Iannetta, John M.
Ireland, John A.
Jackson, James M.
James, Robert O.
Johnson, Lester
James, Robert O.
Johnson, Lester
Johnson, Patrick H.
Jones, Howard L.
Jones, Thomas E.
Jones, William P.
Judd, Michael R.
Justet, Patrick K.
Kaufman, David L.
Kearney, Thomas E.
Kelly, Herbert C.
Kemp, Alfred D.
Kenyon, Robert J.
Kerns, Harold E., Jr.
King, James R.
Kits, Joseph C.
Knapp, Frank C.
Kohn, Walter
Korbelik, Oakley A.
Kroeger, Daniel R.
Lane, James A.
Lapoint, John T.
Larson, Glenn K.
Layne, Claude R.
Little, David E.
Lowell, Robert O.
Lunt, Robert T.
Lynch, William A.
MacKenn, John P.
Maguire, Thomas F.
Mahaffey, Joseph W.
Malich, Thomas C.
Martin, Marion L.
Matthews, Julian T.
McConnell, Jerry C.
McKenzie, Thomas H.
McLeroy, Ronald J.
McNeal, Garrell R.
McPherson, Richard G
Meeks, Johnn D.
Mergen, William L.
Minnick, Hubert W.
Moore, Johnnie C.
Moore, Herman C., Jr.
Morris, Charles C.
Morris, Erwin C., Jr.
Moss, Curtis
Mow, Warren C.
Mundy, Merlin E.
Muse, Paul R., Jr.
Mustin, James O.
Nash, Ronald E.
Nims, George E., Jr.
Noha, Joseph P.
North, Albert L.
Odell, Joseph M.
Ovsak, Gary A.
Pattson, Gary D.
Parsons, Robert M.
Peters, Frank C.
Peyton, Michael T.
Phipps, Frank P.
Piccini, Peter G.
Pierce, Donald A.
Plimmer, Emmett L.
Poch, Richard R. S.
Poston, Charles B.
Powell, Ronald D.
Rasberry, John H.
Ray, David G.
Reed, Ralph G.
Richards, Daniel R.
Ritchie, Freddie W.
Roskoph, James E.
Ruddy, Charles L.
Rule, George G.
Runyan, Charles E.
Rutland, Roger W.
Safford, Russell M.
Sage, William R.
Saye, William A.
Schieber, William M.
Schmidt, William A.
Schulmeister, Arnold
Schultz, Edward J.
Schwartz, Gerald M.
Sheridan, Dennis D.
Shierling, Johnnie W.
Siar, Richard K.
Singleton, James L.
Slack, Robert H.
Scott, Gordon F.
Scott, Michael F.
Shriver, John M.
Shull, Kenneth G.
Sitton, William E.
Smith, Donald M.
Smith, Glenn L.
Snyder, Jerry M.
Sorensen, Ralph M.
Starnes, John H.
Steele, Terry S.
Steib, John F., Jr.
Stephens, Hugh L.
Stewart, William J.
Stolarz, Robert M.
Stuntz, Richard L.
Sulman, Bernard I.
Tanner, Marshall E.
Terrebrood, Gerald F.
Tindell, Joseph T.
Todd, Jerry L.
Treubel, Joseph T.
Vicek, Ralph M.
Wall, John
Wallace, Robert E.
Waller, Donald R.
Walthall, James E.
Weaver, Jimmie D.
Weavil, Richard L.
Werbiskkis, James J.
Whitehead, Charles E.
Wilhelm, Wallace W.
Wilson, James H.
Wise, Carlton J.
Woodbury, John S.
Zell, Ronald J.

SUPPLY CORPS

Bondurant, James P.
Brown, Robert A.
Pratt, Walter J.
Woodson, Bobby D.

CIVIL ENGINEER CORPS

Curtin, Timothy P.

MEDICAL SERVICE CORPS

Adams, Dennis L.
Anderson, Jerry T.
Ayers, James L.
Bennett, Alan H.
Bovasso, Peter.
Brodsky, Stephen M.
Brooks, David D.
Brown, William E.
Brunelle, David M.
Bubb, Ronald E.
Cesar, Niles C.
Crowell, John F.
Cruit, Carlton D.
Davis, Joe E.
Diamond, David
Dulaney, Jerry D.
Ebert, Thomas A.
Edgmon, Bobby R.
Eimers, Orin K.
Epps, Kenneth L.
Erichsen, Michael E.
Fox, Francis R.
Franklin, Kenneth W.
Fuchs, Kurt W.
Fudge, Gerald D.
Garnto, Sterling E.
Garrett, James M.
Glans, Dale C., Jr.
Goodloe, Murriel E.
Griswold, Lynn C.
Hall, James R.
Haslam, Garth S.
Hoffman, Stanley W.
Holm, Dale L.
Johnson, Ronald A.
Kulcsar, Theron A.
Lee, Eddie A.
Libby, Earle S.
McCoy, Wendel T.
McGinn, Charles F.
McIndoe, Bruce H.
Miller, Stanley C.
Otlowski, Richard.
Pariseau, Royle J.
Poppell, Gorrdon H.
Powell, Cecil D.
Rasnick, Lannes B.
Schnable, Robert M.
Shannon, Patrick A.
Soliday, James E.
Thayer, Jon E.
Vaughn, Charles D.
Wilder, Thomas W.
Wright, James A.

IN THE MARINE CORPS

The following-named (Naval Reserve Officer Training Corps) graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Adams, Paul D.
Dawson, Ralph D.
Donnelly, Leo M.
Flanagan, John S., II.
Fuller, Thomas M.
Joutros, Joseph E.
Loftis, Tracy K.
McCaffrey, James F.
Redman, James M.
Sisson, Glen E.
Suddarth, Margaret J.
Wood, David W.

HOUSE OF REPRESENTATIVES—*Wednesday, June 2, 1976*

The House met at 12 o'clock noon.

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

Let the words of my mouth and the meditations of my heart be acceptable in Thy sight, O Lord, my Strength and my Redeemer.—Psalms 19: 14.

Almighty God, our Heavenly Father, as we begin the life of another day we come to Thee praying for guidance, strength and wisdom that we may be true to our faith, faithful in our tasks, and loyal to the royal within ourselves.

We know not what this day may bring forth, what burdens we may have to carry, what tests we may have to meet, or what temptations we may have to resist. Give us wisdom, courage, and strength to do what is right and good for us, for others, and for all.

Breathe Thy spirit into our hearts that we may seek to understand one another, to forgive one another, and to love one another. Thus may we learn the fine art of speaking good, the finer art of doing good, and the finest art of all, being good.

Bless the King of Spain who visits us today and graciously lead his people to a greater life together. May his country and ours learn to be one in mind and spirit as we seek a better world for all.

In the spirit of the Master 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.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

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

[Roll No. 321]

Abzug
Andrews, N.C.
Badillo
Bell
Boggs
Boland
Brademas
Breaux
Carney
Chappell
Clausen, Don H.
Clawson, Del
Collins, Tex.
Conlan
Conyers
Derwinski
Diggs
Dingell
Dodd
Downing, Va.
Drinan
Edwards, Calif.
Esch
Eshleman
Ford, Mich.
Fraser
Giaimo
Hansen
Harsha
Hays, Ohio
Hébert
Heckler, Mass.
Hicks
Hinshaw
Jarman
Jones, Tenn.
Karth
Kastenmeier
Kemp
Krebs
Krueger
LaFalce
Leggett
Lujan
McKinney
Matsunaga
Metcalfe
Meyner
Mikva
Mills
Moorhead, Pa.
Mosher
Murphy, N.Y.
Neal
Passman
Poage
Rangel
Rees
Rhodes
Risenhoover
Rose
Shuster
St Germain
Stanton, James V.
Stephens
Stokes
Stuckey
Teague
Thompson
Udall
Waxman
Young, Ga.

The SPEAKER. On this rollcall 359 Members have recorded their presence by electronic device, a quorum.

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

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

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

There was no objection.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT TODAY DURING 5-MINUTE RULE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be permitted to meet under the 5-minute rule today.

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

There was no objection.

RECESS

The SPEAKER. Pursuant to the order of the House of Wednesday, May 19, 1976, the House will stand in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 20 minutes p.m.), the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY KING JUAN CARLOS I OF SPAIN

The SPEAKER of the House presided.

The Doorkeeper (Hon. James T. Molloy) announced the Acting President pro tempore (Mr. MAGNUSON) and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Acting President pro tempore taking the chair at the left of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to conduct the King of Spain into the Chamber the gentleman from Massachusetts (Mr. O'NEILL), the gentleman from California (Mr. MCFALL), the gentleman from California (Mr. PHILLIP BURTON), the gentleman from Pennsylvania (Mr. MORGAN), the gentleman from Illinois (Mr. MICHEL), the gentleman from Illinois (Mr. ANDERSON), and the gentleman from Michigan (Mr. BROOMFIELD).

The ACTING PRESIDENT pro tempore. Pursuant to the order of the Senate, the Chair appoints as members of the committee on the part of the Senate to accompany His Majesty, Juan Carlos I, King of Spain, into the House Chamber the Senator from Montana (Mr. MANSFIELD), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Alabama (Mr. SPARKMAN), the Senator from Missouri (Mr. SYMINGTON), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Maine (Mr. HATHAWAY), the Senator from North Dakota (Mr. YOUNG), the Senator from Pennsylvania (Mr. HUGH SCOTT), the Senator from Michigan (Mr. GRIFFIN), the Senator from Vermont (Mr. STAFFORD), the Senator from New Jersey (Mr. CASE), and the Senator from New Mexico (Mr. DOMENICI).

The Doorkeeper announced the ambassadors, ministers, and chargés d'affaires of foreign governments.

The ambassadors, ministers, and chargés d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 12 o'clock and 35 minutes p.m., the Doorkeeper announced His Majesty, Juan Carlos I, King of Spain.

Juan Carlos I, King of Spain, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor to present to you the sovereign leader of a great and friendly nation, His Majesty, Juan Carlos I, the King of Spain.

[Applause, the Members rising.]

HIS MAJESTY. Mr. Speaker, Mr. Acting President, Members of Congress, I am deeply honored to have been invited to speak to the Congress of the United States of America and, through you, to the people whom you represent.

Let me begin by talking about the past of our two countries and then proceed to examine the present and the future.

Two hundred years ago a system of public life was brought forth upon this land which you have preserved with faith so that it has come down intact to this very day. Its philosophy, inspired in the respect for the liberty of man and the sovereignty of the people, gave life and form to your Nation, whose foundation you and we, and all the other nations who are your friends, celebrate this year. On the occasion of your Bicentennial I extend to you, in the name of the people of Spain, our profound wishes for the happiness of the people of the United States and for a long and prosperous life for your Nation.

Spain cannot be indifferent to events on the American Continent. Spain discovered it and brought to it, from 1492 on and throughout the centuries, her own sons and daughters, the Christian faith, the Spanish language, European forms of life and thought, and a radical concept of the essential equality of mankind which inspires the laws of the Indies that my predecessors decreed.

This Spanish conception of the dignity of the human person, set forth by our theologians and lawgivers in respect to the American Indian, changed forever the concept of the law of nations and laid the foundation for modern international law.

A Queen of Castilla, Isabela, from whom I directly descend, with her profound feminine instincts named an unknown but expert navigator, Cristóbal Colón, as Admiral of the Spanish Fleet so that he could turn his dreams into reality. The ships of Spain found America which was waiting for them, waiting to enter fully into history and to become in a few centuries an extraordinary protagonist of human destiny.

As the first King of Spain to visit the United States, I would like to pay tribute to the Spanish pioneers of the 16th century, who in less than 50 years explored in their fragile, primitive ships all the Atlantic coast of North America from the Rio Grande to Cape Breton. They also explored a great part of the Pacific Coast, from California to southern Oregon, and, afterward, crossed the ocean to Hawaii.

Along with these navigators, I must single out as well other pioneers who, in even briefer time, walked the lands of 16 of what are now States of your Union, going inland as far as Nebraska, Kansas, and Missouri. They became the first men from the Old World to gaze in awe at the Grand Canyon of the Colorado and the first to reach the banks of the Mississippi.

These men did not enrich themselves, nor did they, in fact, enrich the Crown of Spain. Many lost their lives in the enterprise, exhausted by illness which was compounded by the rigors of nature; illusions at times fantastic, that animated them also served to destroy them. But their enterprise signified something more than a dream or an adventure, because their efforts served the good of mankind. They contributed to breaking the confines of the continents, in which men lived separated by impenetrable geography. They served man's destiny in breaking down these barriers of nature. This same force, in our century, has brought others, gifted with modern technology, to launch themselves into the exploration of space.

Today we render homage to the birth of the United States of America, to the independence you proclaimed in the Congress of Philadelphia 200 years ago. This homage cannot be limited to a few ceremonial phrases, for it has profound historic roots which rest on the common experiences in which our two nations have participated.

Word of the Congress of Philadelphia found immediate resonance in Spain. I shall make my own the words of one Spanish newspaper El Mercurio Universal which commenting on that historic occasion in January 1776 said:

> The striking description of their complaints and grievances, the spirit of concord and maturity reigning in their Congress, the forceful determination with which they unanimously manifest their resolution in the face of all danger . . . all this makes respectable their resistance and their just claims.

In 1776 the Spanish monarchy extended over immense territories of the American continent, yet still maintained the rhythm of expansion. In the same year of the Declaration of Independence Spaniards founded the city of San Francisco. Even as the societies of Spanish America were undergoing important transformations, the Spanish Government reorganized its defensive and diplomatic establishment, it recognized the state of belligerency of your Thirteen Colonies and proceeded to exchange with them special diplomatic missions.

In the first years of the Revolution before Spain entered the war, Spain gave effective aid and logistical support to the Colonies. Spain sent help in the form of military equipment, clothing, medicines, and money and let American ships use Spanish Caribbean ports. Besides this direct aid, the indirect assistance represented by the growing military preparations of Spain came to assume great importance.

In September of 1777, after the surrender of Saratoga, Spain wished to avoid direct confrontation with Great Britain and sought to act as mediator, in an effort to assure the independence of the United States. When this failed, Spain at last entered the war. In that war she would try, among other things, to recover Gibraltar.

The conquest of the Port of Mobile and, above all, the taking of Pensácola by Bernardo de Gálvez, in May of 1781, marked the triumph of the North Americans in Florida and in the Gulf of Mexico. And the victory at Pensacola foreshadowed the decisive victory at Yorktown in October of that year. The Span-

ish at Havana also played a part in the success at Yorktown, sending economic resources to help sustain the campaign.

Soon peace consecrated the fruits of an allied victory. As a result, the United States and Spain became neighbors. And we signed a treaty on October 27, 1795. Article 1 read:

> There shall be solid and unbreakable peace and sincere friendship between his Catholic Majesty, his successors and subjects and the United States and its citizens, without exception as to persons or places.

What united our two nations, once your independence was assured, were not only the help in war and the peaceful relations between us. My country feels itself linked to the formation of the great American Nation by the elements of Spainish culture that have been conserved and integrated, sometimes with strain and difficulty, into many States of the Union.

The map of the United States is full of hundreds of Spanish names, beginning with the city of Saint Augustine, founded in 1555, the city you consider the oldest in the Union. All these names recall for us a history that extends far back in time, one different from now. But nonetheless it was a significant expression of the early linkage the historical roots of our two nations, whose destinies converge again in our days and look toward the future of a world that must be forged by all free nations.

We, Spaniards, also understand that the integration of disparate elements into a national unity gave rise to problems that are not easy to solve. Spain was formed, over many centuries out of elements of the Iberian, Celtic, Roman, and Germanic cultures. And in the Middle Ages Spain was a conflictive crucible of men and cultures, Moslem, Jewish, and Christian, whose synthesis, however, has left an everlasting impress on our nation. But what has always mattered is the central thread of national unity.

For the people of the United States, the generous spirit of liberty that has inspired your laws and your most eminent statesmen as well as the exemplary fidelity to your ideals that has always distinguished your nation, hold the key to a future of growing concord and noble accomplishment.

Mr. Speaker, Mr. Acting President, Members of Congress, the King of Spain today is a chief of state of a modern nation of 36 million people. This people respect its tradition, and look toward the future with optimism and faith. Spain today is a nation of young people. Two-thirds of us are under 40 years of age. We are an old race, but, at the same time, a new people, dynamic, energetic, austere, and hard-working. Through an immense effort at development over the last decades, the national economy underwent a profound transformation. We have become an industrial power, the tenth in the world. A cultural explosion filled our schools and universities and generally brought the technical competence of our workers and professionals up to that of the rest of Western Europe.

The evolution of our society has not spared us from tensions, difficulties, setbacks, and even violence. We suffer from the same crisis that affects the rest of the world. That is to say, unemployment, inflation, shrinking demand and high production costs figure among the highest concerns of the government. But there is no obstacle that can prevent our community from pushing ahead, working toward the creation of a society more and more prosperous, just, and authentically free.

The Spanish Monarchy has committed itself from the first day to be an open institution, one in which every citizen has full scope for political participation without discrimination of any kind and without undue sectarian or extremist pressures. The Crown protects the whole people and each and every one of its citizens, guaranteeing through the laws and by the exercise of civil liberties the rule of justice.

The monarchy will insure, under the principles of democracy, that social peace and political stability are maintained in Spain. At the same time the monarchy will insure the orderly access to power of distinct political alternatives, in accordance with the freely expressed will of the people.

The monarchy symbolizes and maintains the unity of our Nation, the free result of the will of uncounted Spanish generations, and at the same time the fruit of a rich variety of peoples and regions, in which we take pride.

We will see to it that the monarchy reinforces the sense of family and of the value of work in our daily lives, promotes the assimilation of our history by our younger generations, and gives a new purpose and a new leadership to the society of our times.

The monarchy, linked from the beginning to national independence, will watch over its preservation. Spain does not admit foreign intervention or pressure. The cooperation with the other countries of the world, which Spain so vividly desires, will take place amid profound respect for sovereignty and national dignity.

Mr. Speaker, Mr. Acting President, Members of Congress, Spain assumes decisively her role in the international structure. Situated in a strategic place of the first magnitude, between the Atlantic and the Mediterranean, we are disposed to place every effort toward the maintenance of peace, of security and of liberty in this important region, vital to us. The people of Spain, I should add, aspire to the decolonization of Gibraltar and to its peaceful reincorporation into the national territory.

Spain is a part of Europe, and as such, we signed the Declaration of Helsinki on Security and Cooperation in Europe. The principles of this declaration inspire our policy relative to the European continent and our efforts to maintain peaceful and fruitful relations with all states. At the same time, Spain wishes to reinforce its relations with the European communities, looking toward eventual integration in them.

Spain is closely linked, because of its situation and history, to the people of North Africa. For her part, Spain has taken the necessary measures so that the decolonization of Western Sahara could take place in peace and harmony. From now on, Spain will make every effort to increase its cooperation with the states of North Africa on behalf of peace and development in the region.

Insofar as the Americas are concerned, the intimate and indestructible ties are well known that link Spain with the nations of the hemisphere of her same family and language, in which they still term her the "Madre Patria." I wish to pay homage before you to the independent nations of Spanish America, those nations whom you call the sister republics of the Americas, and whom I, as a Spaniard, also call sister nations. Spain will always make a generous effort in whatever it can do to contribute to the well-being and progress of these peoples of our same family.

The tradition of cooperation between Spain and the United States has been maintained in defensive arrangements, in being since 1953, on behalf of the protection of the values of our Western civilization. The "Founding Fathers" in Philadelphia, in their imperishable Declaration of Independence and in the Constitution established a democratic system to preserve human liberty and founded a government on the consensus of the governed. But your Founding Fathers also did not forget to point out that it is necessary for a democratic government to be strong and secure, otherwise it could not serve the general interest. You, and we, know quite well what dangers today menace liberty, and for that reason we are prepared to defend it. The sharing with the United States, through ties of strict sovereign reciprocity, of security responsibilities, will always command our preferent attention.

The spirit of enterprise, decision and adventure of the American pioneers, the deep religious faith of the first settlers, and that youthful impulse toward liberty and equality, which set the democratic foundation of a community based on free and rational discussions of its own affairs, were capable of integrating men of the most varied origins into a great nation. They have forged your Nation along the lines of a genuine ideal of liberty. This spirit and these ideals are clearly recognized by us and have a vigorous attraction in my country, where they find a profound and permanent echo.

Freedom is essential for man and for his individual fulfillment. It is an unequaled stimulus for his economic and social progress and for nis cultural development. Liberty, above all, is a spiritual good to be cherished and defended. All liberty like all power, comes from God. In affirming today, with humility and simplicity, as your own forefathers did, faith in God, I ask his blessing for your leaders, for your people, and for the noble Nation of the United States of America.

[Applause, the Members rising.]

At 1 o'clock and 3 minutes p.m., the King of Spain, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper (Hon. James T. Molloy) escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Ambassadors, Ministers, and Chargé d'Affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

The Members of the Senate retired to their Chamber.

The SPEAKER. The House will continue in recess until 1 o'clock and 45 minutes p.m. today.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. McFALL) at 1 o'clock and 45 minutes p.m.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Roddy, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On May 27, 1976:

H.R. 8957. An act to raise the limitation on appropriations for the United States Commission on Civil Rights; and

H.R. 12216. An act to amend the Domestic Volunteer Service Act of 1973 to further extend the operation of certain programs by the ACTION Agency.

On May 28, 1976:

H.R. 7656. An act to enable cattle producers to establish, finance, and carry out a coordinated program of research, producer and consumer information, and promotion to improve, maintain, and develop markets for cattle, beef, and beef products.

On May 29, 1976:

H.R. 2279. An act for the relief of Mrs. Louise G. Whalen;

H.R. 8089. An act to amend section 404(d) of title 37, United States Code, relating to per diem expenses of members of the uniformed services traveling on official business;

H.R. 11619. An act to authorize further appropriations for the Council on Environmental Quality; and

H.R. 12527. An act to amend the Federal Trade Commission Act to increase the authorization of appropriations for fiscal year 1976, and for other purposes.

On May 31, 1976:

H.R. 5272. An act to amend the Noise Control Act of 1972 to authorize additional appropriations; and

H.R. 9721. An act to provide for increased participation by the United States in the Inter-American Development Bank, to provide for the entry of nonregional members and the Bahamas and Guyana in the Inter-American Development Bank, to provide for the participation of the United States in the African Development Fund, and for other purposes.

On June 1, 1976:

H.R. 13172. An act making supplemental appropriations for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

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

There was no objection.

ANNOUNCEMENT OF SPECIAL ORDER IN TRIBUTE TO THE LATE HONORABLE TORBERT H. MACDONALD

(Mr. BOLAND asked and was given permission to address the House for 1 minute.)

Mr. BOLAND. Mr. Speaker, I take this time to announce to the House that I have reserved a special order at the close of regular business on Wednesday, June 9, 1976, in tribute to our late distinguished colleague from Massachusetts the Honorable Torbert H. Macdonald.

CALL OF THE HOUSE

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

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. SLACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

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

[Roll No. 322]

Anderson, Ill.	Giaimo	Murphy, N.Y.
Archer	Hansen	Neal
Ashley	Harsha	Nichols
Bell	Hays, Ohio	O'Neill
Bergland	Hébert	Patterson, Calif.
Boggs	Heckler, Mass.	Poage
Brademas	Hefner	Rees
Breaux	Helstoski	Rhodes
Burke, Calif.	Hicks	Rooney
Burke, Mass.	Hinshaw	Schneebeli
Burton, Phillip	Horton	Stanton, James V.
Carney	Howard	Stephens
Cederberg	Jarman	Stokes
Chisholm	Jones, Ala.	Stuckey
Clawson, Del	Jones, N.C.	Thompson
Cochran	Jones, Okla.	Thornton
Conlan	Karth	Udall
Conyers	Kemp	Waxman
Corman	Leggett	Wiggins
Diggs	Lujan	Wilson, C. H.
Dingell	Lundine	Wilson, Tex.
Dodd	McCormack	
Downing, Va.	McKinney	
Esch	Matsunaga	
Ford, Mich.	Meyner	

The SPEAKER pro tempore (Mr. McFALL). On this rollcall 360 Members have recorded their presence by electronic device, a quorum.

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

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO HAVE UNTIL MIDNIGHT, FRIDAY, JUNE 4, 1976, TO FILE A REPORT, ALONG WITH SEPARATE OR MINORITY VIEWS, ON H.R. 14114

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight, Friday, June 4, 1976, to file a report, along with any separate or minority views, on H.R. 14114, a bill to increase the temporary debt limit, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO HAVE UNTIL MIDNIGHT SATURDAY, JUNE 5, 1976, TO FILE REPORT ON H.R. 14070

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may have until midnight Saturday, June 5, 1976, to file the committee report on H.R. 14070, as amended, to extend and amend part B of title IV of the Higher Education Act of 1965, and for other purposes.

The SPEAKER pro tempore (Mr. McFALL). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORT CONTROL ACT OF 1976

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 13680) to amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and for other purposes.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 13680, with Mr. EVANS of Colorado in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Wednesday, May 19, 1976, the bill had been read through line 4, page 1.

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

Mr. Chairman, as you will recall we had debated at some length, the general provisions of H.R. 13680 on May 19, before the House was adjourned and consideration of this bill was delayed until today.

I will just summarize briefly that this bill is a compromise with the President in response to his veto of S. 2662. In it, we have retained what the committee considers to be the essential reforms contained in S. 2662, while making some adjustments to what we considered to be the most valid of the President's objections.

This bill which we resume consideration of today, is a good bill, a reasonable compromise, and guarantor of peace in many regions of the world.

I hope that the House can speedily

complete action on this bill so that we can finally put this bill into the statute books, where it should have been some time ago.

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

Mr. Chairman, since there has been an unfortunate delay in consideration of this measure, let me refresh the Members' recollection at this point.

When the original bill was vetoed by the President, he made it clear that it was because of the imposition of restraints, by Congress, on his responsibilities to conduct foreign policy. The bill before us meets some, but not all, of the President's objections.

Let me now emphasize what is not in controversy. The basic funding in the bill is not a major controversy except for the annual ceiling of $9 billion on defense articles and services which may be sold by the U.S. Government or commercial entities. Fiscal year 1977 authorizations are basically acceptable to all concerned. We all support the relief and rehabilitation assistance to the victims of war in Cyprus and Lebanon and of natural disasters in Italy.

The prohibition of certain military transfers to Turkey remains. Thus, no grant military assistance may be provided Turkey unless and until the President determines that Turkey is in compliance with the Foreign Assistance Act, the Foreign Military Sales Act, and any agreements entered into under such acts, and that substantial progress toward agreement has been made regarding military forces in Cyprus.

The committee increased the authority for aid to Cyprus refugees because of the continuing problem on that island. In a separate section, the committee increased authority for Greece and this is not at issue.

The assistance and sales to Israel is not at issue. Many factors have combined to help create serious economic problems for Israel which emphasizes the need for outside assistance. Prior to the 1973 Middle East war, Israel was able to provide almost all of its defense needs from its own resources. However, losses suffered during that war coupled with worldwide inflation, increases in petroleum prices, continued need for partial mobilization and defense preparedness, and the increased dependence upon imported oil as a result of the recently concluded Sinai agreement are the major reasons for Israel's need of outside assistance.

Forgiveness of the contractual liability to repay half the earmarked sales will help Israel maintain an effective military force capable of protecting its territorial integrity.

To meet its economic problems and to insure an adequate defense establishment, Israel designates 40 percent of its budget for defense and 20 percent for debt servicing. Israel is making substantial sacrifices and has had an austerity budget for some time. This program calls for reduced imports and increased taxes. Any increase in taxation will be particularly difficult since the Israeli people are already among the most heavily taxed in the world.

We all recognize that peace and stability in the Middle East are in the best interest of the United States and of the Free World.

An economically and militarily strong Israel is necessary to meet that requirement and to provide an environment in which progress toward a negotiated settlement of the Arab-Israeli conflict will become possible.

Israel is determined and able to carry the main burden of its own defense, and is using its human and financial resources effectively and efficiently. However, it is facing states with increasing quantities of spohisticated arms financed by large oil revenues flowing to the Arab world. Our continued commitment to Israel's security and survival gives reason for our assisting Israel as best we can to preserve its defense position and meet its defense requirements.

The arbitrary termination of the grant military assistance program is most unwise in my judgment. The major issue is the Fraser amendment, section 413, which is an ill-advised amendment affecting the Republic of Korea.

The CHAIRMAN. The Clerk will now read title I.

The Clerk read as follows:

TITLE I—MILITARY ASSISTANCE PROGRAM

AUTHORIZATION

SEC. 101. Section 504(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a)(1) There is authorized to be appropriated to the President to carry out the purposes of this chapter $196,700,000 for the fiscal year 1976 and $209,000,000 for the fiscal year 1977. Not more than the following amounts of funds available for carrying out this chapter (other than funds appropriated under section 507 of the International Security Assistance and Arms Export Control Act of 1976) may be allocated and made available to each of the following countries for such fiscal years:

Country	Fiscal year— 1976 amount	1977 amount
Greece	$31,000,000	$33,000,000
Indonesia	13,000,000	19,400,000
Jordan	50,000,000	70,000,000
Republic of Korea	55,000,000	8,300,000
Philippines	17,000,000	19,600,000
Thailand	16,000,000	20,000,000
Turkey	31,000,000	50,000,000
Ethiopia	6,000,000	11,700,000

The amount specified in this paragraph for military assistance to any such country for fiscal year 1976 or for fiscal year 1977 may be increased by not more than 10 per centum of such amount if the President deems such increase necessary for the purposes of this chapter.

"(2) Not to exceed $6,000,000 of the funds available for fiscal year 1976 to carry out the purposes of this chapter, and not to exceed $3,700,000 of the funds available for fiscal year 1977 to carry out the purposes of this chapter (other than funds appropriated under section 507 of the International Security Assistance and Arms Control Act of 1976), may be used to provide assistance to international organizations and, subject to the limitations contained in paragraph (3), to countries which are not designated in paragraph (1).

"(3) Funds made available for assistance under this chapter may not be used to furnish assistance to more than 20 countries (including those countries designated in paragraph (1)) in fiscal year 1976. Funds available for assistance under this chapter (other than funds appropriated under section 507 of the International Security Assistance and Arms Export Control Act of 1976) may not be used to furnish assistance to more than 12 countries (including those countries designated in paragraph (1)) in fiscal year 1977.

"(4) The authority of section 610(a) and of section 614(a) may not be used to increase any amount specified in paragraph (1) or (2). The limitations contained in paragraphs (1), (2), and (3) shall not apply to emergency assistance furnished under section 506(a).

"(5) There is authorized to be appropriated to the President, for administrative and other related expenses incurred in carrying out the purposes of this chapter, $32,000,000 for the fiscal year 1976 and not to exceed $70,000,000 for the fiscal year 1977.

"(6) None of the funds appropriated under this subsection shall be used to furnish sophisticated weapons systems, such as missile systems or jet aircraft for military purposes, to any less developed country not specified in paragraph (1) unless the President determines that the furnishing of such weapons systems is important to the national security of the United States and reports within thirty days each such determination to the Congress.

"(7) Amounts appropriated under this subsection are authorized to remain available until expended.

"(8) Assistance for Turkey under this chapter shall be subject to the requirements of section 620(x) of this Act".

SPECIAL AUTHORITY

SEC. 102. Section 506(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a)(1) If the President first determines and reports to Congress in accordance with section 652 of this Act—

"(A) that an unforeseen emergency exists which requires immediate military assistance to a foreign country or international organization;

"(B) that a failure to respond immediately to that emergency will result in serious harm to vital United States security interests; and

"(C) that the emergency requirement cannot be met under authority of the Arms Export Control Act or any other law except this section;

he may order defense articles from the stocks of the Department of Defense and defense services for the purposes of this part, subject to reimbursement from subsequent appropriations made specifically therefor under subsection (b).

