North Carolina, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, September 5, 1975, be dispensed with.

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

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the Legislative Calendar, under rule VIII, be dispensed with.

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 may be authorized to meet during the session of the Senate today.

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

MUSEUM SUPPORT FACILITIES

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 907.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 907) to authorize the Smithsonian Institution to plan museum support facilities, as follows:

Strike out all after the enacting clause, and insert: The Regents of the Smithsonian Institution are authorized to prepare plans for museum support facilities to be used for (1) the care, curation, conservation, deposit, preparation, and study of the national collections of scientific, historic, and artistic objects, specimens, and artifacts; (2) the related documentation of such collections of the Smithsonian Institution; and (3) the training of museum conservators.

SEC. 2. The museum support facilities referred to in section 1 shall be located on federally owned land within the metropolitan area of Washington, District of Columbia. Any Federal agency is authorized to transfer land under its jurisdiction to the Smithsonian Institution for such purposes without reimbursement.

SEC. 3. There are hereby authorized to be appropriated to the Smithsonian Institution such sums as may be necessary to accomplish the purposes of this Act.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

THE PRESIDENT'S NARROW ESCAPE

Mr. HUGH SCOTT. Mr. President, the Nation rejoices in the safe deliverance of our President from the hands of a would-be assassin. We as a country have grown all too familiar with political assassinations and assassination attempts. We know that our principal public figures must recognize this as a part of the risks and dangers of their high office. I suppose there will be calls for additional legislation, though we have Federal legislation directly to that point. I am sure there will be calls for greater care and enhanced protection of the President and the Vice President; and they should be heeded.

The anticipation of the plans of fanatics is almost impossible, and yet some of the worst individual and group fanatics are known to the law protection agencies, and I hope that there will be even closer scrutiny of their whereabouts and their possible plans during the continuance of the itineraries of our various Presidential candidates.

I wish I could stand here and offer a solution or a further legislative proposal; but I think all we can do is send up our prayers of thanksgiving for the safe deliverance of the President, urge greater and more intensive care in the protection of our public officials, and hope that this madness will pass from us.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HUGH SCOTT. I am glad to yield.

Mr. MANSFIELD. Mr. President, I wish to join the distinguished Republican leader in expressing my relief and thankfulness that the President of the United States came to no harm on Friday afternoon last in California.

The President has indicated that he is very much impressed with the protection furnished by the Secret Service, and he had nothing but words of praise for the way they performed their duties, obligations, and responsibilities.

The country is grateful that the attempt misfired, if one can use that word in this particular instance. Even though the gun was not cocked and the firing chamber was empty, the next one was not empty.

I hope we will be able to achieve in this Nation a degree of civility and respon-

sibility on the part of all our people so that incidents of this kind will not happen in the future. Presidents have to take chances. President Ford rolled with this one quite nicely, and I was impressed with the statement made by his wife, Betty Ford, to the effect that that is a part of the job which he holds. But it should not be a part of the job which he holds, because there should be nothing but the utmost respect toward the President of the United States; and I hope that this incident will bring about a feeling of renewed responsibility and renewed civility toward whoever happens to hold that office.

Mr. HUGH SCOTT. I thank the distinguished majority leader. The Secret Service was brave and effective.

I do not suppose it will come as any great surprise that other public officials have received death threats from time to time. I do not think we want to dramatize them, but there are certain Members of the Senate who have, on various occasions, received threats, most of which turn out to be no more than that and to have no basis. But one never knows when there will occur a serious intention to destroy a public figure; so we do have to increase our vigilance, and I hope that will be done.

I ask unanimous consent that the remarks of the President to the California State Legislature on the subject of crime, occurring immediately after this attempt on Friday, be printed in the RECORD at this point.

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

REMARKS OF THE PRESIDENT TO THE CALIFORNIA STATE LEGISLATURE, CALIFORNIA STATE CAPITOL

Governor Brown, Mr. Speaker, Mr. President, members of the State Legislature, distinguished guests, ladies and gentlemen:

It is indeed an honor to come before the California Legislature. You represent more Americans than any other legislative body, except the Congress of the United States, with which I have had some acquaintance over a good many years.

Almost half of California's delegation in the current Congress are alumni of this legislature. I cannot take time to salute all of them by name, but from veterans like the able Majority Whip, John McFall, to respected newcomers like Bob Lagomarsino, they are really an outstanding group.

In 25 years that I served in the Congress, I made many friendships with former State Senators and assemblymen from Sacramento whose constituents have consistently sent them back to Washington.

Although they represent a wide spectrum of political persuasions and interests, they were almost without exception able, hard working legislators who quickly reached positions of great importance and great influence in the House of Representatives, where they could make California's voice heard and, believe me, they did.

As a delegation that is now the largest in the Congress, Californians were often able to temporarily put partisanship aside on matters of great concern to your State as well as to our Nation.

This, after all, is the way our two-party system works at its best. I, long ago, came to admire California legislators from afar, and I thank you very, very sincerely for this opportunity to meet in this historic chamber.

Since California is almost a model of the whole United States, in its diversity of industry and agriculture, its urban and rural interests, its internal and international trade and commerce, its steady growth and the attendant challenges in transportation, education, employment and human needs, almost any national problem would be an appropriate one to discuss in California context.

Any subject that is of major importance to Californians is also of deep concern to all Americans.

In the 13 months I served as President of all of the people, my priority goals have been set by the circumstances which confronted our Nation, and still do: To work steadily and prudently toward peace and the reduction of conflicts which threaten peace globally or regionally without weakening either our defense or our resolve; to reverse the current recession and to revive our free economic system without reigniting, the inflationary forces, and through such Federal stimulants and incentives as will create productivity and permanent private jobs and genuine economic growth; to develop a comprehensive short- and long-term program to end our growing dependence on foreign sources of energy and provide the abundant and sure energy supply that is essential both for jobs and to competitive production for the future; and finally, but certainly not least, to encourage among all Americans a greater spirit of conciliation, cooperation and confidence in the future of this great country and the institutions of self-government which for 200 years have served to create a more perfect union.

Today, I could devote my time to any one of these goals because all are of concern in Sacramento, as well as in Washington. California has a very vital stake in peace and the important breakthrough we have just made in diffusing the time bomb that has been ticking away ominously in the Middle East.

California is blessed above many, many States when it comes to energy resources. But by the same token, Californians are exceptionally aware of the importance of power to make things move, to make things grow.

I have decided, however, to discuss with you today another subject on my agenda, one that affects every American and every Californian, one in which the role and the responsibility of State officials is even greater than that of the Federal establishment; that is, the truly alarming increase in violent crime throughout this country.

Crime is a threat so dangerous and so stubborn that I am convinced it can be brought under control only by the best concerted efforts of all levels of Government, Federal, State and local, by the closest cooperation among Executive, Legislative and Judicial Branches, and by the abandonment of partisanship on a scale comparable to closing the ranks in wartime against an external enemy.

I come to California not only to plead for this kind of Federal, State and local citizen coalition against crime, but to praise the progress you have already begun in California.

California has long been a leader in both law enforcement and criminal justice. The rate of increase in violent crimes here remains less than the national average. For the first quarter of this year, serious crime rose 18 percent for the Nation as a whole. It rose only 13 percent in California, but both figures, I am sure we agree, are far, far too high.

The rate for forcible rape was down, but murder was up 22 percent in California and robbery up 23 percent. What is more distressing, my good friend, Evelle Younger, tells me that nearly four out of every ten persons convicted of using firearms to kill someone, or to rob someone, were given probation. Approximately 2300 persons convicted of violent crimes involving firearms are returned to the streets of California each year without serving a prison sentence.

Clearly, the billions of dollars spent at all levels of Government since 1960 have not done the job of stemming the rise in crime. The reported crime rate has doubled, and unreported crimes have probably multiplied even more.

As a former lawmaker among active lawmakers, let me put before you three simple propositions about crime. First, a primary duty of Government is to protect the law-abiding citizens in his peaceful pursuits of life, liberty and happiness.

The Preamble to our Constitution at the Federal level puts the obligation to insure domestic tranquility in the same category as providing for the common defense against foreign foes.

The American Revolution was unique in its devotion to the rule of law. We overthrew our rulers but cherished their rules. The founding fathers were dedicated to John Locke's dictum that "Where there is no law, there is no freedom." One of them, James Madison, added his own corollary, "If men were angels, no government would be necessary."

While it is true that not all men nor all women are angels, it is also true that the vast majority of Americans are law-abiding. In one study of ten thousand males born in 1945, it was shown that only 6 percent of them perpetrated two-thirds of all crimes committed by the entire sample.

As for serious crimes, most are committed by repeaters. Another study in a major metropolitan area showed that within a single year, more than two hundred burglaries, 60 rapes and 14 murders were the work of only ten individual criminals.

This brings me to my second proposition. If a primary duty of Government is to insure the domestic tranquility of the law-abiding majority, should we not put as much emphasis on the rights of the innocent victim as we do on the rights of the accused violators?

I am not suggesting that due process should be ignored or the legal rights of defendants be reduced. I am not urging a vindictive attitude toward convicted offenders. I am saying that, as a matter of public policy, the time has come to give equal weight on the scale of justice to the rights of the innocent victims of crimes of terror and violence.

Victims are my primary concern and I am sure that is your primary concern. They should be the concern of all of us who have a role in making or executing or enforcing or interpreting the criminal law, Federal, State or local. The vast majority of victims of violent crime in this country are the poor, the old, the very young, the disadvantaged minorities, the people who crowd our urban centers, the most defenseless of our fellow citizens.

Government should deal equally with all citizens but if it must tilt a little to protect any element more than any other, surely it should be those who cannot afford to be robbed of a day's food money, those who lack the strength to resist, those who even fear the consequences of complaining.

My third proposition is this: If most serious crimes are committed by repeaters, most violent crimes by criminals carrying guns, if the tiny majority of habitual lawbreakers can be identified by modern datakeeping methods, then is it not mandatory that such offenders, duly tried and convicted, be removed from society for a definite period of time rather than returning to the streets to continue to prey on the innocent and the law-abiding majority.

Although only a very limited number of violent crimes fall under Federal jurisdiction, I have urged the Congress to set an ex-

ample by providing for mandatory prison terms for convicted offenders in such extraordinarily serious crimes as aircraft hijacking, kidnapping and trafficking in hard drugs. I also advocate mandatory sentences for persons found guilty of crimes involving use of dangerous weapons, and for repeat offenders, with or without a weapon, whose crimes show a potential or actual cause of physical injury. There will, of course, be sensible exceptions but they must be minimal.

I hope all 50 States will follow suit. Far too many violent and repetitive criminals never spend a day in prison after conviction. Mandatory sentences need not be severe. It is the certainty of confinement that is presently lacking. We will never deter crime, nor reduce its growth if potential lawmakers feel they have favorable odds of escaping punishment.

The more experienced in crime they get, the better their odds of not suffering the consequences. That is wrong and it must be reversed, and the quicker, the better.

The temptation to politicians—and I trust we are all politicians here, and proud of it—I am—is to call for a massive crackdown on crime and to advocate throwing every convicted felon in jail and throwing the key away.

We have heard such cries for years and crime continues to gain on us. The problem is infinitely more complex than any updated vigilante mentality can cope with. We have to confess, you and I, that we do not know all of the answers. But as with other stubborn national problems, my philosophy is that we must take one sure step at a time.

It is simply intolerable to stand still or slip backwards. It is simply impossible to devise a swift cure-all or a quick fix.

In a talk to my alma mater and to yours, Mr. Governor, the Yale Law School, last April, and again in a detailed message to the Congress in June, I outined the first steps which I believe must be taken to get a handle on the rising crime rates. I will not rehash these points today, except to thank the California Legislature for moving somewhat faster than Congress has on some of my recommendations, such as mandatory prison sentences for crimes involving firearms and hard drug pushing.

I told the Congress, not as a cop-out, but as a Constitutional fact of life, that the Federal effort in the fight against crime really depends on the massive support from the States—which quite properly have sole jurisdiction in the exercise of most police powers.

I said the Federal Government could, however, set an example to reform of the Federal Criminal Code, which is progressing, and through the Law Enforcement Assistance Administration and other programs including general revenue sharing.

I want to give it to you straight about these programs. They were pushed by the minority in the Congress during the Johnson Administration and I am somewhat proud of my association with the innovative Federal measures and the proof that if an idea is good enough, it can prevail even if the minority espouses it.

I have asked the Congress to extend general revenue sharing, which expires at the end of next year. Under it, California has received about ten percent of the total Federal funds turned back to the States and to subdivisions.

California's share now adds up to more than $2 billion and will be closer to $3 billion by the expiration date.

This is money that you in California are relatively free to use where you think California needs it most.

Frankly, the Congress isn't too happy about such liberty on your part and would rather tell you how they want it spent. I leave it to your good judgment to help us continue this program for another five years. I have recommended that it be extended for a five-year period, and with added money on an annual basis.

I should say, and, in fact, warn you, there are many enemies in the Congress who don't want it extended and the consequence is there is an unfortunate delay. And I detect that there is a feeling of complacency on the part of Governors, State Legislators, Mayors and county officials. I warn you, all of those who have received these funds and used them effectively—and I think you have—get moving, because the enemies are working and I don't detect the proponents are pushing.

Don't get caught napping when that expiration date comes up much more quickly than you suspect it might.

As for LEAA, I must say candidly that it hasn't done as much to help curb the rising crime statistics as we had hoped. But it has encouraged experimentation and pilot projects in law enforcement and criminal justice which, if they work, can be adopted by other States. Some of the outstanding ones have been funded for California's own Department of Justice dealing with organized crime and criminal intelligence and to Sacramento and San Diego counties for programs on juvenile delinquency, white collar crime, fraud, drugs and career criminals.

The drug problem in America could make several speeches by itself. Here, again, we have a small number of deliberate criminals who destroy the domestic tranquility of millions and millions of decent citizens. What is particularly outrageous is the tragedy they bring to young people who should be learning to face life, not run from it.

Here in California, according to the latest figures I have seen, less than one out of every five convicted hard drug pusher ever served time in prison. One way to keep a convicted murderer from killing anybody else, one to keep a hard drug pusher from ruining any more lives, is to lock them up for a reasonable but certain term of imprisonment.

Loss of liberty is both a deterrent to crime and a prevention of repeated crime, at least while the defendant is behind bars. Prisoners should be treated humanely, and we cannot expect judges, Mr. Chief Justice, and juries, to convict and sentence persons to places of confinement that are cruel and degrading.

But I consider it essential that we reduce delay in bringing arrested persons to trial, sharply limit the prevailing practice of plea bargaining caused by congested prosecutor and court calendars, and significantly an increasing proportion of those convicted of violent crimes and repeated crimes who actually serve time in prison.

I commend the State of California for its ongoing efforts in these areas, as well as for your program, or programs, to prevent juvenile crime and to rehabilitate youthful first-time offenders.

One of the worst aspects in the current rise in crime rates has been that almost half of all arrests are persons under 18 years of age. While imprisonment is clearly the way to put hardened criminals out of business for a period of time, it is obviously not the best way to deal with the very young.

Simply sending them home has not proved a satisfactory solution, either. We do not have all the answers, but we must spare no efforts to find them quickly.

The Federal Department of Justice has embarked on an urgent pilot program to divert first offenders and, in appropriate cases, prevent them acquiring the lifelong stigma of a criminal record.

Another aspect of the crime program that I have submitted, I asked the Congress to write into the revised Federal criminal code the stronger provisions to allow Federal action against organized crime, wherever it rears its ugly head.

The leaders of organized crime do not recognize State or, for that matter, national boundaries. It will take all of our law enforcement resources to fight this giant conspiracy against domestic transquillity and prevent its spread.

Like other vexing problems facing California and the Nation, we will not conquer crime with a single roll call or a stroke of the Governor's or President's pen. But, we must do what we can and we must work together here and now for the sake of our children and our grandchildren.

It was really for this reason that I wanted to discuss crime today and the common front that we must create againt it. Peace in our neighborhoods and places of business is almost as important as peace in the world.

Keeping the peace is as heroic and essential on the part of those policemen and policewomen who work the night shift as it is on the part of our military personnel and civilian technicians standing watch around the world.

The courage and devotion of some for the safety and survival of all have brought us through 200 years as a Nation, and it will carry us forward to an even brighter future.

Nowhere is the community of interest and the necessity of close collaboration between the Federal Government and the States of the Union more obvious than in the field of crime control.

There is no more universal longing among our people than to be free of fear and safe in their homes and in their livclihoods.

There is no issue even, in a spirited campaign year already beginning, in which we would seek to serve the people, can work harder without partisanship or without demagoguery, to bring about visible progress.

I have not brought along any patent medicine that cures all human ills to peddle here in California. I have come simply to pledge to you my unrelenting efforts to reduce crime in cooperation and consultation with you and with all who have America at heart.

In moving against crime, with compassion for the victims and evenhanded justice for the violator, California can be the pace setter for the Nation, as you have been in so many other challenges.

The genius of California has enriched all America beyond the wildest expectation of our goalseeking ancestors. But, I am not here to sing, "I love you California," either. I will save that for future visits, and I hope there will be many, because I love your people.

For today, it is enough to ask your help on this complex but fundamental problem that confronts us all. If we fail to insure domestic tranquility, any other successes we may have as public officials will be forgotten.

Peace on 10th Street in Sacramento is as important to the people who walk and work there as peace in the Sinai Desert.

One man or woman, or child, becomes just as dead from a switchblade slash as from a nuclear missile blast. We must prevent both.

Thank you very much.

SUPREME COURT ACTION ON FEDERAL CAMPAIGN FINANCING

Mr. HUGH SCOTT. Mr. President, it is now up to the Supreme Court to act on the new Federal campaign financing law, and it should do so quickly. I ask unanimous consent that an editorial from the Philadelphia Inquirer on this timely subject be printed at this point in the RECORD.

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

SUPREME COURT SHOULD RULE ON CAMPAIGN FINANCING LAW

The 1974 federal campaign financing law was one good thing, at least, that came out of Watergate.

It was designed to prevent the repetition of some of the notorious abuses of big money donated secretly, by putting limits on the amounts that individuals could donate to, and that federal candidates could spend for, political campaigns.

It has brought together some strange bedfellows. Joining in a suit to strike it down as unconstitutional are former Minnesota Sen. Eugene McCarthy, a maverick liberal Democrat who is running for President, and Sen. James L. Buckley, a rightwing Conservative-Republican from New York, along with the New York Civil Liberties Union and Human Events, a political journal well over to the right. And Joining in a friend-of-the-court brief to uphold the law are Republican Sen. Hugh Scott of Pennsylvania and Democratic Sen. Edward Kennedy of Massachusetts.

The proponents have now won a significant victory. An eight-member U.S. appellate court for the District of Columbia has upheld the major provisions of the law.

The court firmly rejected the centerpiece of the plaintiffs' case—the contention that limits on contributions and expenditures amount to a "massive intrusion" into freedom of speech.

Citing "the corrosive influence of money (which) blights our democratic processes" and noting that since 1910 "lesser measures" have failed to cleanse those processes, the court declared that certainly these later efforts "should not be rejected because they might have some incidental, not clearly defined, effect on First Amendment freedoms."

Indeed, the plaintiffs' argument cuts the opposite way. In practice, the "massive intrusion" of big money donated secretly can have the effect of drowning out the voices of those who do not have it. The First Amendment says that Congress shall make "no law" impinging on free speech, but as Paul A. Freund of the Harvard Law School has argued, that does not mean that decibels or dollars cannot be limited.

The Court of Appeals decision, however, is not the last word. That can come only from the Supreme Court, which should act with all deliberate speed. The new law is on the books, and candidates are trying to live up to it. If there are defects in it, Congress should have ample time to rectify them before the 1976 campaign gets too far along.

Mr. HUGH SCOTT. I yield back the remainder of my time.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Virginia (Mr. HARRY F. BYRD, JR.) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator yield to me very briefly?

Mr. HARRY F. BYRD, JR. I am delighted to yield to the distinguished Senator from West Virginia.

ADVERSE IMPACT OF STRIKE IN WEST VIRGINIA COAL FIELDS

Mr. ROBERT C. BYRD. Mr. President, on Saturday, September 6, I issued a statement with respect to the present walkout that is occurring in the State of West Virginia in the mine fields.

The statement was as follows:

As a Senator from a leading coal-producing state, I am distressed at the adverse impact the present coal strike is having on West Virginia's economy, and on meeting the critical energy needs of the nation.

As one who has long advocated increased coal research, I am also concerned about the strike's possible effect on West Virginia's chances of getting the COALCON coal research project, as well as future industrial location and expansion in our State.

I have no authority to intervene, in any way, in the walkout, but it is hurting West Virginia and the nation, the public is suffering, and it is hurting the miners and their families.

As one who experienced life in the coalfields when there was no mine union, I am also afraid that the present unrest and divisiveness, if continued, can weaken and eventually destroy the union. I, therefore, hope that all members of the UMWA will heed the advice and urgings of their union leaders and return to work immediately so that normal coal production can be resumed and the nation's energy needs met.

Mr. President, I ask unanimous consent that the time consumed by my reading of this statement, which I issued on Saturday last, not be charged against the distinguished Senator from Virginia.

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

VIRGINIA AND HEW'S LATEST DEMANDS ON HIGHER EDUCATION

Mr. HARRY F. BYRD, JR. Mr. President, a little over a year ago I addressed the Senate on the excesses to which Federal bureaucrats in the Department of Health, Education, and Welfare had gone to harass Virginia's leaders concerning the imposition of racial quotas in her institutions of higher education.

At that time, Virginia had just presented her "Plan for Equal Opportunity in Virginia Institutions of Higher Education: A Shared Responsibility"—a 900-page document detailing the latest plans of the State for continued affirmative action to maintain equality of opportunity in higher education.

That plan was accepted by HEW's Office of Civil Rights on June 21, 1974. Virginia has made a commendable record under it and has spent over $1 million in its implementation.

The Office of Civil Rights, in making its new demands, has not cited a single instance of violation of law or of discrimination.

It is said that those who refuse to learn from the past are doomed to relive it.

It would appear that HEW is suffering from just such a learning disability.

For in the face of Virginia's detailed plan and unqualified commitment to it—and in the face of HEW's unqualified acceptance of it—the Office of Civil Rights has again threatened Virginia with "enforcement action" unless the State meets a series of outrageous new demands which go beyond the law.

On August 5, 1975, the Office of Civil Rights sent to Gov. Mills E. Godwin, Jr., a 48-page letter, demanding that the Governor ignore the laws of Virginia and yield to the will of the quota-oriented bureaucrats of HEW.

HEW has again demanded that the State's Council of Higher Education exercise regulatory powers over Virginia's colleges and universities—powers it does not now have under Virginia law. Further, HEW has demanded a "mechanism" be established under State law to facilitate imposition of quotas in higher education admissions and employment.

It was my understanding—and the understanding of Virginia's officials—that HEW had abandoned such irresponsible tactics when it finally accepted the Virginia plan last year.

To his credit, Governor Godwin has vigorously protested the latest indignity from the Federal bureaucracy in his answer, dated September 3, 1975:

Here we find the regional director of a Federal bureau summarily forwarding to a sovereign state a series of assignments, complete with deadlines, as though this Commonwealth were some recalcitrant school boy, and threatening legal action for failure to comply without any indication that Virginia has violated the law.

And he concludes:

In the light of both the tone and content of your August 5 letter, I cannot help but suggest a change in OCR's apparent premise that it must operate from a presumption of guilt on Virginia's part and that the only avenue of approach is a continued encroachment on Virginia's rights to operate her own system of higher education.

But the critical factor in this latest harrassment remains:

To date, OCR has never cited a single instance in which a Virginia institution of higher learning was in violation of Title VI of the Civil Rghts Act.

No person in Virginia is excluded from participating in, denied benefits of, or subjected to discrimination under any higher education program.

Yet, HEW persists in its unfounded assumption that Virginia is guilty of unspecified, nonexistent crimes, and is subject to summary punishment.

HEW would demand by bureaucratic fiat the rewriting of the valid, constitutional laws of a sovereign State.

HEW would attempt to extort such changes by the imposition of insulting and arbitrary deadlines to be met on pain of legal action.

HEW would have the Commonwealth of Virginia impose a system upon its higher educational institutions which deals only in quotas and which ignores the individual merits and choices of her citizens.

Quotas, are inherently discriminatory. It is saddening that Federal officials promote them; it is shocking that a Federal agency demands them of a sovereign State.

I reject quotas as totally repugnant to our constitutional liberties and foreign to our notions of a free society.

I support Governor Godwin in his resistance to such demands.

I comment him for his forthright defense of Virginia's system of higher education.

And I join him in his reasoned request that HEW and its Office of Civil Rights

abandon the preconceived, but erroneous, notions they hold concerning Virginia's school system and accept the reality of Virginia's good faith, to the enhancement of the "joint and legitimate objectives" which both Virginia and the Federal Government share.

I ask unanimous consent that the letter of the Honorable Mills E. Godwin, Jr., Governor of Virginia, dated September 3, 1975, be printed in the RECORD at this point.

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

COMMONWEALTH OF VIRGINIA,
Richmond, Va., September 3, 1975.

MR. DEWEY E. DODDS,
Director, Office for Civil Rights, Region III, Department of Health, Education, and Welfare, Philadelphia, Pa.

DEAR MR. DODDS: I have reviewed in detail the progress Virginia has made under "The Plan for Equal Opportunity in Virginia Institutions of Higher Education: A Shared Responsibility" in the light of your letter of August 5, 1975.

I can find no reasonable basis on which the Office for Civil Rights could justify a set of deadlines, new "required actions" not included in The Plan, and further attempts to encroach upon the educational prerogatives which are Virginia's.

I can only conclude that OCR questions Virginia's good faith in carrying out the commitments of The Plan and is therefore demanding "actions" which on their face are punitive rather than constructive.

Virginia undertook the commitments under the plan voluntarily and in complete good faith as a collective effort to renew and strengthen the affirmative action efforts already underway in all our institutions of higher learning. It was accepted by OCR in June of 1974.

Since that time, Virginia has spent an estimated one million dollars on implementation. Commendable advances have been made, and will continue. I find no reason to conclude that Virginia will not make the substantial progress contemplated in The Plan's first two years.

I hope Virginia's good faith is not in question, although your letter causes me some concern in this regard.

You dismiss our detailed analysis demonstrating that predominantly black institutions of higher education are being funded on an equal basis with predominantly white institutions with the incredible statement that after 18 months, OCR has not had time to evaluate the data.

You continue to ignore the unmistakable language of Virginia statutes, which establishes the State Council of Higher Education as a coordinating, and not a regulatory, body and our state-supported colleges and universities as corporate entities responsible to their own governing boards.

And, finally, you suggest that Virginia establish some sort of "mechanism" to override both the letter and the spirit of Virginia law for the sole purpose of carrying out OCR directives.

I am deeply disturbed that a Federal agency would advocate the rewriting of Virginia law to accomplish its own narrow objectives, with no regard for the welfare of higher education in this state.

Here we find the regional director of a Federal bureau summarily forwarding to a sovereign state a series of assignments, complete with deadlines, as though this Commonwealth were some recalcitrant school boy, and threatening legal action for failure to comply without any indication that Virginia has violated the law.

To date, OCR has never cited a single instance in which a Virginia institution of higher learning was in violation of Title VI of the Civil Rights Act.

This supports our contention from the beginning that Virginia has been in compliance with Title VI, and that she is now in compliance. Virginia, as always, will abide by the law and by her own commitments.

This does not mean that we will accept in every instance the interpretation by OCR of some of those commitments, nor the time limits imposed, unless failure to do so would be in violation of title VI. Specifically do we reject as arbitrary and unreasonable the 30-day deadlines your letter set forth.

We further reject the unilateral additions to The Plan contained in your letter.

We must also reject on the same legal basis the "required actions" which have the effect of delegating to the Office For Civil Rights the authority vested by the laws of this Commonwealth in our college and university governing boards and in the Governor of Virginia.

We have no intention of forwarding to OCR assessments showing the impact on racial patterns in higher education in Virginia of new academic programs before these programs are finally approved or funded. The scarcely veiled intent of this "requirement" can only be to give OCR the veto power over any changes in curricula at Virginia colleges and universities.

We have no intention of differentiating for OCR between so-called "core" and "specialized" academic programs, the assignment of which OCR would obviously then want to supervise.

Most emphatically do we reject the reparations concept proposed by OCR, to the effect that new academic offerings at predominantly white institutions be matched by similar new offerings at predominantly black institutions. This makes no academic or economic sense.

Today the racial makeup of these institutions of higher learning is a matter of free and informed choice on the part of students and faculty, and not of any policy of action by the Commonwealth.

In accordance with The Plan, Virginia will initiate a study of the mission of Richard Bland College, although we cannot be bound by the deadlines imposed in the letter. Any such study must be made with due regard for the fact that the General Assembly of Virginia is the final arbiter of such a mission.

Virginia cannot meet the 30-day deadlines for implementing the minority faculty program. This concept included educational leaves and subsidy payments for graduate work by minority faculty members. It thus requires extensive financing, which simply is not available this academic year, when the Commonwealth is facing a possible deficit of $60 million and the Virginia General Assembly cannot address this problem before January of 1976.

We will proceed with our interpretation of our commitments under the plan as addressed in your letter of August 5. A more detailed response covering these will be provided at a later date.

In the light of both the tone and content of your August 5 letter, I cannot help but suggest a change in OCR's apparent premise that it must operate from a presumption of guilt on Virginia's part and that the only avenue of approach is a continued encroachment on Virginia's right to operate her own system of higher education.

Our joint and legitimate objectives will be greatly enhanced if the Office for Civil Rights and the Department of Health, Education and Welfare would accept the obvious facts that Virginia is wholly committed to equal opportunity in higher education in law and in fact; that minority members have at the very least equal access to higher education in Virginia; that there are no barriers to students or faculty members save their own preference and abilities; that in the last analysis, these must govern the racial patterns of higher education; and finally, that any attempts at intrusion upon the right of Virginia to operate her own higher education system will inevitably result in deep resentments and retardation of our common goals.

Because of the fundamental issues at stake and their importance to the progress of higher education in Virginia, I am forwarding copies of this letter to the President of the United States, to the Secretary of Health, Education and Welfare, and to each member of Virginia's Congressional Delegation.

Sincerely yours,

MILLS E. GODWIN, JR.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

THE LA FARGE, WIS. PROJECT

Mr. PROXMIRE. Mr. President, within the next couple of weeks the Senate will act on a public works appropriation bill that will pay for projects throughout the country. The cost of those projects will be in the billions of dollars. What do we get for spending those billions of dollars? We are told we will get flood control, recreation, fish and wildlife protection, irrigation and soil improvement benefits, and others.

Will the benefits be worth the cost? In some cases the anwers is "Yes"; in many others "No." Hundreds of millions of dollars of this spending will represent a bad investment for the taxpayer for a simple arithmetic reason.

The Government—or the taxpayer—now pays more than 7 percent for his money. But the return on some of the millions we will, in effect, invest when we approve the public works appropriation will barely exceed 5⅞ percent—the return now required to justify a public works project. In other cases—representing literally hundreds of millions of dollars—the return may be as low as 3⅛ percent.

Furthermore, even this thin return will be, in many cases, exaggerated. The Corps of Engineers which has the responsibility for computing the costs and benefits of these projects has a long record of exaggerating benefits and underestimating costs. One of the projects involved will be in my State of Wisconsin.

Mr. President, over the past weekend I had one of the best lessons I have ever had in my life on the human elements involved in these projects and why it is so very, very hard for us to blow the whistle. I went out to Wisconsin to tell the people who live in the town where the project was to be built that I would oppose it and ask the Senate and the Appropriations Committee to vote against it because I thought it was a bad investment for the taxpayer.

Mr. President, in the 18 years I have been in the Senate, this was one of the

most painful actions I have ever had to take. Saturday morning, I spoke in a firehouse in La Farge, Wis., with a hundred or so of the people present who were directly affected by this project. This is a dam to provide flood protection and recreation benefits to La Farge and other towns in the vicinity.

After I spoke for about 20 minutes explaining why I thought the LaFarge Dam would cost more than it was worth, there was more than an hour and a half of statements and questions.

At least 40 or 50 opinions were voiced. Not a single statement supported my position. Every person who spoke out wanted the dam built. They all wanted the 1,800-acre lake the project would make possible. They spoke of the 40-year drive for this project, of the floods they had suffered, of the economic plight of this section of Wisconsin, the hard, long struggle to earn a modest income, and the hope that the lake could mean a better economic future. One woman wept as she predicted that without the project, she and her neighbors simply could not survive economically. A little girl broke down in tears as she sobbed and told how fewer children at her school would mean the end of the school.

A number of men argued that the costs had increased because of years of delay by the Federal Government and the onrushing inflation, over which they obviously had no control. Others said the benefits were understated $1.25 a day. One woman pointed out that a few hours of the money spent in Vietnam would pay for the entire project even if it increased in cost. A man asked how I could justify the amount the Government is asking to spend in foreign military aid to both sides in the Middle East, when a small fraction of that sum would solve their problem.

Repeatedly the argument was made that the Government has already spent $14 million, that the dam is physically 80 percent completed, and that it should continue.

Among others Palmer Munson, Robert Vosen, Mr. and Mrs. Arlen Johnson, Harvey Schroeder, Dale Sandmire, Ward Rose, Olive Nelson, Bernard Smith, Helen Stolsan, and many others spoke up. All—without a single exception—favored the dam and the lake. Not a single one spoke against, it though I made my pitch against it and appealed to them for support.

Mr. President, I tell this story because it is at the heart of our problem with runaway Government spending. This project initially was to cost $15.6 million in 1962. By 1971, when the baseline was set, the cost had gone to $24.53 million. Earlier this year, the cost was estimated at $38.48 million. And now we are told the cost will be $51.55 million, a mammoth, 112-percent overrun over the 1971 baseline.

Mr. President, based on everything I have seen and heard in 18 years here, I know that cost will grow and grow before the project is finished. I would not be a bit surprised if it cost $100 million before we are through.

To justify the project in the light of this immense cost increase, the corps has increased their estimate for recreation benefits this year by more than 100 percent.

This gives the project a hairline benefit-cost justification. Costs barely exceed benefits. But they exceed benefits because the law permits the corps to apply to this project an outdated 3⅛-percent discount factor.

Mr. President, I oppose this project because it is clear that the costs exceed the benefits by a very large amount, indeed. This will be the case if any of the following eventualities develop, and I think all of them will:

First. The benefits are exaggerated, and I think they will prove to be exaggerated.

Second. The discount factor is too low, and I think it is obviously far too low. The cost of money to the Federal Government is not 3⅛ or 5⅞ but more than 7 percent, and at that rate the project could not be justified even if all the sunk costs—the $14 million already expended—were written off.

Third. The cost of the dam will continue to grow, and as it does, the taxpayer will take a continuously worse drubbing.

For all these reasons, Mr. President, in spite of the overwhelming support of the people who have lived with this project and dreamed of this project for years and count on this project as their salvation, I must oppose the project and ask the Senate to delete it from the public works bill.

DEFENSE CONTRACTORS AND THE FEDERAL SECURITIES LAWS

Mr. PROXMIRE. Mr. President, in May I asked the SEC to examine the documents filed with the Commission during the past 5 years by the 25 largest defense contractors. The purpose of the request was to determine whether there have been any irregular, improper or unusual payments by those companies in the United States or in foreign countries. I also wanted to know whether any of the largest defense contractors had established slush funds in order to make such payments.

SOME CONTRACTORS NOT IN COMPLIANCE WITH DISCLOSURE REQUIREMENTS

The SEC has now completed its examination and reports that a detailed review of the documents filed by the corporations revealed no indications of irregular or improper activities. This finding is in direct conflict with the recent disclosures concerning three of the largest defense contractors.

AT LEAST THREE OF LARGEST CONTRACTORS GUILTY OF MAKING IMPROPER PAYOFFS

The disclosures show that Lockheed, Northrup, and Exxon—Nos. 2, 13, and 19 on the list of largest defense contractors for 1974—have been guilty of making payoffs to Government officials and political organizations in foreign countries. Yet the financial statements made to SEC by the companies contain no information concerning these large disbursements of corporate funds.

Obviously, as SEC Chairman Ray Garrett, Jr., points out—

There is a likelihood that activities of this kind would be deliberately concealed and, therefore, would not be revealed in documents filed with the Commission.

But the fact remains that companies which fail to report such activities are violating the law requiring full financial disclosure, and at least three of the largest defense contractors fall into this category.

HOW MANY OTHER CONTRACTORS MAY BE VIOLATING THE LAW?

The question that now must be asked is, how many other defense contractors may be making political payoffs and failing to comply with the financial disclosure requirements?

I have asked the SEC to dig deeply into this matter and am encouraged by its efforts so far and the commitment to investigate further. But it must be recognized that the disclosure requirements have been flagrantly violated and have not served to protect the public from abuses by corporate management.

It is now clear that tens and perhaps hundreds of millions of dollars in corporate funds have been used by some of the largest defense firms for illegal and improper purposes and that this practice has been going on undetected for years.

NEED TO OVERHAUL SECURITIES LAWS

Congress must now take a close look at the securities laws with a view toward completely overhauling them and improving their enforcement. At the very least the penalties for violating the laws should be tightened up. At present they often amount to a tap on the wrist.

A sure way of deterring these practices is through exposure. The full details should be made public—the names of the corporate officials involved in the payoffs and bribes, the names of the recipients, the specific transactions, and the countries involved.

I ask unanimous consent to have printed in the RECORD my letter to SEC Chairman Ray Garrett, Jr., dated May 13, 1975, and Mr. Garett's letter of August 22, 1975.

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

MAY 13, 1975.

Mr. RAY GARNETT, Jr.,
Chairman, Securities and Exchange Commission, Washington, D.C.

DEAR RAY: You are undoubtedly aware of the great controversy that has been caused by the disclosures that the Northrop Corporation and other firms with defense contracts have been involved in irregular and improper payments both in the United States and abroad. This letter is to request that your office make a detailed review of the documents and materials filed by each of the largest twenty-five defense contractors in order to determine whether there have been any unusual payments here or in foreign countries such as in the Northrop, Gulf and other cases or whether any slush funds for such purposes appear to have been created during the past 5 years.

A list of the largest twenty-five defense contractors is attached.

Because of the urgency of this matter, I would hope that you can assign sufficient people to complete this task at the earliest possible time, and I would appreciate some estimates of how long it will take.

Any additional questions about this matter may be taken up with Richard Kaufman, Joint Economic Committee.

Sincerely,

WILLIAM PROXMIRE.

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., August 22, 1975.
Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: This is in further response to your letter, dated May 13, 1975, in which you request that the Commission "... make a detailed review of the documents and materials filed [with the Commission] by each of the 25 largest defense contractors in order to determine whether there have been any unusual payments here or in foreign countries . . . or whether any slush funds for such purposes appear to have been created during the past five years." Your request was prompted by concerns over the then recent disclosures that Northrop Corporation, and other firms with defense contracts, had been ". . . involved in irregular and improper payments both in the United States and abroad."

On May 27, 1975, I advised you that we had assigned this matter to our Division of Corporation Finance, which is generally responsible for reviewing corporate filings, and asked them to take sufficient steps to assure a prompt and substantive response to your inquiry.

I have been advised that the Division of Corporation Finance has completed a detailed review of materials and documents filed with the Commission by the corporations identified in your May 13 letter. The staff, however, did not reexamine materials relating to Northrop Corporation, in light of the fact that a similar inquiry was conducted in connection with our recent enforcement action with respect to that company, or materials relating to Hughes Aircraft Company, since that company is not publicly-owned and thus does not file reports with the Commission.

I understand that our staff did not find any indications in the materials reviewed that the subject companies may have engaged in the irregular or improper activities suggested in your May 13 letter. But, as I am sure you know, there is a likelihood that activities of this kind would be deliberately concealed and, therefore, would not be revealed in documents filed with the Commission. Our staff, however, has obtained information from other sources which raises questions concerning compliance by certain defense contractors with the disclosure requirements of the federal securities laws, and the Commission actively is investigating these matters.

Please let me know if you have any further questions in regard to this matter.

Sincerely,

RAY GARRETT, JR.,
Chairman.

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

Mr. BELLMON. 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.

PRIVILEGE OF THE FLOOR—S. 963

Mr. BELLMON. Mr. President, I ask unanimous consent that Mr. Doug Jackson of my staff be granted privilege of the floor during consideration of this bill.

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

APPOINTMENT BY THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the Vice President, appoints the Senator from Rhode Island (Mr. PASTORE) and the Senator from Tennessee (Mr. BAKER) to the General Conference of International Atomic Energy Agency, to be held in Vienna, Austria, September 22–26, 1975.

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

Mr. GLENN. 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.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business not to exceed 30 minutes, with statements therein limited to 5 minutes each.

BRADY BLACK RETIRES

Mr. GLENN. Mr. President, on September 1, one of Ohio's foremost journalists retired, a man whose contributions to his field and public life were truly national in scope.

Brady Black's retirement as vice president and editor of the Enquirer in Cincinnati follows a career spanning 48 years as a journalist including 35 with the Enquirer. He rose through the ranks from copy editor, to political writer, to assistant city editor, bureau chief, managing editor editorial page editor, vice president, and editor—all the time following his own admonition "to try to do the best you can each day and hope, if opportunities for advancement come, to be judged on performance and be found wanting."

Obviously Brady Black was not found wanting by his readers and employers and the best news to come from his retirement is that he will remain professionally active.

Beginning almost immediately he goes to Ohio State University to assume the Kiplinger chair for graduate-level studies in public affairs reporting. Mr. Black will be the second person to ever hold this chair, and the wealth of experience and insight he will surely impart to the Ohio State students will, I am sure, be a great asset to future generations of reporters.

Mr. President, the Enquirer paid tribute to Brady Black in an editorial following his retirement on the first of September and I ask unanimous consent that it be printed in the RECORD in its entirety.

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

[From the Cincinnati (Ohio) Enquirer, Sept. 1, 1975]

BRADY BLACK RETIRES

Today, for the first time in the memory of many Cincinnatians, The Enquirer's masthead does not carry the name of Brady Black.

For yesterday was Mr. Black's last day as this newspaper's editor and vice president. It was similarly the last day in a relationship that spanned nearly half a century.

Yesterday's issue of The Enquirer Magazine detailed the scope of Mr. Black's years with The Enquirer. It seems appropriate today to add a word about the quality of those years and about the mission Mr. Black discharged during his years as The Enquirer's editor.

In the last century, the editor was typically the big man on every newspaper. Reason tells us that even Horace Greeley had his business managers, his production foremen, his advertising and circulation salesmen, his accountants. History, however, has forgotten their names and remembered his. For although many men are indispensable to a newspaper's success, it is the editor who casts a shadow over the community he seeks to serve.

Brady Black was an editor in that 19th-century tradition because to many thousands of Cincinnatians he has been The Enquirer, not through any calculation or design, but by the sheer weight of his professional competence and, more important, his professional integrity.

His reputation, moreover, extended far beyond the Queen City. Wherever, indeed, government officials, businessmen, other journalists have heard of Cincinnati, they have also heard of Brady Black, and they have grown to respect his character, his judgment, his unfailing perception of our troubled times.

It is a matter of intense satisfaction to those who have been associated with Mr. Black that his retirement as editor and vice president of The Enquirer coincides with his appointment to the Kiplinger chair of journalism at Ohio State University. There he will serve for the year ahead as a mentor and counselor to young journalists whose purpose, like his, will be interpreting public affairs to their readers.

In that capacity, he will be passing on a legacy that he brought to The Enquirer and instilling the same high principles that shaped his service for this newspaper.

In that undertaking, and in all others, he will carry with him the warm and affectionate wishes of the entire Enquirer family.

CONCERNS ON DEVELOPMENT OF ATOMIC WEAPONRY

Mr. GLENN. Mr. President, there has been developing an increased awareness and concern regarding the spread of nuclear facilities to more and more nations around the world with attendant concerns regarding the potential diversion of plutonium or weapons grade uranium for development of atomic weaponry. This is an extremely complex problem and one we must deal with on a continuing basis as nuclear know-how becomes more commonplace around the world.

Control by monopoly or control by superior technical expertise has obviously developed a limited life, with yet-to-be-

developed international systems not in place to assure the proper use of nuclear energy and its byproducts.

Two New York Times articles published during the August nonlegislative period dealt with this subject and are worthy of note. I ask unanimous consent that they be printed in the RECORD.

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

[From the New York Times, Sunday, August 17, 1975]

SURGE IN NUCLEAR EXPORTS SPURS DRIVE FOR CONTROLS

(By Ann Crittenden)

For most industries growth has been a prime goal—and for those in the multibillion-dollar business of exporting nuclear materials, the dynamics are the same.

Today the nuclear industry is growing worldwide, with more suppliers moving into more countries, selling a broader spectrum of technology.

It is not surprising then that such exports have become the focus of a worldwide controversy that has spread to high levels of international diplomacy—for a nuclear power plant is not just another export such as shoes or toothpaste.

Such plants produce a byproduct—plutonium—which after relatively simple chemical reprocessing can become the raw material for a nuclear bomb.

ENTIRE CYCLES SOUGHT

Moreover, a growing number of nations are in the market not only for power plants, but also for entire fuel cycles, including uranium enrichment, fuel fabrication and facilities to separate weapons-grade plutonium from spent fuel rods.

Reprocessed plutonium could eventually be used as power reactor fuel, but its possessor would also have the ability to join the nuclear weapons club.

Dr. Fred Ikle, director of the Arms Control and Disarmament Agency, asserted recently that the export of even peaceful nuclear technology "provides not only the means but also the cover for the spread of nuclear weapons."

But members of the industry and many government officials of the various supplier countries argue that dispersion of this technology is inevitable—that knowledge of plutonium reprocessing, as one United States official put it, "is there, is in the books—it's like Canute to try to stop it."

In this view, the only possibility is to surround every nuclear sale with the maximum possible safeguards. To achieve this, the supplier nations are reported to be engaged in secret negotiations in an attempt to reach agreement on rules governing the controls to be placed on sales.

But a growing number of scientists, and some members of Congress, question whether safeguards, however tight, will ever be adequate in unstable or belligerent nations. They believe some attempt should be made to halt all nuclear sales to such countries, although no one seems to know how to accomplish this in a world hungry for both energy and arms.

One of the many consequences of the 1973–74 Arab oil embargo was a tremendous surge in international demand for nuclear power. As nations sought to lessen their dependence on imported oil, estimates of nuclear capacity by 1985 jumped 77 per cent over levels planned before the embargo.

PROJECTIONS CUT BACK

Many of these projections have already been cut back, as some of the more ambitious national plans have run into the same delays, financing problems and environmental objections that have slowed nuclear development in the United States.

Even so, industry experts are convinced that the international market is still the growth area of the nuclear business, with 77 nuclear plants operating, under construction, or on order abroad, compared with 55 plants operating in this country, and some 180 various stages of planning.

The Organization for Economic Cooperation and Development is projecting a capacity of 217,000 megawatts outside the United States by 1980, and 538,000 megawatts by 1985—in contrast to only 80,000 megawatts today. The profit potential in this growth is enormous.

A 1,000 megawatt plant costs approximately $1-billion to build and equip. In export sales, 30 to 40 per cent of that usually goes to the foreign supplier for the nuclear steam-supply system and fuel and whatever turbine generators, other equipment and design, engineering and management services are ordered.

$40-BILLION MARKET

Thus, if the O.E.C.D. projections are correct, the international suppliers of nuclear equipment will gross $40-billion to $50-billion during the next five years.

As a rule, sales to developing countries involve a "turnkey" package, with a fully operational plant turned over to the customer upon completion of the job.

Such sales are more profitable than most sales in Western Europe or Japan, where more sophisticated customers handle their own contracting and buy equipment from several different suppliers.

Although their rivals are proliferating, American companies are expected to capture a healthy share of this business in part because of generous financing by the Export-Import Bank. Until recently, the United States had a virtual monopoly in the non-Communist world for nuclear fuel and reactors.

The United States Government itself still provides 80 per cent of the enriched uranium used abroad. The Westinghouse Electric Corporation and the General Electric Company are suppliers of 70 per cent of the reactors operating, under construction, or on order outside this country.

This year American suppliers are expected to earn export revenues of more than $1-billion. According to the Energy Research and Development Administration, revenues from existing orders for plants will amount to $3.5-billion over the next few years, and the most recent orders will probably raise the total to $5-billion.

By 1980 the energy administration estimates fuel sales will be generating exports of more than $500-million a year and power-plant equipment $1.77-billion in annual exports.

Most of that income will continue to go to General Electric and Westinghouse, although Combustion Engineering, Inc., and the Babcock & Wilcox Company also have minor shares of the market.

Foreign nuclear sales provided an estimated 2 per cent of General Electric's total 1974 revenues of $13.4-billion but "only a negligible percentage of earnings," according to an industry analyst.

DEVELOPED MARKETS DOMINANT

Such sales provided about 12 per cent of Westinghouse's total revenues of $5.7-billion in 1974, and are far more important to the smaller company. Analysts estimate that Westinghouse earned $25-million to $40-million in pretax income from foreign nuclear sales last year—a badly needed injection for a company that showed a net income of only $28.1-million.

Most of the new nuclear sales will continue to be made to developed countries, but an increasing number of sales are being made to less developed nations that are trying to lay the groundwork for their own economic growth.

What is troubling many observers is that many of the countries beginning to enter the marketplace, such as South Korea, South Africa, Iran, Taiwan, Pakistan, Brazil and Argentina, are the very ones that United States officials fear may be attempting to develop nuclear weapons.

Still disturbing to many is the nuclear device exploded by India in May, 1974, using materials obtained from a simple nuclear reactor purchased from Canada. In that sale, made in the mid-nineteen-fifties before the existence of the International Atomic Energy Agency, India was under no obligation to put her entire fuel cycle under safeguards. The need for such controls was barely envisioned at the time.

INTERNATIONAL RULES SOUGHT

The thrust of the Ford Administration's policy is to attempt to work out, with all supplier nations, a uniform set of safeguards, establishing a common international policy on all nuclear exports, including technology for uranium enrichment and plutonium reprocessing.

The implication is that once common guidelines are established, the supplier nation, which includes the Soviet Union, Canada, France, West Germany, Britain and Sweden, in addition to the United States, will not compete for reactor sales by offering enrichment or reprocessing technology as "sweeteners."

West Germany was accused of doing this last June when the Kraftwerk Union sold such a complete fuel cycle in a multibillion-dollar deal to Brazil. Westinghouse bid unsuccessfully for that reactor sale. American companies are currently not permitted to export either enrichment or reprocessing technology.

INDUSTRY SUPPORTS SAFEGUARDS

The nuclear equipment manufacturers in this country wholeheartedly asset support for these international efforts to tighten controls and to apply safeguards to the entire fuel cycle.

Gordon C. Hurlburt, the president of Westinghouse, wrote a letter to The New York Times recently, "We specifically endorse the efforts to remove the problem of safeguards from the marketplace in the export of nuclear materials and equipment."

The industry has been concerned that without common controls, with American restrictions on nuclear exports more stringent than those of other nations, "we [might] deal ourselves out" of the market, as Dixy Lee Ray, former chairman of the Atomic Energy Commission, recently warned.

Until common export rules are adopted, the industry essentially takes a "if we don't do it, someone else will" position.

An industry official said," "If we are concerned about proliferation and safeguards, we have the strongest assurance that they are being observed when United States technology is being utilized."

The irony is that the two strongest competitors of American companies today, Framatome of France and Kraftwerk Union of West Gremany, are American licensees, selling American technology.

Framatone is 45 percent owned by Westinghouse and market the latter's pressurized water reactor, while Kraftwerk, a joint venture between Siemens and A.E.G. Telefunken, sells both pressurized water reactors obtained from an old Westinghouse license with Siemens and boiling water reactors through a still current General Electric license.

Westinghouse also has licensing agreements with Mitsubishi Heavy Industries in Japan, while General Electric's nuclear licensees include Hitachi and Toshiba in Japan, A.M.N. Ansaldo in Italy and Compagnie Generale d'Electricite in France.

FRENCH MARKET SLOWING

Both Framatome and Kraftwerk dominate their home markets, and in line with an announced reduction in its nuclear power program, the French Government has moved to make Framatome its sole supplier. The Government has proposed that it acquire most of Westinghouse's share in the company and that it convert the licensing arrangement into some form of partnership.

To make matters worse for American manufacturers, the slowdown in the French market—a result of uncertainty as to future demand for energy and of environmental protests—would enable Framatome to strengthen its export potential.

Framatome and Kraftwerk have already beaten their American competitors in a race to win contracts for Iran's first four nuclear power plants, where each company has agreed to supply two reactors, and both are competing with Westinghouse in South Africa as well. In addition, there is the Kraftwerk agreement to sell a reactor to Brazil.

Apparently that deal did not involve the licensing of any American technology, although the Framatome sale to Iran did. According to an industry analyst, Westinghouse, as Framatome's licensor, could earn as much as $4-million from the sale of two reactors to Iran.

This sale highlights what Senator Adlai E. Stevenson 3d, Illinois Democrat, has called "a loophole big enough to drive a nuclear reactor through"—the possibility that if any American company wanted to evade the relatively strict American safeguards on nuclear exports, it could simply sell the materials through a subsidiary or a licensee.

According to another critic, Senator Abraham A. Ribicoff, Democrat of Connecticut, for years the United States exported technology, enriched uranium, and actual reactors, without requiring that the foreign purchasers "impose strict safeguards on their own exports." "The result," he says, "is that we now find ourselves in an increasingly nuclear-powered world that is governed by old-fashioned nationalism and crass commercialization."

American officials have also expressed concern about the Canadian CANDU reactor, developed and marketed by Atomic Energy of Canada, Ltd., an agency of the Canadian Government and the third major competitor to G.E. and Westinghouse. The Soviet Union, Britain and Sweden are not particularly active in the international export market.

The CANDU produces more plutonium as a by-product than do the American reactors. This is an attractive feature, if a country is interested, as India was, in constructing a bomb.

Canada has sold reactors to Pakistan and Argentina and is helping South Korea finance a power plant, under guarantees that the materials will not be used to manufacture explosives.

According to Dr. John Boright of the Arms Control and Disarmament Agency, in testimony before the Senate last summer, "There are a number of countries of great interest to us from the point of view of proliferation that have expressed interest in Canadian reactors."

He added that it was precisely that consideration "that led the Administration to the decision to go ahead here and explore whether we can reach an agreement with Israel and Egypt to purchase our reactors."

Neither Egypt nor Israel has yet concluded a reactor deal, although industry sources assert that the sales will go to American manufacturers, partly because of assured Export-Import Bank financing.

EXIMBANK AID GENEROUS

The generous Eximbank support for nuclear exports is considered to be one of the competitive advantages that the American manufacturers have over their foreign counterparts. The Eximbank has helped finance some 80 per cent of all foreign purchases of nuclear-power plants, usually for 15-year terms at 8 per cent interest and covering some 45 per cent of the value of the American procurement with a guarantee of an additional 40 per cent financed by private banks.

In the next five years William J. Casey, president and chairman of the bank, estimates a demand of $750-million a year for Eximbank funds for nuclear exports, of an authorized annual total of $3.4-billion.

Nuclear-power financing, Mr. Casey declared recently, "rates a very high priority."

[From the New York Times, Aug. 20, 1975]

STUDY ASKS FOR CAUTION IN SALE OF ATOM REACTORS

(By David Burnham)

WASHINGTON, August 19.—The widespread use of nuclear reactors in the world's less developed countries would lead to the production of enough plutonium for these countries to make a total of 3,000 small atomic bombs each year, according to a study done for the Energy Research and Development Administration.

Because of the great potential dangers of plutonium, and because of a second finding that existing international controls are inadequate and unlikely to grow stronger, the study recommended that the Federal Government not encourage the sale of American reactors to the less developed countries.

The study also concluded that it would not be in the economic self-interest of many of the less developed nations to buy the presently available reactors from venders in the United States because of the reactors' unreliability, inappropriate size and other reasons.

The question of what steps the United States should take in attempting to impose safeguards on the nuclear equipment exported to other countries has become a subject of debate in Congress and the Ford Administration. On the basis of the reactors now operating or on order, four United States companies now have 70 per cent of the world market with Westinghouse and General Electric heavily dominant.

But American industry and its supporters are worried that if the United States adopts too tough a stance on what steps have to be taken to make sure reactor plutonium is not turned into bombs, companies in Europe, Japan and Canada will start winning a larger share of the market.

The $96,000 study on the commercial, economic and security implications of selling reactors to approximately 100 less developed nations in South America, Africa, the Middle East and Asia, was made by Richard J. Barber Associates, Inc., a Washington consulting firm.

The 350-page study was completed six months ago but was not made public at that time by the Energy Research and Development Administration. In response to a request, however, the agency made a report available to The New York Times.

The study's conclusion in February that international controls were weak differed sharply from that offered by the research administration's officials during hearings held by the Senate Government Operations Committee in April.

Dr. Abraham Friedman, the agency's director of international participation, testified that the International Atomic Energy Agency had "a large well trained staff and we have no reason to feel they are not doing an effective job on safeguarding from the point of view of identifying possibilities for national diversion."

Later testimony showed that the international agency had a staff of 69 inspectors responsible for reactors in 30 countries.

Senator John Glenn, the committee's acting chairman, expressed skepticism about Dr. Friedman's assurances at the time of the hearing. In an interview last week the Ohio Democrat said he felt the problem of nuclear proliferation "absolutely needs more attention. We are going to see a spread of nuclear technology. I hope we can strengthen international controls but we have to get on it right now."

The study done for E.R.D.A. said that based on the output from just half the reactors that the International Atomic Energy Agency had projected would be sold to the less developed nations in the next 15 years, "the annual production of plutonium in terms of minimum bomb equivalents is truly staggering."

"The 46 countries covered would annually produce some 15,010 kilograms (33,022 pounds) of plutonium by 1990—enough to produce 3,002 small nuclear explosives," it said.

The report noted that difficult though not insurmountable technical steps were required to transform the heavy grey metal into bombs. But it balanced these difficulties against what it called the "serious weaknesses and problem areas" found in the international safeguards system established by the nuclear nonproliferation treaty and the International Atomic Energy Agency.

The report said nuclear reactors had not proved to be as reliable as initially expected.

"While some facilities in the United States have operated rather well, others have been plagued with constant troubles," the report said, noting that nuclear plants have been operating at only about 55 percent of capacity.

On the basis of the potential problem of the widespread production of plutonium and the questions about the economic soundness of nuclear reactors, the study concluded that the United States should seek to develop nuclear markets in the lesser developed nations "in a most conservative manner."

QUORUM CALL

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

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 11 a.m. tomorrow.

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

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Heiting, one of his secretaries.

ANNUAL REPORT OF THE ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. MORGAN) laid before the Senate a message from the President of the United States transmitting the annual report of the St. Lawrence Seaway Development Corporation for the calendar year ending December 31, 1974, which, together with the accompanying report, was referred to the Committee on Public Works. The message is as follows:

To the Congress of the United States:

Enclosed is the Annual Report of the St. Lawrence Seaway Development Corporation for the calendar year ending December 31. 1974. This is transmitted in accordance with the provisions of section 10 of the St. Lawrence Seaway Act (act of May 13, 1954).

It is interesting to note that, although traffic levels declined during the 1974 season, the Seaway Corporation nevertheless was able to continue its program and retire a portion of its outstanding debt.

GERALD R. FORD.

THE WHITE HOUSE, *September 8, 1975.*

MESSAGES FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 8800. An act to authorize in the Energy Research and Development Administration a Federal program of research, development, and demonstration designed to promote electric vehicle technologies and to demonstrate the commercial feasibility of electric vehicles; and

H.R. 8674. An act to declare a national policy of coordinating the increasing use of the metric system in the United States, and to establish a United States Metric Board to coordinate the voluntary conversion to the metric system.

The message also announced that the House agrees to the amendment of the Senate to the amendment of the House to the resolution (S. Con. Res. 44) to provide for the appointment of a Joint Committee on Arrangements for the Commemoration of the Bicentennial of the United States of America.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3474) to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes; requests a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. TEAGUE, Mr. HECHLER of West Virginia, Mr. MCCORMACK, Mr. DOWNING, Mr. FUQUA, Mr. FLOWERS, Mr. SYMINGTON, Mr. MOSHER, Mr. BELL, Mr. GOLDWATER, Mr. PRICE, Mr. ANDERSON of Illinois, and Mr. RONCALIO were appointed managers of the conference on the part of the House.

The message also announced that, pursuant to the provisions of section 2(b), Senate concurrent resolution 44, 94th Congress, the Speaker has appointed Mr. PICKLE and Mr. ESCH as members on the part of the House of the Joint Committee on Arrangements for the Commemoration of the Bicentennial of the United States of America, to serve with the majority and the minority leaders of the House and the House members of the American Revolution Bicentennial Board.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

ORDERS OF THE IMMIGRATION AND NATURALIZATION SERVICE

Three letters from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, copies of orders entered in the cases of certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

House Resolution No. 29 adopted by the General Asesmbly of the Commonwealth of Kentucky; to the Committee on the Judiciary: a concurrent resolution applying to the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States.

"Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

"SECTION 1. That the Congress of the United States be, and it hereby is, requested to call a convention for the proposing of the following amendment to the Constitution of the United States:

"No student shall be assigned or compelled to attend any particular public school on account of race, religion, color or national origin.

"SEC. 2. That this application by the General Assembly of the Commonwealth of Kentucky constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar application.

"SEC. 3. That a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives, each member of the Congress from this state and to each house of each state legislature in the United States.

A resolution adopted by the National Association of Secretaries of State relating to the registration of voters; to the Committee on Post Office and Civil Service.

Two petitions seeking a redress of grievances from a citizen of Ohio and three citizens of Florida; to the Committee on Government Operations.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following executive reports of committees were submitted:

By Mr. PROXMIRE; from the Committee on Banking, Housing and Urban Affairs:

Michael H. Moskow, of New Jersey, to be Director of the Council on Wage and Price Stability.

John B. Rhinelander, of Virginia, to be Under Secretary of Housing and Urban Development.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

NOMINATION OF MICHAEL H. MOSKOW

Mr. PROXMIRE. Mr. President, the Committee on Banking, Housing and Urban Affairs to which was referred the nomination of Michael H. Moskow to be Director of the Council on Wage and Price Stability recommends with no votes opposed that the nomination be confirmed.

Confirmation of the Council's Director was a feature of the amendments which Congress passed this year to the Council on the Wage and Price Stability Act in recognition of the important role the Council can and must play in the battle against inflation.

Between last summer and this past spring, inflation tapered off. But it is far from subdued. Especially unsettling is the reacceleration of the inflation rate to double-digit heights beginning this summer. Though a substantial part of this acceleration can be traced to special and hopefully nonrecurring factors affecting food and fuel, the rate of rise in nonfuel industrial prices also has jumped again. Many believe that this reflects use and abuse of administrative pricing powers which, in turn, reflect anticompetitive concentrations of market power in our economy's industrial sector. The Wage and Price Stability Council is the only agency we have to hold such power in check. It has only a minimum of tools to do the job. It is crucial, therefore, that the Council's Director be qualified to direct the Council.

Mr. Moskow has excellent credentials. He received his Ph. D. in economics in 1965. He served on the faculties at Temple University, Drexel Institute of Technology and Lafayette College. Since August 1969, he has been in Government. He first served on the Council of Economic Advisers and then in the Department of Labor where he was appointed Assistant Secretary for Policy Evaluation and Research in March 1972. In March 1973, he was appointed Assistant Secretary of Housing and Urban Development for Policy Development and Research. He resigned that position this summer and currently is serving as an advisor member of the Council on Wage and Price Stability. He is very well prepared to do the job for which he has been nominated.

While I may disagree with some of his

ideas, I am confident that Dr. Moskow is well qualified to serve as Director of the Council and equally confident that he will use the Council's limited powers judiciously and without fear of stepping on toes that need to be stepped on. I am happy to support Dr. Moskow's nomination.

NOMINATION OF JOHN RHINELANDER

Mr. PROXMIRE. Mr. President, the Senate has before it the nomination of Mr. John B. Rhinelander to be the Under Secretary of the Department of Housing and Urban Development. I do not intend to ask for a rollcall vote on this nomination. I do, however, want to register my concern over Mr. Rhinelander's lack of experience in the field of housing and urban development.

The hearing record of the Senate Committee on Banking, Housing and Urban Affairs indicates there are many things in Mr. Rhinelander's favor—

He received an excellent education; he is an able attorney; he is a good administrator; he has served in a variety of governmental positions; and he has character and ability.

Notwithstanding these favorable qualities, the fact remains that Mr. Rhinelander has no experience in the difficult and complex issues facing the Department of Housing and Urban Development. He has no experience in housing or housing finance. He has no experience in urban development. He has no experience in the problems of local government.

He never served on a city or county council.

He never held office in a citizens association.

He was never active in organizations concerned with urban affairs such as the League of Cities or the Council of Mayors or the Urban League or the NAACP.

In short, he has no background or experience in any of the major issues confronting the Department in which he will be the second in command.

Mr. Rhinelander is obviously a man of considerable intelligence, and I am sure that after serving a year or two he will manage to get on top of these critical issues. Until that time, he will of necessity be forced to accept the judgment of the HUD bureaucrats whose track record has been quite dismal.

At other times and under other circumstances perhaps we could afford to have a man of Mr. Rhinelander's general talents in the No. 2 job at HUD. But at the present time and under the present circumstances the Nation can ill afford to have an amateur in this critical post. Here is why.

First, the key figures influencing the administration's housing policy also have no background in housing or urban affairs. The Secretary of HUD, Mrs. Hills, has a background almost identical to Mr. Rhinelander. She is also an excellent lawyer and a good administrator, but she, too, has no experience in housing or urban development.

The former Secretary of HUD and now the Director of OMB, Mr. James Lynn, continues to have an enormous influence over the Department. Mr. Lynn is also an excellent lawyer and capable administrator with no previous experience in housing. Under these circumstances, who will command the respect and attention within the administration and Congress to speak out for housing? Who will lead the fight to insure that our housing needs are not forgotten? Who will have the credibility to keep the problems of our cities on the front burner? I cannot envision Mr. Rhinelander performing this leadership role, however talented he may be in other respects.

Second, Mr. Rhinelander will assume office at a time when the economy is suffering its worst recession since the Great Depression of the 1930's. The homebuilding industry is flat on its back. Housing starts are only one-half of what they should be. We cannot get our economy moving again unless we can revive home construction. We need top officials at HUD who are thoroughly familiar with the intricacies of home construction and housing finance in order to start building new homes now—not a year from now and not 6 months from now, but now. Unfortunately, there is nothing in Mr. Rhinelander's background to indicate he will be successful in overcoming the bureaucratic inertia which has thus far been the prevailing characteristic of HUD's housing policy.

Third, our housing assistance program for low- and moderate-income families are at their most critical point in years. The administration has suspended the programs previously enacted by the Congress. This suspension has stretched out for almost 3 years. In the meantime, the administration has put all of its efforts behind a new, and as yet untested, program for providing housing to the poor. Perhaps this new program will eventually work. If it does not we will have to come up with other answers. In either event, we need capable and experienced leadership at the top levels of HUD to make sure that the housing does get built —one way or the other. The Nation cannot afford an endless series of studies and reports while the top officials at HUD ponder which way to move. We need decisive action and we need it now. I doubt that Mr. Rhinelander is the man to get these programs moving.

Mr. President, I hope I am proved wrong in my assessment. Perhaps Mr. Rhinelander can shake up the Department and get things moving. If he does, I will be the first to congratulate him. But given his complete lack of experience in the field, I cannot believe he will be effective, at least during his first year in office. For these reasons, I must reluctantly express my opposition to the nomination.

HOUSE BILLS REFERRED

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

H.R. 8674. An act to declare a national policy of coordinating the increasing use of the metric system in the United States, and to establish a U.S. Metric Board to coordinate the voluntary conversion to the metric system; to the Committee on Commerce.

H.R. 8800. An act to authorize in the Energy Research and Development Administration a Federal program of research, development, and demonstration designed to promote electric vehicle technologies and to demonstrate the commercial feasibility of electric vehicles; to the Committee on Commerce.

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. BELLMON (for himself, Mr. BARTLETT, and Mr. TOWER):

S. 2300. A bill to direct the Secretary of the Army to issue permanent easements for certain docks constructed on property under his jurisdiction. Referred to the Committee on Public Works.

By Mr. HATFIELD:

S. 2301. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Tualatin second phase reclamation project, Oreg., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BUMPERS:

S. 2302. A bill to authorize the Secretary of the Army to convey certain lands to the city of Charleston, Ark. Referred to the Committee on Armed Services.

By Mr. BUCKLEY (for himself, Mr. HUGH SCOTT, Mr. JAVITS, Mr. PERCY, Mr. HUMPHREY, Mr. TOWER, and Mr. PROXMIRE):

S.J. Res. 124. A joint resolution to declare "German-American Day." Referred to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. MATHIAS, Mr. BEALL, and Mr. MANSFIELD):

S.J. Res. 125. A joint resolution authorizing and requesting the President to issue a proclamation designating Sunday, September 14, 1975, as "National Saint Elizabeth Seton Day." Considered and passed.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 2300. A bill to direct the Secretary of the Army to issue permanent easements for certain docks constructed on property under his jurisdiction. Referred to the Committee on Public Works.

Mr. BELLMON. Mr. President, today, along with Senator BARTLETT and Senator TOWER, I introduce legislation to direct the Secretary of the Army to issue permanent easements for certain docks constructed on property under his jurisdiction and further, that such easements shall be transferable. This legislation is designed to nullify one of the rules and regulations set forth by the Corps of Engineers in their lakeshore management policy which was issued approximately 1 year ago. This policy pertains to every lake and stream under the jurisdiction of the Secretary of the Army.

The specific provision of these rules and regulations on lakeshore management which prompts me to introduce this bill is the policy of the corps to deny individuals the right to transfer a boat dock or easement upon sale or other transfer of their permitted facility. Further, in the event of the owner's death, his permit for such an easement would be null and void and accordingly, the facility would not be transferable.

This bill is similar in nature to a measure introduced by Senator BARTLETT on May 22, 1975, but whereas my colleague's bill refers only to the corps jurisdiction in the State of Oklahoma, my bill encompasses every State of the Union which has Corps of Engineers projects that are subject to these lakeshore management rules and regulations. In total, there are some 41 States in the Union affected by this recent dictum of the Corps of Engineers.

It may well be appropriate at this point to review the basis of the corps decision to disallow the transfer of a boat dock or easement as a result of the sale of the lake property or the death of the owner of such property. The basic concept behind the corps proposal is that the shorelines of many lakes under its jurisdiction are becoming heavily populated with private boat docks, and the corps views this development as aesthetically undesirable. Though this position of the corps is highly commendable with respect to environmental preservation, the fact remains that at one time, the corps encouraged the construction of private boat docks as a means of promoting lakeside property sales adjacent to the various lakes as well as to increase lake activity. This was true in my State of Oklahoma, and I understand the same situation existed in Arkansas and Texas and no doubt, in other States across the country. In short, the corps has changed its tune, and now proposes to have docks or easements removed upon the transfer of ownership of these properties.

It is inconceivable to me that the corps would deny an individual the right to include his boat dock in the sale of his property in the event he wishes to sell such property. In most cases, an owner's dock is easily accessible to his lakeshore house. When one considers the investment an individual has made with regard to a boat dock, which most assuredly enhances his property's value, it is incredible to deny this individual the authority to sell this easement along with the remainder of his property.

Though the Corps of Engineers is given the authority to exercise jurisdiction over lakes and streams under its direction, this authority must not violate or run contrary to the rights of private citizens. For as my colleague from Oklahoma has noted previously, "it is the people who own our lakes, not the Corps of Engineers." Consequently, in order to protect the property rights of individuals throughout the Nation, I urge the Senate to approve this legislation in a most expedient manner.

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. 2300

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to the condition on section 2 of this Act in any case where the Secretary of the Army has permitted, prior to the date of enactment of this Act, a person, corporation or other association to construct a boat dock or similar structure on property under the jurisdiction of the Secretary shall issue to such owner or owners a permanent easement for such dock or structure. Such easement shall be transferable.

SEC. 2. Any easement for a dock or similar structure issued pursuant to the first section shall be subject to such rules and regulations as the Secretary of the Army may promulgate concerning maintenance and upkeep of the facility, and such rules and regulations may provide for the revocation of the easement in the event of noncompliance with necessary standards of maintenance and upkeep.

SEC. 3. It is the sense of the Congress that the Corps of Engineers make every reasonable effort to allow the public to construct boat docks at convenient locations and wherever possible in the case of adjacent landowners they be permitted boat docks in as close a proximity to their land as possible.

By Mr. BUCKLEY (for himself, Mr. HUGH SCOTT, Mr. JAVITS, Mr. PERCY, Mr. HUMPHREY, Mr. TOWER, and Mr. PROXMIRE):

Senate Joint Resolution 124. A joint resolution to declare "German-American Day." Referred to the Committee on the Judiciary.

Mr. BUCKLEY. Mr. President, when a member of Congress introduces a resolution calling upon the President to declare a national observance in honor of one or another of the ethnic groups which comprise our great American patchwork quilt of nationalities, it is customary to deliver a speech reciting the tremendous accomplishments of the members of that ethnic minority.

Today I propose the observance of German-American Day on September 20, 1975, when, in my own State, New Yorkers will honor Baron Friedrich Von Steuben for his heroic contributions to the winning of American independence. Contrary to custom, however, I will not accompany my proposal with a list of German-American inventors, statesmen, athletes, authors, scientists, and artists. It is unnecessary to do so. For even before there was a United States, German-Americans were thoroughly a part of every worthy enterprise in this land. Their accomplishments were universal. To list them would be to record every facet of America's progress over the last 200 years.

German Americans were in the villages of colonial America, bringing skilled craftsmanship to the towns and introducing agricultural improvements in the countryside. They were in the battles of the Revolution, glorying in the fame of their countryman, Von Steuben, who cast his lot with the rebels of 1776. They were in the burgeoning cities of the 19th century: in New York, which prospered from their industry and acumen; in Baltimore, which is still graced with their culture; in St. Louis, which they claimed as their own. They established thriving farming communities in areas as diverse as Texas and Minnesota, New York and North Carolina. And wherever they settled, they brought with them a devotion to education, a spirit of disciplined achievement, and a love of their adopted country.

Let their country now return their affection by observing on September 20 of this year one day in their honor, celebrating not only the many great German Americans of past and present but also our many friends and neighbors who still exemplify the German-American heritage that has enriched and ennobled our country.

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

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

S.J. RES. 124

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating September 20, 1975, as "German-American Day", and calling upon the people of the United States and interested groups and organizations to observe such day with appropriate ceremonies and activities.