"(2) The total value of defense articles and defense services ordered under this subsection in any fiscal year may not exceed $67,500,000. The authority contained in this subsection shall be effective in any fiscal year only to the extent provided in an appropriation Act.

"(3) The President shall keep the Congress fully and currently informed of all defense articles and defense services ordered under this subsection.".

STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 103. Section 514 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 514. STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES.—(a) No defense article in the inventory of the Department of Defense which is set aside, reserved, or in any way earmarked or intended for future use by any foreign country may be made available to or for use by any foreign country unless such transfer is authorized under this Act or the Arms Export Control Act, or any subsequent corresponding legislation,

and the value of such transfer is charged against funds authorized under such legislation or against the limitations specified in such legislation, as appropriate, for the fiscal period in which such defense article is transferred. For purposes of this subsection, 'value' means the acquisition cost plus crating, packing, handling, and transportation costs incurred in carrying out this section.

"(b)(1) The value of defense articles to be set aside, earmarked, reserved, or intended for use as war reserve stocks for allied or other foreign countries (other than for purposes of the North Atlantic Treaty Organization) in stockpiles located in foreign countries may not exceed in any fiscal year an amount greater than is specified in security assistance authorizing legislation for that fiscal year.

"(2) The value of such additions to stockpiles in foreign countries shall not exceed $75,000,000 for the fiscal year 1976, $18,750,000 for the period beginning July 1, 1976, and ending September 30, 1976, and $125,000,000 for the fiscal year 1977.

"(c) Except for stockpiles in existence on the date of enactment of the International Security Assistance and Arms Export Control Act of 1976 and for stockpiles located in countries which are members of the North Atlantic Treaty Organization, no stockpile may be located outside the boundaries of a United States military base or a military base used primarily by the United States.

"(d) No defense article transferred from any stockpile which is made available to or for use by any foreign country may be considered an excess defense article for the purpose of determining the value thereof.

"(e) The President shall promptly report to the Congress each new stockpile, or addition to an existing stockpile, described in this section of defense articles valued in excess of $10,000,000 in any fiscal year.".

TERMINATION OF MILITARY ASSISTANCE ADVISORY GROUPS AND MISSILES

SEC. 104. Section 515 of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "Effective July 1, 1976," and inserting in lieu thereof "(a) During the period beginning July 1, 1976, and ending September 30, 1977,"; and

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

"(b)(1) After September 30, 1977, no military assistance advisory group, military mission, or other organization of United States military personnel performing similar military advisory functions under this Act may operate in any foreign country unless specifically authorized by the Congress.

"(2) The President may assign not more than three members of the Armed Forces of the United States to the Chief of each United States Diplomatic Mission to perform such functions as such Chief of Mission determines necessary with respect to international military education and training provided under chapter 5 of this part, to sales of defense articles and services under the Arms Export Control Act, or to such other international security assistance programs as the President may designate. After September 30, 1977, no such functions or related activities may be performed by any defense attachés assigned, detailed, or attached to the United States Diplomatic Mission in any foreign country.

"(c) After September 30, 1976, the number of military missions, groups, and similar organizations may not exceed 34.

"(d) As used in this section, the term 'military assistance advisory group, military mission, or other organization of United States military personnel performing similar military advisory functions under this Act' does not include regular units of Armed Forces of the United States engaged in routine functions designed to bring about the standardization of military operations and procedures between the Armed Forces of the United States and allies of the United States.".

TERMINATION OF AUTHORITY TO FURNISH GRANT MILITARY ASSISTANCE

SEC. 105. Chapter 2 of part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 516. TERMINATION OF AUTHORITY.—(a) Except to the extent that the Congress may, subsequent to the enactment of this section, authorize the furnishing of military assistance in accordance with this chapter to specified countries in specified amounts, the authorities contained in this chapter (other than the authorities contained in sections 506, 514, and 515(b)(2)) may not be exercised after September 30, 1977, except that such authorities shall remain available until September 30, 1980, to the extent necessary to carry out obligations incurred under this chapter on or before September 30, 1977.

"(b) Funds available to carry out this chapter shall be available notwithstanding the limitations contained in paragraphs (2) and (3) of section 504(a) of this Act—

"(1) for the winding up of military assistance programs under this chapter, including payment of the costs of packing, crating, handling, and transporting defense articles furnished under this chapter and of related administrative costs; and

"(2) for costs incurred under section 503(c) with respect to defense articles on loan to countries no longer eligible under section 504(a) for military assistance.".

INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 106. (a) Part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new chapter:

"CHAPTER 5—INTERNATIONAL MILITARY EDUCATION AND TRAINING

"SEC. 541. GENERAL AUTHORITY.—The President is authorized to furnish, on such terms and conditions consistent with this Act as the President may determine (but whenever feasible on a reimbursable basis), military education and training to military and related civilian personnel of foreign countries. Such training and education may be provided through—

"(1) attendance at military educational and training facilities in the United States (other than Service academies) and abroad; and

"(2) attendance in special courses of instruction at schools and institutions of learning or research in the United States and abroad; and

"(3) observation and orientation visits to military facilities and related activities in the United States and abroad.

"SEC. 542. AUTHORIZATION.—There are authorized to be appropriated to the President to carry out the purposes of this chapter $27,000,000 for the fiscal year 1976 and $30,200,000 for the fiscal year 1977. After June 30, 1976, no training under this section may be conducted outside the United States unless the President has reported and justified such training to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate.

"SEC. 543. PURPOSES.—Education and training activities conducted under this chapter shall be designed—

"(1) to encourage effective and mutually beneficial relations and increased understanding between the United States and foreign countries in furtherance of the goals of international peace and security; and

"(2) to improve the ability of participating foreign countries to utilize their resources, including defense articles and defense services obtained by them from the United States, with maximum effectiveness, thereby contributing to greater self-reliance by such countries.".

(b) The Foreign Assistance Act of 1961 is amended as follows:

(1) Section 510 is repealed.

(2) Section 622 is amended—

(A) in subsection (b) by inserting "and military education and training" immediately after "(including civic action)"; and

(B) by amending subsection (c) to read as follows:

"(c) Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of economic assistance, military assistance, and military education and training programs, including but not limited to determining whether there shall be a military assistance (including civic action) or a military education and training program for a country and the value thereof, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.".

(3) Section 623 is amended—

(A) in subsection (a)(4) by inserting "and related civilian" immediately after "military"; and

(B) in subsection (a)(6) by inserting ", education and training" immediately after "assistance".

(4) Section 632 is amended—

(A) in subsections (a) and (e) by inserting ", military education and training" immediately after "articles" wherever it appears; and

(B) in subsection (b) by striking out "and defense articles" and inserting in lieu thereof ", defense articles, or military education and training".

(5) Section 636 is amended—

(A) in subsection (g)(1) by inserting ", military education and training" immediately after "articles"; and

(B) in subsection (g)(2) and in subsection (g)(3) by striking out "personnel" and inserting in lieu thereof "and related civilian personnel".

(6) Section 644 is amended—

(A) by amending subsection (f) to read as follows:

"(f) 'Defense service' includes any service, test, inspection, repair, publication, or technical or other assistance or defense information used for the purposes of furnishing military assistance, but does not include military educational and training activities under chapter 5 of part II."; and

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

"(n) 'Military education and training' includes formal or informal instruction of foreign students in the United States or overseas by officers or employees of the United States, contract technicians, contractors (including instruction at civilian institutions), or by correspondence courses, technical, educational, or information publications and media of all kinds, training aids, orientation, and military advice to foreign military units and forces.".

(c) Except as may be expressly provided to the contrary in this Act, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken or entered into under authority of any provision of law amended or repealed by this section shall continue in full force and effect until modified, revoked or superseded by appropriate authority.

(d) Funds made available pursuant to other provisions of law for foreign military educational and training activities shall remain available for obligation and expenditure for their original purposes in accordance with the provisions of law originally applicable to those purposes or in accordance with the provisions of law currently applicable to those purposes.

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

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

There was no objection.

TECHNICAL AMENDMENTS OFFERED BY MR. MORGAN

Mr. MORGAN. Mr. Chairman, I offer technical amendments to title I.

The Clerk read as follows:

Amendments offered by Mr. MORGAN: Page 3, line 3, strike out "made"; in line 20, strike out "00,000" and insert in lieu thereof "000,000"; and also in line 20, strike out "not to exceed".

Page 4, line 9, insert a period immediately before the closing quotation mark.

Mr. MORGAN. Mr. Chairman, these amendments are simply to correct printing errors and some other minor mistakes.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Pennsylvania (Mr. MORGAN).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. HAMILTON

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

The Clerk read as follows:

Amendment offered by Mr. HAMILTON: On page 6 strike out in lines 13, 14, and 15 the phrase "shall not exceed $75,000,000 for the fiscal year 1976, $18,750,000 for the period beginning July 1, 1976, and ending September 30, 1976" and insert in lieu thereof the phrase "shall not exceed $93,750,000 for the period beginning July 1, 1975, and ending September 30, 1976".

Mr. HAMILTON. Mr. Chairman, this is a technical amendment which does not add any money to the bill nor does it increase the ceiling on stockpiling of war reserves for fiscal year 1976 and the interim quarter.

The amendment simply combines the ceilings to insure that the authority to add $75 million to the stockpiles in fiscal year 1976 can be used.

This amendment is necessary because by the time the bill becomes law there will not be enough time left in fiscal year 1976 to add to the stockpiles overseas where they are needed.

There is no substantive change in the committee bill.

Mr. Chairman, I move adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. HAMILTON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ALLEN

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

The Clerk read as follows:

Amendment offered by Mr. ALLEN: That all language following line 8, on page 1, shall be stricken with the exception of the following, which shall be renumbered accordingly:

Beginning with line 9, page 71, and continuing through line 2, page 72; and

Beginning with line 14, page 28, through line 7, page 30, but any provisions relating to any country other than Israel shall be stricken; and

Beginning with line 11, page 73, and continuing through line 13, page 75, but any provisions therein relating to any country other than Israel shall be stricken, and then continuing from line 14, page 75, through line 4, page 87, and from line 13, page 87, through line 2, page 88.

Mr. ALLEN. Mr. Chairman, I offer this substitute amendment to the provisions of H.R. 13680. I fully support the two provisions of this bill which would provide aid for the victims of earthquake devastation in Italy, and people who may become victims of national disasters, and which would furnish aid to the nation of Israel. I hope I will be able to vote for both of them.

But, Mr. Chairman, I cannot in good conscience support the other vast military aid and foreign give-away programs which are included in this bill. I simply do not believe that this kind of massive military aid and give-away gratuities to other foreign nations is conducive to the peace of the world.

Recent history clearly shows that this country, time and again, has sent military aid to repressive regimes in other countries, to countries who war on their neighbors with our monetary encouragement. I simply do not believe this is wise.

The foolishness and indefensibility of our posture was brought home to me this morning in a meeting of the Veterans' Affairs Committee, of which I am a member.

In that meeting, we were advised that there was no money in the budget to continue our programs for the education of our own veterans, even for those who are already enrolled. Yet here we are, today, considering the authorization of a vast military assistance and give-away program for nations around the world.

Mr. Chairman, it is time for us to rethink our priorities. When it comes to the nation of Israel, however, we must remember that that country has a unique history and it was a unique creation. We helped give it birth, and we pledged our support for its people who have been hounded and persecuted across the face of the Earth through much of recorded history as they sought to establish a homeland much the same as our forefathers sought a home in the American wilderness. I, for one, intend to keep that pledge. But until we reorder our priorities so that we can continue the education of our own veterans and initiate programs to bring employment to our own people, we have no business squandering the wealth of this country in massive military aid and give-away of our own taxpayer's money for other nations.

Mr. Chairman, I offer this amendment by way of a substitute to this bill which would preserve aid for devastated Italy, and which would honor our commitment to Israel, but which would cut back our foreign aid program and take us out of the unsavory business of worldwide military assistance.

POINT OF ORDER

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

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

Mr. MORGAN. Mr. Chairman, this amendment goes beyond the title. The amendment amends sections of the bill that have not been read yet and are not open for amendment.

The CHAIRMAN. Does the gentleman from Tennessee (Mr. ALLEN) wish to be heard on the point of order?

Mr. ALLEN. Yes, I do, Mr. Chairman.

Mr. Chairman, this amendment admittedly is in the form of a substitute for the bill now under consideration.

It would, indeed, change the whole purport and thrust of the bill from beginning to end and would cut the authorized expenditures down to about $4 billion instead of close to $8 billion. It would amend almost all of the sections set out in the bill.

Mr. Chairman, if this is not the proper time to offer a substitute, I will offer it at a later time if the Chair so rules.

The CHAIRMAN. The Chair is prepared to rule.

The Chair informs the gentleman from Tennessee (Mr. ALLEN) that because his amendment goes beyond title I, it is not in order at this time.

Therefore, the point of order of the gentleman from Pennsylvania (Mr. MORGAN) is sustained.

Mr. ALLEN. I thank the Chair.

The CHAIRMAN. Are there further amendments to Title I?

If not, the Clerk will read Title II.

The Clerk read as follows:

TITLE II—ARMS EXPORT CONTROLS

CHANGE IN TITLE

SEC. 201. (a) The first section of the Foreign Military Sales Act is amended by striking out "The Foreign Military Sales Act" and inserting in lieu thereof "the 'Arms Export Control Act".

(b) Any reference to the Foreign Military Sales Act shall be demed to be a reference to the Arms Export Control Act.

ARMS SALES POLICY

SEC. 202. (a) Section 1 of the Foreign Military Sales Act is amended by striking out the last paragraph and inserting in lieu thereof the following new paragraphs:

"It shall be the policy of the United States to exert leadership in the world community to bring about arrangements for reducing the international trade in implements of war and to lessen the danger of outbreak of regional conflict and the burdens of armaments. United States programs for or procedures governing the export, sale, and grant of defense articles and defense services to foreign countries and international organizations shall be administered in a manner which will carry out this policy.

"It is the sense of the Congress that the President should seek to initiate multilateral discussions for the purpose of reaching agreements among the principal arms suppliers and arms purchasers and other countries with respect to the control of the international trade in armaments. It is further the sense of Congress that the President should work actively with all nations to check and control the international sale and distribution of conventional weapons of death and destruction and to encourage regional arms control arrangements. In furtherance of ths policy, the President should undertake a concerted effort to convene an international conference of major arms-supplying and arms-purchasing nations which shall cosider measures to limit conventional arms transfers in the interest of international peace and stability.".

(b)(1) The President shall conduct a comprehensive study of the arms sales policies and practices of the United States Government, including policies and practices with respect to commercial arms sales, in order to determine whether such policies and practices should be changed. Such study

shall examine the rationale for arms sales to foreign countries, the benefits to the United States of such arms sales, the risks to world peace as a result of such arms sales, trends in arms sales by the United States and other countries, and steps which might be taken by the United States to provide for limitations on arms sales. In addition, such study shall include an evaluation of the impact of United States arms sales policies on the economic and social development of foreign countries and consideration of steps which might be taken by the United States to encourage the maximum use of the resources of the developing countries for economic and social development purposes.

(2) Not later than the end of the one-year period beginning on the date of enactment of this section, the President shall submit to the Congress a report setting forth in detail (A) the findings made and conclusions reached as a result of the study conducted pursuant to paragraph (1) of this subsection, together with such recommendations for legislation as the President deems appropriate, (B) the efforts made by the United States during the five years immediately preceding the submission of such report to initiate and otherwise encourage arms sales limitations, and (C) the efforts being made by the United States at the time of the submission of such report to initiate and otherwise encourage arms sales limitations in accordance with the policies stated in the amendment made by subsection (a) of this section.

TRANSFER OF DEFENSE SERVICES

SEC. 203. (a) Section 3(a)(2) of the Foreign Military Sales Act is amended, effective July 1, 1976, by inserting immediately after "article" each time it appears "or related training or other defense service".

(b) Section 505(a) of the Foreign Assistance Act of 1961 is amended, effective July 1, 1976, by inserting immediately after "articles" each time it appears "or related training or other defense service.".

APPROVAL FOR TRANSFER OF DEFENSE ARTICLES

SEC. 204. (a) Section 3 of the Foreign Military Sales Act is amended by adding at the end thereof the following new subsections:

"(e) The President may not give his consent under paragraph (2) of subsection (a) or under the third sentence of such subsection to a transfer of a defense article, or related training or other defense service, sold under this Act and may not give his consent to such a transfer under section 505(a)(1) or 505(a)(4) of the Foreign Assistance Act of 1961 unless, 30 days prior to giving such consent, the President submits to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a written certification with respect to such proposed transfer containing—

"(1) the name of the country or international organization proposing to make such transfer,

"(2) a description of the defense article or related training or other defense service proposed to be transferred, including the original acquisition cost of such defense article or related training or other defense service,

"(3) the name of the proposed recipient of such defense article or related training or other defense service,

"(4) the reasons for such proposed transfer, and

"(5) the date on which such transfer is proposed to be made.

Any certification submitted to Congress pursuant to this subsection shall be unclassified, except that information regarding the dollar value and number of defense articles, or related training or other defense services, proposed to be transferred may be classified if public disclosure thereof would be clearly detrimental to the security of the United States.

"(f) If the President receives any information that a transfer of any defense article, or related training or other defense service, has been made without his consent as required under this section or under section 505 of the Foreign Assistance Act of 1961, he shall report such information immediately to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate."

(b)(1) The second sentence of subsection (a) of section 3 of the Foreign Military Sales Act is amended by striking out ", and prior" and all that follows thereafter through "transferred" the second time it appears.

(2) The first sentence of section 505(e) of the Foreign Assistance Act of 1961 is amended by striking out ", and prior" and all that follows thereafter through "transferred" the second time it appears.

SALES FROM STOCKS

SEC. 205. Section 21 of the Foreign Military Sales Act is amended to read as follows:

"SEC. 21. SALES FROM STOCKS.—(a) The President may sell defense articles and defense services from the stocks of the Department of Defense to any eligible country or international organization if such country or international organiaztion agrees to pay in United States dollars—

"(1) in the case of a defense article not intended to be replaced at the time such agreement is entered into, not less than the actual value thereof;

"(2) in the case of a defense article intended to be replaced at the time such agreement is entered into, the estimated cost of replacement of such article, including the contract or production costs less any depreciation in the value of such article; or

"(3) in the case of the sale of a defense service, the full cost to the United States Government of furnishing such service.

"(b) Except as provided by subsection (d) of this subsection, payment shall be made in advance or, if the President determines it to be in the national interest, upon delivery of the defense article or rendering of the defense service.

"(c) Personnel performing defense services sold under this Act may not perform any duties of a combatant nature, including any duties related to training, advising, or otherwise providing assistance regarding combat activities, outside the United States in connection with the performance of those defense services.

"(d) If the President determines it to be in the national interest pursuant to subsection (b) of this section, billings for sales made under letters of offer issued under this section after the enactment of this subsection may be dated and issued upon delivery of the defense article or rendering of the defense service and shall be due and payable upon receipt thereof by the purchasing country or international organization. Interest shall be charged on any net amount due and payable which is not paid within sixty days after the date of such billing. The rate of interest charged shall be a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding short-term obligations of the United States as of the last day of the month preceding the billing and shall be computed from the date of billing. The President may extend such sixty-day period to one hundred and twenty days if he determines that emergency requirements of the purchaser for acquisition of such defense articles or defense services exceed the ready availability to the purchaser of funds sufficient to pay the United States in full for them within such sixty-day period and submits that determination to the Congress together with a special emergency request for the authorization and appropriation of additional funds to finance such purchases under this Act.

"(e)(1) After September 30, 1976, letters of offer for the sale of defense articles or for the sale of defense services that are issued pursuant to this section or pursuant to section 22 of this Act shall include appropriate charges for—

"(A) administrative services, calculated on an average percentage basis to recover the full estimated costs of administration of sales made under this Act to all purchasers of such articles and services;

"(B) any use of plant and production equipment in connection with such defense articles; and

"(C) a proportionate amount of any nonrecurring costs of research, development, and production of major defense equipment.

"(2) The President may reduce or waive the charge or charges which would otherwise be considered appropriate under subparagraphs (1)(B) and (1)(C) for particular sales that would, if made, significantly advance United States Government interests in North Atlantic Treaty Organization standardization, or foreign procurement in the United States under coproduction arrangements.

"(f) Any contracts entered into between the United States and a foreign country under the authority of this section or section 22 of this Act shall be prepared in a manner which will permit them to be made available for public inspection to the fullest extent possible consistent with the national security of the United States.

"(g) In carrying out section 814 of the Act of October 7, 1975 (Public Law 94-106), the President may enter into North Atlantic Treaty Organization standardization agreements for the cooperative furnishing of training on a bilateral or multilateral basis, if the financial principles of such agreements are based on reciprocity. Such agreements shall include reimbursement for all direct costs but may exclude reimbursement for indirect costs, administrative surcharges, and costs of billeting of trainees (except to the extent that members of the United States Armed Forces occupying comparable accommondations are charged for such accommodations by the United States). Each such agreement shall be transmitted promptly to the Speaker of the House of Representatives and the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate.".

SALES FROM STOCKS AFFECTING UNITED STATES COMBAT READINESS

SEC. 206. Section 21 of the Foreign Military Sales Act, as amended by section 205 of this Act, is further amended by adding at the end thereof the following new subsection:

"(h)(1) Sales of defense articles and defense services which could have significant adverse effect on the combat readiness of the Armed Forces of the United States shall be kept to an absolute minimum. The President shall transmit to the Speaker of the House of Representatives and the Committee on Armed Services and Foreign Relations of the Senate on the same day a written statement giving a complete explanation with respect to any proposal to sell, under this section, any defense articles or defense services if such sale could have a significant adverse effect on the combat readiness of the Armed Forces of the United States. Each such statement shall be unclassified except to the extent that public disclosure of any items of information contained therein would be clearly detrimental to the security of the United States. Any necessarily classified information shall be confined to a supplemental report. Each such statement shall include an explanation relating to only one such proposal to sell and shall set forth—

"(A) the country or international organization to which the sale is proposed to be made;

"(B) the amount of the proposed sale;

"(C) a description of the defense article or service proposed to be sold;

"(D) a full description of the impact which the proposed sale will have on the Armed Forces of the United States; and

"(E) a justification for such proposed sale, including a certification that such sale is important to the security of the United States.

A certification described in subparagraph (E) shall take effect on the date on which such certification is transmitted and shall remain in effect for not to exceed one year.

"(2) No delivery may be made under any sale which is required to be reported under paragraph (1) of this subsection unless the certification required to be transmitted by paragraph (E) of paragraph (1) is in effect.".

PROCUREMENT FOR CASH SALES

SEC. 207. (a) Section 22(a) of the Foreign Military Sales Act is amended by adding at the end thereof the following: "Interest shall be charged on any net amount by which any such country or international organization is in arrears under all of its outstanding unliquidated dependable undertakings, considered collectively. The rate of interest charged shall be a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding short-term obligations of the United States as of the last day of the month preceding the net arrearage and shall be computed from the date of net arrearage.".

(b) Section 22(b) of the Foreign Military Sales Act is amended by striking out the first sentence and inserting in lieu thereof the following: "The President may, if he determines it to be in the national interest, issue letters of offer under this section which provide for billing upon delivery of the defense article or rendering of the defense service and for payment within one hundred and twenty days after the date of billing. This authority may be exercised, however, only if the President also determines that the emergency requirements of the purchaser for acquisition of such defense articles and services exceed the ready availability to the purchaser of funds sufficient to make payments on a dependable undertaking basis and submits both determinations to the Congress together with a special emergency request for authorization and appropriation of additional funds to finance such purchases under this Act.".

EXTENSION OF PAYMENT PERIOD FOR CREDIT SALES

SEC. 208. (a) Paragraph (1) of section 23 of the Foreing Military Sales Act is amended by striking out "ten years" and inserting in lieu thereof "twelve years".

(b) The amendment made by subsection (a) shall apply with respect to financing under agreements entered into on or after the date of enactment of this Act for the procurement of defense articles to be delivered, or defense services to be rendered, after such date.

ANNUAL ESTIMATE AND JUSTIFICATION FOR SALES PROGRAM

SEC. 209. (a) Immediately after section 24 of the Foreign Military Sales Act, add the following new section:

"SEC. 25. ANNUAL ESTIMATE AND JUSTIFICATION FOR SALES PROGRAM.—(a) The President shall transmit to the Congress, as a part of the presentation materials for security assistance programs proposed for each fiscal year, a report which sets forth—

"(1) an estimate of the amount of sales expected to be made to each country under sections 21 and 22 of this Act, including a detailed explanation of the foreign policy and United States national security considerations involved in expected sales to each country;

"(2) an estimate of the amount of credits and guaranties expected to be extended to each country under sections 23 and 24 of this Act;

"(3) a list of all findings which are in effect on the date of such transmission made by the President pursuant to section 3(a)(1) of this Act, together with a full and complete justification for each such finding, explaining how sales to each country with respect to which such finding has been made will strengthen the security of the United States and promote world peace; and

"(4) an arms control impact statement for each purchasing country, including (A) an analysis of the relationship between expected sales to each country and arms control efforts relating to that country, and (B) the impact of such expected sales on the stability of the region that includes the purchasing country.

"(b) Not later than thirty days following the receipt of a request made by the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives for additional information with respect to any estimate submitted pursuant to subsection (a), the President shall submit such information to such committee.

"(c) The President shall make every effort to submit all of the information required by this section wholly in unclassified form. In the event the President submits any such information in classified form, he shall submit such classified information in an addendum and shall also submit simultaneously a detailed summary, in unclassified form, of such classified information.".

(b) Section 634(d) of the Foreign Assistance Act of 1961 is amended by striking out "and military sales under this or any other Act" in the fourth sentence.

MILITARY SALES AUTHORIZATION

SEC. 210. (a) Section 31(a) of the Foreign Military Sales Act is amended by striking out "not to exceed $405,000,000 for the fiscal year 1975" and inserting in lieu thereof "not to exceed $1,039,000,000 for the fiscal year 1976 and not to exceed $840,000,000 for the fiscal year 1977".

(b) Section 31(b) of such Act is amended to read as follows:

"(b) The aggregate total of credits, or participations in credits, extended pursuant to this Act and of the principal amount of loans guaranteed pursuant to section 24(a) shall not exceed $2,374,700,000 for the fiscal year 1976, of which not less than $1,500,000,000 shall be available only for Israel, and shall not exceed $2,059,600,000 for the fiscal year 1977, of which not less than $1,000,000,000 shall be available only for Israel.".

(c)(1) Section 31 of such Act is further amended by adding at the end thereof the following new subsections:

"(c) Funds made available for the fiscal years 1976 and 1977 under subsection (a) of this section shall be obligated to finance the procurement of defense articles and defense services by Israel on a long-term repayment basis either by the extensions of credits, without regard to the limitations contained in section 23, or by the issuance of guaranties under section 24. Repayment shall be in not less than twenty years, following a grace period of ten years on repayment of principal. Israel shall be released from one-half of its contractual liability to repay the United States Government with respect to defense articles and defense services so financed for each such year.

"(d) The aggregate acquisition cost to the United States of excess defense articles ordered by the President in any fiscal year after fiscal year 1976 for delivery to foreign countries or international organizations under the authority of chapter 2 of part II of the Foreign Assistance Act of 1961 or pursuant to sales under this Act may not exceed $100,000,000 (exclusive of ships and their onboard stores and supplies transferred in accordance with law).".

(2) Subsections (a), (b), (c), and (e) of section 8 of the Act entitled "An Act to amend the Foreign Military Sales Act and for other purposes", approved January 12, 1971 (Public Law 91-672; 84 Stat. 2053), are repealed effective July 1, 1976. All funds in the suspense account referred to in subsection (a) of such section on July 1, 1976, shall be transferred to the general fund of the Treasury.

REPORTS ON COMMERCIAL AND GOVERNMENTAL MILITARY EXPORTS; CONGRESSIONAL ACTION

SEC. 211. (a) Section 36 of the Foreign Military Sales Act is amended to read as follows:

"SEC. 36. REPORTS ON COMMERCIAL AND GOVERNMENTAL MILITARY EXPORTS; CONGRESSIONAL ACTION.—(a) The President shall transmit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate not more than thirty days after the end of each quarter an unclassified report (except that any material which was transmitted in classified form under subsection (b)(1) of this section may be contained in a classified addendum to such report, and any letter of offer referred to in paragraph (1) of this subsection may be listed in such addendum unless such letter of offer has been the subject of an unclassified certification pursuant to subsection (b)(1) of this section) containing—

"(1) a listing of all letters of offer to sell any major defense equipment to be sold for $1,000,000 or more under this Act to each foreign country and international organization, by category, if such letters of offer have not been accepted or canceled;

"(2) a listing of all such letters of offer that have been accepted during the fiscal year in which such report is submitted, together with the total value of all defense articles and defense services sold to each foreign country and international organization during such fiscal year;

"(3) the cumulative dollar amounts, by foreign country and international organization, of sales credit agreements under section 23 and guaranty agreements under section 24 made during the fiscal year in which such report is submitted;

"(4) a numbered listing of all licenses and approvals for the export to each foreign country and international organization during such fiscal year of commercially sold major defense equipment, by category, sold for $1,000,000 or more, together with the total value of all defense articles and defense services so licensed for each foreign country and international organization, setting forth with respect to the listed major defense equipment—

"(A) the items to be exported under the license,

"(B) the quantity and contract price of each such item to be furnished, and

"(C) the name and address of the ultimate user of each such item;

"(5) projections of the dollar amounts, by foreign country and international organization, of cash sales expected to be made under sections 21 and 22, credits to be extended under section 23, and guaranty agreements to be made under section 24 in the quarter of the fiscal year immediately following the quarter for which such report is submitted;

"(6) a projection with respect to all cash sales expected to be made and credits expected to be extended to each country and organization for the remainder of the fiscal year in which such report is transmitted;

"(7) an estimate of the number of officers and employees of the United States Government and of United States civilian contract personnel present in each such country at the end of that quarter for assignments in implementation of sales and commercial exports under this Act; and

"(8) an analysis and description of the services being performed by officers and employees of the United States Government under section 21(a) of this Act, including the number of personnel so employed.

For each letter of offer to sell under paragraphs (1) and (2), the report shall specify (i) the foreign country or international organization to which the defense article or service is offered or was sold, as the case may be; (ii) the dollar amount of the offer to sell or the sale and the number of defense articles offered or sold, as the case may be; (iii) a description of the defense article or service offered or sold, as the case may be; and (iv) the United States Armed Force or other agency of the United States which is making the offer to sell or the sale, as the case may be.

"(b)(1) In the case of any letter of offer to sell any defense articles or services under this Act for $25,000,000 or more, or any major defense equipment for $7,000,000 or more, before such letter of offer is issued, the President shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a numbered certification with respect to such offer to sell containing the information specified in clauses (i) through (iv) of subsection (a). In addition, the President shall, upon the request of such committee or the Committee on International Relations of the House of Representatives, transmit promptly to both such committees a statement setting forth, to the extent specified in such request—

"(A) a detailed description of the defense articles or services to be offered, including a brief description of the capabilities of any defense article to be offered;

"(B) an estimate of the number of officers and employees of the United States Government and of United States civilian contract personnel expected to be needed in such country to carry out the proposed sale;

"(C) the name of each contractor expected to provide the defense article or defense service proposed to be sold (if known on the date of transmittal of such report);

"(D) an analysis of the arms control impact pertinent to such offer to sell, prepared in consultation with the Secretary of Defense;

"(E) the reasons why the foreign country or international organization to which the sale is proposed to be made needs the defense articles or services which are the subject of such sale and a description of how such country or organization intends to use such defense articles or services;

"(F) an analysis by the President of the impact of the proposed sale on the military stocks and the military preparedness of the United States;

"(G) the reasons why the proposed sale is in the national interest of the United States;

"(H) an analysis by the President of the impact of the proposed sale on the military capabilities of the foreign country or international organization to which such sale would be made;

"(I) an analysis by the President of how the proposed sale would affect the relative military strengths of countries in the region to which the defense articles or services which are the subject of such sale would be delivered and whether other countries in the region have comparable kinds and amounts of defense articles or services;

"(J) an estimate of the levels of trained personnel and maintenance facilities of the foreign country or international organization to which the sale would be made which are needed and available to utilize effectively the defense articles or services proposed to be sold;

"(K) an analysis of the extent to which comparable kinds and amounts of defense articles or services are available from other countries; and

"(L) an analysis of the impact of the proposed sale on United States relations with the countries in the region to which the defense articles or services which are the subject of such sale would be delivered.

A certification transmitted pursuant to this subsection shall be unclassified, except that the information specified in clause (ii) and the details of the description specified in clause (iii) of subsection (a) may be classified if the public disclosure thereof would be clearly detrimental to the security of the United States. The letter of offer shall not be issued if the Congress, within thirty calendar days after receiving such certification, adopts a concurrent resolution stating that it objects to the proposed sale, unless the President states in his certification that an emergency exists which requires such sale in the national security interests of the United States.

"(2) Any such resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"(3) For the purpose of expediting the consideration and adoption of concurrent resolutions under this subsection, a motion to proceed to the consideration of any such resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.".

(b) The amendment made by subsection (a) of this section shall apply with respect to letters of offer for which a certification is transmitted pursuant to section 36(b) of the Arms Export Control Act on or after the date of enactment of this Act.

CONTROL OF LICENSES WITH RESPECT TO ARMS EXPORTS AND IMPORTS

SEC. 212. (a)(1) Chapter 3 of the Foreign Military Sales Act is amended by adding at the end thereof the following new section:

"SEC 38. CONTROL OF ARMS EXPORTS AND IMPORTS.—(a)(1) In furtherance of world peace and the security and foreign policy of the United States, the President is authorized to control the import and the export of defense articles and defense services and to provide foreign policy guidance to persons of the United States involved in the export and import of such articles and services. The President is authorized to designate those items which shall be considered as defense articles and defense services for the purposes of this section and to promulgate regulations for the import and export of such articles and services. The items so designated shall constitute the United States Munitions List.

"(2) Decisions on issuing export licenses under this section shall be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account the Director's opinion as to whether the export of an article will contribute to an arms race, or increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control arrangements.

"(b)(1) As prescribed in regulations issued under this section, every person (other than an officer or employee of the United States Government acting in an official capacity) who engages in the business of manufacturing, exporting, or importing any defense articles or defense services designated by the President under subsection (a)(1) shall register with the United States Government agency charged with the administration of this section, and shall pay a registration fee which shall be prescribed by such regulations. Such regulations shall prohibit the return to the United States for sale in the United States (other than for the Armed Forces of the United States and its allies or for any State or local law enforcement agency) of any military firearms or ammunition of United States manufacture furnished to foreign governments by the United States under this Act or any other foreign assistance or sales program of the United States, whether or not enhanced in value or improved in condition in a foreign country. This prohibition shall not extend to similar firearms that have been so substantially transformed as to become, in effect, articles of foreign manufacture.

"(2) Except as otherwise specifically provided in regulations issued under subsection (a)(1), no defense articles or defense services designated by the President under subsection (a)(1) may be exported or imported without a license for such export or import, issued in accordance with this Act and regulations issued under this Act, except that no license shall be required for exports or imports made by or for an agency of the United States Government (A) for official use by a department or agency of the United States Government or (B) for carrying out any foreign assistance or sales program authorized by law and subject to the control of the President by other means.

"(3) No license may be issued under this Act for the export of any major defense equipment sold under a contract in the amount of $25,000,000 or more to any foreign country which is not a member of the North Atlantic Treaty Organization unless such major defense equipment was sold under this Act.

"(c) Any person who willfully violates any provision of this section or section 36(c), or any rule or regulation issued under either section, or who willfully, in a registration or license application or required report, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be fined not more than $100,000 or imprisoned not more than two years, or both.

"(d) This section applies to and within the Canal Zone.

"(e) In carrying out functions under this section with respect to the export of defense articles and defense services, the President is authorized to exercise the same powers concerning violations and enforcement which are conferred upon departments, agencies and officials by sections 6(c), (d), (e), and (f) and 7 (a) and (c) of the Export Administration Act of 1969, subject to the same terms and conditions as are applicable to such powers under such Act. Nothing in this subsection shall be construed as authorizing the withholding of information from the Congress.".

(2) Section 2(b) of the Foreign Military Sales Act is amended—

(A) by inserting "and exports" immediately after "sales" both times it appears; and

(B) by inserting "and whether there shall be delivery or other performance under such sale or export," immediately after "thereof,".

(b)(1) Section 414 of the Mutual Security Act of 1954 is repealed. Any reference to such section shall be deemed to be a reference to section 38 of the Arms Export Control Act and any reference to licenses issued under section 38 of the Arms Export Control Act shall be deemed to include a reference to licenses issued under section 414 of the Mutual Security Act of 1954.

(2) All determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under section 414 of the Mutual Security Act of 1954 shall continue in full force and effect until modified, revoked, or superseded by appropriate authority.

ANNUAL CEILING ON ARMS SALES

SEC. 213. (a) Chapter 3 of the Foreign Military Sales Act, as amended by section 212 of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 39. ANNUAL CEILING ON ARMS SALES.—(a) The aggregate value of defense articles and defense services—

"(1) which are sold under section 21 or section 22 of this Act; or

"(2) which are licensed or approved for export under section 38 of this Act to, for the use, or for benefit of the armed forces, police, intelligence, or other internal security forces of a foreign country or international organization under a commercial sales contract;

may not exceed $9,000,000,000 in any fiscal year in constant 1975 dollars, which ceiling shall be calculated by the President quarterly to conform to changes in the Unit Value Index of United States domestic exports of finished manufactures and reported to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate. The President may waive such limitation with respect to such defense articles and services as he determines and certifies to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate are required to be furnished in the national security interests of the United States. Such determinations and certifications shall be made on a case-by-case basis. For the purposes of this subsection, the value of defense articles and defense services is the contract price for such articles or services as of the date on which the contract under which they are sold is entered into in the case of a contract of sale under this Act or as of the date of licensing or approval for export in the case of a commercial sales contract.

"(b) In implementing the requirements of subsection (a), the President may, subject to such requirements as the Congress may by law prescribe, establish such arms sales quotas for countries and regions, and for sales under this Act and commercial exports licensed or approved under this Act, as he deems appropriate.

"(c) In computing the aggregate value of defense articles and defense services sold or licensed or approved in a fiscal year for purposes of the ceiling established by subsection (a) of this section and for purposes of any quotas established under subsection (b) of this section, the following shall be excluded:

"(1) The value of any defense articles or defense services which are not actually furnished.

"(2) The value of any defense articles or defense services which are the subject of a replacement sales contract which is entered into in substitution for a contract described in subsection (a)(1) of this section, or in substitution for a contract for which there was a license or approval described in subsection (a)(2) of this section, to the extent that such value was previously included in the computations under this section.

"(d) Any person who, with intent to avoid a limitation or prohibition with respect to a ceiling or quota established by or under this section, exports or attempts to export any defense article or defense service without a license or approval required under section 38 of this Act, shall, in addition to any penalty prescribed under section 38, upon conviction be fined not more than $25,000 or imprisoned not more than two years, or both.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1976, and shall apply with respect to fiscal year 1977 and each fiscal year thereafter.

CANCELLATION AND SUSPENSION OF LICENSES AND CONTRACTS

SEC. 214. Section 42 of the Foreign Military Sales Act is amended by adding at the end thereof the following new subsection:

(e)(1) Each contract for sale entered into under sections 21 and 22 of this Act shall provide that such contract may be canceled in whole or in part, or its execution suspended, by the United States at any time under unusual or compelling circumstances if the national interest so requires.

"(2)(A) Each export license issued under section 38 of this Act shall provide that such license may be revoked, suspended, or amended by the Secretary of State, without prior notice, whenever the Secretary deems such action to be advisable.

"(B) Nothing in this paragraph may be construed as limiting the regulatory authority of the President under this Act.

"(3) There are authorized to be appropriated from time to time such sums as may be necessary (A) to refund moneys received from purchasers under contracts of sale entered into under sections 21 and 22 of this Act that are canceled or suspended under this subsection to the extent such moneys have previously been disbursed to private contractors and United States Government agencies for work in progress, and (B) to pay such damages and costs that accrue from the corresponding cancellation or suspension of the existing procurement contracts or United States Government agency work orders involved.".

ADMINISTRATIVE EXPENSES

SEC. 215. Section 43 of the Foreign Military Sales Act is amended by designating the present section as subsection (a) and by adding at the end thereof the following new subsection:

"(b) Administrative expenses incurred by any department or agency of the United States Government (including any mission or group) in carrying out functions under this Act which are primarily for the benefit of any foreign country shall be fully reimbursed from amounts received for sales under sections 21 and 22.".

DEFINITIONS

SEC. 216. Section 47 of the Foreign Military Sales Act is amended—

(1) by striking out "and" at the end of paragraph (1);

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

(3) by adding immediately after paragraph (2) the following new paragraphs:

"(3) 'defense article', except as provided in paragraph (7) of this section, includes—

"(A) any weapon, weapons system, munition, aircraft, vessel, boat, or other implement of war,

"(B) any property, installation, commodity, material, equipment, supply, or goods used for the purposes of furnishing military assistance,

"(C) any machinery, facility, tool, material, supply, or other item necessary for the manufacture, production, processing, repair, servicing, storage, construction, transportation, operation, or use of any article listed in this paragraph, and

"(D) any component or part of any article listed in this paragraph,

but does not include merchant vessels or (as defined by the Atomic Energy Act of 1954) source material, byproduct material, special nuclear material, production facilities, utilization facilities, or atomic weapons or articles involving Restricted Data;

"(4) 'defense service', except as provided in paragraph (7) of this section, includes any service, test, inspection, repair, training, publication, technical or other assistance, or defense information (as defined in section 644(e) of the Foreign Assistance Act of 1961), used for the purposes of furnishing military assistance;

"(5) 'training' includes formal or informal instruction of foreign students in the United States or overseas by officers or employees of the United States, contract technicians, or contractors (including instruction at civilian institutions), or by correspondence courses, technical, educational, or information publications and media of all kinds, training aid, orientation, training exercise, and military advice to foreign military units and forces;

"(6) 'major defense equipment' means any item of significant combat equipment on the United States Munitions List having a nonrecurring research and development cost of more than $50,000,000 or a total production cost of more than $200,000,000; and

"(7) 'defense articles and defense services' means, with respect to commercial exports subject to the provisions of section 38 of this Act, those items designated by the President pursuant to subsection (a)(1) of such section.".

ANNUAL FOREIGN SALES REPORT

SEC. 217. Section 657 of the Foreign Assistance Act of 1961 is amended as follows:

(1) The section caption is amended by inserting "AND MILITARY EXPORTS" after "FOREIGN ASSISTANCE".

(2) Paragraph (1) of subsection (a) is amended to read as follows:

"(1) the aggregate dollar value of all foreign assistance (including military education and training), foreign military sales, sales credits, and guaranties provided or made by the United States Government by any means to all foreign countries and international organizations, and the aggregate dollar value of such assistance, sales, sales credits, and guaranties, by category, provided or made by the United States Government to or for each such country or organization during that fiscal year;".

(3) Paragraph (3) of subsection (a) is amended to read as follows:

"(3) the aggregate dollar value and quantity of defense articles and defense services, and of military education and training, exported to each foreign country and international organization, by category, specifying whether the export was made by grant under chapter 2 or chapter 5 of part II of this Act, by sale under chapter 2 of the Arms Export Control Act, by commercial sale licensed under chapter 3 of that Act, or by other authority; and".

(4) Paragraph (4) of subsection (a) is repealed.

(5) Paragraph (5) of subsection (a) is amended—

(A) by redesignating such paragraph as paragraph (4), and

(B) by striking out "(4)" and inserting in lieu thereof "(3)".

REPORT OF SALES OF EXCESS DEFENSE ARTICLES

SEC. 218. Not later than February 28, 1977, the President shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a full and complete report regarding all sales made under the Arms Export Control Act during the period July 1, 1976, through December 31, 1976, of excess defense articles to foreign governments and international organizations (other than any such article sold solely for scrap). Such report shall set forth—

(1) the number of such sales;

(2) the total acquisition costs of the articles sold;

(3) the total gross price paid for such articles exclusive of administrative surcharges and costs of repairing, rehabilitation, or modifying such articles;

(4) the data set forth under paragraphs (1), (2), and (3) totaled separately for those sales made at less than 33⅓ per centum of the acquisition costs thereof; and

(5) the estimated total proceeds of sales of articles included under paragraph (4) if such articles had been sold instead through United States Government surplus property disposal operations and the percentage thereof that would have been paid out of such proceeds to meet direct expenses incurred in connection with such dispositions pursuant to law.

Mr. MORGAN (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the record and open to amendment at any point.

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

There was no objection.

TECHNICAL AMENDMENTS OFFERED BY MR. MORGAN

Mr. MORGAN. Mr. Chairman, I again offer some technical amendments to title II.

The Clerk read as follows:

Amendments offered by Mr. MORGAN: Page 20, lines 8 and 9, strike out "subsection" and insert in lieu thereof "section".

Page 22, line 8, strike out "subparagraphs" and insert in lieu thereof "paragraph".

Page 34, line 9, strike out "report" and insert in lieu thereof "statement".

Mr. MORGAN. Mr. Chairman, I again want to tell the Members of the House that these are technical amendments simply for the purpose of correcting printing errors.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Pennsylvania (Mr. MORGAN).

The amendments were agreed to.

The CHAIRMAN. Are there any amendments to title II? If not, the Clerk will read.

The Clerk read as follows:

TITLE III—GENERAL LIMITATIONS

HUMAN RIGHTS

SEC. 301. Section 502B of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 502B. HUMAN RIGHTS.—(a) Except as provided in subsection (c)(3), no security assistance may be provided to any government which engages in a consistent pattern of gross violations of internationally recognized human rights.

"(b) The President shall transmit to Congress, as a part of the presentation materials for security assistance for each fiscal year, a statement for each country proposed to be included in such program on the status of internationally recognized human rights in such country.

"(c) The President, upon the request of the Committee on International Relations of the House of Representatives or the Committee on Foreign Relations of the Senate, shall transmit to such committee, within thirty days after such request is made, a report with respect to the country designated in such request, setting forth all the available information about observance of and respect for human rights and fundamental freedom in that country, and a statement that such information—

"(1) does not clearly raise a serious question that there is a consistent pattern of gross violations of internationally recognized human rights in such country;

"(2) does raise such a question, in which case no new obligation for security assistance shall be entered into with respect to such government during the then current fiscal year; or

"(3) does raise such a question but that—

"(A) extraordinary circumstances exist which necessitate a continuation of security assistance,

"(B) on all the facts it is in the national interest of the United States to provide the security assistance proposed,

"(C) all appropriate steps are being taken to disassociate the United States and the security assistance in question from the actions and circumstances giving rise to the serious question, and

"(D) substantial steps are being taken by the United States to promote respect for and observance of human rights in that country.

"(d)(1) In the event a report is requested pursuant to subsection (c) but is not transmitted in accordance therewith, after thirty days from the date on which such report was requested, no security assistance shall be furnished for the remainder of the then current fiscal year to the country with respect to which such request was made.

"(2) In the event a report with respect to a country is transmitted under subsection (c), Congress may, within the first period of ninety calendar days of continuous session after such report is transmitted, adopt a concurrent resolution which states in effect that the Congress has determined that the violations of internationally recognized human rights in such country, when considered in relation to the foreign policy interests of the United States, require a termination of security assistance to such country. After adoption of such a resolution with respect to a country, no security assistance may be furnished to such country unless thereafter specifically authorized by law.

"(3) For the purposes of this subsection, the continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the period indicated.

"(e) In determining whether or not a government falls within the provisions of subsection (a), consideration shall be given to—

"(1) the relevant findings of appropriate international organizations, including nongovernmental organizations such as the International Committee of the Red Cross; and

"(2) the extent of cooperation by such government in permitting an unimpeded investigation by any such organization of alleged violations of internationally recognized human rights.

"(f) For the purposes of this section—

"(1) 'gross violations of internationally recognized human rights' includes torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, and other flagrant denial of the right to life, liberty, and the security of person; and

"(2) 'security assistance' means—

"(A) assistance under chapter 2 (military assistance) or chapter 4 (security supporting assistance) of this part or under part VI (assistance to the Middle East) of this Act;

"(B) sales of defense articles or services, extensions of credits (including participation in credits), and guarantees of loans under the Arms Export Control Act;

"(C) any license with respect to the export of defense articles or services under section 38 of the Arms Export Control Act; and

"(D) military education and training furnished under chapter 5 of this part.".

PROHIBITION AGAINST DISCRIMINATION

SEC. 302. (a) Section 505 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(g)(1) It is the policy of the United States that no assistance under this chapter should be furnished to any foreign country, the laws, regulations, official policies, or governmental practices of which prevent any United States person (as defined in section 7701(a)(30) of the Internal Revenue Code of 1954) from participating in the furnishing of defense articles or defense services under this chapter on the basis of race, religion, national origin, or sex.

"(2)(A) No agency performing functions under this chapter shall, in employing or assigning personnel to participate in the performance of any such function, whether in the United States or abroad, take into account the exclusionary policies or practices of any foreign government where such policies or practices are based upon race, religion, national origin, or sex.

"(B) Each contract entered into by any such agency for the performance of any function under this chapter shall contain a provision to the effect that no person, partnership, corporation, or other entity performing functions pursuant to such contract, shall, in employing or assigning personnel to participate in the performance of any such function, whether in the United States or abroad, take into account the exclusionary policies or practices of any foreign government where such policies or practices are based upon race, religion, national origin, or sex.

"(3) The President shall promptly transmit reports to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate concerning any transaction in which any United States person (as defined in section 7701(a)(30) of the Internal Revenue Code of 1954) is prevented by a foreign government on the basis of race, religion, national origin, or sex, from participating in the furnishing of assistance under this chapter, or education and training under chapter 5, to any foreign country. Such reports shall include (A) a description of the facts and circumstances of any such discrimination, (B) the response thereto on the part of the United States or any agency or employee thereof, and (C) the result of such response, if any.".

(b) Chapter 1 of the Foreign Military Sales Act is amended by adding at the end thereof the following new section:

"SEC. 5. PROHIBITION AGAINST DISCRIMINATION.—(a) It is the policy of the United States that no sales should be made, and no credits (including participations in credits) or guaranties extended to or for any foreign country, the laws, regulations, official policies, or governmental practices of which prevent any United Staes person (as defined in section 7701(a)(30) of the Internal Revenue Code of 1954) from participating in the furnishing of defense articles or defense services under this Act on the basis of race, religion, national origin, or sex.

"(b)(1) No agency performing functions under this Act shall, in employing or assigning personnel to participate in the performance of any such function, whether in the United States or abroad, take into account the exclusionary policies or practices of any foreign government where such policies or practices are based upon race, religion, national origin, or sex.

"(2) Each contract entered into by any such agency for the performance of any function under this Act shall contain a provision to the effect that no person, partnership, corporation, or other entity performing functions pursuant to such contract, shall, in employing or assigning personnel to participate in the performance of any such function, whether in the United States or abroad, take into account the exclusionary policies or practices of any foreign government where such policies or practices are based upon race, religion, national origin, or sex.

"(c) The President shall promptly transmit reports to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate concerning any instance in which any United States person (as defined in section 7701(a)(30) of the Internal Revenue Code of 1954) is prevented by a foreign government on the basis of race, religion, national origin, or sex, from participating in the performance of any sale or licensed transaction under this Act. Such reports shall include (1) a description of the facts and circum-

stances of any such discrimination, (2) the response thereto on the part of the United States or any agency or employee thereof, and (3) the result of such response, if any.".

PROHIBITION OF ASSISTANCE TO COUNTRIES GRANTING SANCTUARY TO INTERNATIONAL TERRORISTS

SEC. 303. Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 620A. PROHIBITION AGAINST FURNISHING ASSISTANCE TO COUNTRIES WHICH GRANT SANCTUARY TO INTERNATIONAL TERRORISTS.—(a) Except where the President finds national security to require otherwise, the President shall terminate all assistance under this Act to any government which aids or abets, by granting sanctuary from prosecution to, any individual or group which has committed an act of international terrorism and the President may not thereafter furnish assistance to such government until the end of the one year period beginning on the date of such termination, except that if during its period of ineligibility for assistance under this section such government aids or abets, by granting sanctuary from prosecution to, any other individual or group which has committed an act of international terrorism, such government's period of ineligibility shall be extended for an additional year for each such individual or group.

"(b) If the President finds that national security justifies a continuation of assistance to any government described in subsection (a), he shall report such finding to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate.".

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

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

There was no objection.

TECHNICAL AMENDMENT OFFERED BY MR. MORGAN

Mr. MORGAN. Mr. Chairman, I again offer a technical amendment.

The Clerk read as follows:

Amendment offered by Mr. MORGAN: Page 51, line 10, strike out "necesitate" and insert in lieu thereof "necessitate".

Mr. MORGAN. Mr. Chairman, again this is simply a technical amendment in order to correct a printing error.

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

Mr. Chairman, I would like to ask the chairman of the committee if I am correct that the amendment simply strikes the word "necesitate"?

Mr. MORGAN. It is a technical amendment; there is a spelling error in the word.

Mr. HARKIN. I thank the gentleman from Pennsylvania and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MORGAN).

The amendment was agreed to.

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

Mr. Chairman, and members of the committee, I take this time not for the purpose of offering any amendments to title III, but only to raise questions of the distinguished chairman of the committee concerning section 502B, the human rights provision.

As I understand it, one of the reasons that the President gave for vetoing the last bill was the inclusion of the human rights amendment. I am concerned that the human rights amendment in this bill may have been substantially changed, although I do not think, from reading it that it has been, and for that I certainly want to commend the chairman of the subcommittee and the full committee for bringing back the human rights provision basically as it was drafted before. However, there was a change in some of the wording in the human rights provision on page 52, line 9, the phrase was inserted there "when considered in relation to the foreign policy interests of the United States."

I would like to ask the chairman of the full committee or the chairman of the subcommittee to explain the inclusion of that small phrase.

Mr. MORGAN. If the gentleman will yield, I would ask the author of the amendment, the gentleman from Minnesota (Mr. FRASER) to explain that to the gentleman from Iowa.

Mr. HARKIN. And I would also like to ask if it substantially changes the direction of the human rights amendment as it was drafted by the committee earlier.

Mr. FRASER. Mr. Chairman, if the gentleman would yield, I would say to the gentleman that we have recognized throughout section 502B that there may be extraordinary circumstances that necessitate the continuation of security assistance to a country which is determined to be engaged in a consistent pattern of violation of human rights. And so when we inserted the phrase found on line 9, the words "when considered in relation to the foreign policy interests of the United States," we were simply acknowledging that Congress ought to view the totality of foreign policy interests when coming to the conclusion that there should be a termination of aid.

So it is simply a restatement of what is to be found earlier in the amendment.

Mr. HARKIN. The phrase relates back to page 51, which would be subsection B(3) which says that it does raise a question, but then it lists (A), (B), (C), and (D), four things under which the United States could go ahead and provide this assistance to a country, and (B) states:

On all the facts it is in the national interest of the United States to provide the security assistance proposed.

So that phrase on page 52, line 9, relates back to this section on page 51, subsection (c) (3), does it not?

Mr. FRASER. Yes. It essentially carries forward the earlier provision which imply a look at the total set of U.S. interests.

Mr. HARKIN. However, the rest of that subsection C(3) would also be operative, and I refer specifically to subparagraphs (C) and (D):

"(C) all appropriate steps are being taken to disassociate the United States and the security assistance in question from the actions and circumstances giving rise to the serious question, and

"(D) substantial steps are being taken by the United States to promote respect for and observance of human rights in that country.

So those two would still be operative under that section, even though we went ahead and gave security assistance.

Mr. FRASER. I think (C) and (D) would be taken into account. (C) and (D) are found on page 51 of the bill and refer to the report that the President is required to make, and if he makes a report saying that there are practices that raise a serious question about the observance of human rights, then he must report on these different items. I would think that when the Congress comes to look at this, the statements under (C) and (D) would be a part of the fact picture that they would examine to determine what course is the right one for the United States to follow.

Mr. HARKIN. I thank the gentleman for explaining that. I just want to again add that I congratulate the committee and the distinguished chairman. I commend them for keeping this provision intact in the bill in basically the same form as it came through before. I am hopeful that this committee and the whole Congress will stick by this human rights amendment and see to it that it is incorporated as part of our foreign policy, not only this year, but in the years to come.

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

The CHAIRMAN. Are there any amendments to title III? If not, the Clerk will read title IV.

The Clerk read as follows:

TITLE IV—PROVISIONS RELATING TO SPECIFIC REGIONS OR COUNTRIES

MIDDLE EAST POLICY STATEMENT

SEC. 401. Section 901 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new paragraph:

"It is the sense of Congress that the United States will continue to determine Middle East Policy as circumstances may require and that the authority contained in the joint resolution entitled 'Joint resolution to implement the United States proposal for the early-warning system in Sinai', approved October 13, 1975 (Public Law 94–110), and the authorizations contained in the amendments made by the International Security Assistance and Arms Export Control Act of 1976 do not, and shall not in any way be construed to, constitute congressional approval, acceptance, or endorsement (1) of any oral or written commitment, understanding, assurance, promise, or agreement, whether expressed or implied, or any other expression, oral or written (other than the 'United States Proposal for the Early Warning System in Sinai'), made by any official of the United States which Israel, Egypt, or any other nation or organization might construe or interpret as a basis on which it could rely or act, or (2) of any characterization of any such commitment, understanding, assurance promise, or agreement or other expression, as constituting a 'codification' of existing, congressionally approved United States policy.".

AID FOR CYPRIOT REFUGEES

SEC. 402. Section 495 of the Foreign Assistance Act of 1961 is amended by striking out "$30,000,000" and inserting in lieu thereof "$40,000,000".

ASSISTANCE TO TURKEY

SEC. 403. Section 620(x)(1) of the Foreign Assistance Act of 1961, as amended by section 2(c) of the Act of October 6, 1975 (Public Law 94–104), is amended by striking out "*Provided*," and all that follows through the end of paragraph (1) and inserting in lieu thereof the following: "*Provided*, That for the fiscal year 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal year 1977, the President may suspend the provisions of this subsection and of section 3(c) of the Arms Export Control Act with respect to cash sales and extensions of credits and guaranties under such Act for the procurement of such defense articles and defense services as the President determines are necessary to enable Turkey to fulfill her defense responsibilities as a member of the North Atlantic Treaty Organization, except that (A) during the fiscal year 1976 and the period beginning July 1, 1976, and ending September 30, 1976, the total value of defense articles and defense services sold to Turkey under such Act, either for cash or financed by credits and guaranties, shall not exceed $125,000,000, and (B) during the fiscal year 1977, the total value of defense articles and defense services sold to Turkey under such Act, either for cash or financed by credits and guaranties, shall not exceed $125,000,000. Any such suspension shall be effective only so long as Turkey observes the cease-fire on Cyprus, does not increase its military forces or its civilian population on Cyprus, and does not transfer to Cyprus any United States supplied arms, ammunition, or implements of war. The determination required by the proviso in the first sentence of this paragraph shall be made, on a case-by-case basis, with respect to each cash sale, each approval for use of credits, and each approval for use of a guaranty for Turkey. Each such determination shall be reported to the Congress and shall be accompanied by a full and complete statement of the reasons supporting the President's determination and a statement containing the information specified in clauses (A) through (D) of section 2(c)(4) of the Act of October 6, 1975 (Public Law 94–104). In any case involving the sale of significant combat equipment on the United States Munitions List in which the congressional review provisions of section 36(b) of the Arms Export Control Act do not apply, the President may not issue the letter of offer or approve the use of the credits or guaranty, as the case may be, until the end of the thirty-day period beginning on the date on which the report required by the preceding sentence is submitted to the Congress.".

LIMITATION ON CERTAIN ASSISTANCE TO AND ACTIVITIES IN ANGOLA

SEC. 404. (a) Notwithstanding any other provision of law, no assistance of any kind may be provided for the purpose, or which would have the effect, or promoting or augmenting, directly or indirectly, the capacity of any nation, group, organization, movement, or individual to conduct military or paramilitary operations in Angola unless and until the Congress expressly authorizes such assistance by law enacted after the date of enactment of this section.

(b) If the President determines that assistance prohibited by subsection (a) shall be furnished in the national security interests of the United States, he shall submit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing—

(1) a description of the amounts and categories of assistance which he recommends to be authorized and the identity of the proposed recipients of such assistance; and

(2) a certification that he has determined that the furnishing of such assistance is important to the national security interests of the United States and a detailed statement, in unclassified form, of the reasons supporting such determination.

(c) The prohibition contained in subsection (a) does not apply with respect to assistance which is furnished solely for humanitarian purposes.

(d) The provisions of this section may not be waived under any other provision of law.

SOVIET INTERVENTION IN ANGOLA

SEC. 405. The Congress views the large-scale and continuing Soviet intervention in Angola, including active sponsorship and support of Cuban armed forces in Angola, as being completely inconsistent with any reasonably defined policy of détente, as well as with Articles 1 and 2 of the United Nations Charter, the principle of noninterference in the affairs of other countries agreed to at Helsinki in 1975, and with the spirit of recent bilateral agreements between the United States and the Union of Soviet Socialist Republics. Such intervention should be taken explicitly into account in United States foreign policy planning and negotiations.

PROHIBITION AGAINST MILITARY ASSISTANCE AND SALES CREDITS TO CHILE

SEC. 406. (a) No military or security supporting assistance may be furnished under the Foreign Assistance Act of 1961; and no credits (including participations in credits) may be extended, and no loan may be guaranteed, under the Arms Export Control Act with respect to Chile.

(b) No deliveries of any such assistance may be made to Chile on and after the date of enactment of this section.

LIMITATION ON ECONOMIC ASSISTANCE FOR CHILE

SEC. 407. Section 320 of the International Development and Food Assistance Act of 1975 is amended to read as follows:

"LIMITATION ON ECONOMIC ASSISTANCE FOR CHILE

"SEC. 320. (a) Notwithstanding any other provision of law, the total amount of economic assistance which may be made available for Chile during the fiscal year 1976 may not exceed $90,000,000 and during the period beginning July 1, 1976, and ending September 30, 1977, may not exceed $25,000,000. For purposes of this section, economic assistance includes any assistance of any kind which is provided, directly or indirectly, to or for the benefit of Chile by any department, agency, or other instrumentality of the United States Government (other than assistance provided under chapter 2, 4, or 5 of part II of the Foreign Assistance Act of 1961 or credits or guaranties extended under the Arms Export Control Act), but does not include commodities furnished under title II of the Agricultural Trade Development and Assistance Act of 1954.

"(b) This section shall not be construed to authorize the furnishing of any assistance which is prohibited under any other provision of law.".