Mr. HUGH SCOTT. Mr. President, today I take pleasure in cosponsoring a joint resolution by Senator BUCKLEY that designates September 20 as German-American Day. This legislation is noteworthy as this Nation approaches its Bicentennial year. We should all be cognizant of the invaluable contribution German immigrants made to the settling, founding and molding of our country.

The first German immigrants sailed on the *Concord* and arrived October 6, 1683, in Philadelphia. The German leader Franz Daniel Pastorius bought from William Penn a tract of land bordering Philadelphia which today is known as Germantown, Pa. Germantown, the first permanent German settlement in America was founded only 2 years after the founding of Philadelphia in 1681.

Hearing about the American Revolution in 1776, a young German professional soldier sailed to America and helped organize and drill a young army at Valley Forge. This commander, Baron Von Steuben, emphasized discipline and tempered the young patriot army for military action against the veteran British forces. Independent America owes an eternal debt of gratitude to this great German-American.

The Germans in the United States have never been afraid to pioneer either the American frontier or new areas of American thought. In 1788 the German Quakers of Germantown were the initial group to protest slavery. This was the first time in American history a group had publicly spoken against the bondage of the black man. The Germans helped open America to settlement and open the American consciousness to handle injustice.

The contributions of German-Americans to the American way of life are many. Hopefully this day will help to remind the American people through ceremonies and activities of the great assistance this Nation has received from Americans of German descent. I urge my colleagues in the Senate to act expeditiously in passing this resolution in thanks to the German heritage which is an essential element of the American tradition.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 1196

At the request of Mr. HUMPHREY, the Senator from Alaska (Mr. GRAVEL) was

added as a cosponsor of S. 1196, a bill to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical involvement with elected officials on local and State levels of government and with Members of Congress.

S. 1862

At the request of Mr. BENTSEN, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 1862, the Emergency Municipal Assistance Act.

S. 1969

At the request of Mr. HARTKE, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 1969, a bill to authorize recomputation at age 60 of the retired pay of members and former members of the uniformed services whose retired pay is computed on the basis of pay scales in effect prior to January 1, 1972, and for other purposes.

S. 2022

At the request of Mr. HARTKE, the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2022, a bill to provide for the compensation of persons injured by criminal acts.

S. 2119

At the request of Mr. FANNIN, the Senator from Idaho (Mr. MCCLURE) was added as a cosponsor of S. 2119, a bill to amend the Communications Act to provide that licenses for the operation of a broadcasting station shall be issued for a term of 5 years, and for other purposes.

S. 2131

At the request of Mr. THURMOND, the Senator from Arizona (Mr. FANNIN) was added as a cosponsor of S. 2131, a bill to amend title 18, United States Code, relating to the production of false documents or papers of the United States, involving an element of identification.

S. 2135

At the request of Mr. THURMOND, the Senator from Maine (Mr. HATHAWAY), the Senator from New Mexico (Mr. DOMENICI), the Senator from Pennsylvania (Mr. HUGH SCOTT), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of S. 2135, a bill to authorize the National Committee of American Airmen Rescued by Gen. Drazha Mihailovich to erect a monument in Washington, D.C.

S. 2203

At the request of Mr. HARTKE, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 2203, a bill to provide for paper money of the United States to be embossed to indicate the denomination thereof.

S. 2299

At the request of Mr. ROTH, the Senator from New Jersey (Mr. CASE), the Senator from Ohio (Mr. TAFT), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Nebraska (Mr. CURTIS), the Senator from Tennessee (Mr. BROCK), the Senator from Georgia (Mr. NUNN), the Senator from Wyoming (Mr. MCGEE), the Senator from Senator from Utah (Mr. GARN), the Senator from Texas (Mr. TOWER), the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. HRUSKA), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of S. 2299, a bill which extends the Emergency Petroleum Allocation Act of 1973 to October 15, 1975.

SENATE RESOLUTION 157

At the request of Mr. NELSON, the Senator from Colorado (Mr. GARY W. HART), the Senator from South Dakota (Mr. ABOUREZK), the Senator from Arkansas (Mr. BUMPERS), and the Senator from Alaska (Mr. GRAVEL), were added as cosponsors of Senate Resolution 157, a resolution amending the Standing Rules of the Senate with respect to service of Senators as chairmen of committees of the Senate.

SENATE RESOLUTION 231

Mr. NELSON. Mr. President, on July 21, I submitted Senate Resolution 231, to establish a timetable for Senate consideration of, and action on, legislative proposals relating to continuing congressional oversight of Government intelligence and other surveillance activities. At that time, the cosponsors were not listed in the CONGRESSIONAL RECORD.

I ask unanimous consent to have printed in the permanent RECORD the complete list of cosponsors of Senate Resolution 231.

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

COSPONSORS OF S. RES. 231

Mr. Jackson, Mr. Muskie, Mr. Church, Mr. Baker, Mr. Weicker, Mr. Ribicoff, Mr. Percy, Mr Javits, Mr. Cranston, Mr. Humphrey, Mr. Hathaway, Mr. Stevenson, Mr. Burdick, and Mr. Hartke.

SENATE CONCURRENT RESOLUTION 53

At the request of Mr. HARTKE, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of Senate Concurrent Resolution 53, relating to awarding the Purple Heart to members interred in the Tomb of the Unknowns.

SENATE RESOLUTION 242—SUBMISSION OF A RESOLUTION RELATING TO THE COMMEMORATION OF CITIZENSHIP DAY AND CONSTITUTION WEEK

(Referred to the Committee on the Judiciary.)

Mr. SPARKMAN submitted the following resolution:

Resolved, That (a) at an appropriate time after convening on September 17, 1975, Citizenship Day, the first day of Constitution Week, 1975, a Senator, designated by the President of the Senate, will read the Preamble and Article I of the Constitution of the United States.

(b) The National Conference on Citizenship, chartered by Act of Congress, is invited to provide a replica scroll of the Constitution at an appropriate time and place on September 17, 1975, for the purpose of permitting the Members of Congress to sign the replica and thereby symbolically rededicate themselves to the principles of the Constitution.

SENATE RESOLUTION 243—SUBMISSION OF A RESOLUTION RELATING TO AN INVESTIGATION OF THE DEATH OF FORMER PRESIDENT KENNEDY

(Referred to the Committee on Government Operations.)

Mr. SCHWEIKER submitted the following resolution:

S. RES. 243

Resolved, That (a) from funds available for investigation of intelligence activities by the Senate Select Committee to Study Governmental Operations with respect to Intelligence Activities (hereinafter referred to as the "Select Committee"), the Select Committee shall fully investigate matters relating to the death of former President John F. Kennedy, including the extent, if any, to which Lee Harvey Oswald or Jack Ruby was involved in, or the subject of, activities of United States intelligence agencies, and the extent to which United States intelligence agencies effectively gathered, analyzed, and disclosed to the President's Commission on the Assassination of President Kennedy all information requested by, or relevant to, such Commission and the duties with which it was charged.

(b)(1) In conducting such investigation the Select Committee is authorized to have access to any information in the National Archives or elsewhere which relates to the death of former President John F. Kennedy.

(2) In carrying out the investigation required under this resolution, the Select Committee is authorized to exercise all powers granted to it under Senate Resolution 21, Ninety Fourth Congress, agreed to January 27, 1975, as amended.

SEC. 2. The Select Committee shall make a final report to the Senate, stating the results of its investigation and findings under this resolution at the earliest practicable date.

Mr. SCHWEIKER. Mr. President, I send to the desk a resolution to modify the authority of the Senate Select Committee on Intelligence Activities, to permit full investigation into the effectiveness with which the intelligence community discharged its responsibilities to the Warren Commission.

Recent disclosures have devastated the credibility of the Warren Commission Report. We now have evidence the Commission's primary investigative arm—the Federal Bureau of Investigation—destroyed and suppressed evidence.

Previously classified documents, such as the transcripts I send to the desk, dramatically demonstrate the frustration and resignation of Commission members who felt they could not get the truth from the FBI.

In one transcript Commission member Allen Dulles acknowledged that FBI Director Hoover might lie to the Warren Commission about FBI links with Lee Harvey Oswald, even if asked by the President to answer truthfully. In another transcript, three Commission members agreed the FBI was reluctant to investigate evidence of a conspiracy because of its own preconceived conclusion that Oswald acted alone.

No wonder 60 percent of the American people doubt the Warren Commission's findings. The Commission members themselves doubted they were getting the whole story, and the FBI par-

ticipated in what can only be called a coverup.

FBI Director Clarence Kelley has now confirmed that Oswald visited the Dallas FBI office in November and agents there later destroyed a letter in which Oswald threatened the FBI. The letter was received several days before the Kennedy shooting and destroyed sometime after it. This was never revealed to the Warren Commission.

This new admission proves false Hoover's sworn statement to the Warren Commission, which I send to the desk with this statement, which limited to three specific dates the number of FBI contacts with Oswald prior to the assassination.

Moreover, the following factors also underscore the inadequacy of the original investigation:

The fact that only two Texas FBI agents and no CIA agents testified before the Warren Commission—this despite persistent rumors at the time of intelligence community connections with Oswald and his killer, Jack Ruby. There were an estimated 50 FBI agents stationed in Dallas alone at the time of the assassination.

The failure of the Warren Commission to follow up on former Dallas Police Chief Jesse Curry's report that he suppressed evidence for 5 months following the assassination at the direct request of the FBI. Curry now says the high FBI official making the suppression request was acting on personal orders from Hoover. The evidence in question indicated that the FBI had prior knowledge that Oswald could be a threat to Kennedy.

The failure of former CIA Director Dulles to inform the Commission of U.S. attempts on the life of Cuban Premier Fidel Castro, and Castro's subsequent threats to retaliate against "U.S. leaders."

Mr. President, I find it intriguing that of the 152 Warren Commission documents which remain classified, 130 relate to U.S. intelligence agencies—107 FBI, 23 CIA. If Oswald was indeed a madman acting alone, what justification is there for keeping these documents classified 15 years after the assassination? The most probable explanation is that they link Oswald, or Ruby, or both, to U.S. intelligence agencies.

The Senate Intelligence Committee is the only existing institution with the staff and expertise to investigate this matter effectively and responsibly. Moreover, this committee is presently charged with examining both the effectiveness and propriety of intelligence agency activities and precisely these points are now at issue with regard to the role of the agencies in investigating President Kennedy's death. Without my amendment, the select committee does not have authority to examine all documents now in the Archives which may be relevant to the questions of intelligence community effectivenses and propriety.

I ask unanimous consent that the accompanying material in connection with the resolution be printed in the RECORD.

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

Mr. DULLES. I would tell the President of the United States anything, yes, I am under his control. He is my boss. I wouldn't necessarily tell anybody else, unless the President authorized me to do it. We had that come up at times.

Mr. MCCLOY. You wouldn't tell the Secretary of Defense?

Mr. DULLES. Well, it depends a little bit on the circumstancse. If it was within the jurisdiction of the Secretary of Defense, but otherwise I would go to the President, and I do on some cases.

Mr. RANKIN. If that is all that is necessary, I think we could get the President to direct anybody working for the government to answer this question. If we have to we would get that direction.

Mr. DULLES. What I was getting at, I think under any circumstances, I think Mr. Hoover would say certainly he didn't have anything to do with this fellow.

Mr. MCCLOY. Mr. Hoover didn't have anything to do with him but his agent. Did you directly or indirectly employ him?

Mr. DULLES. But if he says no, I didn't have anything to do with it. You can't prove what the facts are. There are no external evidences. I would believe Mr. Hoover. Some people might not. I don't think there is any external evidence other than the person's word that he did or did not employ a particular man as a secret agent. No matter what.

Now the difficulty with trying to get the man in charge and asking him these questions is how much do you know about what he is giving. If we got him here before the Commission, I think you could ask him a good many things but he would probably say two-thirds or more of the time, "I told you this and I told you this and my reports", and so forth.

So I don't think we have equipped you as Commissioners so that you could do that.

He would soon find you didn't know anythink like what he did about the matter.

As far as we are concerned, the men are getting advised of the areas as rapidly as possible, and they are coming back with these further inquiries, but there are vast areas that are unanswered at the present time.

We have some differences between the Secret Service and the FBI, we have location of their cars and where the shots were and things where they differed as much as 17 feet, and we are trying to find out how they could have that much difference between them, and there is an explanation. It isn't as bad as that, because some of it is part of calculations.

Mr. MCCLOY. Calculating their speed, I suppose.

Mr. RANKIN. That is right. And whether or not the first shot occurred behind the sign or just as he came out from behind the sign and matters of that kind.

Mr. MCCLOY. I can see the difficulty with that. But on the other hand, I have a feeling we are so dependent upon them for our facts that it might be a useful thing to have him before us, or maybe just you talk to him, to give us the scope of his investigation, and as of that date, some of the things that are still troubling us, and we will be able to ask him, for example, to follow up on Hosty.

Mr. RANKIN. Part of our difficulty in regard to it is that they have no problem. They have decided that it is Oswald who committed the assassination, they have decided that no one else was involved, they have decided—

Senator RUSSELL. They have tried the case and reached a verdict on every aspect.

Representative BOGGS. You have put your finger on it.

Mr. MCCLOY. They are a little less certain in the supplementals than they were in the first.

Mr. RANKIN. Yes, but they are still there. They have decided the case, and we are going to have maybe a thousand further inquiries that we say the Commission has to know all these things before it can pass on this.

And I think their reaction probably would be, "Why do you want all that. It is clear."

Senator RUSSELL. "You have our statement, what else do you need?"

[Commission Exhibit No. 835]

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
February 6, 1964.

Hon. J. LEO RANKIN,
General Counsel, The President's Commission, Washington, D.C.

DEAR MR. RANKIN: Reference is made to our conversation of January 23, 1964, concerning testimony furnished the Commission by Mr. Henry M. Wade, the District Attorney of Dallas County, Texas. You advised that Mr. Wade testified he had heard that Lee Harvey Oswald had been an informant of the FBI, had been assigned symbol number "179" and had been paid $200 monthly in this capacity. You further advised that Mr. Wade also indicated that FBI headquarters was not in a position to know in all instances whether an individual was an informant of this Bureau.

At the time, I advised you that Lee Harvey Oswald had never been an informant of the FBI and that this Bureau's procedure in regard to handling informants is such as to insure that FBI headquarters would have all necessary facts concerning the development and control of any and every informant.

Enclosed for your information and use in this regard is an affidavit in which I have categorically stated that Lee Harvey Oswald was never an informant of the FBI and have outlined our administrative procedures for the handling and the payment of confidential informants.

Sincerely yours,

J. EDGAR HOOVER.

AFFIDAVIT

CITY OF WASHINGTON,
District of Columbia, ss:

J. Edgar Hoover, Director, Federal Bureau of Investigation, Department of Justice, being first duly sworn, deposes and says:

That he has caused a search to be made of the records of the Federal Bureau of Investigation, United States Department of Justice, by employees of the said Federal Bureau of Investigation acting under his direction, and that said search discloses that Lee Harvey Oswald was never an informant of the FBI, was never assigned a symbol number in that capacity, and was never paid any amount of money by the FBI in any regard.

Such a statement can be made authoritatively and without equivocation because of the close supervision FBI headquarters affords its security informant program and because of the safeguards established to insure against any abuse or misuse of the program.

FBI field offices cannot proceed to develop anyone as a security informant without authorization from FBI headquarters. An informant is assigned a permanent symbol number and code name to afford him security. The informant never knows the symbol number assigned to him. It is a number permanently assigned to him, and the same number cannot be used again by the field office under any circumstances for any other individual. The individual also is given a fictitious or cover name by the field office which he, of course, is made aware of, and he affixes

it to his communications with the office. Every symbol number and code name is indexed at FBI headquarters.

If the services of an informant warrant payment on a regular basis, the field offices must also obtain authorization from FBI headquarters to make such payments.

Special Agents in Charge (SACs) of FBI field offices are authorized to make payments to individuals not utilized on a regular basis as informants, but here too FBI headquarters controls this by limiting the amount an SAC can pay to any one individual in this category. FBI headquarters maintains control of such payments since they must be accounted for by the field offices at the end of each month through the submission of a detailed accounting to headquarters.

Had any of the FBI field offices made payments to Lee Harvey Oswald under the SAC's authority, those would have been shown in the receipts and vouchers submitted by each office. These records have been checked and no such payment was ever made. Had Oswald been assigned a symbol number, this would be a matter of record not only by number but also by name. As a matter of fact, the FBI can identify every symbol number used, past or present. Oswald could not have been assigned such a symbol number without approval by FBI headquarters. There is no record of any such request by any field office and no record of any such approval.

The only contacts FBI Agents had with Oswald prior to the assassination of President Kennedy involved three interviews FBI Agents had with him. The first was on June 26, 1962, at Fort Worth, Texas, shortly after his return home from the Soviet Union. The purpose was to assess the possibility of his having been given intelligence assignments by the Soviets. The second, on August 16, 1962, was in the same connection. The third was at his specific request on August 10, 1963, following his arrest in New Orleans the preceding day on a charge of disturbing the peace and creating a scene. At that time, he described some of his activities in connection with the Fair Play for Cuba Committee, the pro-Castro organization.

Oswald was again interviewed by FBI Agents at the Dallas Police Department following his arrest after the assassination of the President. This interview was aimed at eliciting any admissions he might make in connection with the assassination, as well as to obtain any information he might have been able to furnish of a security nature.

FBI headquarters has obtained affidavits from every Special Agent who was in contact with Oswald, as well as affidavits from their respective SACs. These affidavits show that none of these FBI Agents developed Oswald as an informant.

Mr. Henry M. Wade, a former Special Agent of the FBI and currently the District Attorney of Dallas County, Texas, reportedly testified previously to the Commission that he had heard that Lee Harvey Oswald was an FBI informant with the symbol number "179" and was being paid $200 monthly. As the facts clearly show, this is not true.

Furthermore, the facts refute Mr. Wade's reported statement to the Commission that there is no record maintained in the FBI of informant funds expended or the purposes for which used by the FBI people to whom they were furnished.

Mr. Wade reportedly stated that he had worked in the FBI's Special Intelligence Service (SIS) and that he was supplied from time to time with various sums of money for which he did not have to account and for which he did not have to obtain any receipts from the persons to whom he disbursed the money.

The emergency conditions that prevailed during World War II when the FBI conducted its SIS program did not permit the tight supervision that prevails currently in the FBI's informant operations. But this is true only in regard to the fact that SIS men necessarily were given the latitude to develop and pay informants on the spot without prior approval from FBI headquarters. Nevertheless, SIS men operated under a control system and adhered to it by advising FBI headquarters of payments made and the identity of the individuals paid. Such payments were supported by receipts in nearly every instance.

Mr. Wade, for example, entered on duty with the FBI on December 4, 1939. On July 6, 1942, he was advanced the sum of $1,075 in connection with an SIS assignment. This was for subsistence and travel in connection with his assignment in Ecuador as well as to provide him with some money with which to establish himself. His passage from New Orleans to Guayaquil, Ecuador, cost over $500 alone. In addition, he was required to make full restitution of the total amount which had been advanced him and subsequently did so. All of his expenditures of the total amount furnished him were substantiated by vouchers he submitted.

Mr. Wade arrived in Ecuador on August 16, 1942. He operated in an undercover capacity with a symbol number, specifically Number 345, and used the code name "James" in signing communications. Within Ecuador, he was referred to as Confidential Informant Number 6.

Although in an undercover capacity, Mr. Wade was required to submit vouchers twice monthly through the Legal Attache's Office in Quito, Ecuador. They were reviewed there and forwarded to FBI headquarters where they were checked prior to approval and the transmittal of funds to Mr. Wade's account.

[From the Houston (Tex.) Chronicle, Sept. 1, 1975]

Following is a reproduction of then Dallas police chief Jesse Curry's letter to Chief Justice Earl Warren explaining Curry's role in the coverup of Lt. Jack Revill's statement that FBI agent James Hosty told him the FBI had information that Lee Harvey Oswald was capable of assassinating President John F. Kennedy.

MAY 28, 1964.

Hon. EARL WARREN,
Chairman, President's Commission on the Assassination of President Kennedy, Washington, D.C.

DEAR SIR: In a letter to me dated May 21, 1964, Mr. J. Lee Rankin, General Counsel of the President's Commission on the Assassination of President Kennedy, raised several points concerning Lieutenant Jack Revill's report of November 22, 1963, on his conversation with FBI Agent James Hosty on that date.

The first question posed by Mr. Rankin was why Lieutenant Revill's report was not made known to the Commission prior to my appearance before that group. When I received the report on November 22, 1963, I immediately realized the gravity and seriousness of the information it contained. On that date, before newsmen, I stated that I had received information that the FBI knew of Oswald's presence in Dallas and that the Dallas Police Department had no information on Oswald in its files. This statement was based on the report of Lieutenant Revill.

Within a few minutes of my statement to the press, I received a telephone call from Mr. Gordon Shanklin, Special Agent in charge of the Dallas Office of the FBI, in which Mr. Shanklin stated that the Bureau was extremely desirous that I retract my statement to the press. I then appeared before the press again, and retracted my statement to this extent: I stated that "of my own personal knowledge" I did not know that the FBI knew of Oswald's presence in Dallas, and that if they did they were under no obligation to the Dallas Police Department to pass on the information.

After the appointment of the Warren Commission, I was reasonably sure I would appear before that body, so I decided to present the report, personally, at the time of my appearance. I felt that the Commission would probably like for the statement to be notarized, so I had this done on April 7, 1964.

Mr. Rankin's next question concerned the date that the report was placed in the Intelligence Unit's files. I instructed Lieutenant Revill to keep this report confidential. He said that after his copy was returned to him, he kept it locked in his desk drawer until after I returned from Washington where I delivered the report to the Commission. He then placed his report in the files.

Mr. Rankin further asked if I knew of any additional information in the possession of the Dallas Police Department that had not been made available to the Commission. I know of no such information.

Very truly yours,

J. E. CURRY,
Chief of Police.

[From the Times-Picayune, Sept. 9, 1963]

CASTRO BLASTS RAIDS ON CUBA

EDITOR'S NOTE.—Prime Minister Fidel Castro turned up at a reception in the Brazilian Embassy in Havana Saturday night and submitted to an impromptu interview by Associated Press correspondent Daniel Harker. Harker's account of the interview reached New York Sunday afternoon.

(By Daniel Harker)

HAVANA.—Prime Minister Fidel Castro said Saturday night "United States leaders" would be in danger if they helped in any attempt to do away with leaders of Cuba.

Bitterly denouncing what he called recent U.S.-prompted raids on Cuban territory, Castro said: "We are prepared to fight them and answer in kind. United States leaders should think that if they are aiding terrorist plans to eliminate Cuban leaders, they themselves will not be safe."

Speaking with this correspondent at a Brazilian National Day reception in the Brazilian Embassy, Castro also disclosed that Cuba has not made up its mind about signing the limited nuclear test-ban treaty drawn up last month in Moscow.

RUSSIANS PUZZLED

(A recent dispatch from Moscow indicated the Russians themselves have been puzzled by Cuba's silence in connection with the treaty. Speculation there was that Castro was holding out for more Soviet economic aid and threatening to cast his lot with the Red Chinese.)

Castro said Cuba is studying the treaty "with extreme care."

"This is an important decision . . . and we are not ready yet to make up our minds," he added.

The prime minister did not explain which points in the treaty were given most consideration. But he said: "We are taking into account the current world situation, which of course involves the Caribbean situation which has been deteriorating in the last few days due to piratical attacks by the United States against the Cuban people."

TREND CHANGED

World affairs, he said, "seemed to be entering a more peaceful climate a few days ago, but now this trend has changed with attacks."

He accused the United States of carrying out "double-crossing and shifting policies."

He added: "The United States is always ready to negotiate and make promises which later it will not honor. This has happened in promises made during the October crisis. They have been broken, as can be seen with new attacks. But I warn this is leading to a very dangerous situation that could lead to a worse crisis than October's."

Castro then launched into a discussion of the U.S. political scene, saying he expects no change in Washington's foreign policy even if there is a change in administration's after the 1964 presidential election.

BOTH "CHEAP, CROOKED"

"I am sure it will be a fight between (President) Kennedy and (Sen. Barry) Goldwater (R-Ariz.). Both are cheap and crooked politicians," Castro said.

"We have heard Goldwater is tough. Well, if he ever is elected, let him try his tough policies on * * *.

AGENCY SOURCE OF REMAINING WITHHELD DOCUMENTS

Federal Bureau of Investigation	107
Central Intelligence Agency	23
State Department	13
Internal Revenue Service	4
HEW	1
Social Security Administration	2
James H. Martin	1
Earl Ruby	1
Total	152

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. ROBERT C. BYRD. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary

E. Edward Johnson, of Kansas, to be U.S. attorney for the district of Kansas for the term of 4 years, vice Robert J. Roth, resigned.

Julio Morales-Sanchez, of Puerto Rico, to be U.S. attorney for the district of Puerto Rico for the term of 4 years (reappointment).

James B. Young, of Indiana, to be U.S. attorney for the southern district of Indiana for the term of 4 years, vice Stanley B. Milller, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Monday, September 15, 1975, any representations or objections they wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ANNOUNCEMENT OF HEARINGS ON THE ECONOMIC PROBLEMS OF SMALL BUSINESSES, FARMS, AND FISHERIES IN THE STATE OF MAINE

Mr. NELSON. Mr. President, I wish to announce that the Select Committee on Small Business will hold a public hearing on the current economic problems of small businesses, farms, and fisheries on September 13, 1975, in Presque Isle, Maine. The location of the hearing will be in the Weiden Auditorium, University of Maine, 181 Main Street, and will begin at 10 a.m.

Cochairing the hearing will be the Senator from Maine (Mr. HATHAWAY) and the Senator from Oregon (Mr. PACKWOOD).

Further information on the hearing can be obtained from the offices of the committee, 424 Russell Office Building, telephone 224–5175.

NOTICE OF HEARING

Mr. PELL. Mr. President, the Subcommittee on Education of the Senate Committee on Labor and Public Welfare has scheduled hearings on September 16 and 18 in room 4232 DSOB on S. 2106, introduced by Senators TOWER, BARTLETT, HRUSKA, and LAXALT, which would amend title IX of the Education Amendments of 1972 to exempt certain revenue-producing intercollegiate athletic activities.

Those wishing to submit statements to the subcommittee for the hearing record should contact Stephen J. Wexler, counsel to the subcommittee, at 224–7666.

ANNOUNCEMENT OF HEARING BEFORE THE ENVIRONMENT AND LAND RESOURCES SUBCOMMITTEE, INTERIOR AND INSULAR AFFAIRS COMMITTEE

Mr. HASKELL. Mr. President, I wish to announce, for the information of the Senate and the public, the scheduling of a public hearing before the Environment and Land Resources Subcommittee of the Senate Interior and Insular Affairs Committee, on S. 1506, a bill to designate a 175-mile segment of the Missouri River as a component of the National Wild and Scenic Rivers System.

Mr. President, a public hearing was held on this bill on August 25, 1975, on S. 1506. At that time the subcommittee heard from many concerned public witnesses. Therefore, the purpose of the hearing in Washington will be to receive testimony only from administration witnesses.

The hearing is scheduled for 10 a.m., September 19, 1975, in room 3110 of the Dirksen Senate Office Building.

ADDITIONAL STATEMENTS

OTHER NATIONS OUTSTRIPPING AMTRAK GOALS

Mr. ABOUREZK. Mr. President, the time is nearing when we must decide whether we will continue to pump Federal money into the present Amtrak system or provide this Nation with a totally new program to improve and rejuvenate our railroads.

The following article points out some current problems confronting Amtrak. It notes that despite Amtrak's efforts and suggested programs, the Northeast Corridor run will not soon be comparable or competitive with the European or Japanese rail systems. This is distressing and disappointing. I believe we deserve much more from a program that demands so much—and ever more—of our money.

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

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

[From the New York Times, Sept. 1, 1975]

OTHER NATIONS OUTSTRIPPING AMTRAK GOALS

(By Edward C. Burks)

Amtrak's new priority plan to upgrade the Northeast Corridor over the next two to three years will not reduce the big margin in speed that high-tailing European and Japanese flyers hold over American trains.

The explanation is simple: The Europeans and Japanese have more ambitious high-speed projects and are pouring more money into them.

Paul H. Reistrup, Amtrak's new president, recently outlined the following "basic targets" in a first-stage speed-improvement program for the four-year-old national railroad passenger system:

In "two working seasons"—1976 and 1977—to increase top speeds on the New York-to-Washington Metroliner run from 105 to 125 miles an hour and to cut the running time (including four or five stops) from three hours to 2 hours 45 minutes, meaning a gain in average speed from 75 to 82 miles an hour.

In the same period, to reduce the running time on the twisting New York-to-Boston line from nearly four hours to approximately 3 hours 15 minutes, an increase in average speed from 60 to 72 miles an hour.

The improvement in speed to be accompanied by much greater riding comfort because of track upgrading and new equipment.

JOLTING RIDES CITED

Mr. Reistrup and a legion of Metroliner passengers have complained that the bad tracks produce a jolting ride. Some call the Metroliner and the new Amfleet coaches with their airliner-like interiors tomorrow's trains on yesterday's tracks. Others say the Metroliner cars need seat belts.

As Amtrack moves toward 82-mile-an-hour average speeds in the New York-to-Washington corridor by 1978, the Japanese continue to expand a high-speed network engineered for top speeds ranging from 125 to 155 miles an hour.

France, which operates the fastest train in Europe, already has a 90-mile-an-hour average speed on the 360-mile run between Paris and Bordeaux. This is being improved to reach a 100-mile-an-hour average.

The French Government also authorized this year the construction of a new, electrified passenger railroad in its busiest corridor—from Paris to Lyon. The project, scheduled for completion in 1982, calls for 160-mile-an-hour top speeds and for 130-mile-an-hour average speeds to connect the cities in two hours.

West Germany has two new high-speed lines under construction and two more will follow in the next few years.

ITALY MOVES AHEAD

Italy, despite chronic financial problems, is completing Europe's first high-speed line, the "direttissima" (very direct line), to connect Rome and Florence with average speeds above 100-mile-an-hour average.

French expresses cover more than 25,000 miles daily at speeds exceeding 75 miles an hour. In this country, outside the Northeast Corridor, the great majority of Amtrak's nationwide total of 247 daily trains average speeds of 50 miles an hour, far below those of the fifties, because of bad tracks and a passenger car fleet averaging 24 years in age.

Amtrak is aware of the progress in Europe and has benefited from it. It bought six handsome turbine-powered French trains capable of 125-miles-an-hour speeds and found them to be reliable in Midwest corridors. It has ordered the construction of seven more, based on the French design, to be built in California, and most of these are scheduled for service on the New York-Albany-Buffalo "empire" route.

But Amtrak, a quasi-Federal corporation, is not a policymaking agency of the Federal Government, and expensive high-speed projects involve Federal policy decisions. Amtrak urges, recommends and cajoles, and Mr. Reistrup an experienced railroader who came to Amtrak from the Illinois Central Gulf calls for a reasonable approach geared to the realities of the American rail situation.

DEPENDENT ON CONGRESS

In 1971, Amtrak inherited a faltering rail passenger system from private railroads eager to get out of the money-losing business. It is dependent on Congress for subsidies that have averaged $200-million a year. It is told what new routes it must operate no matter how costly, and it has frequently had to battle high administrative officials to preserve the concept of a nationwide system.

Mr. Reistrup concedes that average speeds outside the Northeast Corridor are "too slow to appeal to a public accustomed to automobile travel speeds." But improvements can only be made with the cooperation of the railroads that own the track and with massive Federal aid.

Still somewhat skeptical of super-speed projects abroad, he recently outlined what he would like to see in this country in 10 to 15 years. He "would be content," he said, to see good Amtrak trains operating in corridors (in the Northeast, Midwest and California) at average speeds approaching 115 miles an hour and "out on the long-haul system" at maximums of about 80.

Amtrak officials believe that the system has been unjustly criticized by the press and public at a time when it has struggled to reverse a generation-long downward trend in rail passenger travel.

The Northeast rail reogranization plan, tentatively approved by Congress and subject to final review in the next two months, provides for Amtrak to take over the Northeast Corridor from the Penn Central, probably by next March.

Under the plan, the corridor would be reserved primarily for passenger traffic. With expected appropriations from Congress and with the Department of Transportation favorable to a major upgrade of the corridor, Amtrak is expecting a big improvement in its busiest route. Then it will concentrate on improving such other intercity corridors as Chicago-Detroit, Chicago-Milwaukee, Chicago-St. Louis and Los Angeles-San Diego.

HOW THE TRAINS RUN IN JAPAN, EUROPE AND THE UNITED STATES

Route	Mileage	Daily trains each way	Best time (hours and minutes)	Best average speed (miles per hour)
Japan				
Tokyo-Osaka	320	50	3:10	101.0
Tokyo-Hiroshima	509	12	5:08	99.0
Europe:				
Paris-Bordeaux	360	16	4:00	90.0
Rome-Naples	130	33	1:30	86.4
Paris-Lyon	317	21	3:44	85.0
Paris-Brussels	192	12	2:20	82.0
Paris-Marseille	535	14	6:34	82.0
Hanover-Dortmund	129	24	1:34	82.0
London-Glasgow	401	13	5:00	80.0
Moscow-Leningrad	403	(1)	4:59	81.0
London-Birmingham	113	30	1:31	74.0
Cologne-Hamburg	287	20	4:00	72.0
London-Edinburgh	390	10	5:30	71.0
Frankfurt-Hamburg	334	18	4:48	70.0
Rome-Milan	392	18	5:45	68.0
Cologne-Munich	393	27	6:07	64.0
United States:				
New York-Washington	224	25	2:59	75.0
New York-Boston	232	10	3:57	60.0
Chicago-Kansas City	450	2	7:30	60.0
Chicago-St. Louis	282	3	4:59	58.0
Chicago-Milwaukee	85	6	1:29	57.0
Jacksonville-Miami	408	3	7:25	55.0
Los Angeles-San Diego	128	3	2:35	50.0
New York-Albany	141	6	2:50	50.0
Seattle-Portland	186	3	3:45	50.0
Chicago-Detroit	279	3	5:35	50.0
Oakland-Los Angeles	467	1	10:05	46.0
Houston-New Orleans	363	[2] 1	8:30	43.0

[1] Not available.
[2] Tri-weekly.

Note: Also 20 West German "Intercity" trains with average speeds of 68 to 74 miles per hour on routes ranging from 162 to 536 miles in length.

Source: International Railway Gazette; European Railroads; Amtrak.

With assurance of Federal guarantees for loans of up to $900-million, it has undertaken a massive re-equipping that will take several years to complete.

It has ordered 492 Metroliner-like "Amfleet" coaches to be pulled by locomotives, and will have 134 of them by the end of the year. For its long-haul lines, mainly in the West, it has ordered 235 bilevel coaches with seats spaced at least as far apart as in first-class air liner compartments. These will arrive in 1977.

Amtrak now has 150 new diesel locomotives, with 55 more on order. For the Northeast Corridor, it has ordered 26 new electric locomotives from General Electric, the first such re-equipment since World War II.

DERAILMENT OCCURS

But problems persist. The first new electric locomotive was scheduled for delivery more than a year ago. But during a test on corridor tracks in Maryland, there was a derailment. The Penn Central has insisted that the locomotive be limited to 80-mile-an-hour speeds. Amtrak does not want to accept any of the new locomotives until all are certified for the specified top speed of 125.

Regarding another problem, Amtrak is ordering the first new sleeping cars in a generation, but strict new Government regulations on sewage disposal will apparently rule out individual toilets for each "roomette" or compartment. Now the plan is for communal toilets at the end of the cars as in the pre-World War II days before roomettes.

The big emphasis on rail travel and rail upgrading in Europe, while Americans face ever-higher prices for gasoline and automobiles, indicates that rail ridership totals can be substantial with fast, efficient service. It also indicates that the United States has a long way to go to rebuild a national rail passenger service that was once the envy of the world.

THERE ARE 45,000 RIDERS A DAY

Because of Europe's dense population centers and corridors and because gasoline always was far more expensive than in the United States, the Europeans never abandoned their trains.

In Western Europe, 11 million ride thousands of intercity or suburban trains every day. The daily ridership increased in 1974 by 200,000 over the 1973 average.

During the first half of 1975, Amtrak averaged fewer than 45,000 riders a day, and the country's largest commuter line—the Long Island Railroad—has about 215,000 riders on a typical workday. The Penn Central's Harlem, Hudson and New Haven Lines carry 144,000 daily.

Nightly in Europe, there are 10,000 travelers in "wagonslits" or other more economical sleeping ("couchette") cars. The comparable figure for Amtrak on its 26,000-mile nationwide system is about 1,400.

Each night more than 1,300 automobile are on board European auto-passenger trains, accompanying their owners. France has 57 such trains. The United States has two auto-train services.

Fast and frequent schedules, new equipment, extended electrification and installation of smooth-riding welded rail have helped increase traffic in recent years in Europe.

Examples of increasing European rail traffic (both inter-city "long haul" and suburban) are as follows:

[In millions of passengers]

	1970	1974	Post World War II high
West Germany	989	1,022	1,022
France	593	628	628
Italy	343	389	[1] 406

[1] 1956.

FIGURES DIP

During last year's gasoline shortage, Amtrak registered an 18 per cent gain over its 1973 figures as total ridership reached 17.2 million.

However, with the recession and the easing gasoline situation—despite higher costs a gallon—Amtrak's figures for the first six months of 1975 are 14 per cent below the same period in 1974, down from 9.1 million to 7.85 million.

The New York-Washington run was down by 11 per cent, from four million in the first half of 1974 to 3.56 million in the same period this year.

Mr. Reistrup puts some of the blame for lost patronage on what he called bad publicity generated by Interstate Commerce Commission hearings on Amtrak's service.

Currently, $40-million is being spent on track upgrading projects in the Washington-New York-Boston corridor but this is generally regarded by Amtrak as only the beginning of what will be needed. For example, the $25-million allocated to the New York-Washington sector is mainly for long-deferred maintenance to avoid further reduction in speed limits.

Amtrak is counting on a far greater sum—to be announced in the next few weeks by the Federal Railroad Administration—for upgrading in "two working seasons" recommended by Mr. Reistrup. That would permit a nonstop New York-Washington run in two and a half hours. The eventual goals are two-hour New York-Washington service and 150-minute New York-Boston runs, but achievement may be in the far future.

GREATER UNDERSTANDING NEEDED REGARDING PROBLEMS OF BUSINESS

Mr. HELMS. Mr. President, it has been said that a businessman is judged by the company he keeps solvent. Judged by this standard, it would seem that we are running out of good businessmen. Corporation profits are at a dangerously low point, and may go lower.

Kevin Phillips, in a recent column, suggests that the downward spiral of corporation profits might be reversed if big business would take as great an interest in advertising its financial problems as it does in publicizing its products.

Mr. President, because Congress can also make an important contribution toward the restoration of a healthy economy, I would like to share with my col-

leagues Mr. Phillips' thoughtful observations on the plight of the American corporation, and I ask unanimous consent that his column on "A Profit Is Without Honor" be printed in the RECORD.

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

A PROFIT IS WITHOUT HONOR

(By Kevin Phillips)

WASHINGTON.—Big business in this country must be run by fools. They spend $25 billion a year advertising their products, yet the average American is allowed to nuture a false—and politically crippling—idea of corporate profits and capital.

Talk of a corporation tax cut seems implausible until this mistaken image is corrected. Until then, business will lack the necessary money for modernization, expansion and keeping up with foreign competitors. But the person in the street doesn't know this, and business can't state its case with lengthy magazine advertisements about free enterprise or with "public service" grants to orchestras and urban coalitions.

The problem doesn't lie with people who read newspaper editorial pages. By and large, the men and women who must be reached are those who watch Archie Bunker, read only the sports pages in newspapers, or buy women's magazines for macaroni casserole recipes and Jackie Kennedy stories. And here's the message that ought to be put out:

THE AVERAGE GUESS

"Hey, chump. Yes, you. Are you one of the people who answered a recent nationwide poll by guessing that U.S. manufacturing corporation profits averaged 33 per cent a year? If so, you're not alone—that was the average guess. It's also ridiculous—the average U.S. corporation earns just a 5 per cent profit after taxes. You get this number certified in hundreds of places—by libraries, by government offices, by Congressmen or Senators.

"Let's face it. Five per cent isn't a lot. Joe Citizen gets more putting money in a bank. But with only 5 per cent a year, our industries don't have much left after they pay shareholders a halfway reasonable return. They don't have enough to modernize, to keep up with new technology, and also meet growing Federal environmental requirements.

"You're probably saying 'my heart bleeds for poor, impoverished big business.' Maybe you're like some politicians who run around Washington waving figures showing that business now pays only 17 per cent of all Federal taxes. Whereas back in 1960, it paid 23 per cent. Maybe you think that means business is getting a cushier deal now, and that corporate complaints are hot air.

"Well, let me tell you the reason why business pays a smaller part of the tax load—it's because business profits are a shrinking share of the U.S. national income In 1965, business profits constituted 6.8 per cent of national income; by 1969, they were just 3.8 per cent and fell to 3.3 per cent in 1973.

"No sir, the money you believe goes to business is really being sucked up by the public sector—by expanding government programs and bureaucracy. Federal, state and local government outlays now take about 35 per cent of the Gross National Product.

THE LOAF OF BREAD

"And how do they get all that money? By taxes, of course. For example, economists have estimated that over 100 different taxes affect the price of a loaf of bread! That money winds up with bureaucrats, not businessmen. In fact, even though business profits constitute just 3 per cent of the national income, taxes on business raise 17 per cent of Federal revenues! In part, that's because the U.S. government taxes business and capital at a much higher rate than in most other countries. Even Sweden, with its socialist economy and welfare state, taxes business at lower rates to allow capital accumulation for up-to-date technology and equipment.

"You probably don't believe all this. Maybe you think it's just more slick propaganda. So go to the library. Talk to your friends. Write to your Congressman to check these figures (but be specific). Think about what we've said, and we'll have another message for you shortly." End of hypothetical advertisement.

Unfortunately, the boardroom bureaucrats who run American big business don't have the moxie to confront this issue head-on. Too many of them are content to live on past glory and past profits, using up the accumulated economic muscle of bygone decades. But by 1980 or 1985, if U.S. industry is not revitalized, the economy will be in sad shape—and the people who will suffer are exactly those poor chumps who now regretfully interrupt their baseball games or afternoon soap operas to give pollsters ignorant estimates that U.S. corporations are gorging at the trough of 33 per cent annual profits.

AMBASSADOR W. BEVERLY CARTER

Mr. SPARKMAN. Mr. President, when our Ambassadors and their staff members are far away from Washington in countries all over the world, we may wonder just what their activities are.

I have received from Mr. Robert W. Smuts, 4011 Thornoaks Road, Ann Arbor, Mich., a letter with which he enclosed a copy of the letter that he has written to the Honorable Henry Kissinger, Secretary of State. It relates the very distressing experience had by his daughter and three others who were kidnaped in Tanzania on May 19. I think it is a letter of appreciation that should be read with gratitude for the outstanding work of Ambassador Carter.

I ask unanimous consent that it may be printed at this point in the RECORD.

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

ANN ARBOR, MICH.,
August 5, 1975.

Hon. JOHN SPARKMAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SPARKMAN: U.S. Ambassador to Tanzania, W. Beverely Carter, deserves major credit for the safe return of four young people, including my daughter, Barbara, who were abducted from Tanzania into Zaire on May 19.

As Chairman of the Committee on Foreign Relations you may be interested in knowing more about Ambassador Carter's outstanding efforts. I am therefore attaching copies of letters my wife and I have sent to Secretary Kissinger, expressing our gratitude for Ambassador Carter's efforts and our hope that his abilities and dedication will receive the recognition and reward they richly deserve.

Sincerely yours,

ROBERT W. SMUTS.

ANN ARBOR, MICH.,
August 1, 1975.

Hon. HENRY KISSINGER,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I know that my husband and several others who were intimately involved in efforts to secure the release of the four researchers abducted into Zaire from the Gombe Stream Research Centre in Tanzania are writing to tell you about the superb performance of U.S. Ambassador to Tanzania, W. Beverly Carter. I concur wholeheartedly in their appraisal of Ambassador Carter's crucial role in saving the lives of the hostages. My intention in writing, however, is to tell you some things about the Ambassador that are not revealed by comments on his official role.

Upon my arrival in Dar Es Salaam on the morning of May 27, I was told a moving and dramatic story by my daughter, Barbara Smuts, and Professor Peter Steiner of the University of Michigan Law School, then on leave at the University of Nairobi, who had flown to Dar at our request and was present at the press conference held the preceding day by President Nyerere, Ambassador Carter and Barbara.

A private meeting was scheduled, just before the press conference, between the President, the Ambassador and Barbara. A few hours earlier Ambassador Carter ate a piece of cookie which contained peanut oil. He has an allergic reaction to peanuts, in any form, which will cause death within hours if an injection of adrenalin is not administered. This time, the first injection was not enough and the Ambassador was forced to take three-and-a-half times the precribed dosage (which my own allergist tells me was also life-threatening) in order to carry on. At the scene of the meeting, shortly before he and Barbara were to join President Nyerere, he went into adrenalin shock. My daughter said that she thought he was about to die before her eyes. While others helped the Ambassador, Barbara was summoned to the interview with President Nyerere.

Through what must have ben a heroic act of will, Ambassador Carter participated in the press conference immediately after the interview. Although I was not present, I have listened to a tape recording of the press conference. In spite of his physical distress, Ambassador Carter handled in situation magnificently.

President Nyerere, as you know, firmly and angrily rejected all the kidnappers' demands. Ambassador Carter supported the President and added that the U.S. government never, in any circumstances, could or would pay ransom for the release of its citizens. Nevertheless, he also managed to express clearly, more than once, his optimism that a way would be found to secure the release of the hostages. This was the only hint that the abductors had, for a long time, that their demands were not completely and finally rejected. The parents of the hostages and the others involved believe that Ambassador Carter's responses at that otherwise utterly negative press conference may well have prevented precipitous action by the abductors.

I should like to comment also on the Ambassador's personal kindness to my daughter and me. Barbara, a guest at the Ambassador's home, became violently ill in the middle of the night after the press conference. Mr. and Mrs. Carter secured medical aid and took personal care of her until I arrived the next morning. That day and night, because the telephone lines were down, they made four automobile trips to fetch a doctor and nurse. In spite of the fact that their son and daughter-in-law had just arrived for their first holiday in Africa, Ambassador and Mrs. Carter insisted that both Barbara and I remain as their guests until they were certain that Barbara was well enough for hotel living. Almost two weeks later, when Barbara was still unwell and still undiagnosed, Ambassador Carter arranged for her medical evacuation to London and personally saw us off at the airport. I might add that his wit, charm and good spirits helped all of us to get through those dismal days after Barbara

was released and the fate of her friends was still uncertain.

Today, when the press is so full of stories about the failings and misdeeds of some public servants, it gives me special pleasure to be able to relate to you a few incidents which demonstrate the outstanding qualities of this member of your staff. If my letter and those of others about Ambassador Carter persuade you to place him in a position where he will have the opportunity to serve many more people as well as he served us, I shall consider it one of the few constructive results to come out of this whole unhappy episode.

Very sincerely yours,

ALICE SMUTS.

HE SPENDS HIS WEEKS IN WHITE HOUSE AND WEEKENDS HOME ON THE RANGE

Mr. CURTIS. Mr. President, the Washington Star has been featuring a series of articles on individuals adapting to life in Washington.

Last Friday, the Star focused on a Nebraskan we in the Cornhusker State are all proud of. It is the story of Dr. Clayton Yeutter who, according to the headline, "Spends His Weeks in White House and Weekends Home on the Range."

And the story is accurate. Dr. Yeutter is an outstanding representative of this country in our trade negotiations abroad, yet he is always warm and personable and very much at home in the clean air and good earth of Nebraska.

The best of both worlds, indeed.

Mr. President, I ask unanimous consent to have printed in the RECORD the story of Dr. Yeutter.

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

[From the Washington Star, Sept. 5, 1975]

HE SPENDS HIS WEEKS IN WHITE HOUSE AND WEEKENDS HOME ON THE RANGE

(By Timothy Hutchens)

On the wall is a stylistically undertailed world map. On the tables around the office are almost abstract carvings of cattle. All are clean, swift reminders of where Clayton Yeutter is now and where he has been.

He is Doctor Yeutter, with a Ph. D. in agricultural economics. He is Ambassador Yeutter, deputy special trade representative in the Executive Office of the President.

Every other weekend, he is rancher Yeutter for a day at his spread in central Nebraska. Almost every weekend, he is family man Yeutter in Lincoln.

The obligations that achievement brings have surrounded him like competing appointment secretaries, for it is busy at the top. So far, there has been little time for good neighbor Yeutter here.

"My work hours are horrendous," he said. I come in at 7 a.m., which is of course before my apartment house neighbors are up, and generally work until about 11 p.m. That's a long day."

After five years in Washington, he is moving the family here from Lincoln, at least his wife Martha and their two younger children. They stayed in Nebraska until the two older children, sons who have been successful high school athletes, graduated.

The move from Nebraska means that Yeutter in turn will move from his Arlington apartment to a house on Lake Braddock and perhaps will have more time to spend with neighbors, as he likes to do in Nebraska. But even there, life has been hectic for him these last few years.

"My life is timed almost to the minute," he said, "all day long."

He can recall working hard all of his life. Born in 1930, he was a child of the depression and remembers learning to read by kerosene lamp.

"I will always remember the hard, physical work at an early age," he said. "I was working in the fields when I was six years old. I was driving tractors when I was 10 years old."

In the meantime, he has become a lawyer, an economist and now a diplomat who helps map strategy for the multilateral trade negotiations in Geneva.

He served as executive assistant to Nebraska Gov. Norbert T. Tiemann, led a University of Nebraska agricultural mission to Colombia, ran the U.S. Department of Agriculture's consumer and marketing service and took a year's leave to serve as Midwest regional director of a committee for Richard Nixon's election as President.

Until June, he was assistant agriculture secretary for international affairs and commodity programs. Two months ago, President Ford appointed him to his job at the undersecretary level.

"I feel comfortable with anyone in almost any kind of experience and environment," he said. "At the same time, I have probably a special fondness for those who've had upbringings similar to mine."

He speaks as a Jeffersonian.

"All the traditional rural values which place a premium on hard work, a premium on being open and friendly and responsive to one's fellow man, are found among the vast majority of people in the Midwest. They're basically conservative by nature. They're fiscal conservatives by and large, although not entirely."

At any rate, he indicated, they live closer to life.

"It's very much a natural kind of setting, or at least natural in terms of the basic values this country has held during its lifetime," he said, "whereas as one moves into an area like Washington, D.C., the society becomes more artificial in so many ways.

"Instead of being on farms or wide city streets with homes and large lawns and gardens," he said, "in Washington, where land is at such a premium, living becomes oriented toward town houses, or condominiums, apartment buildings."

People at the head of the government, he said, must shake loose from Washington every now and then in order to realize what they are doing.

OIL PRICING MYTHS

Mr. ABOUREZK. Mr. President, in 2 days we are scheduled to vote on the President's anticipated veto of an extension of the Mandatory Petroleum Allocation Act. In the 2 years which have elapsed since the act was passed, the President and the oil companies, abetted by the news media, have waged a continuous propaganda campaign to persuade the American people that certain policies which hurt on a day-to-day basis are in the public interest. These policies only hurt the citizens; they help the oil companies. They increase the revenues of most oil companies without increasing production; and increase the power and influence that the major companies exercise over the entire U.S. economy.

The propaganda depends on the oil industry's enormous advertising budget, and on the fact that statements by oil companies, like statements by the U.S. President, get constant front-page coverage. No investigative reporter, despite the hopeful example of Watergate, has delved into the real arrangements by which oil companies control supply and prices. No one has seriously attempted to discover whether oil companies harrass their dealers to stay open longer hours and lower their profit margins in order to force them out of business, as the dealers have alleged. I am sure that each of my colleagues could cite several stories which would enlarge and clarify the energy issue, but which will never be written.

Even stories which involve no investigative efforts, but which deal with the efforts of Congress and others to bring forth all the facts, not just the arguments over price and supply, do not get written.

The stories that do get written, over and over, are the President's assertions and the oil companies' accusations—against Congress and against the people. After a certain point, these stories begin to seem like fact, and finally they are taken as fact. But they are in reality just sanctioned by the prestige of the President, the power of the oil industry, and the failure of the press to present the other side.

Public Citizen, a public interest lobbying group, put together a list of the most prominent myths that have come to be taken as fact in the debate over energy policy. They released their work to the press; not surprisingly, it got no coverage. The document is useful and clear. In hopes that it will get the wider audience that it deserves, I ask unanimous consent that "Oil Pricing Myths" by Congress Watch, be printed in the RECORD.

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

OIL PRICING MYTHS INVENTED BY THE OIL INDUSTRY AND THE WHITE HOUSE

1. Myth: Decontrol is desirable in principle because it means getting the government out of the way and letting the free market set oil prices.

Reality: There is no free market for oil today. It is a cartelized market and if the U.S. government does not set the price of domestic oil, it will rise to the OPEC cartel's escalating monopoly price. Hence, the policy choice is either (1) having the American government set the price of American oil, or (2) letting that price be set by a cartel of foreign governments. The $11.50 escalating "cap price" for oil recently proposed by the Ford Administration is still OPEC pricing of American oil because that is today's cartel price.

The windfall profits tax proposed by the Senate Finance Committee in July, and tacitly endorsed by the Ford Administration, does not cure the problem of monopoly pricing because it would recover little of the excessive oil company profits from decontrol. The tax would not apply at all to much cartel-priced American oil and would rapidly phase out on the oil that would be taxed. Hence, the Ford Administration's policy always boils down to the oil industry policy of cartel pricing of American oil, either immediately or eventually (see #12 below for discussion of windfall profits tax proposal).

2. Myth: Consumer, labor, and business groups opposing cartel pricing of American oil (and hence, natural gas and coal) are trying to return to a lost era of cheap energy.

Reality: Opponents of the Ford plan for OPEC pricing of American energy are not asking for an artificially low price for energy. They recognize that energy costs are going to increase over what they were in the 1960s. They are willing to pay more when and where it is proven to be necessary and economically efficient. The argument is over where to draw the line. Consumers do not believe that simply paying the OPEC price for the 80% of our energy which we derive from domestic oil, gas, and coal is a good answer. The OPEC price is a monopoly price which will distort the allocation of resources in our economy, as do all monopoly prices.

Opponents of OPEC pricing of American energy want the U.S. govrenment to set energy prices so long as the alternative is permitting a cartel of foreign governments to set such prices. They believe that the U.S. government can set prices for U.S. energy which allocate resources in the U.S. economy more efficiently than the price set by the OPEC cartel. When the choice is between competitive free market pricing of energy and government price controls, these groups will favor the free market. But today that option doesn't exist. Today's choice is American pricing of American energy versus OPEC pricing of American energy.

3. Myth: The failure of Congress to accept the Ford energy plan tends to strengthen the OPEC cartel by delaying development of a national policy to reduce our need for imported oil.

Reality: Is it the Ford plan for OPEC pricing of our domestic reserves of oil, gas, and coal that will strengthen the OPEC cartel. If we permit domestic energy prices to be pegged to the OPEC oil price, the value of domestic energy reserves held by the giant multinational oil companies will be hundreds of billions of dollars greater than they would be if the cartel collapsed and was replaced by competitive market pricing of energy. Hence, under the Ford plan for OPEC pricing of American oil, gas, and coal, the oil companies will have a vested interest in holding the OPEC cartel together in spite of the inherently unstable nature of cartels.

Already, the Big Oil companies are acknowledged to be the glue that holds the OPEC cartel together. As *Fortune* magazine reported in its May, 1975 issue, the cartel lacks a formal mechanism for prorationing the production cutbacks needed to sustain the cartel price; therefore, it depends upon the multinational oil companies which refine and market its oil to ensure that production cutbacks are shared equitably among cartel members. OPEC pricing of American energy will guarantee a continuation of the mutually beneficial relationship between the oil companies and the cartel. The oil companies will hold the cartel members together and the cartel will maintain a monopoly price for oil on the world market.

4. Myth: President Ford has tried to work out a "compromise" with Congress by extending the period for decontrol of old oil from immediate decontrol to 24, 30, and 39-month decontrol.

Reality: Since all of the Ford plans for phased decontrol aim toward eventually allowing the price of domestic oil to be set by the OPEC cartel, they do *not* represent a compromise. The Ford plan has not been changed. It is still a plan to let American oil producers charge American consumers a monopoly price for American oil, if not this year, then the next or the one after that. The fact that the monopoly price will be set by a cartel of foreign governments does not make it less objectionable than if it were set in the boardrooms of domestic oil companies subject to our antitrust laws.

The debate with Congress is over alternative non-competitive pricing policies. The Ford Administration wants to allow domestic oil producers to charge American consumers the escalating OPEC cartel price for American oil, while the Congress believes that lower oil prices set by our government will provide more equitable and economically efficient incentives to domestic oil producers and fairness to consumers. Since the various Ford plans for phased decontrol and a deceptive windfall profits tax are still formulas for eventual OPEC pricing of all American oil, these variations are not compromises.

It is ironic that the Ford Administration decries the Democratic Congress for attempting to solve social problems by "throwing money" at them while simultaneously proposing to solve our oil production problem by throwing money at oil producers through endorsing monopoly pricing of oil.

The alternative congressional energy policy of reasonable incentive prices for oil and non-price approaches to energy conservation is embodied in H.R. 7014, which is progressing toward early passage by the House of Representatives in September in spite of delaying tactics by the Ford Administration and its Congressional spokesmen.

5. Myth: Immediate decontrol of old oil due to expiration of Allocation Act was made inevitable by Congressional refusal to accept President Ford's "compromise" of decontrol over a 39-month period.

Reality: President Ford could sign the congressional extension of the Allocation Act (S. 1849) and then begin his final "decontrol" plan by administrative action without any congressional review. In fact, he never had to submit his final proposal (39-month plan) to congressional review in the first place since the Allocation Act provides for congressional approval only if domestic oil is completely exempted from price controls. Since the 39-month "decontrol" plan submitted in July included an $11.50 cap price, old oil was not being exempted from price controls and congressional review was not required in July and would not be required in September under the extension of the Act.

The reason that President Ford refuses to implement the 39-month decontrol plan by administrative action is that he fears having the $11.50 price for old oil tested in the courts. A legal challenge to the $11.50 price might succeed on the ground that it cannot be justified under either the Allocation Act's requirement for "equitable pricing" or the President's own executive order requiring inflationary impact statements to justify agency actions that raise prices.

It is this unwillingness to have the $11.50 price for old oil tested legally that has led the President to arrange events so that either Congress became an accomplice to monopoly pricing of old oil by approving the $11.50 price in his so-called decontrol plan or refused to approve the plan, as it did, setting the stage for a presidential veto of the extension of the Allocation Act the consequent decontrol that cannot be challenged in the courts.

6. Myth: Congress has rejected President Ford's energy policy proposals without developing its own alternative energy policies.

Reality: It is true that Congress has resisted enactment of the Ford energy policy package, because it is basically the energy industry policy of monopoly pricing of American oil, natural gas and coal (much of which is from public lands).

It is not true that Congress has failed to develop alternative energy policies. The fact is that several bills embodying energy policies supported by congressional majorities have been passed since the 1973 embargo. It has been vetoed by Presidents Nixon and Ford that have prevented these congressional majority policies from becoming law.

President Nixon, for example, vetoed legislated price controls on domestic oil in early 1974. President Ford has vetoed controls on strip mining that have been passed by successive Congresses and has vetoed an extension of the Petroleum Allocation Act which would have added price controls for new oil. He is also expected to veto the recently passed simple extension of the Allocation Act (S. 1849). Nearly completed legislation controlling development of energy reserves on the outer continental shelf will probably be vetoed because it offends energy industry preferences. A comprehensive bill (H.R. 7014) mandating improved energy efficiencies in industrial processes, buildings, autos, and appliances and limiting oil prices to non-monopoly levels is certain to be vetoed when it reaches the President precisely because it represents congressional majority energy policy which he claims does not exist.

In short, the stalemate in development of national energy policy is based on the refusal of Presidents Nixon and Ford and the energy industry to consent to majority rule rather than on any failure of Congress to act responsibly.

7. Myth: The impact of decontrol of old oil will not be very great; after all, it will only increase the price of gasoline by 7¢ per gallon.

Reality: The Ford Administration's focus on the price of only gasoline as an index of the cost of decontrol is intentionally deceptive. This focus on gasoline ignores the fact that the prices of home heating oil, diesel fuel for trucks and tractors, and fuel oil for electric power plants and factories will also rise as the price of crude oil rises. It also omits price increases for coal and unregulated natural gas (intrastate sales) which accompany increases in the average price of oil. Finally, it omits a likely 50% "ripple effect" as each $1 increase in fuel prices is multiplied into a $1.50 increase in the prices of goods and services.

Taking all of these factors into account, the Joint Economic Committee has estimated that the $2 Ford tariff and immediate decontrol of old oil combined would increase fuel prices by $32 billion per year. When a 50% ripple effect is added (the JEC suggests a 75% ripple), the total annual impact on consumer prices reaches $48 billion, or $225 per person. For a four person family, then, the total impact of the Ford plan is $900 per year. Even if the absurd Ford tariff is discontinued, decontrol of old oil would still cost over $150 person or $600 per four person family per year. (See enclosed explanatory chart.)

8. Myth: Decontrol of old oil will not even cause the originally expected 7¢ per gallon increase in the price of gasoline because President Ford will drop his oil tariff and because "market conditions" will prevent the full pass through of the crude oil price increases.

Reality: Ending the $2 Ford tariff as decontrol begins does not avoid the full cost of decontrol; it merely replaces one presidentially mandated inflationary oil price increase with a more inflationary sequel. The maximum inflationary impact of the Ford tariff on oil prices is $6.1 billion per year, while the maximum impact of decontrol on oil prices is over $16 billion pear year, at today's OPEC price.

The Ford tariff should never have been created in the first place. It made imported oil $2 more expensive than the already artificially high OPEC price and it raised the price of uncontrolled domestic oil (40% of U.S. production) to the OPEC price plus $2, the highest wellhead price for oil in the world. The inflationary Ford tariff should simply be ended, not replaced with a worse option.

As for the claim that "market conditions" will prevent the pass through of the full increase in the price of crude oil due to decontrol, this result will persist only so long as price cutting competition in the refining and marketing segments of the oil industry persists. The problem here is that price competition in the oil industry provided by independent refiners and marketers, not by the major integrated companies, and the end of the Allocation Act is a formula for an end to

the competitive potential of the independent refiners and marketers.

Expiration of the government regulation provided by the Allocation Act will eventually be followed by a repeat of the 1972 and 1973 experiences which led the Senate to pass the original Allocation Act months prior to the 1973 oil embargo. These experiences included suppression of price competition by the major integrated oil companies which the price cutting independent refiners and marketers depend upon for their supplies of crude oil and refined products. There is no evidence that this pre-embargo pattern of behavior will not be repeated in the absence of the regulatory protection provided by the Allocation Act. Indeed, with the loss of profit making opportunities overseas, the major oil companies will be more intent than ever on increasing profits in the U.S. where they have traditionally increased their profits through suppressing price competition rather than encouraging it.

9. Myth: Decontrol of old oil is justified by the expected increase in production from old oil reservoirs.

Reality: This is true only if you believe that a *real* cost of $100 to $200 per barrel of additional oil gained by decontrol is a good bargain. The *real* cost of oil gained by decontrol could be much higher than the apparent cost represented by paying the selling price of $13.50 for decontrolled old oil.

Decontrol is a bad way to finance increased oil production because of the law of diminishing returns. This economic law applies because decontrol will raise the price of all old oil to the uncontrolled, artifically high cartel price in order to increase production only slightly.

Old oil is now price controlled at $5.25, a 54% increase in three years for oil where production costs are not much effected by inflation because they were primarily pre-inflation investments. If the price is raised to $12, an FEA supported study by the Interstate Oil Compact Commission estimated additional production of only 670 million barrels of old oil through the end of 1980. Since these 670 million barrels would cost over $70 billion due to paying the assumed $12 for all old oil rather than $5.25 through 1980, the real cost per barrel of oil gained by decontrol would be at least $100/bbl. rather than $12/bbl.

Cost of decontrol, $70 billion and oil gained from decontrol. 670 mil. bbl. equals $100/bbl.

The $100/bbl. is still not the total real cost of oil gained by decontrol. The cost of decontrol numerator in the fraction above must be increased beyond $70 billion to reflect increased prices for unregulated natural gas (intrastate sales) and coal as they follow the average price of oil upward over the years ahead. This additional cost of decontrol would add at least another $25 billion to the $70 billion numerator for a total of $95 billion. In addition, the cost of decontrol numerator should be expanded by 50% to take into account the ripple effect which increased fuel costs will have on the prices of all goods and services in the economy, for a final total of $140 billion.

When the $140 billion total cost of decontrol through 1980 is divided by the 670 million barrels of oil gained by decontrol over the same years, the real cost of the additional oil is $200/bbl. rather than its apparent price of $12 per barrel:

Cost of decontrol, $140 billion and oil gained from decontrol 670 mil. bbl. equals $200/bbl.

This real cost of $200 per barrel of oil gained by decontrol illustrates the elementary economic concept of the law of diminishing returns applied to old oil pricing. It also illustrates the misallocation of resources caused by monopoly pricing of old oil.

Knowing that decontrol of old oil cannot be justified by price-production relationships, the Ford Administration resorts to the nebulous rationale of the need for a higher price to help the oil companies generate capital. This is a flexible concept that can be expanded to apply to whatever price the OPEC cartel sets. It should be seen for what it is, an argument that the oil industry should be permitted to charge a monopoly price for its product in order to generate capital, a practice entirely antithetical to the antitrust laws and to the operation of a competitive free enterprise economy. Perhaps the Ford Administration plans to expand this concept to other major industries. Big Business would certainly be grateful for permission to charge monopoly prices, on whatever pretext.

10. Myth: Even if the price of old oil remains controlled, the price of new oil must be allowed to follow the escalating price of OPEC oil in order to maximize exploration and development of new oil sources.

Reality: During a period when the world oil price is set by a cartel, competitive pricing of oil is not an available option. Hence, the U.S. government must choose between two policies for non-competitive pricing of domestic oil. Either the government sets its own non-competitive price for American oil or the OPEC cartel sets a non-competitive price for American oil, since deciding not to set the price ourselves means choosing the OPEC price. The latter course is a responsible government policy only if it leads to an economically efficient and equitable allocation of resources in the U.S. economy (as would a competitive market price).

Demonstration of the economic efficiency and fairness of OPEC pricing of American oil would require more evidence regarding the relationship of various alternative oil prices and their respective production consequences than either the oil industry or the Ford Administration has been able to provide. Price/production relationships are not even discussed in the oil industry sponsored "Nathan Study", which purported to justify a price of $12.74 for new oil in 1974. While the Ford Administration has attempted some computer modeling of price/production relationships, it avoided requiring the oil industry to provide a better data base for such computations when it deleted from its recent oil reserve survey (at the suggestion of the oil industry) a question which would have required oil producers to indicate the effect of alternative oil prices on their proved reserves of oil.

In spite of the lack of justification, the Ford Administration has plunged blindly toward OPEC pricing of American oil. Indeed, in a grand stroke of oneupmanship, President Ford's oil tariff raised the price of imported oil and domestic new oil (which follows the price of imported oil) $2 beyond the OPEC price. Consequently, our new oil has the highest wellhead price in the world today.

A more rational pricing policy for new oil would be to set a reasonable incentive price somewhat lower than the OPEC monopoly price and then focus on the non-price factors that have hindered domestic oil production. These non-price barriers have contributed to the decline in domestic oil production in recent years and would create a time lag in reversing that trend even if we priced new oil at twice the OPEC oil price. They include, for example, tax policies that encouraged the export of energy production capital for over 20 years, shortages of specially skilled manpower, and lack of an offshore leasing policy that would protect environmental values and satisfy legitimate concerns and prerogatives of onshore state and local governments.

In sum, a responsible pricing policy for new oil would be one that chooses a price that can be defended as economically efficient in terms of its price/production relationship and also recognizes and focuses on lowering non-price barriers to new oil development, even if the latter course steps on the toes of the oil industry.

11. Myth: OPEC pricing of American oil is justified because the higher price will signal consumers to use less oil.

Reality: Since the marginal oil production increases expected from decontrol cannot justify its cost, the Ford Administration has turned to the energy saving impact of higher oil prices as an important rationale for decontrol. The problem with this claim is that we can't afford more energy conservation by recession, which is what further energy price increases will bring.

Again, the law of diminishing returns operates. The oil price increases of the past two years have created more price rationing of energy than is good for consumers and the economy; the result has been extreme inflation and recession. The average price of oil has risen from $3.90 in 1973 to over $7 in 1974 to over $10 in 1975. Consumers paid $21 billion for oil in 1973 and $48 billion in 1974 and will pay close to $60 billion in 1975, without decontrol. Much of this additional cost has been due to allowing the price of 40% of domestic oil to keep pace with the OPEC cartel price increases. Uncontrolled domestic oil now sells for $13.50, which is equal to the cartel price plus the $2 Ford tariff, making it the highest price oil in the world today.

The oil price increases of the past two years have already created more than sufficient price signals to consumers to conserve energy. We can't afford the multi-billion dollar burden of further price rationing of oil. We need to turn to other means of guiding consumers to reduced energy use. The technologies and patterns of development that hav locked consumers into inefficient uses of energy will have to be changed. We can require more energy efficient industrial processes and buildings and the manufacture of more efficient autos and appliances, for example, instead of pursuing energy conservation through another inflationary burst of oil price increases. Indeed, the non-price alternative of the regulatory route to improved energy efficiency not only avoids the inflationary impact of price rationing; it also reduces inflation because cutting energy waste improves economic efficiency.

As for the consumer cost of requiring improved efficiency of energy use, we should remember that a barrel of oil saved is as good as, or better than, a barrel produced. Thus, if the real cost of oil gained by decontrol would be an inflationary $200/bbl., we should consider the many opportunities for saving a barrel of oil at a much lower cost through efficiency standards that divert otherwise wasted consumer dollars to pay for improved energy efficiency.

12. Myth: The economic inequities, inefficiencies, and disruptions from OPEC pricing of American oil can be offset by taxing the windfall profits of oil producers and recycling the tax revenues to the economy.

Reality: A workable windfall profits recovery system has neither been described nor proposed by the Ford Administration. Even if a tax which actually captures windfall profits is feasible, it won't be proposed by this Administration because the energy industry wouldn't give its prior approval.

The Russell Long proposal for a windfall profits tax on oil, which the Administration has tacitly approved, is a fraud. It would capture only a tiny fraction of the windfall profits which OPEC pricing of American oil would create. It begins by not taxing many of the windfalls which occur from OPEC pricing of American oil. These include windfall profits from (1) tripper oil (exempt from the tax), (2) the first $11.50 received for new and released oil (the tax begins after an $11.50 base price, and the exemption escalate 6% per year above $11.50), (3)

severance taxes to producing states (severance taxes are specifically given priority over the federal tax; they are deducted from the producer's selling price before the federal tax is computed), and (4) selling unregulated natural gas and coal at the OPEC oil price (their prices will follow the average price of oil upward to the OPEC price).

As for the tax that is applied, the revenue from the tax will shrink from both ends as the base prices used to calculate the tax escalate and as the oil production subject to the tax is reduced by 16.8% per year over the life of the tax. Hence, long before the tax ends its prescribed life of 5 years and 7 months, revenues available for recycling to the economy will dwindle to virtually nothing, while windfall profits and their economic consequences balloon. A corollary to this trend is that the rapidly declining tax base over the life of the so-called windfall profits tax means that an increasing volume of old, released, and new oil will join stripper oil in not bing taxed at all, no matter how high their cartel price rises. Of course when the tax ends in 1981, no American oil would be subject to a windfall profits tax despite the assumed continuation of OPEC pricing of American oil.

The inadequacy of the proposed windfall profits tax is shown vividly by contrasting the Senate Finance Committee's estimate that revenues from the tax would permit a rebate of $85 per adult in 1976 with an estimate (derived from a Joint Economic Committee study) that decontrol will cost each adult $300 in 1976 due to increased prices for energy and energy inflation of the prices of all goods and services.

13. Myth: An increase in domestic crude oil prices is needed to offset the decline in oil company profits during the first two quarters of 1975.

Reality: This sounds like the often mentioned child who murdered his parents and then asked the court for mercy because he was an orphan. Oil company profits are down due to a recession caused in large part by increased prices for domestic oil, gas, and coal charged by these companies. Now they want help to avoid the impact of the recession.

The first question to ask is just how much are oil companies being hurt by the recession. Careful analysis (see Crittenden, "By Comparison, Oil Profits Still Gain" New York Times, August 2, 1975, p. 27) discloses that oil company profits are surviving the recession in good shape in spite of the decline of first and second quarter 1975 profits from early 1974. If profits on only domestic oil and natural gas are examined, major companies such as EXXON and Texaco have actually improved their profits since early 1974. As for the $500 million increase in federal taxes paid by the oil industry in the first half of 1975 due to loss of the depletion allowance, this must be seen in the context of the $10 billion increase in income from domestic oil in 1974, from $13 billion in 1973 to $23 billion in 1974 (for less oil).

Measured by return on equity, oil companies continued to perform better than other industries during the second quarter of 1975, in spite of weakened international profits due to the 10% recessionary decline in oil consumption outside of the U.S.

The truth is that to the extent that oil company profits are suffering, it is not because domestic crude oil prices are too low, but because reduced demand due to the recession has caused costly inefficiencies in the transportation, refining, and marketing segments of the industry here and abroad. If the price of old oil is allowed to rise to offset the recessionary burdens which other industries have to bear, the oil industry will be able to have its cake and eat it too. The higher oil price will spur further inflation and recession but the oil companies will not suffer because they will be the beneficiaries of a great transfer of wealth under the Ford plan for encouraging monopoly pricing of oil.

14. Myth: Any expense for additional oil production and reduced oil use is a necessary burden due to the need to reduce our dependence on imported oil.

Reality: This is the final fall back position used by the Ford Administration when the weakness of their claims that increased production and decreased demand justify cartel pricing of American oil is exposed.

The most obvious response is that we could afford to protect ourselves from future embargoes by buying and stockpiling dozens of barrels of $12 and $13 imported oil for every $200 barrel of U.S. oil production gained by decontrol (see No. 9 above).

A second answer is that the Ford Administration is exaggerating both our vulnerability to an embargo and the likelihood of a future embargo as successful as the last one (see Arad, "If Arab Oil Is Embargoed Again," Wall Street Journal, July 14, 1975, p. 8). We are less vulnerable today because we currently import a smaller percentage of our oil from the embargoing nations than we did in 1973, because our stockpiles are improved, and because we are better prepared to cope with the allocations required by embargo (the shortages during the last embargo were due to misallocation and excessive stockpiling rather than depletion of stockpiles).

The likelihood of another successful embargo is decreased because the embargoing nations are already restricting production below their lowest embargo levels in order to keep the cartel price high. Any further reduction will cut into the cash flow needed to finance the planned economics of the embargoing nations and might harm the productive capacity of oil reservoirs. Also, unlike 1973, today a number of the non-embargoing producer nations have excess production capacity available to replace some of the production cutbacks which embargoing nations might impose. Finally, oil from non-embargoing nations will become increasingly available in the next few years.

THE FEDERAL RATHOLE

Mr. FANNIN. Mr. President, many people in and out of Government are talking about what is commonly known as regulatory reform. Certainly there is a need for the Congress to take a good hard look at what our complicated scheme of Federal agencies and big brother bureaucrats are doing. It has long been my belief that Government overregulation of business is anticonsumer because it leads to higher prices for the goods and services the public needs. As Government power and control has expanded, the cost of Government has risen dramatically, resulting in continuous red-ink Federal budgets, inflationary deficits and higher taxes on the already overburdened taxpayers. Citizens' personal liberties and property rights are being threatened by overzealous regulators. In the view of many, the inflated Federal bureaucracy, not elected and not responsible to public approval, is out of control. No wonder President Ford's urgent call for regulatory reform has met with widespread public approval.

Yet for all the rhetoric about regulatory reform filling the halls of Congress these days, nothing substantive has been done so far. It is as if the Members did not know what to do or where to begin. If we in the Senate and House are really serious about reforming the Government's regulatory system, we should consider seriously the provocative suggestions of Donald Lambro in his book "The Federal Rathole," published by Arlington House.

Mr. Lambro, UPI political correspondent in Washington, is an astute and experienced observer of the Federal scene. He is a good reporter who minces no words. In an article published in the August issue of the Washingtonian magazine, Mr. Lambro summarizes the problems of excessive Government regulation and spending discussed in his excellent book. With devastating precision, Mr. Lambro describes "the Federal rathole" and offers his own remedy "to plug it." He names scores of Government agencies, boards, bureaus, councils, commissions, and committees which he considers fat and frivolous. Frankly, I have never heard of many of them and I am sure they are unknown to most Americans. He points to "wasteful, unneeded, outmoded, misdirected, and downright extravagant programs." Even the names given to them sound absurd. And he proposes that they be targeted for early extinction.

The point made by Mr. Lambro in this article, as in his book, is that there is ample convincing evidence of waste and extravagance in Government and if the Congress is really sincere in its efforts to do something to control spending and inflation, it must take immediate and decisive steps to eliminate all such costly and unnecessary Federal programs and agencies.

As Mr. Lambro emphasizes, the regulatory situation is neither hopeless nor insoluble. That there is a problem is self-evident. The solution is easy enough. The challenge, however, will require a good deal of political courage. Are the Members willing to bite the bullet and abolish their own and their colleagues' pet projects? Are they able to withstand the pressures from special interests and make tough rather than expedient decisions to vote no to new Federal spending?

As he states:

> If the cost of government is to be trimmed significantly and the savings passed on to the taxpayers, government itself must be reduced. That means whole agencies and programs must go. Offices that do nothing for the public welfare except spend the public's money have to be abolished . . . there is a plethora of waste and fat to be trimmed from the Federal government. It must be done gradually and sensibliy, but thoroughly.

That is our task. The responsibility rests primarily with the Congress which created these Federal agencies and programs and established the regulatory system that over the years has grown up around us.

Don Lambro presents a convincing, intelligent case. His recommendations merit the consideration of sincere regulatory reformers. I commend his article and his book to my colleagues. They make for good, if disturbing reading.

Mr. President, I ask unanimous consent that Mr. Lambro's Washingtonian article, "The Federal Rathole: 50 Easy Ways To Plug It," be printed in the RECORD.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

THE FEDERAL RATHOLE: 50 EASY WAYS TO PLUG IT

(By Donald Lambro)

While President Ford has drawn the line on the budget deficit he will tolerate and Congress struggles to put a cap on spending, an oblivious and bloated federal bureaucracy is lumbering toward its own Great Deficit in the Sky.

Spending and deficit statistics are floating around Washington like summer smog. The Administration has its set of figures. Congress—depending on whom you talk to—has competing totals. But in the end, the bureaucracy, which stubbornly operates independently of everyone, will ring up a final and impregnable total all its own.

The President has proposed a fiscal 1976 budget of $359 billion, including a $59 billion deficit. (Ford conservatively projects his next budget will be around $400 billion.) Congress, however, has targeted a $367 billion budget, $68.8 billion in the red, or $8.8 billion more than Ford said he would accept.

Gloomier voices say these figures will not come near the true deficits evolving in this and the next fiscal year. Treasury Secretary William Simon is traveling the country predicting that this year alone the government will borrow a minimum of $80 billion to pay its mounting bills. And Texas Congressman George Mahon, the lean and powerful chairman of the House Appropriations Committee, has put actual total borrowing over an 18-month period at between $150 and $170 billion. Compare these estimates to total government deficits of $68 billion for the entire four-year period between 1970 and 1974.

The gross federal debt hit $504 billion at the end of last year and is expected to go over $617 billion by the end of fiscal 1976. Taxpayers are paying more than $29 billion annually in interest on the debt and that payment is estimated to shoot to $36 billion a year by the end of this fiscal period.

Meanwhile, economists say the average taxpayer must work four full months just to pay his federal, state, and local taxes, and each year that period is becoming depressingly longer. Taxes continue to shoot up. A Labor Department survey found that the personal income tax bite—federal, state, and local—for the lower income family jumped 25.7 percent from last fall. In another survey, Congress' Joint Economic Committee was surprised to find that federal taxes outstripped all other cost increases in the average American budget over the past year—raising twice as fact as the cost of food, housing, and transportation.

Can anything be done to slow the phenomenal growth of the federal government?

After eight years of watching Washington as a political reporter, I'm convinced that much of the federal budget is filled with wasteful, unneeded, outmoded, misdirected, and downright extravagant programs. And I'm not talking about isolated grants and research projects that occasionally rise to the surface. We have given the Bedouins $17,000 for a dry-cleaning plant to clean their djellabas. We studied the smell of perspiration from Australian aborigines for a mere $70,000. We've spent $15,000 to study Yugoslavian lizards, $71,000 to compile a history of comic books, $5,000 to analyze violin varnish, $19,300 to determine why children fall off tricycles, and $375,000 for the Pentagon to study Frisbees. The government is spending $13.9 million a year to maintain 300 military golf courses in the United States and 19 more in foreign countries. Millions more provide face lifts, breast enlargement operations, and other cosmetic surgery for wives of military personnel without charge. The list is seemingly endless.

But if the cost of government is to be trimmed significantly and the savings passed on to the taxpayers, government itself must be reduced. That means whole agencies and programs must go. Offices that do nothing for the public welfare except spend the public's money have to be abolished. After years of covering appropriations bills in Congress and reading volumes of testimony and debate, there is no doubt in my mind that there is a plethora of waste and fat to be trimmed from the federal government. It must be done gradually and sensibly, but thoroughly.

Here, then, are my candidates for the first Washington wastemakers to get the ax.

1,250 Federal Advisory Boards, Committees, Commissions, and Councils: The federal government is overpopulated with advisory committees—1,250 of them exist in every nook and cranny of the bureaucracy. An estimated 24,000 private and public citizens sit on these panels, fueled and run by more than 4,000 federal employees.

Do we need this many committees? Why in heaven's name do we need a Plant Variety Protection Board, a National Board for the Promotion of Rifle Practice, a Waterfowl Advisory Committee, at least two committees on contraceptives, one on deodorants, another for the recovery of archaeological remains, and an advisory committee for every national forest in America?

The list includes a Social Problems Research Review Committee, a Women's Advisory Committee on Aviation, a Panel on Sunburn Treatment, an Advisory Panel for Anthropology, the National Peanut Advisory Committee, a review committee on laxatives, a Dance Advisory Panel, a Personality Research Review Committee, and, of course, the infamous Board of Tea Tasters. President Nixon suggested abolishing the tea sippers in 1970 but they continue to this day.

The committees are heavily populated by industry and university representatives who benefit from their advisory opinions in grants and other programs. Senator Lee Metcalf of Montana, has called the panels "a headless monster," and Congressional investigators say privately that 90 percent of them could be abolished tomorrow without causing so much as a ripple in the waters of government. Congress characteristically set up a committee in 1970 to try to bring the other committees, councils, boards, and commissions under control, but little headway has been made. By the beginning of 1974, 216 new committees had been created, 24 of them by acts of Congress. Cost $75 million a year.

Federal Movie Making: There is no area in the government as rife with waste and duplication as this one, as hundreds of millions of dollars are spent to produce thousands of films and recordings. Since World War I the government has produced an estimated 100,000 films on everything from toothbrushes to soybeans—an average of 2,000 films a year.

No one in the government knows exactly how many films are being produced each year and at what cost. A little-noticed government study said that at least $375 million was spent in 1972 by employees working out of 653 federal facilities to produce and distribute films, photographs, and audio programs.

The government has produced 585 dental films, including at least 12 films on how to brush your teeth. Another 14 films will tell you everything you have ever wanted to know about venereal disease. The Air Force, Army, HEW, NASA, and the Transportation Department have turned out 16 films on driving safety, 11 of them by the Air Force alone. A $64,000 film series by the Navy entitled *How to Succeed with Brunettes* teaches officers proper etiquette, while NASA and the Bureau of Public Roads teamed up to produce *Automobile Tire Hydroplaning—What Happens*. There are 3,309 film titles listed in the Air Force catalog, 65 percent of them produced by the Air Force.

A government study that tried to gauge the extent to which federal agencies were duplicating one another's film work confessed the job "turned out to be an all but impossible task." One Congressional study found 45 major agencies were making films and identified at least 1,461 key employees who supervised movie-making activities. The Defense Department alone has more than $289.8 million worth of film equipment spread out over 2,000 military installations. Six of the seven major agencies within HEW have their own film-making facilities and equipment.

National Science Foundation Social Science Research: For all the worthwhile research and study NSF has funded, the fact remains that it has wasted millions on projects that in no way serve the national welfare but still pay researchers up to $45,000 a year.

Some of the most wasteful research spending is in the social sciences. The NSF studies include a $135,000 project to find out whether chimpanzees can be taught to talk; a $55,000 study on two communities in Nepal; a $34,500 study to explore public opinion trends between 1944 and the early 1960s; a $65,200 study of the prehistory of Taiwan; a $66,000 study on the social attitudes and modes of adaptation of the Korean minority in Japan. The principal finding of one study entitled "Trends in Tolerance of Nonconformity," which cost $350,000, was that 48 percent of all Americans believed in the devil. Cost: $49.5 million.

Small Business Administration: Even those who favor some program to aid America's small businesses must concede the SBA's record is one of the grossest examples of bureaucratic corruption and political favoritism. Last year, after a lengthy series of hearings had uncovered "self-dealing, favored treatment, and shaky if not fraudulent loan practices" in a number of SBA offices, House Banking Committee Chairman Wright Patman questioned whether "the SBA itself should be abolished." Said Patman, "Certainly its continued existence without extensive reform cannot be condoned." But Congress extended its authority to continue lending up to $7.3 billion, despite testimony that relatives of SBA officials and political supporters of the Nixon Administration received preferential loans. House investigators also found that loans often went not to the truly small businesman but to wealthy entrepreneurs.

The SBA loans—with the exception of disaster assistance loans, which should be retained and transferred to another agency—do relatively little to help the nation's small business community. Despite its enormous budget and high overhead costs, far less than one percent of America's little businesses are helped. Some form of tax credits would be far more effective and equitable. Cost: $444 million.

Civil Defense Preparedness Agency: Over the past decade the government has spent more than $1 billion on civil defense. Yet I doubt it has made America better protected from nuclear attack.

In a simpler period when conventional bombs, even nuclear bombs, were dropped from airplanes, this program made sense. No longer. In an age of MIRV missiles there is no place to hide from a major attack. This agency is the classic government effort at "make work," supporting some 6,200 full-time and part-time civil defense employees, with an additional 700 federal employees based in Washington. Only about 5,000 cities and towns participate in its program anyway, and in many of these communities the civil defense watch is the local police or sheriff's office. Cost: $82 million.

Interstate Commerce Commission: An

antiquated ICC rate structure and a tangle of regulations that prohibits competition is costing consumers between $5 billion and $10 billion a year in higher prices for almost everything they buy.

Under ICC rules, trucks are required to make uneconomical semi-filled hauls and empty backhauls, often on roundabout routes that could be significantly shortened to cut costs. The agency's rulemaking forces both railroads and intercity trucking to function like a manufacturer operating at 50 percent of capacity.

Only the major truckers benefit from this kind of government cartelization because in a totally competitive system they would have to vie with rate-cutting railroads and an influx of independent truckers who would offer cheap transportation. Of particular note: When Congress established Amtrak, the government-operated rail passenger service, it virtually ignored the cumbersome ICC. It has long outlived its usefulness. Cost: $43.1 million.

Civil Aeronautics Board: By prohibiting price competition, the CAB has forced the airlines to over-compete in the number of flights and routes they can offer and to add other costly gimmicks such as elaborate meal choices and movies. The result too often has been unfilled flights and wasted capital. The consumer has been denied the fruits of true competition—efficient service at the lowest possible fare.

Federal Trade Commission Chairman Lewis A. Engman called the CAB's practices "government-sanctioned price fixing" and proposed that it be stopped. Only recently has it dawned on some members of Congress to inquire why unregulated intrastate airline fares—such as those charged by Pacific Southwest Airways in California—are less than half those charged by CAB-regulated interstate carriers.

Also note that the CAB has not approved a new trunk carrier since its creation in 1938. Last year, for example, it turned down an application by a British airline to fly New York to London for $125 each way—a little more than one-third the "economy" fare charged by Pan Am, TWA, and other airlines.

As for the CAB's subsidies to smaller airlines to provide service to rural areas of the country, a Joint Economic Committee report concluded that the case for ending the subsidy "appears to be a strong one. No convincing evidence has been discovered that any substantial benefits accrue to the nation at large from the continued expenditure of federal funds to support local air service." Cost: $84.8 million.

Women's Bureau: When this agency was created in 1920 there was no doubt women needed special help in obtaining better jobs and better pay. But with the advance being made today by women in the nation's work force, this agency has become a bureaucratic anachronism. Besides lobbying strongly for the Equal Rights Amendment—about which the nation is deeply divided—this agency does little to substantively help women. By its own admission, the agency has become an information and referral service. A lot of its time is spent helping to organize and promote conferences for women's groups through its ten regional offices. Cost: $1.9 million.

National Highway Traffic Safety Administration: Despite hundreds of millions of this agency from its inception in 1967 through 1973, annual highway traffic deaths continued to rise from 52,924 to 55,800 during this period. Then in 1974 Congress ordered a national speed limit of 55 miles per hour, not to save lives but to conserve energy. The National Safety Council says that highway deaths plummeted by 9,600 that year.

We could spend billions on this agency to produce the safest car in the world and traffic fatalities would continue to occur. Drivers, not automobiles, cause accidents. And safer drivers and traffic procedures are by and large not going to be developed in Washington. They are going to be developed by strict enforcement of the driving laws and by daring, innovative safety programs carried out by states and localities. Congress can help, without spending a nickel, by simply legislating that new cars be produced with lower speed capabilities. The Highway Trust Fund could also be used to reward states with highway safety grants in proportion to each state's reduced fatality figures.

Despite its large budget, Congress has not been enthralled with NHTA's work. Last year Congress repealed one of its flagship projects the mandatory seatbelt-ignition interlock systems, calling it "Big Brotherism" at its worst. And the House voted against the agency's mandatory air bag restraint device proposed for 1977 model cars. The success of the 55-mile-per-hour speed limit shows there are far less costly ways to curb the death toll on our highways. Cost: $170.9 million.

National Foundation on the Arts and Humanities: This agency sounds noble, but in a time of severe debt can we afford it? And should taxpayers' money be spent on theatrical productions which few Americans would pay to see, such as Robert Wilson's *The Life and Death of Joseph Stalin*, a "silent opera" that runs wordlessly in slow motion for half a day; or Tom Eyen's *The Dirtiest Show on Earth*, described as a play of devil-may-care nudity that frolics to a sexual orgy for its dramatic climax?

The Foundation also has awarded $750 for a poem, the entire text of which consists of seven letters—"lighght." Erica Jong received $5,000 to write her sexually explicit novel *Fear of Flying*. Other grants include $7,857 for a study of how "children at play utilize the urban environment as a theatrical and mythical arena." The Moravian Music Foundation was given $79,675 to catalog its collection of manuscripts and music. Two researchers at the State University of New York were given $31,912 to microfilm the principal archives of the island of Malta. And a humanities grant of $8,470 was awarded to study nineteenth-century political cartoons.

The agency is just another example of government subsidies, this time for the arts and entertainment industries, which already receive hundreds of millions of dollars a year from businesses, foundations, philanthropies, and other supporters. Cost: $159 million.

Economic Development Administration: Last year Congress received a 57-page report that said EDA was an ineffective, poorly funded, mismanaged attempt to combat unemployment. Congress ignored the study, which it had ordered, and kept the agency alive for another two years. The six-month review by the Commerce Department and Office of Management and Budget concluded that EDA—which has spent hundreds of millions of tax dollars since its beginning in 1966—was "inadequate in pursuing" its objectives. In 1966 EDA targeted 424 areas for public works grants and loan assistance to alleviate chronic unemployment. As of last year two-thirds of them still had serious unemployment. One agency official compared its efforts to "trying to put out the Towering Inferno with a garden hose." Over the years EDA has distributed funds in relatively small portions to more than 1,300 separate areas. Thus, the report concluded, "With but a few exceptions, the amount of assistance to any one area has not been great enough to overcome the economic causes of distress."

Another mid-level EDA official complained, "Too often we've put money into a town when it would be better if the town went away. They're small communities with dwindling populations, one-industry towns with little basis for future economic development." There are many avenues government can take to help business obtain needed working capital to provide jobs. EDA is not one of them. Cost: $258.5 million.

Coast Guard Selected Reserve Program: There are 11,700 men being paid to serve in the Coast Guard's Reserves. The entire program could be terminated without really affecting the Coast Guard's work in any substantive way.

The reserves are rarely used. As of the end of 1974, the last call-up involved 134 men in the spring of 1973 during the Mississippi floods. President Nixon proposed abolishing the reserve program in 1970, arguing it "would not significantly reduce the overall effectiveness of the Coast Guard." The Coast Guard also keeps 10,402 men in their Ready Reserves on a volunteer, non-paid, standby basis. Surely the Selected Reservists could be transferred into the volunteer Ready Reserves where they would remain available for emergencies. Cost: $27.9 million.

Military Servants: Pentagon regulations, through loophole-ridden language, allow generals and admirals to use enlisted servicemen as their servants. Many servicemen have worked as valets, social secretaries, cooks, waiters, errand boys, cabin boys, grocery shoppers, babysitters, housemaids, chauffeurs, lawn keepers, bartenders, and butlers for parties—all paid for by the taxpayer.

The servants are jealously parcelled out to 450 of America's highest-ranking generals and admirals. The Army chief of staff, the chairman of the Joint Chiefs of Staff, the chief of naval operations, the commandant of the Marine Corps, and the Air Force chief of staff are provided five servants each. Thirteen other Army generals, eight admirals, one Marine Corps general, and 14 Air Force generals receive three servants each. The remaining top brass have to struggle along with one or two servants each, with the exception of the superintendent of the U.S. Naval Academy, who is given four. The GI servant system represents the height of aristocratic pomposity, and it is degrading and humiliating to our servicemen. Cost: $5.4 million.

Overseas Private Investment Corporation: Congress in 1969 established OPIC to take over and expand the insurance and loan-guarantee programs for U.S. investors abroad previously run by the Agency for International Development. Since then OPIC has written billions of dollars of policies insuring major American corporations investing in developing countries against the risks of war, expropriation of property, and currency inconvertibility.

Thus, the U.S. has been subsidizing some of America's biggest corporations to send their capital abroad at a time when unemployment and a money-starved U.S. capital market require just the opposite. In fact, 79 percent of all OPIC-issued insurance was provided to firms on *Fortune* magazine's list of the 500 largest corporations and 50 largest banks. OPIC also has made hundreds of millions of dollars in loans and loan guarantees to private investment enterprises abroad, such as a $415,000 direct loan to Haiti's Habitation Leclerc, a pleasure dome resort for the wealthy.

The federal government should not be in the insurance-writing business. Experts, in fact, say that more than three-fourths of investments by U.S. firms in lesser-developed countries are uninsured because the companies feel they don't need such protection. It is an unnecessary and costly government program that could end up costing taxpayers billions.

President's Commission on Productivity and Work Quality: This commission has been around for four years, although it's difficult to find anyone in Congress who can tell you anything of value it has done to justify expenditures of $5.5 million since 1970. Its purpose ostensibly is to "promote

the productivity of the American economy and to improve worker morale and the quality of work."

Democratic Congressman Henry Gonzalez of New Mexico called it "just another government employment service." He noted the Commission once studied the water content of tomatoes, made a study of transportation, and examined the productivity of hospitals. Even the House Banking Committee, which oversees its activities, questioned the "usefulness of some of the commission's proposed projects . . . dealing with such concerns as banking, restaurants, and education." Nothing the agency has done thus far, however, has improved anyone's productivity. Cost: $2 million.

Alaska Railroad: Years ago the U.S. began running the Alaska railroad to help stimulate settlement and industrial and agricultural development of the region. With the discovery of tremendous oil resources in Alaska and the area's potential for economic development, the need for maintaining federal ownership of the railroad has vanished. It obviously has become an attractive investment and should be sold either to the state or to private enterprise. Cost: $6.2 million.

Revenue Sharing: It is said that when Congress passed revenue sharing it truly took leave of its senses. In 1972 Americans were paying well in excess of $20 billion annually in interest on the federal debt. That was the year Congress decided to give away $30.2 billion over five years to states and localities. The government had no money to share. It was in debt and it was sinking deeper into debt.

"Where in the hell do we get the money to pay for it?" asked liberal Senator Gaylord Nelson, calling the plan "fiscally irresponsible. Those who spend the money ought to have the responsibility to raising the taxes."

Senate Democratic leader Mike Mansfield says he still opposes revenue sharing and now that he has seen it work he's particularly disturbed "about some of the uses the money is being put to, building bridle paths, and the like—a lot of things like that which I think are questionable." Even Senator Edmund S. Muskie, the plan's original promoter, now acknowledges revenue sharing's chief weakness is that it gives money "to more than 38,000 jurisdictions, some of which have neither demonstrated a need nor provided a use for it."

Revenue sharing destroys the concept of accountability that is fundamental to our system of government. The federal government raises the money through taxes or borrowing in order to give it away to local governments but has no say as to how the money is spent. Those on the local level who spend the funds do so by avoiding responsibility for raising needed revenue. Should Congress decide to repeal the program, there is still almost $9.7 billion to be distributed in this and the next fiscal year.

Legal Services: The corps of Legal Services attorneys to aid the poor has been in the vanguard of "social activist" battles. The poverty lawyers have lobbied on behalf of legislation and worked to overturn state and national laws—all at the taxpayers' expense. Mickey Kantor, a former Legal Services official, once said this about the purposes of the agency: "With all its benefits, litigation remains expensive, time-consuming, often frustrating. . . . Legislative advocacy has always been encouraged by OEO [Office of Economic Opportunity, which housed Legal Services before it was established as an independent corporation]. There has never been a ruling that Legal Services must be invited to appear before a legislative committee as a precondition to participation."

The program has been rife with abuse and has become a tax-paid program to fund legislative advocacy. Its budget doesn't begin to provide legal aid to the millions of Americans the federal government has categorized as poor. Meanwhile, the millions more who do not fall within that category and who find it similarly difficulty to afford legal assistance are provided with nothing from this program—except the cost. It has become a vehicle for political and legislative crusaders while the taxpayers—including the poor—have footed the bill. Cost: $190 million.

Export-Import Bank: This agency removes billions of dollars from the economy and turns it over to foreign governments and investors at tax-subsidized, bargain-basement interest rates. Thus, the American businessman must compete with foreign businesses that purchase their machines and goods from the US with cut-rate seven-percent Ex-Im loans while he must finance his equipment at almost twice that rate in the private money market. Under these ground rules, it's hard to stay in the game.

The idea behind the Ex-Im Bank is to encourage the purchase of US products. For example, nearly a third of all its direct loans go to finance the purchase of American aircraft by foreign airlines (at $7 million to $20 million per aircraft below the prices paid by US carriers such as Pan American or TWA). Yet it is ludicrous to argue for its existence based on the profitability of our aircraft industry since almost all commercial airplanes bought by foreign competitors come from the United States anyway. So the bank's existence is worthless on this score. But it spurs other US exports, its defenders say. One devatating fact destroys even this argument: 96 percent of all US exports are made without Ex-Im Bank direct loan assistance.

By making loans at interest rates far below what American businesses can obtain, the United States is in effect exporting American capital, thus making money more scarce and driving up interest rates for everyone. Congress last year extended the agency for four years and raised its lending authority to $25 billion. Fiscal experts estimated that Ex-Im loan subsidies would cost $518 million in this fiscal year alone.

International Development Association: How would you like to borrow millions of dollars from the United States and have 50 years in which to pay it back interest-free—with a ten-year grace period to boot? Incredible as it may sound, those are the terms under which the World Bank's International Development Association (IDA) has distributed billions of dollars to its 66 member countries. The fund from which IDA doles out its largess is raised by 25 nations, and, of course, the biggest contributor by far is Uncle Sam—up until 1974 providing almost 40 percent of the fund's billions.

The money is loaned to underdeveloped countries. But the issue here is not whether the funds are spent for humanitarian needs—some of it is, a lot of it isn't—but whether we can afford it. I maintain we can't.

Moreover, it is no secret that many recipient countries take the funds and lend them out again to other countries at prevailing interest rates. India, which consumes 35 percent of IDA's budget annually, was obviously placed in a better financial position to develop its nuclear bomb. IDA gave $20 million to Bangladesh only to have the money spent on telecommunications. Americans want to help the world's impoverished but they want their money to be spent effectively. Cost over four years: $1.5 billion.

National Institute of Education: The work of this agency was considered so worthless that the Senate Appropriations Committee last year voted to deny it further funds. The Institute, which is part of HEW, has spent millions on wasteful study projects such as "How Children Form Peer Groups," "Identifying Individual Learning Differences in Infants and Toddlers," and "The Goals Laymen Expect of Secondary Education." The committee found the studies "extrinsic to the real needs of our nation's education system." The House however, insisted in conference on funding the agency for another year. Cost: $70 million.

Council on Legal Educational Opportunity: This council provides scholarships to the needy to produce more lawyers at a time when the Labor Department says we have almost twice as many law school graduates as we need. Our rural areas need more doctors. There's a crying need for nurses. But our law schools are overflowing. A record number of law school graduates passed the bar in 1974—30,075—while only 16,500 legal jobs were available. Cost: $750,000.

The U.S. Botanic Garden's Congressional Florist Service: On any given day at the Capitol a man pushes a cart down one of the House or Senate office building corridors, delivering lush ferns, pots of ivy, or fresh cut flowers to each office. They are regularly supplied to Senators and Congressmen. As the plants die or wilt, the Botanic Garden gladly replaces them and the taxpayer picks up the bill. Cost: $64,000.

Federal Impact Aid to Education (B Category): Over the years this program has been grossly distorted and is no longer limited to providing additional aid to schools burdened by children of parents who live on tax-exempt federal property, as originally conceived. Instead, it funnels increasingly large amounts of federal aid to school districts irrespective of any actual burden imposed by a federal presence, benefiting some of America's wealthiest school systems.

Some 4,700 school districts have qualified for impact aid, with enrollments of 2.2 million children of federal employees. Of this total, only 367,000 were children whose parents lived and worked on federal installations and thus did not support school costs through their property taxes. But more than 1.8 million children fell within the program's "B category," children whose parents live in private homes and pay for their schools through local property taxes. A good example of the revenue that is wasted under this latter category is the $6.2 million in added aid that went to Montgomery County, one of the country's wealthiest counties, simply because its residents work on federal property in nearby Washington. It should be terminated. Cost: $354.6 million.

Government Travel Costs: The government is spending almost $2 billion a year on travel by federal employees. Although we hear a great deal about Congressional junkets, the executive branch accounts for nearly 99 percent of government travel. Much of it is wasteful.

The Department of Health, Education and Welfare will spend a total of $77.9 million this fiscal year on travel, $5 million more than the Transportation Department. The Social Security Administration has budgeted $21.6 million for trips, while the Agriculture Department weighs in with $112 million. The National Science Foundation will spend more than $1.9 million.

Federal agencies could do more communicating by phone and mail and less by jet. A simple 25-percent across-the-board reduction in government travel would save more than $481.6 million, not to mention a fortune in energy costs.

The Agriculture Department's Economic Research Service: In July 1974 the ERS issued a $113,417 study entitled "Mother's Attitudes Toward Cotton and Other Fibers in Children's Lightweight Clothing." The 113-page report concluded—brace yourself—that mothers prefer children's clothing that needs no ironing. ERS' Consumer Interest Program also has turned out other vital studies such as "Men's Attitudes Toward Cotton" and "Consumers' Preference for Fresh Tomatoes."

ERS is the Agriculture Department's re-

search and analysis arm and employs 502 economists in a staff of 1,000 persons. Some of its reports, particularly its 22 "situation-outlook" reports on farm products and its market forecasts, are important. But a review of its hundreds of other annual studies and reports reveals some of the government's most wasteful spending.

Many of the studies paid for by the taxpayers are prepared expressly, free of charge, for various commodity and trade associations. Thus wool growers are provided with a study on wool exports. The Potato Chip Institute gets a study on vegetable oils. Milk producers are handed a report on the dairy industry.

"If the Economic Research Service were disbanded tomorrow, what would happen to American agriculture?" I asked an ERS administrator. "Probably nothing," he conceded, adding that the nation's agricultural industries would move in to provide most of the data research and marketing analysis necessary to compete in the world's food and fiber markets. The agency's most vital work should be turned over to the Department's Statistical Reporting Service. Whatever is left should be dismantled. Cost: $21.7 million.

The Pentagon's "Top Brass" Dining Rooms: There are restaurants in Washington where you can lunch on an appetizer, broiled red snapper, three vegetables, salad, and baked Alaska, all for $1.75. Or would you prefer the "deluxe" luncheon with filet mignon or lobster for $2.50? How can they do it? Simple. The cost of running these restaurants is picked up by the taxpayers at about $1 million a year. But forget about trying to make reservations. The restaurants are actually five private dining rooms at the Pentagon in which some 400 admirals, generals, and top-ranking civilian Defense Department officials elegantly lunch each day. There are 18 other private "Top Brass Only" dining hideaways in Washington and elsewhere. The House Appropriations Committee called their costs "excessive" and said the subsidies to provide sirloins and rock lobster tail at cafeteria prices to our military leaders should be curbed. Complained one lowly Pentagon worker, "I thought food stamps were for the poor." Our generals and admirals either should pay the full cost of their fancy menus or eat with the lower-ranking military personnel in the regular mess facilities. Cost: $1.9 million.

Foreign Aid: There is an almost endless string of reasons why we should end America's foreign aid program as it presently exists. But of all the reasons I've either heard or read, none is more compelling than that the United States cannot afford to develop, feed, house, and arm the entire world. Foreign aid has become an annual spending binge to which the United States has become permanently addicted, shoveling millions into countries both large and small, rich and poor, friendly and unfriendly.

Perusing the list of countries to which we provide military aid is an exercise in outrage. Why must we give these nations, year after year, billions of dollars in weaponry? Our arms aid has become, as the Senate Foreign Relations Committee stated, "a near-addictive habit," fed in part by an overseas network of U.S. military missions established to promote and administer America's weaponry treasure.

The list of more than 100 countries to which we provide economic aid is equally depressing, not necessarily because of the individual sums but because of the wasteful way the US tries to spread its wealth across the face of the earth, touching the tiniest of islands and biggest nations as if we could buy away all the problems of the world. We can't.

No one really knows the total the US spends in foreign assistance each year, though the best figures place all expenditures at about $11 billion. We currently spend $3.6 billion annually on mainline aid programs, but billions more are scattered throughout the budget in other programs and agencies.

America's worldwide aid program should be scrapped. In its place should be a select list of countries receiving aid, but only those in dire need of military or economic help.

Smithsonian Institution's Scientific and Cultural Research Program: This is the agency that spent $6,000 on an "Anatomical and Ecological Study of the Indian Whistling Duck," $70,000 to study wild boars in Pakistan, $2,000 on lizards in Yugoslavia, and $11,540 to study a bisexual frog in Poland.

The funds are excess currencies received by the US in payment for surplus agricultural commodities and materials sold to other countries. The money is spent, with Congressional approval, by a number of federal agencies on research and study projects which virtually defy comprehension. In Yugoslavia, the Agriculture Department spent $36,078 on "an investigation of the effect of fermentation processes on the quality, taste, and aroma of Oriental tobacco, to obtain information for use in improving the quality of American cigarettes" (while the US Surgeon General warns Americans that cigarette smoking is dangerous to their health). In Poland, we spent $69,111 on a five-year study on "the long-term storage of acorns."

The Smithsonian Institution's research program, though, is by far the most wasteful. It has studied skulls in Egypt, the Red Sea Grouper off the coast of Israel, Pacific land snails, and the semen of the Ceylon elephant. One $85,000 study examined the impact of rural road construction in Poland. Cost: $2 million.

WHAT IS A CONTROVERSIAL ISSUE OF PUBLIC IMPORTANCE?

Mr. PROXMIRE. Mr. President, who should judge what is a controversial issue on radio or television and who should not? The Federal Communications Act says that the Federal Communications Commission should be the judge. I have questioned that decision and will continue to question it. Good examples of why I ask my questions can be found in today's newspapers.

Friday night CBS televised a documentary on hunting, "The Guns of Autumn." I have not seen it. But television critics have. Friday morning both the Washington Post and the New York Times carried markedly differing reviews of the program. The headlines show the difference in opinions of the two critics:

"Ready, Aim, and Misfire" the Post headline read.

"TV: 'Guns of Autumn' Draws a Bead on Hunting" says the Times.

Mr. President, I ask unanimous consent that both reviews 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, Sept. 5, 1975]

READY, AIM, AND MISFIRE

(By Henry Mitchell)

Sweet sleep, which tidies up so many loose ends of human life, will take care of normal viewers who rashly tune in to see "The Guns of Autumn" at 9:30 tonight on Channel 9.

In case anyone imagines "The Guns of Autumn" is the memoirs of Bob Haldeman, or some other ambitious project, it should be said this 90-minute exercise in mass anesthesia has as its alleged topic the hunting of game animals in our nation:

"This is purely and simply a broadcast about hunting," says Bill Leonard, a CBS president. "It is about how deeply the urge to hunt reaches into the American psyche—about the incredible efforts men and women make to fulfill that urge to chase, to hunt and to kill."

It is no such thing.

To the question of why men hunt, or even what hunting consists of, there are no answers at all. The "incredible efforts" people make to hunt appear in this documentary to consist chiefly of shooting tame bears at garbage dumps, or shooting a recently uncaged boar (for $400, satisfaction with the quarry guaranteed in advance) at a game farm where animals are bred for the purpose of being shot by any hunter with the price.

The show is neither antihunting nor prohunting, and as far as that goes, it is not really about anything. In this, it resembles certain other interminable public-service documentaries that sound dandy in a preliminary conference, but which prove vapid beyond any conceivable endurance by the time they get to the screen.

Admittedly, one may "learn" that a great many squirrels are shot by hunters, though nobody can vouch for any figures, of course. And one may be sure, in a dim way, that there is doubtless something about hunting that attracts people, though the inarticulate garble of the show cannot say what that may be.

If the viewer has ever hunted, or ever known anybody who did, or ever thought about it one way or another, he probably already is far ahead of this documentary and already knows, darkly, that there are differences between hunting and slaughtering (though the animal dies in each case) and that there are both connections and differences between hunting and blood lust, sex, hunger, the will to dominate and so forth.

These matters, since they touch on reality and touch on those deep forces that result in hunting behavior, are naturally not touched on in documentaries of a prim and sentimental sort.

The show does not consider the argument that life is sacred, and that not even a gnat should be killed. A quite interesting show could be made, from that premise, even though one did not agree with the premise itself.

Equally, a fascinating show could be made on the premise that man is a hunting animal by nature, and denies his hunting heritage only at the cost of damage to himself.

One would not have to agree with that premise, either, to find such a show enlightening or stimulating.

A sentimental and fairly revolting aspect of the show is a scene of the death of a white fallow deer. The identical film footage, in a documentary of a more sensitive and intelligent handling, might have some meaning. Here it has none, beyond the sentimental wallowing in thoughts and scenes of death.

Far more arresting, however, is the question of why CBS should have gone to such lengths to avoid touching its subject, to avoid reflection on its subject.

We have always known there are people who would shoot a tame bear who has long been encouraged to feed at a garbage dump, and we have always known that any animal fatally shot is likely to twitch or bleed or both, and we have always known that if you walk up to a man and ask him point-blank what makes him tick, he is probably not going to give much of an answer.

The whole point of a documentary, I should think, is to take us a bit farther than the totally obvious, and to lead us to consider what may lie beneath a surface. This is especially necessary when the surface it-

self is trite and obvious (you shoot a bear and it dies, that is obvious, but why the bear is shot may be worth exploring).

The failure of a documentary is nothing. The failure of brains, of art, of perception—that is more serious.

[From the New York Times, Sept. 5, 1975]

TV: "GUNS OF AUTUMN" DRAWS A BEAD ON HUNTING

(By John J. O'Connor)

Commenting on "The Guns of Autumn," Bill Leonard, CBS News vice president, said, "this is purely and simply a broadcast about hunting. . . . It is not for the faint-hearted, but neither is hunting." Irv Drasnin, the writer, producer and director, noted: "Millions of people regard hunting as recreation. . . . Yet most people don't realize what is really taking place, or why, or even what the rules are. We've tried to find out."

CBS News does find out, and the 90-minute documentary, which will be shown tonight at 9:30, carries the advisory that "this program contains scenes of the death of animals that may be disturbing to some viewers." Unsparingly graphic, "The Guns of Autumn" has already triggered objections from hunting interests that haven't even seen the program and, if an unusual but not unprecedented move, CBS News will deal with reactions to the documentary on "Echoes of the Guns of Autumn," to be broadcast Sept. 28.

The narration, read by Dan Rather, is kept to a lean minimum of setting scenes and providing statistics and facts. More than 20 million Americans are hunters. About 700,000 use bows and arrows. There are more hunters in Pennsylvania than anywhere else in America. And, of course, hunting—laden dress—is big business.

For the most part, the documentary attempts to pursue its subject through the comments of hunters themselves. Cameras and tape recorders follow the runs bears use in Michigan, waterfowl in a Pennsylvania game management area, buffalo in an Arizona reservation and, in the most bizarre and repulsive scenes of all, a variety of animals in a shooting preserve outside Detroit.

In many instances, the kills are recorded in horrifying close-ups. Several of the animals are then skinned and cut up for purposes of convenience in transportation or trophy preparation. The result is extremely powerful television, making use of the medium in ways impossible to duplicate in any other medium. The combined impact of script, pictures and sounds is extraordinary.

But to say that "this is purely and simply a broadcast about hunting" borders, however unintentionally, on ingenuousness. In fact, although the documentary may have been conceived on the most objective of premises, "The Guns of Autumn" is extremely antihunting, or at least against certain aspects of the activity as it is practiced today.

Hunters are indeed given an opportunity to explain why they participate in the sport, but perhaps inevitably, their reasons are vague and generally vulnerable. The pictures of all those dead animals are far more convincing for the other side. As one hunting spokesman recently complained to Mr. Drasnin, "Simply being 'objective' will kill us."

The questions raised by "The Guns of Autumn" are incredibly complex. Born and reared in the city, I have never hunted, and probably never will. Yet the documentary's gory close-ups reminded me of the first time, on a visit to the "country," I saw a chicken being killed for dinner. I couldn't look at chicken again for months. If a TV documentary graphically recorded the operations of a Chicago slaughterhouse, would we become a nation of vegetarians? I doubt it. I eventually did get back to eating, and enjoying, chicken.

The documentary does refer to the role of the hunt, and its concomitant rituals, in the history of man. Man, in most societies, no longer has to hunt, but perhaps the bloody residue of the past cannot be washed from his psyche. Perhaps it shouldn't, serving instead as some sort of release valve. Certainly, the hunters included in this documentary appear to be, in every other respect, normal upstanding citizens.

On the other side, though, the documentary scores several impressive points, particularly in stressing how, with technology, the rules of the game and the odds of the contest have been radically changed—invariably in favor of the hunter. The final scenes on the shooting preserve, which stocks animals for personal "selection" by the so-called hunter, are especially shocking. In an incredibly botched kill, a white fallow deer has to be shot, at close range, at least seven times before the customer gets to have his picture taken with his trophy. Left to the ways of nature, the program stresses, the best of the animals would survive. Confronted with the hunter, the best are destroyed.

Striking out in a new direction, allowing Mr. Drasnin an unusual degree of "point of view," "The Guns of Autumn" is exceptional television journalism. The production, with Greg Cooke and William Wagner as cameramen, James Camery and Richard Wiggins as soundmen and Maurice Murad as editor, is technically superb. The result will undoubtedly generate impassioned argument, but that is what TV can be all about.

Mr. PROXMIRE. Mr. President, my objective in raising this topic is not to argue the merits or demerits of hunting. I am not a hunter, but I believe it is a good pastime and can serve good ecological purposes. But because I represent Wisconsin, a great outdoors State, I know that hunting is a controversial subject. CBS must know that, too, for as John J. O'Connor points out in the Times review that the network already has scheduled time for reaction to tonight's show.

It is a good bet that "Echoes of the Guns of Autumn" on September 28 has been scheduled to fulfill the requirements of the FCC's fairness doctrine. That, of course, is the governmental control over their programing that requires broadcasters to air coverage of public issues and then to afford time for discussion of conflicting views on those topics of public importance.

I have introduced S. 2 that would, among other specifics, repeal the statutory authority for the fairness doctrine. The bill would, in fact, get the Government completely out of the business of controlling the content of broadcasting, because that violates the first amendment's ban on abridgment of the right of a free press. Yet, I am not opposed to fairness.

Anyone who reads the reviews of "Guns" in the Post and in the Times can see an obvious disagreement in opinion about that documentary.

Henry Mitchell writes in the Post:

The show is neither antihunting nor prohunting, and, as far as that goes, it is not really about anything.

John J. O'Connor writes in the Times:

Although the documentary may have been conceived on the most objective of premises, "The Guns of Autumn" is extremely antihunting, or at least against certain aspects of the activity as it is practiced today.

Who is correct?

Because viewers across the country, after having seen the documentary, will hold both those views and many, many more, it is conceivable that circumstances might arise that could force an answer to that question. And the FCC could decide who is right.

Now I admit that because CBS has scheduled a second program to deal with reactions, the chances of a successful fairness complaint being filed are diminished. Still, that remains a possibility.

But is it right for a governmental agency to decide such matters? With the existence of the first amendment's guarantee of a free press, should the Government be involved in making judgments of that kind?

No. That is my answer. No.

Just a brief bit of recent history. NBC got in trouble with the fairness doctrine over a documentary dealing with private pension plans. When challenged, NBC claimed that it had no legal requirement to schedule more programing on that subject, because pensions were not a controversial issue of public importance. The matter got to court. NBC won; the FCC lost. The decision was appealed. But before another decision could be made, the FCC asked that the matter be dropped, because the issue was moot, moot because the Congress had passed and the President had signed legislation correcting the very abuses cited in the documentary. Now the complainant is trying to get the Supreme Court to decide.

Another bit of recent history. Mr. O'Connor of the Times reported that another documentary from NBC about gun control was rewritten into a bland form before it was even broadcast, because of complaints received when news of the intent to do such a show got out. The rewriting was done, one can surmise, because of the existence of the fairness doctrine.

That is not robust journalism.

We need solid investigative reporting on radio and television. We need fair broadcast journalism. We need it to inform us as citizens. We need it to protect us as citizens against a government that might wish to hide necessary information from us.

But as long as we have a government that can influence, directly or indirectly, the content of broadcast journalism we have a violation of the first amendment.

We need diversity of opinion in our journalism. We need fairness. There is but one group to decide whether those and other attributes of good journalism exist. That group is we, we the people of this country. We—that is, our forebears—decided that with the ratification of the Constitution and the Bill of Rights. We decided to withhold certain powers from our Government, and the right to dictate to the press was one of the rights we withheld.

One reason for that decision is that we are capable of holding differing opinions, many different opinions.

Today's reviews in the Post and Times demonstrate that clearly. Who was right, Mr. Mitchell or Mr. O'Connor?

I do not know.

A governmental agency certainly does not know and is incapable of deciding.

The people who watch it will know—each in his own way. And if it becomes necessary to make a decision, that decision will be made in the voting booth. If people do not like the decisions made by their elected representatives on controversial issues of public importance, such as hunting, they can vote them out of office.

That is the way the system should work. And it can work only if the people get all kinds of facts and opinions on all sorts of issues from printed publications and radio and television programs—the press—free from governmental interference.

WHAT FUTURE FOR THE PANAMA CANAL

Mr. McGEE. Mr. President, last week U.S. Ambassador Ellsworth Bunker returned to the negotiating table in Panama. This is a very significant development because, as the press has reported, it is solid evidence that the impasse over the U.S. negotiating position has been broken, thanks to the political courage shown by President Ford.

The President is to be commended for his determination to get on with the canal negotiations. Much of the credit due him on this issue stems from the fact that there are so many misconceptions about the Panama Canal and our relationship to it that any political leader who advocates a new treaty relationship with Panama is, in the eyes of many Americans, automatically guilty of "treason, bribery, or other high crimes and misdemeanors." Endorsing a new treaty relationship with Panama is akin to a public statement denouncing motherhood, apple pie, and "when Johnny comes marching home again"—all rolled into one.

Mr. President, no one has done more to dispell this kind of thinking about the Panama Canal issue than Sol Linowitz, our former Ambassador to the Organization of American States and Chairman of the U.S. Latin American Commission. Ambassador Linowitz has done yeoman's service in helping Americans to overcome the "Panama Canal syndrome," and erase the many misconceptions about the canal and our real interests in it.

In this regard, I want to draw my colleagues' attention to an article by Ambassador Linowitz, which appeared in Friday's—September 5—Washington Post. This article entitled, "What Future for the Panama Canal?" is addressed specifically to Congress because of the recent efforts on Capitol Hill to impede the treaty negotiations, if not postpone them indefinitely.

Mr. President, the Linowitz article goes directly to the gut issues:

SOVEREIGNTY OVER THE CANAL

The simple answer is that the United States never had sovereignty. The 1903 treaty specifically gave the United States authority which it would have "if it were sovereign." Obviously, these words would not have been necessary if the United States were, in fact, sovereign.

NATIONAL SECURITY

"The fact of the matter is that the greatest danger to the security of the United States would be the continuance of the present status of the canal."

POLITICAL INSTABILITY AND VIOLENCE

"If any course is designed to expose the canal to political instability and violence, it would be an anachronistic effort to maintain in effect a treaty negotiated in 1903 which is no longer respected, which is looked upon by Panamanians of all political persuasions as an affront to Panama's national dignity and as a colonial enclave, and which is viewed throughout Latin America as the last vestige of 'big stick' diplomacy."

U.S. COMMERCIAL INTERESTS

"Admittedly, the canal is important to us commercially, but obviously its economic significance has diminished considerably as world commerce patterns and technologies of shipping have changed."

These observations are as timely as they are accurate. They deserve the most careful consideration by each Member of this forum.

I ask unanimous consent that the Linowitz article be printed in the RECORD.

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

WHAT FUTURE FOR THE PANAMA CANAL?

(By Sol M. Linowitz)

OAS Secretary General Orfila recently called the Panama Canal "the most explosive issue in Latin America." A lot of other concerned Latin American and U.S. leaders have for some time been warning us about the canal issue and what it may mean to the whole future of the hemisphere.

But most Americans have not been listening—especially Congress.

As though to prove how hard it has not been listening, just before the August recess the House of Representatives passed 246–164 the Snyder Amendment to the State Department appropriation bill, which would have kept the State Department from even negotiating about a new Panama Canal treaty. Only vigorous efforts in the Senate kept that body from adopting the Byrd Amendment to the same effect.

These developments came some weeks after 38 senators and 126 representatives co-sponsored a resolution that sharply opposed the basic objectives of a new treaty.

Obviously there must be some reason otherwise thoughtful members of Congress are lining up as they are with respect to such a potentially dangerous issue. The answer is clear enough: Neither the administration nor those members of the Congress supporting a new treaty have directly responded to the arguments and concerns of those who are opposing the treaty. Rather, they have been content to let the opposition build in the apparent expectation that once a treaty is negotiated they will be able to make their case effectively.

But time is running out and opposition is building. Meanwhile, Ambassador Ellsworth Bunker and Panamanian Foreign Minister Juan Tack make progress toward a new treaty which may face rejection in the Senate. If that happens, we may find that the Panama Canal has become a tinderbox.

It is long past time to take a hard look at the arguments being advanced against the new treaty and to deal with them forthrightly. Good questions are being asked and they deserve responsive answers.

Will the new treaty mean a surrender of United States sovereignty over the Canal?

The simple answer is that the United States never had sovereignty. The 1903 treaty specifically gave the United States authority which it would have "if it were sovereign." Obviously, these words would not have been necessary if the United States were, in fact, sovereign. A new treaty which recognizes that fact and goes on from there to work out a mutually agreeable arrangement for control of the territory can hardly be called a surrender of United States sovereignty.

Will a new Panama Canal treaty prejudice our national security?

The fact of the matter is that the greatest danger to the security of the United States would be the continuance of the present status of the canal. If there is not a new treaty, we will be running the grave risk that the canal—which is, of course, exceedingly vulnerable under any circumstances—may be damaged or destroyed by irate Panamanians. By the same token we may find ourselves in the position of having to defend the canal by force against a hostile population and in the face of widespread, if not universal, condemnation. Since the new treaty will specifically include provisions for a continued U.S. defense role with respect to the canal, it is hard to see how a new treaty could be adverse to our national security.

Will a new treaty weaken the United States position by exposing the canal to political instability and violence?

If any course is designed to expose the canal to political instability and violence, it would be an anachronistic effort to maintain in effect a treaty negotiated in 1903 which is no longer respected, which is looked upon by Panamanians of all political persuasions as an affront to Panama's political dignity and as a colonial enclave, and which is viewed throughout Latin America as the last vestige of "big stick" diplomacy. Under the new treaty the United States would be able to protect its position while allowing Panama a greater responsibility in the canal's operation.

Will a new treaty adversely affect U.S. commercial interests?

Admittedly, the canal is important to us commercially, but obviously its economic significance has diminished considerably as world commerce patterns and technologies of shipping have changed. Today large vessels cannot use the canal and a major expansion of the present capacity may be necessary—possibly a sea level canal. If the situation remains as it is, it is hardly likely that Panama would accede to the modernization required. In order to accomplish that, there must be assurance of Panamanian cooperation precisely as called for in the proposed treaty.

In the light of these facts, it certainly requires no extended argument to recognize that efforts on our part to adhere to the 1903 treaty would be both damaging to our national interests and in derogation of our hemispheric objectives. By the same token the new treaty would demonstrably offer the prospect of increased security for the canal and the furtherance of our common goals for the Americas.

ZERO TO $5 MILLION IN JUST 9 YEARS

Mr. NUNN. Mr. President, earlier this year, I was privileged to participate in a ceremony honoring the Georgia Small Businessman of the Year for 1975. This young man, Joe Kelly McCutchen, Jr., of Dalton is an ardent believer in the free enterprise system.

In a recent issue of Georgia Progress magazine there appeared an article describing how Joe Kelly has put his beliefs into practice, enabling his small family firm to grow to international status with annual sales of over $5 million.

I commend this article to the attention of my colleagues and I ask unanimous consent that it be printed in the RECORD.

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

ZERO TO $5 MILLION IN JUST 9 YEARS

Georgia's 1975 Small Businessman of the Year is a young, energetic individual who attributes much of his stunning success as a textile manufacturer to a deep sense of belief in the workings of the American System of Free Enterprise.

As a matter of fact, the subject of the Free Enterprise System is so special to Joseph Kelly McCutchen, Jr., that the 35 year old President of Universal Carpets in Ellijay has volunteered to find some spare time in his crowded daily schedule next fall to serve as a speaker in a Georgia Chamber of Commerce project to take the American Free Enterprise story to various college campuses over the State.

"I feel there is an urgent need to convince the young people of America that the Free Enterprise System is the reason they enjoy the high standard of living today. With the anti-business climate so prevalent in the United States today, it is vitally important that we tell our youth the great things that business has done," says the former Georgia Tech Student Body President, who, after only 13 years away from the college classroom, still vividly remembers his first encounters with the world of business.

Just prior to Joe Kelly Jr.'s graduation from Tech in 1962, the family business J & C Carpets—which had been founded by his textile pioneer grandparents and had grown from spreads to rugs to carpets—had suffered the ravages of a devastating fire and his parents had strongly considered closing the plant and liquidating the property. But, armed with his newly acquired Industrial Management Degree and an unusually large dose of ambition, enthusiasm and conviction, Joe was able to convince his parents of the company's vitality.

It was at this crucial point, many observers now believe, that the groundwork was laid for the later expansion that was to eventually become Universal Carpets of today—a 190,000 square foot plant with 25 lines of carpet which are sold in all 50 states and several foreign countries with annual sales volume being about five million dollars.

The actual beginning of the Universal carpet lines goes back to 1966 when Joe Kelly, as his employees call him, pioneered in the manufacture of 5/64 gauge cut pile carpet—the most dense tufted carpet pile on the market. Two years later, in 1968, Universal Carpets again made history—this time with the production of velvet textured carpet that was tufted on 10th gauge cut pile machines. The advantages of this new carpet were its velvet look and its resistance to matting because of tightly packed face yarns. Universal was also the first carpet mill to install its own vinyl oven for applying vinyl backing to broadloom carpet.

Since Joe Jr. took the reins, the company has instituted a policy which greatly broadened the base of its business from selling most of the output to one customer to selling to many customers, no one of which takes five percent of the total output. The young, third generation textile giant also became the author of a highly successful and profitable employee profit sharing plan which grows about 20 percent each year and had, at last count, reached a level of $200,000.

Although the company's policies have been marked by its young president's zeal for fresh ideas and new approaches, the wheels of change have been tempered with an almost reverent respect for tradition and the value of the mature and experienced mind. Less than 20 percent of the 80 employees at work at Universal and its subsidiary—J & C Carpets have been there less than five years and 28 employees have been with the company for more than 20 years. The present plant superintendent started with the company's predecessor operation in 1938 as a bedspread inspector—a new sales trainee who joined the company in 1970 is now national sales manager and a female employee who was sewing bedspreads in 1940 is now running credit checks, invoicing orders and writing payroll checks.

These are just a few examples of the way Universal treats its employees—and one of the many outstanding attributes which lead to the selection of its President—Joseph Kelly McCutchen, Jr., as Georgia's 1975 Small Businessman of the Year.

NOMINATION OF SECRETARY OF THE INTERIOR

Mr. BIDEN. Mr. President, for the second time in recent months, the Senate will consider the President's nominee to be Secretary of the Department of the Interior. I do not believe any of my colleagues need to be convinced of the importance of this position.

Natural resources policy in this Nation has reached a critical turning point. We are all painfully aware that our resource base is finite. As shortages of energy supplies and other minerals and materials threaten our economic and social well-being, we are also faced with destruction and degradation of air and water quality and the loss of valuable wildlife, esthetic and recreational resources.

Decisions to develop natural resources may not always conflict with environmental quality goals, but in a growing number of instances, they will.

The natural resource decisionmaking process should be an open one with active participation by all affected and interested parties. Only through such a process can difficult tradeoffs be made and the delicate balance among environmental, social welfare, and economic goals be achieved.

Even with effective public participation, however, it is the Secretary of the Interior who will have the final say.

It is vital, therefore, that this person be responsive to the needs and desires of persons and groups representing a broad base of interests.

My position has always been that every appointee to public office should receive thorough and thoughtful consideration by all Members of the Senate. I have stated before that we in Congress have often abdicated our responsibility to "advise and consent" to Presidential appointments.

I have attempted to ask the hard questions that must be asked to determine whether a person is truly qualified to hold the position to which he or she is appointed, and I will continue in this regard no matter what nomination is before us.

The position of Secretary of the Department of the Interior has taken on particular importance for those of us who represent Atlantic Coastal States. Decisions are now being made about where and when to issue leases on the Atlantic Outer Continental Shelf for the exploration and development of oil and gas resources. The choices made will dramatically affect the character of the entire east coast. The wrong choices could lead to environmental degradation and economic disruption for many coastal communities.

The person with direct responsibility for these decisions is the Secretary of the Department of the Interior.

State and local government efforts to participate in the decisionmaking process regarding OCS leasing have been frustrating in many respects. The absence of a Secretary of the Interior and the consequent lack of firm policy directives have contributed substantially to these frustrations.

Mr. President, it is not my intent to delay approval of a nominee to fill the post of Secretary of the Interior, nor to take a position with respect to anyone who is considered a potential nominee. I believe, in fact, that the sooner we have a Secretary of the Department of the Interior, the better we will be able to develop, implement, and oversee policies for the management of our natural resources.

But we must not be a "rubber stamp." Therefore, I want to go on record and establish my intention to scrutinize this nomination with utmost care in order to determine that the new Secretary of the Interior is a qualified person who will fulfill the duties of that position competently and make a sincere effort to assure that the best interests of all the people are considered and well served.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the continued failure of the Senate to ratify the Genocide Convention threatens to jeopardize U.S. influence in two important ways.

First and foremost, it undermines our country's leadership in the human rights area.

As the New York Times stated after the treaty failed a cloture vote in 1974:

> This American delinquency is a national disgrace. It impedes the development of international law to which the United States has long been committed, and raises disturbing questions at home and abroad about American devotion to human justice.

Second, as former United Nations Ambassador Charles Yost has pointed out in hearings before the Senate Foreign Relations Committee, the Senate's foot-dragging on this issue has proven to be an acute embarrassment to our Nation's representatives. Time and again, he found it extremely difficult to explain our lengthy delay to puzzled allies and, as he noted, it continually delighted those that wish us ill. When pressed by United States representatives on any human rights issue, the ultimate recourse was to point out America's failure to act in this area, leaving our representatives virtually speechless.

Mr. President, over 80 nations, including most of our major NATO and SEATO allies, have ratified this treaty. The petty arguments raised in opposition have not withstood the test of time, as last year's

Senate Foreign Relations Committee report noted.

Now is the time for action. I urge my colleagues to join me in seeking prompt action in the next few months.

MEMORIAL RESOLUTION FOR CLIFFORD DURR

Mr. SPARKMAN. Mr. President, at its recent convention in Mobile, the young lawyer's section of the Alabama State bar unanimously adopted a resolution memorializing the late Clifford J. Durr, of Montgomery and Wetumpka, for his contributions to Alabama and the Nation. Mr. President, I ask unanimous consent that the tribute be printed in the RECORD.

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

MEMORIAL RESOLUTION FOR CLIFFORD DURR

Whereas, Clifford Judkins Durr, a resident of Alabama and member of the Alabama State Bar, died May 12, 1975, and

Whereas, Clifford Durr brought great honor to the United States, to the State of Alabama, to his family, and to himself by his long and distinguished career in Washington, D.C. from 1933 to 1952, first as assistant general counsel of the Reconstruction Finance Corporation, during which time he helped to recapitalize banks that had failed during the Depression; secondly, as general counsel and Director of the Defense Plant Corporation, an agency charged with putting American industry on a wartime footing, and finally, as a Commissioner of the Federal Communications Commission where, among many other notable accomplishments, he fought to establish the principle of reserving broadcasting frequencies for noncommercial educational use, and

Whereas, Clifford Durr gave up the opportunity for a lucrative private law practice in Washington, D.C. to return to his native Montgomery in 1952 and for many years thereafter until his retirement participated in the representation of many poor, unpopular, and controversial clients, who were often unable to obtain representation elsewhere, and

Whereas, Clifford Durr's aforesaid legal career in the 1950's and early 1960's consistently involved great financial sacrifice and occasionally involved risk to his own personal safety and to that of his family, and

Whereas, Clifford Durr's legal career often exemplified an unshakeable faith in the United States' Constitution and its guarantees of freedom of thought, expression and association, and

Whereas, Clifford Durr was widely respected, admired, and loved by many for his decency, integrity, courage, and moral leadership, and

Whereas, Clifford Durr has been an example and inspiration to a whole new generation of Southerners and to the members of the Young Lawyer's Section of the Alabama State Bar, now, therefore, be it

Resolved That the Young Lawyer's Section of the Alabama State Bar expresses its deepest sympathy to the widow, Mrs. Virginia Durr, and to the family of Clifford Durr, and be it further

Resolved, That the Young Lawyer's Section expresses its appreciation for the many contributions Clifford Durr made to the people of Alabama and to the legal profession in Alabama, and be it further

Resolved That a copy of this Resolution be forwarded to the Board of Commissioners of the Alabama State Bar Association and be spread upon the minutes of the Alabama State Bar Association.

"KILLER BEES" LARGELY A MYTH

Mr. McGEE. Mr. President, in recent months, the media have carried several stories to the effect that large swarms of killer bees are gathering in South America and allegedly working their way inexorably up the continental mass to this country, where the destruction and terror can only be imagined. Mr. President, that threat can only be imagined, because it is only imaginary.

Dr. Bill Wilson is an expert on bees. He is conducting research on bees at the University of Wyoming at Laramie, Wyo. He is there with the U.S. Department of Agriculture's Agricultural Research Service and is held in great esteem in Wyoming.

Indeed, Bill Wilson's reputation as a bee expert is international in scope. Recently, he was invited to Europe to view and discuss bee research with the leading experts there. We are very proud to have him work in our State.

And, Mr. President, we tend to listen to him when he says something about bees. These bees, according to Dr. Wilson, are from Africa originally and are a little more aggressive than some other types of bee. However, this trait produces some increased pollination activity, which is the main function of the bee, and thus benefits mankind through increased agriculture.

Additionally, this aggressiveness can be breeded out, if that is desired, through the introduction of another, more gentle queen bee in that colony. And tools exist to deal with these bees, if that extreme remedy should ever be needed.

Mr. President, the point is that these bees are not going to attack people in the United States, or carry men off from their fields. In fact, the rather hysterical reporting that this issue has generated rather reminds me of the tales we hear in the West of eagles carrying off sheep or small babies. None of those stories have any factual basis.

So it is, Mr. President, with these stories of "killer bees" from South America.

Mr. President, I ask unanimous consent that several selections from the American Bee Journal be printed in the RECORD.

I extend my appreciation to Dr. Wilson for bringing this to my attention. Perhaps this may tone some of the extreme voices down to a more rational approach to the situation.

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

EARLY INTRODUCTIONS OF AFRICAN BEES INTO EUROPE AND THE NEW WORLD

(By Roger A. Morse, D. Michael Burgett, John T. Ambrose, William E. Conner, and Richard D. Fell)

The early development of the modern beekeeping industry was rapid, almost violent. Langstroth's discovery of bee space which started the movement in 1851 was followed by the invention of comb foundation in 1857, the extractor in 1865 and the smoker in 1875. During the same period the agricultural revolution in the United States led to larger areas of crops such as buckwheat which enabled beekeepers there to produce greater crops of honey. By the 1880s beekeeping operations with several thousand colonies were not uncommon.

A search for the best race of honey bees for honey production was also underway during these years. In North America the industry was founded on the use of German or black bees, but these were soon replaced. Italian bees became popular, because they were good honey makers as well as somewhat resistant to European foul brood, and also relatively gentle to handle.

In the attempt to find the best race, bees were shipped from many parts of the world to Europe and to the Americas. The U.S. Government financed the importation of queens as early as 1860 (Pellett, 1938); the excursions of Benton in the late 1800s and early 1900s, both privately and under government sponsorship, were attempts to bring to the United States from Asia the giant bee *Apis dorsata* (Morse, 1970). A number of persons shipped queen honeybees from many parts of Africa to those areas where the industry was developing.

Dr. F. G. Smith, who lived and worked with bees in Africa for several years, wrote in 1961 about the races of honeybees on that continent. He stated that five distinct races are present: *Apis mellifera fasciata* (Egyptian) in north-east Africa; *A.m. intermissa* (Punic or Tunisian) in north-west Africa; *A.m. capensis,* the Cape bee, found only on the tip of the continent in South Africa; *A.m. unicolor,* the bee of Madagascar and other islands in the Indian Ocean; *A.m. adansonii,* the bee of central Africa. This last is the most widespread of the African races and is separated from the bees of northern Africa by the Sahara desert. According to Smith it shows great variation in color, temperament and other characters.

To trace man's earlier efforts to move honeybees from one area to another, we searched the indexes of some of the older bee journals. These included *Gleanings in Bee Culture, American Bee Journal,* and the *British Bee Journal.* We also checked the early issues of *Bee World,* and found two references from a French journal. Our search was not exhaustive; we checked a few textbooks, and some of the defunct American journals, but none of the other foreign journals available to us. From this effort we have concluded that queens from many parts of Africa have been shipped to Europe, and to a lesser extent to North America. Determining the success of these ventures is not so simple as recording the introductions themselves.

The movement of bees out of North Africa (Egyptians and Punics) is well known; it was mentioned for instance by Mackensen in 1943. O. W. Park wrote in 1946 that "various African and Asiatic races, including both Punics and Syrians, were introduced into the United States with more or less success many years ago, and without doubt they mixed with the common bees of this country."

Baldensperger (1921) made several trips to Israel and both east and west North Africa; he reported keeping North African bees near his home in Nice, France. Rotter (1931) says Baldensperger also kept *Apis mellifera unicolor adansonii* in France; in Rotter's paper this is the bee of central Africa, but we could not confirm this fact in Baldensperger's writings. In 1924 Baldensperger stated that the Algerian (i.e. Tunisian or Punic) bees have their origins in central Africa, probably the area around Mount Kilimanjaro. It was reported by the Editor of *American Bee Journal* in 1919 that one English beekeeper kept an apiary of Punic bees in England for a number of years. In the September 1914 issue of *American Bee Journal,* Tunisian queens were offered for sale at $1.00 apiece, safe delivery from Tunisia being guaranteed; this is not an isolated example.

The attitude of beekeepers towards the intercontinental shipment of honeybees during the late 1800s is typified by an 1886 editorial in *British Bee Journal*, which also throws interesting sidelights on the beekeeping philosophy of the times.

"The Various Races of Bees.—After some years of experience with all the races, pure and crossed, we prefer the hybrids from the Cyprian and Italian cross, and those from the Syrian and Carniolan cross. Both these hybrids are splendid workers, very prolific, winter well, and are most gentle, and easily handled, keeping well to their combs when under inspection, and showing but little excitement. The Syro-Carniolans are the largest, and, of course, the darkest bees. With numerous colonies of black bees surrounding our apiary within a radius of three miles, our forty hives of the yellow races and their crosses hold their own; and it is a difficult matter to 'spot' a purely black bee amongst the whole. The purchasers of our sections, too, will, we think, testify to their quality and appearance being equal to any produced by the black race.

"We consider that Mr. Benton has conferred the greatest boon possible on beekeepers in general by his introduction of the Eastern and Carniolan races into this country and America, and deeply do we regret his serious illness. To one who has sacrificed health—and it may be even life itself—for the benefit of our fraternity, we consider a deep debt of gratitude to be due, and should be rejoiced to see a subscription list opened on his behalf. What better opportunity could be offered than the present during the visit of our Colonial friends to the old country?

"We have been greatly interested by the attempt of Dr. Stroud to introduce the South African bee to English apiaries, and also by that of Mr. F. C. Andrew to give us his 'Minorca Bee.' Surely in these days of advanced apiculture and apiarist experts there ought to be no difficulty in introducing a foreign queen to an English colony! One almost blushes to hear of failures where *queen introduction* ought to be, and certainly may be, rendered a matter of certainty.

"Are our certificated experts practised in the different methods of queen introduction, and put through the various manipulations necessary thereto, before their certificates are granted? If not, why not? *Floreat Apicultura.* Why has not our Association a motto? and why has not the *British Journal* one also?"

In a discussion on races of bees, Dadant (1892) mentioned attempts by Benton to import various races into the United States. Due to the initial expenditure of both money and time, Dadant wrote: "It behooves our government to take such matters in hand for the public good." Pratt, writing in North America in 1891, discusses the virtues of the Punic bees; the general tone of his article echoes that of Dadant and of the *British Bee Journal* editorial.

J. W. Stroud, a physician living in South Africa (Port Elizabeth), was a strong proponent of African bees. In 1885 he offered to exchange queens with beekeepers abroad; he said that in his area there are two distinct varieties, one black and one yellow. Stroud expounded on the African race again (1886*a*), stating that he was leaving "no stone unturned to facilitate its exportation and ensure its safe introduction" into apiaries in Europe and America. In *Gleanings in Bee Culture* (1886*b*), Stroud offered to sell queens to A. I. Root and reported that queens were then being offered for sale through the *British Bee Journal* in England. He again stated that the Africans were superior bees. Geo. Walker reported the successful introduction of a nucleus colony from Dr. Stroud into England, in the spring of 1886.

Regd. Tyrrell wrote about beekeeping in East Griqualand (west of Durban, South Africa) in 1889. Tyrell says the African bees are "not the sweetest-tempered of bees . . . ," but " . . . with good management repay their owner." He also states, "I sent some home once . . . " Edmonds, writing from Durban in 1889, offered to send an African queen to anyone who would send him a queen presumably from England or elsewhere.

Mathis, writing in *Gazette Apicole* in 1949, records the successful introduction of *A.m. adansonii* into France from French Guinea "for the first time" in that year. His article prompted a retort by Couallier in the same journal, 88 pages later, that a swarm from equatorial Africa (Guinea) had been successfully introduced into France in 1923; according to Couallier the colony died the first winter, but drones were produced prior to its demise.

In 1961 Stephen Taber, III, of the U.S. Department of Agriculture Bee Laboratory in Louisiana, studied techniques for the transport and storage of semen. He received shipments of honeybee semen from many parts of the world, which was used to inseminate queens in the U.S.A. Five of the samples came from Brazil; only three of the queens inseminated with semen from Brazil produced offspring, but in conversation, Taber has informed us that one of these fertile queens was inseminated with sperm from descendants of the African bees introduced to Brazil.

The honey bees indigenous to Africa, including North Africa, are generally regarded as being more aggressive than European races especially the Italian bee. This is attested by Smith (1960), Gough (1919), Abushady (1919), and many others.

In reviewing the literature, three facts are apparent: (1) in many places other than Africa there have been, and there are, "vicious" bees; (2) some people prefer aggressive bees; (3) colonies with aggressive bees can be requeened so that the temperament of the bees is soon changed.

Major F. Padmore, in England, wrote as recently as 1972 that his wife received some 40 stings on each leg "through trousers," while he and she were trying to requeen a colony; Padmore termed the colony "vicious." Still, Lumley said in 1928 that native beekeepers in Tanganyika Territory (East Africa) had no special problems as regards "ferocious" bees. Scholl, writing in North America in 1915, said he knew one beekeeper who was seeking "vicious bees" in order to keep meddlers away. Brice, in 1896, wrote of Cyprian and Syrian bees (both of which have been brought to Europe and North America many times); ". . . of these two races I have no good word to say . . . once they start stinging, at least one-third of the colony takes the business in hand and will persistently follow the unfortunate object of their fury for quite long distances from their hive." Capehart entitled his article in 1886 "The worst bees I ever saw."

Today, a number of people in North America who are heavily stung by bees, and who are familiar with the African bee story, never seem to be stung by bees from their own Italian, Caucasian or Carniolan colonies, but always by those that are tainted with some of the bad African stock brought into this country decades ago.

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THE AFRICAN BEE—EARLY INTRODUCTIONS TO EUROPE AND AMERICA

In Bee World Vol. 54 No. 2 of 1973, Roger Morse, Michael Burgett, John Ambrose, William Connor and Richard Fell of the Department of Entomology, Cornell University, Ithaca, New York, report on early introductions of African bees into Europe and the New World.

"We have concluded that queens from many parts of Africa have been shipped to Europe, and to a lesser extent, to North America."

"J. W. Stroud, a physician living in South Africa (Port Elizabeth) offered to sell queens to A. I. Root and reported that queens were being offered for sale through the British Bee Journal in England. George Walker reported the successful introduction of a nucleus colony from Dr. Stroud into England in the spring of 1886.

Mathis, writing in Gazette Apicole in 1949, records the successful introduction of *A.m. adansonii* into France from French Guinea "for the first time" in that year, 1923.—Taken from the South African Bee Journal.

SOUTH AMERICAN BEES

In case you think the hysterical, irresponsible news releases on the bees of South America have about run their course, you should know that even now leaders of the industry are being questioned on the same subject, with an article in *Reader's Digest*

as the next major offensive. It seems unlikely that this august magazine will do more than follow suit on the science fiction approach, so brace yourselves for another round of front page idiocy from all forms of news media.

Even the normally conservative approach of Paul Harvey, noted radio celebrity, joined in with a further distortion of fact, ludicrous to anyone with even elementary knowledge of honey bees, but he made it all sound most authentic in his urbane way. So now we have been subjected to ridiculous distortions of the truth by newspapers, magazines, radio and TV.

Regrettably, much of the fault is of our own making. Satirically speaking, few, if any, within our own industry genuinely are concerned that South American bees will conquer the western hemisphere. Most of those who do concede that the behavior of the species is somewhat more aggressive than our own, also privately admit that tools are already available within this country to contain any inroads that ever will be made. The industry leaders who have been interviewed later defend their remarks as being "far out of context," and deny responsibility. Most of them are veterans of news reporting, and should have recognized in the beginning the peril they were helping to create.

Perhaps someone within the industry can restore reason. Perhaps someone within the industry knows how to present a reasoned approach to the story. If they do, now is the time to come forward. Right now, before commercial men face severe pressure on locations, before the farmer is further alienated toward bees, and before the hobbyist begins to believe all he hears. Mercy, just think of it, honey bees that thrive in any climate, any geographical locale, and on top of that can sting up to 60 times each. Asburd! Equally absurd that our industry has helped create this fiction.

PROPOSED ARMS SALES

Mr. SPARKMAN. Mr. President, section 36(b) of the Foreign Military Sales Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million. Upon such notification, the Congress has 20 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the Chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is immediately available to the full Senate, I ask unanimous consent to have printed in the RECORD three notifications I have just received. A portion of one notification, which is classified information, has been deleted for this public publication.