CONTROL OF MILITARY FORCES IN THE INDIAN OCEAN

SEC. 408. (a) It is the sense of Congress that the President should undertake to enter into negotiations with the Soviet Union intended to achieve an agreement limiting the deployment of naval, air, and land forces of the Soviet Union and the United States in the Indian Ocean and littoral countries. Such negotiations should be convened as soon as possible and should consider, among other things, limitations with respect to—

(1) the establishment or use of facilities for naval, air, or land forces in the Indian Ocean and littoral countries;

(2) the number of naval vessels which may be deployed in the Indian Ocean, or the number of "shipdays" allowed therein; and

(3) the type and number of military forces and facilities allowed therein.

(b) Not later than December 1, 1976, the President shall transmit a report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate with respect to steps he has taken to carry out the provisions of this section.

UNITED STATES CITIZENS IMPRISONED IN MEXICO

SEC. 409. (a) The Congress, while sharing the concern of the President over the urgent need for international cooperation to restrict traffic in dangerous drugs, is convinced that such efforts must be consistent with respect for fundamental human rights. The Congress, therefore, calls upon the President to take steps to insure that United States efforts to secure stringent international law enforcement measures are combined with efforts to secure fair and humane treatment for citizens of all countries.

(b)(1) The Congress requests that the President communicate directly to the President and Government of the Republic of Mexico, a nation with which we have friendly and cooperative relations, the continuing desire of the United States for such relations between our two countries and the concern of the United States over treatment of United States citizens arrested in Mexico.

(2) The Secretary of State shall report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate within one hundred and twenty days after the date of enactment of this section, and every one hundred and twenty days thereafter, on progress toward full respect for the human and legal rights of all United States citizens detained in Mexico.

EMERGENCY FOOD NEEDS OF PORTUGAL

SEC. 410. It is the sense of the Congress that the President should undertake immediately an evaluation of the emergency food needs of Portugal. It is further the sense of the Congress that the President should take timely action to alleviate such emergency by providing Portugal with food commodities under the provisions of pertinent statutes.

STRIFE IN LEBANON

SEC. 411. It is the sense of the Congress that the situation in Lebanon, a nation traditionally friendly to the United States, poses a danger to peace in the Middle East. The Congress deplores the armed civil strife and the continuing erosion of national institutions which threaten to destroy the political and economic fabric of Lebanon with such tragic impact on all its people. The Congress views with grave concern any outside efforts to exploit the current strife with the purpose of transforming Lebanon into a radical state in confrontation with Israel. The Congress requests that the President use his good offices to secure an end to the civil strife and national discord in Lebanon and to preserve the traditional friendly attitude of Lebanon toward the United States.

REPORT ON KOREA

SEC. 412. Chapter 3 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 688. REPORT ON KOREA.—Within ninety days after the enactment of this section, and at least once during each of the next five years, the President shall transmit to the Speaker of the House of Representatives and to the Committees on Foreign Relations and Armed Services of the Senate a report which (1) reviews the progress made under the announced program of the Republic of Korea to modernize its armed forces so as to achieve military self-sufficiency by 1980, (2) reports on the role of the United States in mutual security efforts in the Republic of Korea, and (3) reports on the prospects for or implementation of phased reduction of United States Armed Forces assigned to duty in the Republic of Korea, in coordination with the

timetable of the Republic of Korea for military self-sufficiency.".

LIMITATION ON ASSISTANCE FOR THE REPUBLIC OF KOREA

SEC. 413. (a) (1) The aggregate amount of—

(A) funds obligated or reserved for military assistance, including supply operations, under chapter 2 of part II of the Foreign Assistance Act of 1961;

(B) funds obligated or reserved for military education and training under chapter 5 of part II of the Foreign Assistance Act of 1961;

(C) the acquisition cost of excess defense articles, if any, ordered under part II of the Foreign Assistance Act of 1961 and not charged against appropriations for military assistance;

(D) the value of defense articles and services ordered under section 506(a) of the Foreign Assistance Act of 1961;

(E) credits, including participations in credits, extended under section 23 of the Arms Export Control Act; and

(F) the principal amount of loans guaranteed under section 24(a) of the Arms Export Control Act;

for the Republic of Korea may not exceed $290,000,000 during the period beginning July 1, 1975, and ending September 30, 1977.

(2) The provisions of this subsection may not be waived under the authority of any other provision of law.

(b) The aggregate dollar amount of agreements entered into under title I of the Agricultural Trade Development and Assistance Act of 1954 for the sale of agricultural commodities to the Republic of Korea may not exceed $175,000,000 during the period beginning July 1, 1975, and ending September 30, 1977.

REPEAL OF INDOCHINA ASSISTANCE

SEC. 414. (a) Part V of the Foreign Assistance Act of 1961 and sections 34, 35, 36, 37, 38, 49, and 40 of the Foreign Assistance Act of 1974 are repealed. All determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law repealed by this section shall continue in full force and effect until modified, revoked, or superseded by appropriate authority.

(b) Subject to the availability of appropriations therefor, the President is authorized to adopt as a contract of the United States Government, and assume any liabilities arising thereunder (in whole or in part), any contract which had been funded or approved for funding by the Agency for International Development prior to June 30, 1975, for financing with funds made available under the Foreign Assistance Act of 1961 or the Foreign Assistance Act of 1974, or any equitable claim based upon a letter of intent issued prior to April 30, 1975, in which the Agency had expressed its intention to finance a transaction subject to the availability of funds, between the former Governments of Vietnam or Cambodia (including any of their agencies) or the Government of Laos (or any of its agencies) and any person and to apply with respect to any such contract the authorities of the Foreign Assistance Act of 1961.

(c) Funds made available for the purposes of part V of the Foreign Assistance Act of 1961 and of section 36 of the Foreign Assistance Act of 1974 (including amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955 (31 U.S.C. 200), as having been obligated against appropriations heretofore made, are authorized to be appropriated, and thereafter, to remain available until expended, to meet necessary expenses arising from the actions authorized by subsection (b) of this section and such funds are authoirzed to remain available until expended to meet necessary expenses arising from the termination of assistance programs authorized by such part and such section 36, which expenses may include but need not be limited to the settlement of claims and associated personnel.

LEBANON HOUSING RECONSTRUCTION

SEC. 415. Section 223(j) of the Foreign Assistance Act of 1961 is amended by striking out "and" in the last sentence and by inserting immediately before the period at the end of such sentence ", and in Lebanon, not exceeding a face amount of $15,000,000."

ITALY RELIEF AND REHABILITATION

SEC. 416. Chapter 9 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 495B. ITALY RELIEF AND REHABILITATION.—(a) In addition to amounts otherwise available for such purpose, there is authorized to be appropriated $25,000,000 for the fiscal year 1979 to furnish assistance under this chapter for the relief and rehabilitation of the people who have been victimized by the recent earthquake in Italy. Amounts appropriated under this section are authorized to remain available until expended.

"(b) Obligations incurred prior to the date of enactment of this section against other appropriations or accounts for the purpose of providing relief and rehabilitation assistance to the people of Italy may be charged to the appropriations authorized under this section.".

LEBANON RELIEF AND REHABILITATION

SEC. 417. The Foreign Assistance Act of 1961 is amended by adding at the end of chapter 9 of part I a new section as follows:

"SEC. 495B. LEBANON RELIEF AND REHABILITATION.—(a) The Congress, recognizing that prompt United States assistance is necessary to alleviate the human suffering arising from civil strife in Lebanon and to restore the confidence of the people of Lebanon, authorizes the President to furnish assistance, on such terms and conditions as he may determine, for the relief and rehabilitation of refugees and other needy people in Lebanon.

"(b) There is authorized to be appropriated to the President for the purposes of this section, in addition to amounts otherwise available for such purposes, $20,000,000, which amount is authorized to remain available until expended.

"(c) Assistance under this section shall be provided in accordance with the policies and general authority contained in section 491.

"(d) Obligations incurred prior to the date of enactment of this section against other appropriations or accounts for the purpose of providing relief and rehabilitation assistance to the people of Lebanon may be charged to the appropriations authorized under this section.

"(e) Not later than sixty days after the date of enactment of appropriations to carry out this section, and on a quarterly basis thereafter, the President shall transmit reports to the Committees on Foreign Relations and Appropriations of the Senate and to the Speaker of the House of Representatives regarding the programing and obligation of funds under this section.".

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

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

There was no objection.

AMENDMENTS OFFERED BY MR. MORGAN

Mr. MORGAN. Mr. Chairman, I offer technical amendments.

The Clerk read as follows:

Amendments offered by Mr. MORGAN: Page 62, line 4, strike out "shall" and insert in lieu thereof "should".

Page 71, line 2, immediately after "personnel" insert "costs.".

Page 72, line 7, strike out "495B" and insert in lieu thereof "495C".

The amendments were agreed to.

AMENDMENT OFFERED BY MR. DERWINSKI

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

The Clerk read as follows:

Amendment offered by Mr. DERWINSKI: At page 68, strike line 4 through page 69, line 4.

Mr. DERWINSKI. Mr. Chairman, there are a number of cogent reasons for supporting this amendment, which would restore the drastic cuts in U.S. support of the Republic of Korea made by section 413 of the Security Assistance Act. Under this section, FMS credit sales and military assistance to South Korea would be slashed by 40 percent, and Public Law 480 funds would be reduced by 72 percent, or over $100 million.

I believe that when the Members consider the following points, they will be convinced that section 413 would adversely affect the security of American troops remaining in South Korea as well as the stability of the entire Far East.

First, a sharp cutback in U.S. support of South Korea could trigger action by the aggressive North Korean dictator, Kim Il Sung.

The drastic reduction in FMS credit levels would destroy our timetable for phasing out grant aid. The proposed cuts would delay South Korea's program to modernize its armed forces and become self-sufficient militarily. In turn, it would delay the reduction in U.S. forces there.

This provision, by endangering the security of South Korea, would affect the stability and security of Japan and our other allies in the Far East. An objective review of post World War II history will show this.

A cut in the Public Law 480 funds would affect the Korean market for our farm products. Korea is the world's fifth largest importer of American wheat, corn, rice, and cotton.

South Korea has the outstanding record of having repaid every installment on loans and credits made by the United States since the Korean war.

Mr. Chairman, even the domestic critics of the Park government oppose these cuts in the security assistance provided by the United States. They recognize the threat they face from the North.

It is important to keep in mind the purposes of security assistance when considering levels of military assistance to the Republic of Korea. We do not provide this assistance as support to any individual or group but to help the Republic of Korea to meet its own self-defense needs.

Any major reduction in our present programs could be misunderstood by North Korea as a sign that the U.S. commitment to the security and independence of the Republic of Korea had weakened.

While we do not wish to go into details on the content of specific diplomatic discussions, we have most recently

directly expressed the USG concerns to the ROKG over the current trials, as well as their impact within the United States.

In addition it should be noted that, whatever their criticisms of the policies of their own Government, President Park's critics in Korea support the continuation of the present security relationship between Korea and the United States.

AMENDMENT OFFERED BY MR. ZABLOCKI TO THE AMENDMENT OFFERED BY MR. DERWINSKI

Mr. ZABLOCKI. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

AMENDMENT OFFERED BY MR. ZABLOCKI TO THE AMENDMENT OFFERED BY MR. DERWINSKI

Strike the words "page 69, line 4" and insert in lieu thereof "page 69, line 10".

Mr. FRASER. Mr. Chairman, I make a point of order against the amendment. Could the amendment be reported once more?

The CHAIRMAN. The gentleman from Minnesota may reserve a point of order. Does the gentleman wish to reserve a point of order?

Mr. FRASER. Mr. Chairman, I would like to reserve a point of order against the amendment, yes.

The CHAIRMAN. The gentleman's point of order is reserved, and the gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 5 minutes in support of his amendment.

Mr. ZABLOCKI. Mr. Chairman, the amendment I have proposed to the amendment offered by the gentleman from Illinois (Mr. DERWINSKI) would complete the striking of section 413. The amendment offered by the gentleman from Illinois deletes the military assistance program ceiling. My amendment deletes the Public Law 480 ceiling that the gentleman from Minnesota had proposed and was adopted in committee.

Let me at the very outset say that I strongly support the Derwinski amendment, deleting the $290 million ceiling on the military assistance to Korea.

Mr. Chairman, I agree with the gentleman from Minnesota that we should promote human rights everywhere in the world. I submit, however, Mr. Chairman, that the Fraser amendment section 413 would be counterproductive. Mr. Chairman, the proponents of section 413, primarily my dear friend and colleague, the gentleman from Minnesota (Mr. FRASER), believe that section 413 will be a significant signal to the South Korean Government and would significantly contribute to improving human rights in Korea. I submit that section 413 is also a signal to the North Korean Government. It also may be a signal to friendly nations and allies in that part of the world.

Mr. Chairman, I have had visitors from Japan, Southeast Asia, and Taiwan. They were courtesy calls, nevertheless these visitors expressed a deep concern should the United States withdraw or curtail our military assistance to Korea. They maintained such an action would affect their own security.

Mr. Chairman, speaking to my amendment to the amendments, it is in effect perfecting amendment which would also delete, as I said earlier, from section 413 the $175 million ceiling on Public Law 480 assistance to South Korea. Imposing an arbitrary ceiling on one of our most humanitarian programs, food aid, would not serve human rights in Korea, but would serve three possibly dangerous ends: First, it would adversely affect the economy of a close friend and ally. U.S. food assistance to Korea continues to make significant contributions to Korea, which still must import a large quantity of food to feed its people. The limitation on concessional sales to Korea, which section 413 anticipates, would increase that country's 1976 balance of payments deficit beyond the presently estimated $1.5 billion amount.

Mr. Chairman, I see no point in taking food assistance from these people, whose human rights are, indeed, of concern to us all.

Second, Mr. Chairman, the ceiling would significantly damage the growing Korean market for agricultural products. In 1975 Korea was the world's fifth largest importer of U.S. farm products. During the last fiscal year Korea purchased $880 million worth of agricultural products from this country. The Public Law 480 program is in large measure responsible for developing and stimulating this growing commercial market for U.S. produce.

Should the program suddenly be reduced, the Koreans might not turn as frequently nor as reflexively to U.S. suppliers in the future. The ceiling might, in fact, encourage the Koreans to seek out other—often cheaper—sources of wheat, rice, cotton, and corn in Canada, Australia, Thailand, and other countries. Unless this ceiling is removed, our planned fiscal year 1977 Public Law 480 program for Korea will be cut by $92 million. This cut would eliminate sales of: 223,000 metric tons of wheat worth $28.5 million; 127,500 metric tons of rice worth $40.5 million; and 72,000 bales of cotton worth $23 million.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. ZABLOCKI. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

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

Mr. FRASER. Mr. Chairman, reserving the right to object, the gentleman is speaking, I think, on an amendment that is not in order and is speaking to the merits of the Derwinski amendment for most of the gentleman's remarks.

Mr. Chairman, I will not object, but I think we ought to dispose of the gentleman's amendment.

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

There was no objection.

Mr. ZABLOCKI. Mr. Chairman, I might say to the gentleman from Minnesota that only in passing did I comment on the Derwinski amendment. I am now addressing myself to my amendment to the amendment offered by the gentleman from Illinois (Mr. DERWINSKI). My amendment would remove the ceiling of $175 million on Public Law 480 commodities.

Mr. Chairman, besides the effect that Public Law 480 ceiling would have on the economy of Korea and the trade with the United States, third, a ceiling on Public Law 480 sales would make it impossible for the United States to fulfill an understanding which we made in 1971 in connection with restraints on Korean exports of textiles to the United States. This understanding called for the Koreans to limit textile exports to the United States. This limitation immediately benefitted the U.S. textile industry by reducing competition from Korea. To help offset the potential loss of sales by Korean exporters, the United States agreed to provide Korea a total of $776.25 million in Public Law 480 commodities over a 5-year period.

The United States was unable to provide targeted levels of assistance during the 5-year period, due to emergency food needs in other countries and to the consequent lack of available commodities. A ceiling of $175 million on Public Law 480 assistance to Korea would make it impossible for us to reach these levels for another 2 years.

Mr. Chairman, each of us fully supports the promotion of human rights not only in Korea but throughout the world. Cutting our food aid to Korea, however, represents a rather awkward attempt to reach this well-intended goal. Disturbing the Korean economy, increasing that country's trade deficit, and reducing American agricultural exports by almost $100 million, can scarcely be counted as reasonable efforts to improve the lot of the Korean populace.

I urge that the ceiling on Public Law 480 assistance to Korea be removed.

POINT OF ORDER

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

Mr. FRASER. I do, Mr. Chairman.

Mr. Chairman, I make a point of order against the Zablocki amendment to the amendment on the grounds that it is an effort to amend a perfecting amendment. It deals with a different part of the bill, and since the bill is open to amendment by titles, the perfecting amendment, so-called, offered by the gentleman from Illinois (Mr. DERWINSKI), as I understand, only strikes section 413 down through line 4 on page 69. This is an effort to strike a different part of the title, and therefore would not be in order as an amendment to the Derwinski amendment.

I, therefore, object to its consideration.

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

Mr. ZABLOCKI. I do, Mr. Chairman.

Mr. Chairman, the Derwinski amendment strikes section 413 to line 4 on page 69. All my amendment does is continue striking section 413 by striking the words, "page 69, line 4," and substituting in lieu thereof, "page 69, line 10."

So, it is an amendment in order to an

amendment that was recognized in order.

The CHAIRMAN. The Chair is ready to rule.

The amendment offered by the gentleman from Illinois (Mr. DERWINSKI) strikes all of section 413, beginning with line 5, page 68, through line 4, page 69. The amendment offered by the gentleman from Wisconsin (Mr. ZABLOCKI) to that amendment would increase the portion of section 413 that is stricken, expanding the area stricken down through line 10, page 69.

Under Cannon's Precedents in the House of Representatives, on page 13, in middle of the page, under the heading "amending a motion":

When it is proposed to strike out certain words, it is not in order to amend by adding to the words of the paragraph, but it is in order to amend by striking out a portion of the words specified.

Since the question has come before the House before, in Hind's Precedents of the House of Representatives, volume V, 1907, page 389, section 5768, the Chair will quote from that decision as follows:

5768. When it is proposed to strike out certain words in a paragraph, it is not in order to amend by *adding to* them other words of the paragraph.—On April 3, 1902, the bill (S. 1025) to promote the efficiency of the Revenue-Cutter Service was under consideration in Committee of the Whole House on the state of the Union, when the following paragraph was read:

SEC. 8. That when any commissioned officer is retired from active service, the next officer in rank shall be promoted according to the established rules of the service, and the same rule of promotion shall be applied successively to the vacancies consequent upon such retirement.

Mr. James R. Mann, of Illinois, moved to strike out the words "according to the established rules of the service."

Mr. John F. Lacey, of Iowa, moved to amend the amendment by adding to the words proposed to be stricken out other words in the context of the paragraph.

The Chairman held that the amendment of Mr. Lacey should be offered as an independent amendment rather than as an amendment to the amendment.

For the reasons stated, the point of order of the gentleman from Minnesota is sustained.

Is there further debate on the Derwinski amendment?

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

Mr. Chairman, let me make clear first that the objection to the amendment offered by the gentleman from Wisconsin (Mr. ZABLOCKI) to the amendment offered by the gentleman from Illinois (Mr. DERWINSKI) was made primarily on procedural grounds.

I have informed the House that I intend to support the motion to strike any restriction on the sale of Public Law 480 title I funds for South Korea. So I am prepared to support the amendment offered by the gentleman from Wisconsin (Mr. ZABLOCKI) after we dispose of the amendment offered by the gentleman from Illinois (Mr. DERWINSKI), but I did not want to get the two issues confused.

The amendment offered by the gentleman from Illinois (Mr. DERWINSKI) strikes just the limitation on military aid. I have an amendment that would strike the limitation on food aid. So that either the gentleman from Wisconsin (Mr. ZABLOCKI) or I, after we dispose of the amendment offered by the gentleman from Illinois (Mr. DERWINSKI), clearly can deal with the Public Law 480 title I limitation, which we agreed should come out of the bill.

On this section, Mr. Chairman, let me just make a few points. The effect of the Derwinski amendment is to take language out of the bill that would place a limitation on military aid to South Korea at the same level that military aid was provided in 1975. In other words, the committee looked at what was happening in South Korea and decided to continue the same level of military aid for 1976 and 1977 as was provided in 1975.

In addition, South Korea proposes to purchase from the United States $838 million of military arms, on the basis of cash purchases or on commercial terms. This means that if the Derwinski amendment prevailed and the limitation is taken out, South Korea will receive a total of $1.3 billion in arms aid. If the Derwinski amendment fails and the limitation stays in, South Korea will be able to receive $1,128,000,000, or 15 percent less, in aggregate arms aid and arms sales over these 2 years.

Our committee for the first time looked at the problem of human rights in South Korea in 1974, and at that time we received a report from the State Department on the human rights situation in South Korea. The statement begins:

For the past 2 years, the trend in Korea has been toward an authoritarian mode of government. Institutional means of dissent have been rendered powerless and efforts to express opposition have been suppressed through a series of severe emergency decrees.

The Constitution was amended by referendum in 1972, concentrating all effective power in the office of the President and diminishing protection of human rights. The referendum was carried out under martial law and no debate of the proposed amendments was permitted . . .

The committee held 3 days of hearings in 1974, getting all points of view. No witness disputed the growing authoritarianism in South Korea, but rather the question of whether or not there was some justification for it outside of President Park's personal desire to become a permanent fixture in Korea.

In 1975, we held 8 days of hearings on South Korea. One of the witnesses was the former Chief Cultural and Information Attache and Director of the Korean Information Office in Washington, D.C. He defected from the Korean Embassy after being asked to frame a colleague. He had served as a Korean civil servant of the Republic of Korea for nearly 20 years, and is widely respected as a person of integrity. He testified:

. . . Park's martial law Constitution was essentially designed to eliminate criticism and opposition, to strip the South Korean people of human and civil rights and to establish a complete and permanent dictatorship.

Mr. Lee, who is now a professor of journalism at Western Illinois University, also testified:

. . . the credibility of the United States is at stake due to the continuing support of the United States for Park Chung Hee's dictatorial rule and for his policies. . .

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(By unanimous consent, Mr. FRASER was allowed to proceed for 3 additional minutes.)

Mr. FRASER. Professor Lee, formerly with the Korean Embassy, stated that—

The credibility of the United States is at stake due to the continuing support of the United States for Park Chung Hee's dictatorial rule and for his policies, reaffirming the American guarantee and American aid for South Korea's defense, regardless of democratic prospects in the country.

The world has been told for nearly 30 years by the highest authorities of the United States that the purpose of American aid to South Korea was to defend democracy there.

He said also in that same testimony:

In South Korea today, Park is rooting out the slightest sign of the democracy for which Americans have paid with 30,000 lives and billions of dollars and for which Koreans have paid with 2 million lives and near total destruction of the country.

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

Mr. FRASER. No, not at this time. I will yield when I am through.

Perhaps the most devastating constitutional change made by Park under martial law in 1972 was the enactment of article 53. It provides:

In case the national security or the public safety and order is seriously threatened or anticipated to be threatened . . . the President . . . shall have the power to take emergency measures which temporarily suspend the freedom and rights of the people as defined in the present Constitution and enforce emergency measures with regard to the rights and powers of the executive and judiciary.

That article goes on to say that the judicial review of measures taken under this authority is forbidden.

Under that power the President issued decrees in 1974 providing for up to 15 years imprisonment for advocating amendment to the constitution; creation of courts-martial to try political offenses; punishment by death, life imprisonment or no less than 5 years imprisonment for any student who engages in political activity, and so on.

Perhaps the closest analogous section to be found in modern times is the infamous article 58 of the Soviet Criminal Code which Solzhenitsyn describes so vividly in Gulag Archipelago. The analogy to the Soviet system does not end there. The Korean Central Intelligence Agency has no closer parallel than the KGB in the Soviet Union. Pervasive with agents in every phase of Korean life, the Korean CIA is more powerful than the formal instruments of government. It is responsible only to President Park.

Some of us may have seen the Washington Post headlines last week: "South Korean CIA Power Grows and Fear Spreads."

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield at that point?

Mr. FRASER. Yes. If I can get a few more minutes, I will be glad to yield to the gentleman.

Mr. DERWINSKI. Mr. Chairman, I would just like to make the point that the gentleman is referring to allegations, and I think the gentleman should at least make it clear to the House that there is an ongoing controversy over the validity of much of the testimony and the material contained in the newspaper stories and committee.

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

(By unanimous consent, Mr. FRASER was allowed to proceed for 3 additional minutes.)

Mr. DERWINSKI. Mr. Chairman, if the gentleman will yield further, I just wanted to be sure that we understand each other in that we are speaking of allegations, not absolute fact, and that we are speaking of interpretations of the issue. I believe it is in that context that the gentleman is speaking.

Mr. FRASER. Mr. Chairman, I will say to the gentleman that if he would read the statements supplied to the committee by the Department of State, especially the statement that says that for the past 2 years the trend in Korea has been toward an alternative mode of government, he would find that the facts are right from the mouth of the Department of State.

Mr. Chairman, in testimony this year we learned that the Korean CIA has been active in the United States in efforts to harass and intimidate Korean-Americans who are critical of Park.

The former Director of the Office of Korean Affairs in the Department of State was one of our witnesses last year. He was in charge of Korean affairs for the Department from 1970 to 1974. He said, with reference to the human rights problem in South Korea—and I quote—

> Unless the present course of events is arrested or reversed, there will be trouble in Korea. And should that occur, how much better for the United States that our role has been honorable and consistent with our ideals. Our conduct to date on human rights issues has not been so.

He urged that limits be placed on military assistance to Korea unless Korea's record in human relations improves substantially.

Mr. Chairman, this is what section 413 does. It places a limit on military aid at the level we supplied in 1975. But the South Korean Government is not prevented from paying $800 million for additional arms, which it proposes to do through its own resources and which this section of the bill does not prevent.

Mr. Chairman, I will just close by saying that in this year of our Bicentennial, when we reaffirm the faith and values that made this country strong and free, it would be ironic if by our vote we endorsed a government which is systematically denying those same freedoms to its own people.

Mr. CHARLES H. WILSON of California. Mr. Chairman, will the gentleman yield?

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

Mr. CHARLES H. WILSON of California. Mr. Chairman, I have two questions of the gentleman in the well.

First, in connection with the gentleman's reference to the former State Department employee, did he not become disenchanted with South Korea after he got bypassed on some promotions?

I have been trying to understand what his hangup is. Would the gentleman please tell me.

Mr. FRASER. I must say that I really do not regard that suggestion as being the kind that is pertinent for consideration of this Committee. Don Ranard, the gentleman in question, is probably the man who saved the life of Kim Dae Jung when the Korean CIA kidnaped him out of a hotel in Tokyo and forced him to return to South Korea.

He is the one who urged the top officials of the Department of State to call in the Korean Ambassador and lay down the law with respect to the activities of the South Korean CIA.

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

(On request of Mr. CHARLES H. WILSON of California and by unanimous consent, Mr. FRASER was allowed to proceed for 5 additional minutes.)

Mr. FRASER. As I was saying, Mr. Chairman, Don Ranard is the one who asked the Department of State to call in the Korean Ambasador to lay down the law about the activities of the Korean CIA here in the United States.

He demonstrated throughout his service as the person in charge of the Korean desk here that he is concerned for human rights. Therefore, I do not think it is fair to suggest that he suddenly found this concern after he left the Department of State.

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

Mr. FRASER. I yield to the gentleman from New York.

Mr. WOLFF. Mr. Chairman, the gentleman in the well said that Mr. Ranard saved Kim Dae Jung's life.

I should like to take exception to that because in the record of the gentleman's committee hearing, it so happened at that time that I went with our Ambassador Mr. Habib to President Park, and interceded for Kim Dae Jung.

Mr. FRASER. If the gentleman from New York (Mr. WOLFF) helped to save Kim Dae Jung's life, I should like to say "Fine."

Mr. WOLFF. The proof is in the record of the gentleman's hearing.

Mr. FRASER. However, I only want to make the point that when Kim Dae Jung was kidnapped by the Korean CIA out of the Tokyo hotel, it was only a matter of hours before he was transported across the straits, and it was widely believed that they were going to "deep-six" him. Don Ranard reacted in those early hours.

If the gentleman from New York (Mr. WOLFF) would keep working to get him out of Korea, that would be a worthwhile endeavor.

Mr. WOLFF. If the gentleman will yield further, not only am I working to help Kim Dae Jung, but I did meet with him on my last trip to Korea. At that time I again spoke to President Park about Kim Dae Jung as well as others. I am sorry to see Kim Dae Jung in jail, I am also sorry he is being used as a pawn by both sides. A letter that he gave me, which he requested that I keep confidential, contains certain elements that I think bear witness to some of the things that the gentleman has said about human rights but also oppose some of the actions that the gentleman has recommended.

I think it is important to get on the record, when we talk of these things, both sides of the story; I would hope that the gentleman does not mean, when he mentions the name of Kim Dae Jung in this fashion, to use him or others in a cavalier fashion that could put them in further jeopardy by attempting to speak for them.

Mr. FRASER. I say to the gentleman that I am not treating his fate cavalierly at all.

As the gentleman has said, Kim Dae Jung is in jail again today. He had the courage to sign a statement calling for the return of democracy in South Korea.

The gentleman, I am sure, agrees with me that this is a tragic activity on the part of the South Korean Government.

I have the statement of Jung and the religious and civic leaders and there is nothing offensive about it. It is a straight declaration calling for a return to the basic values which we hold dear in this country. For that he is being persecuted and tried along with the others.

I am sorry that there are not more voices speaking out on this matter. I wish that some of my colleagues who expressed this great concern for Korea would find the time to pen a simple note to the Korean Ambassador.

Mr. CHARLES H. WILSON of California. Mr. Chairman, will the gentleman yield?

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

Mr. CHARLES H. WILSON of California. Mr. Chairman, I should like to say this: Mr. MURPHY and I had lunch today with the chairman of the Committee on Foreign Affairs of the Korean Congress, and we urged him to go back to President Park and ask to have Kim Dae Jung released.

Mr. FRASER. I appreciate that.

Mr. CHARLES H. WILSON of California. We are trying to create this type of atmosphere. The gentleman knows that this is the answer. It is not the way the gentleman is trying to do this.

Mr. FRASER. The gentleman from California and I are in agreement. If the South Korean Government would change its practices, we would both support it.

Mr. CHARLES H. WILSON of California. I think we have different views on this. I have a little different perspective about South Korea than the gentleman does.

I have seen the good things in South Korea, the tremendous strides that have been made in the past 10 years, and the economy of this country has improved so greatly. I have seen democracy actually protected, I would say to the gentle-

man from Minnesota (Mr. FRASER), but I am sure the gentleman will disagree with me on that. But I have no question at all about stating this position.

Mr. FRASER. Does not the gentleman from California agree that since 1972, the adoption of the new constitution, under martial law with no discussion, that there has been a downward trend in human rights in South Korea?

Mr. CHARLES H. WILSON of California. No, not at all. That country has been trying to form a democracy for just 25 years. They have had three Presidents. As I related the other day when we had our little special order, we could go back to the same time in the history of our own country. There is no comparison about human rights in Korea and human rights in this country at the same time in our history as a new democracy.

I would also say we have a CIA in our country which is probably just as notable as the CIA in South Korea for suppression of human rights, if the KCIA is actually guilty as alleged.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois (Mr. DERWINSKI).

Mr. Chairman, it has been stated that the ceiling imposed by the Committee on International Relations with regard to Korean military assistance has relatively little military significance, since it will not affect cash purchases by the Korean Government. This is just not correct. The cash sales mentioned are essentially devoted to the procurement of military items to maintain the Korean armed forces and do not include major amounts for procurement of new equipment.