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

OFFICE OF THE DIRECTOR, DEFENSE SECURITY ASSISTANCE AGENCY AND DEPUTY ASSISTANT SECRETARY (SECURITY ASSISTANCE), OASD/ISA,
Washington, D.C. September 5, 1975.

In reply refer to: I-7003/75.

Hon. JOHN J. SPARKMAN,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the requirements of Section 36(b) of the Foreign Military Sales Act, as amended, we are forwarding under separate cover Transmittal No. 75-36, concerning the Department of the Navy's proposed Letter of Offer to Iran for the FR-14 and Phoenix Weapon System estimated to be in excess of $25 million.

Sincerely,

H. M. FISH,
Lieutenant General, USAF, Director, Defense Security Assistance Agency and Deputy Assistant Secretary (ISA), Security Assistance.

[Transmittal No. 75-36]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE FOREIGN MILITARY SALES ACT, AS AMENDED

a. Prospective Purchaser: Iran.
b. Total Estimated Value: (Deleted).
c. Description of Articles or Services Offered: Contractor technical support service required in Iran for the F-14 aircraft and the Phoenix Missile Weapon System.
d. Military Department: Navy.
e. Date Report Delivered to Congress: 5 September 1975.

OFFICE OF THE DIRECTOR, DEFENSE SECURITY ASSISTANCE AGENCY AND DEPUTY ASSISTANT SECRETARY (SECURITY ASSISTANCE), OASD/ISA,
Washington, D.C., September 5, 1975.

In reply refer to I-7932/75.

Hon. JOHN J. SPARKMAN,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Foreign Military Sales Act, as amended, we are forwarding herewith Transmittal No. 75-38, concerning the Department of the Air Force's proposed Letter of Offer to the Republic of Korea for an estimated cost of $46.5 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

H. M. FISH,
Lieutenant General, USAF, Director, Defense Security Assistance Agency, and Deputy Assistant Secretary (ISA), Security Assistance.

[Transmittal No. 75-38]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE FOREIGN MILITARY SALES ACT, AS AMENDED

a. Prospective Purchaser: Republic of Korea.
b. Total Estimated Value: $46.5 million.
c. Description of Articles or Services Offered: 18 F4D aircraft which have been bailed to the Republic of Korea Air Force since Nov. 1972 and which the Koreans now wish to buy.
d. Military Department: Air Force.
e. Date Report Delivered to Congress: 5 September 1975.

OFFICE OF THE DIRECTOR, DEFENSE SECURITY ASSISTANCE AGENCY AND DEPUTY ASSISTANT SECRETARY (SECURITY ASSISTANCE) OASD/ISA,
Washington, D.C., September 5, 1975.

In reply refer to I-8436/75.

Hon. JOHN J. SPARKMAN,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Foreign Military Sales Act, as amended, we are forwarding herewith Transmittal No. 76-5, concerning the Department of the Army's proposed Letter of Offer to Saudi Arabia for headquarters buildings, support facilities, desalting plant and related support facilities estimated to cost $150.0 million. Shortly after this is delivered to your office, we plan to notify the news media.

Sincerely,

H. M. FISH,
Lieutenant General, USAF, Director, Defense Security Assistance Agency and Deputy Assistant Secretary (ISA), Security Assistance.

[Transmittal No. 76-5]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE FOREIGN MILITARY SALES ACT, AS AMENDED

a. Prospective Purchaser: Saudi Arabia.
b. Total Estimated Value: $150.0 million.
c. Description of Articles or Services Offered: This is Amendment No. 8 for the Saudi Naval Expansion Program and provides for the construction of headquarters buildings and support facilities at Riyadh, a desalting plant at Jidda, a quarry operation at Jubail and additional landfill at Jidda.
d. Military Department: Army.
e. Date Report Delivered to Congress: September 5, 1975.

THE COMPETITIVE AND ECONOMIC IMPACTS OF OIL PRICE DECONTROL

Mr. JACKSON. Mr. President, last Thursday and Friday the Senate's fuels and energy policy study, Committee on Interior and Insular Affairs, heard testimony on the competitive and economic impacts of the immediate decontrol of oil prices. The committee heard from members of the petroleum industry, the administration, and consumer, farm, and business groups.

Because Members of the Senate will face a crucial decision Wednesday, whether to override or sustain the President's expected veto of S. 1849, the bill extending price control and allocation authority for 6 months, I am including excerpts of the testimony from last week's hearings. I ask unanimous consent that these excerpts be printed in the RECORD at the conclusion of my remarks.

A veto of S. 1849, Mr. President, will put an end not only to equitable price controls on petroleum, but to allocation authority as well. And just as termination of price controls threatens economic recovery, so the termination of allocation authority—which has received far less public attention—threatens to undermine the competitive structure of the petroleum industry and cause grave dislocations in some sectors of the economy, such as agriculture. These points were forcefully made by last week's witnesses.

The committee heard testimony from branded independent dealers, nonbranded independent dealers and independent refiners, from the largest in the Nation to some of the smallest, who were unanimous in concluding that an abrupt end to the Allocation Act would put an abrupt end to their businesses. As the General Counsel of the Independent Refiners Association of America told the committee:

> With the monumental profits which the integrated majors will realize upon the decontrol of old crude oil, the prospects for massive subsidy to gain market position are very real and very frightening.

Mr. President, decontrol will indeed result in "monumental profits" for the Nation's integrated oil companies: about

$8 billion each year for the seven largest companies, and $12 billion annually for the top 20. By increasing concentration in the petroleum industry, decontrol will mean even greater economic power for a relatively small number of companies who are already far too powerful. Despite the prospect of reduced competition, bankruptcies for thousands of small businessmen, and higher consumer prices, the administration has directed little attention to this specific issue. In a letter of September 3, Attorney General Levi informed the committee that—

Neither the Federal Energy Administration nor representatives of the President have requested formal comments from the Department on the competitive implications of immediate decontrol.

The administration seems intent on pursuing higher prices as a panacea for our energy problems regardless of the consequences.

Representatives of agriculture also testified last week. These witnesses made it unmistakably clear, Mr. President, that decontrol will both reduce farm income and lead to even higher food prices—by as much as $3.6 billion annually—than those which already confront American consumers. Rising energy and food prices, which together devastated the economy last year, would again assure us of continuing double-digit inflation.

A study prepared for Senator HUMPHREY and myself by the Congressional Research Service of the Library of Congress further documents the harsh impact of decontrol on American farmers. Over the next 5 years decontrol will raise farm and food processing costs—and supermarket bills—by a staggering $10 billion.

The termination of allocation authority also directly impinges upon American agriculture, which consumes 4 to 5 billion gallons of propane each year. Since it is almost impossible to substitute other fuels for major agricultural uses, our Nation's farms may be hit by disruptive shortages in the coming year when allocations lapse and scarce propane supplies are bid away by nonhistorical users.

Abrupt decontrol poses an enormous obstacle to the maintenance of a competitive petroleum industry, to the operation of vital sectors of our economy, and finally, to the restoration of economic growth, full employment and stable prices. Last Friday Dr. Otto Eckstein of Data Resources, Inc. outlined an alarming economic situation even if the impact of immediate decontrol were cushioned by removal of the tariff, and enactment of a windfall profits tax which rebated money to consumers. The Consumer Price Index would jump by about 2.5 percent in 1977 and the rate of unemployment by 1.2 percent, which means an additional 1 million American workers would lose their jobs. And if the administration maintains the $2 tariff on imported oil, a half million more people would join the ranks of the unemployed in the next year alone. These unacceptable economic results will stem directly from the unacceptable and dangerous energy proposals developed by this administration.

Mr. President, Congress must move resolutely on Wednesday to override the veto of Mr. Ford, to prevent the demise of competition in the petroleum industry, to protect American consumers, businesses and agriculture, and to build the foundations for a fair and effective energy program without which economic recovery will continue to elude us.

Finally, Mr. President, I ask unanimous consent to have printed in the RECORD the letter and the White Paper discussing the impact of decontrol which the distinguished majority leader, Senator MANSFIELD, has sent to all Members.

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

[Excerpts from testimony before Senate Fuels and Energy Policy Study Committee on Interior and Insular Affairs, Sept. 4 and 5, 1975]

THE COMPETITIVE AND ECONOMIC IMPACTS OF OIL PRICE DECONTROL

When instant decontrol is combined with other shocks, persistent double-digit inflation becomes a significant threat. We learned what double-digit inflation does to the American economy last year. Why should public policy run any unnecessary risks that might let the economy relapse into that state?

Otto Eckstein, Data Resources, Inc.

Mr. Chairman, if S.B. 1849 is vetoed and no further action is taken, either by the executive branch or the legislative branch, the end result will, in our opinion, be a major catastrophe, not only to the rural areas, but to the urban areas alike.

The farmer has less net income and the consumer has less buying power.

L. C. Carpenter and Raymond A. Young, Midcontinent Farmers Association.

Almost all the rapid price increases in petroleum prices seen by the consumer today originate in crude oil production. These increases are politically motivated, bearing no real relationships to the cost of finding and developing those crude resources. So long as such prospects for manipulation within the producing sector continue to exist, then some method must be devised, and devised quickly, to prevent transfer of profits from this highly volatile area to subsidize downstream operations, or there will soon be no semblance of competition in any area of this industry. Needless to say, independent refiners and marketers with none of their own crude supply cannot long endure under the circumstances such as I have outlined here today.

Robert E. Yancey, Ashland Oil, Inc.

Removal of controls on oil prices could send the economy into an even deeper recession, because industry would be forced to use money set aside for expansion to pay higher fuel bills or would be forced to cut production, thus increasing already intolerable unemployment.

An increase in oil prices would increase the cost of everything from food to medicine. It would work an especial hardship on workers who must use their cars to commute to work. The aviation industry, truckers, consumers who heat with oil—all would be adversely affected by uncontrolled increases in oil prices.

Farmers would be hard hit because the prices of fuel for their tractors and other mechanical implements as well as for fertilizer for their fields would increase. Electricity rates would jump in those areas where oil is used to generate electricity.

The independent oil companies would face corporate extinction.

The only beneficiaries of an end to oil price controls would be the giant multi-national companies whose profits are already a national scandal and who seek a total monopoly of the energy industry.

The AFL–CIO strongly urges every member of the Senate and the House to vote to override this outrageous veto.

George Meany, President, AFL–CIO.

But it is also the consumer, the small businessman, the farmer, state, local and federal governments, and virtually every segment of our national economy with the exception of the multinational integrated oil companies that stand to lose. But the economic impact, as frightening as it is, is only one of the obvious repercussions of immediate removal of the Emergency Petroleum Allocation Act.

If decontrol is allowed to take place immediately, then this country will have its energy costs set not on the basis of an economic return on investment or on free-market forces but on a foreign cartel operation that sets price arbitrarily and based on what the market will bear. In such a situation crude oil pricing is completely devoid of competitive pressures.

T. J. Oden, The Independent Gasoline Marketers Council.

I fail to understand why the President and his supporters can't see that lifting controls on the oil companies, and in so doing, encouraging higher prices to the consumer, is not the answer to America's energy conservation problems.

In my humble opinion, the unquestionable logic of the present Administration seems to be: "The rich must help the rich to get richer," or "Down with the poor and middle class."

Glenn S. Hall, service station dealer.

The propane problem is compounded by the large numbers of non-historical users who will be entering the market for the first time purchasing propane for use as a standby fuel when projected natural gas shortages in the interstate market begin to develop. While not all curtailed natural gas customers are expected to substitute propane, the volume could be significant.

Obviously, such purchases by non-historical users will not only make propane supplies scarce but expensive as well. Utilities and other non-historical industrial users can generally outbid home heating and agricultural users for propane supplies. Since the Emergency Petroleum Allocation Act has expired, these non-historical users cannot be prevented from purchasing these critically short supplies.

Bill Brier, National Council of Farmer Cooperatives.

If this country is to continue to have a viable petroleum industry, private competitive enterprise must survive. If the allocation and price controls are not reinstated until a long term plan can be formulated to protect all segments of the petroleum industry, and especially guaranteed supply to unbranded independents, there will be no free enterprise system in existence in this industry.

Mary Hudson, Hudson Oil Co.

Immediate decontrol, as I have shown, would have a devastating effect on the airlines, would force further layoffs, would lead to cancellations or postponement of some $6 billion in aircraft and related equipment purchases now planned for the last half of this decade, and could well cause bankruptcies in the airline industry.

In view of this and because we believe that immediate decontrol would have serious consequences for the economy as a whole, we

hope that this drastic course of action can be avoided.

Paul R. Ignatius, President of the Air Transport Association.

On the aspect of the veto dealing with the impact on individuals, it is abundantly clear that the economy does not absorb a burden of $30–$60 billion annually without imposing nearly unbearable additional pressures on family budgets. The ripple effect may seem somewhat academic and remote, and yet our own personal experience tells each one of us that it is not only the price at the pump that we are going to have to absorb, but the price of food, of clothing, of building materials, and virtually every other commodity we purchase and every service we buy.

Either one of two things is going to happen if the prices of petroleum products are permitted to seek that OPEC level: every direct cost will be passed on or some businesses who find themselves in positions where the consuming public cannot afford to pay those prices will face bankruptcy.

One need not be an economist or a clairvoyant to predict accurately where the major brunt of these overall broad increases are going to fall most heavily. It is no secret that people at the lower levels of our income scale are required to spend a larger percentage of their income for items essential to life and sustenance. Particularly vulnerable are the elderly living on fixed incomes who have little or no prospect for increasing their budgets.

Lee C. White, Energy Policy Task Force of the Consumer Federation of America.

Service station dealers, not unlike other independent businessmen, deplore control of their business. Why then do we support a continuation of controls? Simply, we had to decide whether it was in our best interest to be regulated by our Government or by our suppliers.

The National Congress of Petroleum Retailers.

No one could legitimately complain about the elimination of the independent refiners, terminal operators and marketers if they were inefficient operators, and the economy would better be served by their exit. However, the reverse is the situation, for these downstream independents have been extremely efficient competitors and a major source of competition to the integrated oil companies. Frankly, the scrapping independents have been a thorn in the sides of the integrated petroleum companies. With the independents' efficiencies, they have denied the integrated oil companies the opportunity of increasing their prices and profits. For many years the independents have been whittling away at the share of the market controlled by the major brands of gasoline.

Fred C. Allvine, Professor of Marketing.

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, D.C., September 8, 1975.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SCOOP: At 3:00 p.m. on Wednesday, September 10, 1975 the Senate will vote on the President's veto of S. 1849, a bill to extend the price control and allocation authority of the Petroleum Allocation Act for six months. This authority expired at midnight on August 31, 1975.

In view of the disastrous impact immediate price decontrol would have on the economy and on the structure of competition in the oil industry the Speaker of the House and I met with President Ford on Friday, August 29, in an effort to persuade him to sign S. 1849. Our efforts were not successful. The joint House-Senate leadership met with the President again this morning at his request. If the President's veto stands, the nation runs the risk of economic disaster. On the other hand, if Congress votes to override the President's veto, it would provide both Branches a realistic opportunity to develop a mutually acceptable compromise.

I am enclosing for your use and information a compilation of the major reasons why I believe it is essential that the Petroleum Allocation Act must be extended. I urge every Democratic Member to vote on Wednesday to override the veto on S. 1849.

Sincerely yours,

MIKE MANSFIELD,
Majority Leader.

RESOLUTION TO THE SENATE DEMOCRATIC CONFERENCE

Whereas, the Congress is continuing to seek a responsible consensus on the question of energy prices;

Whereas, enactment of S. 1849 would prevent the immediate decontrol of energy prices with such decontrol's implicit threat of halting economic recovery and stimulating inflation;

Whereas, enactment of S. 1849 would preserve the competitive protections of the Emergency Petroleum Allocation Act;

Whereas, a brief extension of the existing energy price control authority is the step best designed at this time to provide the time needed by Congress and the Administration to reach an acceptable agreement on energy prices;

Therefore, the Senate Democratic Conference urges the President to sign into law S. 1849; and, in the event of a veto, the Senate Democratic Conference urges that the veto be overridden.

B. Regardless of the outcome of the override vote in Congress the Senate Democratic Conference also urges the Majority Leader in cooperation with the Speaker of the House to immediately consult with the President to resolve our differences and develop an acceptable agreement on energy prices.

IMPACT OF VETO OF PRICE CONTROL AND ALLOCATION AUTHORITY

LEGISLATION SITUATION

The Congress sent S. 1849 to the President on August 28, 1975. This legislation, which extends the petroleum price control and allocation authority embodied in the Emergency Petroleum Allocation Act of 1973, passed the Senate by a vote of 62–29 and the House by 303–117. The price control and allocation authority of the Allocation Act expired on August 31, 1975. The President has repeatedly announced his intention to veto any extension of the Allocation Act unless the Congress accepts an oil policy which involves elimination or drastic reduction in Federal regulation of the oil industry and an end to price controls over some definite time period.

If he wishes to do so, the President must transmit to the Congress his veto of S. 1849 on or before midnight, Tuesday, September 9. A vote in the Senate to override the veto of the President is expected to be the first order of business following receipt of such a veto message.

The Administration is still hopeful that an agreement can be obtained with the Congress on oil decontrol. However, independent of the form of the agreement which finally emerges, compelling arguments exist for the continuation, at least temporarily, of the fundamental price control and allocation authority embodied in the Allocation Act. It is now clear that the only way that this authority can be retained is by overriding the President's veto of S. 1849.

OIL PRICE IMPACT

If Mr. Ford's veto of the Emergency Petroleum Allocation Act is sustained, its direct effect will be to increase the average price of gasoline, fuel oil and other petroleum products about 7 cents per gallon.

Temporary market conditions and "jawboning" in the Administration—together with, perhaps, collusion by the major oil companies to reduce the political impact of decontrol—may postpone its full price impact on consumers for a period of time. Notwithstanding any such "restraint", however, the higher prices of crude oil will inexorably be translated into higher retail prices. If crude oil cost increases are tilted more heavily towards gasoline prices—as has been the case in the past—gasoline price increases of from 10 to 12 cents per gallon are very likely.

With the expiration of price controls, domestic oil will cost U.S. consumers at least $16 billion more annually than if controls are retained—an increase equivalent to the rise in the cost of all domestic fuels during 1974.

A secondary effect of sharply rising domestic oil prices will be to pull up the prices of coal and that natural gas which are not subject to price controls, because oil is the only practical alternative for industrial consumers of these fuels, which are in short supply. These higher prices for fossil fuels will be passed through to consumers in their electric rates and in the prices of every product or service that depends upon fuels for energy or industrial raw materials.

A major price increase will worsen unemployment and undermine financial stability in industries that are already disproportionately distressed, like automobiles and the airlines, resulting in lost production, lost income for workers and higher costs for the support of the unemployed.

ANALYSES OF ECONOMIC IMPACT

The Bankers Trust Company of New York has estimated that "coupled with a moderate rise in the foreign price of oil, the sudden decontrol of old oil prices would next year transfer about $35 billion per annum away from consumers to energy producers, the Federal government and OPEC nations".

A study prepared by the Library of Congress found that energy price increases could trigger a $40 billion inflationary contribution to the domestic economy next year, triggering an increase of 2.7 percentage points in the general price level and adding 1.5 percentage points to the rate of unemployment. This would mean a job loss of over one million.

Using macroeconomic models developed by Chase Econometrics, the staff of the Subcommittee on Energy and Power of the House Commerce Committee has estimated that sudden decontrol coupled with an OPEC price increase implemented this fall—an increase which nearly all analysts expect to materialize—will, by the end of 1976:

Reduce real GNP by $28 billion ($51 billion in current dollars);

Add 640,000 to the ranks of the unemployed;

Increase the Consumer Price Index by 2.7 points; and

Reduce housing starts by 280,000 units and automobile sales by 950,000 units.

The House Commerce Committee study further delineates substantial shifts in profitability among industries. Profitability in the mining sector—which includes crude oil production—is drastically increased at the expense of nearly all other segments of the economy. Some of the largest losses in profitability are projected for the—

Primary metals;
Manufacturing;
Textiles;
Paper;
Transportation; and
Commercial sectors of the economy.

The net result of these impacts will be an increase in inflation—perhaps to double digits—rising unemployment—to over nine percent—a larger Federal deficit, and effec-

tive cancellation of the stimulus provided by the Tax Reduction Act of 1975.

COMPETITIVE IMPACT

By putting independent refiners and distributors at a disadvantage amounting to several dollars per barrel relative to the integrated major oil companies for the crude oil upon which their products are based, decontrol will cause a permanent structural change in the industry—in the direction of increased market concentration. Rising crude oil costs and consumer resistance to higher product prices will tighten the squeeze on refining and marketing margins. The major integrated companies, unlike the independents, will be able, however, to offset any reduced margins in "downstream" operations with higher profits on crude oil production. The end result would be a serious blow to the competitive position of the independent sector.

The squeeze between crude oil prices and the market will also lead the majors to pressure their independent branded dealers. To this end station rents wil be increased, other contract terms wil be revised to the disadvantage of the dealers, and thousands of distributors who cannot move more product at a lower marketing cost per gallon will be put out of business.

MANAGING POTENTIAL SHORTAGES AND PRICE IMPACTS

The only existing authority to prevent or mitigate the adverse impacts of rising oil prices and to allocate scarce supplies has been the Emergency Petroleum Allocation Act. Overriding the veto is the only immediate, practical way to restore this authority.

The severe shortages of natural gas which are projected for this winter will place enormous pressure on the supply and price of substitutes for natural gas; fuel oil and propane. Substantial increases in propane prices accompanied by shortages are almost certain to occur, and, without the Allocation Act, no Federal authority will exist to prevent, for example, rural residential consumers of propane and farmers from suffering severe hardship.

Meanwhile enormous profits will accrue to the major integrated oil companies. No mechanism is in place for taxing and returning these enormous windfall profits to consumers. Once controls have definitely been ended by Congress' failure to override a veto of the Allocation Act, the enthusiasm of pro-industry members of Congress and of a pro-industry Administration for such a tax will greatly diminish or disappear altogether. The prognosis for enactment of an effective windfall profits tax will therefore become very uncertain.

Regardless of any "understanding" between the Administration and the Congressional leadership for subsequent reimposition of controls (which would then be phased out), failure to override the veto would (a) weaken or remove the support of industry and pro-industry Members for any compromise, and (b) severely undermine Congress' bargaining stance in writing such a compromise.

ADMINISTRATION OPTIONS

The Allocation Act currently grants the President ample authority to raise the price of old oil, or to formulate regulations phasing out the old oil price category entirely, without any requirement of Congressional assent. But the Administration's own guidelines for preparation of inflation impact statements require an analysis justifying any such moves. Administration representatives have admitted that such an analysis cannot be made. Because of this, the Administration is presently insisting upon all or nothing—Congressional collaboration or gradual decontrol, or total immediate decontrol. It is clear that the Administration cannot utilize the Allocation Act to raise old oil prices and provide a justification that satisfies its own guidelines. Because of this the Congress is being asked to let the Act expire and, at the same time, to acquiesce to total imposition of an oil policy which benefits only the largest integrated oil firms.

Existing regulations under the Allocation Act already provide for an automatic increase in crude oil prices, as domestic supplies of "old" oil at $5.25 per barrel are depleted and replaced by higher price new oil and imported oil. Under these regulations, the average price of crude oil to U.S. refiners would move up toward the new oil price at a rate of about 6 percent per year—even if there were no OPEC price increase and no scheduled decontrol, and even if the illegal import fee is removed. Over the last 2½ years crude oil prices have increased by more than 2½ times. A further 6 percent annual increase in the average price of crude oil is the most our economy can safely absorb. Total, immediate decontrol will mean an average price increase of well over 25 percent—four times as high—over one, two or three months, and prices will thereafter rise in perfect synchronization with any OPEC price increase.

Instead of seeking collaboration with the Congress to establish a reasonable pricing policy within the framework of the legislative process, the Administration has chosen to present a series of decontrol plans which must be accepted or rejected without amendment. These plans have been rightly rejected, because they are inadequate and unwise. Because of the Administration's tactics, the consumers of the country are now faced with the worst of all possible options—immediate decontrol. Only the prevention by the Congress of the implementation of this option will preserve an opportunity for an orderly development of policy in which both the Executive branch and the Congress contribute on equal footing.

SUMMARY

The Administration is proposing that the Congress ratify a situation in which—

a rising rate of inflation is rekindled;

economic recovery is severely threatened;

a substantial concentration of economic and financial power in the largest integrated oil companies is virtually certain;

U.S. energy prices will be set not by a free market but by a cartel of foreign governments;

domestic production will not be substantially increased, domestic oil consumption will be only marginally curtailed (other than as a result of the economic slump) and, therefore, no progress toward greater energy independence will result at all commensurate with the damage that will be done; and

any realistic opportunity for the Congress to collaborate with the Administration in the enactment of a rational and equitable oil pricing policy will be lost through Congressional default.

THE NATIONAL ENDOWMENT FOR THE ARTS

Mr. PELL. Mr. President, the National Endowment for the Arts has been the recipient of Federal funds for approximately 10 years, since it was first established in 1964. While many of us are aware of the fine programs which the endowment fosters through the support of the performing and visual arts—in other words, programs which create an artistic event for others to enjoy. There are other programs which the endowment underwrites which are not as visible but which have an equally salutary effect on artistic endeavors in this country.

The production on the stage, the performance of a symphony orchestra, the mounting of an exhibition of pictures, is not just an artistic event; it is a business and administrative one as well. Just as an army needs the support of administrators to be successful, artistic companies require superb managers. Indeed, with the cost of artistic events soaring while the available income, that is, ticket sales, is somewhat limited, the more creative and able the management, the more viable the artistic endeavor.

Therefore, it was with much delight that I learned that the Rhode Island State Council on the Arts and United Arts Rhode Island are sponsoring a 2-day conference covering the art of managing an arts organization. This conference, which will have managers—known professionals—as consultants, will discuss the nuts and bolts necessary to support artistic programs.

It has long been my view that this type of activity is most necessary. The whole question of management of eleemosynary institutions, whether they be colleges, hospitals, or foundations, is one which is only now receiving attention. To my mind, this is a subject which should be taught in our colleges and universities, since the management of this type of organization is so very different from the management of business corporations.

Therefore, I warmly commend both the Rhode Island State Council on the Arts and United Arts Rhode Island on their conference and ask unanimous consent that an article about it, appearing in the Providence Journal, be printed in the RECORD.

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

[From the Providence (R.I.) Journal, Sept. 3, 1975]

LOCAL ARTS LEADERS TO LOOK AT FUTURE

People involved in all levels of management of Rhode Island performing arts and arts organizations—administrators, volunteers, artists—or interested individuals may take part in "Managing the Arts Through the Seventies," a two-day conference planned for September 12 and 13 at Brown University's List Art Center.

The conference—the first of its kind in the state—will cover all the fine points of arts management—producing, booking, budgeting, grant proposals, fund raising, accounting, promotion and federal, state and private resources. Co-sponsors are the Rhode Island State Council on the Arts, a state agency, and United Arts Rhode Island, a private, non-profit federation of arts organizations.

"Adequate planning for any arts organization—large or small—is crucial to its survival," said Ann Vermel, executive director of the state arts agency.

In a study conducted by United Arts Rhode Island under a grant from the Council in 1974, it was demonstrated that over a million people attend arts events in the state annually with annual expenditures of arts organizations here over 19 million dollars and 1200 people employed full-time.

Top professionals from national arts organizations will join local arts administrators as panel guests. Charles Reinhart, Director of the American Dance Festival will lead a session on producing. Ted Striggles—a professional director who is also a graduate of Harvard Law School and consultant to the

National Endowment for the Arts on the economic survival of arts organizations—will conduct a session on accounting for small companies with Providence accountant Martin Dittelman. Craig Palmer, director of the New York Dance Alliance and a public relations expert, will cover promotion and publicity design concepts. Representing federal resources will be Rudolph Nashan, Regional Coordinator for the National Endowment for the Arts.

Local panel participants include David Black, administrator for Trinity Square Repertory Company; Marsha Senack, manager, Rites and Reasons; John Marshall, director, Rhode Island Foundation; Mimi Wolk, coordinator for the arts, Brown University; Frank Cook, president, Fund Consultants, Inc.; Muriel Stevens, manager, Rhode Island Philharmonic Orchestra; Cathleen McGuigan, public relations consultant, State Council on the Arts; and Ann Vermel and Henry Young.

For information and registration, call United Arts Rhode Island, 351-2540.

BUBONIC PLAGUE AND THE INDIAN HEALTH SERVICE

Mr. FANNIN. Mr. President, during the August recess, the press reported the death of a 2-year-old Navajo child from bubonic plague. The initial reports indicated that the Indian Health Service had been unable to help the child, with the result that she was taken to a general hospital in Gallup, where, unfortunately, she died. Because of the implication that the Indian Health Service failed in its responsibility to provide quality care to an Indian citizen I asked the Indian Health Service to provide me with a complete report concerning the circumstances surrounding this tragedy and in particular why this Indian child was taken to another hospital.

In response to my request Dr. Emery Johnson, Director of the Indian Health Service, wrote to me on August 25 to explain this situation. In view of the potential for misrepresenting the actions of the Indian Health Service in connection with this incident, this letter should be made available to a wider audience for review.

This tragedy, I should point out, only confirms my conviction that the conditions which resulted in the death of this child must be eliminated and in this connection the Indian Health Care Improvement Act, which the House is considering, will, if enacted, assist in achieving that goal.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of Dr. Johnson's letter.

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

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Rockville, Md., August 25, 1975.

HON. PAUL FANNIN,
U.S. Senate, Washington, D.C.

DEAR SENATOR FANNIN: This is in response to your inquiry of August 15 concerning the death of a 2½ year old Navajo child from bubonic plague. The following is a complete resume of events from August 2 through August 4, 1975.

At 10:00 AM on August 2, 1975 a 2½ year old Navajo female from Rehoboth, New Mexico, was seen at the Gallup Indian Medical Center. The mother told the nurse on duty that the child had diarrhea. At that time, the child had a fever and appeared ill. A complete physical examination did not reveal any abnormalities suggestive of a specific disease. The child was started on intravenous fluids in the outpatient department and given medication to control her fever.

Over the next five hours, she was seen by several physicians including the Chief of Pediatrics at the Center. Multiple examinations and laboratory tests were performed including a chest x-ray. All examinations and tests were negative. At no time was the diagnosis of plague considered.

At 3:00 PM on August 2, the patient was considered improved. She was alert, playing and less febrile. The physicians involved felt she was well enough to return home. The family was instructed to bring the child back if her condition worsened in any way. She was given medication for fever control.

On August 4, at 8:25 AM the child was brought back to the Gallup Indian Medical Center. She was taken to an examination room at 8:39 AM. The nurse went to get the chart. The mother left, leaving the child with the grandmother. The physician was called. At no time did the family mention that the child had become significantly worse or mention any specific problem the child was having. The child's temperature was recorded as 100 degrees F. rectally. At 8:50 AM the grandmother picked up the child and began to leave the hospital. One of the Navajo employees, who knows the family, tried to stop the grandmother and convince her to return to the clinic, however, the employee was not successful.

The grandmother then went across the street with the child to a general hospital. The child died shortly thereafter. Resuscitation was attempted but to no avail. A blood culture drawn on Saturday, August 2, became positive for plague organisms on August 4.

The diagnosis of plague is not an easy one to make. The most obvious physical finding is a painful enlarged lymph node at any location on the body. Such was not noted on this child at any time. The initial complaint—diarrhea—is not a symptom of bubonic plague. In addition, the child did improve significantly in the emergency room with only intravenous therapy on August 2. This improvement would also not be expected in cases of bubonic plague. As you probably know, plague is contracted from fleas that have lived on plague-infected rodents.

The entire Gallup hospital staff feels extremely saddened over this death; however, they do not feel there was anything more that they could have done to alter the ultimate outcome of this case.

The IHS program is carrying out intensive field control efforts in an attempt to decrease the flea population in the areas around Gallup, thus providing the maximum protection possible to the Navajo people living in these areas. In addition, health education programs are being provided to the people of the area through direct contact and radio.

Your interest and concern for the health of the Indians is appreciated.

Sincerely yours,

EMERY A. JOHNSON, M.D.,
Assistant Surgeon General, Director Indian Health Service.

EARTHQUAKE IN TURKEY: A NEED FOR DISASTER RELIEF

Mr. KENNEDY. Mr. President, this weekend a devastating earthquake ravaged the people of eastern Turkey—leaving behind a path of human tragedy and massive destruction. Reports indicate so far that over 1,800 people have perished in the ruins, and that landslides and uncounted numbers of wounded are present throughout the area. As the magnitude of the disaster becomes more fully known, we can only learn of even greater human suffering and a higher loss of life.

While the full extent of the tragedy is still unclear—emergency relief needs are clearly urgent. Early reports from the region speak of widespread destruction of whole towns and villages. Landslides have completely severed roads—greatly impairing communications and preventing the much-needed arrival of emergency relief assistance. As in other natural disasters, we must assume that drinking water and food are scarce, and that the lives of thousands of earthquake survivors are threatened by disease and untreated injury.

As chairman of the Subcommittee on Refugees, I rise to express my deep personal sympathy to the Government and people of Turkey, and my concern over the refugees and victims of this natural disaster. I also want to urge that the United Nations Disaster Relief Office—UNDRO—in Geneva, in cooperation with other governments, spare no effort in responding to the humanitarian needs of Turkey's earthquake victims, if such assistance is requested by the Turkish Government. In this connection, AID officials have informed me that our Ambassador in Ankara has given $25,000 to the Turkish Government for the procurement of necessary medical supplies. Hopefully, our Government stands ready to provide additional relief assistance and logistical support, if called upon to do so. While the Turkish Government has so far indicated that international assistance is not needed, I am confident that the American contribution to any potential international relief efforts will fully reflect our tradition of concern for people in need, as they are in eastern Turkey today.

Mr. President, I ask unanimous consent that a report in today's New York Times, describing the critical situation in Turkey, be printed in the RECORD.

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

[From the New York Times, Sept. 8, 1975]

DEATH TOLL IN TURKISH QUAKE NOW AT 1,700

LICE, TURKEY, September 7.—The death toll in the earthquake that devastated part of eastern Turkey rose today at least 1,700 as dazed survivors began staggering away from this wrecked town.

Some residents of Lice remained and picked their way through the earthquake rubble in search of belongings.

Officials pressed on with relief efforts but there were fears that the death toll from yesterday's quake, which measured 6.8 on the Richter scale, would rise even higher. A Richter rating of 6 indicates a severe quake.

In Ice, a town of 8,000 on a scrubby hillside in a mainly Kurdish area, buildings lay in piles of rubble. Hundreds of houses were left with only bare walls standing and roofs tilted at crazy angles.

HOSPITALS OVERFLOWING

A small town of tents sprang up overnight as a temporary refuge for survivors fearing new quakes. Relief squads ferried out injured people to overflowing hospitals in the disaster area.

At a nearby airport, a 12-year-old girl, her

face frozen in a mask of terror, lay with seven other seriously injured survivors awaiting airlift to a treatment center. Other survivors left behind a few relatives to guard piles of salvaged possessions.

Despite the scene of catastrophe, devout Moslems knelt on the ground in prayer on the first day of their month of fasting—Ramadan. They persevered in prayer despite the destruction of Mosques in the quake.

Premier Suleyman Demirel and opposition leader Bulent Ecevit both arrived to survey the disaster area and express their sympathy to the survivors.

FAST IS BROKEN

Some 1,000 people died near here in an earthquake only four years ago.

The area, 560 miles east of Ankara, is swarming with soldiers digging through the rubble. Engineers have already restored telephone contact between Lice and the outside world.

Homeless victims were persuaded to break their daytime Ramadan fast and to eat food from the mobile kitchens set up by the relief forces.

Makeshift nurseries were established to care for children and special water tanks were airlifted from Ankara, along with mobile sanitation units.

The quake was centered on Lice, where at least 500 people died. The town is in the area of the Anatolian Fault, a geological danger area in which earthquakes have killed 35,000 since 1939.

The landslides set off by the quake were feared to have flattened three villages north of the main disaster one.

An emergency hospital was set up here in the garden of a military installation, one of the few buildings still standing in Lice.

One report said those killed included 50 people who were at noon prayers yesterday when a mosque collapsed.

Reports in Ankara said that the quake was felt in a wide area of eastern Turkey stretching from the Black Sea in the north to the Iraqi border in the south.

CBO REPORT: OIL PRICE DECONTROL WILL MEAN FEWER JOBS, MORE INFLATION

Mr. MUSKIE. Mr. President, within the next few days Senators will be asked to decide what could well be the most critical issue we face in the current session: decontrol of oil prices. It is now a virtual certainty that President Ford will veto the measure extending controls over some 60 percent of the Nation's fuel supplies.

What would be the economic impact of immediate decontrol; What would the President's action do to jobs, to prices?

What effect would it have on our Nation's attempt to recover from the worst recession and worst inflation in decades?

People are asking these questions in Maine. We have an effective jobless rate of over 10 percent. Increased prices for heating fuel and gasoline meanwhile continue to shrink the purchasing power of every Maine family. With winter approaching, we can only expect the situation to become more severe. I am sure that our State is not alone.

Foreseeing this critical vote on oil decontrol, I asked the nonpartisan Congressional Budget Office to provide me with the best available analysis of the economic impact of decontrol.

Over the weekend, I received a preliminary report from the CBO which puts the potential cost of oil price decontrol on both employment and inflation in stark terms.

CBO's analysis says that immediate decontrol would result in a "significant setback both for the nascent economic recovery and for the continuing battle against inflation."

The CBO projects the following economic costs of the President's decontrol plan by the end of 1977: a loss of 600,000 jobs; a 4 percent increase in prices; and a 20 percent reduction in GNP growth.

These figures would be gloomy enough were they not based upon two extremely optimistic assumptions about the future price of oil: The removal of the $2 per barrel tariff on imported oil and a limitation on OPEC price increases of $1.50 per barrel over the next 2 years. If the tariff were retained or the OPEC price were to rise by a greater amount, the price impact of decontrol would be far more serious.

Moreover, the CBO report does not consider the question of natural gas price decontrol which could have an impact as large as oil decontrol.

In order that I might share this critical analysis with my colleagues, I ask unanimous consent that the CBO's preliminary figures be printed in the RECORD.

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

THE IMPACT OF DECONTROL OF OIL PRICES

In the course of preparing its next report on the economy (to be published September 15), the Congressional Budget Office (CBO) has been studying the impact of immediate decontrol of domestic oil prices on the nation's output, employment and price levels. While the analysis is not yet complete, and is thus subject to revision, the CBO is using this preliminary report to assist Congress in its debate over the extension of controls.

SUMMARY

CBO's analysis indicates that immediate decontrol of oil prices would be a significant setback both for the nascent economic recovery and for the continuing battle against inflation. Table 1 presents the estimated effects of immediate decontrol on some principal economic variables at the end of 1975, 1976, and 1977 (fourth quarter of each year).

Decontrol would, according to CBO's estimates, increase wholesale prices by nearly 1 percent by the end of 1975 and nearly 4 percent by the end of 1977. Consumer prices would not rise as much as wholesale prices because oil is more important in the Wholesale Price Index (WPI) than in the Consumer Price Index (CPI), and because the cost of crude is a larger fraction of the wholesale price of petroleum products than of the retail price. By the end of 1977, consumer prices would be nearly 2 percent higher on account of decontrol. In terms of annual rates of increase of consumer prices, decontrol would add just under 1 percent (at annual rates) to the 1975 inflation rate, just over 1 percent to the 1976 inflation rate, and about one-quarter of 1 percent to the 1977 inflation rate.

Gross National Product measured in 1958 dollars ("real GNP") would be reduced significantly. The estimated reduction of $17 billion amounts to roughly 20 percent of the total growth in real GNP between 1975:4 and 1977:4 in CBO's projections. The effects on output would build throughout the period, and would probably be somewhat larger in 1978. Unemployment must rise as output falls. The rolls of the unemployed would swell 0.6 percent or about 600,000 people by the end of 1977, making the unemployment rate about the same in late 1977 as in late 1976.

Gross National Product in current dollars would not change much. The higher prices just slightly outweigh the reduced levels of production for most of the period.

Decontrol would improve the federal budget picture in Fiscal Year 1976 largely because of increased corporate profits tax payments from oil companies. However, by late 1977 the weakness of the economy would reduce other tax revenues (including profits taxes paid by other corporations) by just about enough to compensate for this.

ASSUMPTIONS

The figures in Table 1 are estimates of what would happen if oil prices were completely decontrolled as of September 1, compared to what would happen if the present controls over "old" oil prices were extended through 1977. Three statistical models of the economy were used in preparing the estimates.[1]

Decontrol allows the price of "old" oil—now fixed at $5.25 per barrel at the wellhead—to float up to the world price. Thus future developments in the world oil market dictate the economic impact of decontrol.

CBO has assumed that the special $2 per barrel tariff on crude (and $.60 per barrel on refined products) is removed beginning September 1, 1975, and that OPEC will increase the price of imported crude oil by $1.50 per barrel, effective October 1, 1975. Both of these events are assumed to occur whether controls end or not, so the analysis compares two scenarios which differ only in the continuation of oil price controls. If the tariff remains on the books, or if OPEC raises prices by more than $1.50 per barrel, the estimated economic effects would be greater than those presented in the accompanying tables because the world price would be higher. Conversely, if OPEC's increase is smaller than $1.50, the estimated effects of decontrol would be smaller than those presented here.

It is important to note that CBO's analysis assumes that OPEC holds prices fixed from October 1, 1975, through the end of 1977. If there are subsequent OPEC price hikes in 1976 or 1977, the economic impact of decontrol would be magnified.

Another principal set of assumptions concerns the so-called "sympathetic" movements in other energy prices. In this analysis, the price of coal is not assumed to be much higher under decontrol than it would be under a continuation of controls. Given the present excess capacity in the coal industry, this seems a likely scenario for 1976, and perhaps for 1977 as well.

Given the low price of natural gas relative to oil, and the existence of a free market in intrastate gas, CBO has assumed some limited response of natural gas prices to decontrol. As old contracts expire, the average price of natural gas will be rising over the next several years in any case.

Specifically, CBO has assumed that the average price of natural gas will rise by about 22 percent between now and the end of 1977 if controls on oil are maintained, and by about 51 percnt if oil is decontrolled. Thus decontrol raises the price of natural gas roughly 23 percent over a period of two and one-quarter years.[2] The CBO has assumed continuation of the current system of regulating natural gas prices. If higher oil prices lead to a softening or removal of some controls over natural gas prices, the impact of decontrol would be correspondingly larger.

The timing of the increase in petroleum prices has a significant effect on the estimated effects, especially for 1975:4, but also

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[1] The models are those of Chase Econometrics Data Resources, Inc., and Wharton Economic Forecasting Associates.

[2] Increases of 22 percent and 23 percent amount to 51 percent owing to compounding.

for later periods. The CBO has assumed that, even in the absence of legal sanctions, the oil companies will exercise restraint in raising the prices of gasoline. Specifically, the higher crude oil prices—if passed through dollar-for-dollar, translate to a $.07 per gallon increase in refined petroleum product prices. CBO has assumed prices would increase by only about $0.3 per gallon during the fourth quarter of this year, and not register the full $0.7 per gallon until the second quarter of 1976.

As indicated, the higher costs of crude are assumed to be eventually passed through to the retail price of gasoline and other petroleum products on a dollar-for-dollar basis. While FEA regulations are in effect, refiners, wholesalers and retailers are limited to dollar-for-dollar pass-throughs of costs. But without controls it is an open question whether the free market would naturally enforce dollar-for-dollar cost pass-throughs.

Decontrol transfers money from consumers to producers of "old" oil, and OPEC price hikes transfers money from consumers to both foreign governments and domestic producers of uncontrolled oil. The CBO analysis has assumed that OPEC oil is decontrolled. Also ignored is the possibility that American companies—be they oil producers investing in exploration or oil users investing in energy-saving equipment—might invest more in a world of decontrol than they would otherwise.

Finally, it should be noted that the CBO analysis does not factor in any so-called "windfall profits tax." Many such plans have been advanced during the past few months, so it is hard to predict the form of a windfall profits tax that might accompany decontrol. If there is a windfall profits tax—with the proceeds returned partly to consumers and partly to oil companies—the effects on real output and employment would probably be smaller than those given in Table 1 because consumers and companies would have more income to spend. But the effects on prices would be slightly larger for the same reason.

COSTS AND BENEFITS OF DECONTROL

This brief report is primarily concerned with quantifying the rather substantial costs of immediate decontrol. It should be at least mentioned that there are benefits as well. For one thing, ending controls would mean the dismantling of a cumbersome system of government regulations which may distort decisions of drillers, refiners and consumers alike. For another, the higher price of oil would induce greater conservation. Given the role of imported oil in the U.S.—that of filling the gap between domestic production and domestic consumption—the entire reduction in consumption would come out of imports. CBO estimates that imports would be reduced by nearly 700,000 barrels per day by the end of 1977.

TABLE 1.—ECONOMIC EFFECTS OF IMMEDIATE DECONTROL

Economic variable	End of 1975	End of 1976	End of 1977
Wholesale Price Index (percent)	+0.9	+3.4	+3.8
Consumer Price Index (percent)	+0.4	+1.6	+1.8
Gross national product in constant dollars (1958 dollars, billions)	−2.5	−12.0	−17.0
Unemployment rate (percent)	+0.1	+0.5	+0.6
Gross national product in current dollars (billions)	+2.0	+2.0	−3.0
Federal budget deficit (billions of dollars)	−3	−7	0
Imports of crude oil and refined petroleum products (thousands of barrels per day)	−12	−380	−690
Wage rates (percent)	0	+0.4	+0.5

Note: This is a preliminary report, and subject to revision before final release on Sept. 15.

THE EFFECTS OF THE MEDICAL MALPRACTICE INSURANCE CRISIS

Mr. FANNIN. Mr. President, recently one of my constituents, John Anusewicz, a physician's assistant trainee, wrote to me concerning the effects of the medical malpractice insurance crisis on physicians and their ability to practice. His concern that this crisis may drive many physicians out of medical practice and into other health care endeavors or to early retirement is one which I share as well. Because Mr. Anusewicz's letter deserves wider circulation as an example of the effects of the crisis in malpractice insurance, I ask unanimous consent that his letter be printed in the RECORD.

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

GILA VALLEY CLINIC,
Safford, Ariz., August 9, 1975.

Senator PAUL FANNIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FANNIN: I am writing to you concerning a problem that I consider to be of the greatest importance to the people of Arizona and the country as a whole. I am referring to the medical malpractice insurance crisis.

I am presently a Medex (Physicians Assistant) student completing my training with a group of three family practitioners in Safford. There are a total of eight physicians in Safford, and they are the only physicians in Graham County with a population of 20,000.

Last week my doctors, who are fine people and dedicated physicians, lost a malpractice suit involving a child with brain damage from meningitis. I will not go into the details of the case except to say that after the trial was over one of the jurors told us that nobody on the jury thought the doctors guilty of malpractice or any error in judgment. They awarded $250,000 to the family simply on the basis that the child needed it and the money was coming from an insurance company.

It is very painful for me to see how hurt these doctors are who have done so much for this community. One of them has definitely decided to move to another state and involve himself with academic medicine. The other two doctors are as yet undecided, but are contemplating similar moves.

As for me, if this is the kind of professional security that I can look forward to throughout my medical career, with my very home, property, and reputation in constant jeopardy, then I too will have no recourse other than to leave clinical medicine for a research position.

I do believe that malpractice does occur, and that people should have the right to redress their grievances under the law. But I also believe the physicians should have the right to practice medicine without living under the constant shadow of a lawsuit whenever the results of treatment fall short of God-like infallibility.

I urge you to sponsor or support any sensible legislation that will protect the rights of patients *and* physicians alike. I fear that if some radical changes are not made soon, the people of Arizona will find access to medical care more and more difficult, especially in the rural areas.

Sincerely yours,

JOHN ANUSEWICZ, *Medex.*

NEGOTIATIONS TO BE RESUMED ON CYPRUS CRISIS

Mr. PELL. Mr. President, negotiations will resume in New York this week on the crisis in Cyprus. It is, I believe, critically important that these negotiations produce substantial progress toward a reasonable and lasting resolution of the Cyprus problem.

During the recent August recess of the Congress, I had the privilege of visiting Cyprus and Greece. During that visit I discussed the Cyprus problem with leaders of both the Greek and Turkish Cypriotes, and with officials of the Greek Government in Athens. On Cyprus, I visited both the Greek and Turkish Cypriote zones.

In the near future, I will be submitting to the Foreign Relations Committee a full report on my visit. Because of the importance of the negotiations this week, however, I take this opportunity to emphasize what I believe are essential points regarding the Cyprus situation and relations between Greece and Turkey more generally.

In regard to Cyprus, the general terms of a possible settlement have begun to emerge from previous negotiations and statements. In general, I believe such a settlement would involve a reasonable agreement on the land areas to be returned by the Turkish invaders and an acceptable provision for resettlement of a portion of the Greek Cypriote refugees, with probably, and personally I would regret it, a divided or two-zone Cyprus with a central government at whose higher reaches Greek Cypriotes and Turkish Cypriotes would be on an equal basis.

These first two questions—land areas and refugee resettlement—are inextricably intertwined and particularly difficult to resolve. It seems clear, however, that a Cyprus agreement will require that the Turks, who now control 40 percent of the land area, must yield a significant portion of that area for inclusion in a Greek Cypriote zone. How much is yielded, and what specific areas are yielded, have a direct bearing on how many of the Greek Cypriote refugees can be resettled. I fully understand the concern of the Turkish Cypriotes, as a minority on the island, over their future security, but I believe the Turks, because of their military superiority, are in a position where they could and should make statesmanlike concessions that will make an agreement possible.

I would particularly emphasize one point in regard to the negotiations. No piecemeal settlement is possible. Agreement on the land areas and refugee resettlement must be an integral part of any overall settlement. It should be obvious that the Greek Cypriots cannot, and indeed should not, agree to a bizonal arrangement, or to the nature of and powers of a proposed central government, unless there is at the same time agreement on land areas in each zone, and on refugee resettlement.

I hope very much that the Turkish representatives at the negotiations will come forward with proposals on land areas and refugee resettlement that will make an overall agreement possible.

I would like also to mention briefly another aspect of relations between Greece and Turkey, and this involves

the questions of seabed jurisdiction in the Aegean Sea. In regard to this issue, it has been noted previously that the Greek islands in the eastern Aegean are geographically located in the continental shelf adjacent to Turkey. There has, however, been a tendency to draw unwarranted legal and jurisdictional inferences from this geographic fact. I believe it should be emphasized that, under international law, the geographical location of the islands on the continental shelf has no significance whatsoever with regard to seabed and shelf jurisdiction. For example, although Ireland stands on the European continental shelf, that geographic fact in no way prejudices Ireland's jurisdictional rights to a continental shelf. Indeed, the precedents in international law are that overlapping or conflicting seabed or shelf claims are resolved through negotiations, and usually on the basis of a medium line drawn between the land jurisdictions in question. In short, the question of seabed and shelf jurisdiction is essentially a legal one, not a geographic question.

In conclusion, I want to express my strong hope that Greece and Turkey, both valued friends of the United States, are able to resolve on an amicable basis, the issues and conflicts that have arisen between them, including the Cyprus situation.

ADULT EDUCATION FOR INDOCHINA REFUGEES

Mr. JAVITS. Mr. President, tomorrow, the Education Subcommittee of the Committee on Labor and Public Welfare will hold a hearing on S. 2145, the Indochina Refugee Children Assistance Act of 1975. I request that my name be added as a cosponsor to this measure. I wish to commend Senator CRANSTON and Senator TUNNEY, the principal sponsors of this bill, which would provide much needed aid to those school districts which will receive these children. As local school budgets are prepared in advance, and are currently severely strained by rising costs and limited resources, these districts have no way to support the additional costs of these unexpected new students. S. 2145 is a limited bill, which will reimburse these additional costs only for a 2-year period. I hope that the Senate will act quickly so that school administrators can properly plan for the special projects to meet the needs of these refugee children.

Mr. President, S. 2145 would authorize payments based on the attendance of these children aged 5 to 17. Therefore, it will not support needed educational services for the 54 percent of the refugee population—estimated at 64,000 of the 117,000 persons—who are 18 years of age and older. Many of these persons currently remain in the refugee camps awaiting resettlement. The Interagency Task Force on Refugees estimates that on August 1 over 60,000 refugees were still in relocation centers in the United States and Guam. In order that these refugees might become productive members of society, they must first be provided an opportunity to learn basic coping skills.

In addition to refugees in relocation centers, approximately 64,000 refugees have already been resettled in the United States. These persons are now dealing with a wide variety of problems associated with beginning a new life in a new land. They have located in every State of the Union, although they are not evenly distributed. I ask unanimous consent that a table showing the distribution by States of refugees be printed in the RECORD.

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

REFUGEE RESETTLEMENT DATA

As of August 1, 1975, 64,081 Vietnamese and Cambodian refugees have been resettled in the United States. Some 60,000 more refugees are still in relocation centers in the United States and Guam. The Interagency Task Force has released the following information on the distribution of refugees by state:

Alabama	771
Alaska	54
Arizona	617
Arkansas	802
California	14,517
Colorado	678
Connecticut	552
Delaware	77
District of Columbia	966
Florida	3,608
Georgia	808
Hawaii	1,666
Idaho	196
Illinois	1,616
Indiana	653
Iowa	576
Kansas	804
Kentucky	358
Louisiana	1,287
Maine	243
Maryland	1,416
Massachusetts	564
Michigan	656
Minnesota	1,899
Mississippi	207
Missouri	1,208
Montana	50
Nebraska	401
Nevada	249
New Hampshire	48
New Jersey	650
New Mexico	209
New York	1,895
North Carolina	683
North Dakota	134
Ohio	1,295
Oklahoma	1,747
Oregon	1,054
Pennsylvania	1,852
Rhode Island	134
South Carolina	344
South Dakota	129
Tennessee	376
Texas	4,334
Utah	288
Vermont	55
Virginia	2,261
Washington	2,209
West Virginia	74
Wisconsin	735
Wyoming	41
Total	58,046
Resettlement location unknown	6,035
	64,081

Source.—National Indochinese Clearinghouse Center for Applied Linguistics.

Mr. JAVITS. Mr. President, in order to meet the needs of these refugees for special adult education I intend to introduce an amendment to S. 2145. I am pleased that Senator MONDALE will join me in cosponsoring this amendment. This amendment would add a new section to the Adult Education Act, which will provide special purpose grants to State and local education agenices to support adult education projects for these refugees. The bill would not require any additional authorization of appropriation, because the Adult Education Act is currently funded at less than half of its full authorization. The bill provides for a program for only 2 fiscal years, so that the sudden impact of the refugees can be supported, while regular Federal and nonfederally supported adult education programs will meet the longer range needs.

Mr. President, this amendment has been carefully drawn to include safeguards that these grants would not duplicate other programs, that assurances are provided that projects are located near adult refugees who need these services, and that the only refugees served are those as defined in the general purpose Indochinese Refugee Act passed by the Senate last May on the report of the Committee on Foregin Relations and approved by the President on May 23 as Public Law 94–23. Thus this is a limited bill to meet a specific need for a fixed period of time. I should note that under the authority of Public Law 94–23, HEW is currently planning to distribute $5 million to support special refugee education projects for adults. I am pleased that this start has been made. But I am concerned that this amount of $5 million will not meet adequately the needs which I have just outlined. The National Advisory Council on Adult Education estimated that approximately $21.4 million over 2 years will be necessary to meet these needs. Thus, this proposed amendment will create specific authority for education aid for adult refugees as a companion to aid for refugee children authorized in S. 2145. The Senate has already acted on May 8 to welcome the Indochina refugees to our Nation by Senate Resolution 148. I am hopeful that my colleagues will support S. 2145 and the adult education amendment so that these refugees will receive the education services necessary in the resettlement process to integrate them into the fabric of American society.

I ask unanimous consent that the text of this amendment be published in the RECORD.

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

S. 2145

At the end of the bill add the following:

SEC. 11. The Adult Education Act (Public Law 91–230 as amended) be further amended by adding a new section:

"Emergency Adult Education Program for Indochina Refugees.

Section 315(a) From the appropriations authorized for fiscal years 1976 and 1977 but not appropriated for other programs under this title, the Commissioner shall carry out a program of making grants to State and local education agencies for such years for the purpose of operating special adult education programs for Indochina Refugees, as defined in Section 3 of the Indochina Migration and Refugee Assistance Act of 1975. Such grants may be used for—

(1) programs of instruction of adult refugees in basic reading, mathematics, the development and enhancement of necessary skills, and to promote literacy among refugee adults, for the purpose of enabling them to become productive members of American society;

(2) administrative costs of planning and operating such programs of instruction;

(3) support services which meet the educational needs of adult refugees, including but not limited to guidance and counseling with regard to educational, career, and employment opportunities; and

(4) specially designed educational projects which meet the purposes of this section.

(b) The Commissioner shall not approve an application for a grant under this section unless: (1) in case of application by a local education agency, it has been reviewed by the respective State education agency which shall provide assurance to the Commissioner that, if approved by the Commissioner, the grant will not duplicate existing and available programs of adult education which meet the special needs of Indochina Refugees; and (2) the application includes a plan acceptable to the Commissioner which provides reasonable assurances that adult refugees who are in need of a program are located in an area near that State or local education agency, and would participate in the program if available.

(c) Applications for a grant under this section shall be submitted at such time, in such manner, and contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner.

(d) Notwithstanding the provisions of Sections 305 and 307(a), the Commissioner shall pay all the costs of applications approved by him under this section."

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DIETHYLSTILBESTROL

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the unfinished business, S. 963, which the clerk will state.

The assistant legislative clerk read as follows:

A 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.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The time for debate on this bill is limited to 2 hours, to be equally divided and controlled by the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Pennsylvania (Mr. SCHWEIKER), with 1 hour on any amendment in the first degree, except an amendment by Senator CURTIS, on which there are 2 hours, and 20 minutes on any amendment in the second degree, debatable motion, appeal, or point of order.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be charged to neither side.

The PRESIDING OFFICER. Is there objection? If not, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Who yields time?

Mr. KENNEDY. I yield myself such time as I may require.

Mr. CURTIS. Mr. President, will the distinguished Senator yield for a question?

Mr. KENNEDY. I yield.

Mr. CURTIS. The question is addressed to the Chair. Are we operating under controlled time?

The PRESIDING OFFICER. We are operating under controlled time, as just announced. The time for debate on the bill is limited to 2 hours, to be equally divided between and controlled by the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Pennsylvania (Mr. SCHWEIKER), with 1 hour on any amendment in the first degree except an amendment by the Senator from Nebraska (Mr. CURTIS), on which there is a limitation of 2 hours; and with 20 minutes on any amendment in the second degree, appeal, debatable motion, or point of order.

Mr. CURTIS. With reference to the time on the bill, how much time is allocated to those opposed to the bill?

The PRESIDING OFFICER. One hour to the Senator from Pennsylvania (Mr. SCHWEIKER) and 1 hour to the Senator from Massachusetts (Mr. KENNEDY).

Mr. CURTIS. It is my understanding that the Senator from Pennsylvania and the Senator from Massachusetts are both on the same side, representing the proponents of the bill. My question is, how much time is allocated under the bill to those opposed to the legislation?

The PRESIDING OFFICER. The time on the bill was not allocated on that basis.

Mr. KENNEDY. If the Senator will yield, it is certainly my intention, and I am sure I speak for the Senator from Pennsylvania, that we have 1 hour on each side on the bill, and I would certainly be more than glad to assure the Senator from Nebraska that he will receive up to the full hour.

Mr. CURTIS. I thank the Senator very much.

Mr. KENNEDY. I would rather not speak for the Senator from Pennsylvania without consulting him. Speaking for myself, I am willing to divide whatever time I have available with the Senator from Nebraska.

Mr. CURTIS. If the Senator will yield further, I ask unanimous consent that Mr. Forest Reece, of the staff of the Committee on Agriculture and Forestry, have the privilege of remaining on the floor during the consideration of this measure.

Mr. HRUSKA. I make the same request in behalf of Bob Sindt of my staff.

Mr. McCLURE. I make the same request for Jim Fields, of my staff.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent that Larry Horowitz, Allan Fox, Jay Cutler, Calvin Johnson, Renee Bergmann and Nik Edes, of the staff of the Committee on Labor and Public Welfare, have the privilege of the floor during consideration of this measure.

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

Mr. KENNEDY. Mr. President, I rise to urge the enactment of S. 963, a bill designed to bring a known cancer-causing agent under control. This agent, DES, has already taken a terrible toll on the women of America. Two hundred twenty—220—of them have developed vaginal or cervical cancer. Many of these women have died. Thousands of other potential victims do not even know that they are at risk.

All experts agree that DES is a potent animal and human cancer-causing agent. Yet even today the American people are inadequately shielded from the potential harm of this cancer-causing drug. Traces of it continue to appear in the American meat supply, particularly in beef livers. It is used in a variety of medical situations as a prescription drug, and has been only recently approved as a morning-after contraceptive agent. Although the FDA has urged all physicians to stop using it for the now-discredited purpose of preventing miscarriages, the Senate Health Subcommittee heard testimony that it is still used for this purpose.

Each of these uses of DES presents a different kind of risk to the American people. Different forms of regulatory action are appropriate to minimize the different risks. S. 963 is designed to provide maximum protection for the American people.

The first part of S. 963 would ban the use of DES in cattle feed. It is said that the Senate finds itself reconsidering this measure again today. It passed the Senate in the fall of 1973. It was urgently needed then and is even more urgently needed now, because the American people have been exposed to this carcinogen for a longer period of time now.

I am aware that the levels of DES being found in meat are a great deal smaller than those which have been proven to cause human cancer. I also know, however, that there is no known safe level for exposure to a human carcinogen. We in the Congress are not scientists. We are not experts in cancer research.

So we have placed our faith in several eminent scientists to advise us and guide us in the conduct of the war on cancer. Last year we authorized $898 million for this war and we entrusted all that money to the wisdom and judgment of the National Cancer Institute, headed by Dr. Frank Rauscher. Speaking as the director of this Nation's efforts to conquer cancer, Dr. Rauscher has urged, for the past 3 years, that DES be banned from cattle feed.

Dr. Peter Greenwald, the director of the Cancer Control Bureau of New York State, has also urged for 3 years that such

a ban be put into effect. So has Dr. Arthur Herbst, the Massachusetts General Hospital gynecologist who discovered that DES caused human cancer. I believe we in the Congress must be guided by the judgment of the men we have chosen to lead the fight against cancer.

It is alarming to me, and I believe it is alarming to the American people, that the director of the National Cancer Institute has stated that it is his opinion that pregnant women should not eat beef livers, and contrary to popular mythology, it is not only beef livers which are contaminated. I shall place in the RECORD four separate documents which attest to the fact that DES residues do appear in muscle tissue.

Mr. President, the health subcommittee has been conducting hearings into the drug industry for over a year now. No one has to tell me that no prescription drug is entirely safe. They are used when the possibility of health benefit outweighs health risk. Each year hundreds of Americans will die from an allergy to penicillin. But thousands would die without it. There is no counterbalancing health benefit from DES in cattle feed. That is the judgment of the leaders of the war on cancer; that was the Senate's judgment in 1972; that was the judgment of 33 countries which have already banned DES; that was the judgment of the three countries that ban the importation of DES-fed meat; that must be our judgment today.

No American wants the price of meat to rise. But I believe the American people would rather pay more for meat than expose their families to cancer-causing agents. This is not a political issue. It is not even an economic issue. It is primarily a health issue.

This is why I believe we must follow the advice of the men we have selected to lead this Nation's war on cancer. At the same time, I believe every alternative to DES use in cattlefeed should be explored. We should seek to achieve economic savings. One such project is already underway at New Mexico State University. Professor Wray has developed the more-lean techniques, which uses no drugs. I do not know if this project has the potential to provide the economic savings that DES has, but I think we should find out and we should encourage other projects along similar lines.

What we are really talking about is giving the benefit of the doubt to the American people. Our system of new drug regulation is the safest in the world. We have had no thalidomides. This is because we require that drugs be proven to be safe and effective before they are allowed on the market. The requirement that drugs be proven safe in advance of exposing the American people to them is what is at issue here. Up until now, with DES, the Food and Drug Administration has always given the benefit of the doubt to the industry. The regulatory presumption has always been that no residues would appear and, therefore, use has historically been allowed, the burden of proof has been on the wrong party—on those who claim the drug is dangerous. In 1947, DES was approved for chickenfeed. In 1954, it was approved for cattlefeed. In 1957, the first reliable assay showed that there was no residue in beef, but DES residues in chicken. Therefore, in 1959 the Secretary of HEW stopped the use of DES in chicken. In 1965, HEW developed a more sensitive assay, and residues were found in beef. From that time to the present, each new assay which has been developed has shown persistent DES residues. HEW has allowed farmers to withdraw DES from cattlefeed earlier and earlier before slaughtering the animal. First, it was 48 hours, then 4 days, then 7 days, then 70 days. Now it is 14 days, and yet the residues persist.

The Senate took decisive action once before. It must take such action again. The benefit of the doubt must go the American people.

The second part of the first title of this bill applies strict controls to the use of DES as a prescription drug.

In the 1950's DES was widely used in order to prevent miscarriages. That was an appropriate use of the drug at that time. We have subsequently learned the tragic truth about DES—that it has caused 220 cases of cancer in the daughters of mothers who took DES for that purpose. This information first came to light in 1968. In 1971 the Food and Drug Administration urged all physicians not to use DES for this now-discredited purpose.

Today, DES is used to treat a variety of medical conditions. Most recently, it has been approved as a morning-after contraceptive agent. Because DES has been on the market as a prescription drug for so many years, it had been widely, and inappropriately, used as a morning-after pill long before the FDA announced its very limited approval of the drug for this purpose.

This part of the legislation is an attempt to bring what all experts acknowledge is a widely overused and misused drug, back under control. The legislation is necessary because of the ineffective regulatory action of the Food and Drug Administration. In 1973 the Food and Drug Administration sent a bulletin to every practicing physician in the United States stating that DES was approved as a morning-after pill, but only for emergency conditions such as rape or incest. This bulletin turned out to be a serious bureaucratic error. The drug had never been officially approved. Unbelievably, the error was never corrected, and from 1973 to the present, the drug has been treated as an approved drug by all physicians of America. The facts are that even though the mistaken FDA drug bulletin called for only emergency use of DES, the widespread misuse of the drug increased after the bulletin was sent out.

The Director of the National Cancer Institute and the Commissioner of the Food and Drug Administration both expressed grave concern at Health Subcommittee hearings about the misuse of the drug. The director of the Cancer Control Bureau of New York State pointed out that the total dosage required in the morning-after pill exceeded that which is known to have caused cancer in human beings.

The only additional control the Food and Drug Administration proposes for DES as a morning-after pill is to require a patient package insert accompany the dispensing of the drug. Yet the director of the National Cancer Institute testified that a patient package insert alone would not do the job. I agree, he testified that if the drug cannot be controlled for emergency use only, it must be banned entirely. I agree.

The measure before the Senate is an attempt to provide effective controls over the use of DES. For the first time in the history of drug regulation in this country, it establishes close monitoring of the use of a prescription drug all across the Nation. It requires that the written informed consent of the patient be obtained before the drug can be prescribed. It requires that the label of the drug warn all potential users of the known hazards of the drug.

Most importantly, it monitors the actual prescribing and dispensing of the drug. Under this system, we will know how and under what conditions a dangerous drug which has limited, but legitimate, uses is prescribed.

Issues of safety are central to this legislation. It should be noted that Eli Lilly, one of the Nation's largest and most prestigious pharmaceutical companies has, on its own, refused to manufacture DES as a morning-after pill. They testified before the Health Subcommittee that DES did not meet Eli Lilly's standards of safety. This is the first time that a pharmaceutical company has evidenced higher standards of safety than that of the Food and Drug Administration.

Mr. President, I hope we can keep DES on the market for the small but legitimate uses to which it can be put. But that will be possible only if this regulatory system contained in S. 963 is effective.

Mr. President, I know that the Senate, the President, and the American people remain fully committed to the effort to conquer cancer. That battle must be fought on many fronts: By the training of bright young researchers; by support for basic biomedical research; by support of health treatment programs; and by the elimination of carcinogens from the environment. Title I of S. 963 removes an unnecessary cancer-causing substance from the Nation's food supply and protects the American people from the increasingly dangerous misuse of DES as a prescription drug. I urge our colleagues to cast their votes on behalf of the health of the American people.

The second title of S. 963 makes certain changes in the status of the Food and Drug Administration. FDA is the most important health regulatory agency in the United States today. Its function is to protect the American people from dangerous and ineffective drugs, from dangerous medical devices, from unsafe cosmetics, and from a contaminated food supply. This legislation recognizes the central role that the leadership of the Food and Drug Administration plays in

safeguarding the health of the American people. It requires that the President appoint and the Senate consent to the nomination of the leadership of the Food and Drug Administration. It also establishes FDA as an entity within the law. In short, title II of S. 963 takes important steps to strengthen the independence and stature of this most important regulatory agency. I urge our colleagues to give it their full support.

Mr. President, I reserve the remainder of my time.

Mr. CURTIS. Mr. President, will the Senator yield 10 minutes?

Mr. KENNEDY. I yield 10 minutes.

Mr. CURTIS. Mr. President, let it be understood that this is not an issue of one side of the argument, that those who argue on one side are opposed to cancer and that those on the other side just say "Let's take a chance." This legislation is far more important than that.

In the first place, I say that in a few moments I shall offer an amendment that in substance says that Congress should not make the decision about diethylstilbestrol, but that we should direct not the Department of Agriculture, but the Department of Health, Education, and Welfare to assemble all the data, analyze it, and make a recommendation to Congress.

Mr. President, I challenge anyone to produce a single witness among the medical profession who will state that he has discovered a case of cancer arising from individuals—human beings—eating beef that had the supplement of diethylstilbestrol. I challenge any proponent of this legislation or anyone else to cite a single case in which cancer has occurred and any medical authority who has said that it had its origin in beef that had been fed the supplement diethylstilbestrol. It just is not so.

As a matter of fact, it is said that if a pregnant woman ate liver—it is conceded that if there is any residue from the use of diethylstilbestrol, it will be found in the liver—that if a pregnant woman ate liver, 8 ounces a day, for her entire pregnancy of 270 days, at the DES level in the liver tissue of two parts per billion, the total gross of diethylstilbestrol would be 25 1,000ths of one gram of active DES in the one-tenth milligram of total diethylstilbestrol. That is one-tenth of one milligram.

The Department of Health, Education, and Welfare, under the Food and Drug Division, already is approving the use of diethylstilbestrol to be taken directly by women. If they took diethylstilbestrol for 4 days as a morning-after pill, containing 50 milligrams per day, it would create 200 milligrams.

In other words, we have a situation in which the Food and Drug Administration says it is OK for a prescription for a woman to have 200 milligrams in 4 days. If it is given to the human being because he had eaten beef that had been fed diethylstilbestrol, it would be one-tenth of one milligram.

Is it any wonder that there is no authority who can cite a single case of cancer arising from the eating of beef cattle which had been fed diethylstilbestrol?

Mr. President, let the record be clear: there are three parts to the proposed legislation. One has to do with confirmation of FDA officials. We are not concerned about this at the moment. The other is to ban the use of diethylstilbestrol as an ingredient for medicine for women. I am not concerned about that at this moment.

The part of the bill that I resist is that in which Congress would undertake to outlaw the use of diethylstilbestrol as a supplemental for cattle feed, when the fact is that no authority can state that it does cause cancer. There has never been a case of cancer in which the medical authorities have said that it was caused by eating beef. There never has been a case of cancer in which the medical authorities have said that it was likely that it was caused by eating beef.

Should Congress undertake the job of deciding what substances are harmful and what are not? I do not think so. I do not think we are competent medical men. I do not think we are competent chemists. I do not think we are competent in these technical fields to make such a decision.

We have created the Food and Drug Administration. The amendment I will offer will provide that the Department of Health, Education, and Welfare, through the Food and Drug Administration, shall gather all the information, analyze it, and make a recommendation to Congress.

Mr. President, if we are to have the American people in a mood in which they have confidence in the Government of the United States, it is important that we do not act out of rumor or suspicion or fear. The cancer situation is bad enough. Congress should not make it worse by having the notion across the land that the Government of the United States really does not know what it is doing, that it is proceeding on proven scientific data, but that we are making political speeches and frightening people and causing a certain course of action to be taken. This goes to the integrity of the Government of the United States, to the integrity of Congress.

We are not here proposing that cattle feeders be allowed to go on with a known dangerous promoter of cancer. Not at all. All we are saying is that before we do it, let us ask the Department of HEW to analyze all the data and bring in a recommendation.

Mr. President, have I used my 10 minutes?

The PRESIDING OFFICER. The Senator has approximately 1 minute remaining.

Mr. KENNEDY. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. CURTIS. I yield.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the time which was allotted to the ranking minority member of the committee, Mr. SCHWEIKER, be allocated to the Senator from Nebraska and that the time which has been used up to now conform to that request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CURTIS. I thank the Senator.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

I hope that at the start of this discussion and debate, we can agree on certain facts and figures. I have heard about and seen various material which has been circulated by some Members of the Senate indicating what has been proved and what has not been proved.

Some state that DES has only appeared in the kidney and liver and does not exist in muscle tissue. This is completely and categorically wrong.

I have introduced seven different studies, starting with the study at the University of Pennsylvania conducted by Dr. Ridder. I will refer to these studies in greater detail as the debate continues. These studies include an FDA memorandum of February 22, 1972, page 85 and a DES report, with analysis, on February 8, 1972. This is an FDA memorandum, and the references are on page 89. There is a document from the files of the Consumer and Marketing Service, May 27, 1970, page 374 of Representative FOUNTAIN'S hearing, which shows that DES is showing up in tissue.

There is material submitted by Senator PROXMIRE, page 201 of the hearing record, and a Department of Agriculture study that was quoted in the Journal of Animal Medicine in 1974. Here is another study conducted in 1975 included in a Department of Agriculture memorandum.

Mr. President, I shall ask unanimous consent that they all be included at an appropriate place in the RECORD. I am going to quote the pertinent parts of the various memoranda. I mention it while we are talking about what has been proved and what is scientific and who the real authorities are. I mention it to show that the Department of Agriculture, in the various studies, shows that there has been the discovery of residue in animal muscle and other tissue. I will let that stand by itself.

In listening to the Senator from Nebraska, I agree wholeheartedly with one part, and that is that neither he nor I have the scientific background and experience to make these scientific judgments.

But Frank Rauscher, who is the head of the Cancer Institute, is qualified to make it. Dr. Herbst, who is one of the leading, outstanding researchers in DES, has made a recommendation. Dr. Peter Greenwald, who has probably done as much research on this issue as any other clinical researcher, has made a judgment on it. They have all followed and recommended the procedures which we have outlined in this legislation.

Mr. HRUSKA. Will the Senator yield briefly for a question?

Mr. KENNEDY. Yes, I yield.

Mr. HRUSKA. I will take time on the bill on this side for purposes of the question, not necessarily for too lengthy an answer.

I listened with interest to the Senator from Massachusetts talk about the authorities and reports that he has cited that DES has been found in residue in

tissue. I would be very interested in that, but at a later time, I shall discuss it some more. I should like the Senator's explanation of this testimony, found at page 2863 of the Senate hearings on the agricultural and related agencies appropriation this year. Senator BAYH asked Dr. Schmidt:

What relationship has there been between the detection of DES in livers, and the presence of DES in other parts of the animal?

The answer by Dr. Schmidt:

As DES has been used recently, it has been found only in liver tissue. I do not know of its having been found in the red meat.

Mr. Hutt then supplanted that by the following statement:

Not in red meat. I believe on one occasion it was found in kidney, but not in red meat.

Is there some explanation for that?

Mr. KENNEDY. There is a very simple explanation. Dr. Schmidt was unaware of the studies that I had put in the RECORD at the time he gave that testimony.

Mr. HRUSKA. But they are old studies.

Mr. KENNEDY. They are studies that he was unaware of and he has so stated.

Mr. HRUSKA. Was he so unaware of——

Mr. KENNEDY. He was unaware of it. That is the answer.

Mr. HRUSKA. Was he so unaware that the citation of the Senator from Massachusetts should be——

Mr. KENNEDY. I have answered the question of the Senator from Nebraska. On these particular issues, he did not know of the studies which had been conducted in the Department of Agriculture. That is the answer.

He did not know, quite frankly, until we brought them to his attention.

Mr. HRUSKA. What about Mr. Hutt? Was he similarly unaware?

Mr. KENNEDY. He was also unaware of it.

Mr. HRUSKA. Oh.

Mr. KENNEDY. That is the fact.

The PRESIDING OFFICER. Who yields time?

Mr. McCLURE. Will the Senator from Nebraska yield 5 minutes?

Mr. CURTIS. I yield 5 minutes to the Senator from Idaho.

Mr. McCLURE. Mr. President, I hope that in the debate we do not confuse decibels with logic, that somehow raising our voice necessarily increases the weight of the argument because, if that is the case, there will be Members of the Senate come in here with bull horns to make certain that their argument is heard with greater weight.

The facts remain that there have been no tests—and I repeat that, no tests—which prove the presence of DES in red meat. They have some tests, and I suspect these are the only ones that the Senator from Massachusetts makes reference to, that have sought to attach a radioactive agent to DES so that the radioactivity can then be traced in meat, and there have been tests that indicate that there is some radioactivity present in meat. But those tests are not—and I repeat, are not—held by scientists to prove the presence of DES. The testing methods themselves have been called into question by members of the scientific community. They say that that simply indicates the radioactive agent went into the red meat. It does not prove that the DES did.

The Senator from Nebraska is exactly correct when he says that no tests indicate the presence of DES in red meat.

Let us go, for one moment, further. The bill of the Senator from Massachusetts would permit the use of DES in a morning-after pill. That morning-after pill would, in most instances, be 25 milligrams per day for 10 days. The most DES that has been found in cattle liver is at a level of two parts per billion. As the Senator from Nebraska ably stated in his opening remarks, it would require a woman to eat a very great deal of cattle liver to equal the amount of estrogen which is approved by this bill.

This bill would permit therapeutic doses up to 50 milligrams. That 50 milligrams would be equal to thousands of pounds of beef liver.

Mr. STONE. Will the Senator yield for a question?

Mr. McCLURE. I am happy to yield to the Senator from Florida for a question.

Mr. STONE. Does the Senator know of any medical expert who testifies and asserts that the amount of DES now being found, or that has been found, in meat would cause cancer?

Mr. McCLURE. Absolutely not, in answer to the Senator from Florida. There is absolutely no such testimony.

Mr. STONE. Do any of these experts cited by the Senator from Massachusetts in his most recent remarks as being in favor of his proposition testify that the way DES is now being used, under the restrictions now imposed, would probably result in cases of cancer in human beings by their eating the meat?

Mr. McCLURE. As a matter of fact, quite to the contrary is their testimony. I quote from the hearing record in regard to the testimony of the head of the National Cancer Institute. If we are not going to pose as experts today and will listen to experts, perhaps the head of the National Cancer Institute might be such an expert. He made this statement on the record:

Physicians who have the responsibility for treating emergency pregnancies should not be deprived of what appears to be a useful medical tool—

I put emphasize on the balance of his statement—

particularly so, since there is a considerable accumulation of evidence which indicates the risks to humans are so small as to be undetectable.

That is in the therapeutic use of this chemical in the treatment of pregnancies not in the infinitesimal quantities which are found in the residues in the organs of some beef animals.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. McCLURE. Will the Senator yield 5 additional minutes?

Mr. CURTIS. Yes, I yield 5 additional minutes.

Mr. McCLURE. I thank the Senator.

I think another statement was made earlier which should be clarified. The Senator from Massachusetts indicated that the Eli Lilly Co. has voluntarily decided not to market this. Let me state what the facts are on what the Eli Lilly Co. has decided.

Eli Lilly declined to market a 25-milligram dosage for postcoital contraception. It sent out a letter to physicians in March of 1974 stating that Eli Lilly had not conducted or supported a clinical investigation to establish the efficacy and safety for this indication.

Mr. KENNEDY. Will the Senator yield that point on my time?

Mr. McCLURE. I shall be happy to as soon as I complete their statement. They said, and I quote from that letter:

We continue to endorse DES for indications included in our current literature.

Now, I am happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. Is it not correct that they withdrew it as a morning-after pill?

Mr. McCLURE. In the 25-milligram dosage, that is correct.

Mr. KENNEDY. Does the Senator know of any other dosage than the 25-milligram?

Mr. McCLURE. Yes, there are 50-milligram therapeutic dosages, which would be included——

Mr. KENNEDY. For a morning-after pill?

Mr. McCLURE. No, it would not be for a morning-after pill.

Mr. KENNEDY. So they withdrew it, as I understand it; they indicated that because their tests were not complete, they withdrew it.

Mr. McCLURE. They withdrew it in that dosage for that purpose, but not other dosages for other purposes.

Mr. KENNEDY. What are the other purposes?

Mr. McCLURE. Cancer treatment, for one.

Mr. KENNEDY. All right. Is there some risk/benefit ratio in treatment of a person who has cancer?

Mr. McCLURE. I would think so.

Mr. KENNEDY. I would think so.

Mr. McCLURE. Mr. President, will the Senator, perhaps, tell me how many pounds of beef liver it would take to equal one 50-milligram therapeutic dose?

Mr. KENNEDY. I do not know what the relevancy would be. I would say, in responding to that, and also in response to the Senator from Florida, that when you ask is there any scientific authority able to say that if you can eat so much meat you can get cancer, can the Senator from Florida or the Senator from Idaho quote any scientist who can say you can eat so much and cannot get cancer?

Who is about to take the risk, the burden, on this particular issue and on the particular issue of comparing this to some kind of other prescription drug? I find it extraordinary that we enter an economic issue into what is basically a health issue.

We know, as I pointed out in my opening statement, that people prescribe penicillin. Some people are going to die from taking penicillin because they are going to be allergic to it, but some people are going to live. More people are going to

live and, therefore, we are going to prescribe what might be considered a dangerous drug because of the risk/benefit ratio. But what is the possible benefit from a health point of view of taking this kind of a product, DES, out of the meat that is going onto the dinner table? There is only one reason, and that is the economic consideration, not health.

I would certainly hope when we are talking about this particular issue that we would be willing to separate what is in the interest economically of those cattlemen who are using this as a feed versus the question of health for the American people. I think that is clearly a discernible issue, and I think it ought to be in our discussion and debate and ought to be addressed.

Mr. McCLURE. Mr. President, I ask unanimous consent that the time consumed by the Senator be charged to the proponents of the bill.

Mr. KENNEDY. I would ask that the time be charged without consent.

Mr. McCLURE. I thank the Senator. I did not want to in any way interrupt the answer.

Mr. STONE. Mr. President, will the Senator from Idaho yield for a question?

Mr. McCLURE. I yield to the Senator from Florida for a question.

Mr. STONE. Does the Senator from Idaho know of any efforts to ban the pesticides and fungicides used in the growing of row crops on the theory that if those fungicides or pesticides were to be ingested they might be poisonous and might produce cancer or is it the case that those pesticides and fungicides now being used to raise commercially affordable food crops from row crops are not attacked because they are not taken into the human body in sufficient amount to be dangerous to health. Is that not the issue here?

Mr. McCLURE. I would say to the Senator from Florida that is precisely the case.

The Senator from Massachusetts tries to put it on the basis of health versus the economic sphere. I think the Senator from Florida has ably indicated there are a great many things in our society which could be cast in the same role if, indeed, we intended to do so or attempted to do so.

But I want to underscore the fact that the head of the National Cancer Institute, referring to the massive doses taken in the kind of medications which the present legislation would permit, said:

> There is a considerable accumulation of evidence which indicates the risks to human beings are so small as to be undetectable.

That is the evidence that he gave in testimony before the committee in the development of this legislation.

The authors of legislation have chosen to disregard that and accept instead an absolute test, that if any kind of a health risk can be indicated, regardless of how slight that risk might be, that the chemical in question should be disregarded totally only in the economic sense of cattle, but also very carefully limited, but not totally limited, in the very massive dosages which are permitted under this bill in the event of the morning-after pill.

I will be happy to yield to the Senator from Florida.

Mr. STONE. Does not some livestock have to go through tick baths and other types of chemical treatments to their exterior that would, if those chemicals were ingested and if there was a sufficient residue in the product of the meat afterward, have to be banned? But is it not the fact that since there is not such a residue in sufficient quantity, the fact that they are deadly poisons is irrelevant?

The PRESIDING OFFICER. The 5 minutes of the Senator from Idaho have expired.

Mr. McCLURE. Mr. President, will the Senator yield me 2 additional minutes?

Mr. CURTIS. I yield the Senator 2 additional minutes.

Mr. McCLURE. Of course, the Senator from Florida is correct. There are balances drawn in every instance. What we have here is, we focus on one kind of risk, in this instance growing out of one use or dangerous use of a drug, and extrapolate it to cover something as to which there is absolutely no risk. There is no scientist who has ever said there was one case of cancer caused or suspected to have been caused by the use of DES in fattening cattle or poultry, not one.

Mr. STONE. Mr. President, will the Senator yield further?

Mr. McCLURE. I yield.

Mr. STONE. Would not the sensible approach be to conduct a careful and systematic scientific analysis of the amounts and quantities that would become critical so that we could then pass legislation or adopt regulations well within the limits of tolerance if those limits of tolerance are more strict than they already are? Whereas, on the other hand, the evidence does not seem to show that the limits already imposed have produced any risk. But if there is a fear involved here, would not the careful, scientific study be a better way to go about it rather than a blanket prohibition approach?

Mr. McCLURE. Certainly it appeals to me that knowledge can serve—that scientific study would expand our knowledge, I agree with the Senator from Florida.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Who yields time?

Mr. KENNEDY. Mr. President, just on this point there are a couple of factors which ought to be pointed out in response to the Senator from Florida's and the Senator from Idaho's exchange, and that is who is going to accept the burden of proof as to how much of a cancer-causing agent are we going to permit on the American dinner table every single day.

If the Senator from Florida wants to take the responsibility, and he is not satisfied that on a given particular item such as DES he has seen sufficient kinds of scientific material to justify his vote in banning it, that is going to be a judgment that he is going to have to make.

But I want to point out very clearly those people who know the most about the question of cancer have recommended banning it if there is the discovery of residues in any of the material.

I mention here the various exchanges that have taken place between Dr. Rauscher, the head of the National Cancer Institute, and myself, when we were talking about the residues. At that time it was with regard to the beef liver residues, and I said—this is on page 39—

> Senator KENNEDY. Residues are now appearing.
>
> Dr. RAUSCHER. That is correct.
>
> Senator KENNEDY. You want to end that?
>
> Dr. RAUSCHER. Indeed.
>
> Senator KENNEDY. You want DES out of beef?
>
> Dr. RAUSCHER. That is our recommendation.
>
> Senator KENNEDY. All right.

Now, maybe the Senator can run through all kinds of other convoluted reasoning or rationale, but that is what the person who has the prime responsibility in the war on cancer has said. The Senator can make his own judgment that he is not going to pay any attention to it, but that is going to be the responsibility which the Senator and the others who support that position will take.

Next, Mr. President, in regard to the Surgeon General's report on the whole question of carcinogens, it is stated:

> The ad hoc committee on the evaluation of low levels of environment chemical carcinogens endorse the principle that no level of exposure to a chemical carcinogen should be considered toxicologically insignificant for man.

I just want to point out to my colleagues here that probably the greatest kind of danger that our society and the world is facing in the issue of cancer is going to be environmental carcinogens. This is the area in which you are going to find, as long as we are in these Chambers the principal danger—make no mistake about it.

I am not alone in this prediction. Here is the report to the Surgeon General which says that they are going to endorse the principle that "no level of exposure to a chemical carcinogen should be considered toxicologically insignificant for man."

Further down on the page, the Surgeon General's ad hoc committee recommended:

> No substance developed primarily for uses involving exposure to man should be allowed for widespread human intake without having been properly tested for carcinogenicity and found negative.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. KENNEDY. Wait a minute.

The Surgeon General, the Surgeon General's report, the head of the National Cancer Institute, the two leading researchers in this country on DES, who have spent a lifetime on this issue make those statements. Then the Senator says, "Well, you quote to me a scientist who says they have to eat how much beef liver in order to get cancer."

We ought to be asking ourselves where the burden is, and I say the burden ought to be on those individuals who are trying to insure that we are going to continue to use DES. That is where the burden ought to be.

Mr. McCLURE. Will the Senator yield?

Mr. KENNEDY. Not yet, I will not yield.

Finally, I ask what are we really talking about? A few more cents, when it comes down to it. We are not arguing the risk and benefits of a health issue.

The Senator from Florida and the Senator from Idaho think they are going to benefit the health of the American people by placing this in, and the Senator from Massachusetts and the Senator from Pennsylvania disagree with that.

Let the chips fall where they may, there is only one issue, that is the economic issue. We are talking about dollars and cents here, basically and fundamentally, and that is what the significance is going to be.

We pass this legislation, we ban it, the American people are going to pay a few more cents for the cost of meat. But they are going to be sure, at least, there is one area where the Congress of the United States understands that there is a proven cancer-causing agent which has the possibility, remote or certain of causing cancer through our food supply. The Senator from Florida and the Senator from Idaho do not have any idea, and we may not know until finally maybe in 3 or 5 years from now. It is not going to be somebody up in Boston or in Miami, but the whole population affected by this.

It is interesting that 33 other countries around the world have banned it, but not the United States. I will not say we can substitute their judgment, we can make our own. But, Mr. President, we must accept the support of the Surgeon General and the Cancer Institute. It is essential.

Mr. McCLURE. Will the Senator yield?

Mr. KENNEDY. I would like to yield to the Senator from Pennsylvania who is the ranking minority member.

Mr. McCLURE. Will the Senator yield for a question before yielding to the Senator?

Mr. SCHWEIKER. I would like to answer another question first.

Mr. KENNEDY. The Senator wishes to answer another question and then I would have hoped we might have been able to move to the amendment because we are using all our time on this. I want to yield to the Senator from Pennsylvania and then I will be glad to get back.

Mr. SCHWEIKER. First, I commend the Senator from Massachusetts for his leadership in this area. As ranking minority member, I strongly support this bill.

I support the efforts of this committee and I agree completely with them.

Mr. President, S. 963, the Food, Drug, and Cosmetic Act Amendments of 1975, is a vital piece of legislation, and I most strongly recommend its passage to my colleagues. Its purpose is to protect our citizens from unnecessary use of the drug diethyl-stilbestrol—DES—which has been found to cause cancer in certain cases. I consider this measure an extension of our commitment to the national attack on cancer, as established by the National Cancer Act of 1971 and the Cancer Act Amendments of 1974, which recognized the importance of eliminating carcinogenic agents wherever possible.

Title I of the bill contains two amendments to the Federal Food, Drug, and Cosmetic Act to assist in cancer prevention. First, it prohibits the introduction into interstate commerce of DES for purposes of administering the drug to any animal intended to be used as food, and stipulates that DES may not be administered to any animal whose product is intended for use as food.

The Senate already expressed its support of this provision by passage of a similar measure during the 93d Congress. I am deeply concerned for the health of all Americans, inasmuch as DES residues are now appearing in beef livers, at levels equal to or higher than those which prompted our action in 1972. This provision is also supported by the Commissioner of the Food and Drug Administration and the Director of the National Cancer Institute, who has warned all American women not to eat beef livers during the first trimester of their pregnancies. Second, the bill adds a new subsection to section 502 of the Food, Drug, and Cosmetic Act, regarding misbranded drugs or devices, which would consider a drug to be misbranded if it were wholly or partially composed of DES, unless its labeling or packaging would adhere to a series of guidelines including a warning that the drug may cause cancer and that it may not be used as a contraceptive after sexual intercourse except in cases of rape or incest or a comparable medical emergency, and only after the patient or patient's legal guardian has given written consent after full verbal disclosure by the attending physician of the risks, benefits, and alternative methods of treatment.

In addition, the bill requires that a copy of each completed informed consent form, along with a written record of the attending physician's prescription, be submitted by the physician to the Secretary of HEW, and that a copy of each prescription for this drug which has been presented to a pharmacist be submitted by the pharmacist to the Secretary. Mr. President, in 1973 FDA approved the postcoital contraceptive containing DES for use in emergency situations, but left the definition of "emergency" up to the individual physicians. Testimony before the Senate Health Subcommittee has pointed out that this drug is currently being inappropriately and widely used. Much of this misuse is occurring on our college campuses. The Commissioner of the FDA has defined "emergency" as rape, incest, or a comparable medical emergency. S. 963 would tighten the controls on this drug, to prevent its further misuse.

Title II, the Food and Drug Administration Act, provides the basis for a statutory charter for the Food and Drug Adminstration within the Department of Health, Education, and Welfare. It provides for Presidential appointment with the advice and consent of the Senate, of the Commissioner of Food and Drugs, the Deputy Commissioner, and the General Counsel for the Administration. The Commissioner would be directly responsible for all functions of the Secretary of HEW administered through the FDA. As a regulatory agency, FDA must have a clear statutory base to be able to vigorously prosecute violations of the law. Providing the agency with a charter will insure that it may not be administratively reshuffled elsewhere in the HEW structure, submerged under layers of bureaucracy, or renamed. As an agency which makes important decisions which affect our daily lives since they involve foods, drugs, and other common consumer products, FDA must be given the proper authority to carry out its functions directly.

Mr. President, I feel it is pointless, in light of the billions of dollars we have poured into the vital area of cancer research, to allow the continued widespread availability of a known carcinogen, when we have before us the opportunity to, in some measure, prevent these tragic consequences.

There is one very valid point to make. I understand the point has been raised that we have not seen evidence beyond the fact that the DES level in beef liver has increased. There is no danger or cause for alarm, so why change our procedures and habits, since the essence of the other argument is that we have not been able to pin down that somebody gets cancer from eating the liver?

I think a strong answer cries out in this direction: It took us 20 long years to find out this same drug produced cancer not in the person using it, but in her first generation female offspring.

It took 20 years. That ought to be a clear warning of the danger. The danger is that we did not know for 20 years that the cancer was going to appear. This is the clearest signal about the trouble with this drug. Twenty years.

I wish the Members making such an eloquent plea on the other side would have sat before the mothers whose daughters died of this poisoning from cancer to hear their arguments, I wish the Members of this body could have heard the young, teenage girl who said, "I may die of vaginal cancer because my mother had DES." I think this is very relevant.

And they say we really do not know enough or the feeling of this drug. Yet, how many times must we get beat in the head, since it took 20 years——

Mr. CURTIS. Will the Senator yield?

Mr. SCHWEIKER. Not yet.

Twenty years to start to find out we were feeling bad drugs to our own people as medicine. We have learned the hard way and they want to learn all over again.

I say those people are every bit responsible for being warned and for knowing this could occur.

It did occur, it is occurring, and young ladies have died because of it and more will die, and they say we really do not know.

It is a clear signal to say away from this drug, to use it only for emergency, and not to feed our population DES on a widespread basis.

The pediatricians already say they recognize the danger; they tell every pregnant mother not to eat beef liver.

I think we are making a horrendous mistake, condemning a number of young ladies in this country to death, to make the same mistake again, and to say that it will cost a few more cents.

All I can say is that if their respective daughters were dying of DES-induced cancer, they would have reason to question this, too.

Mr. CURTIS. Will the Senator yield?

Mr. SCHWEIKER. I am glad to yield to the Senator?

Mr. CURTIS. I would like to ask the Senator for the name and address of any human being that has gotten cancer by eating beef where the cattle have been fed diethylstilbestrol. I will make it easier. Can the Senator cite a single case of cancer where the medical authorities have stated that it is likely to have been caused from eating beef where the cattle have been fed diethylstilbestrol?

Mr. SCHWEIKER. The point I have just made—was, basically, that 20 years ago that same question was asked and 20 years ago we got the same answer. We found out we were wrong, 20 years too late, and thousands of people have died too soon.

We asked that question 20 years ago and we got no proof. Now, all of a sudden, we find out, 20 years late, that the female offspring of the women who used it are now dead.

So we could have asked the Senator's question 20 years ago and come up with the same answer and the Senator would have been wrong.

Mr. CURTIS. No, no. Here is the difference. The Senator is citing cases where babies have had cancer because the mother was prescribed diethylstilbestrol as a medicine in rather large doses.

We should give our attention to that, no argument about that.

What we are arguing now is diethylstilbestrol as a livestock food supplement, and my question is this, can the Senator find a single case where cancer has resulted or where some doctor says it is likely it is caused?

Now, I want to point out that if the Senator wants to carry this crusade against cancer, there are plenty of known fields where we can act.

I think we could assemble a long list of people who have cancer from the use of smoking cigarettes. That is a known fact, but it is not in this bill.

Here, we are acting on something where there is not a single authority that has pointed to one case of cancer resulting from eating beef where the cattle have been fed diethylstilbestrol.

Mr. KENNEDY. Will the Senator let me answer that question by asking a question?

Can the Senator from Nebraska give the Senate an answer to the question of what is the health benefit to the American people by feeding them diethylstilbestrol?

Mr. CURTIS. I cannot give an answer to that anymore than I could give an answer to what is the health benefit of eating bananas or peanuts.

Mr. McCLURE. Will the Senator yield?

Mr. KENNEDY. I can answer that, if the Senator wants to ask me.

Mr. McCLURE. Will the Senator yield?

Mr. KENNEDY. The question was asked, what is the health benefit, and the health benefit, and the Senator is not going to be able to find any, because we cannot.

Mr. McCLURE. Will the Senator yield? I will tell him one. The fact is that DES-fed cattle develop red meat with less fat, and there is a health effect in the ingestion of fat meat. That health effect is far less tenuous than the health liability.

Will the Senator yield for another question?

Mr. KENNEDY. Yes, I would be glad to. But before we leave this point, I want to just include in the RECORD the letter from Dr. Herbst, who is the leading researcher on this question and who has been working on it for the last 20 years. I will put in the whole short paragraph, but there is one point I want to mention here:

> No one knows the smallest dose or shortest duration of exposure to DES that might endanger a human female fetus. At the same time, we do not know what dosage, if any, may be safe, and in light of our current knowledge I feel it is medically unwise for DES to be part of the food supply available to the American public.

I am saying that the Senators from Idaho, Nebraska, or Florida cannot say with any degree of precision what is safe, and the Senator from Massachusetts cannot say what is dangerous. What we do know on this whole issue is that DES is a cancer-causing agent and those who have been most concerned in the whole area of research in this particular field feel that the burden should not be upon those trying to remove it. Rather, if there is going to be research, then ban it and have research come in and show that it is going to be safe. After that material is available, I am sure the Senator from Pennsylvania as well as Massachusetts would be glad to take whatever legislative steps would be required to see that it is properly handled.

Mr. McCLURE. Will the Senator yield for a question?

Mr. KENNEDY. How are we on time, Mr. President? We have some other speakers. The Senator from Maine has not spoken yet.

The PRESIDING OFFICER. The Senator from Massachusetts has 23 minutes remaining.

Mr. KENNEDY. I wonder if we can have the Senator from Maine speak.

Mr. McCLURE. The Senator from Massachusetts indicated that he would yield for a question after yielding to the Senator from Pennsylvania.

Mr. KENNEDY. Yes.

Mr. McCLURE. I wanted to call attention to the remarks he made earlier, as well as the Senator from Pennsylvania, which would indicate to me, if I understood them correctly, that if there was any risk it had to be removed, or if the people using the agent cannot prove that there is no risk, the carcinogen must be removed from the human environment.

Am I correct in that understanding, that that is the position of the Senator from Massachusetts?

Mr. KENNEDY. That is correct. I followed the Surgeon General's recommendation that says the principle for zero tolerance for carcinogenic exposure should be retained in all proposals of legislation and should be extended to cover other exposures as well as no substance developed for usage should be allowed.

Mr. McCLURE. Will the Senator from Nebraska yield 2 minutes for a response?

Mr. KENNEDY. Let me say the only condition I would put on that, of course, is a health risk benefit. That is the only condition.

Mr. McCLURE. If there is a health risk involved in which there is a health hazard and no corresponding or offsetting health benefit, then the Senator would ban the substance?

Mr. KENNEDY. That would be my position. I think we find, as we well understand, that there are a number of extremely dangerous drugs which are prescribed, many of them in the treatment of cancer, that in and of themselves pose very serious health risks. But given the situation in terms of the dangers of cancer, it is considered to be in that balance of health risk ratio that it is worthwhile in terms of trying to save the patient to undertake certain risks. The thrust of my argument, of course, is in this particular issue we are not talking about that. We are talking not about health but economics. It is interesting to note that we have not really heard very much about it. I daresay I believe that is the underlying motivation for knocking out this particular provision. I may be wrong, though I do not think I am.

Mr. STONE. Will the Senator from Massachusetts yield for two very brief questions?

Mr. KENNEDY. Yes.

Mr. STONE. Does the Senator know of any residues in beef liver that have been found when the feeding of DES to cattle is ceased 2 weeks in advance of the slaughtering or even more than 1 week?

Mr. KENNEDY. I have, it is for 10 days. It is interesting that we do have, which has been made part of the RECORD. It will show it for 10 days. The point beyond this is, when talking about 10 days, of course, by tolerating it we do not know how many situations there are where people will withdraw them for 5 or 6 days. This is even in terms of compliance with 10 days.

But, the answer specifically is yes, for 10 days.

Mr. STONE. Does the Senator have any for 2 weeks?

Mr. KENNEDY. There is a study by the Department of Agriculture which reports residues even after 14 days.

Mr. STONE. Is that in the testimony before the Senator's committee and in the report?

Mr. KENNEDY. It is in the Department of Agriculture report. I will get it and go over it with the Senator.

Mr. STONE. The Senator from Florida would appreciate it very much. The Senator from Florida had not heard of any such findings.

Mr. McCLURE. Will the Senator from Nebraska yield 2 minutes?

Mr. CURTIS. Mr. President, I first yield myself 1 minute.

Mr. President, I ask unanimous consent that there be added as cosponsors to amendment 692 Senators McGEE, CLARK, FANNIN, JOHNSTON, LAXALT, GOLDWATER, HANSEN, and HRUSKA.

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

Mr. McCLURE. Will the Senator yield?

Mr. CURTIS. I yield 2 minutes to the Senator from Idaho.

Mr. McCLURE. I thank the Senator for yielding.

It seems to me that if we understand anything from this discussion so far it is that the proponents on the one side say if there is any risk from any known carcinogenic agent it must be removed from contact with human beings until it can be proven that there is no danger, while those on the other side would demand that there be some kind of evidence that the levels of exposure be such that there might be some possibility, some likelihood, of that kind of danger from that kind of exposure.

The Senator from Pennsylvania says if there is any risk, if we know it, we ought to take it off the market. And yet the bill that is before us permits the use of DES in the one instance where it is known to be dangerous and bans it in the areas where it is not known to be dangerous.

If that makes any kind of good sense, I fail to perceive what it may be. There is no evidence that the inclusion in the feed causes any danger to human beings and there is substantial evidence, direct evidence, that the mothers of the 220 women who have died as a result of cancer because their mothers took this drug while they were pregnant before the delivery of a female child are still going to be permitted to be exposed to that danger in the future.

That does not make any sense to me at all.

Let us look for a moment at the levels which we are talking about. Let us look at what happens in the normal human body, in the normal man or woman in the production of this natural hormone.

The amounts of DES residue that might be ingested from eating beef—and I am talking now about the 5 percent of beef livers that are found to have some residue, 2 parts per million—the amounts that might be ingested from eating that kind of beef are less than one ten-thousandth——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McCLURE. Will the Senator yield an additional 30 seconds?

Mr. CURTIS. I yield.

Mr. McCLURE. The amounts to be ingested from eating beef are less than one ten-thousandth of the normal daily estrogen production in a man, and about one hundred-thousandth of that normally produced by a woman of childbearing age. We are going to ban it when there is that degree of danger, but we are going to permit it in the one instance alone where cancer has been proven.

Mr. HRUSKA. Mr. President, will the Senator yield to me, perhaps from the time on the bill?

Mr. CURTIS. I yield my colleague 5 minutes.

Mr. KENNEDY. If the Senator will permit a response to this, I think, extremely important argument——

Mr. HRUSKA. I shall be happy to yield.

Mr. KENNEDY. Mr. President, the fact of the matter is, as we mentioned and developed during the course of the debate, I said that at least as far as I personally am concerned, we will oppose any carcinogen that it is possible to ban, from any food additive, environmental factor, or hopefully from all other kinds of causes that can pose a health hazard.

But then I mentioned, in my response to the Senator from Idaho, that, as we do provide in the legislation, where there is a health risk benefit, we use a different criterion, under a very limited and controlled system. That is under conditions where a woman has been raped, or in the case of incest. The best figures, according to the FBI, are that there are about 50,000 rapes a year.

The woman will file written consent, so she will know what she is getting in fact. She will be warned by the physician about the potential danger, and sign a consent form.

That is not like Mr. and Mrs. Jones, who are buying meat and putting it on the dinner table at night, and have absolutely no idea of the danger. She will sign a consent form that the risks, benefits, and alternative courses of treatment have been explained to her and that she wishes to proceed with the treatment. It will be limited to conditions of rape or incest.

We have spelled out a rather elaborate procedure in terms of notification to the Food and Drug Administration by the physician who has to follow the various requirements. Then we would hope, certainly, that we would have the necessary kind of followup if there would be circumstances where the woman would still become pregnant—and the statistics are, of course, quite overwhelming that under these circumstances they would not be. If they do become pregnant, then everyone is on notice in terms of following medically, that particular child.

There will be notifications to the mother, there will be warning, and we will be able to follow that particular measure.

I consider that that is a completely different set of circumstances than the earlier provisions of the bill.

Finally, Mr. President, on this issue, as the Senator from Idaho knows, or should know, there is an entirely different question about the synthetic carcinogens and natural carcinogens. The body responds completely differently. To use the argumet that the body manufactures different estrogens that may be considered carcinogens, and now we are introducing slightly different amounts, has no standing before any medical association, and should have none here. The body metabolizes at different rates estrogens produced naturally in the body from those produced synthetically.

Mr. McCLURE. Mr. President, will the Senator from Nebraska yield me 2 minutes to respond?

Mr. CURTIS. I have already yielded my colleague 5 minutes.

Mr. HRUSKA. Mr. President, I think I can make my point in 3 minutes, and yield the Senator from Idaho the remaining 2.

Mr. President, it was with interest that I listened to the argument of the Senator from Massachusetts for getting into a field where an oral contraceptive pill is taken with a great dosage of DES components as compared to the situation that we are debating here. Namely, dosage.

It was a fact that it took 20 years to find out the bad effects of the contraceptive pill, and now we are going to have to go through all of that again, in order to get a resolution of this question.

The fact is, Mr. President, that it has been demonstrated—and later I shall get into greater detail on this—that in order for a person to consume, in the case of cattle livers which contain two parts per billion of DES, a person would have to consume 5 million pounds of liver a year for 50 years in order to equal the intake of DES from a single treatment of an FDA approved "day after" oral contraceptive. That is what we get into in the matter of saying, "Well, there is a danger."

There may be a danger. The opposition has not proved to the contrary. We cannot prove that there is no danger. It is up to the people who are proposing this opposition to assume the burden of proof, and that was the basis of the circuit court of appeals decision. They have a proposition which they made; they should prove it.

Five million pounds of liver each year for 50 years, to equal the intake of DES in one single contraceptive pill.

A scientist knows something about the relationship of dosages of DES administered to pregnant women against the incidence of vaginal cancer in their daughters. They are measuring this percentage against the residue level found in some cattle livers, Mr. President, and it has been calculated that the banning of DES might prevent one case of vaginal cancer in the entire U.S. population in 5,000 years.

Let us get this problem into proper perspective, so that we will not go off the deep end.

Something has been said about natural estrogens. DES, after all, is an estrogenic hormone substance. It does not produce estrogens in food as the only source of estrogenic activity. The estrogens occur naturally in certain foods and certain feeds, including soybeans, alfalfa, grain, and sesame seeds; all in wide daily use.

Scientists also point out that men synthesize about 900,000 times as much estrogen in their bodies per year as they might consume in DES from liver. Women would synthesize 4,750,000 times as much estrogen per year than they might consume from the type of beef liver to which we refer.

So, Mr. President, it seems to me we ought to put this problem into focus. We ought to put it into proper perspective. What happens in the case of oral contraceptive pills and their dangers has no relationship whatever to the problem we are discussing here.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. HRUSKA. Whatever time I have left, I yield.

Mr. McCLURE. Will the junior Sena-

tor from Nebraska yield me 2 minutes to respond.

Mr. CURTIS. I yield the Senator from Idaho 2 minutes.

Mr. McCLURE. I want to keep the dialog flowing, and inject immediately after those remarks, remarks pertinent to the remarks just made.

Two things occurred to me in response to the remarks of the Senator from Massachusetts. He says natural estrogens metabolize in a different way than synthetic estrogens. In a context dealing with the incidence of cancer, that statement is wholly unsupported.

The burden is on the proponents here today. I would suggest that the Senator from Massachusetts must not just make a statement, but he support it, because there is no such scientific correlation.

I was also a little bit struck, and I say this only half tongue in cheek, but perhaps half tongue in cheek in the remarks of the Senator from Massachusetts, about a woman who, taking a morning-after pill, then becomes pregnant. I am not certain whether he is talking about the natural course of events from the first intercourse, or whether he is talking about the fact that that woman may be raped or have incest again during the period of time when she is taking the morning-after pill that is permitted under this legislation. It would seem to me it would have to be the latter and not the former.

Are we legislating for that very narrow group of people, who would have been exposed to pregnancy twice during 2 weeks under the conditions of rape or incest? Our doing so would inhibit the entire mass of the population from the benefits of the use of a chemical, a synthetic hormone.

It seems to me that that is the thrust and the burden of the remarks of the Senator from Massachusetts.

Mr. CURTIS. Mr. President, I yield myself 2 minutes.

Mr. President, we have the unusual situation here where the use of diethylstilbestrol for cattle feed is barred from interstate commerce, period.

Again, I challenge the proponents of this legislation to give me the name and address of one person who has cancer where any medical authorities have said that it was caused by eating beef or was likely to have been caused by eating beef. There are not any. There are not any period.

Then, on the other hand, evidence has been submitted here of a great deal of cancer arising from women taking diethylstilbestrol as a morning-after pill. Is this banned from interstate commerce? No. Is it regulated or limited to rape or incest? No. Read the bill, "or any comparable medical emergency."

Is that not rather ridiculous, that the one use of diethylstilbestrol that we know caused cancer, its shipment in interstate commerce is not prohibited? In the situation where diethylstilbestrol is used for cattle feed, it would be.

Again I challenge the proponents to find one cancer victim where the medical authorities have said that it was caused or likely to have been caused by eating beef.

Mr. President, in a little while I shall offer an amendment. I hope that the proponents of this legislation will carefully consider this amendment. It does not do violence to what they are trying to do here.

It says, in substance, that the Department of Health, Education, and Welfare shall gather and analyze all the data and studies that they hold on this subject of diethylstilbestrol as cattle feed and tell us in a year what we ought to do.

This legislation leaves a great many questions to be asked. We have great numbers of cases reported that cancer is caused by cigarette smoking. However, that is not touched in this legislation.

The proponents of this bill recite a lot of cases of cancer resulting from the use of diethylstilbestrol as a medicine directly in the human body.

The PRESIDING OFFICER. The time of the Senator from Nebraska has ex-expired.

Mr. CURTIS. Mr. President, I yield myself 1 more minute.

And that is not prohibited; that is regulated. Maybe that is right. I do not know. We are not dealing with those parts of the bill.

But here is a situation where they have not been able to come up with one case of cancer where medical authorities have said it is likely to have been caused by eating beef that has been fed diethylstilbestrol. And they are totally banning it from interstate commerce.

Can anyone defend such a legislative policy? Are we blind to all the causes of cancer that are known and we do nothing about?

Yet we pick out one where there has not been a single case of cancer attributed to it and ban that from interstate commerce.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY and Mr. HATHAWAY addressed the Chair.

Mr. HATHAWAY. Mr. President, will the Senator from Massachusetts yield a few minutes?

Mr. KENNEDY. Yes.

Mr. HATHAWAY. Mr. President, I rise in support of S. 963, a bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the administration of the drug DES to any animal intended for use as food, to limit the use of DES as a morning-after contraceptive, and to provide a statutory charter for the Food and Drug Administration within HEW. I understand that are really no objections to the latter two aspects of this proposed legislation but there are only objections to the first, so I will focus my remarks on that.

I urge the enactment of this bill because I believe it will provide us with another weapon to be utilized in our national war against cancer.

Section 101 of the bill reported from the Labor and Public Welfare Committee is intended to eliminate the use of DES as a feed additive for animals.

Despite the fact that DES has been a known carcinogen for nearly two decades, and despite attempts both by Congress—the Delaney amendment, 1958—and by the Food and Drug Administration—ban announced, 1972—to assure that such a cancer-causing substance would be eliminated from our food supplies, DES residues are showing up on the American dinner table with alarming frequency.

Mr. President, DES is a substance known to cause cancer in animals; it is known to cause cancer in humans, under certain circumstances. It seems incredible to me—almost suicidal—that we are allowing the continued use and continued ingestion of this cancer-causing substance.

Other meat-producing nations, including two of the largest—Argentina and Australia—currently prohibit the use of DES in food-producing animals. Over 20 countries have banned the importation of U.S. meat raised with DES. Those statistics, it seems to me, speak loudly on the need for a ban to protect our own population.

I am aware, Mr. President, of the economic arguments that have been raised—arguments that a ban on DES as a food additive would cost the American consumer an additional $4 or $5 a year. We cannot scoff at this figure or the economic impact of a ban on both the producer and the consumer. But neither can we ignore the growing incidence of cancer in this country, or the cost of cancer in terms of both dollars and human tragedy. The total national cost of a ban is undoubtedly far less than we spend for cancer research and cancer prevention every year.

I also urge my colleagues to support section 102 of S. 963, which will limit the use of DES as a morning-after contraceptive, specifying the situations when DES may be used for this purpose, providing for an informed consent procedure for the patient, and reporting requirements to help guard against misuse and misprescription, as well as to facilitate followup on patients.

The Health Subcommittee heard a great deal of testimony indicating the widespread misuse of DES as a morning-after contraceptive. Given the known correlation between DES and the development of vaginal cancer in the female offspring of women treated with DES in the late 1940's and 1950's, the subcommittee felt strongly that steps should be taken to minimize the possibility of misuse. The labeling, packaging informed consent, and reporting requirements stipulated in section 102 are designed to allow for the limited use of DES as a morning-after contraceptive in emergency situations such as rape or incest, provided the patient is made fully aware of the risks, benefits, and alternative methods of therapy. These provisions, along with the reporting requirements, will allow the drug to be available in those situations where it is truly medically justified, while minimizing the grave cancer hazards presented by the casual use and/or misuse of the drug as a morning-after contraceptive.

Finally, I am fully supportive of title II of S. 963, which would upgrade the status of the Food and Drug Administration by giving it a statutory mandate.

The title further provides for Presidential appointment and Senate confirmation of top FDA officials. Under the proposal the FDA will not be removed from the Department of Health, Education, and Welfare, so that it will have access to the research capabilities there; but the amendment does recognize the FDA's unique status as a regulatory agency within HEW, and the provisions of the amendment will help assure that the FDA has enough independence from political pressures at HEW to vigorously pursue its law enforcement activities.

For all of these reasons, I urge my colleagues to vote in favor of S. 963.

I conclude my remarks, Mr. President, by stating that I have listened to most of the arguments that have been made here all afternoon, and I have yet to hear the opponents of this part of the bill say that they know that only a certain amount of DES will cause cancer, and that is really the issue here. We know that a certain amount of DES will cause cancer and in fact cause death from cancer. What we do not know is how little of DES is safe and, if the opponents of this bill could tell us how little would be safe, then that would end the argument.

But our arugument is simply this: that those who want to use DES as cattle feed or feed to animals should have the burden of proving to the American public that the amount that is used in the beef will not cause cancer. It should not be left up to the American public to sustain that burden of proof.

Mr. President, I ask unanimous consent that Mr. Peter Harris have the privilege of the floor during the debate and vote on this bill.

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

Mr. NELSON. Mr. President, who controls the time?

The PRESIDING OFFICER. The Senator from Massachusetts and the Senator from Nebraska.

Mr. KENNEDY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Massachusetts has 12 minutes remaining.

Mr. KENNEDY. I will be glad to yield to the Senator from New York and then to the Senator from Wisconsin.

Mr. NELSON. Mr. President, this is a time limitation on the amendment of the Senator from Nebraska?

Mr. KENNEDY. No, this is on the bill.

The PRESIDING OFFICER. No amendment is pending.

Mr. KENNEDY. We are debating the bill.

Mr. JAVITS. Mr. President, will the Senator yield me 3 minutes?

Mr. KENNEDY. I yield.

Mr. JAVITS. Mr. President, I urge my colleagues to support S. 963.

This bill would:

First, ban the use of DES in the feed of animals for human consumption and the use of DES implants in livestock;

Second, place certain restrictions on the use of DES as a postcoital contraceptive; and

Third, statutorily establish the Food and Drug Administration—FDA—within the Department of Health, Education, and Welfare—HEW—and make the Commissioner and other key FDA officials Presidential appointments subject to Senate confirmation.

Mr. President, it is a matter of great scientific importance and serious social implication as to whether we should ban the use of diethylstilbestrol—commonly known as DES—a synthetic drug. DES promotes rapid weight gain in beef cattle with its cost savings and better quality meat for the consumer—however, it has been determined to be a carcinogen capable of causing cancer in experimental animals and is also reportedly linked to human cancer.

Our Nation has launched an all-out effort to conquer cancer, and in 1976, $898.5 million is authorized to be appropriated to achieve this highly desirable goal.

Dr. Frank J. Rauscher, Jr., the Director of the National Cancer Institute, which has as its mission the conquest of cancer, has consistently indicated in hearings on this issue that he believes the prudent course is to prohibit use of DES in livestock feed.

Dr. Rauscher has publicly defined his mission as Director of the National Cancer Institute as being "to protect the people from cancer." I believe our commitment as legislators is to help him fulfill that goal. If legislatively reasonably possible, we should eliminate from the environment anything that increases man's carcinogenic burden.

We all know the law prescribes that substances like DES which have been shown to be carcinogenic can be used as feed additives providing no residues appear in any of the edible portion of the animal at the time of slaughter. The issue is: are residues appearing? Dr. Rauscher, on February 27, 1975, unequivically assured us of that fact in the affirmative, and he specifically recommended that the National Cancer Institute—NCI—wanted DES out of beef.

I refer my colleagues to page 39 of the joint hearing before the Subcommittee on Health of the Committee on Labor and Public Welfare and the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary, U.S. Senate, 94th Congress, first session, on S. 963.

In addition, the FDA banned the use of DES in animal feeds on January 1, 1973. Further, they banned the use of implants of DES in livestock on April 27, 1973. While the U.S. Court of Appeals for the District of Columbia overturned the FDA ban, the reason for the court's decision was procedural, and not on whether or not DES residues existed.

With respect to the issue of the level of carcinogenic residue, and whether we should be concerned, I respectfully point out to my colleagues who would delay action and await further study, a quote from Dr. Rauscher's 1972 statement on DES before the committee:

> It has taken 14 to 20 years to determine that cancers were induced in young women whose mothers had received this drug (referring to DES) during pregnancy.

DES AS A POSTCOITAL CONTRACEPTIVE

While the bill as introduced would have established a 1-year moratorium on the use of DES as a postcoital contraceptive, the reported bill strengthens the FDA's control system with respect to the drug DES—and that control system indicates its—FDA's—concern shared with the committee that the drug DES is being widely misused as a morning-after contraceptive agent.

The warning label requirement, and other requirements of the bill to alert consumers to the dangers of DES, is not inconsistent with the FDA position. It merely strengthens patient protection respecting the use of the drug DES—the same goal the FDA's more limited response is designed to achieve.

I suspect, after careful consideration of FDA views on the reported bill's provisions respecting safe and effective use of the drug DES for postcoital contraception, that we will discover that we are dealing with semantics. The FDA goals and objectives, and the provisions of the reported bill, which I helped fashion, are one and the same.

STATUTORILY ESTABLISHING FDA

It is eminently reasonable for the Congress to provide a statutory charter for the FDA within HEW and set in law its creation, Moreover, in view of the importance of the role of the FDA and the impact of this agency's legal views on a host of jurisdictional matters intimately affecting the public interest, it is reasonable to have the FDA Commissioner, and other key FDA officials, subject to Presidential appointment with Senate "advice and consent."

I am pleased to note there is no objection to establishing FDA in law, and statutorily mandating a Presidential appointment with Senate confirmation of the FDA Commissioner. While there may be opposition to other of the provisions respecting FDA organization, they do not appear to be critical questions. Rather, they are a difference of opinion between the executive and legislative branches of Government on how to fashion the most effective FDA as a guardian of the public interest with respect to its jurisdiction over foods, drugs, cosmetics, et cetera.

Mr. President, we have gone into this matter very thoroughly in the Committee on Labor and Public Welfare, and the memorandum in opposition to the Curtis amendment spells out the summation of our views, dated September 8. A copy is on the desk of each Senator.

I joined in it and signed my name to it for this reason: This is an economic argument. The question is the matter of fattening or adding to the weight of cattle; thereby, the argument is made that we bring down the cost of meat to the consumer. The argument, as I understand it, is that it would be approximately $35 per family member a year. The question, then, is that as against the danger we have described.

It seems to me that this is a matter of profound judgment on the part of every individual. What is a life worth? What is the discounting of a danger such as this worth? Those of us who are for the bill came to the conclusion that it was worth spending, if this was the added cost, based upon the evidence, in order to avoid the danger.

Just as a bill can be passed and a law can be passed, it can be undone; and the

proponents of the bill have been very frank about the fact that we have by no means arrived at final conclusions. However, the danger is so great, so far as we are concerned, that we do not wish to risk it or do not believe that the country should risk it.

The real point, then, about Senator CURTIS' amendment, which is at the nubbin of this controversy, is not whether or not we should take the time to study. We do not think there would be any objection to that on the part of the proponents of the bill. It is the fact that its application shall be deferred during that interim of 1 year; and that, we do not feel, as a matter of conscience, is justified under the circumstances of proof which we have.

I say, too—because I have listened with respect to the argument of Senator CURTIS—that if we could prove that there were cases of cancer directly attributable to eating meat, it would be mighty late in the game, when we lay side by side with the necessity for any such finding the fact that we are trying to spend $900 million a year, which is what our budget has today, in order to find cures for and means to avoid cancer.

So that balancing what we know to be the deep interests of the livestock industry against the danger that we recognize in the scientific aspect of this matter, we have chosen, as a matter of conscience, to incur the cost rather than to risk the danger.

As I say, there is certainly no objection on my part—I do not think there would be generally—to a study requiring a report within 1 year, in infinite particularity, with respect to this danger. But to block what we consider to be a real and present danger in the interim is the thing which I would feel constrained to vote against and which I hope the Senate rejects in dealing with this matter.

Mr. CURTIS. I yield myself 2 minutes.

Mr. President, I hope that if the distinguished Senator from New York knows of a single case of cancer in a human being, in which medical authorities are willing to say that it was likely caused by eating beef, he will provide it.

I am bewildered by the arguments of the proponents. They cite case after case of cancer resulting from using diethylstilbestrol as a medicine taken directly by human beings, and they do not outlaw it; they regulate it. We have cases galore in which medical authorities say that smoking cigarettes causes cancer. We do not outlaw that. Here we have a situation in which, for 20 long years, diethylstilbestrol has been used as a supplement to cattle feeding; and I challenge anyone to bring in one case of cancer in 20 long years.

It is not unreasonable, Mr. President, that before we take any such step, we ask the Department of Health, Education, and Welfare to analyze all the studies that have been made and advise us what to do. That is the essence of my amendment.

Mr. HATHAWAY. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield 2 minutes to the Senator.

Mr. CURTIS. I yield.

Mr. HATHAWAY. We did not know about the carcinogenic effects on female offspring of mothers who had taken DES for many years. It does not show up in the female until at least beyond puberty. So I do not accept the argument that it has been fed to cattle for 20 years and that therefore it has no carcinogenic effects on human beings. We may not have been able to discover it. There are many other carcinogenic agents in the air and in the water that have not shown up and may not show up for many years. I do not think that is an argument.

Mr. CURTIS. Why does the Senator not ban all food, then, on the basis that something might show up?

As a matter of fact, it has been a very few years that they have been using the morning-after pill, and already there are countless cases of it. That pill is not banned; it is regulated—not alone with rape and incest but also in any comparable medical emergency.

Yet, here is something about which there is no evidence whatever that it causes cancer in human beings. It is even banned from being shipped in interstate commerce.

Mr. HATHAWAY. In the cigarette situation, we let people know that they can get cancer from smoking cigarettes. We let the girls who are going to take the morning-after pill know that they can get cancer, that there is a possibility of getting cancer from taking it; and if they want to take it, it is at their risk.

It is not the same as putting meat products in the marketplace without any warning to people that they may be ingesting DES in sufficient quantities to give them cancer, without any warning whatsoever.

Mr. CURTIS. Now the Senator is getting into the economic issue in a big way. In that case, we will put something on the label.

I yield to the Senator from Wyoming.

Mr. HANSEN. I thank my distinguished colleague from Nebraska for yielding to me.

Mr. President, I am a cosponsor of this amendment, an amendment which I think makes very good sense. There is no need of trying to reiterate the arguments which I believe should be persuasive in convincing the Members of this body that it is ill-advised to impose by legislation a complete prohibition upon the use of a feed additive that has contributed as significantly as has DES in human nutrition.

We can talk about various things: one, the physiological effects or non-effects of DES. Dr. Charles Edwards, when he was head of the Food and Drug Administration, told me personally that he felt there was a greater danger to his health by being in a hearing room where cigarettes were being smoked and he was forced to inhale a certain amount of that cigarette smoke than would result to his health if he were to eat beef liver every day of his life, with any amount of DES in it.

As he further pointed out, the technology of the scientists in this country has grown to the point where one part in one billion of DES can be identified. There never has been any DES identified in the normal tissues of a beef animal. It is only in liver that any DES residue might remain when the procedures that are called for by the Department of Agriculture are followed.

So, really, we are taking a very unusual action; we are reflecting a strong emotional argument in saying that DES should be banned. As has been pointed out, DES has been used successfully for several years as a postcoital contraceptive. It has been used and is presently administered and there is no thought of outlawing it, only regulating it, for that continuing purpose.

On the other hand, we are turning around and saying, if this bill is passed as has been proposed that if this amendment is not accepted, if there is any trace of DES in any of the tissues in an animal slaughtered for human consumption, that animal cannot be used.

That is absolutely ridiculous. It is ridiculous from the scientific point of view in trying to arrive at some reasonable, rational balance between accepted physician practices in this country to administer DES as a contraceptive and to prescribe it for that purpose, and, on the other hand, to turn around and say, if we find even as little as 1 part in 1 billion, that animal cannot be used.

Let us look, then, at the economic side of the picture. The fact is that DES saves feed, on the average of one pound of feed for each 100 pounds of gain in beef steers. It has been estimated that on an annual basis, the saving is 7.7 billion pounds of feed.

There has been a lot of concern about some of the exports of grain from this country. I happen to be one who favors those exports, but there are those who say that any time we export any feed from this country, we are running the risk of increasing the price of food and thereby raising the bite that the cost of living places on people in this country. Therefore, they say we should export no grain at all. I do not subscribe to that position. I think the importance of a healthy American agriculture justifies the exports.

Furthermore, I think it ought not to go unnoticed that one of the most significant factors in achieving the favorable balance of trade that we have had in the first two quarters of this year has been accounted for in large measure by the exports of grain from the United States to other countries around the world. But, looking at the economic side, if we will stop for a moment to do that, let us not fail to notice that DES has made it possible for many Americans——

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. CURTIS. I yield to the distinguished Senator 2 more minutes.

Mr. HANSEN. Many Americans have been able to upgrade their diet because of the progress that has been made in the feeding of livestock. And DES has helped achieve those important savings that make it possible for the average American to have meat in a degree unthought of or undreamed of by people almost any place else in the world, simply because of the technology and the sci-

entific advances that we have had in the United States.

I think this is a reasonable amendment. I think it ought to be adopted. It has not been proved that DES is dangerous when properly used. The amendment will mean that a whole lot of Americans are going to have a better diet, a diet more abundant in meat and in protein than could possibly be true otherwise.

I hope very much that the distinguished manager of the bill (Mr. KENNEDY) will be willing to take this amendment to conference, to listen to the experts, and then to withhold making a final decision upon banning legislatively the use of DES as a feed additive until the study has been completed and we know what we are talking about. To do otherwise at this time would seem to me very much not in the public interest.

I thank my colleague from Nebraska.

The PRESIDING OFFICER. Who yields time?

Mr. McCLURE. Will the Senator from Nebraska yield to me?

Mr. CURTIS. Yes, I yield 5 minutes to the distinguished Senator from Idaho.

Mr. McCLURE. If I understand the thrust of the arguments made by the proponents of the bill, it generally has been that we should not attempt to balance economic considerations, no matter how valid they may be, against a health hazard, no matter how slight it might be. I assume from that that if that logic prevails, we could apply it in a similar vein to a number of other matters.

For instance, penicillin is a known carcinogenic substance. I assume that the proponents of this legislation will say that the benefits of penicillin outweigh the dangers of penicillin in a health sense, so, balancing health against health, we will permit penicillin.

Mr. STONE. Will the Senator yield for one question?

Mr. McCLURE. I shall in just a moment.

But in the event penicillin is used to keep a feed animal alive, then we would have to ban the penicillin used in the feed, because it is only used to keep a feed animal alive, and, therefore, is only economic, and we cannot use to keep that animal alive the very same substance that we would permit to be used in human beings because it is health against health in human beings and only economic against health when that same suostance is used in animals.

I yield to the Senator from Florida.

Mr. STONE. Is it not the case that there are chemical preservatives not under any attack by any environmentalist or health clinician or anyone else which, if taken in massive quantities, would be harmful to people's health?

Mr. McCLURE. The Senator is exactly correct. I point out also that it is not just pesticides or insecticides or preservatives. There is a whole area of things—food colors, for example—which, if taken in massive quantities, becomes carcinogenic. But they are not carcinogenic at all in the levels in which they are used.

I think the scientific community is beginning to develop the techniques by which they measure substances in such very, very small quantities that they are now recognizing the need to set threshold levels, levels below which they are known to be safe, levels above which they are not known to be safe, and, therefore, would be differentiated on that basis. Such a test applied to DES would very clearly not support its being taken off the market.

Mr. STONE. If the Senator will further yield, would not this amendment of the Senator from Nebraska give us a comprehensive, clear, carefully considered guideline as to what those quantities might be when DES is used in animal feed?

Mr. McCLURE. That is the purpose of the amendment of the Senator from Nebraska and one of the reasons I am a cosponsor of that amendment. I think that knowledge is far better than legislating from ignorance.

Mr. STONE. If this amendment passes, the Senator from Florida intends to live by the suggested guidelines that would be reported back to us by the Department of Health, Education, and Welfare, even if it meant the banning of DES in animal feed. Whatever that type of comprehensive study would come up with, the Senator from Florida could rely on that and would rely on that.

Does anyone assert that one further year added to the 20 of the use of DES in animal feed is going to cause the chance of one case of cancer in the next year?

Mr. McCLURE. I do not think anyone can make that assertion. I think, on the contrary, that the evidence would indicate that no such assertion can be made.

I want to go one step further with respect to the ability of the scientific community today using the very sophisticated methods which have been developed to detect minute quantities and how it applies to this instant bill.

I want to go back into the record for a moment in the colloquy between the Senator from Massachusetts (Mr. KENNEDY) and Dr. Schmidt, of the FDA. Senator KENNEDY asked this question:

> Will you support emergency legislation now until you get that through? Would you support legislation now? Banning—
>
> Mr. Schmidt interjected:
>
> On what basis?
>
> Senator KENNEDY. Banning it in animal feed.
>
> Dr. SCHMIDT. On what basis?
>
> Senator KENNEDY. As a health hazard.
>
> Dr. SCHMIDT. No.

I do not know how more plainly the record could reveal the attitude of people who are very real experts in this field.

I thank the Senator from Nebraska for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Of course, I point out to the Senator from Idaho that FDA attempted to go ahead with the ban of this and because they failed on administrative procedural grounds. They were struck down in the courts.

It was rather interesting that while the ban was on the USDA residue reports were virtually nonexistent in terms of the amount of residues. I will put this chart in the Record that quotes the amount of residues from 1973, 1974 and 1975.

In the January to March period with 560 samples it was 0 positive residues. This is when the ban was in before it was actually struck down in the courts.

I will put this report in the RECORD—one shows approximately 500 samples each tested, and it gives the number of positive residues and the percent of the residues which was in excess of 14 days. That was the report on this particular measure to which I was referring.

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

FATE OF RADIOCARBON IN BEEF STEERS IMPLANTED WITH ^{14}C-DIETHYLSTILBESTROL

(By T. S. Rumsey,[1] R. R. Oltjen,[1] A. S. Kozak,[1] F. L. Daniels[1] and P. W. Aschbacher[2, 3])

SUMMARY

Eight beef steers averaging 302 kg body weight and consuming a 70% concentrate diet *ad libitum* were implanted with diethylstilbestrol (DES) ear implants containing monoethyl-1-^{14}C-DES. Two implanted steers and an untreated control steer each were slaughtered at 30, 60, 90 and 120 days after implantation. Feces, urine and blood sampled during the implant periods, tissue, bile and gastrointestinal tracts obtained from slaughtered steers, and the residual implants retrieved from the ears at slaughter were analyzed for radiocarbon content. The concentration of radioactivity in blood plasma and the excretion of radioactivity indicated an initial rapid but variable absorption of DES from the ear implants followed by a slow continual absorption of DES from 14 days after implanting to the end of the 120-day study. All implants were retrieved at slaughter; the residual implants retrieved at 120 days accounted for 16 to 19% of the administered radioactivity.

Radioactivity was not distinguishable from background in muscle tissue but was greater than background in spleen, adrenal, lung, kidney and liver tissues and in the contents of the small and large intestines for all steers. The concentration of total radioactivity in liver tissue of the steers, calculated as ppb DES equivalents, either approximated or was below the detectability limits (.5 ppb) of the routine gas chromatographic method for DES analysis; however, thin-layer-chromatography and isotope dilution techniques presumptively identified a part of the total radioactivity in liver tissue as being associated with DES or conjugates. The remainder of the radioactivity was not identified. The percentage of total radioactivity in the liver presumptively associated with DES and conjugates did not vary relative to length of implant period. Gas chromatography-mass spectrometer analysis of hydrolyzed liver extracts resulted in measurable quantities of *vis* and *trans* DES for the two livers that contained the highest concentrations of total radioactivity. The study suggested that as a result of the recommended use of DES ear implants, DES and its conjugates in animal tissue generally would not be detectable by current routine

[1] ARS, Nutrition Institute, Ruminant Nutrition Laboratory, Beltsville Agricultural Research Center, Beltsville, Maryland 20705.

[2] ARS, Metabolism and Radiation Research Laboratory, State University Station, Fargo, North Dakota 58102.

[3] The authors gratefully acknowledge the advice and assistance of Mr. R. M. Simpson and Drs. J. F. Spaulding and A. J. Malanoski of U.S.D.A. Animal and Plant Health Inspection Service in setting up the GLC procedure for tissue analysis of DLS and for duplicate analysis of tissues, the assistance of Dr. G. Samuelson for implanting the cattle and the assistance of Mr. E. E. Williams and Mr. D. F. Hucht for sample preparation and radiocarbon analysis.

residue methods but may be detected by more sophisticated laboratory techniques.

INTRODUCTION

In rseidue studies with diethylstilbestrol (DES) implants in cattle, the mouse uterine assay has been used as an analytical tool with a sensitivity of approximately two parts per billion (ppb). These studies showed an increase in the excretion of estrogenic substances associated with the use of DES implants but did not detect the presence of tissue residues after implant administration (Stob, 1956, 1966). The recent development of gas chromatography (GLC) techniques lowered the detectability level of DES in tissue to .5 ppb, which subsequently resulted in a re-evaluation of residue problems associated with the use of DES as a growth stimulant. Although tissue residues do not appear to be detectable in implanted cattle under practical feedlot conditions when the GLC method is used (Rumsey *et al.*, 1974), the fate of DES in the animal has not been determined by using radiocarbon-labeled DES implants.

The present study was conducted to determine the excretion patterns of radioactivity from ^{14}C-labeled DES implanted in the ear of beef steers and to determine if tissues of these steers, particularly liver and muscle, contain radioactivity that may be associated with the DES molecule.

EXPERIMENTAL PROCEDURE

Animal phase

Eight beef steers averaging 302 kg body weight were fed *ad libitum* a conventional finishing diet composed of 50% corn, grain, cracked, mx 4% foreign material, IRN+ 02-861; 15% ground alfalfa hay, S-C, gr 1 U.S., IRN 1-00-079; 15% timothy hay, S-C gr 1 U.S., IRN 1-04-896; 10% soybean, seeds, solv-extd grnd, mx 7% fiber, IRN 5-04-604; 9% sugarcane, molasses, mn 48% invert sugar, mn 79.5 brixs, IRN 4-04-696 (cane molasses), 1% trace mineral salt; and 1.6 g of vitamin A premix (250,000 IU/g) per 100 kg of diet. Each steer was accustomed to the diet for at least 30 days before being accustomed to a collection crate for the total collection of urine and feces. Water was available at all times. A 24-hr control collection of urine and feces was obtained and jugular blood was sampled. Each steer was then implanted with ^{14}C-DES[2,5,6] ear implants by using the Hess and Clark pellet implanter. The implants were pulpated *in situ* to assure their placement in the ear. The labeled implants differed from the commercial implants in that the labeled implants were tan in color; whereas, commercial implants are white.

After implantation, two steers each were slaughtered after implant periods of 30, 60, 90 and 120 days. One steer assigned to each time period received two ^{14}C-DES implants in the right ear. The second steer for each time period received one ^{14}C-DES implant in each ear except for steer 477 (120 days) which was smaller and received only one implant in the right ear. All implants were administered by the same veterinarian to minimize variation associated with implant procedures. Steers 312, 445 and 477 received implants with a stated specific activity of 59 mCi/mMole of DES, and the other five steers received implants formulated at a later date with a stated specific activity of 49 mCi/mMole DES.

After implantation, all steers were maintained in collection crates for 21 days, removed from the crates and placed in individual pens, and then returned to the crates on days 22 to 28 of each subsequent 28-day period. This pattern was not changed except to make certain that for each steer a 7-day collection period immediately preceded its respective slaughter date. While the steers were in the crates, feces and urine were collected and sampled on a 24-hr basis. While the steers were out of the crates, feces and urine were not sampled, but the individual pens were cleaned twice daily for the purpose of maintaining sanitation and minimized coprophagy. Excretion of daily radioactivity during each 21-day period in the individual pens was estimated as the average for the 7-day collection periods before and after each 21-day period. Blood samples were collected daily for the first 7 days after implantation and then weekly for the duration of the study. All steers were slaughtered at the end of their respective implant periods along with nonimplanted control steers that served as a source of samples for determining background levels of radioactivity. The control steers were maintained in individual pens on the 70% concentrate diet.

At slaughter, the ears of each implanted steer were removed from the carcass, and the residual ^{14}C–DES implants retrieved. The gastrointestinal (GI) tracts with contents were separated anatomically into the rumen, omasum, abomasum, small intestine and large intestine. Care was taken to minimize cross contamination between GI tract sections. The tissue and contents for each GI tract section were separated and weighed. A representative aliquot of contents from each GI tract section was oven dried and ground for analysis. The total tissue for each GI tract section was oven dried and ground before sampling for analysis.

The gall bladder was separated from each liver, and the bile was measured, frozen and lyophilized. The liver, adrenals, lungs, spleen, heart and ears from each steer were weighed. The organs, shaved ears, and 4.5 kg of rib eye muscle were ground, and aliquots were frozen and lyophilized. The remaining fresh material from each liver was frozen in plastic bags.

Analysis of samples

Radiocarbon Analysis. All urine and blood samples were analyzed for total radioactivity according to procedures used by Rumsey and Schreiber (1969). All dry samples were analyzed for total radioactivity by combustion (Thomas-Ogg Combustion flask, Cat. No. 6514–F20. A. 11. Thomas Co., Philadelphia, Pa. 19105). The $^{14}CO_2$ that resulted from combustion was trapped in 9 ml of a mixture of ethanolamine and ethylene glycol monomethyl ether (1:7 v/v), and 8 ml of the trapping solution was mixed with 10 ml of 2. 5-diphenyloxazole in toluene (8.25 g/1) for liquid scintillation counting. Duplicates of all samples were analyzed. The background radioactivity across all types of control samples ranged from 39 to 44 counts per minute (cpm). Radiocarbon analysis was quantiated by adding known amounts of ^{14}C-DES to control samples obtained from nonimplanted steers and comparing the cpm minus background in these samples to the known disintegrations per minute (dpm) that were added. The overall efficiency of the blood and urine analyses approximated 70%, and the efficiency of the combustion procedure approximated 75%. The implanted steers in this study were slaughtered in pairs, and the radioactivity in tissues from each pair were statistically compared with control tissues obtained at the same time from a nonimplanted steer.

All residual implants were cleaned under a magnifying glass. Usually, the cleaning consisted of removing, with the aid of forceps, a thin tissue film that had encapsulated the implants *in situ*. The residual implants were dissolved in 50 ml of benzene, diluted 1 to 100 with additional benzene, and analyzed for radioactivity by mixing 0.1 ml of the diluted DES-benzene mixture in 8 ml of the enthanolamine-ether solution and 10 ml of the toluene counting solution. Total radioactivity in the liver tissue extracts prepared for GLC analysis was determined in the same manner as that in the dissolved implants.

GLC and Mass Spectroscopy Analysis. All liver and kidney tissue samples were analyzed for DES by using the GLC method described by Donoho *et al.* (1973) and modified by APHIS[7] (R. M. Simpson, J. E. Spaulding and A. J. Malanoski, *personal communication*). Duplicates of the liver and kidney tissue samples were independently analyzed with the same analytical technique by the Washington, D.C., APHIS Laboratory and the authors' laboratory. The lower limit of quantitation was .5 ppb for the GLC tissue method. Analytical recovery approximated 65% when DES-monoglucuronide was used as a standard and recovery of free DES standard approximated 90%. Standard curves were obtained routinely by adding varying levels of free-DES to tissue samples from control animals. All residual implants were analyzed by GLC.

In addition to the routine GLC analysis, a set of liver extracts prepared in the same manner as for the routine GLC analysis was analyzed by using an LKB-9000 GLC-Mass Spectrometer.[8] The extracts were concentrated 10-fold before injection. The GLC column was packed with 3% OV–210 on 90–100 Anakrom ABS, and the spectrometer was tuned to monitor m/e 462. The lower quantitation limit for standards approximated .1 ppb.

Thin-layer Chromatography. Two one-dimensioned thin-layer chromatography (TLC) systems were used to determine the proportion of total radioactivity in liver extracts that had TLC characteristics similar to those of DES. In both systems, plates coated with 250 microns of silica gel G (Analalabs, New Haven, Connecticut) were used. In one system, hexane, diethylether and dichloromethane (4:3:2) were used as the solvent, and in the second system, 5% ethanol in redistilled chloroform was used. The plates were counted with a Beta Camera (Model 6000, Baird Atomic, 33 University Road, Cambridge, Massachusetts 02138).[9] Samples of all livers were extracted and prepared as for GLC analysis up to the point of derivatization. Each prepared extract was concentrated fivefold, and 109 μl were spotted for each TLC determination.

Each benezene-implant solution was analyzed by two two-dimensional TLC systems and some of the residual implants were analyzed on a third two-dimensional system. In all systems, TLC precoated with 250 μ of sahca gel G were used. In the first system,

[4] Monoethyl-1-^{14} C-diethyl-stilbestrol was obtained in crystalline form in two separate batches from Amersham-Searle Corp., Arlington Heights, Illinois. Radiochemical purity of both batches exceeded 98% as determined by paper chromatography in benzene: petrol (80 to 100 C:methanol:water (5:5:7:3 by volume) and by thin-layer chromatography on silica gel in chloroform:acetone (3:2 by volume).

[5] Crystalline ^{14} C-DES was formulated into implants (88.24'' DES. 10.29% hydrogenated peanut oil and 1.47% calcium stearate) by the Chemical Research Laboratory of Hess and Clark; the specified weight and thickness tolerances established for Hess and Clark's commercial DiESBTRrol-C implants (17 mg ± 10% and .267 to .29 cm) were used. A radiochemical purity check by the Hess and Clark Laboratory indicated 97 to 98% purity.

[6] Mention of a tradename, proprietary product or specific equipment does not constitute a guarantee or warranty by the U.S. Department of Agriculture and does not imply its approval to the exclusion of other products that may be suitable.

[7] Animal and Plant Health Inspection Laboratory of U.S.D.A., Washington, D.C. 20250.

[8] Analysis conducted at the Dow Chemical Analytical Interpretive Laboratory, Midland, Michigan 48640.

[9] Analysis conducted at the Hazleton Laboratory, Fairfax, Virginia.

benezene and ether (19:1) were used as the first solvent and dichloromethane and ethanol (19:1) as the second. In the second system, hexane, diethylether and dichloromethane (4:3:2) were used as the first solvent and redistilled chloroform and ethanol (19:1) as the second solvent. In the third system ethyl acetate, hexane saturated with water and ethanol (16:3:1) were used as the first solvent and hexane, diethylether and dichloromethane (4:3:2) as the second. A part of each benezene-implant solution was diluted to contain approximately 8×10^4 dpm/μl, and 2 μl were spotted on a TLC plate. The developed plates were exposed to X-ray film. Each zone containing radioactivity was scraped and counted in 15 ml of the diphenyloxazole counting solution.

Isotope Dilution. Radioactivity presumptively associated with free or conjugated DES was determined in liver tissue from all steers as described by J. E. Patrick and K. I. H. Williams (*personal communication*).[10] About 200 to 250 g of homogenized liver tissue were used for each determination. In general, the procedure involved the addition of ^{3}H-DES glucuronide as an internal standard (230,000 dpm. specific activity of 59 mCi/mMole) and 50 mg of unlabeled carrier DES to each sample, followed by extraction with aqueous methanol (1 g liver:1 g methanol). The extraction was repeated twice. The extracts were combined, evaporated, diluted with water (pH 3.5) and extracted three times with 200 ml of ethyl acetate. The combined ethyl acetate extracts were evaporated and partitioned between sodium acetate buffer (pH 5.2), which contained the conjugated DES fraction, and chloroform, which contained the free DES fraction. The conjugated fraction was hydrolyzed with Glusolase, (a mixture of B-glucuronidase and arylsulfatase), the free DES was extracted with ethyl acetate, and 50 mg of carrier DES was added to the extract. The DES resulting from hydrolysis of the conjugated fraction and the DES in the free fraction were chromtographed separately by thick-layer techniques (1 mm silica gel plates in 40% ethyl acetate/cyclohexane), eluted with acetone and recrystallized in benzene to a constant specific activity. The crystals were counted for both ^{3}H and ^{14}C content. For further conformation, the crystals were converted to their diacetate derivative with acetic anhydride/pyridine. The derivative was chromatographed by thick layer (1 mm silica gel in 25% ethyl acetate/cyclohexane), eluted with acetone and recrystallized in 95% ethanol to a constant specific activity.

[10] The isotope dilution analysis was conducted by J. E. Patrick and K. I. H. Williams at the Worcester Foundation for experimental Biology, 222 Maple Avenue, Shrewsbury, Massachusetts 01545. A detailed outline of their work was contained in a final report which was presented to the authors of this paper as a personal communication.

RESULTS

Animal performance and implant retrieval data are shown in table 1. Daily gain ranged from zero to 1.1 kg per day and averaged .6 kilograms. Initial implant weight ranged from 15.5 to 17.2 mg/implant except for the 15.0 mg implant which the smallest of the steers received. Average implant weight was 16.0 milligrams. GLC analysis of a control unlabeled implant, a small amount of powder remaining from the manufacture of the 59 mCi/mMole implants and a chip from one of the 49 mCi/mMole implants indicated that the implants contained the prescribed level of DES. However, analysis for total radioactivity of the powder and chip indicated the presence of only 76 and 80%, respectively, of the prescribed level of radioactivity.

On the basis of total implant weight, the residual implants retrieved at the end of 30, 60, 90, and 120 days represented 58, 55, 50, and 23% of the original implant weight, respectively (retrieved implant weight÷initial implant weight×100). On the basis of GLC analysis, the residual implants contained 36, 30, 27 and 14% of the original DES dose for the respective times. The DES content of the individually retrieved implants measured by GLC ranged from 44.8 to 81.1% and averaged 65.3%. The average DES content of the residual implants based on analysis of radioactivity was 68.2%.

The estimated recovery of administered radioactivity as a percentage of total radioactivity based on manufacturer specifications of specific activity is shown in table 2. Although radioactivity was measurable above background in blood, kidney, liver and bile, it represented <.1% of the administered dose and therefore was not included in the table. The estimated total radioactivity excreted for 30, 60, 90, and 120 days was 32, 35, 41, and 57%, respectively. Estimated recovery of the specified dose averaged 81% for all steers in the study. However, if a correction is made based on the analyses of the powder and chip, total radioactivity excreted would be 41, 45, 52, and 73% for 30, 60, 90, and 120 day implant periods, respectively, and average recovery would be 103%.