Further, the Republic of Korea Government assumption of its O. & M. costs as reflected by the major increase in cash sales is already a significant burden on the Republic of Korea economy.

Republic of Korea Government must have defense guaranteed loans if it is to proceed fith the major procurement of needed new equipment to maintain the military balance and to allow us to eventually consider the question of reducing U.S. forces.

The Republic of Korea Government simply cannot procure through commercial channels alone their needed major equipment items. Foreign military sales defense guaranteed loans are an essential component.

The reduction of U.S. troop levels in Korea can only be considered when and if the Koreans develop a substantial self-defense capability. Reductions in military aid impair the attainment of this goal, and thus adversely affect the prospects for such eventual reduction.

The cut in military assistance to South Korea proposed in section 4.3 is drastic. It would represent a 40-percent cut in the foreign military sales credits and military grant aid program this 2-year bill would otherwise authorize. This is a military assistance program which is oriented increasingly toward foreign military sales credits, rather than grant aid. These credits are intended to aid the South Koreans to complete a modernization program which will put their armed forces, and particularly their air force and air defense, on a par with the North Korean Armed Forces by 1980. If the primary U.S. objective is the eventual self-sufficiency of the South Korean defense forces which will facilitate the withdrawal of U.S. troops, it is important to understand that a severe cut in assistance to Korea could delay and diminish the possibility for U.S. withdrawals.

In summary, acceptance of the Fraser ceiling—

Would seriously impede the ROK progress toward military self-sufficiency;

Would delay completion of the modernization plan; and

Would be interpreted in Korea, Japan and elsewhere as a weakening of our security commitment to the ROK with with no attendant impact on the human rights situation in the ROK.

I strongly support the Derwinski amendment.

Mr. JOHNSON of Colorado. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Colorado.

Mr. JOHNSON of Colorado. Mr. Chairman, did the gentleman imply that South Korea is not on a par with the North Korean forces?

Mr. LAGOMARSINO. In the question of air defense, that is certainly true.

Mr. JOHNSON of Colorado. Will the gentleman give the House some of the figures, if he has them, with respect to the total defense establishment of North Korea compared to South Korea?

Mr. LAGOMARSINO. I do not have those figures available but I am sure they can be furnished.

Mr. MURPHY of New York. Mr. Chairman, would the gentleman yield at that point?

Mr. LAGOMARSINO. I yield to the gentleman from New York.

Mr. MURPHY of New York. I will be happy to give the gentleman a brief description of the parity of the North Korean forces and the South Korean forces. The North Korean forces are totally equipped with up-to-date Russian artillery and armor which outgun the South Korean forces in both categories by a 3- or 4-to-1 ratio. In the category of air, the North Korean forces are equipped with far superior aircraft than the South Korean forces. In the area of missiles the North Koreans are far better equipped. They have the FROG (Free Rocket Over Ground) missile which is a "blockbuster" and has the capability to reach beyond the capital city of Seoul, and the South Koreans have no such capability.

The only elements bringing parity between the forces of North Korea and South Korea on that peninsula are the American troops and the American missile ability and American air ability.

The commitment that the gentleman is talking about is the commitment for O. & M. and those are the dollars that we are ill-advisedly cutting from this bill. Those are the operation and maintenance equipment dollars for the South Korean Army.

If we live up to the moral commitment that we have made to South Korea—and that is to bring them up to parity with North Korea—then we should certainly support the Derwinski amendment.

Mr. JOHNSON of Colorado. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Colorado.

Mr. JOHNSON of Colorado. I thank the gentleman for yielding.

I do not know where the gentleman from New York gets his figures.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. BEDELL, and by unanimous consent, Mr. LAGOMARSINO was allowed to proceed for 5 additional minutes.)

Mr. JOHNSON of Colorado. Will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Colorado.

Mr. JOHNSON of Colorado. I thank the gentleman for yielding.

I have the figures from the International Institute for Strategic Studies of London, which is one of the most prestigious study groups for military affairs anywhere in the world, and they do not verify the figures that the gentleman has given. I intend to put these in the RECORD, but I think we ought to get these out in the open.

Where does the gentleman get his figures?

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from New York.

Mr. MURPHY of New York. I thank the gentleman for yielding.

My figures come from the Commander in Chief in the Pacific Adm. Noel Gayler; they come from our U.N. commander, Gen. Richard Stilwell; they come from the former I Corps commander, the U.S. commander, Lt. Gen. James F. Hollingsworth, when I visited him last November. I also have here, a comparison of major weapons categories. For example, the North Koreans have 1,650 modern tanks; the South Koreans, 800 tanks. However, the North Korean tanks far outgun the 800 older South Korean tanks; 100 assault guns on the North Korean side, zero on the South Korean side; 2,800 field artillery pieces which far outgun and are higher calibrated than the 2,200 field artillery pieces of the South Korean side; 700 multiple rocket launchers on the North Korean side, zero on the South Korean side; 2,800 surface-to-air missiles in the North compared to none for the ROK forces.

Then we get into the Navy area. North Korea is producing in its own country submarines and has a far superior ability in high-speed infiltration ships. The figures are 400 ships and craft on the North Korean side, 190 on the South Korean side; 300 patrol class—and those patrol class are very significant because these are the high-speed patrol boats that come down the Korean coast and land insurgency teams that try to start insurgency movements in South Korea. One of the reasons they have not been successful in subverting the Government of South Korea is the fact that the South

Korean people are very anti-Communist because of what happened through 1950 to 1953. I think if we go right down through the Air Force, we find there are 625 jet tactical aircraft on the North Korean side, 237 on the South Korean side; 80 bombers on the North Korean side, zero on the South Korean side.

There is a total of—and this probably is the starkest figure of all—5,000 anti-aircraft weapons on the North Korean side to 1,000 on the South Korean side. Those are the figures we get from our own intelligence sources and our commander in chief in the Pacific.

I put these in the CONGRESSIONAL RECORD last November when I returned from that area.

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

Mr. LAGOMARSINO. I yield to the gentleman from New York.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the gentleman's remarks.

Mr. Chairman, Congressman FRASER indicates that the ceiling imposed by the Committee on International Relations with regard to Korean military assistance has little military significance since it will not affect cash purchases by the Korean Government. This is not correct.

The cash sales mentioned are devoted to the procurement of needed O. & M. items to maintain the Korean armed forces and do not include major amounts for procurement of new equipment.

Further, the Republic of Korean Government assumption of its O. & M. costs as reflected by the major increase in cash sales is already a significant burden on the Republic of Korea economy.

Republic of Korea Government must have Defense guaranteed loans if it is to proceed with the major procurement of needed new equipment to maintain the military balance and to allow us to eventually consider the question of reducing U.S. forces.

The Republic of Korea Government simply cannot procure through commercial channels alone their needed major equipment items. FMS defense guaranteed loans are an essential component.

The reduction of U.S. troop levels in Korea should only be considered when and if the Koreans develop a substantial self-defense capability. Reductions in military aid will impair the attainment of this goal, thus adversely affecting the prospects for such eventual reduction.

Accordingly, acceptance of the Fraser ceiling—

Would impede the Republic of Korea progress toward military self-sufficiency;

Would delay completion of the Republic of Korea modernization plan; and

Would be interpreted in Korea, Japan and elsewhere as a weakening of our security commitment to the Republic of Korea with no attendant impact on the human rights situation in the Republic of Korea.

Therefore, I urge my colleagues to support the Derwinski amendment.

Mr. LAGOMARSINO. Mr. Chairman, I strongly support the amendment offered by the gentleman from Illinois (Mr. DERWINSKI).

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

Mr. Chairman, I just want to make some points that I think need to be emphasized.

I find no language in the bill which limits cash sales. It certainly does limit the aid program. As the gentleman from Minnesota pointed out in his discussion, on the 2-year program, the gross amount that would be available for the 2 fiscal years without the limitations in the bill is $1.333 billion. If we apply the limitations in the bill to the same 2-year period there will be available $1.128 billion.

So this means that the bill provides a $200 million cut over 2 years, $100 million for this year. If we translate that, we are talking about maintaining the aid program, at the 1975 level.

Now let us talk about the military aspect of it.

I am reading from a press report of August 1975 by President Park Chung which says in 5 years his nation will no longer need air, naval, or military support or even logistic support to repel Soviet attack or North Korean attack. Even now he says our aid is not required to fight North Korea.

If the North Koreans launch an attack against the South Koreans, without any external help, says the President, then South Korea can repel it if proper naval and air support is given by the United States with appropriate logistical support.

Mr. Chairman, I am not opposed to the South Korean modernization program. I have supported it. I think that the Koreans have done an excellent job with the aid and the material that we have given them in organizing their armed forces, making them an efficient fighting machine and being able to take care of themselves.

Mr. Chairman, I happen to believe what the President of Korea said in that statement. I do not see anything wrong or anything that is out of line with what we would do today in addressing ourselves to the question of human rights with a modest $100 million cut in terms of fulfilling our commitment to the armed forces of Korea.

Mr. Chairman, I am opposed to the amendment for another reason, and I support the limitation in the bill. Of course, we do not want to give any messages to the North Koreans. But that message, if any, has already been given by the President of Korea, by the hope and determination of the South Koreans themselves that they can take care of themselves and with our aid they can do that. We cannot, and this is no secret, indefinitely keep 40,000 troops in Korea. Sooner or later we have to have a policy which does exactly what the President of South Korea says, which makes it possible for South Korea to stand on their own two feet. But when the crunch comes they will get the needed naval and air support, as well as logistical support. So this $100 million cut keeps the 1975 level simply to get across the idea that the United States is unhappy with the repression of civil rights and liberty in Korea.

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

Mr. FASCELL. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, the quotation that the gentleman states on the part of General Park is excellent; but is it not true that statement was made prior to the cut in 1975 when we put on a limit?

The CHAIRMAN. The time of the gentleman from Florida has expired.

(At the request of Mr. ZABLOCKI, and by unanimous consent, Mr. FASCELL was allowed to proceed for an additional 3 minutes.)

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

Mr. FASCELL. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, it was premised on the basis that we would fulfill our commitment of modernization of the military program in Korea. If we cut back, and the gentleman did state correctly, it is prolonged. The longer it is prolonged, the more costly it is. We are all interested in withdrawing our support of roughly 40,000 troops in Korea. As long as we do not have a program effectvely implemented in Korea, our troops will remain there longer. I think they should be withdrawn as soon as possible.

Mr. FASCELL. Mr. Chairman, I understand the point of the gentleman from Wisconsin.

Mr. ZABLOCKI. Let me ask the gentleman from Florida, if the gentleman will yield further, was not the President Park quotation made before our cut in 1975?

Mr. FASCELL. I do not know when it was made or the premise on which it was made, but I know what the man said and that is what I am relying on. He said they could take care of themselves if they had naval, air, and logistical support from the United States. I assume we want to go on with the modernization program.

I did say to the gentleman from Wisconsin, and we both know this. We are committed to the modernization of the forces of Korea and we have demonstrated that time after time with our aid programs.

Now, some reference was made to the fact that the ability to draw down from the stockpile would be adversely affected by the limitation of this amendment. The Korea limitation language is not that significant as to the draw down. In this bill the present authority for stockpiling is reduced from $100 to $67.5 million. If the President decided to use the entire stockpile within the limitation, he would still have considerable money above that. Furthermore, the limitation in no way affects cash sales.

So, this discussion today boils down to one thing: Do we want to support the judgment of the International Relations Committee when it says that the committee imposed the limitation maintaining the aid program at the 1975 level because of the gross violation of human rights which continue in South Korea.

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

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

Mr. DERWINSKI. I am sure the gentleman would appreciate the fact that what was really done was that a majority of the committee then present took this position. My recollection is that we barely had a quorum at the time.

Mr. FASCELL. I do not know about that, but I will say that I read what is in the report.

Mr. DERWINSKI. But let me point out one other thing. I would like to have the gentleman address himself to this issue: The request for fiscal years 1976–77 was also based on the fact that the committee terminated the grant material assistance for Korea, so what we are speaking about is a substantial cut when we take into account that at the end of fiscal year 1976 we terminated the grant material assistance in the entire bill, so what we are really talking about now is not a small cut, but a 40 percent cut.

Mr. FASCELL. Let me answer the gentleman by saying that the matter he referred to was a worldwide policy decision made by the committee. It was not directed at Korea.

Mr. DERWINSKI. No, but it applies.

Mr. FASCELL. But Korea still would get over $1 billion for the next 2 years.

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

Mr. Chairman, I intend to support the Derwinski amendment, and at the outset I would like to make it clear that the administration is very much in accord with the Derwinski amendment, and also with the amendment that will be offered by the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. Chairman, an abiding respect for human rights is as old as our Nation. Two centuries ago, in declaring our independence, we cited the premise that certain truths are held to be self-evident, among them the fact that "all men are endowed by their Creator with certain unalienable rights." This concern, this American concern, with human rights has been a constant, compelling factor throughout our history. Millions of Americans have given their lives in defense of human rights, here and abroad. It is our long legacy of consistent support for a dignified human existence that, more than anything else, sets us apart from most other nations of the world.

Many of you may recall that 15 years ago a new President, seeking to evoke a sense of purpose and sacrifice from a weary electorate, noted that a new generation of Americans was "unwilling to witness or permit the slow undoing of those human rights to which this Nation has always been committed, and to which we are committed today at home and around the world."

I regret that the issue before us is couched solely in terms of human rights when it in fact deals with other, equally fundamental precepts such as our national security and our relationship with allied nations.

Mr. Chairman, I intend to vote in favor of the Derwinski amendment. I want the record to show that Congress is not confronted with a simple choice between good and evil, between human rights and oppression.

The point at issue is not whether individual Members of Congress are in favor of human rights: of course they are. Rather, we are being asked to determine how the foreign policy of our Government can most effectively serve the cause of individual liberty and dignity throughout the world.

Can we successfully impose our standards on nations such as South Korea where the margin of survival is measured in miles rather than in oceans?

Can the United States afford to court conflict by punishing a steadfast friend for alleged violations of human rights? Is there someone here who can tell me how this highly visible, emotional assault on our program of assistance to Seoul will improve the lot of the average Korean citizen? I would submit that it will probably have the opposite effect; it will drive a wedge between Washington and Seoul, increase South Korea's sense of threat and isolation, and decrease our ability to influence events on the Korean peninsula.

Mr. Chairman, there is widespread evidence that human rights are being abused in many countries: I deplore these violations, without exception, wherever they occur: be it in India, Mozambique, Peru, the Soviet Union, Southeast Asia, or Eastern Europe, or Chile. I do not suggest that the United States should overlook or excuse any violation of human rights in an effort to maintain alliances and friendships. I strongly believe that the dignity and security of the individual, the sanctity of law—in short, respect for human rights—must be at the heart of our foreign policy.

The U.S. Government is not indifferent to the cause of human rights. The administration is working, quietly and effectively, to promote a greater international respect for the liberties we in this country take for granted. The Government of South Korea is well aware of the importance we attribute to this issue. To the extent that Korea is prepared to react to our concerns it will do so out of respect for our friendship, not out of fear of our reprisals.

Mr. Chairman, when I voted for the Jackson-Vanik amendment, I thought it might be possible to force another government into increased respect for fundamental human rights. I was wrong on this issue; many of my colleagues were wrong. In our determination to do what was decent and right, we lost our sense of what was possible and obtainable.

We will repeat this tragic mistake if we use security assistance as a pressure point against South Korea. Let us remember that we provide security assistance to friendly nations not as a reward or punishment for their domestic practices, but because such assistance serves some significant American national interest. Failure to adopt the Derwinski amendment will inhibit our ability to act as a factor for moderation with our friends in South Korea; it may encourage adventurism from the north and jeopardize the security and stability of the region. I fail to see how we can possibly hope to improve the human rights situation in Korea by depriving that nation of the means to defend itself against a regime—North Korea—that betrays not the slightest concern with individual liberties and freedoms.

Mr. MURPHY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, every man and woman in this body is dedicated to the protection of human rights, not only in this country, but on a world basis; and I think the day we raise our hand and take our oath we make that statement freely, clearly, and openly. Therefore, I would not impugn anyone's motives or intentions when we debate human rights, and particularly human rights in South Korea, which is at issue in this amendment.

I think, however, we must examine the situation in light of current history. We have made a moral commitment to the Republic of Korea, a commitment that was made in 1950. It was reaffirmed by 16 other nations of the United Nations when they sent their men to fight alongside of our men.

I think we realize that communism, through its invasion in 1950 in South Korea, the probes of the West throughout Asia, certainly today we are going to analyze them and perhaps deliver messages back to the Communist areas in Asia. How will those messages be interpreted? Those messages will be interpreted differently in Pyongyang, where Kim Il-sung has just recently stated his intention to move southward to reunify the Korean peninsula but to reunify it under the Communist government. The reason he cannot do that is twofold. Number one is the ability and viability of the Government of the Republic of Korea, as it has been demonstrated conclusively over the past 15 years. And in about 4 years that country will be considered an industrialized country and not an underdeveloped country. It is truly an economic miracle. The second reason is that the United States has remained a steadfast ally of the Republic of Korea. We have maintained a minimal troop level. We have kept one infantry division off the demilitarized zone but in a position where it is a clear message to Pyongyang that the United States is there. U.S. Air, U.S. Navy, and U.S. strategic missile forces are also on the peninsula. That is the balance that we have maintained. That balance not only protects the Republic of South Korea, it also protects Japan and the entire western Pacific basin from the encroachment of communism.

The Park government I think has been a little sternly accused of repression of rights. I looked to see in just what area that repression has been. Billy Graham preached to over 1 million people just recently in South Korea. The March 1 day that we had the so-called demonstration against the government in the cathedral, 500 people were baptized that day in the cathedral in Seoul.

We did not hear about that. And on the same day a half million people attended Mass.

Mr. Chairman, last week, along with my colleague, the gentleman from California (Mr. CHARLES H. WILSON), I put in the RECORD, in a 2-hour special order, evidence by the clergy, both Protestant and Catholic, that they did not want elements of their clergy being used for political purposes, that they particularly wanted to give the message to the world that there is freedom of religion, and that there is freedom of movement within South Korea.

In the United States alone there are more than 3,300 students from South Korea who move freely to the United States and move back to their country, just the same as students from all over the free world have the ability to move here.

If we sustain the position of the gentleman from Illinois (Mr. DERWINSKI), the message that this amendment will deliver is a clear message to Pyongyang that the United States is once again reaffirming its commitment to the well being of Korea. I would say also—and I say this advisedly—that if the Derwinski amendment is defeated, it would be an uncertain trumpet broadcast from this floor to the world that the United States is once again starting to withdraw, and that message would be misinterpreted. Conceivably in Pyongyang it would have to be supported if they moved unilaterally by both Moscow and Peking, because of the Communist probes that we have seen in the past.

I say that unless we support the Derwinski amendment, we will fail to continue our moral commitment to the Korean people, and that moral commitment is to maintain on the present level the continuation of American aid.

Mr. Chairman, only 7 months ago, on November 7, 1975, North Korea's leader, Kim Il Sung, stated that—

> The occupation of South Korea by U.S. troops is the main obstacle to our national reunification.

He was, of course, referring to his often-stated goal of drawing South Korea into his totalitarian regime, making it a part of the suffocating Communist world.

The extremely limited stability of the status quo in Korea is constantly threatened by Kim's massive military presence just 30 miles north of Seoul, and his continued threats to use that power at the very first opportunity.

The short-term problem is quite simply that Kim Il Sung is essentially irrational. In the words of our CINCPAC—Commander in Chief Pacific—Intelligence Directorate, Kim is "a zealous nationalist and a dedicated Communist wholly capable of executing faulty judgments based on misconception." CINC PAC also notes that Kim "is not interested in global détente, which can only hinder his goal of reunification by force of arms."

I fully agree with that assessment, and as I pointed out in my report to the Speaker of the House last October upon my return from an extensive political, military, and economic inspection of South Korea, it is generally accepted—that one of the best assets of the Republic of Korea is the fact that Kim is looked upon as unstable by his former ally, the Republic of China. I do not believe that China is interested in a new war on the Korean peninsula, but we must face one constant. In the event Kim unilaterally invades the Republic of Korea, China or Russia would not let North Korea be extinguished.

And that is the danger we face.

Kim appears to have developed a personality cult that is at its zenith. He has complete control over the government and people of the North. He has expended huge sums—15 percent of his gross national product—on arming the North. Overall, his GNP is not growing and, being $1 billion in debt, economically his time is running out.

It is generally known that since the "shocks of Spring," the fall of Saigon and Phnom Penh, Kim has attempted to exploit what he perceived as a weakening U.S. stance in Asia. He went to Peking to ask for help, but his adventure was not encouraged there.

With a longstanding invitation to visit Moscow, he has attempted to visit Soviet leaders, ostensibly to persuade them to support a move south whereupon the longstanding invitation was withdrawn.

I will mention here that China does tacitly support North Korea's international campaign to isolate the Republic of Korea. North Korea is accomplishing this by realining itself with the nonalined countries and attempting to make South Korea the underdog in world opinion. This is why the North so avidly seeks to eliminate the imprimatur of the United Nations from South Korea. They would rewrite history to the extent that South Korea and the United States were the aggressors in the past and that Kim wishes to peacefully unite the North with the Republic of South Korea.

In advertising in U.S. newspapers recently, Kim conveniently neglects the facts and the history of the 1950's.

It was the North Koreans who, without provocation, invaded the South.

It was the North Koreans who, without warning, visited terror and violence on the South.

It was the North Koreans who tried to exert their will over the South Korean people by armed force.

Suffice it to say we found that a basis of trust does not now exist and will not develop into the foreseeable future. The North's goal is the unification of Korea under its terms and it is prepared to fight an offensive war to achieve this. The primary goal of the Republic of Korea is a reduction of tensions. However, it is prepared to fight to preserve its right to self-determination if attacked.

THE MILITARY IMBALANCE

The armed forces of the opposing sides are generally itemized as follows:

North Korea: 467,000.
South Korea: 625,000.
United States: 42,000.

Numbers are only part of the picture. Despite its numerical inferiority in manpower, North Korea is, on a scale, vastly superior because they have the initiative and large numbers of up-to-date aircraft, tanks, artillery, missile systems, et cetera.

On the other hand, the Republic of Korea army, although of excellent quality is essentially an "M–1 Army," with much equipment that still dates back to World War II and the 1950 war.

There are two aspects to the defense of the Republic of Korea; the immediate threat and the long-term modernization and self sustenance of the Republic of Korea armed forces.

In the case of an immediate attack, the Republic of Korea forces would be aided by the U.S. Forces Korea, the primary combat forces of which are the U.S. Second Division, and the 314th Air Division, comprised of 7,300 people and their aircraft.[1] Because of the propinquity of the two opposing forces, and the fact that U.S. bases are only minutes away from the Migs of North Korea, all firstline U.S. aircraft are protected under the so-called "Window Arc."[2] Our surface to air missile units, for example, have 3 minutes to respond to Mig–19's over Seoul, the flight time from the North's fighter bases to the South's capital city. The U.N. commander, Gen. Richard Stilwell, commands the Republic of Korea Army and in the case of an attack, his plans are for an immediate, violent, and successful response. He sees the Republic of Korea Army as well trained and fit, an army in which he has supreme confidence.

Because of the continued military buildup of the North, the South is, to all intents and purposes, in a suspended state of belligerency. As in the 1950 war, the North has an immutable advantage of geography. If the North wants to cause mischief, according to General Stilwell, and if they make a determined assault, they can sustain a lightning war for 5 days—which would probably put them in the city of Seoul.

As opposed to South Korea, North Korea has most of the ships for coastal operations, including fast patrol and motor torpedo boats and better supplies. They have 15 divisions just north of the DMZ, and superior armored and artillery forces.

The North has 1,650 modern tanks as compared to 801 for the South.

The North has 2,800 artillery pieces with greater range than the South's 2,200 pieces.

The North has 625 combat aircraft, incuding Mig–19's and 120 Mig–21's, compared to 237 older Republic of Korea Air Force planes supplemented by 68 U.S. aircraft.[3]

The North has 2,800 surface-to-air missiles compared to none for the ROK armed forces.

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[1] U.S. plans call for subsequent support to come from the 3rd Marine Division currently on Okinawa and the 25th Infantry Division located in Hawaii.

[2] U.S. airfields are located south of the 36th parallel at Osan, Kunsan, Taegu, and Kwangju.

[3] Half of the ROK Air Force is made up of U.S. Sabre F86–F Fighter Bombers. One American official stated the only other place you can find such aircraft is in a museum.

The North has 19 guided missile patrol boats of the OSA and KOMAR class compared to none for the South Korean navy.

Of great significance in any assault from the North are approximately 50 "Y" shaped tunnels. These heavily fortified tunnels have at both apertures of the "Y," mobile artillery emplacements or missile launchers. Some of the artillery fire fans reach just north of Seoul, however, the North Koreans have FROG–5 missiles—free rocket over ground—which, deployed in the "Y"-emplacements could easily reach Seoul and beyond with its 155-mile range. According to the International Institute for Strategic Studies, the North Korean's also have in their inventory the FROG–7 which is the latest in the free rocket series. In addition to improvements in the rocket, it has an even greater range than the FROG–5.

These "Y" shaped emplacements have been subjected to "hardening," that is, massive concrete walls and Earth cover that, according to U.S. officials, have cost the North Korean Communists $200 million each to build. This would total $10 billion, and is probably a high estimate not taking into account the cheap labor available in the North. However, it still represents a sizable commitment of resources on the part of the North Koreans.

Inasmuch as the South Korean army has not assumed an offensive posture, I seriously doubt that those emplacements were built for defensive purposes.

THE DMZ TUNNELS

A factor of major significance to U.S. and Korean officials, and especially the military commanders south of the DMZ in terms of the true intentions of North Korea were the tunnels being dug from north to south at tactical locations under the zone. The tunnels are positioned to exit in advantageous areas in relation to known Republic of Korea military positions. The first tunnel was discovered on November 15, 1974, by a young U.S. sergeant who was on patrol. Mistaking steam rising from a crack in the Earth for a spring, he and his troops began to dig and were subjected to small arms fire from North Korean troops. Subsequent investigations indicated a massive tunneling project had been undertaken by the North Koreans beneath the DMZ. Five days after the discovery, while investigating the tunnel, one U.S. Navy officer and one Republic of Korea Marine officer were killed by a North Korean explosive device. Several others were injured.

As a result of the initial find by the sergeant, a second tunnel, the Chorwon tunnel was found. It is ironic that the discovery of the tunnels came at a time when the North had, again, fleetingly agreed to a dialog with the South to resolve differences and ease tensions.

The following information is of extreme significance had the tunnels remained undetected.

Since November 15, 1974, there have been two tunnels detected, 12 thought highly probable, and three suspected.

They are of two types. The first is a relatively small infiltration tunnel 39 inches below the surface at some points that was built for use by agents, troops trained in guerrilla warfare, and the like.

The second type of tunnel was much deeper and larger and was capable of being transversed by troops in full field pack three abreast. It is significant that the suspected and known tunnel exits were in important areas relative to allied forces which provided cover for large numbers of troops.

The four-kilometer long tunnel would allow for the passage in 1 hour of 8,000 troops in full combat gear at conventional march rates and 10,000 such troops in a forced march.

The tunnel would accommodate 12,000 troops, with rifle only, at normal speed and 15,000 in a forced march.

The significance of the above becomes obvious. Using the element of surprise, the North Koreans quickly could have infiltrated several divisions behind or within our lines, in addition to hundreds of agents and operatives, to harrass, disrupt communications, and generally cause confusion within our forces.

Aside from their importance militarily, they are of great political significance, because they prove the tenacity and complete dedication to move aggressively against the South by whatever means possible.

The tunnels leave no doubt of the intentions of Wim Il Sung and the North Korean leaders. For those who take the aggressive activities of the North lightly, I say to them, that the tunnels are further evidence of the malevolence and true motivation of the leadership of the North.

They are built for an aggressive war and the tunnels facilitate the Communist doctrine of "hugging the enemy to avoid his fire."

MODERNIZATION OF THE REPUBLIC OF KOREA ARMED FORCES

President Park is currently completing a 5-year modernization plan of the armed forces of the Republic of Korea. His goal is to eliminate the vulnerability of his armed forces relative to the North Korean army and will make the Republic of Korea army capable, weaponwise, to handle an initial North Korean assault. However, any resupply after the first engagements would still have to come from the United States.

Quantitatively, only the Republic of Korea Army is on a level with the North. Its air force and navy are far behind. The North has significant capability, in fact, "a tremendous capability" to produce its own military basics. They have the capability to produce their own submarines, and they now have approximately eight undersea craft in their fleet. Qualitatively, while numerically superior, the Republic of Korea army is comparatively substandard in terms of equipment.

Part of the weapons deficit is due to the fact that the North Koreans have put 15 percent of their gross national product into their military machine. Further, one-half of the moneys expended by Pyongyang was to purchase new military equipment. Consequently, while the North Korean army is equipped with fully automatic AK–47 rifles, large units of the Republic of Korea forces, including reserves, are still equipped with the old M–1 rifles—or no rifles at all.

The modernization of the Republic of Korea forces was brought about by the following factors:

(a) Only 6% of the South's GNP went into maintaining the ROK Army. Under President Park's plan, however, the FY 76 budget for the armed forces will double and the cost of maintaining their forces will increasingly be taken over by the Republic of Korea. For example, in 1973, 50% of the cost of the ROK forces was borne by the United States. In 1975, 90% of these costs were taken over by the Korean government.

(b) After the 1950 war, the United States left substantial quantities of equipment, most of which was of World War II vintage and which is now woefully obsolete.

(c) Eighty percent of the money spent since the 1950 war has been used to maintain the old equipment originally left by the U.S. forces.

(d) The U.S. purposefully constrained the modernization of the ROK forces in certain fields out of the fear that, with an up-to-date army, the chance of an attack to the North, if the South were provoked, would be greatly increased.

Significant progress will be made in the years ahead by the South Korean Government to make its army dependent of foreign hardware. For example, a Colt M–16 plant currently being completed in Pusan will have the capability of producing 120,000 rifles per year on a one-shift basis. In the short term, however, the Korean Government is presently pressing the United States for advanced weapons technology. Their wants are mainly in the areas of advanced radar systems, guided missiles and aircraft. They have specifically asked for a squadron of F–4's and 60 F–5–E's. In determining whether to provide Korea with advanced weapons systems, the United States must consider the possibility that the South Korean Government may go to England and France, to buy such weapons systems.

The Russians, meanwhile, are playing a relatively conservative game, having supplied the North Koreans, in the fighter plane category, for example, with Model 21 of the Mig series. Kim I Sung, according to our intelligence, has "complained bitterly" over this practice and has been refused access to the much more advanced Mig–23, the so-called FOX–BAT, which the Russians provided the Arab nations during the 1973 Yom Kippur war.

China has followed the same pattern as Russia and has provided the North Koreans with a lower level of military technology than it currently possesses. For example, China has only provided MIG–19's to the North Koreans.

As I stated earlier, the result of the North Korean's relatively huge expenditures has resulted in their being in an economic condition that one senior U.S. official characterized as "dead broke," having accrued $1 billion in long-term debt, with their current debt running at the $200 million level. The countries of Eastern Europe are disturbed over North Korea's lack of credit which has resulted in a 1-percent increase in interest on loans for them in the world money

markets, an increase directly related to the North's indebtedness.

North Korea's poor cash position is a cause of pain for both Russia and China. However, if the United States should withdraw its troops from Korea, or upset the balance of power significantly by moving the Second Division south of the Han River, in the judgment of experts in the area, China and Russia would compete for assistance to North Korea.