TABLE 1.—BODY WEIGHT, PERFORMANCE, IMPLANT WEIGHT AND COMPOSITION OF RESIDUAL IMPLANTS FOR STEERS IMPLANTED WITH ^{14}C-DES

Days after implantation and steer No.[b]	Initial weight, (kilograms)	Daily gain, (kilograms)	Total weight of implants (milligrams)[a] Initial	Retrieved	GLC analysis of retrieved implants, Percent DES
30:					
312	362	0.4	[c] [d] 34.2	15.2	53.0
591	336	0	[c] 27.6	20.9	70.7
60:					
445	268	.6	[c] 33.4	18.3	62.2
595	286	.5	32.6	18.1	76.9
90:					
565	295	.7	32.9	19.6	75.6
559	328	.5	32.1	13.1	69.6
120:					
477	231	.7	[c] 15.0	3.4	57.6
536	311	1.1	32.2	7.2	53.8
Average	303	.6			65.3

[a] The implant formulation contained 88.2 percent DES.
[b] Steers No. 312, 445 and 565 received 1 implant in each ear; steers No. 591, 595, 559 and 536 received 2 implants in right ear; and steer No. 477 received 1 implant in right ear.
[c] Steers received implants with stated specific activity of 59 μCi/m Mule of DES. The specific activity was 49 for the other steers.
[d] 1 implant was slightly crumbled when implanted: however, all pieces appeared to be recovered at slaughter.
[e] A chip broke off the implant before administration, and only the large piece (11 mg) was implanted.

TABLE 2.—RECOVERY OF ^{14}C IN RESIDUAL EAR IMPLANTS, EXCRETA AND GASTROINTESTINAL TRACT OF STEERS IMPLANTED WITH ^{14}C-DES

Days after implantation and steer No.	Percent of implanted radioactivity: Feces	Urine	Ear [a]	GI tract [b]	Total
30:					
312	21.3	22.8	33.6	0.2	77.9
591	9.5	10.5	65.2	.1	85.3
60:					
445	25.8	11.3	47.9	.1	85.1
595	17.6	14.3	52.4	.1	84.4
90:					
565	15.8	21.0	48.3	.1	85.2
559	28.0	17.4	33.5	.1	79.0
120:					
477	35.6	22.9	19.2	.1	77.8
536	28.9	26.4	16.5	.1	71.8
Average recovery					80.8

[a] Includes the analyses of residual implant and ear tissue.
[b] Includes the analyses of GI tract tissue and contents.

TLC analyses of residual implants that were in the solid form for 65 days compared with those in the solid form for up to 160 days indicated <1.0% difference in radio-impurities. These results suggested little if any autodegradation of ^{14}C-DES in the solid implants. However, in all implants, material distinct from standard DES appeared to make up from 3 to 5% of the radioactivity.

Figure 1 shows the concentration of radioactivity in blood plasma with time after implantation and the excretion of radioactivity in feces and urine. Radioactivity in blood declined during the first 3 weeks to a plateau that continued for the duration of the study. Similar patterns were noted for urine and feces except that the marked decline in radioactivity ended in approximately 7 days, and a gradual decline occurred from approximately 176 μg DES equivalents per day at 14 days to 60 μg at 120 days. Approximately 1.3 times more radioactivity was excreted in the feces than in the urine. At about 1 week after implantation, a temporary increase in radioactivity was noted in the blood, urine and feces.

Radioactivity was consistently measured above background in the small and large intestines but not in the rumen, omasum and abomasum, which is consistent with biliary secretion of DES.

The concentration of radioactivity in various muscle tissues and organs is shown in table 3. In general, radioactivity was not distinguishable from background in the muscle tissues and heart. Low concentrations of radioactivity were measured in the tongue, spleen and adrenals; and in most steers, lung tissue contained a radioactivity content of the same magnitude as that of liver and kidney tissues (table 4).

Liver and kidney tissues contained similarfor DES. The ppb equivalents were deter-
concentrations of radioactivity; and whenmined from the dpm per gram for each steer
calculated as ppb DES equivalents, the con-using the manufacturer specific activity of
centrations either approximated or were be-the DES given to that steer. Because of the
low the detectability level of the CLC methodlow calculated levels of DES equivalents, neg-
ative results for GLC analyses of liver and kidney tissues were not a surprise. The concentration of radioactivity per gram of dry matter in bile was approximately 130 times greater than that in liver and kidney tissues.

TABLE 3.—RADIOACTIVITY IN TISSUES OF STEERS IMPLANTED WITH ^{14}C-DES

Days after implantation and Steer No.	Radioactivity, dpm/g dry matter											Amount needed to be significant above background at P<.05
	Muscle tissue						Organ tissue					
	Right shoulder	Left shoulder	Right cheek	Left cheek	Brisket	Rib	Heart	Tongue	Spleen	Adrenal	Lung	
30:												
312	(a)		96	102			119	96	202	273	453	59
591								107	153	500		65
60:												
445				86				102	89	159	186	59
595			89				99	83	139	235	4,636	62
90:												
565								127	103	347	1,068	65
559								138	116	317	297	66
120:												
477			72						76	131	335	62
536								136	124	216	1,175	66
Average								85	120	229	1,081	63

[a] Not distinguishable from background.

IMPLANTING BEEF STEERS WITH ^{14}C-DES

TABLE 4.—ANALYSIS OF BILL, LIVER AND KIDNEY OBTAINED AT SLAUGHTER FROM STEERS IMPLANTED WITH ^{14}C-DES

Days after implantation and steer No.	Radioactivity above control, dpm/g dry matter			DES analysis by GLC, ppb [1]	
	Bile	Liver [2]	Kidney [2]	Liver	Kidney
30:					
312	82,717	(0.51)884	(0.55)1,228	<0.5	<0.5
591	147,270	(.49)539	(.49)715	<.5	<.5
60:					
445	67,298	(.42)727	(.53)918	<.5	<.5
595	130,335	(.57)766	(.45)805	<.5	<.5
90:					
565	193,908	(.69)865	(.55)898	<.5	<.5
559	53,612	(.52)663	(.37)736	<.5	<.5
120:					
477	17,420	(.24)391	(.17)381	<.5	<.5
536	67,177	(.32)402	(.33)621	<.5	<.5
Average	94,967	(.47)655	(.43)788		

[1] Lower limit of quantitation was 0.5 ppb.
[2] Values in parentheses represent total radioactivity calculated as ppb DES equivalants in wet tissue.

The presumptive identification of part of the radioactivity found in liver tissue is shown in table 5. Quantitative differences between techniques are not completely understood at this time. On the basis of two TLC systems, from 2.3 to 12.8% of the radioactivity in liver after extraction and hydrolysis migrated similarly to standard DES, and the calculated DES equivalents were quite low (.01 to .09 pph). A plot of the TLC scanning data for each system is shown in figure 2 as an average of all steers. In both systems, a noticeable amount of radioactivity in liver tissue moved ahead of *cis* and *trans* DES. When isotope dilution techniques were used, from 11.5 to 52.5% of the radioactivity in liver tissue was presumptively associated with the DES molecule; this gave a concentration of DES equivalents of from .03 to .36 pph. More than 99% of the presumptively identified radioactivity was associated with the conjugated form. The proportion of total radioactivity in liver characterized as DES and its conjugates by isotope dilution was similar to the proportion of total ^{14}C extracted from livers by the routine GLC method. Of the seven hydrolyzed liver samples that were analyzed by GLC-mass spectroscopy, two samples contained identifiable *cis* and *trans* DES (>.1 ppb) and one sample appeared to contain a trace but was not quantifiable.

TABLE 5.—IDENTIFICATION OF ^{14}C IN LIVER OF STEERS IMPLANTED WITH ^{14}C-DES

Days after implantation and steer No.	^{14}C with TLC characteristics similar to DES		^{14}C harvested with DES during isotope dilution and recrystallization studies		^{14}C extracted for GLC-mass spectroscopy analysis		
	Percent of total ^{14}C	DES equivalent in wet tissue, ppb	Percent of total ^{14}C [a]	DES equivalent in wet tissue, ppb	Percent of total ^{14}C	DES equivalent in wet tissue, ppb	DES determined by mass spectroscopy ppb wet tissue [b]
30:							
312	2.4	0.01	24.3	0.15	11.0	0.07	0.12
591	10.9	.05	37.8	.19	29.1	.14	•T
60:							
445	4.1	.02	27.8	.14	14.0	.07	—[d]
595	5.5	.03	36.3	.21	26.4	.15	<.10
90:							
565	12.8	.09	52.5	.36	52.3	.36	.36
559	4.2	.02	21.4	.11	19.3	.10	<.10
120:							
477	2.3	.01	11.5	.03	9.2	.03	<.10
536	10.2	.03	23.1	.07	28.6	.09	<.10
Average	6.6	.03	29.3	.16	23.7	.13	

[a] More than 99 percent of the harvested ^{14}C was associated with the conjugated fraction.
[b] Lower limit of quantitation was 0.1 ppb.
[c] Trace amount but not quantifiable.
[d] Sample not analyzed by mass spectroscopy.

Discussion

The continual absorption and effectiveness of DES ear implants in feedlot cattle over a 150-day period has been demonstrated by Hale *et al.* (1959). In their study, absorption was based on the weight and DES analyses of residual ear implants retrieved from the ears. A similar absorption pattern for a different commercial source of DES ear implants was shown over the usually recommended 120-day feeding period (Rumsey *et al.*, 1974). Stob (1956) showed an increased excretion of estrogenic materials by cattle after the administration of DES ear implants. Thus, the literature suggests that a small amount of DES continuously enters the animal body as long as residual implants are present: approximately 150 to 175 days. Negative residue data, however, indicate that the concentration of any DES in tissue resulting from the continual absorption from implants is below the detectability limit (.5 ppb) of the current GLC residue method (Rusmey *et al.*, 1974).

The absorption of the laboratory-prepared ^{14}C–DES ear implants in the present study appeared to be similar to that of the commercial ear implants. There was no apparent difference between animals administered two implants in one ear or one implant in both ears. On the basis of circulating levels of radioactivity and excreted radioactivity, a slow, continual absorption of ear implants occurred from about 14 days after implantation to the end of the 120-day study. Part of the ^{14}C–DES was unabsorbed at the end of 120-days and was retrieved as residual implants. Absorption was greater and more variable before 14 days, probably as a result of absorption being influenced by tissue rejection of the implant, the exact location of the implants *in situ* relative to blood vessels, and the variation in hardness of the implants. The initial rapid and variable absorption after implanting would explain why DES was measured in some hydrolyzed extracts (Ramsey *et al.*, 1974) obtained from livers during the first 28 days after implantation under feedlot conditions.

The apparent low recoveries of administered radioactivity were unexpected and difficult to explain. The low recoveries are explainable on the basis of GI.C radiocarbon analyses of a small amount of powder left after the implants were formed and a small chip from one implant. However, the low recoveries did not prevent determining the execretion patterns or describing the distribution among various tissues in this study. Of the tissues sampled, spleen, adrenal, lung and liver tissues consistently contained measurable concentrations of radioactivity. Tongue tissue contained barely measurable concentrations of radioactivity. Spleen and adrenal tissues contained one-half to one-third the concentration that was found in liver and kidney tissues, and lung tissue contained two times the concentration of radioactivity found in liver and kidney tissues.

Radioactivity in spleen, adrenal and lung tissues was higher in steers implanted with ^{14}C-DES than in orally ^{14}C-DES treated animals (Rumsey *et al.*, 1975) that had concentrations of radioactivity in liver tissue similar to those in the present study. The spleen, adrenal and lung tissues were not found to be a cite of radiocarbon accumulation after oral administration of ^{14}C-DES; however, the excretion curve for radioactivity after oral administration contained both a rapid and low phase and the proportion of radioactivity in the liver presumptively identified as being associated with DES decreased with time after oral administration. Possibly the slower continual rate of DES administration by ear implants compared with the rate by oral administration of ^{14}C-DES allowed a greater part of the radioactivity to become associated with the slower phase of depletion; and thus, radioactivity was retained at a relatively higher level in the spleen, adrenals and lungs of implanted cattle. Also, the distribution of radioactivity in ^{14}C-DES-implanted cattle represented a more complete equilibrium among tissues than in orally treated cattle, regardless of chemical form.

In the present study, liver tissue was selected for residue identification. The radioactivity data for bile and fecal material of implanted cattle, like that of orally treated cattle, indicated that the liver was involved in the excretion of the largest part of DES. The concentration of total radioactivity in liver tissue, calculated as ppb DES equivalents, approximated or was below the sensitivity limits of the GI.C residue method. This low level explains why residue results were negative both in this study and in the feedlot study reported by Rumsey *et al.* (1974). However, presumptive identification of radioactivity in liver tissue suggested that at least a part of the total radioactivity in liver tissue was associated with the DES molecule, primarily in the conjugated form.

The actual quantities of radioactivity identified as being associated with DES should that be considered as absolute but should be interpreted qualitatively because of the inherent analytical difficulties in quantitating such small amounts. That is to say, the results of two chromatography techniques indicated that part of the radioactivity in liver tissue behaved like DES or its conjugate, and two liver samples that contained the highest levels of radioactivity gave a positive mass spectrometry identification of *cis* and *Iruns* DES after hydrolysis of the tissue extract.

The presumptively identified part of total radioactivity did not vary relative to length of the implant period but appeared to vary randomly. The random metabolic variation as noted by the identified part of radiocarbon would add to the variation caused by differences in absorption rate. On the basis of this study and implant absorption data collected under feedlot conditions (Rumsey *et al.*, 1974), it appears that the variation in absorption rate of implants is apparently a major problem in the use of implants.

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Mr. KENNEDY. How much time do we have remaining?

The PRESIDING OFFICER (Mr. BELLMON). The Senator from Massachusetts has 5 minutes remaining.

Mr. KENNEDY. I yield to the Senator from Wisconsin (Mr. NELSON).

The PRESIDING OFFICER. The Senator from Nebraska has 6 minutes.

Mr. NELSON. Mr. President, is there time on the bill?

Mr. KENNEDY. On the bill.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 4 minutes to the Senator from Wisconsin.

Mr. NELSON. Mr. President, I would like to address myself to the issue that has been raised by the proponents of the amendment advocated by the distinguished Senator from Nebraska, in which the argument runs: Name one person who has ever contracted cancer as a consequence of eating any meat in which diethylstilbestrol has been used in the 20 years it has been on the market?

The second aspect of the argument is: Whatever residue there is, it is in such tiny, minuscule amounts that it could not have any provable harmful effect.

I think there is a lot of confusion about the argument on this issue. The real argument of the advocates of the amendment by the Senator from Nebraska are, in substance, whether we should modify or repeal the Delaney amendment. The Delaney amendment does not leave any room for argument that you have to wait until you have a provable case of human cancer as a consequence of ingesting some additive in the food.

What the Delaney amendment says, in effect, is: If the additive is carcinogenic in laboratory tests or in human beings, then no residue may be present, no residue may be permitted to be present. in that product. That is the issue.

If you are going to allow carcinogenic agents as food additives or as chemicals to be introduced into the environment, and the argument is that you have to wait until there are provable cases of cancer in order to remove it from the marketplace, then you are presenting a tremendous hazard to be presented to the people of this country who are getting medicated against their will.

This is the whole argument right now on that big case dealing with asbestos residues being dumped into Lake Superior. The argument by reserve mining is that the introduction of taconite tailings into that great clear body of water, which tailings have asbestos in them, is not a threat to health because we cannot find anybody yet of the 200,000 people who drink that water who have gotten cancer from the ingestion of the water.

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

The Senator is given 1 more minute.

Mr. NELSON. So the argument of the proponents of this is, let the public run the risk of the introduction of a carcinogenic agent until we find out whether or not it has created a health hazard of disastrous proportions 5, 10, or 15 years later.

If they want to do that, amend the Delaney amendment; let it out in the open and debate it on that basis, but do not argue here that you ought to circumvent the Delaney amendment because

you have not got any proof yet that anybody died from ingesting meat from an animal that was treated with diethylstilbestrol.

How much time do I have left?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CURTIS. I will yield——

The PRESIDING OFFICER. The Senator from Nebraska has 6 minutes remaining.

Mr. CURTIS. I will yield 1 minute to the distinguished Senator.

Mr. NELSON. I wanted to make just one more point.

Mr. CURTIS. I yield 1 more minute.

Mr. NELSON. I thank the Senator from Nebraska.

This point is on the argument respecting the usage of diethylstilbestrol as a drug. I think the record should be clear that whatever one may think of the law, the Delaney amendment applies to food additives. The uilization of diethylstilbestrol as a drug is regulated under the drug sections of the Food, Drug and Cosmetic Act. The law, respecting the risk-benefit ratio as to a drug, is quite a different matter from the Delaney amendment and the introduction of carcinogens into the food. They are two distinct and separate items, statutorily.

Mr. CURTIS. Mr. President, I call up amendment No. 692 in behalf——

Mr. McCLURE. Mr. President, will the Senator defer calling up his amendment so that I can ask the Senator from Minnesota one question?

Mr. NELSON. I come from close by. [Laughter.]

Mr. McCLURE. Excuse me.

The thrust of the argument is that the Delaney amendment, which refers to food additives, must not be circumvented, although we are seeking to circumvent the Administrative Procedure Act in this bill.

Mr. NELSON. I did not hear. The Administrative what?

Mr. McCLURE. Administrative Procedure Act. We are circumventing the Administrative Procedure Act. The question is——

Mr. NELSON. Just one remark. I am opposed to that, too. It should be left to the FDA.

Mr. McCLURE. I am glad to note the Senator is opposed. I assume he will vote against the bill then.

Mr. NELSON. The Senator is correct.

Mr. McCLURE. The question I would have with respect to the Delaney amendment is this, are we prepared, really, under the measurement devices we have now, to ban every substance which may be carcinogenic?

Mr. NELSON. We should be prepared, and it is the directive of our legislation to the Food and Drug Administration, that when any additive is introduced or proposed to be introduced, or has been introduced into the food chain as a food additive that is found to be carcinogenic when ingested by man or animal, under the terms of the Delaney amendment, it must be removed from the marketplace, and I endorse wholeheartedly that concept.

Mr. McCLURE. But the Senator does not endorse that as the amendment applies to drugs or medicine, is that correct?

Mr. NELSON. I hope the distinguished Senator is not getting confused as to another law. The question there is the benefit-to-risk ratio.

For example, take the drug—let me give the Senator an example, so the Senator will see the distinction—chloramphenicol. That is a very potent, serious antibiotic only to be used in those cases where the patient is seriously ill and there is no other drug that will help the patient. Therefore, under those definitions, the risks of this dangerous drug is causing anemia and dyscrasia, weighed against the benefits in the treatment of certain disorders, comes out but on the benefit side. Although the patient may very well, in a certain number of cases, die from aplastic anemia, he is more likely to die from the organism he has if he does not get the drug.

There is no way to equate the usage of a drug, which is potent and has potential serious side effects as well as benefits, but is administered in a controlled and limited way, with the use of an additive in the food chain. They are two absolutely different situations.

Mr. McCLURE. I assume the Senator from Wisconsin then would join in any efforts made to ban the ingestion of tobacco in any form, would ban the ingestion of alcohol in any form, would ban the ingestion of lactose acid, which is milk sugar, in any form, because lactose is a carcinogenic, or suspected carcinogenic agent.

Mr. NELSON. The Senator made a presumption about what position I might undertake that is incorrect.

There is quite a difference between the involuntary medication of the people of this country against their will or without their knowledge by the introduction of serious agents that are life-threatening, and somebody volunteering to risk a hazard to his own health based on his own decision. Those are also two different issues.

Mr. McCLURE. I understand.

Mr. NELSON. I would advise people not to use them.

But this is a case of where we are requiring people to have diethylstilbestrol introduced into their bodies, whether they want it or not, despite the Delaney amendment.

I oppose that.

Mr. McCLURE. I understand the Senator is saying it has to do with whether or not people are aware or not, I assume when it has to do with food, there is an assumption on his part that the people are aware of it and advised of drugs, that is a distinction which I find almost incomprehensible.

The PRESIDING OFFICER. The time of the Senator has run out.

Mr. NELSON. I did not make that distinction, so I can see why the Senator——

AMENDMENT NO. 692

Mr. CURTIS. Mr. President, on behalf of myself, Mr. BELLMON, Mr. TOWER, Mr. THURMOND, Mr. EASTLAND, Mr. HUDDLESTON, Mr. McGEE, Mr. CLARK, Mr. FANNIN, Mr. JOHNSTON, Mr. LAXALT, Mr. GOLDWATER, Mr. HRUSKA, and Mr. HANSEN, who are cosponsors, I call up my amendment No. 692.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nebraska (Mr. CURTIS), for himself and others, proposes an amendment No. 692.

Mr. CURTIS. Mr. President, I would like to have it read.

The assistant legislative clerk read as follows:

On page 2, strike lines 8 through 12 and insert in lieu thereof the following new subsection:

(q) The Secretary of Health, Education, and Welfare is directed to accumulate and analyze all data related to the public health aspects of the use of diethylstilbestrol (DES) as a growth promotant in animals intended for use as food, and to report to the Congress the results of such accumulation and analysis, together with his recommendations as to the appropriate course of action to be taken with regard to such use of DES. Such report shall include the results of the DES portion of the Estrogen project of the National Center for Toxicological Research and shall include the results of all studies on DES completed as of June 1, 1976. The report provided for herein shall be submitted not later than one year after enactment of this section.

Mr. CURTIS. Mr. President, amendment 692 directs the Secretary of Health, Education, and Welfare to accumulate and analyze data relating to the public health aspects of the use of diethylstilbestrol—DES—as a growth promotant in animals intended for use as food and report the results of such accumulation and analysis to Congress with his recommendations as to the appropriate course of action to be taken with regard to such use of DES. This amendment recognizes the importance of the data to be generated by current and proposed Government and industry sponsored studies by directing the Secretary to include the results of these studies in his report.

The language of this amendment differs from S. 963 in that S. 963 would, in part, prohibit the introduction into interstate commerce of DES for the purposes of administering the drug to any animal intended for use as food. S. 963 is contrary to the long established intent of Congress that matters relating to public health and welfare be decided by the Secretary of Health, Education, and Welfare in accordance with the established procedures embodied in the Federal Food, Drug and Cosmetic Act.

The administration of DES to animals used for food does not present a hazard to public health according to the Commissioner of the Food and Drug Administration.

The FDA has proposed that the mouse uterine test, the currently approved test method to determine the absence of DES residues, be revoked. The mouse uterine test, which can detect residues at levels of 2 parts per billion, has come under review since the U.S. Department of Agriculture—USDA—published the results of a radioactive tagged DES study which found radioactivity at levels of 0.24 parts per billion to 0.70 parts per billion in beef liver. The USDA could not, how-

ever, identify the radioactivity found as being associated with free DES.

Other tests have been conducted utilizing the gas liquid chromotography—GLC—method which can detect residues at levels at 0.5 parts per billion. No residues of DES were found in the liver or muscle tissue analyzed.

Commissioner Schmidt of the FDA announced on February 27, 1975, that the FDA intended to publish the revised version of the Mantel-Bryan procedure in the near future. The Mantel-Bryan procedure will enable the FDA to establish the requisite analytical sensitivity required of the analytical procedures. As Commissioner Schmidt stated, the promulgation of the procedure is "unquestionably one of the most important, as well as one of the most complex proposals ever issued by the—FDA—agency." Commissioner Schmidt concluded that "it is absolutely essential that a final order be published with respect to this—Mantel-Bryan—proposal before any hearing on DES is announced."

In order to assist FDA in its review, industry has sponsored five major studies. The first study will identify all metabolites of DES in beef-producing animals. The second will isolate and identify all conjugated and unconjugated metabolic residues of DES. The third study will develop a radioimmunoassay system to detect residues of DES and DES–G—the major metabolite of DES—at levels of 14 parts per trillion. The fourth, will repeat the carcinogenicity studies of DES and DES–G in mice which the FDA cited as a major reason for revoking the mouse uterine test. The final study will determine the fate of DES–G as it passes through the human stomach. The National Center for Toxicological Research—NCTR—division of the Food and Drug Administration, has also undertaken a comprehensive review of DES as part of its "Estrogen Project."

The results of the foregoing industry-sponsored tests will be available during the next 6 to 24 months. Since there is no hazard to public health, DES should be permitted to be used until such time as the FDA has had an opportunity to review the data. The American public will reap tremendous benefits. For example, it has been estimated that the use of DES was equivalent to adding 3 to 5 million acres to the 1974 corn crop production with a resulting decrease in consumer prices of beef between 5 and 10 percent.

The FDA has recognized that DES is a useful and effective product stating that a beef animal will reach market weight of 1,000 pounds 35 days sooner using 500 pounds less feed than a comparable animal not fed DES. FDA also noted that DES increases the ratio of protein to fat, resulting in more nutritious meat. In these times of high beef and grain prices, the economic and health benefits attributable to DES cannot be ignored.

I might point out, Mr. President, that only one study conducted 11 years ago and since partially refuted by the scientist who conducted it, indicates that DES may be a carcinogen. The FDA is currently conducting a comprehensive study of DES and should have at least preliminary findings available within the 1-year period provided in this amendment.

In addition to the economic benefits to producers and consumers of beef, I believe it is important that decisions on safety of foods, drugs, and cosmetics should be left to the Food and Drug Administration which was created by Congress to make such determinations. We ask only that Congress not ban DES precipitately, but let matters proceed to a proper scientific conclusion.

Mr. President, the amendment that I have offered is a very reasonable one. It takes cognizance of the fact that the Senate of the United States does not sit as a body competent to make medical decisions, scientific decisions. Somebody else should do that.

Here is a controversy. This amendment that I propose. Instead of Congress taking direct action, and I might say without any evidence that is needed, letting the Department of Health, Education, and Welfare—wherein the Food and Drug Administration is located—analyze all of the data and the studies and tell us what to do. Do it in a year.

This is not a proposal that they initiate new studies, that they go on and spend years at this. It is a very reasonable, modest position.

I say it is reasonable for this reason. For 20 long years they have been using diethylstilbestrol as a food additive for cattle and no one has come forward with one case of cancer resulting therefrom.

Now, this is 5 percent of 20 years, that is all. Take 5 percent more time to find the right answer.

I realize that there is something in all of us that wants to destroy cancer. Well, there are plenty of ways we can do it.

The use of diethylstilbestrol as a direct medicine ingested by human beings results in cancer and they have only been using it a few years, very few years, and already cases have sprung up.

This very bill that totally bans from interstate commerce diethylstilbestrol for a food additive for cattle does not ban it for human beings to take it in their own mouth. It merely regulates it.

How does it regulate it? Not alone with respect to rape and incest, but it says, "Any comparable medical emergency."

Then if anyone cares to read what we are voting on, he will find that the certificates and the application and the consent in that connection cannot be inspected or disturbed by anyone.

On page 5, it says that every drug producer shall not be held liable for misbranding.

On line 8:

"(C) No patient names or other identifying information shall appear on any informed consent form, prescription, or report submitted to the Secretary.

This is not confining the use of diethylstilbestrol to rape and incest—any comparable case.

And then it says that there shall be no reference, no identification, in reference to it.

Mr. President, I doubt if there is any spoon placed on the table of any American family that is inspected any more thoroughly than the meat they eat.

What sort of inspection program does the Federal Government provide for other foods? None. Yet every carcass is inspected. By whom? Trained veterinarians. They may have some helpers who are nonveterinarians.

Mr. President, the day following the close of the 4–H Club fair in my home country, I went to the local packing plant. There were all the 4–H Club boys and girls, there to see their prize animals after they were slaughtered, to see what they could learn about the grading and the feeding, and so on, by watching the calf grow and then following it clear through. I daresay I have never seen such a spotless place. I have never seen such a thorough inspection.

Do we have any law to inspect retail stores? No. Does this Government have any law to inspect cafeterias and restaurants? Not on the Federal level. The only assurance so far as the Federal Government is concerned about the wholesomeness of food is in reference to meat—poultry, fish, and meat.

Mr. NELSON. Mr. President, will the Senator yield for a question?

Mr. CURTIS. I will in just a moment.

In the course of my visit to the meat-packing plant I was impressed with the thoroughness of the inspection, and I asked, "In how many cases do you find a trace of diethylstilbestrol in the livers of these animals?"

The answer was, "Practically none. It is one in many thousand."

The point is, after you find it there, the best evidence is that you would have to eat pounds and pounds of beef liver for years and years, and then your chance of cancer would be one case in 2,500 years.

Once more, I ask the proponents of this proposal to produce the name and address of one cancer victim where medical authorities have said, "This cancer was caused or is likely to have been caused by eating beef."

We have been using diethylstilbestrol for 20 years. Before this action is taken, we ask, let us have HEW collect all the information and tell us what to do.

The distinguished Senator from Wisconsin is correct when he says this matter goes back to the Delaney amendment. The reason that diethylstilbestrol ever got into the newspapers was not that it ever caused cancer. It was not due to the fact that traces were found in the liver that were harmful to human beings. It became noticed, because the Delaney amendment says that if there are no traces of such a product, it shall be banned. Not harmful traces; just traces.

I hold in my hand a copy of a court decision where the DES ban was overturned. I want to read one paragraph.

Mr. NELSON. Will the Senator give me the citation and date of that opinion?

Mr. CURTIS. Yes. It is Chemetron Corp. against U.S. Department of Health, Education, and Welfare.

Mr. NELSON. What date?

Mr. CURTIS. It is January 24, 1974.

Mr. NELSON. That is a case that was overturned on procedural grounds, is it not?

Mr. CURTIS. I will read what it says:

At oral argument, government counsel referred numerous times to DES as a known carcinogen, but he admitted, on being pressed, that the FDA could not invoke the

Delaney Clause. That is also our view. The "DES" exception to the Delaney Clause, discussed above, continues effective unless the agency detects residues in a slaughtered animal while using an approved test method. And the residues detected by the Department of Agriculture were not found by an "approved method."

Mr. President, in the remarks that I extended in the RECORD, I have discussed some of these methods of detection. I want to do the right thing. I do not want to promote cancer. All I am asking is, let HEW look over all the studies they have, analyze them, and advise us what to do. They can do it tomorrow. They can do it in 60 days.

They say, "Do not take longer for hearings." Mr. President, on the basis of what we have got here, the Congress of the United States should not ban the shipment in interstate commerce of diethylstilbestrol intended for a supplement for cattle feed, because no evidence has been submitted indicating that one single case of cancer has resulted from such use.

It has even been suggested that we should prove that beef has a positive effect on health. Are we going to apply the same test to every other food? Is Congress going to say to the dill pickle industry, "The burden is on you to prove that it does something nutritious, or you are going to be outlawed"?

Now, of course, the most nutritious food you can eat is meat. It makes for stronger bodies. In the whole history of the world, whenever a meat-eating race has gone to war against a nonmeat-eating race, the meat eaters won. It produces superior people. We have the books of history.

Mr. President, we are not asking Congress to take a risk. Not at all. This substance has been used for 20 years, and not a single case of cancer in human beings showed up. On the other hand, it has been just a few years since they started using the morning-after pill, and cancer has resulted. But we do not ban that from being used, under the most flimsy language that can be constructed using the English language.

We have known for a long time that cigarette smoking produces cancer. Is that in this bill? No.

The distinction has been made that diethylstilbestrol for animals is under one section of the law, and diethylstilbestrol as a medicine for human beings is under another.

To the person who gets cancer, what difference does it make on what page the law is written? What difference does it make?

By our own evidence here, diethylstilbestrol used as a medicine directly in human beings causes cancer, and we do not ban it. We regulate it.

Look at the regulated language, and it regulates concerning not only alone rape and incest but any comparable medical emergency. Then we read what it says about the prescription and relieving people from improper label, and so on.

Mr. President, what is the sound and prudent course?

I said in my opening, we must maintain confidence in the integrity of the Government. We must maintain confidence in the dependability of our laws and policies for being sound and accurate.

If we start in legislating on the basis of supposition, fear, and emotion, where there is no evidence, and then close our eyes toward banning those things that we know cause cancer, what is going to be the verdict of the people of America? They are not going to pay any attention to it.

Oh, we do not need to ask the cattle feeders. Ask the rank and file of good citizens everywhere: What should we do? They would say, "Do the right thing, not the frightened thing; do the right thing."

The best way I know to do that is to ask the Department of Health, Education, and Welfare to analyze everything that has been done, assemble it, and make a recommendation here.

Mr. President, this amendment may or may not prevail. If it does not prevail, we will have embarked on a course of legislation that cannot be defended before reasonable men and women anywhere.

I reserve the remainder of my time.

Mr. JOHNSTON. Mr. President, I rise in support of the amendment of the distinguished Senator from Nebraska (Mr. CURTIS) to postpone for 1 year any ban on the use of DES as a growth promotant in livestock. Indeed, I am privileged to join him as a cosponsor.

If there is one lesson we can learn from recent experiences in bureaucratic regulation of supposed environmental "hazards" it is that the cure is sometimes worse than the disease. Why just a few weeks ago, the very scientists whose study on cyclamates formed the basis for the FDA ban, announced that not only was their evidence insufficient to support FDA's actions, but that subsequent studies they have conducted warrant the ban's removal. The list goes on and on, Mr. President. Catalytic converters are spewing sulfuric acid and in my State of Louisiana, insecticides used as alternatives to DDT have almost succeeded in eliminating the brown pelican from our coastal areas.

Mr. President, it is high time that the Congress and our regulatory agencies in considering proposals such as this, ask just what benefits do we expect to receive, and what price are we going to exact from the American consumer for these alleged benefits. While I have the utmost respect for my colleagues on the Labor and Public Welfare Committee, I challenge anyone to show me just where in the report on S. 963 is there any indication of the cost of a ban on the use of DES in livestock feed to the American consumer. I submit that in these days of ever-increasing food prices, the American people deserve to know just how much more they will be forced to pay for beef as a result of a ban on DES. The beleaguered American farmer is entitled to know how much this ban will cost him. Mr. President, these questions were not even asked much less answered.

Even sadder still is the fact that the supporters of this legislation are unable to point to any evidence which indicates with anything even approaching certainty that a ban on DES as a livestock growth promotant will bestow any benefit whatsoever. The FDA has no reason to believe that the use of DES in livestock feed represents a public health hazard. In fact, no human harm has ever been demonstrated in 20 years of use. It has been estimated that a person would have to eat 5 tons of beef just to accumulate the amount of DES in one birth control pill. Dr. Thomas Jukes, of the University of California, assesses the risk of cancer at no greater than one case every 2,500 years in the U.S. population. Yet some have estimated that beef prices will rise nearly 10 percent if this ban is imposed.

Now, Mr. President, the scientific evidence is a long way from being conclusive. At the very best it is contradictory. All we ask in this amendment is, "Tell us what this ban will cost, and tell us what, if anything, we will gain before you ask this Congress to place yet another burden on the farmers and consumers of this country." I, for one, want an answer.

Mr. HUDDLESTON. Mr. President, I am a cosponsor of Senator CURTIS' amendment to the bill now under consideration, S. 963. This amendment would allow the jury to remain out regarding the use of DES as a growth promotant in animals intended for use as food rather that delivering a verdict at this time.

The DES topic is an emotional one. There is no question that this estrogen has been proven to be carcinogenic in test animals. DES also has been strongly associated with the development of a rare cancer in the daughters of women who were treated with the drug as an antiabortive during pregnancy.

More recently DES has been used as a morning-after contraceptive. In this application there have been repeated allegations of widespread misuse. The drug was never intended for use as a routine postcoital drug. The intent of the FDA was to confine the use to victims of rape, incest, or illnesses that could be life-threatening following pregnancy. Since DES has been used as a morning-after pill only during the past few years there is little evidence regarding long term results of this use. But there is no question that from results of the drug being used to prevent miscarriages DES must be very closely regulated in human use.

But let us examine the facts regarding the use of DES as an animal growth stimulant.

DES feeding saves, on the average, 81 pounds of feed for each 100 pounds of gain in beef steers.

DES feeding could release over 1.5 million acres of corn land for the production of other grains and foodstuffs. In steers, the dressed yield is the same whether DES is fed or not.

More lean meat is produced from DES-fed steers than from non-DES-fed steers by an average of 33½ pounds per 1,000 pounds.

Less carcass fat is produced on DES-fed steers than on non-DES-fed steers.

DES has never been found in the red meat supply in the United States. DES has been found in the liver of DES-fed beef up to 7 days after withdrawal. But never in any animal tissue or organ after 10 days withdrawal.

Never has a single report appeared in

the literature that recounts any harmful effects from eating meat from DES treated cattle. This is despite 20 continuous years of DES being used as a feed additive.

It is my understanding that all feedlot cattle receiving DES are withdrawn the prescribed period of 14 days before slaughter and that certification is required as to the withdrawal period. In my judgment virtually no residue threat exists.

Mr. President, I urge adoption of this amendment in order to allow the accumulation and analyzation of all data regarding the use of DES as a growth stimulant in food animals. Then after the studies are completed a proper scientific conclusion can be made.

Mr. HRUSKA. Mr. President, I am pleased to rise again in support of the amendment to S. 963 offered by my colleague from Nebraksa.

My remarks on July 16, 1975, pointed out the need for concrete scientific evidence showing diethylstibestrol to be an imminent health hazard before a decision is made that could cause great harm to consumers and the cattle industry. My views have not changed. I should like to make some additional points which I hope will be carefully considered before a decision is made on this bill.

Mr. President, this controversy has previously been before the Senate. The opponents of DES have claimed that its use presents an imminent health hazard. This claim was never documented in the past. It cannot be documented now. There is no scientific evidence to show that DES residues in meat have caused a single case of cancer in humans.

In 1973 the Food and Drug Administration prohibited the use of DES in raising cattle. This action was overturned by the Court of Appeals. Why? Because the FDA could not meet its burden of showing that DES was in fact an imminent hazard to health. The FDA still cannot meet this burden.

The FDA has indicated that it currently lacks sufficient evidence to meet the imminent hazard test as provided by law. In fact, FDA has actions currently pending to declare its existing test methods invalid and to establish new test methods.

No residue of DES, contrary to opinion in some circles, has ever been found in the red meat tissues of DES-fed cattle. It is true that some residues of DES have been found in small percentage of beef livers, and that under certain conditions the feeding of synthetic DES to laboratory animals has proved to be carcinogenic. What has not been proved, however, is a link between the intermediate—metabolic—form of DES found in beef livers and carcinogenicity. The sponsors of S. 963 would have the Members of this body substitute their judgment for that of the scientific community by assuming that the metabolic and synthetic forms of DES are both carcinogenic. The Delaney clause of the Food Additives Amendment of 1958 would also have us make that assumption. But, the scientific community is not ready to make that assumption. I would like to call the attention of the Senate to an article entitled "Can Animal Agriculture Survive" which appeared in a recent edition of Animal Health and Nutrition. The author is a distinguished Nebraska scientist, Dr. Lewis E. Harris, chairman of the board of Smith Kline Corp. Dr. Lewis states:

> Speaking of residue studies leads me inevitably to the Delaney Clause of the Food Additives Amendment of 1958. This piece of legislation illustrates better than anything else the strange logic pervading the regulatory landscape of the animal health industry.
>
> The Delaney Clause was adopted with the best of intentions in an attempt to ensure that food consumed by humans would not be contaminated by carcinogens. But with the passage of time, the number of suspected carcinogens and the technologies by which they may be detected in animal tissues have greatly increased.
>
> At the same time, legislators have failed to take account of the benefit-to-risk ratio. On the contrary, in animal health, the government is moving towards a goal of zero residues.
>
> In other words, the animal health industry operates under what must be the strangest logic in the world. This logic holds that it is quite all right for humans in the United States to consume unlimited amounts of many food products containing naturally occurring potential carcinogens. But it prevents the marketing of any useful animal health product that may result in traces of a drug compound in edible animal tissues—if such a compound (under any circumstance or in extremely exaggerated dosage) causes even a suspicion of cancer in a rat or other experimental animal.
>
> To my mind, this logic is irrational. Yet it lies at the heart of the entire animal health regulatory philosophy. I am leaning very heavily on this point, because there is little use in fuming about the effects of animal health regulations unless we clearly understand the kind of thinking that must be defeated if they are ever to be made reasonable.

Dr. Harris's major point as it applies to this bill is clear: How can we assume that the metabolized form of DES that is found in a few cattle livers will have the same effect as DES that is synthesized in the laboratory? I, for one, am not ready to make such a blanket assumption that is totally lacking in scientific foundation.

U.S. Department of Agriculture regulations now require that the use of DES be withdrawn at least 14 days before the animal is slaughtered. Scientific evidence has shown that no residues of DES exist in animals where DES has been withdrawn at least 10 days before slaughter. There is, admittedly, a potential problem of assuring that a feeder complies with the withdrawal regulation. Department of Agriculture inspections have disclosed six residue violations in the second quarter of 1975. The significant factor in these violations was that the amounts of the residues found were much lower than corresponding amounts found in violations reported during the first quarter. This is evidence that the withdrawal period is working to eliminate the possibility that any beef slaughtered will have traces of DES.

Mr. President, the advantages of using DES in beef production are well known. I have stated before that 81 pounds less feed is required to produce 100 pounds of gain on cattle when DES is used. If DES were banned today, it would require an additional 7.7 billion pounds of feed annually to produce the amount of beef we currently produce. That would be 7.7 billion pounds of grain that this country could export to feed the hungry peoples of the world. In these times of world food shortages and crop failures, we need to pay particular heed when our decisions can have such far-reaching effects.

Dr. Harris in his article also addresses himself to the effect regulations as we are considering here can have on the world's hungry. He stated:

> And I submit that unless regulations are made reasonable, the survival of animal agriculture in the United States is in certain jeopardy.
>
> Even assuming that our production efforts were not hamstrung by burdensome regulation, the sheer logistics of animal agriculture as compared to human population growth would give one reason for pessimism.
>
> If our most strenuous efforts have been sufficient to feed only 3.8 billion persons—and not all of those at maximal levels—how will man be capable of coping with the nutritional needs of the more than six billion who will inhabit planet Earth by the end of this century?
>
> My answer to that question is that we will be unable to feed the world population by the 21st century unless we deal with human nutrition realistically. And part of being realistic is to accept a benefit-to-risk ratio relative to animal health products. Total safety is an illusion, often pursued by bureaucrats, but impossible of achievement.

Many Members of this body frequently remind us of the vast starvation that exists in the world today. Dr. Harris' comments should be seriously considered when it comes time to vote.

Not only would banning the use of DES take food out of the mouths of the world's hungry but it also would result in added costs to the already inflation devastated consumers of this country. If 81 pounds of grain are required to produce each 100 pounds of gain per head of cattle, the farmer's cost of production obviously is going to increase. We will not and should not expect him to absorb this added cost. It will get passed on to the consumer in the form of higher prices for meat. Is such a result what the sponsors of S. 963, many of whom are the most eloquent supporters of the consumer cause, want? I should think not.

The farmer and consumer are not the only ones that would feel the brunt of this legislation if passed. The pharmaceutical industry also has had its activities disrupted by government regulation and policies that have drastically forced up their costs. Dr. Harris also points out in his article when he states:

> In the human pharmaceutical industry, we have pretty good information about the effects of government regulation on the discovery and marketing of new medicines. We know, for example, that before 1962 a drug could be tested and marketed in this country in about two years at a cost of $1–2 million, while today the time required averages 6 years and the cost may be nearly $12 million.
>
> We also know that President Ford, in his recent report on the country's economic status, declared that since the 1962 amendments to the Food, Drug, and Cosmetic Act of 1938 "the rate of introduction of new drugs has fallen more than 50 percent and the average testing period has more than doubled. . . .
>
> The President's report says, in short, what those of us in the human and animal

health industries have been saying all along—that our industries are over-regulated and that this over-regulation is not only costly but does not, and probably cannot, guarantee the degree of efficacy that is often unrealistically expected. . . .

During the past three years, we estimate that government regulation alone (excluding inflation) has caused a 25 percent increase in the cost of our feed additives operation and the large-animal segment of our veterinary medicine operation. And in addition to cost, regulations have greatly slowed down the introduction of useful new products.

The Congress must answer for its decisions that are costly and disruptive to farmers, consumers, and industry. Clearly we should not act where the facts are not decided and our actions can have such severe consequencies.

Mr. President, it is clear that the facts do not support the allegations made by the sponsors of S. 963. Actually, the scientific community is not sure what the facts are in relation to the use of DES in the cattle industry. The only facts that are clear are those we already know: that banning the use of DES would result in more feed being required to produce a pound of beef, that fewer agricultural commodities would be avaliable for export, that the cost of producing beef would inrcease and that future meat prices for the consumer would be higher.

In view of the actual facts of the DES controversy, the only rational solution is that proposed by the Curtis amendment. The scientific community needs time to make a definitive analysis of the actual effects of the use of DES. The Curtis amendment provides for this by allowing completion of the ongoing research, analysis of data, and recommendations to the Congress based on that research and data, before a final decision is made. This is the only logical way to proceed in a matter that could have such far-reaching effects on our economy.

I again express my support for the Curtis amendment and urge my colleagues to support it.

Mr. President, because Dr. Harris' article so eloquently addresses itself to the major issues concerning this legislation, I ask unanimous consent that it be printed in full at the conclusion of my remarks.

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

CAN ANIMAL AGRICULTURE SURVIVE?

(By Lewis E. Harris)

When the Editor of *Animal Nutrition & Health* kindly asked me to do a guest editorial for this MIDSUMMER REFERENCE Issue, I readily agreed. I saw it as an opportunity to give vent to what has become my favorite gripe—the impossible burden imposed on the animal health industry by excessive government regulation.

In the human pharmaceutical industry, we have pretty good information about the effects of government regulation on the discovery and marketing of new medicines. We know, for example, that before 1962 a drug could be tested and marketed in this country in about two years at a cost of $1-2 million, while today the time required averages 6 years and the cost may be nearly $12 million.

We also know that President Ford, in his recent report on the country's economic status, declared that since the 1962 amendments to the Food, Drug, and Cosmetic Act of 1938 "the rate of introduction of new drugs has fallen more than 50 percent and the average testing period has more than doubled."

This report also said: "Moreover, it is not clear that the average efficacy of drugs introduced after 1962 is any higher than that of drugs previously introduced."

The President's report says, in short, what those of the human and animal health industries have been saying all along—that our industries are over-regulated and that this over-regulation is not only costly but does not, and probably cannot, guarantee the degree of efficacy that is often unrealistically expected.

But what do we know about the impact of government regulation on animal agriculture? In preparation, I searched for statistics comparable to those I have cited for human pharmaceuticals. But I found that no really up-to-date-facts are available.

So I decided to ask the animal health groups of Smith Kline Corporation—feed additives and veterinary medicines—for ballpark estimates of increased costs due to regulations.

During the past three years, we estimate that government regulation alone (excluding inflation) has caused a 25 percent increase in the cost of our feed additives operation and the large-animal segment of our veterinary medicines operation. And in addition to cost, regulations have greatly slowed down the introduction of useful new products.

Most of the cost increase is associated with research and development and relates to safety requirements and residue studies.

Speaking of residue studies leads me inevitably to the Delaney Clause of the Food Additives Amendment of 1958. This piece of legislation illustrates better than anything else the strange logic pervading the regulatory landscape of the animal health industry.

The Delaney Clause was adopted with the best of intentions in an attempt to ensure that food consumed by humans would not be contaminated by carcinogens. But with the passage of time, the number of suspected carcinogens and the technologies by which they may be detected in animal tissues have greatly increased.

At the same time, legislators have failed to take account of the benefit-to-risk ratio. On the contrary, in animal health, the government is moving towards a goal of zero residues.

In other words, the animal health industry operates under what must be the strangest logic in the world. This logic holds that it is quite all right for humans in the United States to consume unlimited amounts of many food products containing naturally occurring potential carcinogens. But it prevents the marketing of any useful animal health product that may result in traces of a drug compound in edible animal tissues—if such a compound (under any circumstance or in extremely exaggerated dosage) causes even a suspicion of cancer in a rat or other experimental animal.

To my mind, this logic is irrational. Yet it lies at the heart of the entire animal health regulatory philosophy. I am leaning very heavily on this point, because there is little use in fuming about the effects of animal health regulations unless we clearly understand the kind of thinking that must be defeated if they are ever to be made reasonable.

And I submit that unless regulations are made reasonable, the survival of animal agriculture in the United States is in certain jeopardy.

Even assuming that our production efforts were not hamstrung by burdensome regulation, the sheer logistics of animal agriculture as compared to human population growth would give one reason for pessimism.

If our most strenuous efforts have been sufficient to feed only 3.8 billion persons—and not all of those at maximal levels—how will man be capable of coping with the nutritional needs of the more than six billion who will inhabit planet Earth by the end of this century?

My answer to that question is that we will be unable to feed the world population by the 21st century unless we deal with human nutrition realistically. And part of being realistic is to accept a benefit-to-risk ratio relative to animal health products. Total safety is an illusion, often pursued by bureaucrats, but impossible of achievement.

I hope that most of you reading this statement are sufficiently concerned to want to take action—because action is what we need.

I have asked the publishers of Animal Nutrition & Health Magazine if they will be good enough to make reprints of this editorial available to you on request so that you can send them—along with a personal letter—to your Senators and Representatives. They have agreed to do so.

There is no way we can succeed in changing these animal health product regulations—some of which are scientifically unrealistic—unless we secure the support of the members of the U.S. Congress.

I believe that a much-needed change in the regulation of the animal health industry is entirely in the public interest. I ask you: What could be more in the public interest than providing as much food as we possibly can, now and in the future, for the people of the United States and of the world?

Mr. NELSON. Mr. President, will the Senator yield for a couple questions?

Mr. CURTIS. I am happy to yield.

Mr. NELSON. For clarification, do I understand the Senator's amendment to provide that within a year, or any time shorter of that period, the Commissioner of the Food and Drug Administration is to evaluate all known scientific studies and reach some conclusion? What is he supposed to do?

I do not have the amendment before me.

Mr. CURTIS. The authority is vested in the Secretary, instead of the Commissioner. It does state that all the studies be completed by June 1, 1976, in order that he cannot go ahead and prolong it with a lot of new studies. There are studies going on right now. The report shall be submitted not later than 1 year.

Mr. NELSON. I have it here. The Secretary shall submit a report to whom?

Mr. CURTIS. To Congress.

Mr. NELSON. Does the amendment deprive him of existing authority under current procedures to act on the matter regulatorily?

Mr. CURTIS. No, it does not deal with that at all. It merely is a request for information as to what action we might take here.

Mr. NELSON. But it stays his hand under the current statute until after at least——

Mr. CURTIS. No, it does not.

This merely is to save Congress from its own folly, as well as attempt to find the right answer to what ought to be done.

Mr. NELSON. Now, the Secretary will evaluate——

Mr. CURTIS. Of course, any power that the Secretary would have would be through the Food and Drug Administration. It does not add or detract from his authority to take whatever action he can now under the law in the interim.

Mr. NELSON. So that, if in the event this amendment were adopted, we would have a clear legislative intent, let me ask the distinguished Senator from Nebraska this question: the FDA Commissioner has issued a regulation. The Commissioner issued a regulation that went to court in the 1974 decision that the Senator has just read. The basis on which the regulation was found invalid was a technical, procedural one, having to do with holding appropriate hearings.

The Secretary now has issued a regulation on the question of new standards, methodologies for sensitivity studies. As the Senator knows, there may be some problems about that, because laboratory tests with certain sophisticated equipment applying a methodology over x period of time may make finite detections that are impractical to apply. There might be a much higher degree of sensitivity than could be detected under practical methods of identifying how many parts per million or trillion of a substance there is in some item.

The Commissioner has proposed a regulation for updating sensitivity detection methodology. There will be hearings on the subject in the near future. Then, the regulations will be implement if, in fact, the hearings that are being conducted reveal the regulations are adequately supported by the evidence.

Is the Senator saying that this amendment would in no way compromise, modify, overrule, or interfere with the procedure that is now ongoing in the Food and Drug Administration?

Mr. CURTIS. Yes. It is a short amendment.

Mr. NELSON. It would interfere?

Mr. CURTIS. I will let anyone search it. There is nothing in there that takes away any of the powers, duties, and responsibilities that the Secretary or the Commissioner now has.

Mr. NELSON. And the report should be by June 1, 1976?

Mr. CURTIS. Not later than. No. One year from its enactment.

Mr. NELSON. So all the proponents of this amendment are saying is that we want a study to be done of all the current literature and evaluations of whatever current ongoing studies there are, and a report back to Congress by the Commissioner, but that in no way does this amendment, if adopted, interfere with the current administration of the law, the current proceedings that are ongoing in the FDA and that later may go to court; that in no way will they be compromised, interfered with, modified, or stayed by the adoption of this amendment?

Mr. CURTIS. That is correct.

Mr. President, I reserve the remainder of my time.

Mr. NELSON. I might say, if that is the case, I do not see the point in adopting it.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, we have been over a good many of the arguments that have been raised by this amendment here this afternoon.

I think frankly it does what the Senator from Nebraska wants to achieve, for technical reasons. I will return to that later.

But I do want to mention what I consider to be the essential aspects of this discussion.

During the course of the comments or statements of the Senator from Nebraska, he drew an analogy between DES and pickles. I think that was the word he used, pickles, or perhaps even other kinds of food.

The analogy escapes me completely. We are talking about a drug, DES, that has resulted in the death of a number of Americans and a number of children of women who took this particular drug.

We heard from Mrs. Green and we heard from Mrs. Malloy, who took this drug in the mid-1950s and found later that their daughters had contracted cancer because of DES, and later died. That is the fact of the matter.

We heard the position of the distinguished researcher, Dr. Arthur Herbst, who did the pioneering work on DES. With all due respect to those marvelous, wonderful, warm human beings who attend the 4–H meeting in Nebraska, Dr. Herbst is more knowledgeable on this matter. He has now found more than 220 cases of death from cancer.

This is what we are talking about. We are not talking about pickles, we are not talking about marshmallows, we are not talking about cereals, and we are not talking about these other factors, although some would like to divert our attention on that particular issue. We are talking about something which is a cancer-causing agent, which has produced cancer and produced death to a number of Americans.

Mr. CURTIS. Mr. President, will the Senator yield on that point?

Mr. KENNEDY. I will not yield for a while.

We have seen that this particular carcinogen has shown up not only in beef livers, which fact is generally accepted even by those who oppose this, but also has shown up in muscle tissue in meat. It is showing up at the present time, according to the most recent Food and Drug statistics.

I will put that in the RECORD, if I have not done so already. This is true even in the figures and the number of samples from 1971, 1972, 1973, 1974, and 1975. As I mentioned earlier, from January through March of 1974, when this was banned by the Food and Drug Administration, there were no residues, not even one residue in the 560 samples. Then there was a failure to follow certain administrative procedures in terms of whether the test was the latest test for the latest period of withdrawal. The court made a determination that there were later tests that may be more sensitive and that the Food and Drug Administration should have been prepared to move ahead on this matter.

There was the question of notification. There is no question that the Food and Drug Administration attempted to ban it; and when it was banned, there were no positive residues.

Now we are seeing in 1975, January through March, April through June, July through August, approximately 1 percent in the early periods; then 1.2 percent, and 1.2 percent during those three measurable periods. Those are the facts.

Earlier we had an exchange with the Senator from Idaho about the question of the various tests and whether his group of scientists was willing to state that, with respect to the radioisotopes, this was really the DES drug. There is ample evidence of scientific opinion that believes it is, and there are other facts and statistics and tests which we have put in the RECORD which would sustain that.

I have read the statements and comments of one of our colleagues who comes from a cattle-producing State, the Senator from Wisconsin (Mr. PROXMIRE), who testified before the committee in 1972:

> Senator PROXMIRE. May I add, Mr. Chairman, there are, I think, three issues which might arise on the part of those who oppose this amendment, and I would like to leave the answers to some of the questions with you.
>
> One claim is that DES residues are only apparent in livers. Since what we eat is mostly muscle tissue, why worry? Why not just ban the livers?
>
> I have some very interesting information indicating that DES residues are present in other parts of the animal.

As I have stated, I have these other facts and other tests—the test that was put in the Fountain hearing record of May 27, 1970. Actually, the sample was taken on April 23, 1970, and it was found that there were 90 parts per billion in liver and 10 parts per billion in muscle.

I will not go through the various other tests which have been taken and referred to during the course of the discussion.

I want to make a point regarding the request from the Senator from Nebraska, that the studies be made within a year. I have a telegram from the Director of the National Center for Toxicological Research, in Jefferson, Ark., which is going to conduct this study, and I will make the entire telegram part of the RECORD. He points out in his telegram that it will be more than 2 years before the final reports on the studies will be available. He is talking about DES studies in various experiments on some 15,000 animals. He believes it will be 2 years before this study will be completed. Therefore, I do not believe that we could get the kind of information that would be required in the period of 1 year, in any event. Certainly, that is not the impression of one who is going to conduct the study.

It seems to me, under any set of circumstances, that we should move ahead and ban this particular product.

Those are some of the reasons why I hope this amendment will be defeated.

Mr. President, I reserve the remainder of my time.

Mr. McCLURE. Mr. President, will the Senator from Nebraska yield me 5 minutes?

Mr. CURTIS. I yield 5 minutes to the distinguished Senator.

Mr. McCLURE. I thank the Senator for yielding.

Mr. President, we have indeed gone over most of the arguments already in the debate on the bill, but some curious repetitions are seeping into the RECORD,

as though a repetition somehow strengthens the lack of facts.

First of all, with respect to the radioisotope test, based upon the record made before the congressional committee that held hearings, there is absolutely no basis in fact that any estrogen was found in red tissue meat. No kind of repetition will indicate that that is a fact, when the hearing record, itself, will indicate that no such evidence was produced before the hearing.

It is a matter of some coincidence, perhaps, that the menu of the Senate restaurant today, under the low-calorie specials, included broiled baby beef liver, 3 ounces.

I have done a little quick mathematics. I am not a mathematician, so perhaps somebody will correct me if I am in error. If one were to go downstairs and eat the low-calorie special which is on sale today, eating that portion of the beef carcass, which is some instances—5 percent—has as much as 2 parts per billion of estrogen, one would have to consume 73,000 low calorie specials every day for 50 years in order to equal the amount of estrogen which this bill permits to be prescribed by a physician.

Where is any kind of logic in the presentation of the committee that ends up in that kind of situation? Seventy-three thousand lunches a day for 50 years! That is a risk which we cannot take, they say. Yet, we can take the risk if it is to produce an abortion in a woman who has been subject to rape or incest or other medical emergency, whatever the latter statement might encompass.

It seems to me that the amendment offered by the Senator from Nebraska, asking only for a study, asking that we know what the facts are before we act, is a reasonable amendment, in the face of undisputed facts. The undisputed facts—and I have not heard anybody question them yet—relate to the amount of ingestion of beef liver, which is the high incidence—two parts per billion—as compared to that which is permitted by the bill.

A number of Senators on the committee made the point that this is a health question; that we must allow this bill to be used to protect the health. There is a health offset. If you want to induce an abortion, there are methods by which abortion can be performed without risk to the mother. Nobody yet has mentioned on the floor of the Senate the fact—as it is a fact—that there is only one known linkage in which there is any kind of cancer produced by the use of the estrogen which is ingested.

That is if the massive dose which is prescribed—under this bill is prescribed—and taken by a woman who would otherwise deliver a child and it is unsuccessful in producing the abortion. If it is unsuccessful in producing the abortion and that child is born in spite of the ingestion of this hormone, and if that child happens to be female instead of male, then there might be an increased incidence of cancer in that female child born where the abortion failed. In no other case, in absolutely no other case, is there any evidence that a cancer has been produced by the ingestion of this hormone.

It seems to me that if, indeed, the proponents of this bill are concerned about those 220 people who died of vaginal or uterine cancer, they would move to abolish the thing that causes the risk, and that is the morning-after pill. But, no, they did not do that. The health effects, the benefits of producing the abortion, are more important than the dangerous side effects of a possible cancer in a female child if the abortion does not work.

The only thing that it seeks to ban outright is the use of this substance in a manner which has been proven by no one to have caused any single adverse health effect. It seems to me that there is a curiously inverted logic surrounding this entire debate today.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, with all due respect to my colleague and friend from Idaho, I fail to see how the quoting of various statistics about 50 parts per billion or the amount that would be used in a morning-after pill has very much relevance here, in the course of our debate and discussion. We know that 6 parts per billion is enough to kill a rat from cancer. We know that anyone who is involved in the war on cancer—Dr. Rauscher or Dr. Greenwald, who have done research on it, or Dr. Herbst, who has done research on it—are unprepared. The Senator from Idaho or the Senator from Nebraska will not quote what they think is an acceptable level of DES to be ingested which will be safe for the American people. So with all due respect and interest, it is nice to listen to how many meals of liver one has to eat in order to reach to the amount of a morning-after pill, or how many pieces of liver one has to eat on how many days for how many years and how many pounds. That has nothing to do with the fact that neither the Senator from Idaho nor the Senator from Nebraska can indicate here, on the floor of the United States Senate, what is going to be an acceptable, safe level for ingesting DES. Yet what they are asking by their amendment is to go ahead and permit it to be used on the American dinner table, day after day. The head of the Cancer Institute, whom we authorized to spend $868 million this year, says that he does not know what the effect of ingesting 5 parts per billion every day for the period of a lifetime will be on any individual, and he is not prepared to suggest that we ought to do so.

Evidently, the Senator from Idaho is quite prepared, by talking about various statistics or figures, to suggest by implication that there is not the kind of health hazard that those who are trained, skilled, professional cancer researchers and administrators, believe that there is.

I think that this, again, gets back to what the issue is. We have the opportunity here, at a very modest increase in the cost of beef for the American family, to take a great step. Here, on the floor of the U.S. Senate, we are prepared to take a step that we know can, at least to the extent that it is in our power, eliminate from the dinner table of the American family a carcinogen which we know is and has been proven to be a cancer-causing agent in human beings.

I have been listening to the debate and the discussion from the Senators from Florida, Nebraska, and Idaho, saying "name one case." "Name one case." It took about 17 years before we could name Mrs. Malloy or Mrs. Green, and all the time, mothers were taking that particular drug and their daughters died, and there will be other daughters who will die because of the fact that these mothers took the drug during the period when it was being recommended or suggested as helpful to prevent miscarriages. That, quite frankly, is a burden which I am unprepared, either as the supporter of this legislation or its manager, to undertake.

Mr. CURTIS. Will the Senator yield for a moment?

Mr. KENNEDY. I yield.

Mr. CURTIS. The Senator referred to the Malloy case or the Green case.

Mr. KENNEDY. Mrs. Green and Mrs. Malloy, yes.

Mr. CURTIS. How did they get the diethylstilbestrol in their systems?

Mr. KENNEDY. They took a prescription drug to prevent miscarriage. I believe one was in 1954, the other 1956.

Mr. CURTIS. I think it is important that we make that distinction. Here, the morning-after pill is relatively new and already, cases are springing up. That merits attention. But for 20 long years, we have been using diethylstilbestrol in cattle feed and we have had no such results. We have not had any Malloy cases or Green cases or any other kind of cases.

Mr. NELSON. Will the Senator yield?

Mr. CURTIS. I do not have the floor.

Mr. KENNEDY. I yield.

Mr. NELSON. I am not familiar, by any means, with all the literature. In what cases does the Senator say diethylstilbestrol was recently being used, in the last 10 or so years, as a morning-after pill, so to speak, in which cases are popping up? I have not seen any from the FDA or anyplace. Does the Senator have some information?

Mr. CURTIS. My authority, perhaps, is the distinguished Senator from Massachusetts or the distinguished Senator from Pennsylvania. They have been reciting them.

Mr. NELSON. Cases of carcinogenesis——

Mr. CURTIS. Of cancer resulting from the use of diethylstilbestrol.

Mr. NELSON. When used as a morning-after pill?

Mr. CURTIS. Yes.

Mr. NELSON. I was not familiar with that. Is there some literature?

Mr. KENNEDY. With regard to Mrs. Green and Mrs. Malloy, their children did not die as a result of the morning-after pill; they died as a result of taking it in the mid-fifties to prevent miscarriages.

Mr. CURTIS. But it was taking of diethylstilbestrol by the human being, not transmitted through livestock.

Mr. NELSON. I thought the Senator was saying that by its being used as a birth control drug, this happened. In the case that the Senator from Massachusetts spoke of, that was not the situation.

Mr. CURTIS. The Senator is correct.

Mr. NELSON. They were cases in which

a very sensitive fetus, at a later period of time, had adverse effects as a result of the drug.

Mr. CURTIS. I think the Senator is correct, and I thank him for setting the record straight. Prior to the use of diethylstilbestrol as a morning-after pill, it was used in direct doses for the human being and it proved disastrous in many cases.

Mr. NELSON. To the fetus.

Mr. CURTIS. Yes.

Mr. NELSON. There is no evidence that it was disastrous to the mother.

Mr. CURTIS. Mr. President, I yield myself 2 additional minutes under the amendment.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CURTIS. It has been stated here that what the proponents of this amendment want is to go on and on using diethylstilbestrol. There was no such thing in the amendment. All this amendment does is ask for the advice of the Secretary of Health, Education, and Welfare. He has got to give it to us soon, not more than a year, and he cannot come in near the end of the year and say, "Here we have got some new studies going." The cut-off date for studies for him to take into account is June 1 of next year.

Mr. President, the Senator from Nebraska is prepared to vote on the amendment if we can have a vote right now, and I will yield back the remainder of my time.

Mr. HATHAWAY. Mr. President, will the Senator yield to me so that I might ask a question? I would like to ask the Senator a question.

Mr. CURTIS. I will yield 2 minutes.

Mr. HATHAWAY. How did the Senator arrive at the time of 1 year? Is there some evidence which indicates one way or the other just what amount of DES causes cancer?

Mr. CURTIS. My information is that the study is underway now and that will give ample time for the Secretary to render his opinion to Congress.

Mr. HATHAWAY. Will we be able to get a definitive opinion as to whether it should be banned as a feed?

Mr. CURTIS. What his advice is I do not know, but he has got to give us some advice and, in the meantime, we do not tie his hands or take away any powers he has away under existing law.

Mr. HATHAWAY. I would suggest, if the Senator will yield further, to get a definite answer on this in a year or less that we simply ban it for that period of time and we will then be able to tell and not incur any more risk than we may be already incurring.

Mr. CURTIS. There is nothing in this amendment that takes away or lessens the power of the Secretary or the Commissioner to do whatever present law permits him to do.

Mr. HATHAWAY. No, what I am suggesting to the Senator is that during the period the study is underway we allow the principal parts of the bill to take effect, which would ban DES as a cattle feed. As the Senator suggested, it will not be for more than a year, and we would not be running the possible risk during that period for a year.

Mr. CURTIS. I think that would be a very bad form of legislating.

Mr. HATHAWAY. Certainly the economic effect would not be that great in the period of 1 year.

Mr. CURTIS. I think it is incumbent upon Congress to be as accurate and also be as definite and as certain in dealing with any aspects of the American economy on the American people as possible. An off-again and on-again procedure I do not think would do any good to anybody.

Mr. KENNEDY. I would like to have the attention of the Senator from Nebraska. As I understand his amendment, it is an amendment to section 301 of the Food, Drug, and Cosmetic Act, is that correct?

Mr. CURTIS. It would strike lines 8 through 12 on page 2 and insert the language of my amendment.

Mr. KENNEDY. Well, the effect of that is to add another section to a series of sections there, and after (p) add (q). That is what I understand that is to do; am I correct in my understanding? The Senator starts off in line 1 saying "(q)," which is consistent since the last paragraph is (p).

Mr. CURTIS. Yes.

Mr. KENNEDY. So the Senator is adding another section; am I correct?

Mr. CURTIS. Yes, in lieu of what the drafters of the bill have labeled.

Mr. KENNEDY. Well, the thing that troubles me, which I mentioned earlier, is that this section 301 is a prohibitive section. So my understanding would be that the Senator would actually be prohibiting the Secretary from going ahead and accumulating and analyzing the data in all aspects because what he is listing here is a prohibition of those acts, and he is adding (q), so he is adding one more act which will be prohibited and, in effect, I do not think the amendment amounts to anything.

Mr. CURTIS. The Senator's point may be well-taken and, if that is the case, I shall modify the amendment and add a new section in the bill. But I would still like to strike out lines 8 through 12 on page 2.

Mr. KENNEDY. Well, the way it is constructed now, as a matter of fact, we could almost accept the amendment, and then all the Senator would do is to have a prohibition of the Secretary from doing the kind of things the Senator mentioned there. So I would think the Senator would want to adjust that or correct it.

Mr. CURTIS. Will the Senator state again what he is asking me to do.

Mr. KENNEDY. Well, it is my understanding the way the amendment is constructed now the Senator is adding clause (q) to the prohibited acts. So, in effect, what he is doing is, since those items are included in that clause and are prohibited, is actually adding a paragraph that is going to be prohibitive of the Secretary from doing it. So I believe the amendment is flawed, and I am drawing that to the attention of the Senator. I would appreciate any clarification or comment or if I am wrong in that interpretation I think it is important that we understand what we are dealing with here.

Mr. CURTIS. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. May the Senator modify his amendment without unanimous consent?

The PRESIDING OFFICER. The Chair is advised it would take unanimous consent to modify the amendment.

Mr. KENNEDY. May I give assurance to the Senator from Nebraska that I am not interested in attempting to use—although I do think the amendment is seriously flawed—that technique or device to deny the Senator his requirements.

I think if he wants to take some time on a quorum call and perfect it and then offer it, I will consult with my colleague. I am not prepared to offer objection, but I do think the matter ought to be remedied. I believe the amendment is flawed at the present time.

Mr. CURTIS. I thank the distinguished Senator.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. CURTIS. Mr. President, I ask unanimous consent to amend amendment No. 692, and I send to the desk——

Mr. KENNEDY. Mr. President, reserving the right to object, as I indicated to my colleague, I do believe that the amendment as discussed, spelled out earlier, is flawed.

There are obviously some parliamentary considerations, in terms of rights of others that were interested, in amending the amendment of the Senator from Nebraska. Although, as I indicated earlier, I have no intention of objecting to the opportunity of the Senator to perfect his amendment, I would like to have a chance to examine the way that this has been developed and to consult with the Parliamentarian to assure that we are going to preserve the rights of a number of our colleagues, but I am not going to object to the Senator perfecting it to carry forward what I believe to be his stated intention.

I want to insure that the Senators' rights are protected on it, until we have a chance to see what the consent agreement request is, and I reserve the right to object, hold a quorum, and ascertain it.

Mr. McCLURE. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. Who yields time so that the Senator——

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. Mr. President, is it appropriate for me at this time to with-

draw my request for unanimous consent to amend my amendment and make a unanimous consent to modify my amendment?

The PRESIDING OFFICER. The Chair is advised that it is.

Mr. CURTIS. Is it not true, if the amendment is modified, it preserves the rights of all the parties?

The PRESIDING OFFICER. The Chair is advised it is still amendable in one more degree at the appropriate time.

Mr. CURTIS. Then I ask unanimous consent, Mr. President, to modify my amendment.

Mr. KENNEDY. Reserving the right to object, and I will not, I would like to see what the modification of the amendment would actually be, and I suggest the absence of a quorum to be charged equally.

Mr. CURTIS. Very well, I thank the Senator.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. 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. CURTIS. Mr. President, I renew my unanimous-consent request to modify my amendment.

The PRESIDING OFFICER. Is there objection to the modification by the Senator from Nebraska?

Mr. KENNEDY. As I understand it, it is the way he explained it earlier.

Mr. CURTIS. Yes.

The PRESIDING OFFICER. The Chair hears none, and it is so ordered.

Mr. CURTIS. Mr. President, I send the modified amendment to the desk, and I ask unanimous consent that it be printed in the RECORD.

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

On page 2, strike lines 5 through 12 and insert in lieu thereof the following new section:

SEC. 101. The Federal Food, Drug, and Cosmetic Act is amended by adding the following new section:

SEC. —. The Secretary of Health, Education, and Welfare is directed to accumulate and analyze all data related to the public health aspects of the use of diethylstilbestrol (DES) as a growth promotant in animals intended for use as food, and to report to the Congress the results of such accumulation and analysis, together with his recommendations as to the appropriate course of action to be taken with regard to such use of DES. Such report shall include the results of the DES portion of the Estrogen project of the National Center for Toxicological Research and shall include the results of all studies on DES completed as of June 1, 1976. The report provided for herein shall be submitted not later than one year after enactment of this section.

Mr. KENNEDY. Mr. President, I would like the attention of the Senator from Nebraska, the Senator from Idaho, the Senator from Pennsylvania, and the Senator from Colorado.

We have the Curtis amendment, and I understand that the Senator from Colorado has an amendment and the Senator from Oklahoma has an amendment. In terms of trying to work out some degree of comity with the other Members, I wonder whether we can agree to proceed with the debate and discussion of these matters this evening and exhaust the debate and discussion and then put over the votes on those amendments until the unfinished business is brought up tomorrow.

If there were no objection to proceeding in that way, I would offer a unanimous consent request to do so.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. CURTIS. So far as the Senator from Nebraska is concerned, I am agreeable to such a procedure.

Mr. MCCLURE. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. MCCLURE. My understanding is that under the unanimous-consent request proposed by the Senator from Massachusetts, we would complete the debate on the Curtis amendment; the Senator from Colorado (Mr. HART) would offer his amendment, and debate would be completed upon that. The Senator from Oklahoma (Mr. BELLMON) would offer his amendment, and debate would be completed upon that. Then, tomorrow, as the first action on this bill, those amendments would be voted on—first, the amendment of the Senator from Colorado; then the Curtis amendment; then the Bellmon amendment. Is that correct?

Mr. KENNEDY. That would be my intention, if it were agreeable.

Mr. NELSON. Is the Senator asking unanimous consent, so that we will have it settled?

Mr. KENNEDY. I ask unanimous consent, Mr. President.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. MANSFIELD. Will the Chair have the clerk read the unanimous-consent agreement, which I thoroughly approve of, just to get it straight?

The PRESIDING OFFICER. The Chair asks the Senator from Massachusetts to restate the unanimous-consent request.

Mr. KENNEDY. I ask unanimous consent that the Senate proceed to the consideration of the amendment of the Senator from Nebraska; that discussion and debate thereon be concluded; that at the time the discussion and debate thereon are concluded, the amendment of the Senator from Colorado, which would be in order, be offered; that debate and discussion on that amendment be concluded; that then the Senator from Oklahoma be permitted to offer his amendment. It would not be an amendment to the other two, but so that we could consider the amendment and conduct the discussion and debate, and that those matters be concluded in terms of the time agreements this evening; that disposition by the Senate of those measures be put over until tomorrow, until the conclusion of morning business. I believe there will be rollcall votes on those amendments.