It should be remembered that during the 1950 conflict, Russia gave $1.7 billion worth of assistance to the North, while the Chinese provided $300 million in such assistance in addition to five Chinese army groups totaling 600,000 troops.

In the opinion of both Korean and U.S. officials, any sign of retrenchment by the United States would give China cause to use North Korea to pursue its expansion and influence in the Asian world. In this equation, the age-old fears in this part of the world still exist. The Japanese still consider the Korean peninsula "a dagger pointed at its heart," and a stepping stone for a Chinese invasion of Japan, while China has historically looked upon the Korean peninsula in the reverse—a stepping stone for the invasion of China by Japan. This is not a far-fetched idea. If the United States pulls out of Asia, the Japanese could rearm in earnest, a development that would be looked upon as a "first-class disaster" by Asian countries. Of significance is the fact that our analysts feel it would disturb and frighten China to an alarming degree.

Détente with Russia and China and/or a diminution of the Chinese-Russian confrontations should not be used as excuses by the United States for a lack of commitment or decreased vigilance or concern in that part of the world around the 38th parallel.

The Congress should make no mistake that the relatively symbolic forces of the United States in South Korea are maintaining peace and security not only on the Korean peninsula, but ultimately in the entire western Pacific.

And we are not alone in the defense of Korea. Our major ally is Korea itself, who is willing to spend 7½ percent of its gross national product—$3.1 billion—on defense for fiscal year 1976–77.

Even this Congress has publicly and officially recognized the need to modernize South Korea's armed forces, with the approval of sales of F4E's and F5E's and Harpoon missiles. I find no indication that North Korea has either stopped upgrading its own military, or changed its professed goal of repossessing the South.

Critics of South Korea do not attack that country's security relationship with the United States—which, I would point out, is the only basis for the National Security Assistance and Arms Export Control Act. The critics seem to have taken it upon themselves to decide what Korea's own internal security arrangements should be.

South Koreans realize that there are very few options—they must either accept some limitations on personal freedoms in order to maintain a strong and stable government in the face of the oppression in the North, or they must face total subjugation by capitulating to Kim Il Sung's Communist dictatorship.

In yesterday's CONGRESSIONAL RECORD, I offered extensive documentation that showed freedom of religion in Korea is relatively unimpaired. But when church leaders engage in political activities, they must be prepared to accept political consequences. This is true the world over. The internal domestic programs of a nation must be measured with full consideration of its history, culture, and development patterns over the centuries, as well as its current relationship to other neighboring nations who threaten its very existence. The Fraser amendment purports to hold military aid to South Korea at what would turn out to be punitive 1975 levels in order to improve human rights. The author of the amendment has not demonstrated conclusively that a 40-percent cut in military assistance to South Korea will improve human rights. However, it is possible to state some of the negative impacts if section 413 is not deleted:

Precludes completion of the Korean Force Modernization Plan in Fiscal 1977;

Non-completion of the Korean MOD Plan delays the Korean funded Force Improvement Plan (FIP);

Consideration of potential US force reduction in South Korea is dependent on completion of both the MOD Plan and the FIP by 1981;

Sends destabilizing signals to Japan and North Korea.

Mr. Chairman, we have a commitment to South Korea. It began more than 25 years ago when we engaged in a major war to help bring that nation its freedom. That war has never ended for the people of the Republic of Korea—the guns are pointed directly at them every day, and the threats to pull the triggers are heard loud and clear.

The Fraser amendment has no other effect on human rights than to bring a struggling nation that much closer to disaster and the total loss of all human, political, personal, and religious rights to a Communist dictatorship. And the fall of Korea would lead directly to the instability and insecurity of all of Asia and the Pacific area.

The alleged restrictions in human rights are no more than a well-ordered society with no alternatives to political oppression from the North than to tightly control their own political process in order to extirpate insurgents out to destroy them and ultimately to remain free. To deny them that freedom through such an ill-advised amendment is the first step toward the destruction of all our interests in the Far East.

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

Mr. Chairman, I would like very briefly to review the parliamentary situation. The bill before the committee contains restrictive language sponsored by my friend and much admired colleague, the gentleman from Minnesota (Mr. FRASER). The Derwinski amendment would strike most of that language. As I understand from what the gentleman from Minnesota (Mr. FRASER) has already announced, he will offer an amendment to strike the language referring to Public Law 480.

I certainly will support the gentleman in that, but I also rise in support of the Derwinski amendment. We should take all of the language of section 413 out of the bill. I believe it does carry grave risks for our security interests in that part of the world, and that is why I think we should take the language out of the bill.

Nevertheless, I do not believe that Congress should be silent on the question of civil liberties in South Korea, and at some stage—at this point it is difficult for me to say just when I will have the opportunity—I will seek to amend section 413. I hope the Members will listen to these words that I will seek to put in the bill. Section 413 would then read as follows:

The Congress views with distress the erosion of important civil liberties in the Republic of Korea and requests the President of the United States to communicate this concern in forceful terms.

This would mean that with that language in the bill, the Congress would be giving notice to the President of South Korea of our distress over the trend of civil liberties, but at the same time this same piece of legislation would continue the military support that is so essential to the preservation of the Republic of South Korea.

I hope that when the time comes, my colleagues on this committee will support me in that endeavor. If the Derwinski amendment is approved, the Fraser language will come out, but at that point I would seek to put in this new language for section 413. I have the assurance of the gentleman from Illinois (Mr. DERWINSKI) that he will support my amendment that I have just read.

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

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

Mr. BROOMFIELD. Mr. Chairman, I am sure I can assume that the gentleman from Illinois is equally concerned with any violation of human rights anywhere in the world.

Mr. FINDLEY. Of course. My language does mention the Republic of Korea, and I am sure the gentleman shares my concern for civil liberties in that country. I have, of course, the same concern for civil liberties elsewhere. I know there is broad support for striking the restriction in Public Law 480 because it has a humanitarian overtone.

It deals with food. However, in my opinion, it is difficult to draw the line between support through Public Law 480 and support through military assistance. Both are forms of support for the government.

Someone has even termed Public Law 480 as authority for "food for war," something like that.

Mr. Chairman, it is important that we maintain our support of the Government of South Korea, and it is equally impor-

tant that in the same legislation we voice our concern over the trend toward restriction of civil liberties in South Korea.

Mr. Chairman, I offer this amendment out of the conviction that it is possible to find a middle course between ravaging a friend's capacity to defend herself and simply remaining silent while important civil liberties are violated. I believe the amendment I am offering strikes the appropriate balance.

We simply cannot ignore the web of history that links our country to the Republic of Korea. We cannot ignore the fact that both sides have spilled their blood in coming to the other's aid. These facts alone demand of us a special sensitivity and care.

And yet there is still much more for us to understand. We have to fact the fact that not all of the world will understand our intentions as perfectly as we might suppose. Many will look upon our cuts as yet another indication of America's unreliability. This can lead to profound disturbances.

For instance, by weakening South Korea's conventional arms, we can strengthen her desire for nuclear weapons. By weakening Japan's faith in the sturdiness of U.S. guarantees, we may even trigger that nation's remilitarization, or perhaps, her neutralization. And by misleading North Korea about the strength of our commitment, we may indeed unleash the forces of death and aggression. All of these things also have a moral content—just as Mr. FRASER's amendment seems to have. We have to recognize then the way in which isolated acts of moral goodness can lead to the most distressing consequences at another level.

All of us can see how the Fraser amendment may become the raveling which, when pulled, loosens the security structure of all of East Asia.

The amendment I propose will not run these risks. But neither does it place us in the position of seeming—by our silence—to excuse authoritarian excess. My amendment places us squarely and forcefully on record in censuring activities that violate our traditions and our ideals. Such an act should erase the fears of those of believe that the American response to date has been either too weak or too confused really to be heard.

Among instruments of policy that are invariably either too blunt or too timid, this seems to be the only decent and practical alternative at our disposal. The absence of a congressional declaration on this subject in all the many years of our relationship with the Republic of Korea lends to this amendment a force that it might not otherwise seem to possess. I urge my colleagues to support it and, thereby, to support the concept of morality properly understood.

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

Mr. FINDLEY. I yield to the gentleman from New York.

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

Does the gentleman imply that he is going to put in a further amendment relating to the question of human rights here on an overall basis? We already have a provision in the bill which I support and voted for and which I feel is strongly restrictive of our aid going to any country that does not observe the general tenets of human rights.

I refer the gentleman to page 50, which says:

> Except as provided in subsection (c) (3), no security assistance may be provided to any government which engages in a consistent pattern of gross violations of internationally recognized human rights.

Does not that fully protect us?

Mr. FINDLEY. I think we have special reason for concern over civil rights in South Korea.

There are very few places on earth where as much American blood has been shed as in Korea. Therefore, I think we are justified in expressing special concern over what we would consider to be unfortunate trends there.

Mr. WOLFF. If the gentleman would yield further, I would hope that the gentleman is not watering down the human rights provisions that we have insisted upon in the bill.

Mr. FINDLEY. It certainly is not watering it down, but if we strike the language of section 413, as I hope we will—and the gentleman from Minnesota (Mr. FRASER) has agreed to strike the Public Law 480 language, and I hope the Derwinski amendment will prevail—I do not believe the bill should be silent on the question of human rights in the Republic of South Korea.

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

Mr. Chairman and members of the committee, I rise in opposition to the amendment offered by the gentleman from Illinois (Mr. DERWINSKI).

First, I would like very much to applaud the efforts of my distinguished colleague, the gentleman from Minnesota (Mr. FRASER), for seeing to it that this limitation is placed in this bill in section 413. I wish it had gone further and that the restriction had been even greater.

With the limited moments I have, Mr. Chairman, and members of the committee, I would like to address myself to two arguments: One, the moral question; and two, the issue of military threat.

With respect to the moral issue before us, each and every one of my colleagues on both sides of the aisle, irrespective of their ideological and philosophical position, have stated that we are all in support of human rights. However, some of us have followed by saying, "We must not make any move that has such serious foreign policy ramifications."

Mr. Chairman, I do not find it shocking, but I certainly find it debilitating and demoralizing that we, as representatives of the people, as we celebrate the Bicentennial of 200 years of ostensible democracy, can be on the floor of Congress arguing eloquently in support of more military aid to a dictator. I find that a fundamental contradiction that we ought to address.

Mr. Chairman, many of my colleagues have pointed out that we are all for human rights and human dignity, but have added, "Let us not do this."

Mr. Chairman, this Nation has gone to war, fought and killed and maimed people in the name of freedom and democracy. Can we do less peacefully?

We have taken thousands of American troops, sent them across the water to fight and die in the name of freedom and human rights and human dignity.

All we ask here, Mr. Chairman, is to place some pressure upon a political dictator in South Korea. Can we do less if we are willing to place the lives of our young people at stake in defense of freedom? Can we not now withdraw our dollars in the same defense of human rights and human dignity? Can we not now go on record in defense of the concept and the principle of human freedom?

Mr. Chairman, with respect to the other issue of the military threat, I have been here now going on 6 years. Every year, at a certain time, we are bombarded with the propaganda that the North Koreans are going to invade South Korea, but last year we got an interesting new wrinkle.

Someone said, "Maybe the South Koreans might get so testy they will invade North Korea." But nothing has happened in the 6 years that I have been here.

When former Secretary of Defense Schlesinger was here—and certainly he is no leftwing radical by any stretch of the imagination—I raised the following question, I said, "Mr. Schlesinger, given the reality that the South Koreans have 600,000 troops, well equipped, many of them with combat experience as a result of their recent involvement in the Vietnam war, and their ostensible enemy North Korea has between 300,000 and 400,000 troops who have not fired a shot in over 20 years——"

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

Mr. DELLUMS. I do not yield.

Mr. DERWINSKI. Just for one moment?

Mr. DELLUMS. I do not yield at this time.

And the United States has provided 42,500 troops, provided ground combat support to the combat equipped militarily experienced forces in South Korea of almost twice the size of North Korea, should the United States do this? And he said, "I agree with the gentleman from California that we cannot justify these troops on a military basis, we have to justify them on the ground of providing a political presence."

So, why are my colleagues in the Congress still arguing and insisting on the military necessity when it is clear that our presence there is strictly political? But, instead, we tried to have it both ways, not only is America providing 42,500 ground troops, but we also have 666 tactical nuclear weapons in Korea. And then when we walk into the well and offer an amendment to remove our overseas military forces, the same people rise up and say that no, we cannot recall these troops. We need to modernize the forces there and until we do modernize them we must keep those troops there.

Then someone else rises up and says let us put a limitation on the amount of money used to modernize the forces and the same people say no, we cannot do that.

You cannot walk both ways on a street. Either we are committing the American

presence there for all time or we are committed to a modernization of the forces in order that eventual withdrawal of our troops can be carried out. So, in effect, we want to do it both ways, we want to keep the troops there, and keep the tactical nuclear weapons there and continue to pour in more and more money to modernize the forces there, and we have done so for over 20 years.

It seems to me that we in this Congress ought to be assuming some sort of leadership in the redirection of the priorities of this Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for 1 additional minute.

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

Mr. DERWINSKI. Mr. Chairman, I will not object, if the gentleman will yield.

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

There was no objection.

Mr. DELLUMS. Mr. Chairman, I will yield to the gentleman from Illinois at the appropriate time.

Mr. Chairman, I believe that we ought to start assuming some leadership here in the Congress, and we can do so with a commitment to reduce our forces overseas. If we do that, then we will be able to save the American taxpayers billions of dollars. We either should do that, or we then decide, on the other hand, to beef up the military aid that is advocated by the same people who oppose a reduction year after year so that we can reduce our forces in South Korea.

I think the point is do we want to spend billions of dollars to keep and maintain those forces there at a time when we have such great difficulty in deciding upon the choices we must make and when we have such limited resources?

There ought to be a carefully thought out system of priorities. South Korea is a country that is perfectly capable of defending itself. I do not believe that the provision that is offered in this bill in section 413, offered by my distinguished colleague, the gentleman from Minnesota (Mr. FRASER) in any way is going to threaten or endanger the military survival of South Korea, but it certainly can enhance the image of a nation—our Nation—committed to the defense of human rights and democratic principles.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DELLUMS. I now yield to my distinguished colleague, the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. I thank the gentleman from California for his good intentions in offering to yield to me.

The CHAIRMAN. The Chair will state that the time of the gentleman has expired.

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

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

Mr. WINN. I yield to the gentleman from Illinois so that the other side of the emotional debate will go on before I lay out some facts.

Mr. DERWINSKI. I thank the gentleman for yielding.

I just wanted to advise my well intended but innocently misinformed friend, the gentleman from California (Mr. DELLUMS) that when he quoted the troop levels, he made an innocent misstatement. Our figures show that the North Koreans have approximately 500,000 men in service. While the North Koreans have approximately 500,000 men, the South Koreans have just 600,000 men. If one relates that to the basis of population, the North Koreans have about 1⅔ men to 1, with half of the population they constitute a military force of almost equal size.

The gentleman from New York (Mr. MURPHY) earlier gave the figures of the equipment. In almost every category, every major category, the North Koreans have far more modern equipment than the South Koreans. All we are really debating in this amendment is to maintain the commitment we have made for a 5-year modernization program of the forces of South Korea, and the savings that the gentleman speaks of will be achieved.

In the meantime, if there is a miscalculation, it will bring about a war, and the cost of war is completely unpredictable. So I think that the gentleman from California, if he will seek the truth, will revise and extend his remarks and support my amendment.

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

Mr. DERWINSKI. I do not have the time. I am sure the gentleman realizes how hard it is to get the time to yield sometimes.

Mr. WINN. Mr. Chairman, I do not yield. I said I would yield to the gentleman from California at the appropriate time.

Mr. Chairman, I rise in support of the amendment to delete section 413 which would limit military assistance to South Korea to $290 million. I consider that a military assistance level of only $290 million for fiscal year 1976, the transitional quarter, and fiscal year 1977 to be damaging to the security interests of the Republic of Korea and to those of the United States.

In 1971, the United States began a 5-year modernization plan designed to put the Armed Forces of South Korea on a par with those of North Korea. Despite the fact that congressional authorizations during the 1971–1975 period fell $428 million short of the $1.5 billion estimated to be the total cost of the modernization program, the South Koreans dramatically improved their military. They have developed a formidable ground force, on which, I might add, significantly contributed to the South Vietnamese war effort at the request of the U.S. Government.

The South Korean air force, however, remains much weaker than the Air Force of North Korea. The North Korean Air Force numbers 40,000 men with 588 combat aircraft while the South Korean Air Force has only 25,000 men with 216 combat aircraft. Half of the South Korean fighter-bombers are old Korean war-vintage F–86's.

The South Koreans have, therefore, begun a force improvement program which is designed to improve their air force and their air defense by 1980. It is a costly, ambitious undertaking. However, it is an expense that the South Koreans have decided to undertake largely on their own through cash and credit sales rather than through grant aid. In 1971, 95 percent of the modernization program was funded by U.S. military grant aid. In contrast, for 1977, only 3 percent of the administration request for security assistance to South Korea is grant aid. The remainder of the 1977 program is credits. These credits involve no transfer of funds from the United States to Korea. The U.S. Government will simply extend to the Koreans a line of credit which the Koreans will repay at a rate of interest equivalent to the interest the U.S. Government pays on the obligated funds. The line of credit will finance military purchases in the United States.

By putting this low ceiling on military assistance to South Korea we would not be saving the U.S. Government large amounts in grant aid. We would be refusing to the South Koreans credits they need to pay their own way to military self-sufficiency.

In making such a decision, it is important to understand that the North Koreans devote a greater percent of their GNP to defense expenditures than do the South Koreans and that the North also outspends the South in absolute terms. The North has a highly developed indigenous defense industry which the South does not.

South Korea is almost totally dependent upon the United States as a source of military equipment and spare parts. The North also has its two strong allies, the Soviet Union and the People's Republic of China located in close proximity and on its border respectively. These are strong advantages for the North.

The North has in its leader, Kim Il-Sung, a man who is devoted to the reunification of the Korean peninsula. Kim Il-Sung is unpredictable to say the least. After the fall of South Vietnam, he actively sought support in Peking and Moscow for his aggressive designs against the South. Should he decide to cross the border, his action would inevitably force China and the Soviet Union to give him support.

We, in Congress, should not give any signal to Kim Il-Sung that would encourage him to attack the Republic of Korea. A 40-percent cut in aid such as that proposed by section 413 could transmit to North Korea a sign of United States indifference to events in Korea. I oppose this enormous cut which could provoke instability on the Korean peninsula, thus endangering the lives of 40,000 American troops now in Korea and perhaps the lives of countless others. This cut will only delay South Korean military self-sufficiency and, therefore, also delay the eventual withdrawal of those American troops.

Military credits are needed to keep South Korea strong. The people of South Korea, no matter what their political persuasion, desperately want to avoid domination by the North. U.S. security assistance is vital to the independence of South Korea. I, therefore, strongly urge you to vote for the amendment to restore these vital military credits for South Korea.

Mr. Chairman, I yield now to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Chairman, I thank the gentleman.

Mr. MORGAN. Mr. Chairman, I am just taking a poll, and I wonder how many Members wish to speak on this amendment?

Mr. Chairman, we have been debating this amendment for almost 2 hours. I ask unanimous consent that all debate on this amendment and all amendments thereto close at 4:10.

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

There was no objection.

(By unanimous consent, Mr. FINDLEY yielded his time to Mr. HYDE.)

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I think it is foolish to look at South Korea in a vacuum. It is easy from the tranquil wheatfields of Minnesota or the people's parks in Berkeley to say that South Korea should have a standard of democracy like our own, but I recall it was not long ago when our country was threatened and we locked up Japanese Americans in concentration camps.

It is not unknown in our country to suspend the writ of habeas corpus. We have to look at all these things in context.

Over 80 percent of the world does not know what democratic freedoms are. Why must we use economic coercion against a nation with a murderous Communist aggressor on its border? If we feel the North Koreans are theoreticians or academicians, ask the crew of the *Pueblo*.

We must do nothing to destabilize the military balance in Asia. The stability of South Korea is indispensable to the security of Japan, and to maintain an equilibrium between China and the Soviet Union in Asia. A weakening of our commitment to South Korea is a move toward setting the stage for world war III. If we are unhappy with the state of human rights in South Korea, wait until the North Koreans take over.

By the way, Mr. Chairman, whatever became of human rights in Cambodia?

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. MARTIN).

Mr. MARTIN. Mr. Chairman, I support the Derwinski amendment in its purpose to remove an arbitrary limitation on U.S. military aid to South Korea. This amendment would remove such provisions from H.R. 13680.

The Committee on International Relations adopted this limitation as a well-intended measure to compel the Government of the Republic of Korea to liberalize its protection for citizenship rights. That is commendable.

Unfortunately, South Korea is faced with an imminent threat of renewed aggression from North Korea. In a sense, under the gun, the extent of civil liberties and democratic niceties which we enjoy in this country must be balanced with firm discipline for those who advocate overthrow of the government.

If the Derwinski amendment is defeated, and if the committee's limitation is retained, we may be setting in motion a series of events which would invite aggression from North Korea. Many Americans remember from personal involvement the tragic consequences of earlier relaxation of our support for our ally, South Korea.

If North Korea does then repeat its invasion as it is poised now to do, and if they succeed in conquering South Korea, what then becomes of the people of South Korea? What then becomes of their human rights that we seek to protect? What then becomes of their religious and political freedoms that we so cherish,

As commendable as the intent of the committee may be, the Derwinski amendment shows better judgment of the international situation and I urge its adoption.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Chairman, I would like to have the attention of the distinguished chairman of the committee.

Has the committee had before it the high officials of the State Department in order to determine their opinion as to the purpose of our troops in Korea?

Mr. MORGAN. Mr. Chairman, if the gentleman will yield, yes, we have had the Secretary of State as a witness in hearings on the 1976 authorization and the 1977 authorization.

Mr. BEDELL. Was he under oath?

Mr. MORGAN. No; he was not under oath.

Mr. BEDELL. How did he testify?

Mr. MORGAN. Pardon?

Mr. BEDELL. What did he testify as to why our troops were in Korea?

Mr. MORGAN. He testified, not simply on the troops in Korea, but he testified on the whole bill.

Mr. BEDELL. But did he testify as to the purpose of our troops in Korea? The reason I ask the question, an official in the State Department told me in a private conversation that the reason our troops were there was not to protect the South Koreans from North Korea, but to keep the South Koreans from invading North Korea.

Mr. MORGAN. I do not think that is true and I am sure the gentleman does not believe it.

Mr. BEDELL. No; I have had no reason to believe the State Department. We have had people from other Departments testify falsely on things. If we are going to consider legislation of this kind, it is only proper that the committee should get the heads of the State Department to testify under oath, so that we know what the facts are, because we are debating whether we need greater strength or not and, as one Member, I do not know what the answer is.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado (Mr. JOHNSON).

(By unanimous consent, Mr. BIESTER yielded his time to Mr. JOHNSON of Colorado.)

Mr. JOHNSON of Colorado. Mr. Chairman, I realize that we are in the position of talking this to death. We do this almost every year. I found that there was a study that had been authorized by the Committee on Appropriations.

The gentleman from Texas (Mr. MAHON) authorized a study on the need for maintaining our troops in Korea. I have referred that study to many Members. I do not know how many have read it, probably the same number that read the report of the Select Committee on Intelligence; but understanding the essence of that report is vital in deciding whether we need to maintain troops in Korea.

I really find that we have a knee-jerk reaction on the part of many Members when we start talking about maintaining troops in Korea or any place where there is a problem with a potential Communist opponent.

The real question is, what is the threat we are talking about? The gentleman from New York has given us some figures on the military establishment. I do not know how accurate those figures are, but I would like to provide the Members of the House with some figures from the International Institute for Strategic Research in London.

It is regarded much as Jane's Fighting Ships is regarded. It is an impartial, unbiased organization that makes studies of all military organizations throughout the world. Their study indicates that the South Korean Army is superior to the North Korean Army. Just listen for a moment. Let us consider it on the basis, as the gentleman from Kansas said, of talking about facts and letting the emotions go once in a while.

Here are the comparisons between North and South Korea:

KOREA: DEMOCRATIC PEOPLE'S REPUBLIC (NORTH)

Population: 15,940,000.

Military Service: Army 5 years, Navy and Air Force 3–4 years.

Total armed forces: 467,000.

Estimated GNP 1972: $3.5 bn.

Defense expenditure 1974: 1,578 m won ($770 m.)

$1=2.05 won.

Army: 410,000.

1 tank division.

3 motorized divisions.

20 infantry divisions.

3 independent infantry brigades.

3 SAM brigades with 180 SA–2.

300 T–34, 700 T–54/–55 and T–59 med tks; 80 PT–76 and 50 T–62 lt tks; 200 BA–64, BTR–40/–60/–152 APC; 200 SU–76 and SU–100 SP guns; 3,000 guns and how up to 152mm; 1,800 RL and 2,500 120mm, 160mm and 240mm mor; 82mm, 106mm RCL; 45mm, 57mm, 100mm ATk guns; 12 *FROG*–5/–7 SSM; 2,500 AA guns, incl 37mm, 57mm, ZSU–57, 85mm; SA–2 SAM.

Reserves: 250,000.

Navy: 17,000.

8 submarines (4 ex-Soviet W-class, 4 ex-Chinese R-class).

15 submarine chasers (ex-Soviet *SO1*-class).
10 *Komar* and 8 *Osa*-class FPB with *Styx* SSM.
54 MGB (15 *Shanghai*, 8 *Swatow*-class, 20 inshore).
90 torpedo boats (45 P-4, 30 P-6 class, ex-Soviet).
Air Force: 40,000; 588 combat aircraft.
2 light bomber squadrons with 60 Il-28.
13 FGA sqns with 28 Su-7 and 300 MiG-15/-17.
16 fighter sqns with 150 MiG-21 and 40 MiG-19.
1 recce sqn with 10 Il-28 *Beagle*.
1 tpt regt with 150 An-2.
1 tpt regt with 30 Mi-4 and 10 Mi-8 hel.
70 Yak-18 and 59 MiG-15 and MiG-17 trainers.
Reserves: 40,000.
Para-Military Forces: 50,000 security forces and border guards; a civilian militia of 1,500,000 with small arms and some AA artillery.

KOREA: REPUBLIC OF (SOUTH)

Population: 34,410,000.
Military service: Army and Marines 2½ years, Navy and Air Force 3 years.
Total armed forces: 625,000.
Estimated GNP 1974: $17.5 bn.
Defence expenditure 1975: 353.1 bn won ($719 m). $1=491 won (1975), 397 won (1974).
Army: 560,000
23 infantry divisions.
2 armoured brigades.
40 artillery battalions.
1 SSM battalion with *Honest John*.
2 SAM bns each with 2 *HAWK* and 2 *Nike Hercules* btys.
1,000 M-47, M-48 and M-60 med tks 400 M-113 and M-577 APC 2,000 105mm, 155mm and 203mm guns and how 107mm mor 57mm, 75mm and 106mm RCL *Honest John* SSM *Hawk* and *Nike Hercules* SAM.
Reserves: 1,000,000.
Navy: 20,000.
7 destroyers.
9 destroyer escorts (6 escort transports).
15 coastal escorts.
22 patrol boats (less than 100 tons).
10 coastal minesweepers.
20 landing ships (8 tank, 12 medium).
60 amphibious craft.
Reserves: 33,000.
Marines: 20,000.
1 division.
Reserves: 60,000.
Air Force: 25,000; 216 combat aircraft.
11 FB sqns: 2 with 36 F-4C/D, 5 with 100 F-86F, 4 with 707 F-5A.
1 recce sqn with 10 RF-5A.
4 tpt sqns with 20 C-46, 12 C-54 and 12 C-123.
15 hel, including 6 UH-19, 7 UH-1D/N.
Trainers incl 20 T-28, 20 T-33, 20 T-41, 14 F-5B.
Reserves: 35,000.
Para-Military Forces: A local defense militia, 2,000,000 Homeland Defence Reserve Force.

South Korea is totally able to care for itself, and the present level of funding is more than adequate. An increase in our aid is unwarranted. We should be examining withdrawal of our forces—not an unneeded increase in military aid.

The CHAIRMAN. The Chair, with regret, announces that a mistake was made in computing time, and we have been allowing Members to speak for a longer period of time than was permissible. It is with regret that a little time is shaved off the time allotted to the gentleman from Colorado, but in fairness I think that is what we should do.

The Chair now recognizes the gentlewoman from New York (Ms. ABZUG).

Ms. ABUZG. Mr. Chairman, I rise in opposition to the amendment to strike the ceiling on military aid to South Korea. The Park regime is one of the most repressive governments in the world. All the classic signs of tyranny are there—a President wielding emergency powers; laws which forbid criticism of the regime; torture and political imprisonment for dissidents and opponents.

Yet the unusual facet of this issue is that, in the end, even the supporters of this amendment would not deny that serious human rights violations occur in South Korea. They might try to excuse it by pointing to the dictatorship in North Korea—which certainly is severe—or by saying that other American allies have violated democratic rights. But I think there is no real doubt in anyone's mind that democratic institutions have been crushed in South Korea.

What then is the real issue in contention? Why has this Korean military aid ceiling provoked such a heated and emotional debate?

The key unmentioned issue, it seems to me, is that South Korea has become the symbol for some groups of post-Vietnam American foreign policy. It is not only or even especially the Park regime they defend—because it is indefensible—but rather it is the principle of U.S. commitments and some undefinable national will which they see at stake here today.

That is why I feel that voting down this amendment is to vote down those forces in our country which want to pretend that the Vietnam war never happened, and who want to use South Korea to obliterate the lessons of Vietnam for American foreign policy.

South Korea is another Vietnam waiting to happen. It is another repressive regime without a genuine popular base which is waiting to explode. And the likely, perhaps inevitable, results will be to drag our 40,000 troops into another civil conflict in Asia—a second Korean war.

The ceiling on aid to South Korea in this foreign aid bill reflects one of the most important lessons of Vietnam—that American interests in the long run are not served by giving carte blanche support to dictators. Keeping the aid ceiling in the bill will not cause an invasion from the North, nor will it lead to the sudden collapse of the Seoul regime. But it will give a signal to democratic elements within South Korea that the American Congress will no longer give a green light to tyranny, to torture, and to repression. And that signal, we should be able to see by now, is in the best interests of both the American and the South Korean peoples.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BADILLO).

Mr. BADILLO. Mr. Chairman, I cannot understand how the Members of this body can contradict themselves so blatantly. Mr. Speaker, we have placed a ceiling on military aid to Korea, and we have done so because there have been gross violations of the human rights of Korean citizens. And this ceiling is not only in the spirit of this legislation, but to the letter of this legislation. Section 301 of the bill reads "no security assistance may be provided to any government which engages in a consistent pattern of gross violations of internationally recognized human rights."

Many of my colleagues have spoken this afternoon, and each of them has averred how he believes in that section of the bill, and that the human rights of all citizens should be upheld. But, unfortunately, many of them have added that big "but." They have used the argument of modernizing the Korean army, they have used the argument that we must equalize the strength of the South Koreans to match that of the North, and they have used the argument that South Korea is one of our last links in the Far East. Mr. Chairman, my colleagues who oppose this amendment have taken those arguments into consideration. And they have not left South Korea out on a limb, unable to defend itself against the marauding North. The bill only limits our aid to 1975 levels. For many of them, the bill does not go far enough. But it is a beginning.

I am aware of how difficult it is for us to cut aid to any country. Our allies do need our help, and very often the perception of our commitment is measured in dollars by other countries. But the measure of our stature is gaged by how sincere we are about our commitment to our own ideals. What this ceiling means is that we are willing to do more than repeat the phrases of human rights and civil liberties. It means that the commitment expressed in the human rights section of this bill is more than words.

Sadly, many of you who rose to speak in support of the Derwinski amendment admitted that there have been visible violations of the human rights of Korean citizens, but there was an attempt to apologize for them, or gloss over them and dismiss them as the usual rhetoric of the liberal fringe. However, as far back as 1974, the State Department, at hearings held by my distinguished colleague, DON FRASER, stated:

> For the past two years the trend in Korea has been toward an authoritarian mode of government. Institutional means of dissent have been rendered powerless and efforts to express opposition have been suppressed through a series of severe emergency decrees.

And we know, through those official sources, that things have deteriorated since then.

I do not know how we can be taken seriously in the world, or how our relations with other democratic countries will fare, if it is so easy for us to mouth the rhetoric of humaneness and not be able to follow through by indicating in a very vivid way—such as this ceiling on Korean funds—that we mean what we say.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, the Fraser language in the bill does not represent a dramatic and radical departure from past policies. Rather, the administration

policy raising the aid level to South Korea by almost 70 percent is what is really the radical departure from past policy. There are good political and strategic reasons for sending the message to South Korea that we will not identify ourselves more clearly than is absolutely necessary with the policies of a regime which are abusive of everything we stand for.

I was amazed to hear asserted on the floor that the trend toward democracy has been up in South Korea.

The State Department said, in 1974:

For the past two years the trend in Korea has been toward an authoritarian mode of government. Institutional means of dissent have been rendered powerless and efforts to express opposition have been suppressed through a series of severe emergency decrees.

I urge the Members to oppose the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. GUYER).

Mr. GUYER. Mr. Chairman, I have been in public relations most of my life—the rule is—do not treat the public like you do your relations. Countries around the world demand freedom. Thirty countries in Africa alone have secured freedom since 1960. We applaud them.

Today only 20 percent of the more than 160 nations enjoy freedom as we know it. Yet, here we are—flagellating Korea, those brave people who won their freedom the hard way, and have kept peace for more than 25 years.

How many friends do we have in the Pacific? Count them on one hand and you will have fingers left.

We cannot even get into North Vietnam, Laos, or Cambodia to inquire about our missing in action. News cannot get into or out of North Korea. Yet we condemn the courageous people of Korea. We have a saying: "Never insult an alligator until you've crossed the river." If we desert Korea now, you may have to learn to talk Chinese or Russian.

The CHAIRMAN. The Chair now recognizes the gentleman from New York (Mr. SOLARZ).

Mr. SOLARZ. Mr. Chairman, I find it is beyond my meager abilities to deal with this very complex question in only 45 seconds, so I yield the balance of my time to the distinguished gentleman from Minnesota (Mr. FRASER).

(By unanimous consent, Mr. SOLARZ yielded the balance of his time to Mr. FRASER.)

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. KREBS).

Mr. KREBS. Mr. Chairman and members of the committee, it has been said that at an appropriate time we should send a message to Korea, through the President, from this Congress. It has been said that nothing has changed in the last 6 years.

I submit to the members of this committee that nothing has changed since 1950, since we got involved in Korea. I think the time has come to send a message to Korea and to let the American people know that we support foreign aid for humanitarian purposes, that we support military aid for democratic regimes around the world because it is in the best interest of this country to do so, but the time has come to tell the American people that we will not perpetuate the mistakes and follies of the 1950's, the 1960's, and the early 1970's.

(By unanimous consent, Mr. WINN yielded his time to Mr. DERWINSKI.)

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Chairman, I would like to express my strong support of section 413 to H.R. 13680, which places a $290 million ceiling on military assistance to South Korea over the next 2 fiscal years.

First of all, I believe it is important to stress that this ceiling does not affect cash sales; nor does it affect Public Law 480—title I assistance. The amendment applies only to security assistance, or those moneys which we, in essence, "hand over" to the Government of South Korea. The $145 million per year ceiling applies to grant military assistance, military training, and FMS credit sales.

In his veto message to Congress, the President objected to six of the congressional "veto" provisions included in S. 2662. Congress relinquished disapproval authority over four of the provisions; it retained authority over two of them. One of those provisions which allowed Congress to use the method of concurrent resolution or "veto"—and which was retained in the bill we have before use today—deals with human rights issues. I commend the International Relations Committee for keeping this important section in the bill. The committee stood firm in its commitment to a provision which allows Congress to "terminate assistance to countries consistently violating internationally recognized human rights." Congress does not seem to have any objections over this section, nevertheless we are having so much trouble with section 413. In theory, this section is a mild exercise of those principles which are embodied in section 301 of this bill—human rights provisions.

It has been reported that the Korean Central Intelligence Agency, or secret police in South Korea—accountable only to President Park—conducts widespread covert investigations into both the private and public sectors of the South Korean population. Prominent Christian and civil leaders have been jailed because they openly protested the tactics of the Park regime. Many prominent individuals have been arrested because they signed the declaration of democracy and national salvation. The list includes such notable figures as former president Yun Posum, former presidential candidate Kim Dae Jung, former foreign minister Chung Yil Hyung, prominent woman lawyer Lee Tae Yong, and patriarch Hahm Sok Hon.

The South Korean social and political situation has been intolerable by citizens of that country who believe in the principles of individual freedom and democracy. The situation began deteriorating in 1972 when President Park instituted a new constitution which granted him unlimited powers, and it continues to deteriorate daily.

My friends, I am saddened by these reports, just as I am saddened by similar reports coming from the captive Baltic nations, or our Jewish friends in the Soviet Union.

I do not want us to completely sever our ties with South Korea; section 413 does not attempt to do this. We will continue to give South Korea economic aid, and access to the purchase of military wares. We must, however, make a move in protest to human suffering and violations of human rights in South Korea. The right and just gesture is before us today in the form of section 413 of this bill. I urge my colleagues to support its provisions.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. STUDDS).

Mr. STUDDS. Mr. Chairman, any Member of this House sufficiently masochistic to have sat through the 3 hours of debate on this proposition is probably laboring under the misapprehension that what is at stake is the question of whether or not to cut U.S. military assistance to Korea. That is not the case. We have two choices. Either to support the language of the committee bill, which sustains that aid at its current levels, or to support the language of the gentleman from Illinois (Mr. DERWINSKI), which would remove those limitations and lead to a dramatic increase in that aid.

I therefore urge the defeat of the amendment.

(By unanimous consent, Mr. BROOMFIELD yielded his time to Mr. DERWINSKI.)

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Chairman, let us set the record straight. The Fraser language, if maintained, cuts $200 million, 40 percent of the request for funding for South Korea. That would have a definite adverse impact on the military capability of the forces in South Korea.

I would also like to point out one fact that was not mentioned often enough in debate, and that is that there is a direct relationship between the security of Japan and the maintenance of independence in South Korea. Let us not forget that any adverse development in South Korea is automatically an adverse development to the security of Japan.

For those of you who think that an enemy which is located only 30 miles from a country's capital is not a threat, let me quote from Kim Il-song. He said,

We must not forget the compatriots in the south even for a single moment but actively encourage and support their revolutionary struggle.

Here is another quote from that benevolent dictator in North Korea:

The northern half of the republic is a revolutionary base for accomplishing the cause of national liberation throughout the country.

Mr. Chairman, I submit that the trouble with the approach of the gentleman from Minnesota (Mr. FRASER) is that it is totally one-sided. Who else does he concentrate on? Indonesia, the Philippines. Those are a few. All allies.

I notice very little in the work of his subcommittee to bring out the situation in North Korea. If we want to compare that to the situation in South Korea, South Korea has a free parliament, South Korea has freedom of speech in its parliament, and South Korea has religious freedom. There is no freedom in North Korea.

So the issue is not only the South Korean regime. The issue is the relative democracy of South Korea compared to North Korea. South Korea is a growing democracy, with its people facing an enemy immediately to the north.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I want to make just two quick points. We are not talking about a reduction in aid; that is what the gentleman from Massachusetts (Mr. STUDDS) just pointed out. We are talking about a continuation of aid at last year's level. This, to me, is a very mild reaction to the principle that we have previously adopted earlier in this bill, as the gentleman from New York (Mr. BADILLO) pointed out, and that is that a government which engages in a consistent pattern of gross violations of human rights should not get any military or security assistance whatsoever.

We are not proposing that here. We are simply proposing that we keep the aid at last year's level.

Mr. Chairman, let me also point out that the committee has found there are indeed gross violations of human rights in South Korea, and there is no contradiction of that fact in the supplemental views of the gentleman from Illinois (Mr. DERWINSKI).

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, the $290 million ceiling on military assistance to South Korea is a cut which would be of great significance. I conferred with my friend and colleague, the gentleman from Minnesota (Mr. FRASER), and suggested a $50 million cut rather than a $200 million cut. He did not find that acceptable.

I repeat the $290 million ceiling imposed is too deep. It would delay the withdrawal of U.S. forces in Korea. It would delay completion of the modernization program in Korea beyond fiscal year 1977.

A ceiling of $290 million would, therefore, be counterproductive and would not accomplish the objective that the sponsors of the ceiling desire.

A reduction in assistance and sales would weaken the armed forces of South Korea.

The $290 million ceiling is inconsistent with U.S. foreign and security policy objectives.

And finally, Mr. Chairman, the ceiling is unfair to South Korea and represents a unilateral repudiation of an agreement between our country and Korea.

Therefore I hope the Derwinski amendment will be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, there was a statement made on the floor earlier that we have had a commitment to Korea since 1950. If we go back and examine the records, we will find that the Secretary of State announced in the early 1950's that our commitment to Korea was conditioned on the growth of a democratic system in Korea.

The problem in Korea today is that there is no external justification for the tightening grip of repression by President Park which has followed since the adoption of the Yushan Constitution in 1972 under martial law. President Park appears to be a person who is unwilling to give up power, so he seeks to perpetuate himself by cutting off any opportunity for the people of South Korea to make an orderly change in government.

This spells trouble. This spells trouble for the United States as we are so deeply engaged there. It spells trouble for the people of South Korea.

Mr. Chairman, I have only one hope, and that is that the end product of American policy will be that South Korea shall remain free and democratic. I urge that we vote in recognition of that hope.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. MORGAN) to conclude debate.

Mr. MORGAN. Mr. Chairman, I opposed the Fraser amendment in committee, and I still oppose it.

As for me, I am going to say just two things: Adoption of the amendment would delay the completion of the modernization program beyond fiscal year 1977. It would also delay withdrawal of U.S. Forces from South Korea, and these are two important factors in my position.

Mr. Chairman, we want to get out of South Korea as rapidly as possible consistent with our security interests.

Mr. Chairman, for this reason we should go ahead with the administration's proposal for security assistance for South Korea for the period July 1, 1975, through September 30, 1977.

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

The question was taken; and on a division (demanded by Mr. FRASER) there were—ayes 53, noes 33.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 241, noes 159, not voting 32, as follows:

[Roll No. 323]

AYES—241

Abdnor	Hagedorn	Patten, N.J.
Addabbo	Haley	Paul
Albert	Hall	Pepper
Alexander	Hammer-schmidt	Perkins
Ambro	Hanley	Pettis
Anderson, Ill.	Harsha	Peyser
Andrews, N.C.	Hays, Ohio	Pickle
Andrews, N. Dak.	Hébert	Poage
Annunzio	Hefner	Preyer
Archer	Heinz	Price
Armstrong	Henderson	Quie
Ashbrook	Hightower	Quillen
Bafalis	Hillis	Railsback
Beard, Tenn.	Holland	Randall
Bevill	Holt	Rees
Biaggi	Horton	Regula
Blanchard	Howard	Rhodes
Bowen	Hubbard	Risenhoover
Breckinridge	Hutchinson	Roberts
Brinkley	Hyde	Robinson
Brooks	Ichord	Rodino
Broomfield	Jarman	Roe
Brown, Mich.	Jenrette	Rooney
Brown, Ohio	Johnson, Calif.	Rose
Broyhill	Johnson, Pa.	Rostenkowski
Burgener	Jones, N.C.	Rousselot
Burke, Fla.	Jones, Okla.	Runnels
Burke, Mass.	Kasten	Santini
Burleson, Tex.	Kazen	Satterfield
Butler	Kelly	Schneebeli
Carter	Kemp	Schulze
Cederberg	Ketchum	Sebelius
Chappell	Kindness	Shipley
Clancy	Krueger	Shriver
Clausen, Don H.	Lagomarsino	Shuster
Cleveland	Landrum	Sikes
Cochran	Latta	Sisk
Cohen	Lehman	Skubitz
Collins, Tex.	Lent	Slack
Conable	Levitas	Smith, Iowa
Conte	Lloyd, Calif.	Smith, Nebr.
Coughlin	Lloyd, Tenn.	Snyder
Crane	Long, La.	Spence
Daniel, Dan	Lott	Staggers
Daniel, R. W.	McClory	Stanton, J. William
Daniels, N.J.	McCloskey	Steed
Danielson	McCollister	Steelman
Davis	McCormack	Steiger, Ariz.
de la Garza	McDade	Steiger, Wis.
Delaney	McDonald	Stratton
Dent	McEwen	Stuckey
Derrick	McFall	Sullivan
Derwinski	McKay	Talcott
Devine	Madden	Taylor, Mo.
Dickinson	Madigan	Taylor, N.C.
Duncan, Oreg.	Mahon	Teague
Duncan, Tenn.	Mann	Thone
du Pont	Martin	Thornton
Edwards, Ala.	Mathis	Treen
English	Michel	Vander Jagt
Erlenborn	Milford	Waggonner
Esch	Miller, Ohio	Walsh
Evins, Tenn.	Mills	Wampler
Fary	Mineta	White
Findley	Minish	Whitehurst
Fish	Mitchell, N.Y.	Whitten
Flowers	Mollohan	Wiggins
Flynt	Montgomery	Wilson, Bob
Foley	Moore	Wilson, C. H.
Fountain	Moorhead, Calif.	Wilson, Tex.
Frey	Morgan	Winn
Fuqua	Murphy, Ill.	Wolff
Gilman	Murphy, N.Y.	Wright
Ginn	Murtha	Wydler
Goldwater	Myers, Ind.	Wylie
Gonzalez	Myers, Pa.	Yates
Goodling	Natcher	Yatron
Gradison	O'Brien	Young, Fla.
Grassley	O'Neill	Young, Tex.
Guyer	Passman	Zablocki
		Zeferetti

NOES—159

Abzug	Badillo	Bingham
Adams	Baldus	Blouin
Allen	Baucus	Boggs
Anderson, Calif.	Beard, R.I.	Boland
Ashley	Bedell	Bolling
Aspin	Bennett	Bonker
AuCoin	Bergland	Brademas
	Biester	Brodhead

Brown, Calif.	Hayes, Ind.	Ottinger
Burke, Calif.	Hechler, W. Va.	Patterson, Calif.
Burlison, Mo.	Heckler, Mass.	Pattison, N.Y.
Burton, John	Holtzman	Pike
Burton, Phillip	Howe	Pressler
Byron	Hughes	Pritchard
Carr	Hungate	Rangel
Chisholm	Jacobs	Reuss
Clay	Jeffords	Richmond
Collins, Ill.	Johnson, Colo.	Riegle
Conyers	Jones, Tenn.	Rinaldo
Corman	Jordan	Rogers
Cornell	Kastenmeier	Roncalio
D'Amours	Keys	Rosenthal
Dellums	Koch	Roush
Diggs	Krebs	Roybal
Downey, N.Y.	LaFalce	Ruppe
Drinan	Litton	Russo
Early	Long, Md.	Ryan
Eckhardt	Lundine	St Germain
Edgar	McHugh	Sarasin
Edwards, Calif.	McKinney	Sarbanes
Eilberg	Maguire	Scheuer
Emery	Mazzoli	Schroeder
Eshleman	Meeds	Seiberling
Evans, Colo.	Melcher	Sharp
Evans, Ind.	Metcalfe	Simon
Fascell	Meyner	Solarz
Fenwick	Mezvinsky	Spellman
Fisher	Mikva	Stark
Fithian	Miller, Calif.	Studds
Florio	Mink	Symington
Ford, Tenn.	Mitchell, Md.	Traxler
Forsythe	Moakley	Tsongas
Fraser	Moffett	Ullman
Frenzel	Moorhead, Pa.	Van Deerlin
Gaydos	Mosher	Vander Veen
Gibbons	Moss	Vanik
Green	Mottl	Vigorito
Gude	Nedzi	Waxman
Hamilton	Nix	Weaver
Hannaford	Nolan	Whalen
Harkin	Nowak	Wirth
Harrington	Oberstar	Young, Ga.
Harris	Obey	
Hawkins	O'Hara	

NOT VOTING—32

Bauman	Flood	Matsunaga
Bell	Ford, Mich.	Neal
Breaux	Giaimo	Nichols
Buchanan	Hansen	Stanton, James V.
Carney	Helstoski	Stephens
Clawson, Del	Hicks	Stokes
Conlan	Hinshaw	Symms
Cotter	Jones, Ala.	Thompson
Dingell	Karth	Udall
Dodd	Leggett	Young, Alaska
Downing, Va.	Lujan	

The Clerk announced the following pairs:

On this vote:

Mr. Breaux for, with Mr. Dodd against.

Mr. Nichols for, with Mr. Matsunaga against.

Mr. Helstoski for, with Mr. Thompson against.

Mr. Carney for, with Mr. Udall against.

Mr. Flood for, with Mr. Stokes against.

Mr. Del Clawson for, with Mr. Ford of Michigan against.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FRASER

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

The Clerk read as follows:

Amendment offered by Mr. FRASER: On page 69, strike lines 5 through 10.

Mr. FRASER. Mr. Chairman, this is the amendment which would strike the limitation on Public Law 480, title I sales, to South Korea.

Mr. Chairman, I had indicated I would offer this in the House a few days ago.

Mr. Chairman, this strikes on page 69 lines 5 through 10, which removes the limitation on Public Law 480, title I sales to South Korea. I had indicated the other day in the House that I would offer such an amendment. This is that amendment.

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

Mr. FRASER. I will be glad to yield.

Mr. MORGAN. Mr. Chairman, I am sure the majority has no objection to the amendment.

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

Mr. FRASER. I would be happy to yield.

Mr. BROOMFIELD. Mr. Chairman, I would like to assure the gentleman from Minnesota that the minority is strongly for the amendment and the administration supports the admendment.

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

Mr. FRASER. I would be happy to yield.

Mr. ZABLOCKI. Mr. Chairman, is this the identical amendment that I tried to offer to the Derwinski amendment?

Mr. FRASER. The gentleman is right. It is the same amendment to the Derwinski amendment.

Mr. ZABLOCKI. Mr. Chairman, I compliment the gentleman.

Mr. FRASER. Mr. Chairman, I do not think there is any controversy about this.

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

Mr. FRASER. I would be happy to yield.

Mr. DERWINSKI. Mr. Chairman, like the gentleman from Wisconsin (Mr. ZABLOCKI), I support the gentleman from Minnesota on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. FRASER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FINDLEY

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

The Clerk read as follows:

Amendment offered by Mr. FINDLEY: Page 68, immediately after line 3, insert the following:

KOREA

SEC. 413. The Congress views with distress the erosion of important civil liberties in the Republic of Korea and requests that the President communicate this concern in forceful terms to the Government of the Republic of Korea.

Mr. FINDLEY. Mr. Chairman, a dilemma of the highest order confronted us today. For we must devise a policy to deal with a country whose fate has been, for many years, inextricably tied with our own—a country which places its very existence largely in our care. Both the United States and the Republic of Korea have spilled blood in coming to the other's aid; and this fact imposes upon us a requirement for the greatest understanding and care.

The proposal before us today would have compelled us to ravage South Korea's capacity to defend itself. We have already discussed the perils of this approach. And we have discussed why it cannot logically lead to the reconstruction of Korean civil liberties which all of us quite naturally desire.

The question remains, however, what if anything can be done when the leadership of an allied country conducts policies which we believe to be morally offensive and ultimately against its own best interests?

Our first obligation—one which derives both from the dictates of friendship and rationality—is to try to understand all of the facts as completely as we can. This means realizing, to begin with, that there is no deeply rooted tradition of democratic habits and inclinations in the Republic of Korea.

We must understand, too, that a nation routinely confronting its own possible extinction inevitably develops a quality of rule different from our own. Finally, recognition must be given to the distinctions that do exist between the North and the South yet today. In South Korea at least we still hear the reverberations of the struggle over certain liberties and we know of the citizens' continuing freedom to own property, to travel freely within the country, to change jobs, to worship as they see fit, and to enjoy the benefits of a prosperous and noncollectivized economy. From the North we hear only the silence of a tyranny that is at once both deadening and comprehensive. Those who think such distinctions are trivial and meaningless would do well to consult the eloquent words of Alexandr Solzhenitsyn. And one must recall as well Malcolm Muggeridge's telling observation that Solzhenitsyn's comments on communism struck the Western World so deeply because he told us what we already knew and yet had somehow forgot.

Yet having said all of this, we know we have not yet said enough. For it is clear to us today that, in spite of these facts, harmful and shameful excesses have occurred in South Korea. These can be neither condoned nor simply rationalized away.

But there is a middle course between jeopardizing an ally's defense or quietly seeming to excuse authoritarian excess. If by our silence we do violence to America's ideals—which are, untarnished, our greatest diplomatic resource—then let us speak out. Let us do so clearly and distinctly, knowing that the censure of one who remains in every sense a friend, may perhaps be heard. Such an act should erase the fears of many, namely, that the American response to date has been either too weak or too confused to really be heard.

Among instruments of policy that are invariably either too blunt or too weak, this seems to be the only decent alternative. The absence of a congressional declaration on this point in all the many years of our relationship with the Republic of Korea lends to this amendment a force that it might not otherwise seem to possess.

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

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

Mr. MORGAN. Mr. Chairman, this is not the gentleman's original amendment; all the gentleman's amendment is doing now is expressing the view of Congress about the distressing erosion of civil liberties in South Korea?

Mr. FINDLEY. That is correct.

Mr. MORGAN. Mr. Chairman, the majority has no objection to the gentleman's amendment.

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

Mr. FINDLEY. I am glad to yield to the gentleman from New York.

Mr. WOLFF. Mr. Chairman, I would like to ask the gentleman if the gentleman will accept the idea of a time limitation informing South Korea; to ask in the amendment to the amendment that the procedure takes place within 60 days of the enactment of this provision.

Mr. FINDLEY. Mr. Chairman, I ask unanimous consent that my amendment be modified by adding the words, "within 60 days after enactment."

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

There was no objection.

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

The amendment, as modified, was agreed to.

The CHAIRMAN. Are there further amendments to title IV?

If not, the Clerk will read.

The Clerk read as follows:

TITLE V—MISCELLANEOUS AUTHORIZATIONS

SECURITY SUPPORTING ASSISTANCE

SEC. 501. Section 532 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 532. AUTHORIZATION.—There is authorized to be appropriated to the President to carry out the purposes of this chapter for the fiscal year 1976 $1,766,200,000, of which not less than $65,000,000 shall be available only for Greece, $730,000,000 shall be available only for Israel, and $705,000,000 shall be available only for Egypt, and for the fiscal year 1977 not to exceed $1,801,500,000, of which not less than $785,000,000 shall be available only for Israel. Amounts unappropriated under this section are authorized to remain available until expended.".

MIDDLE EAST SPECIAL REQUIREMENT FUND

SEC. 502. Section 903 of the Foreign Assistance Act of 1961 is amended—

(1) in subsection (a), by striking out "for the fiscal year 1975 not to exceed $100,000,000" and inserting in lieu thereof "for the fiscal year 1976 not to exceed $50,000,000 and for the fiscal year 1977 not to exceed $35,000,000"; and

(2) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) Funds appropriated under subsection (a) shall be available to assist the Governments of Egypt and Israel in carrying out activities under the Agreement of October 10, 1975, and to pay the costs of implementing the United States proposal for the early warning system in Sinai. Such funds may be obligated without regard to the provisions of subsection (b) of this section to the extent that the proposed obligation has been justified to the Congress prior to the enactment of this subsection.

"(d) Of the amount authorized to be appropriated in subsection (a) for the fiscal years 1976 and 1977, not less than $12,000,000 for each such year shall constitute a contribution by the United States toward the settlement of the deficit of the United Nations Relief and Works Agency for Palestine Refugees in the Middle East, if the President determines that a reasonable number of other countries will contribute a fair share toward the settlement of such deficit within a reasonable period of time after the date of enactment of the International Security Assistance and Arms Export Control Act of 1976. In determining such fair share, the President shall take into consideration the economic position of each such country. Such $24,000,000 shall be in addition to any other contribution to such Agency by the United States pursuant to any other provision of law.

"(e) Funds made available under this section may be obligated without regard to the provisions of subsection (b) of this section for programs contained in the presentation materials submitted to Congress for the fiscal year 1977.".

CONTINGENCY FUND

SEC. 503. Chapter 5 of part I of the Foreign Assistance Act of 1961 is amended—

(1) in the chapter heading, by striking out "DISASTER RELIEF" and inserting in lieu thereof "CONTINGENCY FUND"; and

(2) in section 451(a)—

(A) by striking out "for the fiscal year 1975 not to exceed $5,000,000," and inserting in lieu thereof "for the fiscal year 1976 not to exceed $5,000,000 and for the fiscal year 1977 not to exceed $10,000,000";

(B) by striking out "or by section 639"; and

(C) by adding at the end thereof the following new sentence: "Amounts appropriated under this section are authorized to remain available until expended.".

INTERNATIONAL NARCOTICS CONTROL

SEC. 504. (a) Section 482 of the Foreign Assistance Act of 1961 is amended by inserting immediately before the period at the end of the first sentence ", $40,000,000 for the fiscal year 1976, no part of which may be obligated for or on behalf of any country where illegal traffic in opiates has been a significant problem unless and until the President determines and certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that assistance furnished to such country pursuant to the authority in this chapter is significantly reducing the amount of illegal opiates entering the international market, and not to exceed $34,000,000 for the fiscal year 1977".

(b) Section 481 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(c)(1) Notwithstanding any other provision of law, no officer or employee of the United States may engage or participate in any direct police arrest action in any foreign country with respect to narcotics control efforts.

"(2) The President shall carry out a study with respect to methods through which United States narcotics control programs in foreign countries might be placed under the auspices of international or regional organizations. The results of such study shall be transmitted to the Speaker of the House of Representatives and the President of the Senate not later than June 30, 1977.".

AUTHORIZATION FOR INTERNATIONAL ATOMIC ENERGY AGENCY

SEC. 505. Section 302 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(i) In addition to amounts otherwise available under this section, there are authorized to be appropriated for fiscal year 1976 $1,000,000 and for fiscal year 1977 $5,000,000 to be available only for the International Atomic Energy Agency to be used for the purpose of strengthening safeguards and inspections relating to nuclear fissile facilities and materials. Amounts appropriated under this subsection are authorized to remain available until expended.".

INTERIM QUARTER AUTHORIZATIONS

SEC. 506. (a) Any authorization of appropriations in this Act, or in any amendment to any other law made by this Act, for the fiscal year 1976, shall be deemed to include an additional authorization of appropriations for the period beginning July 1, 1976, and ending September 30, 1976, in amounts which equal one-fourth of any amount authorized for the fiscal year 1976 and in accordance with the authorities applicable to operations and activities authorized under this Act or such other law, unless appropriations for the same purpose are specifically authorized in a law hereinafter enacted.

(b) The aggregate total of credits, including participations in credits, extended pursuant to the Arms Export Control Act and of the principal amount of loans guaranteed pursuant to section 24(a) of such Act during the period beginning July 1, 1976, and ending September 30, 1976, may not exceed an amount equal to one-fourth of the amount authorized by section 31(b) of such Act to be extended and guaranteed for the fiscal year 1976.

BASE AGREEMENTS WITH SPAIN, GREECE, AND TURKEY

SEC. 507. (a) In addition to amounts authorized to be appropriated by any amendment made by this Act which may be available for such purpose, there are authorized to be appropriated such sums as may be necessary for the fiscal year 1977 to carry out international agreements or other arrangements for the use by the Armed Forces of the United States of military facilities in Spain, Greece, or Turkey.

(b) No funds appropriated under this section may be obligated or expended to carry out any such agreement or other arrangement until legislation has been enacted approving such agreement or other arrangement.

Mr. MORGAN. Mr. Chairman, I ask unanimous consent that title V be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENTS OFFERED BY MR. MORGAN

Mr. MORGAN. Mr. Chairman, I offer technical amendments.

The Clerk read as follows:

Amendments offered by Mr. MORGAN: Page 73, line 21, strike out "not to exceed".

Page 78, line 17, immediately after "to" the first time it appears insert "any".

Mr. MORGAN. Mr. Chairman, these are amendments which simply correct printing errors.

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

The amendments were agreed to.

AMENDMENT OFFERED BY MR. SOLARZ

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

The Clerk read as follows:

Amendment offered by Mr. SOLARZ: Page 73, line 23, immediately before the period insert "and not less than $3,500,000 shall be available only for population planning and health in Egypt".

Mr. SOLARZ. Mr. Chairman, my amendment, which I believe has the support of the chairman and ranking minority member of the committee, would change from 0.2 of 1 percent to 0.5 of 1 percent the amount of money within

the framework of $750 million which is specified for Egypt for fiscal year 1977, which is earmarked for population planning and health programs.

To put it more precisely, it would increase from $1 million to $3.5 million the amount of funds, within the framework of the $750 million available for Egypt, for population planning programs. I offer this amendment because it seems to me ludicrous to provide, out of the total of $750 million in security supporting assistance for Egypt, in an effort to help that country deal with its social and economic problems, only $1 million for population planning programs.

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

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

Mr. MORGAN. Mr. Chairman, the majority has examined the gentleman's amendment. The gentleman from New York has been consulting for the past 3 weeks on this amendment. The majority side has no objection to the gentleman's amendment.

Mr. SOLARZ. I thank the gentleman.

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

Mr. SOLARZ. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. We also have examined the amendment, and we support the gentleman's amendment.

Mr. SOLARZ. I appreciate that very much.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. SOLARZ. Mr. Chairman, let me simply conclude by saying that Egypt now has a population of 38 million people. It is increasing at the rate of 800,000 to 900,000 new Egyptians per year. By the year 2000, it is going to have 64.6 million people.

The Members may be interested to know that Cairo, which 10 years ago had a population of over 4 million, today has a population in excess of 8 million. Alexandria, their second largest city, which had a population of only 400,000 at the end of World War II, today has a population of over 4,000,000.

If they are going to deal with their economic problems, we have to help them deal with their population problems. For it will avail them little to increase their rate of economic growth if they are unable to decrease their population growth.

In view of the fact that the government of Egypt is committed to population planning, and in view of the fact that our own Agency for International Development believes this really could be usefully spent, I urge my colleagues to support the amendment.

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

Mr. SOLARZ. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. SOLARZ).

There is no doubt that unless population growth is checked in the developing countries, the rest of our assistance will have very little impact in improving per capita income or the conditions of life for most people in the developing world. The world's population has already reached the 4 billion mark and about 70 percent of these people live in the developing countries. Even if all families in the less-developed countries were to reach an average of two children by the year 2000—an overly optimistic goal—their population would still increase two and a half times by the year 2050.

Population growth threatens the world with famine, environmental degradation, unemployment, overcrowded cities, lawlessness, and the prospect of demographic wars—all this in a world where nuclear weapons are proliferating.