At this time, I ask unanimous consent that it be in order to ask for the yeas and nays on the amendments.

The PRESIDING OFFICER. Is there objection to the request for the yeas and nays being in order on the two amendments not before the Senate? The Chair hears none, and it is so ordered.

Mr. KENNEDY. And that the first vote be on the amendment of the Senator from Colorado.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the amendments.

Mr. KENNEDY. I ask unanimous consent that this apply to the votes on all three amendments.

The PRESIDING OFFICER. Without objection, the showing of hands will apply to all three amendments.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I believe that the disposition of those amendments will result in concluding action on the bill, but I want to make clear that other amendments may be offered. We do not know. I understand that the results on these amendments may indicate that others will offer amendments. We are not trying to preclude that. I feel that this will result in the early disposition of the bill. There is a short time agreement on any other amendments, in any event.

Mr. President, as I understand now, the amendment of the Senator from Nebraska is before us as perfected. We have talked about this measure. I think we are getting close to a vote.

Mr. CURTIS. I am prepared to yield back my time.

Mr. HATHAWAY. I should like to have a couple of minutes to have some questions answered.

Mr. KENNEDY. I yield back my time.

I yield what time the Senator from Maine may need.

Mr. HATHAWAY. I wish to ask a few questions of the Senator from Nebraska with regard to his amendment.

Can he explain how the modified amendment differs from the amendment that was here originally? We have not had it read.

Mr. CURTIS. It was to take care of a matter with reference to drafting as to the particular section where his concern was.

Mr. HATHAWAY. That amendment still refers to the project of the National Center for Toxicological Research?

Mr. CURTIS. That is correct.

Mr. HATHAWAY. Will the Senator explain to us what that project is?

Mr. CURTIS. That is a project in the Food and Drug Administration now underway.

Mr. HATHAWAY. Did that study cover DES, the food additive?

Mr. CURTIS. It does, but we direct the Secretary to take into account all data and studies in making his analysis and recommendation.

Mr. HATHAWAY. I have here a telegram from the director of the study indi-

cating that it will be 2 years before the final report on these studies will be available.

Mr. CURTIS. I am aware of that. That is something else.

In my amendment, they must make the report within a year after the adoption and they are to limit the consideration to studies that are completed by next July.

Mr. HATHAWAY. In other words, if there are no results from that study by June 1, 1976, he just notes that there are no results.

Mr. CURTIS. Whether or not he can evaluate something, I do not know. The point is that we are not trying to extend the time of this report beyond 1 year.

Mr. HATHAWAY. There is another thing that I do not understand. I understand that the Secretary of HEW, in 1973, thought it was warranted to ban DES in cattle feed and, because of procedural reasons, was not able to carry out this ban. What makes the proponent of this amendment, the Senator from Nebraska, think that the Secretary is going to change his mind a year from now?

Mr. CURTIS. I cannot speak to that, because I do not know what he is going to recommend. We do not add or detract from his power to take administrative action. We are offering this amendment because we believe he can get vital information before the Senate will act on the far-reaching proposal that is in the measure.

Mr. HATHAWAY. Does the Senator know why other beef-raising nations, such as Argentina and Australia, have banned DES?

Mr. CURTIS. Some of them did it, I am sure, upon a belief such as the proponents have here today. I think some of them did it as a matter of protecting their own industry—some of them. But I am sure others were motivated by the same factors and arguments that motivate the proponents of the measure on the Senate floor.

Mr. HATHAWAY. Does the Senator feel that the United States should be at least as cautious as these nations? We are, certainly, in other drug matters.

Mr. CURTIS. I think the U.S. research and findings on these are far superior to the action these foreign countries might have taken with regard to our imports.

Mr. HATHAWAY. Mr. President, I conclude my remarks by saying that it seems to me if the Secretary of HEW, back in 1973, thought the ban was warranted, certainly an additional year or more of study is not going to change his opinion in that regard. It may just reinforce the opinion he had at that time. It seems to me that, if many other countries who are raising beef have banned DES, this amendment should be defeated, but at least, the ban ought to be imposed, if this amendment of the Senator from Nebraska is adopted, the ban on DES for cattle feed ought to be in effect during the course of the study, whether it takes a year or however long it may take.

Mr. CURTIS. There is nothing in my amendment that will prevent the Secretary or the Commissioner from doing anything that the law now empowers them to do.

Mr. HATHAWAY. I understand that.

Mr. CURTIS. In reference to the action of the foreign countries, the value that should be placed upon the actions of foreign countries should depend upon the quality of their research and reasons for arriving at the position that they did and not merely the numbers that have done so. There are, no doubt, many factors that entered into the reasons for these foreign countries taking this action.

Mr. HATHAWAY. I doubt very much that any of these countries, certainly not the majority of them, have anything like the quality of research we have in this country. If they put in a ban on the evidence they received, it seems to me that, a fortiori, we ought to do the same thing in this country.

Mr. CURTIS. I think we should take it into account, but take it into account by evaluating their research.

Mr. HATHAWAY. Mr. President, I have nothing more to say in regard to the amendment.

Mr. THURMOND. Mr. President, I am pleased to cosponsor the amendment of the distinguished junior Senator from Nebraska (Mr. CURTIS) to S. 963. This amendment simply says that we should not act hastily to ban the use of diethylstilbestrol—DES—a growth stimulant of great economic value in beef production, prior to the evaluation by the Food and Drug Administration of scientific studies now underway on this subject.

The use of DES in the finishing of beef animals saves some 81 pounds of feed for each 100 pounds of weight gain. This allows beef steers and heifers to reach market weight at an earlier age, using less feed, and at substantially less cost to the farmer and/or feedlot operator. It also frees tons of grain that would ordinarily be consumed each year in the fattening of cattle for other domestic livestock needs and for export.

A total ban on DES feeding to beef cattle would have a severe economic impact on an industry already in deep trouble. The past 2 years have been disastrous for the beef producer. In August of 1973, the average U.S. price for beef steers and heifers at slaughter was $55.10 per hundredweight. Thereafter, prices of fed cattle dropped to a low of $29.60 per hundredweight in February 1975, and only recently rose back to a decent level of $42.60 per hundredweight in June of this year. This allowed feedlot operators to begin to recover some of their earlier losses, but price declines for steers and heifers in July and August signal more hard times ahead.

However, the cow-calf beef farmers, which are by far the predominant type of beef enterprise in South Carolina and the Southeast, are still on the brink of economic disaster. Indeed, many have been unable to meet their debt obligations and have been forced to liquidate their cattle operations at a loss. In August of 1973, these livestock farmers received an average of $68.20 per hundredweight for their calves. In January of this year, calves averaged only $23.90 per hundredweight, and last month, the average price of calves was still far below production costs at $25.70 per hundredweight. Clearly, the last thing the beef cattle farmer needs at this time is legislation that would further reduce his productivity and add to his costs.

By its very nature, S. 963 indicates that the possible human health hazards from the use of DES as an animal growth stimulant are minimal. The bill does not absolutely prohibit the intake of DES as a drug or oral contraceptive, in which form the user is subject to thousands of times the dosage that this drug might ever be present in beef. Regulations now require DES to be removed from the diet of beef cattle 2 weeks prior to slaughter, and DES residues have been found in the liver tissue of only a small percentage of animals previously on DES.

My point here is that the evidence of DES being a human health hazard, particularly through its use as an animal growth stimulant, is not at all conclusive. The Curtis amendment gives us a chance to evaluate the relevant scientific findings that are still coming in. It is a fair and wise approach to a problem that is properly decided on the basis of carefully considered facts, rather than on emotion. I urge the adoption of this amendment.

Mr. CURTIS. Mr. President, I am still willing to yield back my time if the Senator from Massachusetts yields back his time.

Mr. KENNEDY. Mr. President, I am prepared to yield back my time.

The PRESIDING OFFICER. All time is yielded back on the Curtis amendment.

The Senator from Colorado is recognized.

AMENDMENT NO. 872

Mr. GARY W. HART. Mr. President, in lieu of the language proposed by the Senator from Nebraska, I propose a substitute amendment for myself, Mr. KENNEDY, Mr. HASKELL, Mr. WILLIAMS, Mr. SCHWEIKER, and Mr. JAVITS.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. GARY W. HART. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in full in the RECORD.

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

The amendment is as follows:

On page 1 strike lines 1 through 7, and on page 2, strike lines 1 through 7 and insert in lieu thereof the following:

"(q) The administering of the drug diethylstilbestrol (DES) to any animal intended for use as food or any animal the product of which is intended for use as food until the Secretary makes a determination, based on scientific evidence and acting through the National Cancer Institute of the National Institutes of Health, that the drug DES is safe and presents no scientific health hazard and does not contribute unreasonably to man's carcinogenic burden.

(1) For purposes of this subsection, the Secretary of Health, Education, and Welfare is directed to accumulate and analyze all data related to the public health aspects of the use of diethylstilbestrol (DES) as a growth promotant in animals intended for use as food, and to report to the Congress the results of such accumulation and analysis, together with his recommendations as to the appropriate course of action to be taken with regard to such use of DES. Such

data shall be made available to the Secretary of Agriculture, who shall make an independent and concurrent report to the Congress with the Secretary of Health, Education, and Welfare as to the appropriate course of action to be taken with regard to such use of DES. Such report shall be submitted within four months after the final report on the DES portion of the Estrogen Project of the National Cancer Center for Toxicological Research (NCTR) Division of the Food and Drug Administration, and shall include the results of all studies on DES completed as of the date of completion of the NCTR studies."

The PRESIDING OFFICER. The Chair reminds the Senators that on this amendment, there are 10 minutes available on each side.

Who yields time?

Mr. GARY W. HART. I yield myself such time as I may need.

Mr. President, I ask unanimous consent that Mr. McCabe of my staff be permitted the privilege of the floor during deliberation on this bill.

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

Mr. GARY W. HART. Mr. President, the amendment I am offering to the amendment of my distinguished colleague from Nebraska in my estimation strikes a reasonable balance between the language in the committee bill to impose a statutory ban on the use of diethylstilbestrol—DES—as an animal growth promotant and the intent of Senator CURTIS to leave the drug on the market until the controversy over this known carcinogen is finally resolved.

I do not need to elaborate on the substance of the confusion which surrounds the administration of DES to animals, for this is an issue which has plagued Congress for many years, but I feel that an approach needs to be taken which is met neither by a statutory prohibition of the drug nor by leaving it on the market until the dangers to the public health, if any, are determined.

My amendment incorporates the merits of the approach by my colleague from Nebraska to base a permanent action regarding the use of this drug on the most comprehensive evidence available and the approach taken by the committee to see that the public health is not put into jeopardy. The path I propose would effect a suspension of the use of DES while calling on the Secretary of Health, Education, and Welfare, who has jurisdiction over the Food and Drug Administration, to complete the administrative proceedings and scientific studies now being undertaken by the FDA and make a conclusive determination of the dangers, if any, to the public health from the use of DES as a growth promotant in animals. My amendment combines the wisdom of both the committee and Senator CURTIS' approach while requiring HEW to complete its obligation in determining the safety and effectiveness of drugs and food additives.

In my review of the substantial body of material which surrounds the debate on the use of DES, I have yet to come across a study or statement which unequivocally states the danger to humans from the consumption of animals treated with DES. There are, however, warnings from many prominent scientists as to the possible, yet untested, health hazards that could result from ingestion of DES, even in the small dosages found in residue form in cattle liver. A study which appeared in the 1964 Journal of the National Cancer Institute, by Gass, found that 6.25 parts per billion—ppb—DES resulted in increased tumor incidence in female mice and apparently induced tumors at 12.5 to 50.0 ppb in two strains of male mice.

I am not enough of a scientist to determine whether the findings of some studies or the basis of the statements advocating a ban of DES in animal feed by such authorities as the Director of the National Cancer Institute and the director of the New York State Cancer Control Bureau, present enough evidence to remove the drug from the market permanently, that determination was supposed to have been the responsibility of the FDA, but I do know that DES is a proven carcinogen albeit when administered differently and at higher dosages. The basis of my concern about the potential health hazards involved in the use of DES as a growth promotant in animals is founded primarily in the confusion that seems to engulf the scientific community which is supposed to draw judgment on the safety of the drug.

I am disturbed that the resolution of this controversy should come before Congress when the Food and Drug Administration has the statutory authority and responsibility to make determinations of the effectiveness and safety of any drug that goes on the market. I agree with the statement issued by the committee in its report that the general problems of misprescribing and overprescribing drugs cannot be properly corrected on an individual drug basis as is being attempted in this legislation. But the FDA has been remiss in its duty to expeditiously complete its administrative review of the long and heated controversy that has surrounded this known carcinogen.

The Department of Health, Education, and Welfare and the FDA cannot be ignored in any permanent action on this drug and my amendment forces them to make the scientific determination with which Congress is faced now. My amendment would essentially suspend the use of DES until the FDA through the Secretary of HEW has completed and analyzed all of the studies it deems appropriate to resolve the proper use of health factors involved in such use of the drug. While my amendment would remove the drug from use in animals intended for use as food, it would require that HEW assume its responsibility in proving the benefit-risk value of this drug in agricultural use.

I have constantly stated that we must look to the most efficient and economical means of agricultural production if we are to meet the growing demands on our food supply.

The administration of DES as a growth promotant has been proven effective and has resulted in significant economic benefits for beef producers. These benefits are realized in not only monetary savings, but also in terms of savings of acreage for production of other than animal feed grains. If the drug should be proved safe in an adequately monitored and controlled method of administration, then it should be readmitted to the market, but this determination should come from the FDA through the Secretary of HEW in his report and not from the Congress.

I believe that my amendment achieves that objective and I urge my colleagues to support this measure.

Mr. President, I understand the yeas and nays have been ordered on this amendment.

The PRESIDING OFFICER (Mr. HATHAWAY). The Senator is correct.

Mr. GARY W. HART. I reserve the remainder of my time.

Mr. CURTIS. Mr. President, I rise in opposition to the substitute amendment. Let us think a moment what it proposes. It, like the language of the bill of the committee, would have Congress make the decision with regard to a substance—in this case diethylstilbestrol. This is a scientific and medical decision. It should be made by an appropriate agency designated with that power.

The substitute amendment has all of the objections to the committee bill. It would have Congress sit as experts in medicine, in chemistry, and related matters.

Second, I call attention to the fact that the agency has authority to ban diethylstilbestrol for use of animal feed tomorrow, and I also call attention to the fact that the passage of the Curtis amendment does not take that power away from the Food and Drug Administration. They have that authority to do it.

What then is the purpose of the Curtis amendment? Here is the purpose of it: That before Congress takes any such action of deciding these medical and related questions, we get the recommendation of the Secretary of Health, Education, and Welfare.

The substitute amendment of the distinguished Senator from Colorado would still cause the Senate to make a decision that we are not competent to make. Furthermore, there is no need for it.

I have been waiting all day for someone to come in and point out a case of a human being having cancer where medical authorities said it was caused by eating beef or was likely to have been so caused.

The practice of using diethylstilbestrol as a food additive has been going on for 20 years, and not a case reported of a human being having cancer from that source. Why then should we rise in our incompetence to make such medical decisions, and ban it?

Whatever is the right course to take we can better arrive at it after we have had the study and report from the Secretary of Health, Education, and Welfare.

Mr. President, I call attention of the committee as well as the proponents of the substitute amendment that we have been most reasonable here. We have not asked—and maybe we should—in our amendment that the Department of Agriculture determine this matter. We know that immediately there would arise in the minds of some that they are agents of the cattle feeders. All we have asked is before you take action for which there is no ground whatsoever to take that you

get the recommendation of the Secretary of Health, Education, and Welfare.

Mr. President, I hope the Senate will keep in mind that even with the passage of the Curtis amendment the Food and Drug Administration can ban DES, and also the substitute calls upon the Senate to make the same medical decisions which we should not be undertaking, the same medical decisions as would be required for us to make if we were to adopt the committee amendment.

Mr. President, I reserve the remainder of my time.

Mr. GARY W. HART. Mr. President, if I may respond to the distinguished Senator from Nebraska in two regards: One, the substitute amendment offered by the Senator from Colorado does, in fact, accomplish what the Senator from Nebraska proposes, and that is to leave the decision in the hands of the experts who are mandated under my amendment to come up with a definitive set of facts upon which Congress can act.

That is precisely the purpose of my amendment, as it is the amendment of the Senator from Nebraska.

The real question is, who bears the burden of risk, in the meantime, and I for one do not want it on this Senator's conscience when that one case of cancer does show up as a proven result of the use of DES.

Mr. President, I reserve the remainder of my time.

Mr. CURTIS. Mr. President, I yield myself 30 seconds.

The language of the distinguished Senator's substitute, in the first part of it, enacts permanent law. It is not an interim prohibition as I read the matter. I do not think an interim prohibition would be the proper way, but certainly as it is written there, it is not an interim prohibition for using diethylstilbestrol as a supplement in cattle.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, will the Senator be kind enough to yield 5 minutes?

Mr. GARY W. HART. I yield the remainder of my time to the Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator.

The PRESIDING OFFICER (Mr. HATHAWAY). The Senator has 4 minutes remaining.

Mr. KENNEDY. Mr. President, I am going to support the amendment that has been introduced by the Senator from Colorado. I feel, Mr. President, that this is an entirely appropriate amendment to this legislation.

What in effect it is doing, as the Senator from Colorado stated, is effectively eliminate the administering of DES to animals until the Secretary of HEW has the opportunity to examine the existing materials, studies which have been made, and also have the benefit of the toxicological study being currently done, which in many instances will be the most extensive and exhaustive examination of this issue. Then it will, first of all, notify the Congress, and I think that is important. We have great interest in the Congress, and it is quite appropriate that we have the benefits of those studies, those reports, those results and those recommendations. Then if for some reason we are not satisfied with those recommendations we can take whatever action we want to from a legislative point of view.

It is entirely appropriate that interested Members of this body have notice and have awareness as to the results of these studies.

But we must consider, Mr. President, that over the period since the passage of the 1962 Kefauver amendments, what the Food and Drug Administration tried to do is say that there is a responsibility on any pharmaceutical company to make sure drugs will be safe and efficacious, that they do not put them on the market and say, "I shall do it, they have been unsafe and dangerous to the individual."

That is a condition we had for too many years in that society, but we changed that, we said that they had to show they would be safe and efficacious and they had to do what they said would be done.

This drug was put on the market, it took 20 years before the first case Dr. Herbst was able to find, the first case of cancer.

The Senator from Nebraska says, "Quote me one case that could have been made." Nineteen years on the floor of the Senate, but someone could come up and say, "Yes, Senator CURTIS, I could quote Mrs. Malloy."

As far as I am concerned, about 12 or 14 months later her child was dead. Since that time, there have been over 210 individuals who have developed cancer.

The Senator from Colorado is saying, "Let us go out and do the kind of exhaustive and extensive work that the greatest research center in the world, the NIH, is capable of doing, and the people that have the competency and understanding of the National Cancer Institute who are spending their lives committed to this are trying to do something about this scourge, let them work and get the best of information."

From a health point of view, this amendment makes sense.

I want to give assurances both to the Senator from Colorado and the Senator from Nebraska, and other Senators, that I will certainly help support, either on this bill or on other measures we are going to have, the Secretary of Agriculture in carrying forward other experiments to provide food supplements that may be worthwhile in terms of production of meat. Many things can be done.

But it seems to me that this is a sensible, responsible amendment. I think it is desirable. It really achieves and accomplishes what those of us who support this legislation intended to achieve and it gives what is the most important item, it gives the benefit of the doubt to the American people.

That is what we are doing with the amendment of the Senator from Colorado, giving the benefit of doubt to the American people on this particular issue, and there is a question as to the whole impact of such an item, DES, what it can be in terms of producing cancer.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I hold the remainder of my time.

Mr. CURTIS. Mr. President, I yield myself 1 minute.

Mr. President, once more the Malloy case has been cited in reference to the debate about diethylstilbestrol for cattle feeding.

The Malloy case has no connection here. The cancer in that case did not result from someone eating meat from livestock that had been fed diethylstilbestrol.

Now, why is it that we continually have to refute the argument that because diethylstilbestrol is dangerous when taken directly by a human being that it is dangerous when taken by livestock?

It is entirely different, yet so often when we state that there has been no evidence of cancer produced by the use of diethylstilbestrol for cattle feeding, our record is confused with citations and references to other situations.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Who yields time?

The opponents have 2 minutes.

Mr. CURTIS. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. CURTIS. Mr. President, I yield the remainder of my time to the Senator from Oklahoma.

Mr. BELLMON. Mr. President, I would like to be recognized on my own time to call up an amendment.

Mr. KENNEDY. Mr. President, on behalf of the Senator from Colorado, I am prepared to yield back the time, if the other time is yielded back.

Mr. CURTIS. I am willing to yield back.

The PRESIDING OFFICER. All time has expired and has been yielded back.

The Senator from Oklahoma is recognized.

AMENDMENT NO. 873

Mr. BELLMON. Mr. President, I have an amendment at the desk which I ask be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BELLMON. 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 2, between lines 12 and 13, insert the following:

SEC. 102. Section 409(c)(3)(A) of the Federal Food, Drug, and Cosmetic Act is amended by inserting the word "harmful" before "residue" in subclause (ii) of such section.

On page 2, line 13, strike out "Sec. 102" and insert in lieu thereof "Sec. 103".

The PRESIDING OFFICER. Time on the amendment is 1 hour and 30 minutes.

Mr. BELLMON. Mr. President, in September of 1958 the Congress enacted the food additive amendment which included the Delaney provision. This provision states:

No additive shall be deemed to be safe if it is found to induce cancer when ingested by man or animal, or if it is found after tests which are appropriate for evaluation of the

safety of food additives to induce cancer in man or animal.

In 1962 the Congress amended the Delaney provision to provide for animal feed additives. The 1962 amendment states:

> Except that this proviso shall not apply with respect to the use of a substance as an ingredient to feed for animals which are raised for food. If the Secretary of HEW finds that under the conditions of the use in feeding specified in proposed labeling and reasonably certain to be followed in practice such additive shall not adversely affect the animals for which such feed is intended, and (2) that no residue of the additive will be found by methods of examination prescribed or approved by the Secretary by regulations in any edible portion of such animal after slaughter or in any food yielded by or delivered from the living animal.

That language appears, Mr. President, on page 2 of the committee report, near the bottom of the page.

This amendment, Mr. President, would simply modify the feed additive exception to the Delaney amendment so that the Secretary of HEW would have to determine that residues of the carcinogen were in sufficient quantities to be harmful to the human body before the feed additive would be banned.

Under existing law if edible tissue is found to contain one part per trillion of a residue of an estrogenic additive, then it is automatically banned. The best scientific minds in the country believe that carcinogens, like other toxins, have a "no-effect level;" that is, a level below which they do not act as carcinogens.

The Food and Drug Administration has recognized this and has begun to envision the zero required by the Delaney clause to be a biological zero and not a chemical zero. FDA has proposed modifications of existing research procedures to take this new concept into account. The new procedures would enable the FDA to establish the biological zero. My amendment, which simply adds the word "harmful," simply requires that the Secretary of HEW determine that a feed aditive would have to be harmful to humans before it is automatically determined to be banned under the Delaney amendment.

Mr. President, I hope the author of the bill will accept this amendment. In my opinion, it does no damage to existing law but, rather, carries out the intent of Congress, that we do not want animals being fed aditives that later on will cause harmful effects to human beings. The amendment would still give the Secretary of HEW the authority to ban additives which are harmful, but would put an end to the banning of those additives simply because small traces are found under the highly sophisticated analytical procedures which have been developed since the Delaney amendment was passed.

Mr. President, I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I want to give assurances to my colleague and friend from Oklahoma that I appreciate the sincerity in his offering this amendment. He is troubled by the aspects, as I understand, of the Delaney amendment which may reflect such a small incidence of a carcinogen as to pose no immediate threat to an individual. Under the existing Delaney language that would be prohibited. The Senator wants to add the word "harmful" in front of the word "residue."

Mr. President, the Delaney amendment, passed a number of years ago, was the result of a very extensive hearing held in both the House and the Senate, with the recognition, Mr. President, that it was the sense and feeling of the Members of the House and Senate that any kind of residue or additive that was a carcinogen, a cancer-causing agent, poses such a sufficient threat that we ought to eliminate them from the food tables of the American public.

The Delaney amendment was accepted and passed.

The problem is, Mr. President, that there is not anyone, any scientist, any researcher, who can tell us what an acceptable ingestation of a carcinogen could be and over what period of time. That information just does not exist. Scientifically, it just does not exist. We can say, "Well, if it is one part of a trillion, we cannot conceive of this being harmful and, therefore, we ought to be prepared to vote for it." But, Mr. President, the basis of the scientific medical information to date is that we cannot say with any degree of certainty how much of a cancer-causing agent we can take in, that we can ingest, that we can bring into our bodies and still remain free from cancer.

It may very well be different for different individuals. It may be different in different parts of the country. There is a wide variety of variables in this whole area. Even though we have made some important progress in the whole attack on cancer, I think there is no researcher or scientist who is not humbled every morning when they wake up and recognize that we do not know all of the answers. We do not know what should be considered harmful, what should be considered dangerous, and what should be considered safe.

So, Mr. President, this is a very vast and sweeping amendment to alter and change the Delaney amendment. We received this amendment earlier this morning. It is important. It is extensive. But I would not be able to accept that amendment to this particular legislation.

We tried to recognize that there has been some disagreement as to the extent of the studies that have been done so far, the interpretation of various studies, the meaningfulness of various kinds of studies. With the amendment of the Senator from Colorado which said that we give the Secretary of HEW all of the material, all of the studies, and permit him to examine the most extensive study which will be done at the taxicological center and to come back to the Congress and make a recommendation, it does seem to me that is a reasonable kind of an adjustment.

Quite frankly, I personally would have preferred to ban it, but it does seem that the amendment that was put forward by the Senator from Colorado will carry us to the point where the kind of meaningful examination on the basis of scientific information, on the basis of the National Cancer Institute and the research, will give it the kind of attention that this should receive.

The implications of the Bellmon amendment are vast. I do not know what would be the position of the Secretary of HEW at the present time, whether he would welcome such authority. That is an awesome responsibility, Mr. President, for any HEW Secretary to be able to say, "This is a carcinogen and we are making a determination that you can have so much in any food product." That is an awesome, awesome responsibility. We do not have the position of the Secretary of HEW. The implications in a wide variety of areas are vast and significant.

I will say at some time, when a great deal more information is understood and known about this disease, that this amendment may be something which should be looked into and perhaps even considered favorably. But at this time, on this measure, with this issue, it seems to me that it should be opposed.

I give assurances to my friend and colleague that I do feel that the Delaney amendment is something worth reviewing. I would hope that he may feel that this amendment is something where we should receive the views of the Secretary of HEW and some of the other researchers and scientists without prejudice as to what their views on this measure would be before we would have a final resolution, irrespective of how the amendment comes out on a vote. If the Senator desires to go to a yea and nay vote, I will be glad to work with him to solicit those views, irrespective, in any event, in the future.

Mr. BELLMON. Mr. President, I appreciate the comments of the distinguished author of the bill, the Senator from Massachusetts, and would certainly urge that the committee look into the possibility of reevaluating the Delaney amendment in light of developments since the amendment was adopted back in the 1950's.

At this time I will reserve decision as to whether or not we check with the Secretary as to whether he would like this new authority. I am of the opinion he might like it. The amendment, in my opinion, simply gives to the Secretary of HEW and the vast resources at his disposal the authority and responsibility for making a decision as to whether or not these very minute quantities of carcinogenic materials are in fact harmful. I am of the opinion that there will come a time in any event for doing that, because of the apparent decision of working out what we are calling a biological zero rather than a chemical zero, under the terms of the Delaney amendment as it now exists.

As the situation stands at this time, I feel that this amendment would help the health of the American people rather than harm it because it does say that rather than just the fact that some very minute quantity exists it would be necessary for the Secretary to determine that this quantity was sufficient to cause problems to the health of those who use the food product in which the material was found to be present.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I reserve the remainder of my time as well. Or, I am prepared to yield it back, whatever the opposition wishes.

Mr. HRUSKA. Mr. President, may I ask the Senator from Massachusetts if he will give me 5 minutes on the bill?

Mr. KENNEDY. I do not have 5 minutes on the bill. I am glad to give the Senator 5 minutes on this amendment.

Mr. HRUSKA. Very well. Let me direct a question to the Senator which has to do with title II of the bill.

In title II, there is an effort to portray the text of that title as being one which would improve the administration of the Food and Drug Act and related legislation. I have been looking through the hearings; were there any witnesses who appeared on title II to testify to its necessity or its wisdom? I have not been able to find any in the hearings. I thought perhaps the Senator could help me.

Mr. KENNEDY. No, the Senator is quite correct. There were no hearings on that particular provision.

Mr. HRUSKA. There were no hearings?

Mr. KENNEDY. No. Not this year. I was just checking to see whether or not hearings were held another year. This year there were no hearings.

Mr. HRUSKA. And therefore no views of any of the departments or agencies involved were received; is that correct?

Mr. KENNEDY. The Senator is correct. To tell the truth, I was just trying to find out about the other hearings. Will the Senator be kind enough to repeat his question?

Mr. HRUSKA. Therefore, the views of the departments and the agencies involved—and there are many—were neither solicited nor were any received by the committee in regard to this particular provision?

Mr. KENNEDY. The Senator is quite correct. We have no views from the department on this particular provision.

Mr. HRUSKA. I thank the Senator.

On another issue, Mr. President, having to do with some of the exchange of views earlier today. It was asserted that there were never any examples or cases of tests of carcasses of beef which disclosed DES or DES-type substances in any other part of the animal except the beef liver; and I cited this proposition, reading from page 2863 of the 1975 hearings on the agriculture appropriation bill:

> Senator BAYH. What relationship has there been between the detection of DES in livers, and the presence of DES in other parts of the animal?
>
> Dr. SCHMIDT. As DES has been used recently, it has found only in liver tissue. I do not know of its having been found in the red meat.

Then Mr. Hutt, who is chief counsel for the FDA, said:

> Not in red meat. I believe on one occasion it was found in kidney, but not in red meat.

The Senator from Massachusetts cited three studies and reports in which it was said there were residues found in the red meat, in the tissues, in the muscle, and he cited an article in the Journal of Animal Science, in volume 40, No. 3, 1975, page 546, written by Mr. Rumsey and his associates; another article in volume 39, No. 6, page 1185, by Messrs. Aschbacher and Thacker; and another one in the Department of Agriculture study at the University of Pennsylvania.

Mr. President, these were not tests, in any of these instances, to determine the presence of DES in the carcasses of any animal in the usual and routine way following the consumption by that animal of feed which had a DES additive. They were not conducted in the regular course of business, that is, to test whether or not the action of DES additives in feed, as it is practiced, resulted in DES or DES-like residues. They were not by the previously used tests and methods.

What these reports had as their subject is this: They were a series of experiments using radioactive tracers for the purpose of determining the presence of residues, I am informed. The results of the tests were these: They did identify some radioactive substance as a residue in the liver and some of the tissues and so forth, as listed in tabular form in the reports. There were very small traces, Mr. President: 0.04 parts per billion, or something of that nature.

However, the identity of this radioactive substance was not established. It might have been a metabolite. It might have been something else. It is most likely that the substance, however, consisted of the radioactive carbons used as tracers.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HRUSKA. I ask my colleague for 2 additional minutes on the bill, if he has any time left.

Mr. CURTIS. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes on the bill.

Mr. CURTIS. I yield the Senator 2 minutes.

Mr. HRUSKA. Obviously, this is out of the regular testing for the purpose of determining residual substances after a 14-day period of abstinence from any DES additive in stock feeds. That is the question we were determining here; and the testimony of Dr. Schmidt and Mr. Hutt, under those circumstances, still stands, I submit.

Dr. Schmidt said:

> As DES has been used recently, it has been found only in liver tissue. I do not know of its having been found in the red meat.

And Mr. Hutt confirmed that:

> Not in red meat. I believe on one occasion it was found in kidney, but not in red meat.

I resubmit that text and that explanation so that the RECORD will reflect what the facts seem to be.

Mr. KENNEDY. Mr. President, I think I have some time remaining on the Bellmon amendment.

The PRESIDING OFFICER. The Senator has 17 minutes.

Mr. KENNEDY. Mr. President, we are in a very interesting position here, those of us who have some very serious concerns about the use of DES.

First of all, we banned it in the Senate of the United States, and finally we were able to get the Food and Drug Administration to move ahead and ban it. Then that action was struck down because of administrative procedures. One of the reasons was because of notification, and second, because the test that was being used could be modernized and altered, because of the nature of the progress of the testing procedures.

So now what happens? The Department of Agriculture goes out and uses a new test, the radioactive test, in which, as a result, they do find that there are traces of DES in the liver and the kidney, 0.08 parts per billion in the liver, 0.09 parts per billion in the kidney, and 0.04 parts per billion in the muscle. That is after 240 hours, or 10 days.

Now they complain, and say, "Well, now, they are using a new test, and you cannot do that because you are not using the old one."

They want it both ways. When they used the old test, they say, "This is not modern or new enough in nature, and the technology has moved us beyond that."

Then when they use the new test, the new devices, and are showing there are these remnants left in the beef, in the muscle, the kidney, and the other areas of the beef, then they say, "Well, you cannot do that, because this is some new kind of a procedure," even though it is the same old sample in terms of the beef; nothing new was done about trying to get a new kind of cow or steer, they are just using the same animals, Nos. 38 and 39; those were the steers that were tested after the 240 hours.

I say it is difficult for me to be convinced by those arguments. It seems to me they really want it both ways; on the one hand, they say the tests are not modern enough, and do not reflect it. Then when you get a good test and show it is there, then they say, "That is a new test, and it has not been proven."

Not only are the tests that the Senator refers to in terms of the radioactive way a means of testing reflected the remnants as well. We have made that a part of the record during the early part of the debate, and I will include reference to that at this present time.

Mr. HRUSKA. Mr. President, the Senator from Massachusetts reads the test differently than I do.

The information I received is that there is doubt as to where the particles came from that are discovered in the proportions that he has reported, and the greatest likelihood is that it is from the carbons of the radioactive materials which they use as tracers, so that would not be as a result of the ingestion by the feeding of food that has had additives added to it.

Mr. KENNEDY. Mr. President, I will let the tests speak for themselves. But one will see in any fair examination that not only in terms of these particular tests that have shown the residues showing up in the muscle tissue but the other studies and reports support that conclusion. We have the radioactive studies, and we have the other studies as well.

If the Senator feels that that strengthens the position that he has taken, then I will let the record stand and speak for itself.

Mr. President, I will correct the record on the part of title II that to which the

Senator from Nebraska referred in that we did have a letter, as I have found now, that indicates the opposition of the administration. I think my earlier response had indicated we had not heard something.

Mr. HRUSKA. The letter is not in the hearing. The Senator's answer in that regard was correct and accurate.

Mr. KENNEDY. I want to be correct, and I will make that a part of the RECORD if the Senator so desires.

Mr. HRUSKA. Is that the letter from Health, Education, and Welfare addressed to Senator HUGH SCOTT of Pennsylvania on July 11, 1975?

Mr. KENNEDY. Yes.

Mr. HRUSKA. It would be helpful, Mr. President, if that letter were incorporated in the RECORD.

Mr. KENNEDY. Mr. President, I ask unanimous consent that letter dated July 11, 1975, addressed to Mr. HUGH SCOTT, from the Secretary of Health, Education, and Welfare, be printed in the RECORD.

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

THE SECRETARY OF
HEALTH, EDUCATION, AND WELFARE,
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 date 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 this 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 invilves a drug which currently satisfies the criteria for drug safety and efficacy for this use, prescribed in the Federal Food, and Drug, and Cosmetic Act. The original bill would have thwarted WDA'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, whether or not the drug was intended for the use in postcoital contraception. As noted in our letter, DES can be used for several other purposes 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 . . .". 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 require 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 utilization 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,

CASPAR W. WEINBERGER,
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.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of my time. I believe time of the other side has exhausted itself.

The PRESIDING OFFICER. The Senator from Oklahoma has not yielded back his time. He has 25 minutes remaining.

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of my time on this.

Mr. HRUSKA. Mr. President, is that on the bill?

Mr. KENNEDY. No.

I think our time on the bill has actually expired, but I am prepared to yield back the remainder of my time on the Bellmon amendment.

The PRESIDING OFFICER. There are 2 minutes remaining on the bill. The Senator from Oklahoma has 25 minutes remaining on his amendment.

Mr. KENNEDY. Does the Senator from Nebraska wish to have 5 minutes on the bill?

Mr. CURTIS. I would think it would be well for both sides to have additional time.

Mr. KENNEDY. Mr. President, I ask unanimous consent that just prior to the vote that each amendment have 5 minutes.

I do not want to delay.

Mr. CURTIS. No. That is just 5 minutes on all the amendments as far as that goes. That will suit me. That is on the Hart and Curtis amendment because one is a substitute for the other.

Mr. KENNEDY. We have 10 minutes on this to be divided among the Senators from Nebraska, Oklahoma, Colorado, and myself.

Mr. CURTIS. I cannot speak for the Senator from Oklahoma.

Mr. KENNEDY. That is if he so desires.

Mr. CURTIS. But I would be happy if we could have 5 minutes prior to the vote on the Hart amendment.

ORDER FOR ADDITIONAL TIME

Mr. KENNEDY. Mr. President, could we have 10 minutes evenly divided?

Mr. CURTIS. Yes, prior to the Hart amendment.

Mr. KENNEDY. I ask unanimous consent for that, Mr. President.

The PRESIDING OFFICER. Ten minutes evenly divided on the Hart amendment tomorrow.

Mr. KENNEDY. Yes, between the Senator from Nebraska and the Senator from Colorado.

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

Mr. KENNEDY. Mr. President, that concludes my presentation. I had one other item if I could——

Mr. ROBERT C. BYRD. Mr. President, is that on another subject?

Mr. KENNEDY. Yes, it is on another subject.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator yield for a question?

Mr. KENNEDY. Yes.

Mr. ROBERT C. BYRD. Would it be agreeable, may I ask, if we have, say, not to exceed 15 minutes for routine morning business tomorrow following the orders for recognition of Senators? There are three orders that have been entered previously, and if we come in at 11 a.m. that would take us up to about 11:45; if we had 15 minutes of morning business, this would mean that we go back on the bill at around noon and then with the 5 minutes to the Senator from Massachusetts, the 5 minutes to Mr. CURTIS on the Hart amendment, this would mean the first rollcall would occur 10 or 15 minutes after 12 noon.

Mr. KENNEDY. If the Senator would like the first rollcall I hope would be the complete time. After that, if no objection, we could have a shorter rollcall on second or third votes if they were to come. I leave that up to the leadership. That would be fine.

Mr. ROBERT C. BYRD. Very well.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW AND FOR CONSIDERATION OF S. 963

Mr. ROBERT C. BYRD. Mr. President, if the Senator will continue to yield, I ask unanimous consent that after the orders for special recognition of Senators are completed on tomorrow there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 5 minutes each, and that at the conclusion of routine morning business the Senate resume consideration of the unfinished business.

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

ORDER FOR VOTES ON CURTIS AND BELLMON AMENDMENTS

Mr. ROBERT C. BYRD. I ask unanimous consent, Mr. President, that the following debate on the Hart amendment that we vote immediately on the Curtis amendment as amended, if amended.

Is that agreeable?

Mr. CURTIS. That is correct, yes.

Mr. ROBERT C. BYRD. That upon the disposition of the amendment by Mr. CURTIS—what about the vote on the Bellmon amendment?

Mr. CURTIS. Yes, it follows.

Mr. ROBERT C. BYRD. Vote immediately without any further debate?

Mr. CURTIS. Yes.

Mr. ROBERT C. BYRD. That upon the disposition of the Curtis amendment a vote then occur on the amendment by Mr. BELLMON, amendment No. 873.

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

ORDER FOR TIME LIMITATION ON VOTES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that where there are consecutive votes, as there will be on the amendments aforementioned, there be 10 minutes limitation on each rollcall, with the exception of the first rollcall, with the warning bells to sound after the first 2½ minutes.

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

NATIONAL ST. ELIZABETH SETON DAY

Mr. KENNEDY. Mr. President, I send to the desk a joint resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 125) authorizing and requesting the President to issue a proclamation designating Sunday, September 14, 1975, as "National Saint Elizabeth Seton Day."

Mr. KENNEDY. Mr. President, this resolution, which I introduce for myself, the distinguished majority leader (Mr. MANSFIELD), the Senators from Maryland (Mr. MATHIAS and Mr. BEALL), and others, authorizes the President to proclaim Sunday, September 14, 1975, as "National Saint Elizabeth Seton Day."

It is identical to Joint Resolution 585 introduced by some 25 Members of the House of Representatives.

The canonization of Elizabeth Seton by Pope Paul VI at Saint Peter's Basilica in Rome will mark the first native-born American ever to receive such recognition.

Elizabeth Seton ranks as one of the most outstanding women in American history for her educational and religious accomplishments and her inspiration to generations of Americans.

Born in Staten Island, N.Y., in 1774, Elizabeth Seton settled in Emmitsburg,

Md., after being married and widowed at a young age. There she founded the Sisters of Charity in St. Joseph. And from that start, she founded over 20 community-based Sisters of Charity orders in America, including the Sisters of Charity of St. Vincent de Paul in New York.

Now more than 7,500 American Sisters of Charity are spread throughout the hemisphere and beyond.

Under the leadership of Elizabeth Seton, the Sisters of Charity established the first parochial school in the United States and they have maintained that active leadership in educational and charitable endeavors ever since.

Elizabeth Seton's accomplishments in building the religious and moral strength of the Nation have long received national acclaim. Now on the momentous occasion of her canonization, I urge the adoption of this Senate joint resolution establishing Sunday, September 14, 1975, as "National Saint Elizabeth Seton Day."

I ask unanimous consent that several articles describing the accomplishments of this unique individual 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, Dec. 27, 1974]

ST. ELIZABETH OF EMMITSBURG

The trouble with the saints, the argument goes, is that they led lives of such perfection that mortals of average weakness see them as far beyond imitation. Halos never fit heads crammed with the thoughts and temptations of this world. Little of this applies, though, to the most recent addition to the calendar of saints—Elizabeth Ann Bayley Seton. Far from being remote from daily life, she was intensely involved in it. In the acts that led to her becoming America's first nativeborn saint—as announced recently at a special consistory at the Vatican—Mother Seton threw herself into works of mercy that required the full energies of her body, mind and spirit.

St. Elizabeth came to Maryland and the village of Emmitsburg in the early 1800s. She was a widow with five children, from a prominent upper-class New York family and was a recent convert to Catholicism. Wanting to practice her faith as well as believe in it, she began operating a free parish school—the first of what was to become the Catholic Church's nationwide parochial school system—an orphanage, a leper asylum and a hospital. Caring for the sick and poor led her to found the Sisters of Charity in the United States. This was to be Mother Seton's most enduring contribution to society. Today the Sisters of Charity are a renowned and heroic religious order, with some nine institutions in the Washington area being run by its members.

Aside from honoring Mother Seton, the canonization calls attention to the selfless work not only of the women of her own order but also to the sisters and nuns of the Church's other orders. The contributions they make to an improved social order cannot be measured, from caring for orphaned children to easing the last days of the abandoned elderly. Much of this work is hidden from view and often it is carried on with little help from public institutions. In fact, fewer and fewer women are joining the religious orders today. The current Commonweal notes that enrollment in Catholic sisterhoods is down 81 per cent since 1965. If the attention now being given Mother Seton helps reverse this trend, then her canonization will have had a practical as well as a spiritual effect. It would be fitting, because few saints have involved themselves more deeply in practical affairs than St. Elizabeth of Emmitsburg.

[From the Washington Star-News, Dec. 12, 1974]

BELLS TOLL FOR NEW SAINT

(By John Sherwood)

EMMITSBURG, MD.—Just after daybreak, as the sun swept the winter chill off the back of St. Marys Mountain, carillon chimes and bells began ringing and playing hymns continuously in the valley of St. Joseph today.

Black-robed nuns, barely able to conceal the joy of a lifetime, formed a silent procession over highly polished marble floors to attend an early high mass in the chapel that houses the bones of Mother Seton, who today is to be proclaimed the first American-born Catholic saint.

Thousands devoted to the canonization cause of Elizabeth Ann Bayley Seton, who died here in 1821 at the age of 47, have been praying for this to happen since the 1880s. Many thought it a hopeless cause.

Pope Paul VI announced today that Mother Seton will be canonized during holy year celebrations on Sept. 14, 1975.

Mother Seton was a member of a prominent Protestant New York family when she was disowned after converting to Catholicism in 1805. It seems ironic that she rode into sainthood on the wings of a Protestant, one Carl Kolin, subject of the third and clinching "miraculous" cure attributed to her intercession.

Born in New York City in 1774, Mother Seton's father was a famous Colonial physician, and her mother the daughter of a prominent Episcopalian minister. At 19, she married the 25-year-old son of a wealthy importer and they had five children.

In 1808, as a widow with five children and no means of support, Mother Seton founded the American Community of the Sisters of Charity of St. Joseph in Baltimore. She also founded the first parochial school in the United States.

Settling her little community of nuns in Emmitsburg in 1809, she went on to establish St. Joseph's Academy here. The girl's college closed in 1973.

Mary V. Columbus, a D.C. social worker, is only one of thousands who have been praying and making novenas for Mother Seton for decades. "I don't remember ever not knowing about her," she says. "She has been a major part of my life."

Miss Columbus has traveled to Rome three times on behalf of the "Cause," the last time in 1963 when Mother Seton was "beatified," a step to sainthood. She presented a bound volume to Pope Paul VI then containing thousands of signatures urging the canonization. The return to Rome, for the solemn formal canonization at St. Peter's, "will be the highlight of my life," she says.

The second of three miracles attributed to Mother Seton came about in 1951 after Mrs. Felixena A. O'Neill of Catonsville, Md., brought her 4-year-old daughter, Ann, to Baltimore's St. Agnes Hospital.

"She was suffering from acute lymphatic leukemia," she recalled last night. "Her blood count was 43. The doctor said it was hopeless, that she was dying fast."

She said a nun suggested she pray to Mother Seton. "Everyone thought it was ridiculous," she said. "I prayed anyway, but Ann got worse and worse. I took her up to Mother Seton's grave in Emmitsburg and we helped her stand over the tomb while a sister touched her with a relic (a piece of bone).

Mrs. O'Neill then brought her back to the hospital, she says, and the blood count was normal. She said, "The doctors couldn't explain it. Ann was in perfect health!"

Ann—now Mrs. Robert Hooe of Severn, Md.—recovered completely. She has four children of her own today.

The first accepted Mother Seton "miracle" involved a nun who was supposedly cured of pancreatic cancer in New Orleans in 1934.

"The church is extremely skeptical about miracles," says the Rev. Sylvester A. Taggart, C.M., the vice postulator of Mother Seton's canonization cause for the last 10 years. "We get 15 or 20 calls a week about miracles on behalf of Mother Seton, but 99 percent fizzle out. The only one I had personal contact with was Kolin's case."

Kolin was moribund in 1963 with a rare brain disease that had been fatal in all five cases on medical record. An attending physician announced that he would not last the night; that death was certain.

According to Taggart, now stationed at the St. Joseph's Provincial House here, the Sisters of Charity at St. Joseph's Hospital in Yonkers, N.Y., and Mrs. Kolin prayed for Mother Seton's intercession. The novena continued and Kolin grew more terminal.

A first-class relic was applied to Kolin's head and chest. The violent convulsions stopped. The high temperature dropped to normal, and on Oct. 16, 1963, he awakened, completely alert, as if nothing had happened. He was discharged Nov. 2, fully recovered. Doctors were dumbfounded.

ELIZABETH SETON, AMERICAN SAINT

The Catholic Church that grew so impressively in the United States during the past 150 years has been described as an immigrant church, because it expanded under the impact of 19th-century European migrations. So it was appropriate that Frances Xavier Cabrini (1850–1917), herself an immigrant, should have been in 1946 the first American citizen canonized. But even on the Atlantic seaboard, the American Catholic Church was colonial long before it was immigrant, in that 19th-century sense of the word. Now it is about to receive, as its second officially proclaimed saint, a representative of impeccably old American stock. On December 12, Pope Paul VI announced that Elizabeth Ann Bayley Seton, born in New York City in 1774, will be canonized next year.

With her lineage, Mother Seton was certainly entitled to be called, as John XXIII noted at her 1963 beatification, "an authentic daughter" of this nation. She is really remarkable, however, because she was the child of a particular age, as we all necessarily are, but because she transcended her age as only saints do. But that was not accomplished without the degree of travail that saints usually experience.

Elizabeth Bayley was married to William Seton at 19. Widowed, with five children, before she was 30, she died when she was 46. Her conversion to Catholicism in 1805 alienated her relatives and friends, but in the 16 years of life that remained to her, she got so much done that seven congregations of Sisters of Charity honor her as founder, and "she is rightly considered," to quote John XXIII again, "one of the precursors of the parochial school system" in this country. But perhaps her most precious legacy is the reminder that holiness does not require some marvelous invulnerability to suffering that allows one lightly to overstep pain. In the final months of her life, when Mother Seton was dying of several ailments, including what seems to have been breast cancer, she was still deeply worried by the troubled lives of her two sons. In the last letter she wrote to her closest childhood friend, she remarked: "All is bleak with me but the blue sky." But Elizabeth Seton could be patient with bleakness too, because she knew, as St. Thomas More once said, that we can hardly hope to go to heaven on a feather bed, seeing that Christ went there on a cross.

[From the Wall Street Journal, June 25, 1975]

THE GOOD FIGHT: AMERICAN SAINT'S CAUSE TOOK CENTURY OF WORK, MILLIONS IN DONATIONS

(By Liz Romain Gallese)

In the town of Emmitsburg, Md., in suburban Baltimore, Valli Ryan has one of the

public relations profession's more spiritually uplifting jobs. For the past two years she has been publicizing a saint.

She has organized nationwide press contacts, and she has produced an information kit that includes color slides and a tape cassette. Last August, on the 200th anniversary of the saint's birth, she organized a party for 3,000 people, and in January she arranged a dinner for 1,000.

Now she's concentrating her efforts on Sept. 14 when, in a rich and tradition-filled ceremony in St. Peter's Basilica in Rome, Mother Elizabeth Seton will formally be declared the first U.S.-born saint. For the thousands of pilgrims that are expected to stream into Emmitsburg, sainthood is no anachronism, as some believe, but a link with the ancient origins of the Catholic faith.

Mother Seton, a socialite-turned-nun who died in 1821, will be the first native American to survive the long road to canonization, thanks to a decades-long effort by thousands of volunteers, including 12,000 nuns who have raised money, stuffed envelopes and licked stamps. The route has been more arduous than any political campaign and certainly just as expensive as most. Rev. Francis X. Murphy, an authority on sainthood who teaches at Pontifical Lateran University in Rome, believes that millions of dollars were spent on Mother Seton's cause.

"TRULY IN HEAVEN"

No one will say just how much. That fact, like much of the effort surrounding the process and indeed much of the ceremony bound up in the selection of new saints, is a well-kept secret. "It's like trying to find out how a missile is put together and fired off," Mr. Murphy says.

The key to Mother Seton's success may be as basic as the ability to keep an organization together for generations. Those who have survived the course in the past have been mostly European priests and nuns whose orders have a tradition, fostered over centuries, of working for and promoting their candidates for sainthood, which is the Catholic Church's official declaration that one is "truly in heaven."

Mother Seton's rise to the exalted ranks of sainthood (Catholic prayer books give the number of saints variously between 3,500 and 7,000) comes as the U.S. church continues to be in ferment over celibacy and the role of the church in such matters as birth control and abortion. Joel Wells, editor of The Critic, a liberal, Chicago-based Catholic quarterly, believes that the Vatican choice of Mother Seton is intended "to lift sagging morale in the U.S. church." But, he adds, it "probably won't."

It wouldn't be the first time that the Vatican has combined saintly virtue with diplomacy. In 1920, for example, Joan of Arc, who had died a heretic five centuries earlier, finally was sainted. It's now known that one reason the Vatican had chosen Joan was to boost morale in depressed post-war Catholic France.

A PRACTICAL APPROACH

Rev. Francis Litz of St. Peter's Rectory in Philadelphia, who is working for two other American candidates for sainthood, says that it's necessary to take a very practical approach to sainthood today. Even if Rome accepts all of the final documentation leading to sainthood, a candidacy can fall if it "doesn't fit into the world political situation," he says. (In fact, very few of the 1,400 candidates for sainthood from around the world will ever be chosen. The church has named only 250 saints since 1625.)

Some U.S. Catholics have been urging the Vatican to choose the U.S. bicentennial to canonize several Americans, including Mr. Litz's two candidates, John Neumann, a 19th Century bishop of Philadelphia, and Katharine Drexel, who founded an order of missionary nuns with her Philadelphia family's banking fortune.

But other American Catholics couldn't care less. The independent weekly National Catholic Reporter, for instance, hasn't carried a single editorial on Mother Seton's canonization because it feels it lacks importance. And Joel Wells of The Critic says that canonization "belongs to the past, and there's a lot more the church could do with the money spent on it."

When Mother Seton's cause began in the last century, however, the roster of saints was still an essential thread in the fabric of the Catholic faith. It was a tradition dating back to the early Christian martyrs, who had no organized procedure but designated some of their number as saints. The first record of canonization by a Pope was in 973 and over the following six centuries a strict process evolved.

At first glance Mother Seton was perhaps an unlikely candidate for sainthood. Born in 1774, she was for the first 30 years of her life a wealthy and prominent New Yorker. After the death of her husband in 1805 she converted to Catholicism and moved to Emmitsburg. There she founded schools and orphanages and also an order of nuns, the Sisters of Charity of St. Joseph.

CLOSELY GUARDED RITUAL

It was in 1882, more than 60 years after Mother Seton's death, that James Cardinal Gibbons of Baltimore decided to launch her candidacy for sainthood. The cardinal later said he had been "inspired" while saying mass in the sisters' chapel.

The mechanics of the candidacy's early evolution aren't known. This and much else involved in the ritual are closely guarded by the church; the Catholic Encyclopedia, a storehouse of Catholic doctrine, provides only the sketchiest details. One reason may be that a candidate has to be proved pure of thought and deed, which requires investigating the most intimate details of a candidate's life, through her letters, diaries and even poems.

Mr. Murphy, the expert on the subject, says the process "deals with a person's inner life." After 17 years of exhaustive searching, the inquiring theologians were unable to find a single stain on Mother Seton's character.

The documentation of the search and the original documents themselves were then sent to Rome for a similar painstaking search that lasted on and off until 1936, when the Vatican declared she could be considered for sainthood.

During all these years the Sisters of Charity in Emmitsburg had to support the costs of both the U.S. and Italian examinations, which included the translation of voluminous amounts of material into Italian. But this was only the start; ahead lay a struggle for recognition that would run into the millions of dollars.

THEOLOGICAL DETECTIVES

Over the years other fund-raisers came to their help. In 1939 an Emmitsburg priest funded the Mother Seton Guild, which ever since has been soliciting donations and putting out a quarterly bulletin to keep her memory alive among the faithful. Another promotional group was formed in 1947 by the Emmitsburg nuns and those of five other orders that had broken away from Mother Seton's original order.

The backing of this federation of orders seems to have been the turning point in bringing Mother Seton's name to prominence in the Vatican. Sister Hildegarde Marie Mahoney, chairman of the federation, says that if the six orders hadn't supported her "she wouldn't have been named."

Success was also due to what might be described as theological detective work. The halfway stage along the road to sainthood is the "beatification" of the candidate (in which she is declared "blessed" in an elaborate ceremony in Rome.) Before this can happen, a candidate must be shown to have been responsible for two miracles, specifically medical miracles.

Rome requires evidence of a person's recovery from a "hopeless" illness after prayers have been offered to the candidate. If doctors are unable to explain the recovery, then the church considers it due to the celestial intervention of the candidate.

Mother Seton's miracles were discovered by the man chosen by officials in Rome and by the candidate's local supporters to be the chief "investigator," or vice-postulator. This job is held today by Rev. Sylvester Taggart (his five predecessors are now dead).

Searching for miracles, he says, is laborious business. He received thousands of letters claiming miracles, many from readers of the Mother Seton Guild bulletin, but says he could tell right away that 75% didn't qualify. If one looked promising he wrote to the doctors involved to ask for an explanation of the cure.

If no medical explanation seemed feasible, he gave the cause to a panel of local doctors. Often they would decide that much factors as a new drug could have been responsible for the cure. If they were baffled, the case was sent to Rome.

In Rome a doctor rechecked the proposed miracle, and if he, too, was mystified it went to five other doctors. If three of the five approved, it went before nine others. If six of these doctors approved, Rome considered the case miraculous.

About 30 theologies then debated whether the miracle could be attributed solely to the candidate (multiple claims would "set off a war in heavens," says one theologian). Finally, the Congregation for the Causes of Saints, the Pope's advisory council on sainthood, met three times to hear a church lawyer argue the miracle's merits and a "devil's advocate" dispute them.

In this way two miracles were claimed for Mother Seton: the recovery of a nun from "incurable" cancer and the recovery of a four-year-old girl from leukemia. In 1963 Mother Seton was beatified.

Shortly before the ceremony, Mother Seton's body was disinterred in Emmitsburg for positive identification of her remains, which Rome requires whenever possible. In a traditional ceremony, redolent of the medieval origins of sainthood, one bone was removed and presented to the Pope. Others were divided into fragments, each of which was boxed and given to those who had worked hardest for the cause.

RENTING ST. PETER'S

After beatification two more miracles had to be proved to make the candidate acceptable for sainthood. Mr. Taggart tracked down the recovery of a construction worker from meningitis. Then, in an action that many in the church saw as politically motivated, the Vatican waived the fourth miracle requirement and accepted Mother Seton for sainthood.

Miracles cost money to prove, and Mother Seton's supporters have faced crippling deficits over the years. They won't discuss them in detail, but Mr. Litz, the supporter of Bishop Neumann, says that when his candidate was beatified it cost the Redemptorist order of priests $10,000 to rent St. Peter's and $15,000 to publish the needed literature. (He defends the cost with the comment, "It cost $6 million to inaugurate Richard Nixon, and who's more important?")

At one time, says Mr. Taggart, the cost of hiring Italian lawyers and doctors became so expensive that the Mother Seton Guild's $32,000 annual budget couldn't cover the costs and an emergency appeal had to be made.

Now Mother Seton's supporters must pay for the enormously expensive pageantry of the canonization ceremony in Rome. Possibly the U.S. celebration will be equally as expensive. Two years ago the Emmitsburg sisters set aside $100,000 in the expectation that Mother Seton was close to sainthood. They hired Mrs. Ryan, the public relations officer, and began planning for the day when they would see the conclusion to nearly a century of work.

On Sept. 14 Mrs. Ryan expects perhaps as many as 50,000 pilgrims to visit Emmitsburg. Six masses will be said in the chapel of St. Joseph's provincial house. There will be organized tours of Mother Seton shrines and a gift shop for pilgrims. About 30 of the sisters will be in Rome for the ceremony.

People in Emmitsburg that day will be making a link with Cardinal Gibbon's moment of "inspiration" in 1882, which started the whole thing. How has the interest been maintained? A Boston woman, who as a child spent nine years at a parochial school staffed by nuns from one of Mother Seton's orders, explains: "We prayed every day before lessons, and we always prayed for the canonization of Mother Seton. It was a way of passing along the cause from one generation to the next."

[From Newsweek, Dec. 23, 1974]

AN AMERICAN SAINT

The United States has the fourth largest Roman Catholic population in the world, but because it is a young country, there has never been a native-born American on the crowded calendar of saints.* Last week, Pope Paul VI remedied that situation. He announced that, after decades of research and debate, Mother Elizabeth Seton, a nineteenth-century nun and a converted Episcopalian, had been approved for canonization and will become Saint Elizabeth Seton in Vatican rites next year.

Elizabeth Ann Bayley Seton's path to sainthood began in a pious Huguenot household securely ensconced in the Protestant upper crust of New York City. In the years just after the American Revolution, Betty Bayley attended finishing school, where she developed a taste for theater and dancing and grew so fond of French that she prayed in that language for the rest of her life. From among a horde of suitors, she selected a wealthy merchant, William Seton, and their marriage in 1794 was the event of the season. "My own home at 20," she marveled to a friend. "Quite impossible! All this and heaven, too."

Faith: Heaven lasted nine years. In 1803, Betty Seton's genteel life collapsed when her newly bankrupt husband died of tuberculosis in Italy, leaving her penniless with five children to raise. The widow remained for a time in Italy, where she was drawn to Catholicism, and then returned to New York to be baptized in her new faith, to the consternation of her Episcopal family and friends. "Every day," she wryly noted, "some one of the kind women sheds tears for the poor, deluded Mrs. Seton." Finally, Mrs. Seton packed up her brood and moved to Baltimore, where a local priest had invited her to establish a Catholic free school, the first in America. A year later, in 1809, she took vows in order to found the first American order of the Sisters of Charity.

From Baltimore, the intrepid Mother Seton journeyed on foot to remote Emmitsburg, Md., to found a hospital, a leper asylum and an orphanage. By the time of her death from tuberculosis in 1821, Mother Seton also had established a hospital and a founding home in New York. A nephew, James Roosevelt Bayley, also converted to Catholicism, rose to bishop and founded Seton Hall University in New Jersey in his aunt's name.

The canonization process began in 1911 with an investigation into Mother Seton's voluminous correspondence: 3,700 documents in her own handwriting were scrutinized, and it wasn't until 1959 that she was declared "Venerable." Beatification took four more years and required the verification of two miracles. Finally the Vatican was satisfied that in 1935 and 1952 Mother Seton had answered prayers and healed what were thought to be incurable cancers. One of the patients, a 4-year-old Baltimore girl, had a complete remission of leukemia soon after her mother and others prayed to Mother Seton and touched her with a shred of cloth once handled by Mother Seton. Two more miracles usually are required for canonization, but Pope Paul decided to settle for one, the recovery from meninigitis of a New York man in 1963.

Mother Seton was one of six new saints proclaimed last week, and the requirement for a fourth miracle was waived in some of the other cases, too. A Vatican spokesman explained that the Pope wanted to canonize several saints in 1975, which will be the church's first Holy Year since 1950. The theme of the Holy Year is piety, penance, and charity as a sign of spiritual renewal, and the gentle convert from America stood well for those qualities.

*Mother Frances Cabrini, an Italian-born American citizen, was canonized in 1948.

[From Time magazine, Dec. 23, 1974]

NEW SAINTS

"She was not a mystical person in an unattainable niche. She battled against odds in the trials of life with American stamina and cheerfulness; she worked and succeeded with American efficiency." So the late Francis Cardinal Spellman characterized Elizabeth Bayley Seton, a 19th century Roman Catholic convert who founded the first American religious order, the Sisters of Charity of St. Joseph. The cardinal was leading a pilgrimage to Rome, where Mother Seton was beatified by Pope John XXIII on St. Patrick's Day in 1963. Last week after 32 cardinals assembled in the Vatican to cast their ballots in a secret consistory, Pope Paul VI issued a decree of canonization on her behalf. Thus, on Sept. 14 in St. Peter's Church, Mother Seton will become America's first native-born saint. (Mother Frances Xavier Cabrini, a naturalized American, was canonized in 1946, but like some 2,000 other Roman Catholic saints, she was born in Italy.)

Mother Seton was indeed very American. Born in New York City two years before the Declaration of Independence, she came from a patrician colonial family, kin of the Roosevelts and the Van Cortlandts. A pretty, vivacious girl, at 19 she married William Seton, 25, son of a wealthy importer. On a trip to Italy in 1803, young Seton died of tuberculosis, leaving his wife nearly penniless and with five children to support. Friends in Italy talked to her about Catholicism, and in 1805, upon her return to the U.S. she shocked her Episcopal family and friends by becoming a Roman Catholic.

Ostracized in New York, she moved to Baltimore where the Catholic community welcomed her. A few years later, Elizabeth Seton took religious vows and founded the American Sisters of Charity in Emmitsburg, Md. Before she died of tuberculosis in 1821, she had set up a free parish school in Emmitsburg from which the American Catholic parochial school system evolved, established the first American Catholic hospital and watched her tiny order expand to ten houses.

ONE MIRACLE

Mother Seton's followers first advanced her claim to sainthood in the 1880s. Eventually two miracles attributed to Mother Seton's intercession were confirmed by the Vatican's Sacred Congregation of Rites. Confirmation of two additional miracles is usually required for canonization; in Mother Seton's case, however, Pope Paul decided that one would suffice. It occurred in 1963 when Carl Kalin, a construction worker, was stricken with a complicated viral affliction of the brain. He was attended at what seemed to be his deathbed by nuns who prayed to Mother Seton for his recovery and occasionally touched his feverish body with one of her relics. A few weeks later, Kalin was completely cured.

Five new saints besides Mother Seton were also named by the Pope: three Spaniards, an Italian and one Irishman, Archbishop Oliver Plunket, primate of Ireland from 1669 to 1681. Beginning in 1673, Irish priests were forced into hiding or exile, and Plunket had to carry on his pastoral work in secrecy and disguise. Arrested in 1679, he was hanged by the English two years later on trumped-up treason charges. Given the bloody religious war now raging in Ulster, the choice of Plunket for canonization in the Holy Year of 1975 seemed to many politically inept.

MASS STARTS FESTIVITIES HONORING MOTHER SETON

(By William Willoughby)

EMMITSBURG, MD.—"Even non-Catholics are excited about Mother Elizabeth Ann Seton," said Msgr. Hugh J. Phillips, president emeritus of Mount St. Mary's College.

"They see in this great woman those great virtues which we all but lost in this country.

Phillips' comments yesterday in this little village of 1,800 persons two miles south of the Pennsylvania border in Frederick County set the tone for festivities leading up to Sept. 14—the date when the town's favorite daughter is to be canonized a saint in Rome.

She will be the first person born in America to be canonized.

Yesterday's celebration here commemorated Mother Seton's 201st birthday anniversary, complete with a birthday cake served to about 300 women, most of them from the neighboring Diocese of Harrisburg, but many of them her devotees from the Baltimore, Washington and Philadelphia dioceses.

Phillips concelebrated mass at the Grotto of Lourdes, established on Mount St. Mary in 1805 as the first grotto in the United States. At the base of the grotto, four years later, Mother Seton taught Christian doctrine to children of the mountain parish that centered on Emmitsburg. The following year, 1810, she established the first Catholic parochial school.

After recounting the accomplishments of the saint and the efforts of the five Sisters of Charity orders she founded to have her canonized, Phillips said, "Our work has just begun. We need to spread the news of this good woman, for she serves as an exemplar of Christian virtues for so many."

"Mother Seton is not a saint in the niche of our cathedrals," Phillips said. "She saw the seamy side of life . . ." He said this is one of the things that brings her close to the experiences of a broad cross section of Americans, whether they are Catholic or Protestant.

Mother Seton was born in 1774 into a socialite New York family and into the Episcopal faith. She married William Magee Seton when she was 19. Ten years later her husband died, leaving her with five children. She converted to Catholicism on March 14, 1805, two years after his death.

In Baltimore, on March 25, 1809, before Archbishop John Carroll, she pronounced the vows of poverty, chastity and obedience and launched into a brilliant career. She died at 47 on Jan. 4, 1821, of tuberculosis.

Veneration for Mother Seton was obviously very deep among the worshipers yesterday.

"That made chills go through me when you began describing all the things that led to her canonization, Father," one woman

told Phillips, a Seton scholar. Phillips' voice reflects deep admiration for her.

When talking of her founding the Catholic parochial school system, he exhorted the women to be diligent in keeping the waning system in America from growing weaker.

"Don't let that institution go down the drain; let's make it permanent," he said.

Phillips described Mother Seton as "the model for all Americans" and said, "Now I feel we (Americans) have our own very special friend in Heaven."

Town officials, Phillips and nuns at the St. Joseph Provincial House on the edge of Emmitsburg are expecting up to 50,000 visitors on Sept. 14, and feel confident they will be able to handle the crowd. Phillips said solemn masses are scheduled every two hours, with bishops from different dioceses concelebrating at each mass.

"The town's excited about it," said Patrick Ott, owner of the Ott House Pub and Restaurant at Main and Seton Streets in the heart of town. He has been helping the town fathers and others coordinate the efforts.

"It's something we're proud about. There are several persons from this town who are going to Rome for the ceremony, including my parents. There're even several Protestants going over from here. Everyone's proud of her."

[From the Washington Post, Aug. 18, 1975]

TOWN PREPARES FOR SETON SAINTHOOD

(By Marjorie Hyer)

EMMITSBURG, MD.—For more than a century the pious nuns of the Sisters of Charity have worked and prayed for the day when their founder would be proclaimed worldwide as St. Elizabeth Seton.

Now with that blessed day—Sept. 14—less than a month away, present-day sisters at the order's sprawling, red-brick Provincial House here find their prayers increasingly interrupted by more earthly considerations; namely, how to assure adequate food, parking and toilet facilities for the estimated 50,000 pilgrims who may journey here on canonization day.

Equally concerned is the town of Emmitsburg (population 1,532) in Frederick County near Gettysburg, Pa. Merchants and town fathers here are pondering how to cope with an invasion on the magnitude of a sellout crowd at Kennedy Stadium in this community that has one traffic light, one full-fledged restaurant, and two policemen.

In the ornate, 1,000-seat chapel at Provincial House, the Canonization Day will be marked at six masses, beginning at 9 a.m., and scheduled at two-hour intervals.

Bishops from the dioceses where the six communities of the Sisters of Charity are located will celebrate the masses.

The Sisters have issued an open invitation to any priests interested to participate in the celebration of the masses on the festal day.

In addition to the masses, it is anticipated that pilgrims will visit the shrines that mark the significant events in Mother Seton's life. They have attracted pilgrims for years; the primitive Stone House where she lived her first year in Emmitsburg in 1809; the White House, where she moved a year later and where she died in 1821; the cemetery where two of her five children lie buried. (Mother Seton's own remains are now enshrined in a memorial altar at the side of the Provincial House chapel), the museum with its mementos of her life both before and after her conversion to Catholicism after her husband's death in 1805.

Everywhere, both in the Provincial House compound and at the St. Joseph College campus next door, where the Shrine Center is located, workmen are busy widening and black-topping roads, installing sidewalks and ramps for use by wheel-chair users, putting in lavatories, painting, cleaning, refurbishing.

The work goes on around the several dozen tourists who drop in daily to visit the shrines.

The blue-garbed sisters—the Emmitsburg community is one of the few in the country that still retains the traditional habit—alternately bustle about on a thousand errands in preparation for Sept. 14, or sit serenely in prayer or reading under a tree in the flower-filled garden of their compound.

Mother Seton was born in 1774 and, in the early part of her life, was a prominent and wealthy New York socialite. After her husband's death and her conversion to Catholicism, she moved to Emmitsburg in 1809 and founded the order of the Sisters of Charity.

The effort to make her a candidate for sainthood was begun in 1882 by James Cardinal Gibbons of Baltimore, but it wasn't until 1963 that she achieved beatification, a major step toward sainthood. With her canonization in St. Peter's Basilica in Rome next month, she will be the first native North American to achieve sainthood.

Most of the physical arrangements for the Sept. 14 celebration are presided over at the moment by Sister Margaret Hickey, a round-faced, twinkling-eyed woman who can simultaneously brief an unscheduled visitor, dicker over the phone with a printer, calm and direct a harried colleague and instruct a lagging workman—all the while radiating an air of confidence and serenity.

There is nothing other-worldly, however, about Sister Margaret's approach to the practical problems before her.

"I've told the workmen they have to be finished—out—by Sept. 1," she said. "Of course that's blue sky . . ." she admitted with a wink.

"Parking . . ." she said, running down the list of problems to be dealt with, "there's a field out back that's flat as this floor and we'll use that.

"We're going to pray that there's not a lot of rain"—another wink and she continues, matter-of-factly: "We're certain we're going to have a certain amount of damage."

There are "only a couple of policemen in town" she said "but the county and State Police are very cooperative" in arranging to handle the traffic.

The order has mobilized an army of volunteers to help direct traffic and look after security on the campus itself. They are also beefing up their paid security staff.

While they don't have any fears about major crime, the sisters are all too painfully aware of the souvenir-seeking problems religious pilgrims can create.

A stark and denuded trunk is all that is left of a once massive oak that marked the original burial site of Mother Seton's body in the cemetery.

Sister Margaret tried to stem the devastation by putting up a sign which said: "Please Don't Touch This Tree."

"It only gave them (visitors) ideas to pick the rest of the bark off for souvenirs," she recalled with a wry smile.

The order is concerned with providing what they deem tasteful souvenirs at the Shrine Center for pilgrims to buy.

There will be books, postcards, pictures of the new saint, and Sister Margaret has commissioned the art teachers at the local high school to design some note paper.

"We're not going commercial," she said. "We're not putting Mother Seton's picture on a teacup."

At the center, though, you can buy a linen towel imprinted with her picture and scenes from her life.

You can also get at the Shrine Center, for a "suggested donation" of $5, a "first class relic" of Mother Seton—purportedly an actual fragment of her bone or flesh—in a gold-colored reliquary the size of a nickel.

Some believe that the application of the relic of a saint to an afflicted part of the body will promote healing.

"The $5," Sister Mary Margaret at the souvenir stand explains, "is to pay for the material that contains the relic. It's not to pay for the relic itself. That wouldn't be . . . well, you just can't do that."

Third class relics—a dot of cloth that has touched the bone or flesh of a saint—can be had at the center in the form of a religious medal for as little as 10 cents.

Emmitsburg itself is just beginning to wrestle with the problems which its most famous foremother is likely to bring it on Sept. 14. Like the sisters at the Provincial House, the town is determined to treat the occasion with appropriate dignity.

"We want to prevent a carnival atmosphere," said the president of the Town Council, Gene Myers. "We've voted not to allow any peddlers or hawkers. If they come, they'll be escorted out of town."

The Council has also voted to ban parking on both Main and Seton Streets, the two main roads in the town. That will permit two lanes of traffic in each direction on the freshly black-topped Main Street.

Seton Street is so narrow where it leads off the square on its way past the college and the Provincial House that only one lane in each direction can be accommodated.

"I really don't know what's going to happen," said Walter Crouse, the proprietor of Crouse's variety store on the town square.

"The street here is jammed every Sunday; they (tourists) take a short-cut through here on the way down to Washington from Pennsylvania. Or folks just like to drive up through the mountains."

Both Councilmen Myers and Crouse say the relations between the town, with its five Protestant churches on Main Street, and the Catholic establishments are cordial. Sister Margaret estimates that the town population is equally divided between Protestants and Catholics.

The Town Council, which normally meets once a month, has scheduled a special meeting Monday night to make plans for the town's part in hosting the crowds on Sept. 14.

Besides traffic and parking problems, the big problem will be food, Crouse thinks.

The Knights of Columbus, just off the square, have gotten permission from the state liquor authority to open up their hall at 7 a.m. on that Sunday—but they'll serve nothing stronger than doughnuts and coffee at that hour.

According to Myers, any organization that wants to sell food on the 14th has to make an application to the Town Council. "It doesn't cost them anything, but we want to be sure that they don't create problems," he said.

So far the volunteer fire company, the Ladies of the Knights of Columbus and the Senior League, the older teen baseball league, have been given permission to sell food. The town's only full-fledged restaurant, The Palms, can serve about 60 people at a time.

Crouse, who normally serves sandwiches, ice cream and drinks from his soda fountain, said he plans to limit his sales on the 14th to prepackaged cookies, cakes, and other snacks.

The Provincial House is also arranging for a catering service to set up a stand in the parking lot to sell sandwiches—"like they do at the race track," said Sister Margaret.

Like most of the other citizens of Emmitsburg, Crouse has mixed feelings about the canonization of Mother Seton. On the one hand, he sees the problems the event will bring. On the other, he noted, "I've been here 30 years, hoping something would put this town on the map." The woman who died 154 years ago may do the trick.

[From the Washington Post, Dec. 14, 1974]

CANONIZATION: "MAKING HALL OF FAME"

(By Donald P. Baker)

EMMITSBURG, MD., December 13.—The 100 black-robed Sisters of the Daughters of Charity interrupted their morning meditation with applause when Sister Mary Clare Hughes told them, "At 6 o'clock this morning—noon Rome time—our Holy Father announced that Blessed Elizabeth Ann Seton will be formally canonized."

The Rev. Sylvester A. Taggart, who has worked full-time since 1968 in the cause of making Mother Seton the first American-born saint of the Catholic church, explained the action of Pope Paul in baseball terms: "It's like making the Hall of Fame," he said in a Brooklyn accent.

Sister Inocencia Ortiz, 84, kneeling beside the alcove in the chapel of St. Joseph's provincial house here, where Mother Seton's remains are kept in a small, bronze casket, explained her elation in more conventional terms:

"We have been praying for this for more than 11 years," she said. "Every day. And more than once a day."

Father Taggart, who for six years has been globetrotting between this tiny valley town in the shadow of the Catoctin Mountains and the Vatican in Rome as vice postulator for the cause of Mother Seton—"it means I was her American advocate"—nonetheless said he was awed at the Pope's announcement.

"I guess Mother Seton will be St. Elizabeth Ann, the widow Seton," he said. "Do you think the pope would buy St. Elizabeth Ann of Emmitsburg?" suggested Valli Ryan, a layperson who has been handling press relations since the news came from Rome yesterday.

Sister Mary Clare, the provincial superior here, said she was "overjoyed at the thought that canonization will occur in 1975, the Year of Woman (as proclaimed by the United Nations). As friend, wife, mother of five, widow, and religious, Elizabeth Seton exemplified so well the finest qualities of womanhood."

Yes, agreed Sister Mary Clare, Elizabeth Seton was "certainly a liberated woman, far ahead of her time."

Born Elizabeth Ann Bayley on Aug. 28, 1774, in New York City to an Episcopalian physician and his wife, she converted to the Roman Catholic faith after the death of her husband, William Magee Seton, a wealthy shipping magnate. She moved to this village near the Maryland-Pennsylvania border in 1809 and established the Sisters of Charity in the U.S. as a branch of a Parisian order of the same name.

Her upcoming canonization is a recognition that she was "a woman who in every respect, in the exercise of Christian virtue, practiced her faith to a heroic or extraordinary degree," said Father Taggart.

This principal criterion for sainthood—seeking to practice one's faith to an extraordinary degree—puts everyone within reach of sainthood, Father Taggart noted.

Fr. Taggart said that in Rome he would argue for Mother Seton's canonization while a "defender of the faith," commonly called the Devil's advocate, would raise objections.

"For example, he might say that he found an example of spite in one of her letters and it would be our job to prove that that was not the case," Fr. Taggart said.

A secondary ingredient of canonization, much misunderstood by non-Catholics, he said, involves miracles attributed to candidates for sainthood.

"When the person's heroism has been established by those of us here on earth, to make sure we are on the right track, the church asks God to put his sign of approval on the cause by performing miracles," Father Taggart said.

One of the three certified miracles attributed to Mother Seton was set in motion by Sister Mary Alice Fowler, who coincidentally was transferred to Emmitsburg two months ago.

Sister Mary Alice was working as a supervisor of pediatrics at St. Agnes Hospital in Baltimore in 1952 when she met Felixena Ann O'Neill, a mother who was distraught over the news that her daughter Ann, 4, was suffering from acute lymphatic leukemia.

"We need miracles for the beatification of Mother Seton (a preliminary step to sainthood)," Sister Mary Alice said, "and I thought Ann's illness would be a wonderful case."

Mrs. O'Neill said today that she "hadn't heard of Mother Seton, but when Sister asked me if I had the faith, I said 'I have the faith.' She taught me the prayer and we began praying. And Ann didn't die. In a few days she began getting better."

Ann is now Mrs. Robert Hooe, 27, a healthy mother of three boys and a girl, who is named Mary Alice, in honor of Sister Mary Alice.

"There never was really any big deal" about being a living miracle "until I went to Seton High School" in Baltimore, Mrs. Hooe said.

When she enrolled at the school, founded by Mother Seton, word of her miraculous recovery became a subject of talk among her classmates. Young Ann O'Neill still wasn't impressed. "I had wanted to go to public high school, where my friends were, but mother was old fashioned," she said during an interview today at her home in Severn, Md., near Baltimore.

Her mother, seated on the couch next to her, fingered a religious medal, smiled and said, "Yes, Ann, but it was a miracle."

Mrs. O'Neill said she has never "had to defend the miracle. You either believe or you don't."

She recalled that Ann, the oldest of her five daughters, had been "a beautiful, healthy baby" until one night in February, 1952, when "she became terribly irritable. She hadn't been eating well."

Mrs. O'Neill, who was expecting her second child momentarily, took Ann to their family physician, Dr. E. W. Johnson, who ordered a blood test taken "but didn't tell me about it until after the "second baby was born," on Feb. 29.

By then, "Ann was so sick that my husband (William) and I were taking turns sponging her to cool down her fever," she said. Mrs. O'Neill left Ann's bedside at University Hospital in Baltimore only long enough to go to St. Agnes Hospital to give birth to her next daughter, Jeanne.

"After the birth, Dr. Johnson came to my room and told me about Ann's blood count—it was 43 but I don't know what that means—and that she was dying of leukemia," Mrs. O'Neill continued. He said there was no hope in the world—I'll never forget that phrase—that there never had been a known cure in medical history."

The child was so sick that hospital officials permitted the O'Neills to take her home "to die," Mrs. O'Neill said, "but she was gasping for breath and broke out in sores. She didn't even look like our Ann, so we took her back to St. Agnes, where they put her in an oxygen tent."

It was then that Mrs. O'Neill met Sister Mary Alice.

As soon as Ann's recovery began, the O'Neills took her out of the hospital and made a pilgrimage to the provincial house here in Emmitsburg.

"We didn't have any insurance and couldn't afford to run up any more of a hospital bill," said Mrs. O'Neill, whose husband is a die-maker. "We put a crib mattress in the back seat of the car and drove to Emmitsburg," where they were met by Sister Mary Alice

"We carried Ann to the chapel where Mother Seton was buried," Mrs. O'Neill said. "Sister held Ann over the big slab of marble (that covered the tomb) long enough for us to say our prayers of thanksgiving.

"I didn't understand about beatification at that time," Mrs. O'Neill said. "All I understood was that we had seen a miracle. I guess that's all right to say now."

Sister Mary Alice today recalled that event. "I had all the children in the hospital, all the nurses and all their friends praying to Mother Seton," she said.

After Ann's recovery, "the doctors were amazed, but at first they said it was just a remission. But she continued to improve, and we knew it was a miracle," said Sister Mary Alice, who is a registered nurse.

Shortly after that, Sister Mary Alice wrote to church authorities about the miracle.

The first step toward Mother Seton's cannonization took place on Aug. 22, 1882, when James Cardinal Gibbons, the archbishop of Baltimore, expressed a desire to initiate the process.

An ecclestiastical court session was convened in Baltimore in 1907 concerning her sanctity. By 1940, the tedious examination of her life's work had advanced so that Pope Pius XII signed a decree "introducing the cause" of sainthood.

The first of two miracles required for beatification was proclaimed in 1945, when a New Orleans tribunal certified the case of Sister Gertrude Korzendorfer's cure of pancreas cancer.

The cure of Ann O'Neill was recognized in 1961 as the second miracle.

Mother Seton was beatified by Pope John XXIII on March 17, 1963, and her relics were exhumed and transferred to a shrine in the new chapel of the provincial house here in 1968.

The formal canonization ceremony of Mother Seton will be held in St. Peter's Basilica in Rome next Sept. 14.

The real legacies of Mother Seton, according to members of the order she founded, are the school and hospitals operated by the 8,000 members of the Daughters (or Sisters) of Charity of St. Vincent de Paul.

Among them are nine Washington-area institutions: Providence Hospital and the hospital at the U.S. Soldiers & Airmen's Home; St. Ann's Infant Home in Hyattsville; Seton House of Studies (for sisters enrolled at Catholic University); St. Vincent's House (of Catholic Charities); and four schools, Immaculate Conception Academy and Queen of Peace School in the District, St. Catherine Laboure School in Wheaton and Elizabeth Seton High School in Bladensburg.

[From Presidential Documents, Dec. 13, 1974]

ELIZABETH BAYLEY SETON

(Statement by the President on the Canonization of Mother Seton as the First American-Born Saint.)

The announcement by Pope Paul VI that Elizabeth Bayley Seton will be canonized in 1975 as the first American-born saint of the Roman Catholic Church is a milestone in our Nation's diverse spiritual history. The fact that a woman is the first native-born American named to sainthood by the Holy See is all the more historic since women have never made a greater contribution to America's national life than today.

It is fitting that we recall at this time another woman—Mother Cabrini who was born in Italy—who was named a saint by the Holy See after devoting much of her life to religious work in the United States.

Mother Seton's singular honor is a tribute to all American women who have entered the religious life to serve in schools, hospitals, and charitable work. She died in 1821, but

today there are thousands of Sisters of Charity—the religious order she founded—carrying on the important service which Mother Seton began. I congratulate them on this most joyous occasion and wish them well in their future endeavors.

[From the Dictionary of American Biography]

ELIZABETH ANN BAYLEY SETON

(Edited by Dumas Malone)

Seton, Elizabeth Ann Bayley (Aug. 28, 1774–Jan. 4, 1821), foundress of the American Sisters of Charity, was born in New York City. Her father, Dr. Richard Bayley [*q.v.*], was the first professor of anatomy at King's College and staff surgeon to General Sir Guy Carleton; her mother was Catharine Charlton, daughter of Rev. Richard Charlton, rector of St. Andrew's Episcopal Church, Richmond, Staten Island. She died when her daughter was only three years old, and the entire education of Elizabeth devolved upon the father. Realizing that his child possessed rare moral and intellectual qualities, Dr. Bayley employed unusual methods, which taught her to be unselfish and to think clearly and independently. These traits were further developed by her personal experiences during the days of the American Revolution. Those stirring times schooled the child to alertness and endurance, and fostered that patriotism which all her life was the faithful companion of her religious inspiration.

When not quite twenty, Jan. 25, 1794, she married a wealthy young merchant, William Magee Seton, whose ancestors had figured prominently in Scottish literature and history, and whose father, William, had settled in New York in 1763. To this union were born two sons and three daughters. Domestic cares, however, did not prevent her from being so devoted to the poor that she came to be called "The Protestant Sister of Charity." In 1797, with Isabella Marshall Graham [*q.v.*] and other leading women, she founded the first charitable organization in New York, and probably the first in the United States, the Society for the Relief of Poor Widows with Small Children.

In 1803 she accompanied her husband to Italy in the hope that his health, which had been shattered by worry over the loss of his fortune, would be restored. This hope proved vain, however, for he died at Pisa in December of that year. In Italy she made her first contact with Catholicism, and when she returned to New York she joined the Church of Rome, making her profession of faith in old St. Peter's Barclay Street, on Mar. 14, 1805. This step estranged her family and friends at a time when she most needed their assistance. After several vain attempts to support herself in New York, in June 1808 she accepted an invitation to open a school for girls in Baltimore. Guided by the Sulpician Fathers at St. Mary's Seminary, she conducted classes in a house on Paca Street, and there, in the spring of 1809, with four companions, formed the community which adopted the name "Sisters of St. Joseph.' In the summer they moved to Emmitsburg. They adopted, with some modifications, the rules of the Daughters of Charity of St. Vincent de Paul, and after 1812 were known as the Sisters of Charity of St. Joseph.

This first native religious community was destined to number more than ten thousand women and to conduct a nation-wide system of charitable and educational institutions, among them the country's first Catholic orphanage, its first Catholic hospital, and its first maternity hospital. Because Mother Seton had her sisters open in Philadelphia the earliest American parish school, and sent them virtually everywhere to help the bishops in their work of education, she is considered the patroness of the parochial school system in America. Her community may be said to be the index of her character. It ministers to practically every type of educational and social need of the American people, for the glory of God and the good of the country.

As the first superior of the community, Mother Seton braved the hardships of its early days. In spite of the poverty that continually threatened its existence, she somehow formed her sisters into effective teachers and model religious. She herself taught French and music many hours daily, mothered the children of the school and the poor of the neighborhood, wrote thousands of letters, translated French biographies, prepared original meditations, composed exquisite hymns, among them a version of "Jerusalem, My Happy Home," for which she also wrote the music; yet all the while she led a life of recollection. Many of her writings were edited by her grandson, Robert Seton [*q.v.*] and published under the title, *Memoirs, Letters, and Journal of Elizabeth Seton* (2 vols., 1869).

Her extraordinary spiritual discernment made her a power for good when the Church in America was still in its infancy. With the spread of her influence after her death, her reputation for sanctity increased and about 1907 her Cause for canonization was introduced by James Cardinal Gibbons, successor in the see of Baltimore of her nephew, James Roosevelt Bayley [*q.v.*].

[Archives of St. Joseph Mother House, Emmitsburg, Md.; archives of the Cathedral, Baltimore, Md.; *Memoirs, Letters, and Journal* mentioned above; C. I. White, *Life of Mrs. Eliza A. Seton* (3rd ed., 1879); Hélène Bailly de Barberey, *Elizabeth Seton* (1927), translated and adapted by J. B. Code; J. B. Code, *Great Am. Foundresses* (1929) and *Mother Seton and Her Sisters of Charity* (1930); Robert Seton, *An Old Family, or the Setons of Scotland and America* (1899).] J.B.C.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

There being no objection, the joint resolution (S.J. Res. 125) was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

Whereas Elizabeth Seton, who was born in New York City on August 28, 1774, and who died in Emmitsburg, Maryland, on January 8, 1821, who was the founder of the first religious order for women in the United States and who also established the first Catholic parish school in the United States, will be canonized and proclaimed to be a saint on September 14, 1975, at official ceremonies in St. Peter's Basilica in Rome, thus becoming the first person born in what is now the United States to be so recognized; and

Whereas Elizabeth Seton, who will then be known as Saint Elizabeth Seton, through her own life and work and through the work of thousands of women who traced the origins of their religious foundations to her founding of the Sisters of Charity of St. Joseph of Emmitsburg, Maryland, on July 31, 1809, made an extraordinary contribution to the religious and moral life of our country as well as to the education, health, and welfare of vast numbers of our citizens: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating Sunday, September 14, 1975, as "National Saint Elizabeth Seton Day" and calling upon the people of the United States and interested groups and organizations to observe that day with appropriate ceremonies and activities.

APPORTIONMENT OF FUNDS FOR THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 354, Senate Concurrent Resolution 62.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 62) making apportionment of funds for the National System of Interstate and Defense Highways.

The Senate proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, if the Senator will allow me, I will now yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, Senate Concurrent Resolution 62 is intended to prevent a virtual halt in interstate highway construction in many States. Without the provisions of this measure such roadbuilding in as many as 40 States could stop by the end of this year. Some States have already exhausted their allotments of Federal interstate funds.

The current situation of a shortage of interstate highway funds comes about because the year 1975 has been an unusual one for the Federal-aid highway program. The release of more than $11 billion of previously impounded highway funds in the first 4 months of this year enabled many States to substantially reduce their backlogs of projects. By Presidential and congressional action all of the accumulated highway funds under impoundment were made available to the States.

The administration originally planned a highway program level of only $4.6 billion for fiscal year 1975. The additional money made available during the year enabled the States to accelerate the awarding of contracts, and a total of $7.8 billion was obligated during the 1975 fiscal year.

This high level of roadbuilding activity witnessed work on highway projects of all types that had been delayed because of the impoundment of Federal-aid funds. It also provided a boost for the highway construction industry at a time of high unemployment.

Among the funds released from impoundment were those authorized and apportioned for fiscal year 1976. During the flurry of activity of the past few months many States used substantial portions of their 1976 funds. As a result, by the end of the fiscal year on July 30, 19 States had already obligated more than 80 percent of their 1976 apportion-

ments for interstate construction. An additional nine States made commitments for between 50 and 80 percent of their interstate funds for 1976. Consequently, without the availability of additional funds for interstate construction there will be a significant decline in the amount of work going forward.

Senate Concurrent Resolution 62 directs the Secretary to apportion funds previously authorized for interstate construction in fiscal year 1977. This is an action that normally would be taken in conjunction with the passage of a general highway bill. Such legislation, the Federal-Aid Highway Act of 1975, is now being developed by the Committee on Public Works. Final passage of this measure, however, may not come for several months. In the meantime, a growing number of States are faced with the prospect of closing down their interstate programs. I emphasize that this resolution simply permits the Secretary to make available the $3.25 billion authorized by the Federal-Aid Highway Act of 1973.

Mr. President, I stress that this is not additional money. It is the authorization already on the books for the fiscal year beginning October 1, 1976. The action contemplatd by this resolution is consistent with the requirements of law and with past practices. In 1973, while the Congress was working on a new highway act, we passed a concurrent resolution releasing interstate construction funds.

The high level of obligation in recent months indicates that a number of States are prepared to move ahead in constructing the Interstate System. Completion of the total National System should be a matter of highest priority. The members of the Committee on Public Works, in developing the new highway act, are considering methods by which interstate construction could be accelerated. Attention to this question is also given in the bill submitted by the administration. Senate Concurrent Resolution 62, therefore, should be viewed as an interim measure, permitting continuation of the program while we seek ways to fill the missing links in the Interstate System.

The apportionment of funds to the States under this resolution would take place under the provisions of existing law. At present, the Secretary of Transportation is required periodically to submit to Congress a report estimating the cost of completing the Interstate Highway System. A formula is then devised based on the amount needed to complete the system in each State compared with the amount requird to complete the full National System. On the basis of this formula the States receive their interstate apportionments.

Mr. President, I ask unanimous consent that the table showing the estimated cost of completing the system and the apportionment factors for each State be printed in the RECORD at this point.

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

TABLE 5.—ESTIMATED FEDERAL-AID AND STATF MATCHING FUNDS TO COMPLETE THE SYSTEM, AND APPORTIONMENT FACTORS FOR DISTRIBUTION OF 1977 AND 1978 FISCAL YEAR AUTHORIZATIONS.

State	Estimated Federal-aid and State matching funds required to complete system (thousands)	Estimated Federal share of funds required to complete system (thousands)	Apportionment factors (percent)
Alabama	552, 089	496, 880	2. 422
Alaska			
Arizona	605, 321	570, 576	2. 781
Arkansas	153, 147	137, 832	.672
California	1, 165, 922	1, 066, 702	5. 200
Colorado	526, 367	479, 362	2. 337
Connecticut	792, 411	713, 170	3. 477
Delaware			
Florida	773, 957	636, 561	3. 395
Georgia	618, 815	556, 934	2. 715
Hawaii	297, 644	267, 880	1. 306
Idaho	100, 008	92, 317	.450
Illinois	973, 777	880, 899	4. 294
Indiana	213, 974	192, 577	.939
Iowa	254, 345	228, 911	1. 116
Kansas	321, 818	292, 336	1. 425
Kentucky	462, 600	416, 340	2. 030
Louisiana	880, 576	792, 518	3. 863
Maine	64, 033	57, 630	.281
Maryland	991, 467	892, 320	4. 350
Massachusetts	10, 693	9, 624	.047
Michigan	640, 956	576, 860	2. 812
Minnesota	579, 389	521, 460	2. 542
Mississippi	171, 549	154, 394	.753
Missouri	409, 370	368, 433	1. 796
Montana	218, 433	199, 189	.971
Nebraska	10, 587	9, 528	.046
Nevada	114, 638	108, 986	.531
New Hampshire	100, 149	144, 134	.703
New Jersey	642, 596	578, 336	2. 819
New Mexico	209, 349	193, 522	.943
New York	843, 622	759, 260	3. 701
North Carolina	487, 924	439, 042	2. 140
North Dakota	2, 973	2, 676	.013
Ohio	653, 816	588, 434	2. 869
Oklahoma	38, 004	83, 213	.430
Oregon	627, 741	579, 279	2. 824
Pennsylvania	935, 824	842, 242	4. 106
Rhode Island	136, 333	122, 700	.598
South Carolina	158, 818	142, 936	.697
South Dakota	48, 216	42, 891	.214
Tennessee	547, 826	493, 043	2. 403
Texas	1, 005, 854	905, 269	4. 413
Utah	261, 522	246, 481	1. 202
Vermont	86, 264	77, 639	.378
Virginia	1, 169, 999	1, 044, 899	5. 094
Washington	741, 663	672, 243	3. 277
West Virginia	528, 439	475, 640	2. 319
Wisconsin	211, 542	190, 388	.928
Wyoming	92, 459	85, 580	.417
District of Columbia	1, 130, 593	1, 017, 534	4. 960
Total	22, 684, 382	20, 513, 512	100. 000

Mr. RANDOLPH. Mr. President, many States are urgently in need of these funds that have been authorized for interstate construction. We can expedite the flow of money to the States by completing action on this measure in both Houses of the Congress.

Mr. STAFFORD. Mr. President, I agree with my colleagues, the most able chairman of the Public Works Committee and the distinguished ranking minority member, that passage of Senate Concurrent Resolution 62 is needed.

They have laid out the reasons for acting on this measure now, and I will not repeat their explanations. I do want to clarify one point which may otherwise cause some concern in States like my own, which, under previous legislation, have been assured of receiving one-half of 1 percent of total interstate apportionments.

The concurrent resolution before us today cannot provide the minimum one-half of 1 percent to any State. Such a measure must be provided for in legislation which authorizes additional funds for such a purpose. Senate Concurrent Resolution 62 is not legislation and merely approves an apportionment formula for previously authorized funds.

Both the administration's highway bill, S. 2078, and my own bill, S. 752, provide for the minimum one-half of 1 percent apportionment. I wish to say to my colleagues from States which are relying on such a provision that I have been assured that the Transportation Subcommittee and the full Public Works Committee intend to include authorizations and language to effect it in comprehensive highway legislation this year.

Senate Concurrent Resolution 62 will make it possible for the Secretary of Transportation immediately to apportion interstate funds to all States. The later comprehensive legislation will increase funds available to those States receiving less than one-half of 1 percent of the total apportionment.

Mr. President, I support passage of Senate Concurrent Resolution 62 knowing that it will allow the members of the Transportation Subcommittee and the full Public Works Committee to fashion a responsible highway bill without jeopardizing interstate construction in the States.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Con. Res. 62) was agreed to as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of Transportation shall apportion the sums authorized to be apportioned for the fiscal year 1977 for immediate expenditure on the National System of Interstate and Defense Highways, using the apportionment factors contained in table 5, House committee print numbered 94–14.

ORDER FOR ADJOURNMENT UNTIL 11:30 A.M. TOMORROW AND RECOGNITION OF MR. FONG

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 11:30 a.m. tomorrow and that immediately after the two leaders are recognized, under the standing order, Mr. FONG be recognized prior to the recognition of Mr. WILLIAM L. SCOTT.

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

RESUMPTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now resume the transaction of routine morning business, with statements limited therein to 15 minutes.

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

THE ECONOMIC SITUATION AT MIDYEAR

Mr. HUMPHREY. Mr. President, on another item, the Joint Economic Committee has been reviewing the economic

situation at midyear. We have had a number of witnesses, and recently testimony from Dr. Alan Greenspan, Chairman of the Council of Economic Advisers, Paul McAvoy, distinguished economist, and Burton Malkiel, members of the Council of Economic Advisers.

This testimony, together with that of Mr. Rees and Secretary Dunlop and the testimony of Professors Samuelson and Gordon and the testimony of Arthur Burns gives us, I believe, an excellent view of the economic situation as it currently stands in our national economy.

I point out that Business Week, a thoroughly respectable business publication, feels that the recent Federal Reserve Board policy of more restrictive credit and higher interest has been seriously in error, and it is imperative that we take the policy steps necessary to get a strong recovery under way and keep it going.

JOINT ECONOMIC COMMITTEE REVIEWS ECONOMIC SITUATION AT MIDYEAR

Mr. HUMPHREY. Mr. President, on Wednesday, July 23, the Joint Economic Committee began its midyear review of the economy with testimony from Alan Greenspan, Chairman, Council of Economic Advisers, and Paul McAvoy, and Burton Malkiel, members, Council of Economic Advisers.

GREENSPAN TESTIMONY

Chairman Greenspan felt positively about the prospects for recovery:

> We believe that the developments of the year have set the stage for recovery, and, taken together, they indicate a somewhat stronger pickup in production and employment in the second half of this year than we had generally been anticipating.

Dr. Greenspan's view of the strength of the recovery was considerably more optimistic than that of many of the nonadministration witnesses who have testified on the economic outlook. Among private witnesses there was a widely shared fear that without stronger fiscal and monetary stimulus we will have a weak recovery and not be able to lower our unemployment rate significantly by next year.

Dr. Greenspan's assessment of the impact decontrol of old domestic oil would have on the economy was considerably different from the estimates the Congressional Budget Office and the Congressional Research Service have made. These differences were largely due to differences in assumptions. Chairman Greenspan assumed that domestic production will be lower, and imports will increase if we do not have decontrol, causing average prices to rise even if controls are maintained.

Dr. Greenspan feels inflation is still a serious problem that has to be carefully watched, and said that his feeling is that inflation this year would probably run between 6 and 8 percent.

REES AND DUNLOP DISCUSS PRICE-WAGE OUTLOOK

On July 24, the JEC heard testimony from Albert Rees, Director of the Council on Wage and Price Stability, and Mr. John Dunlop, Secretary of Labor, on the employment situation.

Secretary Dunlop said that unemployment is slowly declining and that we can expect it to continue declining. Mr. Dunlop said that a response in employment usually lags behind rises in productivity so we can expect employment to begin showing more signs of improvement as activity picks up.

Secretary Dunlop also considered the issue of job creation and capital formation:

> Instead of treating the problem of capital formation and job creation as somehow in opposition to each other, one being inconsistent with the other, my own view very much is that they are very highly intercorporated, in fact, and that our obligation is to try to develop these good jobs.

Dr. Rees expressed concern that rising industrial prices could impede economic recovery:

> What concerns me deeply is if these price increases (of industrial products) become widespread, this recovery will be less vigorous than it should be. The Congress has passed, and the President has signed into law, a substantial tax cut designed to stimulate the economy. This will help to produce a rise in GNP, measured in current dollars, but if that stimulus is dissipated by price increases, the rise in real output and in employment could be disappointingly small.

SAMUELSON AND GORDON EVALUATE POLICY GOALS

On July 28, Paul Samuelson, Professor, MIT, and Aaron Gordon, professor, University of California at Berkeley testified.

Both Dr. Samuelson and Dr. Gordon agreed that stronger fiscal and monetary policies than those proposed by the administration will be needed to build a strong sustained recovery. Both agreed that the 1975 tax cut should be extended, and that the money supply needs to be increased by more than the amount recommended by the Federal Reserve. Dr. Samuelson testified:

> I would like to suggest in this testimony that the likelihood is that prudent policy taking into account inflation risk, would be at the 7 to 10 percent increase in the money supply, not at the 5 to 7½ percent.

Dr. Gordon said it was not inconceivable that the unemployment rate could be pushed down in about 2 years:

> I think the job can be done through a combination of a program of wage and price constraint, a monetary and fiscal policy more expansive than is now being tried, and a much expanded and improved set of programs directed toward public service employment.

Dr. Gordon also warned of a possible acceleration of inflation due to the increased duty on imported oil, a possible price increase of oil by the OPEC countries, and wage increases as labor tries to catch up with past increases in the cost of living.

BURNS TESTIMONY

On July 29, Dr. Arthur Burns, Chairman of the Board of Governors, the Federal Reserve System, testified as the Joint Economic Committee continued its midyear review of the economic outlook.

Dr. Burns testified that he felt an increase in the money supply in the 5- to 7½-percent range would be effective in bringing down unemployment. Chairman Burns stated that inflation is still a serious problem, and increases in M_1 of 8 to 10 percent would exacerbate inflationary pressures.

Most of the other witnesses who have testified in our midyear hearings feel that an 8- to 10-percent growth of the money supply is necessary to expand real output at a rate that will bring unemployment down significantly by next year and move us forward toward a strong, sustained recovery.

Several witnesses testified that because of our high unemployment and unused industrial capacity, an 8- to 10-percent growth rate of M_1 would not be inflationary. Mr. Karchere, of IBM, even went so far as to say that without strong fiscal and monetary stimulus we will face the danger of a new recession in 1977.

Dr. Burns' prognosis for the recovery was very positive. He feels that it will be a broadly based, strong recovery. Regarding the FED's role in the recovery, Dr. Burns stated:

> As far as the Federal Reserve is concerned, the only responsible policy is to pursue a moderate course of monetary and credit expansion.

ECONOMIC OUTLOOK AND FINANCIAL SITUATION

On July 30 the Joint Economic Committee continued its review of the economic situation by hearing from a panel of respected economic forecasters. Our witnesses were Lawrence Klein, professor of economics at the University of Pennsylvania, Al Karchere, director of economic research for IBM, and Thomas Synnott, vice president and head of the Economic Analysis Department of U.S. Trust.

The major conclusion of Dr. Klein, presenting the Wharton econometric forecast, was that the rate of expansion should, by the end of the year, be well above the long-term normal growth rate of our economy. However, Dr. Klein noted that—

> It will not be vigorous enough to bring down the unemployment rate to acceptable levels or to correct the strong deficit position of the federal government for some years to come.

One extremely important finding in Dr. Klein's presentation was his estimate regarding the forces of inflation. He pointed out to the members of the committee that given the level of utilization of industrial capacity in our economy and the rate of inflation accompanying it, it does not appear likely that inflation will accelerate greatly until economic recovery begins to exert pressure on the limits of industrial capacity. Dr. Klein told us that—

> According to my calculations, this should not occur until late 1977 or 1978. There is comfortable room for expansion.

Mr. President, I do not need to remind this body of the important implications of this expert testimony for the decisions that face this Congress.

Based on his analysis of the economy, Mr. Synnott of the United States Trust Company of New York, concluded that for a number of reasons, including low business and consumer confidence, financial constraints and genuine uncertainties about the future price of energy, our economic recovery will be slow particularly in its early stages. On the more

promising note, however, Mr. Synnott told the members of the committee:

While it is difficult to be precise about timing, we anticipate an acceleration in the recovery in early 1976.

With regard to the problem of inflation, Mr. Synnott made a special point of noting that very high rates of inflation and levels of interest rates could develop in late 1977 or early 1978 unless economic and financial bottlenecks are eliminated in the meantime.

On July 31 the Joint Economic Committee heard testimony on the monetary and financial situation from three very expert and distinguished witnesses: Robert Bethke, president of the Discount Corp. of New York, Sherman Maisel, former Member of the Board of Governors of the Federal Reserve and now a professor at the University of California at Berkeley, and Robert Eisner, chairman of the Department of Economics at Northwestern University. I asked each of these witnesses to give me their view on the recent tightening of monetary policy and on the adequacy of the Federal Reserve's announced targets for monetary growth.

Mr. Bethke, who has extensive practical experience in the money markets and follows them closely on a daily—even an hourly—basis, testified that he felt the Fed deserved "high marks" for its recent conduct of policy. He described the recent move toward tighter monetary policy as a "slight firming" which represented "a skillful adjustment to emerging signs of economic recovery."

Both Mr. Maisel and Mr. Eisner disagreed with Mr. Bethke on this point, however. Mr. Maisel stated that:

We can be certain . . .that a satisfactory expansion will not occur unless we improve our monetary and fiscal policies.

He indicated that he thought a growth in the money supply of about 10 percent would be required over the next year if real output is to expand at the rapid rate needed to begin bringing down unemployment. He also stressed that it is not enough just to look at the money supply. The failure of long term interest rates to decline and the failure of total bank reserves to grow over the past year are both causes for serious concern.

Dr. Eisner referred to the Federal Reserve's 5- to 7½-percent target for monetary growth as "appallingly inadequate". He stressed that the U.S. Government is in violation of the Employment Act of 1946. Recent policies have not been designed to promote the "maximum employment, production, and purchasing power" called for by that law.

I wish to point out that Business Week, that thoroughly respectable business publication, also feels that recent Federal Reserve policy has been seriously in error. Business Week says:

The first faint signs of economic recovery seem to have thrown the Federal Reserve into another fit of anxiety about future inflation. It is not even certain yet that an uptrend has begun, but the money managers are swinging back toward tight credit as though we were dealing with a roaring boom . . . The erratic course the Fed has been following could easily abort the upturn and give the country a "double-dip" recession.

It goes without saying that we cannot afford a "double-dip" recession. We cannot afford anything less than a strong and sustained recovery. Yet witnesses before the Joint Economic Committee have brought home the stark fact that present policies do not have us on course for a really strong recovery and that a new dip into recession late next year or in 1977 is all too real a danger.

It is imperative that we take the policy steps necessary to get a strong recovery underway and keep it going. Those steps certainly include a supportive monetary policy, one which does not make a fetish of sticking within prescribed limits for the money supply, or for any other single variable; a policy which does what needs to be done to be sure ample credit is available at reasonable rates of interest.

PLANNING MEANS RATIONALITY IN ECONOMIC POLICIES

Mr. HUMPHREY. Mr. President, a national debate about whether the country should embrace the concept of long-range planning has been going on for the past several months. I strongly support this concept, and it is embodied in the Balanced Growth and Economic Planning Act of 1975 which Senator JAVITS and I are cosponsoring.

Vigorous debate about major decisions is healthy, and I am happy that our bill has evoked such give and take. An article in the July 14 issue of Iron Age presents perhaps the most eloquent and lucid arguments both pro and con on the merits of economic planning.

Much of the opposition to the proposal, I believe, can be traced to unfortunate but understandable misconceptions of what planning entails. A close reading of this article should help allay such apprehensions.

As the proponents cited in the article, including myself, point out, the Government is in the business of encouraging certain socially good results from our free enterprise system, and discouraging costs which would otherwise be borne by society. No one should seriously doubt that such decisions are within the legitimate realm of elected Government. But everyone should seriously question whether such decisions contribute as well as they might to our market economy when they are made without access to the best possible information.

Our bill would help rectify this situation by coordinating the research and projection responsibility of Government decisionmaking. And as an added bonus, advance announcements of the information available to Government would benefit businesses in their never-ending effort of second-guessing the intentions of the Federal Government. Less uncertainty means more efficiency in the true sense of the word: achieving what we desire with the least outlay of resources.

What some opponents overlook is the fact that a carefully analyzed plan may suggest less Government involvement in some areas of the economy. Planning is not a move away from laissez-faire so much as it is a move toward rationality, the essence of optimal decisions.

I agree with Mr. W. Michael Blumenthal, chairman of Bendix Corp., who said in the article:

Currently, Washington is not set up to develop economic policies in a coherent and intelligent fashion. For one thing, it lacks tools that allow it to consider economic policy on anything more than a piecemeal basis. A tax cut here, a little stimulus here, some farm supports there—this is not rational policymaking. . . . In order to make intelligent choices, you must have some system that allows you to consider the whole cloth.

Mr. President, I hope all Members of Congress are familiar with both sides of the planning discussion, and evaluate the arguments for what they are worth. To assist this, I ask unanimous consent that the article from Iron Age be printed in the RECORD.

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

IS CENTRAL PLANNING NEEDED OR WANTED?

(By George A. Weimer)

Perhaps the most intriguing aspect of the current debate in the United States on central planning is the fact that not all businessmen are revolted by the idea.

Such major corporate figures as Henry Ford II, J. Irwin Miller, chairman, Cummins Engine, Columbus, Ind., and W. Michael Blumenthal, chairman, Bendix Corp., Detroit, all agree that some form of central government planning is not only advisable but needed by industry.

"We are a mixed economy. We have a large free-market component. We have also areas newly subject to laws. And for a generation we have had a growing amount of government regulation. We are not happy with the way it all works. While we may well opt for less regulation in some areas or more in others, no one seriously thinks we will (or want to) cease to be a mixed economy," says Mr. Miller.

"We need a comprehensive up-to-date national data base that is reliable. All aspects of government need it. Private citizens need it. Business needs it desperately. Since this must be national and total, no one can do this save the Federal government.

"It will not be done overnight. It will have to begin simply by correlating what we now have. And it will only gradually gain in usefulness.

"Long range, it not only should serve very much better, but also should cost less than such efforts do today because it will eliminate the need for hundreds of presently competing and separate information agencies throughout government."

But, he adds, "Information, even reliable information, does not take over decisionmaking. Decisions are made by human beings and there is an element of the unknown in every decision. The lesser that element can be made to become, the better chance of success for the decision.

"So the information needs study, to see what it may say. Hence the need for analysis, forecasting, selection of desired goals—and plans to achieve them.

"Yet each of these activities is no more than a tool, and any tool can be good or bad according to how it is used.

"We have fears about the phrase 'national planning,' however. The Russians plan. The Chinese plan Planners turn out to be autocrats, destroy freedom, and quite often have been responsible for monstrous failures.

"There is a lot of truth in such statements, and we are surely well advised to observe and not repeat the errors of others. But," Mr. Miller observes, "corporate business has not been frightened away from corporate planning by observation of Soviet and Chinese failures in Communist planning—nor have

the French and Japanese, each of whom have incorporated planning techniques in uniquely different ways.

"Americans do not permit planners to be executives. The chief corporate planner of General Motors is never at the same time chief executive officer of that corporation.

"Plans and planners exist to help those who properly bear the responsibility for decision-making, and to help them make their decisions based on better information and on as accurate a look ahead as humans can devise," Mr. Miller explains.

Most top managers in metal-working and other industries remain skeptical or downright repelled by the term central planning. Part of this may indeed be a matter of definitions.

"The word planning is unfortunate," agrees Mr. Blumenthal.

"What I mean by planning is goal-setting. My endorsement of the Initiative Committee for National Economic Planning (ICCCNEP) is a recognition of the facts of economic life regarding government," he tells Iron Age.

The Initiative Committee for National Economic Planning is a group of many well-known academicians, several distinguished economists and a few very prominent politicians and business leaders who have come up with a draft on national central planning which serves as the basis of a bill now in Congress co-authored by Senators Hubert Humphrey (D., Minn.) and Jacob Javits (R., N.Y.).

"Currently, Washington is not set up to develop economic policies in a coherent and intelligent fashion," contends Mr. Blumenthal. "For one thing, it lacks tools that allow it to consider economic policy on anything more than a piecemeal basis. A tax cut here, a little stimulus here, some farm supports there—this is not rational policy-making.

"Decisions on economic policy are interdependent; each one creates reactions in the economy that affect all the others.

"In order to make intelligent choices, you must have some system that allows you to consider the whole cloth.

"Secondly, the Federal government is not structured to consider problems from a long-range point of view.

"Increasingly, economic decisions must be addressed from this perspective, and every major American corporation that does long-range planning recognizes that fact.

"The auto industry makes the case for long-range government economic decision-making quite well when it complains about the never-ending shifts in regulators policy regarding the auto industry that make it impossible to plan model years as far in advance as is necessary," Mr. Blumenthal notes.

"The market system remains an excellent mechanism for the allocation of resources. Let the government set overall economic policy—as a whole, not on a piecemeal basis—on such issues as energy self-sufficiency in 1980, for example. And then let Washington structure its tax, tariff and related mechanisms so that incentives are created for private enterprise to accomplish those goals. The market will take care of the rest," believes Mr. Blumenthal.

"About the word planning: This word evokes a vision of a totalitarian economy to some. I do not believe that anyone who supports ICNEP is an advocate of that. But interaction between business and government is inevitable and has been with us for a long time. I think we would all be better off if it were systematic and rational, and I think the kind of approach I have described would be a step in that direction," he concludes.

For those not familiar with the ICNEP, some excerpts from its draft resolution:

"We recommend that an Office of National Economic Planning, described below, be established with:

"Plenary power to accumulate, collate, and analyze detailed economic information from all sources;

"A mandate to examine major economic trends and work out realistic alternative long-term economic programs for periods of fifteen to twenty-five years, to be submitted to the President and Congress;

"A mandate to work out alternative plans of intermediate length;

"Responsibility to specify the labor, resources, financing and other economic measures needed to realize these programs.

"It should be clear that the planning office would not set specific goals for General Motors, General Electric, General Foods or any other individual firm. But it would indicate the number of cars, the number of generators and the quantity of frozen foods we are likely to require in, say, five years, and it would try to induce the relevant industries to act accordingly.

"One of the best persuaders available to the planning office is information. The flow of goods, services and money from one industry to another can be grasped in great detail through the use of input-output and other programming techniques."

The draft reads much like the Humphrey-Javits Bill—the Balanced Growth and Economic Planning Act of 1975.

Of the bill, Sen. Humphrey tells Iron Age: "There has been growing concern throughout the nation regarding national economic planning and it's time for some serious debate on this vital issue.

"The Federal government has become the last bastion of unplanned activity in the modern world. All other industrial nations plan. Businesses, universities, foundations and families have learned that they have to plan in order to achieve their goals with the available resources," Sen. Humphrey said.

The bill proceeds on two basic assumptions: First, that the economy will perform better with planning procedures and, secondly, that economic choices will be more explicit and widely debated so that Congress and the public can participate fully in the making of economic policy.

"The balanced economic growth plan that results from the new procedures will establish long-term economic objectives paying particular attention to the attainment of the goals of full employment, price stability, balanced economic growth, and equitable distribution of income, efficient utilization of private and public resources, balanced regional and urban development, stable international relations, and meeting essential national needs in various sectors of the economy," the bill suggests.

Hearings on the bill are continuing in Congress.

While it may be surprising to find any support in management for central planning, it's no surprise at all to find many business leaders very vocal in their criticism of the idea.

As D. M. Alstadt, chairman, Lord Corp., Erl, Pa., says: "The Federal government simply cannot plan; it does not have the kinds of people, either in the legislative or administrative branches of the government, that have any concept of what planning is all about.

"If I wanted to remove any conceptual ability to plan on the part of a person, the first thing I would do would be send him to law school. Legal training produces people who are essentially reactive, not oriented; adversary oriented, not concept oriented.

"Effective planning within the structure of personnel that we currently have within our government organizations is impossible," Mr. Alstadt relates to Iron Age.

"Even if the above were not the case, I don't believe that planning per se by the Federal government, as most people envision it, at least in the economic areas, would make much sense.

"The basic concepts inherent in economic phenomena are just not appreciated for a sufficient number of people to produce anything except chaos.

"You may be aware of the fact that under the Czar, Russia had a GNP which, if continued in a straight line growth pattern until today, would be two and one half times the current GNP of the Soviet Union," he adds.

"Central planning has done nothing for Russia and I suspect that they do not have the added limiting impossibility of being overstaffed with legal minds to whom planning is a foreign activity."

But, the bill exists.

Can it pass?

Doubtful, the White House tells Iron Age. If it did, President Ford would surely veto such legislation.

"One area where government already plans," Edgar R. Fiedler, Assistant Secretary of the Treasury for Economic Policy, explains to Iron Age "is in the Office of Management and Budget. And in the Bureau of Labor Statistics with five-year projections.

"We do need more and better statistical compilations," Mr. Fiedler says. But, he adds, "The present Administration is against legislation like this because . . . who does the planning? Economists, bureaucrats, technicians, computer people . . . well meaning but . . . are these representative of the American people?"

Also, Mr. Fiedler continues, speaking for the present Administration, "What are we planning here? Government planning of private activity? There's already too much."

Still, as Mr. Fiedler says, "Nobody's going back to Adam Smith."

But what may seem laughable to the most reasonable can come carried into the world on the shoulders of the voting nonbelievers.

As anyone who reads newspapers knows, the concept of central planning seems more acceptable to more people than ever.

Why?

Mr. Alstadt suggests this: "Pollsters really tell us that Americans have lost confidence in the majority of their institutions. In my opinion, the pollsters are subtly telling us that Americans have, in a relatively short period of time, lost much of their confidence, real or superficial, in themselves."

Perhaps then, for those who remain adamantly against central planning, whether any particular new laws are passed is somewhat beside the point.

Comments Sen. Barry Goldwater:

"I believe the correct definition of appropriate central Federal control (and possibly planning) is to be found in the Interstate Commerce clause of the Constitution. It merely states that the Federal government will regulate the commerce between the states.

"This was never envisioned by the founding fathers to include such things as control over the type, price, size and even quality of merchandise sold.

"It was never intended for the government to get into wage and price controls or to favor the union over management or vice versa.

"What we are headed for under the misinterpretation of this clause which started back in Supreme Court decisions in the 1930s is the complete control or, let's put it bluntly, the nationalization of American industry—which in any language but ours means socialism," Sen. Goldwater states emphatically to Iron Age.

The initiative and motivation that makes the American businessman go is profit. And when you have central planning and central control you cease to have profits or, at the very best, a minimum control profit with no possible chance for the best to bubble to

the top. So the initiative of America dies and so will its business," he warns.

"Because of their [businessmens'] total indifference and inattention to what is going on in their country, because of their willingness to support anti-business and even anti-American candidates for Congress because that person's election might mean something personally to them, they have allowed this country to creep up to the very verge of nationalization.

"And there are times when I think it is too late to do anything about it. But if these businessmen, and mind you, I was one myself, will forget personal gain and think only of the gain of our country, there is time."

And while business knows it, some managers seem to be engaging in denial when it comes to the fact that what the business community considers its own best interests have been resoundingly ignored before.

Suggests Mr. Alstadt and many others: Businessmen should speak out—at least to clarify the issues.

Thus, Walter B. Wriston, chairman, Citicorp, New York: "The great principles of our government laid down by our founding fathers embody a vast distrust of centralized governmental power," in a now very well publicized talk before the Society of American Business Writers in Washington, D.C.

Continues Mr. Wriston on organizations and individuals who advocate a planned economy: "Such a program, if adopted, could bring about the step-by-step destruction of the free market system and, as a consequence, all personal liberty.

"There is no case of government planning not implemented in the end by coercion.

"Ludwig von Mises summed it up when he wrote: 'All this talk [that] the state should do this or that ultimately means the police should force consumers to behave otherwise than they would behave spontaneously. In such proposals as: Let use raise farm prices, let us raise wage rates, let us lower profits . . . the us ultimately refers to the police.' Yet, the authors of these projects protest that they are planning for freedom and industrial democracy," Mr. Wriston insists.

Years ago, that may have shelved the issue neatly enough.

Have times changed so very much?

Recently, Henry Ford II declared himself "a strong believer in the need for effective planning."

"Many businessmen are suspicious of any kind of economic planning," Mr. Ford noted. "I am not one of them, although I understand their fears and the risk that such planning can go too far."

However, another top manager in the same industry offers this in the continuing debate: Recession conditions "draw heightened criticism of the free market, dissatisfaction with its unpredictability, and new demands that the government do something to improve it. Critics of free-market economics gain increasing attention for charges that our economic system . . . is no longer adequate for our times," says Thomas A. Murphy, chairman, General Motors Corp.

"The alternative they suggest, national economic planning, strikes directly at the very foundation of free enterprise, at individual freedom, at the authority of the American public to direct, to determine, and to decide for itself," Mr. Murphy declares.

"No person or body of people is wise enough or foresighted enough to take into account even a sizeable fraction of the billions of factors needed to plan the economy of this country," Mr. Murphy believes.

Even in organized labor, there's no knee-jerk reaction pro or con, although most probably agree with Leonard Woodcock, president of the United Auto Workers:

"The lack of such planning is a fundamental shortcoming of our system," says Mr. Woodcock. "We do not have mechanisms adequate to deal with the interdependence and long lead times that stem from developments such as instant communication, specialized production and investment in complex technology.

"The 'knee-jerk' reaction to proposals for national planning is that our lives will be more controlled than [they are] now. That is certainly not the kind of planning which I have in mind," continues the UAW leader.

"The specification of national goals and policies would provide individuals and businesses with additional information on which to base their own decisions."

But, "It would be foolish for someone to undertake an activity which will be likely to be unsuccessful because it conflicts with known national goals. Similarly, in extending credit, lenders are more likely to approve investments which are consistent with national goals and policies and hence less likely to go into default."

Thus, what the Initiative Committee for National Economic Planning refers to as "inducements" for business.

The debate seems to center on how "mixed" our economic system should be. How much, or more specifically, *what* do we want government to do? As Mr. Fiedler said, "Nobody wants to go back to Adam Smith." But how far away from laissez faire should we be?

There does seem to be a kind of reluctant consensus developing around the kind of central statistical planning alluded to by Mr. Fiedler.

Says Robert S. Morrison, chairman of the board, Molded Fiber Glass Companies, Inc., "If national planning were restricted entirely to the development of statistics about markets, needs, shortages, and long-range trends, it might have some value.

"However, I suspect that its record on predictions would be even worse than the automobile industry's," he quips.

"It is one thing to be so suspicious of government 'interference in private sector affairs' that one hesitates to give any particular Congress any new authority to muck things up. It is quite another to reject the idea of rational planning altogether because of this fear," William F. May, chairman, American Can Co., Greenwich, Conn., tells Iron Age.

"The Congress and the Presidency, for better or for worse, are a composite image of what the political traffic will bear. Neither government nor business leadership is reveling in voter confidence these days, and I can be quite specific about some of the problem areas in which business and government, operating separately or in tandem, are not producing the quality of life that people quite articulately want," Mr. May comments.

"A system of wage and salary payments in which the worker gets all the benefits of economic productivity, but which shares none of the penalties of decreased productivity, cries out for cooperative business, labor and government planning," he adds.

"Certainly the central problem of risk capital formation isn't being solved by our highly pluralistic and divided society. To call for a better approach to this vital goal through planning is a light-year away from accepting a centrally planned society," he explains.

"Finally, in this truncated list of national inadequacies—which breed justified citizen unrest—I see no way without very high levels of cooperative planning to get industries, universities, labor and government to work together on an incentive basis to accelerate the development and timely application of technology for pressing social ends.

"I've given a qualified endorsement to the Humphrey-Javits bill, with two caveats:

"That Congress limit the experiment to two years and then take another look.

"That the proposed planning apparatus limit itself to energy policy, food policy, and perhaps transportation policy during the trial run. In these three areas there is a sad lack of any concerted national goal, and it should afford the new approach some real problems to chew on," Mr. May explains to Iron Age.

Perhaps most distressing of all is the fact that so many managers care to say nothing on such an important topic.

"National planning," says J. Irwin Miller, "is not an ideological issue. It is our glory that we are a practical people, with a healthy distrust of ideologies. We have always been willing to do what seems sensible and what works, without regard to the label others place on it.

"If government servants need reliable information, trustworthy forecasts, and forward plans, the people need them even more, and that includes business.

"Our American democratic tradition is so strong and so deeply rooted that the great decisions in this country will continue to reflect popular consensus, the people's choice. Politicians and businessmen go against the people's wisdom at their peril," warns Mr. Miller.

Central planning is being debated by major figures in all sectors of the American economy. Suffice it to say, if business remains reticent, whatever comes of the argument may reflect very little of what business really wants and needs.

THE IMPACT OF DECONTROL ON AGRICULTURE

Mr. HUMPHREY. Mr. President, Senator JACKSON and I are particularly alarmed with the impact that oil decontrol will have on American agriculture and consumer food prices.

A study prepared for us by Dr. Leo Mayer of the Congressional Research Service has evaluated this impact—and the results show that decontrol will have a devastating impact on farmers and food processors and ultimately the consumers of food products.

Oil decontrol will: Raise farmers' oil and fertilizer costs and slash farm profits by $500 million in 1976; raise food processor energy costs by $1.5 billion in 1976; raise farm and food processor costs—and consumer food bills—by $10 billion over the next 5 years.

In short, the study reveals that decontrol will cut farm profits and raise food costs by transferring $2 billion annually from farmers, food processors and consumers to oil companies.

Another CRS study was recently prepared at my request by Mr. John Jimison, evaluating the impact of decontrol on the propane market.

As Senators know very well, Mr. President, propane is the major, and frequently the only fuel used in most rural homes and on farms. Decontrol could double the price of propane, which today is at scandalously high prices.

Most important, the study indicates that the predicted natural gas shortage this winter will also create a propane shortage. Without controls on the price and allocation of propane, refineries and pipeline companies will purchase most of the available domestic and imported propane—with a disastrous effect on ru-

ral and farm America; propane for rural homes and farms will not be available at any price.

Let me emphasize that oil decontrol can only be prevented by a congressional override of President Ford's veto of S. 1849. If we fail to overturn this veto, decontrol becomes a fact, a reality, in the minutes thereafter—and we will be powerless to reverse the severely debilitating economic impact on agriculture and on our entire economy which will surely follow.

Mr. President, I have traveled throughout the entire State of Minnesota, visiting farmers and farm groups, farm families, with people in the small business area of our economy; and, almost without exception, they feel that decontrol will literally stop any recovery that we hope to have in this area in the coming year.

I urge my colleagues to study this report. This is not prepared by some partisan committee. This report has been prepared by the Library of Congress, the Congressional Research Service. The title is "The Impact of Oil Price Decontrol on Food and Agriculture."

There has been a great deal of talk about what is happening to food prices. Decontrol will be like a sledgehammer blow to the American consumer of food products. It will rob the farmer of income that he desperately needs, it will transfer that income to the oil companies, it will increase the rate of inflation, and it will be of irreparable damage to the American economy.

I ask unanimous consent that the report of the Library of Congress, Congressional Research Service, be printed in the RECORD.

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

[From the Library of Congress Congressional Research Service]

THE IMPACT OF OIL PRICE DECONTROL ON FOOD AND AGRICULTURE

(By Leo V. Mayer, Senior Specialist, Agriculture)

(A revised report prepared at the request of the Honorable HUBERT H. HUMPHREY and the Honorable HENRY M. JACKSON.)

THE FARM-FOOD SITUATION

Rural areas of the United States have also been affected by the steep rise in fuel costs of the past two years. Costs for rural family travel have gone up commensurately with the rise in auto and fuel costs. These costs are more certain in rural areas since modes of transportation other than the private automobile are generally not available. Further, the largest portion of products produced in rural areas comes from the farm, and there fuel and energy are essential inputs. Higher costs for these items must be borne by the farmer since his ability to substitute other inputs is very limited.

Despite rising costs of production, however, farm families have, on the average, done well economically in the past two years. Gross farm income has gone up dramatically, as indicated below (measured in billions of dollars), and net income has reached a new plateau. While some farmers have suffered significantly from low prices for livestock, unfavorable weather for crop production, and shortages of critical inputs, the general income picture for agriculture has been one of sharp improvement. One overall reflection of this improvement is in land values which farmers have bid up 75 percent since 1971.

Calendar year	Gross income	Production expenses: Total	Fuel	Fertilizer	Net income
1971	$60.6	$47.8	$1.7	$2.6	$12.8
1972	70.1	52.8	1.7	2.7	17.3
1973	95.3	65.8	1.9	3.0	29.5
1974	101.1	73.4	2.7	5.6	27.7

While net farm income has increased, the rise in fuel prices since 1971 has added $1.0 billion to the cost of fuel for farming. In addition, higher energy prices and expanded world demand have raised fertilizer prices so that the cost of this item has jumped upward some $3.0 billion, over a 100 percent increase. These increases have placed an especially heavy pressure on farms that were in drought stricken areas or that held large numbers of animal livestock as market prices fell and feed costs escalated.

Even in farming areas unaffected by drought, higher fuel costs have not affected all farms alike. Some types of farms use more fuel than others. A recent study from the Economic Research Service of the Department of Agriculture showed that in 1971 fuel costs for four types of Illinois farms, including costs for farm electricity and hired transportation, varied from $1,899 for hog farms to $2,746 for beef farms. Since 1971, the cost of fuel has gone up as farmers have paid rising prices for the fuel delivered to their farms. Looking at December figures, for each year, the price of gasoline per gallon in bulk delivery has increased sharply. The increase has been 49.4 percent for gasoline, 28.9 percent for all-weather motor oil, and 40.6 percent for machine grease. The increase has averaged about 48 percent for all motor supplies and an estimated 45 percent for all energy, including electricity. For the farms shown above the increase has been about $1,000 per farm:

Year (Dec.):	Price (cents/gal)
1971	31
1972	31
1973	37
1974	46

	Dairy	Beef	Hog	Grain
Fuel costs	$2,400	$2,746	$1,899	$2,616
Cash sales	50,277	143,029	74,642	68,006
Percent of sales:	4.8	1.9	2.5	3.8
1971	$2,400	$2,746	$1,899	$2,616
1974 (estimate)	3,480	3,982	2,754	3,793
Increase	1,080	1,236	855	1,177

While these Illinois farms are obviously larger than average farms, the majority of commercial farms would have averaged cost increases for fuel of about the same size between 1971 and 1974.

THE COSTS OF DECONTROL

The President's proposal to decontrol oil prices would allow the price per barrel of old oil, oil produced from wells in operation before 1972, to rise from $5.25/barrel to an estimated $12/barrel, assuming the $2 tariff on imported crude oil is removed. The higher prices would apply to the following amounts of old oil and add costs of the following amounts:

Year	Volume (millions of barrels per day)	Annual cost (billions)
1976	5.4	$13.3
1977	5.1	12.6
1978	4.8	11.8
1979	4.5	11.1
1980	4.2	10.3

Partially offsetting the increased cost of old oil would be the removal of the $2 tarrif on imported oil and some reduction in prices of domestically produced "new" oil. These reduction in cost would add up as follows:

Year	Volume (millions of barrels per day)	Cost reduction (billions)
1976	9.8	$6.4
1977	10.2	6.7
1978	10.7	7.0
1979	11.1	7.3
1980	11.5	7.6

This reduced cost assumes that there is no further increase in the price of oil from the OPEC cartel. If OPEC does not raise oil prices, it is estimated that the price of crude oil would stabilize around $12/barrel as opposed to the $13.50/barrel currently paid.

On the other hand, it is more likely that the OPEC cartel may take advantage of the tariff removal by raising the price of oil exported to the United States. An increase of at least $1.50 per barrel would not be unexpected. If this occurred, the net additional cost of the several actions might be about as follows:

	Cost of decontrol only [1]	Cost of decontrol with tariff removal [2]	Savings from tariff removal	Cost of OPEC $1.50 per barrel price rise	Net cost of all actions
1976	$16.3	$13.3	$6.4	$8.3	$15.2
1977	15.4	12.6	6.7	8.4	14.3
1978	14.5	11.8	7.0	8.5	13.3
1979	13.6	11.1	7.3	8.5	12.3
1980	12.6	10.3	7.6	8.6	11.3

[1] Assumes crude oil prices rise to $13.50 per barrel.
[2] Assumes crude oil prices rise to $12 per barrel.

Depending on which actions one assumes will occur in the next few weeks, the increase in oil costs in 1976 may be $16.3 billion with only decontrol, $6.9 billion with decontrol and removal tariffs or $15.2 billion with decontrol, tariff removal and an OPEC price increase of $1.50 per barrel of crude oil.

THE IMPACT ON AGRICULTURE

It is estimated by USDA and FEA that 3.0 percent of any added cost for fuel would fall directly on farmers. Another 7.0 percent would fall on businessmen who process, transport, market and retail farm food products. And finally, another 3.0 percent would be borne in indirect costs for home preservation and cooking of food. Compared to 1975, the added cost for 1976 is (in millions of dollars):

Source of added cost	Decontrol only	Decontrol and tariff removal	OPEC price increase	Net cost all actions
Farm	$489	$207	$249	$456
Middleman	1,141	483	581	1,064
Homemaker	489	207	249	456
Total	2,119	897	1,079	1,976

Costs rise sharply, for all segments of the food chain, with only decontrol. In 1976 farmers would pay nearly $500 million more for fuel than they did in 1975. Depending on the size of the farm, the cost could rise to as much as $500 per farm for the larger farms in the Nation. This would be for only the farm portion of fuel costs, not the portion spent for normal family driving. Farm families would be hit doubly hard by higher fuel cost due to their expenditures for both the business and family living expenses.

If there is decontrol and removal of tariffs on imported oil without an OPEC price in-

crease, farm costs would rise more modestly, about $200 million. With the more likely outcome of higher prices for imported oil and its consequent effect of higher domestic crude oil prices, farm costs would rise nearly a half billion dollars in 1976.

Higher costs for fuel could have some impact on reducing fuel use in agriculture. Farmers might match up their power sources more carefully to the type of job that was being done, using smaller tractors where possible and running their equipment at most efficient rates of operation. The potential for improvement in these areas is limited, however.

Farm equipment does not have the same potential for reduced fuel consumption as do automobiles, through slower speed limits or a shift to compact cars. Tractors, for example, must develop a certain level of horsepower to draw plows and other equipment. This horsepower is most efficiently developed at a certain RPM for their motors, and tractors have long been set to operate at this speed. There is no way these motors can be slowed down to save fuel. The loss in horsepower offsets the savings in fuel. Furthermore, a shift to smaller tractors is infeasible because larger tractors are more efficient in terms of the amount of fuel required per acre of land tilled. Generally the potential for this type of fuel savings in agriculture is small.

There is the possibility for returning to the use of horses and mules for power but few persons would seriously recommend this alternative. Less drastic and more realistic is the idea of minimum tillage of crops in farming. This idea is spreading and will logically save some fuel in the future. However, estimates of savings from this source are really negligible.

Since farmers generally cannot avoid the higher costs for fuel, most of these costs will eventually end up as higher food prices. There may be some time lag, before the increase in farm prices occurs, but once that happens, and it must eventually happen or all farmers will constantly suffer lower incomes and even bankruptcy, food wholesalers and retailers will pass those costs along. This has been occurring, with food prices up about 14 percent in each of the last two years. A large part of this in the early part of this period was due to higher farm prices.

More recently, marketing price spreads for food have climbed, averaging 11 percent higher in the first half of 1975 than a year earlier. Since the marketing component makes up 60 percent of total food costs, and the farm component 40 percent, this means that food prices would go up at an annual rate of 6.6 percent (.60 × .11 = 6.6 percent) in 1975 if farm prices were constant. Instead, farm prices have been rising.

The outcome of rising farm prices on food costs is not fully clear and will not be until late in the year. Decontrol of fuel prices, however, cannot but add to the pressures toward higher food prices.

[From the Library of Congress, Congressional Research Service, Washington, D.C., Sept. 5, 1975]

To: Honorable Hubert H. Humphrey.

From: John W. Jimison, Analyst, Environmental Policy Division.

Subject: The Effect of Decontrol of Propane.

This memorandum responds to your request for information about the probable effect on the market and consumers of propane of the end to the mandatory allocation and price control program. Because controls went off as of September 1, information about actual impacts is limited to preliminary reports from those most closely in touch with the propane market. Several weeks will be required before reliable and specific market data are available.

Nonetheless, both the early indicators that are available and a study of the forces impacting upon the propane market point to an emerging dilemma for the propane market and its traditional customers of crisis proportions. It appears that so much propane will be preempted from the traditional customers in the absence of a mandatory allocation program that supplies will be insufficient to fill crucial needs, particularly for rural home heating and crop drying. No alternative fuel can be used by most of these consumers.

The scant supplies of propane which will remain available to small traditional users may sell at prices which are multiples of prices experienced in the past, too high for most of the formerly protected rural residential and agricultural users to afford. The price impact on American farmers alone will exceed two hundred million dollars, if propane which sold under controls at an average of 18¢ per gallon reaches a price of 35¢ per gallon, as it is quite likely to do. Gas utilities attempting to make up for curtailments of natural gas have indicated a willingness to pay as much as an equivalent of 45¢ per gallon for other substitutes such as synthetic gas.

The natural gas shortage is predicted to be about 15% during the coming year. To make up a shortage of one percent in the natural gas market would require the diversion of 20% of domestic propane production. In the absence of mandatory allocation and price controls for propane, it is likely that enough propane will be preempted by curtailed natural gas utilities and industrial customers that traditional and formerly protected propane customers will experience absolute shortages.

SUPPLY

Propane is produced in two manners: about 70% is extracted from the mix of natural gases and liquids produced from gas wells by gas processors; about 30% is produced at refineries by cracking and distilling crude oil. Propane is the largest constituent of what is known as natural gas liquids or condensates; butane, ethane and natural gasoline are others.

Of the liquid petroleum gases, propane is the most widely used for fuel. Ethane is used for feedstock and natural gasoline is used in blending of refinery gasolines.

The supply of natural gas liquids from natural gas wells has fallen as production of natural gas has fallen, by 2.9% from 1973 to 1974, according to Bureau of Mines figures. It is certain that gas liquids production will continue to decline, more rapidly each year than the last, tracking closely the production decline of natural gas.

The supply of liquid petroleum gas from refineries has fallen even faster, declining by almost 10% from 1973 to 1974. Total production has fallen about 4%, to 2.2 million barrels per day. Reserves of natural gas liquids in gas wells as of December 31, 1974, according to the American Gas Association, were 6.35 billion barrels, down 1.6% from 1973 levels. Refinery production of propane and other liquid petroleum gases is related to crude oil throughput. Total 1974 production of propane was 200 million barrels.

Imports of propane may be turned to to make up supply deficiencies, but will come from OPEC countries and be subject to supply insecurity.

The outlook for production of natural gas liquids in general, and propane in particular, is therefore discouraging: most observers forecast a gradual but inexorable production decline through at least 1980.

DEMAND

The traditional market for propane consists of chemical industry consumption of about 18%, residential and commercial consumption of about 54%, and other uses such as agricultural and industrial uses of about 28%.

The natural gas liquids from wells are sold unprocessed or processed to major propane suppliers, often also major oil companies, such as Gulf, Skelly, and Phillips, who then resell to terminal operators and propane wholesalers such as Petrolane or Northern Propane. These companies in turn sell to consumers or smaller distribution outlets. Propane supply arrangements between dealers and consumers tend to be permanent because the dealers install and control the propane tanks connected to consumers' facilities, but the prices fluctuate and there is no public utility supply obligation in the absence of contract or a Federal allocation program.

Producer sales relationships are not permanent, however, as much propane is sold on spot markets to the highest bidders. It is at this point in the market that new purchasers will enter and divert propane from traditional sales patterns.

A large proportion of the propane produced is available (absent allocation requirements) to free market pricing and preemption by non-traditional buyers.

THE CURRENT SITUATION

The growing shortage of natural gas has prompted many utilities and consumers to look at propane as a possible substitute. Gas utilities can supplement curtailed natural gas supplies with propane-air mixtures. Electric utilities and curtailed industrial customers can continue operations with very minor adjustments to existing plant, rather than wholesale replacement. Both are able to pay high prices for propane: the utilities enjoy fuel adjustment clauses which permit automatic passthroughs of propane prices to users, and have the ability to "roll-in" the higher price per Btu of propane with the substantial quantities of natural gas still being received to achieve an average price much lower than the incremental cost of the propane by itself. Industrial customers can pass through higher fuel prices via higher product prices.

An example which can indicate the ability of these customers to absorb higher prices is the willingness of utilities to purchase synthetic and liquefied natural gas at prices approaching $5.00 per million Btus. This equates to propane prices of about 45¢ per gallon or oil at $29 per barrel. There is no reason to suppose that such users would not be willing to pay for propane prices equivalent to those paid for other natural gas substitutes.

As opposed to these new users of propane, many traditional users have little ability to absorb higher prices. They must pay costs of local distribution avoided by such large scale purchasers as utilities and industries. Residential users and agricultural users cannot as a general rule pass the fuel price increases along to anyone, but must absorb them in budgets already severely squeezed by inflation and stagnant prices for farm products. Unfortunately, these users have no alternative to propane in many cases because there is no natural gas service and new natural gas connections are no longer being made. Conversion of home heating or crop drying to other fuels or electricity would require entirely new equipment, much time, and would cost even more.

Many traditional users may therefore be unable to pay uncontrolled prices for propane, but will have no alternative fuel.

The pressure on propane supplies from demand displaced by natural gas curtailments may well mean that even at such prices there would be a shortage of propane available to traditional consumers. Natural gas supplies a far greater proportion of domestic energy needs than does propane. To make up a one percent shortage of natural gas supply would require the diversion of twenty percent of domestic propane supplies. The natural gas shortage nationwide is predicted to be approximately fifteen percent during the coming winter, and will exceed fifty percent in certain areas.

An attempt by utilities and industrial customers to substitute propane for even a small portion of their natural gas shortages will drastically reduce the supplies available to traditional propane customers. By the time the extent of propane requirements for autumn crop drying and home heating use is known, too much propane may already have been taken off the market to substitute for curtailed natural gas to allow those needs to be met.

In the absence of Federal price controls, it is thus likely that the market clearing price for propane will be the price of other substitutes for natural gas, particularly synthetic natural gas produced from petroleum liquids and imported liquefied natural gas. It is further likely that the relatively easy access to propane by curtailed natural gas users will make that the first substitute chosen. Traditional propane customers will likely be unable to use alternate fuels or to meet the competition for propane.

REIMPOSITION OF CONTROLS

The allocation of propane and price controls on propane sales expired with the Mandatory Petroleum Allocation Act on August 31. Reports of purchases of propane by utilities and industrial customers have begun to be heard, but it is too early to tell how much of the available supplies are being committed in this manner. Reports of processors raising their prices from controlled levels are also widespread, but information is not available to guage the price levels.

If deliveries of propane are made to new large-quantity purchasers which would otherwise have been delivered to traditional priority customers such as agricultural and residential users, it will present an extraordinarily difficult administrative problem to track down and order reallocated those supplies of propane to prevent emergency shortages of the fuel for those without an alternative. An immediate continuation of the allocation program could perhaps prevent further propane supplies, and could allow the sales pattern which prevailed under the allocation program. Already, however, enough propane may have been committed to other than traditional customers that some of those who were priority customers under the allocation program may go without propane this autumn and winter.

CONCLUSION

In conclusion, it appears that the potential exists for severe problems of propane supplies to certain traditional customers such as agricultural users and rural residential customers. These problems will result from the end of mandatory allocation and price controls, which allows access to propane by curtailed users of natural gas and utilities which either sell or consume natural gas. These large utility and industrial customers have the ability to pay higher prices than the small traditional users, and are likely to preempt much of the available propane in advance. The small customers have no alternative fuel available.

VITIATION OF THE ORDERS FOR THE RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the orders for the recognition of Senators WILLIAM L. SCOTT, GRIFFIN, and ROBERT C. BYRD on tomorrow be vitiated.

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

ORDER FOR RECOGNITION OF SENATOR WILLIAM L. SCOTT TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of legislative business on tomorrow, the distinguished junior Senator from Virginia (Mr. WILLIAM L. SCOTT) be recognized for not to exceed 1 hour.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 11:30 a.m. tomorrow.

After the two leaders or their designees have been recognized under the standing order, Mr. FONG 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 therein limited to 5 minutes each, at the conclusion of which the Senate will resume consideration of the unfinished business, S. 963, a bill to amend the Federal Food, Drug and Cosmetic Act to prohibit the administration of the drug diethylstilbestrol to any animal intended for use as food.

When the Senate resumes consideration of S. 963, there will be a resumption of debate on the amendment of the Senator from Colorado (Mr. GARY W. HART) to the Curtis amendment. That debate will be limited to 10 minutes, to be divided between Mr. GARY W. HART and Mr. CURTIS. A rollcall vote has been ordered on that amendment, and the rollcall vote will then occur, which will be around 12:10 or 12:15 p.m.

Immediately upon the disposition of the amendment of the Senator from Colorado (Mr. GARY W. HART), the vote will occur on the Curtis amendment, amendment No. 692; and that vote will be followed immediately by a vote on the Curtis amendment as amended, if amended.

Immediately following that vote, a vote will occur on the Bellmon amendment, No. 873. The second and third rollcall votes will be limited to 10 minutes each.

Other rollcall votes are expected to occur during the afternoon, inasmuch as the bill will be open to further amendment. A rollcall vote will occur on final passage.

On the disposition of the bill, it is not yet clear as to what measure the Senate will take up; but I would say that very likely candidates are S. 1517, a bill to authorize appropriations for the administration of foreign affairs, and S. 848, a bill to amend section 2 of the National Housing Act—not necessarily in that order and not necessarily limited to those measures.

ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. 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 adjournment until 11:30 a.m. tomorrow.

The motion was agreed to; and at 5:59 p.m. the Senate adjourned until tomorrow, Tuesday, September 9, 1975, at 11:30 a.m.

HOUSE OF REPRESENTATIVES—*Monday, September 8, 1975*

The House met at 12 o'clock noon.

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

Let us have grace, whereby we may serve God acceptably with reverence and godly fear.—Hebrews 12: 28.

O God and Father of us all, Who dost reveal Thyself in ways without number, make in our hearts a quiet place and come and dwell therein. With Thy coming may we receive wisdom, strength, and love sufficient for all our needs.

Help us to walk in the light of truth, to live the life of goodness, and to share our love of the beautiful that we may play our full part and do our high duty in this hour of our national life.

In our loyalty to Thee and with our devotion to our country may we the Representatives of our people keep our lives committed to goals great enough and good enough for free men and women.

In Thy holy name we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Heiting, one of his secretaries.

PROVIDING ADDITIONAL COMPENSATION FOR SERVICES PERFORMED BY CERTAIN EMPLOYEES IN THE HOUSE PUBLICATIONS DISTRIBUTION SERVICE

Mr. HAYS of Ohio. Mr. Speaker, I offer a resolution (H. Res. 698) and ask unanimous consent for its immediate consideration.

Mr. Speaker, I will explain the resolution.

The Clerk read the resolution, as follows:

H. RES. 698

Resolved, That, notwithstanding any other provisions of law, there is authorized to be paid out of the contingent fund of the House of Representatives such sums as may be necessary to pay compensation to each employee of the Publications Distribution Serv-