As population increases, we must expect to observe a corresponding increase in the demand for food and improved standards of living. As little as 30 years ago, all areas of the world, except Western Europe, were net exporters of food. Today almost all of the world's food exports come from North America. Currently inadequate food supplies will have to be stretched even further if populations continue to expand. The fragile governments of the lesser developed countries will unquestionably have a difficult time meeting these demands for food and better living conditions. The resulting dissatisfaction, alienation and bitter resentment will inevitably lead to internal disorders, perhaps even revolution. All of this threatens severe international repercussions and regional destabilization. This will lead to further repression which will cause even more disorder—a never ending cycle.

On a recent Armed Services Committee trip to South Asia, I talked with the New Zealand Defense Minister, John Robertson, and the Chief of the New Zealand Defense Staff, Sir Richard Webb, who expressed the conviction that population control is an indispensable key to political stability and national security in the Pacific area. According to them, if the Indian Ocean is to continue as a free waterway, and if the ASEAN countries—Indonesia, the Philippines, Singapore, Malaysia, and Thailand—are to be successful in their efforts to resist Communist infiltration and subversion, then they must be assisted in getting a handle on their population growth rates. These sentiments were echoed by Indonesian President Suharto in a meeting with our group.

If the population of the developing nations continues to grow at its current rate of expansion, we all should feel threatened. Given the growing interdependence of nations and the proliferation of sophisticated weaponry around the world, no nation can escape the consequencies of the failure of other nations to stabilize their populations.

While the developing countries must assume the major responsibility for controlling their own rates of population growth, the developed countries must also rise to the challenge by assisting those developing countries which have the will and determination to implement effective family planning programs. We must use every channel available to encourage these countries in their efforts to control their growth rates. Such efforts should include development of education and health service systems which will create the proper environment so that these family planning programs can take hold. Traditionally, parents in the lesser developed countries have felt that they must have 8 to 10 children to insure that at least one survives to adulthood to care for them in their old age. We cannot permit large-family childbearing to be the social security system for the developing world. With improved maternal and child health-care systems, parents in the developing nations can be assured that all their children will survive to maturity.

If a woman is to be encouraged to limit the size of her family, she must feel that she has some other role in society other than that of a childbearer. The ability to read and write will enable her to become a member of the work force and assume a role outside the home.

Yesterday, during the opening of a United Nations conference on the problems of the world communities, Secretary General Waldheim said that—

> We are aware that we inhabit a world in which governments spend much more on armaments than they do on education or health and in which more than 500 million people live in misery, many of them on the verge of starvation. For many hundreds of millions of our fellow citizens of this planet, their human environment is simply a struggle to survive.

Thus, at least an elementary education system, including literacy training, and at least the basic elements of a public health system are needed to create the environment in which family planning programs will be successful in reducing fertility rates.

Those developing countries which have shown a commitment to family planning deserve our encouragement and assistance.

Mr. SOLARZ. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SOLARZ).

The amendment was agreed to.

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

Mr. Chairman, H.R. 13680 contains a provision which relates to international narcotics control activities which are under the jurisdiction of the Department of State. At the present time a focus program is Mexico. I undertook an investigative study mission to Mexico in January of this year and found that the quantity of the illegal traffic in hard narcotics between Mexico and the United States boggles the mind—estimates range from $1 to $2 billion annually in Mexican wholesale prices.

One recommendation which I made when I returned from Mexico is that the enforcement personnel who operate on the border work in cooperation with the Civil Air Patrol who are in a position to monitor illegal flights across the border and then report their sightings to the appropriate enforcement personnel who are on the ground. I think it would be entirely appropriate to expand the mission of the Civil Air Patrol as they have equipment and personnel which could greatly increase the effectiveness of our current antitrafficking efforts and

could furnish this assistance at no cost and save fuel.

At the current time the CAP conducts 80 percent of all search and rescue missions in the United States. The only cost which the Air Force reimburses is for oil and gas on requested missions. In the case of surveillance flights the only cost would be fuel and oil and would not include personnel costs or operating expenses like routine maintenance. I think you will be interested to know that during World War II the mission of CAP was expanded to include the protection of our coastlines. I personally flew on numerous missions over the Atlantic coast on surveillance flights which were looking for submarines off our shores. We are once again faced with an invasion; this time the submarines have been replaced by narcotics traffickers who utilize the most modern aircraft and communications equipment. Once again, I feel the CAP can constructively contribute to the security and safety of our citizens at home.

I was recently informed that the Director of Operations of the Civil Air Patrol visited the El Paso Intelligence Center. The El Paso Intelligence Center is basically a data collection facility. In short, EPIC provides interagency coordination and data retrieval to the U.S. Customs Service, the Border Patrol, U.S. Coast Guard, FAA, Drug Enforcement Administration, and the Bureau of Alcohol, Tobacco, and Firearms. In order to properly evaluate CAP's ability to assist the DEA, it was proposed to EPIC that CAP units conduct a test operation to determine the effectiveness and cost of CAP flights.

It is essential that CAP not engage in enforcement actions but be restricted to reporting. There will be no chases, no attempts at apprehension, and no citizens arrests. CAP flights would look for low flying aircraft; 4-wheel drive vehicles parked at remote sites which could be used for aircraft landings; truck/aircraft combinations; and newly constructed remote landing areas. The pilots would report type, color, tail number of aircraft, and if possible, time location, approximate heading, vehicle description, number of people and vehicles, and recently used isolated landing sites.

At the present time CAP is working out the final details on the test program which would include roughly 128 flights over a period of 8 days. The cost of the operation would be $3,900. I have been in contact with the Department of State in relation to the possibility that the funds which are authorized in the legislation which we are now considering be used to fund the CAP operation. I think that the minimal cost is certainly compensated by the increased control capability which we would obtain.

AMENDMENT OFFERED BY MR. RANGEL

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

The Clerk read as follows:

Amendment offered by Mr. RANGEL: At page 73, line 13, after "SEC. 501" insert "(a)", and after line 24, insert the following:

"(b)" At the end of Chapter 4 of Part II of the Foreign Assistance Act, add the following new section:

"SEC. 533. Assistance to African Nations. There is authorized to be appropriated to the President for the fiscal year 1977, to carry out the proposals made by the Secretary of State in Lusaka, Zambia on April 27, 1976 and to provide economic supporting assistance for countries in southern Africa affected by the crisis in that region, in addition to funds otherwise available for such purposes $85-000,000, of which not less than $30,000,000 shall be available only for Zaire and $30,000,-000 shall be available only for Zambia. Such sums are authorized to be made available without regard to the country limit in section 531 and are authorized to remain available until expended."

Mr. RANGEL. Mr. Chairman and members of the committee, this amendment merely is consistent with our new thrust, as enunciated by Secretary Kissinger in Lusaka, Zambia, in outlining a policy which relates to the continent of Africa, but more importantly, as it relates to nations of southern Africa which are abiding by the United Nations' sanctions against Rhodesia.

I think if this Nation starts on a new thrust in developing an African policy we must embark on an assistance program that is necessary in order to maintain economic and political stability in the countries involved. For these reasons I think the sum of $85 million, as outlined by the President of the United States for the State Department; $30 million for Zambia and $30 million for Zaire would really supplement and support the new policy of the administration and should reflect the will and the determination of this Congress.

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

Mr. RANGEL. I will be glad to yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, it is my understanding that the President does support the enactment of the gentleman's amendment providing for $85 million, and he will transmit a budget amendment request for this purpose. I believe the important area here is that the gentleman has recognized the need for flexibility, and I certainly hope that the amendment does prevail.

Mr. RANGEL. I thank the gentleman.

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

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

Mr. ICHORD. Mr. Chairman, the reproduction on the copy of this amendment is not too clear. Do I understand that the total authorization is $85 million?

Mr. RANGEL. The gentleman is correct.

Mr. ICHORD. Of which not less than $30 million shall be available only for Zaire and $30 million only for Zambia?

Mr. RANGEL. That is the correct reading of the amendment.

Mr. ICHORD. Where does the other $25 million go?

Mr. RANGEL. Mr. Chairman, we would like to believe that the President, in his discretion, if we are to continue to develop a sound policy in Africa, should be able to have the discretion to use those funds for those countries that are complying with the United Nations policy, and if they find themselves in an economic crisis, then we would be able to stabilize those governments by giving them assistance.

Mr. ICHORD. Mr. Chairman, let me state to the distinguished gentleman from New York (Mr. RANGEL) that the African nation that will be hurt the most—and I hope I may have the attention of the Members of the House on this—is the country of Mozambique, which is establishing an economic blockade of the nation of Rhodesia at the present time. They will be hurt by closing the port of Laurence Marques, and they will be hurt more than any other nation.

My concern is that the Government of Mozambique, headed by President Machel, who recently declared that Mozambique is the first black Communist nation in South Africa, may receive some of these funds. We may be providing distress aid for a newly established Communist nation on the Continent of Africa.

Mr. RANGEL. Mr. Chairman, at one point I shared the same concerns my colleague, the gentleman from Missouri, does. However, recognizing the sensitivity of our new foreign policy in Africa, it seems to me that rather than designating every country to be given assistance, that we should give that discretion to our President and rely on his discretion as to how those funds can best serve the interest of the United States of America. I am confident that the President would not be giving aid and assistance to Communist nations.

Mr. ICHORD. The gentleman would concede, however, that this would give that discretion to the President of the United States?

Mr. RANGEL. It is only a question of how much confidence we have in our Chief Executive.

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

Mr. RANGEL. I yield to the distinguished chairman of the committee.

Mr. MORGAN. Mr. Chairman, as I understand from what the gentleman from Missouri (Mr. ICHORD) has just stated, this amendment would provide $85 million for assistance to southern Africa, including $30 million for Zaire and $30 million for Zambia, and $25 million for other southern African countries?

Mr. RANGEL. The gentleman is correct.

Mr. MORGAN. Mr. Chairman, as the gentleman knows, a similar amendment is contained in a Senate bill in the other body, and that it has been subject of some controversy. I further understand that the President has already sent up a message endorsing this amount of money that is contained in the gentleman's amendment.

Mr. RANGEL. I have copies of communications from the White House, as well as the OMB, supporting that amount contained in the amendment.

Mr. MORGAN. Well, for this reason, and because the Presidential request indicates we will not be busting the executive budget, I will be glad to accept this amendment.

However I do so with the reservation

that we must have more information about the use of these funds before they are expended.

We have not yet heard from Secretary Kissinger about what would be done with this $85 million. Neither the executive branch nor the proponents of this amendment have yet supplied the committee with the specific justification and detail that is normally required before Congress votes such sums for foreign aid.

I look forward to receipt by the committee of such expanded and detailed information as is necessary to justify this additional amount for southern Africa.

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

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

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

Mr. RANGEL. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I would just like to ask the gentleman from New York (Mr. RANGEL) if there is anything in this amendment which would imply that we are approving the use of weapons that would be paid for from this for the purposes of supporting or equipping guerrilla troops in Rhodesia or South Africa.

Mr. RANGEL. No. The purpose of the funds provided in this bill or this amendment is consistent with the statements made by Secretary Kissinger, which certainly precluded the possibility of this country being involved in any arms struggle.

The only weapons that we are using are those of knowledge, technology, education, and assisting those countries through an economic crisis.

Mr. SEIBERLING. Mr. Chairman, I commend the gentleman for his amendment and would ask for its support.

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

Mr. Chairman, if I might have the attention of the gentleman from New York (Mr. RANGEL), who has just offered this amendment, I would ask that he attempt to clear up something here.

I was listening to the colloquy between the gentleman from New York (Mr. RANGEL) and the gentleman from Missouri (Mr. ICHORD), and I cannot help but be somewhat concerned over the reply.

From what I have read, there is discretionary money in here. The gentleman stated that we should have confidence in our President; but as I recall from the news accounts, Dr. Kissinger has already promised—I do not know that this is true—but the news account is that he has already promised $12.5 million to Mozambique. Therefore, I would assume that part of this discretionary money has already been promised to Mozambique.

Mr. Chairman, I was wondering whether the gentleman from New York (Mr. RANGEL) could confirm or deny this.

Mr. RANGEL. If the gentleman will yield, my response would be that with respect to whether or not this might be supporting a Communist country, I do not know whether it has been clearly established that the Government of Mozambique is a Communist country. However, what I am primarily concerned with is supporting the administration's establishing a new policy or establishing a policy in Africa.

It seems to me that as it relates to our support of majority rule, as it relates to cutting off the borders of Rhodesia and asking these countries to support the United Nations, as sometimes we have failed to do, we must be consistent and comply with our promise, and we must be consistent in giving the type of economic support that is necessary.

Mr. DICKINSON. I thank the gentleman.

If I might use a part of my time, I would like to observe that some of the promises we are talking about so glibly here Mr. Kissinger has already made with no authority from this House. I do not feel obligated in the least to have to live up to any promise that Mr. Kissinger gives without consultation with the Congress.

Therefore, I think, in line with what the gentleman is saying, he has, in fact, promised $12.5 million to Mozambique. I do not think it is seriously disputed by anyone that it is not only a Communist black nation; it is a Marxist Communist black nation.

Mr. Chairman, if we give them financial assistance, what we are doing is really underwriting the guerrilla movement there. I really do not feel constrained to back that activity in this particular instance, and I think that if this money is available, that is what is going to happen.

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

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

Mr. ICHORD. Mr. Chairman, I would state to the gentleman from Alabama (Mr. DICKINSON) that in view of Dr. Kissinger's statement, this amendment can be construed as nothing else but having this House voting taxpayers' money which we do not have to uphold and support the first black Communist nation on the continent of Africa.

Mr. DICKINSON. I do not mind the various independent and emerging nations being black, but I do object to their being red, and I certainly object to this country that already owes more money than all the other countries in the world combined, giving taxpayers' dollars to support a Marxist Communist dictatorship. That is what it is.

Mr. Chairman, this is so incongruous; it is hard to believe that this Congress is seriously thinking about it or that the administration would do it.

Mr. ICHORD. If the gentleman will yield further, I do think I was using the words of Prime Minister Marcel himself. I certainly have no objection to the nation's being black, like the gentleman from Alabama (Mr. DICKINSON); but this is, as he says, the first Communist nation in Africa; and we are voting taxpayers' money for that purpose in this amendment. We are forced to choose between an alleged white supremist nation in Rhodesia and a black Communist nation in Mozambique.

Mr. DICKINSON. Precisely, and it is for this reason that I think we should have a recorded vote on this when we come to the vote.

Mr. Chairman, I thank the gentleman.

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

Mr. Chairman, I believe the debate is going a little beyond the amendment.

If we look carefully at the amendment, it provides economic support and assistance for countries in southern Africa. It specifically provides $30 million shall be available only for Zaire.

Zaire is in that area and is one of the stable governments in that area. There is $30 million for Zambia. Zaire is not a Marxist dictatorship.

I would also like to point out that I agree with the remarks made by many Members of the House with reference to Secretary of State Kissinger but I should also point out that we are not voting on Secretary of State Kissinger, we are voting on a proposal in support of U.S. funding of economic assistance on the African Continent. We have neglected Africa over the years because, basically, we have left jurisdiction there to the former colonial countries. They have been more interested in economic control than they have been in helping some of their former colonies. So we are offering economic support and assistance.

Also, the other body has a voice in this, and also the Committee on Appropriations has a voice in this.

I would like to reemphasize that in both Zaire and Zambia we have governments that have consistently worked with us over the years. I think it is inaccurate to emphasize a political philosophy here when it really does not have direct relationship.

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

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

Mr. ICHORD. Mr. Chairman, the gentleman from Illinois is correct in that the amendment does establish $30 million for Zaire and $30 million for Zambia, but the total is $85 million. There remains another $25 million, and that is the reason why I raise this question, as does the distinguished gentleman from Alabama (Mr. DICKINSON). Dr. Kissinger has already announced that he will give Mozambique $12½ million and this would be the logical place to get that money.

Mr. DERWINSKI. Let us understand that if any money is provided, the Congress would provide it.

I would feel better if the amendment did not have a reference to the Secretary in it, for he has outlived his effectiveness. But, this is not a pro-Kissinger amendment, this is an amendment directed at what I consider to be practical economic assistance to certain countries in Africa. I honestly feel that we have too long left Africa to the supposed expertise of the British and French, the form-

er colonial rulers and that actually they do not have that expertise. In fact, they are more interested in milking those countries economically. Therefore I believe that the United States in providing them economic assistance would be appreciated.

As a matter of fact, we do provide military assistance to Ethiopia and Zaire. Had we supported Zaire more effectively when the Cubans moved into Angola—but, that is water over the dam.

But I do think the amendment is clearly an attempt to provide economic assistance.

Mr. ICHORD. If the gentleman will yield further, the first sentence in the amendment says:

> There is authorized to be appropriated to the President for the fiscal year 1977, to carry out proposals made by the Secretary of State in Lusaka, Zambia, on April 27, 1976. . . .

That is when Secretary Kissinger made the proposal, as I understand it, to provide Mozambique $12½ million in aid for closing the port in that country that serves as the principle port from which Rhodesia was shipping ferrochrome to the United States of America. So I do construe the amendment as directly providing aid for Mozambique.

Mr. DERWINSKI. As I say, I regret the reference to Secretary Kissinger. It may well be the kiss of death, but, still, regardless of the fact that I have often shared the views of the gentleman from Missouri, I cannot, in this instance, share the feelings of the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. Chairman, I relaize this is a very sensitive subject, and I must confess that I cannot stand on the floor of this House and lay out any policy for this body to follow, or even for the Secretary of State, Dr. Kissinger, to follow that will solve the very complex problems in Africa. The problems of Africa are indeed difficult and complex. I first want to disclaim any support for the racial policies of any nation, whether they be black racial policies against white, or whether they be white racial policies against black. I abhor any such system of government. But I cannot construe this amendment in the way it is drafted, stating that we shall give the President $85 million to carry out the proposals made by the Secretary of State in Lusaka, Zambia, on April 27, 1976, earmarking only $30 million for Zambia and only $30 million for Zaire, as doing any other thing besides leaving $25 million for Mozambique.

Dr. Kissinger has already stated that he is going to give $12½ million to Mozambique because Mozambique is the country that has really been hurt by the economic blockade of Rhodesia.

Mr. Chairman, last April a year ago I went to the nation of Rhodesia along with two other colleagues of the House, the gentleman from Pennsylvania (Mr. DENT) and the gentleman from New Mexico (Mr. RUNNELS). Let me state to the Members of the House that if those who support what I call the extremely hypocritical policy established by the United Nations toward Rhodesia, had gone to Rhodesia, I do not think they would be supporting any amendment of this nature.

Rhodesia has—and it offers no threat to the peace of the world whatsoever—a long-range policy of complete economic, political, and social integration of the races based upon merit. While I was there in the capital city of Salisbury, I saw 50 percent black and 50 percent white in the University of Salisbury. In addition, Mr. Chairman, the black man in Rhodesia—and listen to this—has the highest wage of any black man in all of Africa.

Let me state to the Members of this House that the situation is completely different from the way it is generally described in the press of the world. It is completely different from the way it is described, in my opinion, by the Secretary of State, Dr. Kissinger.

In view of my strong disagreement with the policy announced by the secretary of state in Lusaka, a policy that commits the United States to the hypocritical policies pursued by the United Nations toward Rhodesia. I cannot remain silent on this amendment. I urge the defeat of the amendment.

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

Mr. ICHORD. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I thank the gentleman for yielding.

I certainly want to commend the gentleman for his statement. As far as I am concerned, it is 100 percent accurate. I was in Rhodesia in 1965. I have followed with interest the progress in that fine and progressive country. I would state there is no Iron Curtain there; there is no effort to prevent migration or immigration, either way, in or out of the country. It is one of the few free countries of Africa.

I think the Rangel amendment should be defeated. I agree with the gentleman 100 percent and suggest that Mr. Kissinger's hypocritical double standard should not be implemented.

Mr. ICHORD. Let me state to the gentleman that although there is guerrilla warfare being waged on the borders of Rhodesia at this moment, the trouble in Rhodesia comes from without, not from within. In fact, I would say that most Members of the House would feel safer on the streets of Salisbury at 3 o'clock in the morning than they would at 9 o'clock this evening three blocks away from this Capitol. The trouble comes from without. Most blacks and whites in Rhodesia are at peace. I hate to see this body support with taxpayers money a Communist country like Mozambique providing a haven for Rhodesian guerrillas.

The CHAIRMAN. The time of the gentleman has expired.

AMENDMENT OFFERED BY MR. CRANE TO THE AMENDMENT OFFERED BY MR. RANGEL

Mr. CRANE. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. CRANE to the amendment offered by Mr. RANGEL: After the words "fiscal year 1977" strike out the language through "April 27, 1976, and"; and immediately before the last sentence of the amendment insert the following: "None of the funds authorized by this section may be used for Mozambique."

Mr. CRANE. The amendment is really very simple, Mr. Chairman. It strikes out the line which states: "to carry out the proposals made by the Secretary of State in Lusaka, Zambia on April 27, 1976."

And then it has a specific line in there to prohibit any of the moneys that are authorized under this bill to be spent in Mozambique, and I think the debate has been explicated sufficiently by my colleagues on both sides of the aisle who have given good and cogent reasons for not giving any of this money to Mozambique. I think we have heard good arguments by my good friend, the gentleman from Minnesota (Mr. FRASER) about not giving moneys to undemocratic countries. I can assure my friend the state of affairs in Mozambique with respect to civil liberties is such that even the basic elemental principles of democracy are nonexistent.

In addition to that, I think we have one other significant difference between South Korea, which involved some of the attention of Members earlier, and Mozambique. Mozambique has committed itself to an aggressive position vis-a-vis a neighboring state. South Korea is certainly not guilty of that. That being the case, it seems to me we ought to guarantee that none of the proposals made by our distinguished Secretary of State with respect to Mozambique be given any kind of vote of approval by this Congress. I think they were ill-advised recommendations by the Secretary of State in the first place.

But, Mr. Chairman, in addition to that I find it highly offensive that the Secretary would be going around any continent of this world and making commitments of this nature without first having touched base with the Congress of the United States to see if that is consistent with this body or the body on the other side of this building.

I think to implement that properly it also requires, with respect to the amendment offered by the gentleman from New York (Mr. RANGEL) that it be amended with respect to any reference to statements or commitments made by our distinguished Secretary.

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

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

Mr. FRASER. Mr. Chairman, as far as I am concerned, Mozambique is a country which is under an authoritarian form of government, and I would not give any military aid to it nor ordinarily favor committing any economic aid to it unless it met the test we have now, which says it must be demonstrated that any economic assistance actually goes to help the people.

I do not know, if Mr. Kissinger decides to give aid to Mozambique, whether he will be able to meet that test or not, that in other words the aid would go to help the people of Mozambique.

But I think in the case here, the reason Dr. Kissinger spoke to this problem is

that there is a peculiar set of circumstances in southern Africa where the United States for a long time has appeared to be in favor of white regimes which accorded none of the democracy or the human rights as we understand them in the West to the black communities. That is one of the problems that has faced American policy in recent years. I think the speech of Dr. Kissinger in Lusaka was a good one.

Mr. CRANE. If I may regain some of my time, I just want to respond to one point. Admittedly, the governments of either Rhodesia or South Africa are far from the ideals represented by this Government. On the other hand, if one wants to make any odious comparisons, one need only have seen Mozambique under its present administration to find there are vastly more freedoms in either Rhodesia or South Africa than one will find in Mozambique today. That being the case, I would urge my colleagues to support this relatively minor perfecting amendment to the amendment offered by my good friend, the gentleman from New York (Mr. RANGEL).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. CRANE) to the amendment offered by the gentleman from New York (Mr. RANGEL).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RANGEL), as amended.

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

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

A recorded vote was refused.

So the amendment, as amended, was agreed to.

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

Mr. Chairman, I rise in order to ask the distinguished chairman of the committee a couple questions.

Mr. Chairman, I notice that on page 44 of the committee report there is a considerable amount of lamentation over the fact that substantial progress has not occurred in negotiating on the Cyprus issue; but, nevertheless, this bill contains substantial additional funds for mutual military aid for Turkey, as well as Greece. I take it that all this bill now does in the conditions imposed on the continuing aid to Turkey is to maintain the status quo with respect to observing the cease fire and the movement of additional military personnel and equipment to Cyprus.

Mr. MORGAN. Mr. Chairman, if the gentleman will yield, that is correct.

Mr. SEIBERLING. Last fall when we lifted the ban on Turkish arms aid, one of the concerns I had, the gentleman will recall, is the fact that there was no limitation on commercial sales of military equipment to Turkey or to any other country. I introduced in the RECORD a letter from the State Department saying they approved Congress having a review power over commercial sales of military weapons and other arms.

The gentleman from Pennsylvania said that the gentleman would work to get such a provision written in the bill and, in fact, the bill that the President vetoed did contain a veto by Congress, a right to veto over commercial arms sales, as well as government-to-government sales.

Now, I know that in the present bill, although there is a very commendable new addition in section 202 stating it is the policy of the United States to bring about a reduction in military trade implements of war and that the President should seek to initiate negotiations to reach agreements to control the sales of arms and to conduct a comprehensive study of U.S. arms sales, the provision giving the Congress a veto power over commercial arms sales that would have to be licensed by the executive branch has been removed.

I wonder how there can be any logic in controlling government-to-government sales and not controlling private arms sales that are licensed by our Government. I wonder if the gentleman from Pennsylvania could explain that to the membership?

Mr. MORGAN. Mr. Chairman, if the gentleman will yield further, we had a provision that he described in the bill which was vetoed by the President on May 7 of this year. Our committee considered this matter very carefully. The amendment on commercial sales originated in the Senate, and was opposed by the President.

We decided to keep most of it out of this bill, but the Senate put it in again. It is in the Senate bill and the gentleman knows they are debating the bill this afternoon.

I will take this issue to conference and I can assure the gentleman I am very sympathetic to the gentleman's view. I will take it up in conference.

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

Mr. SEIBERLING. I yield to the gentleman from New York.

Mr. SOLARZ. Mr. Chairman, in addition to the observation just made by the distinguished chairman of the committee, I think it is also important to point out that we retained in this bill a provision introduced, I think, by the distinguished gentleman from New York (Mr. BINGHAM), which would require in the future all military sales in excess of $25 million to go through the FMS route, which in effect would give the Congress the right under the so-called Nelson-Bingham amendment to disapprove that sale if in its judgment it would be unwise to proceed with it.

So, in effect, with the adoption of this legislation we will have a situation in which any military sale in excess of $25 million will come under the purview of congressional control, which means that any significant sale, in effect, the Congress would have the capacity to disapprove.

Mr. SEIBERLING. Reading the bill, I do not get that impression. I am glad that this is the interpretation. I wonder if the gentleman from New York (Mr. BINGHAM) would confirm that.

Mr. BINGHAM. Mr. Chairman, I am glad to confirm what my colleague from New York (Mr. SOLARZ) just stated. It was the point I was about to make.

Mr. MYERS of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to direct a question to the chairman of the committee. The gentleman from Ohio asked the chairman if the bill calls for the status quo that was developed between Cyprus and Turkey in relation to the sale of arms to Turkey last fall. It was my intention to offer an amendment today which would strike additional Turkish aid authorization for fiscal year 1977. However, in discussing the subject with the leadership on both sides of the aisle and on both sides of this issue, it is my impression that there had been a significant change in tightening up on the situation of Turkey on Cyprus and controlling the arms flow.

If that is not true, I would reconsider my efforts to offer an amendment. It would seem to me that what I am looking for is, is the gentleman indicating to me in conversation that the bill goes beyond the status quo, is the bill not tightening up the situation? I understand the issue with Cyprus had been delicately handled in this bill.

Mr. MORGAN. Mr. Chairman, if the gentleman will yield, I think what the gentleman says is partly correct. As the gentleman knows, section 403 was worked out very carefully by the committee in consultation with all the Members of this House who were interested in the Greek-Turkish situation over the last 2 years. There were consultations, there were meetings, and this was the final language that we agreed on, which was acceptable to everybody.

Of course, it went through this House in February; it went to conference. It was retained in the conference and brought back to the House. It passed the House and was vetoed by the President. But, the President's objections did not go to this issue. It was not one of the issues given as the reason for the veto by the President.

With the markup of this bill we went through a similar procedure. The language in the bill was agreed to by all parties interested in the Turkish-Greek-Cyprus situation.

I appreciate the gentleman's action not offering the amendment, because I think that the amendment could jeopardize the very fragile situation and whatever progress has been made to get Greece and Turkey together on a mutually acceptable policy with respect to Cyprus. Some progress was made in that respect at the recent NATO ministerial meeting. So I appreciate the gentleman withdrawing his amendment because I feel it could do more damage than good at this stage.

Mr. MYERS of Pennsylvania. Would the chairman respond, is it accurate to say that there has been set forth in this bill for fiscal year 1977 funds changes with respect to the Turkish situation, or the action by Turkey on Cyprus, so that the status is not strictly a guarantee of

the status quo, but there is some improvement in that area?

Mr. MORGAN. Yes.

Mr. MYERS of Pennsylvania. I thank the gentleman very much for his explanation. Last fall, I supported what I thought was a temporary aid, and as I indicated, I had intended to offer an amendment today which would eliminate an extension into fiscal year 1977. I will not do that. However, it does leave me uncertain about final passage, because this particular element still bothers me.

I thank the gentleman.

The CHAIRMAN. Are there further amendments to title V? If not, the Clerk will read title VI.

The Clerk read as follows:

TITLE VI—MISCELLANEOUS PROVISIONS

EXPEDITED PROCEDURE IN THE SENATE

SEC. 601. (a)(1) The provisions of subsection (b) of this section shall apply with respect to the consideration in the Senate of any resolution required by law to be considered in accordance with such provisions.

(2) Any such law shall—

(A) state whether the term "resolution" as used in subsection (b) of this section, means, for the purposes of such law—

(i) a resolution of either House of Congress; or

(ii) a concurrent resolution; and

(B) specify the certification to which such resolution shall apply.

(b)(1) For purposes of any such law, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the period indicated.

(2) Paragraphs (3) and (4) of this subsection are enacted—

(A) as an exercise of the rulemaking power of the Senate and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of resolutions described by subsection (a)(1) of this section; and they supersede other rules of the Senate only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

(3)(A) If the committee of the Senate to which has been referred a resolution relating to a certification has not reported such resolution at the end of ten calendar days after its introduction, not counting any day which is excluded under paragraph (1) of this subsection, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution introduced with respect to the same certification which has been referred to the committee, except that no motion to discharge shall be in order after the committee has reported a resolution with respect to the same certification.

(B) A motion to discharge under paragraph (A) of this paragraph may be made only by a Senator favoring the resolution, is privileged, and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution, the time to be divided equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(4)(A) A motion in the Senate to proceed to the consideration of a resolution shall be privileged. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the Senate on a resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with a resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may from time under their control on the passage of a resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) A motion in the Senate to further limit debate on a resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a resolution is in order in the Senate.

PROCUREMENTS FROM SMALL BUSINESSES

SEC. 602. In order to encourage procurements from small business concerns under chapter 4 of the Foreign Assistance Act of 1961, the Administrator of the Agency for International Development shall report to the Congress every six months on the extent to which small businesses have participated in procurements under such chapter and on what efforts the Agency has made to foster such procurements from small business concerns. The Small Business Administration shall lend all available assistance to the Agency for the purposes of carrying out this section.

PAYMENT OF CONSULTANTS

SEC. 603. Section 626(a) of the Foreign Assistance Act of 1961 is amended by striking out "$100 per diem" and inserting in lieu thereof "the daily equivalent of the highest rate which may be paid to an employee under the General Schedule established by section 5332 of title 5, United States Code".

FEES OF MILITARY SALES AGENTS AND OTHER PAYMENTS

SEC. 604. (a) Section 36 of the Foreign Military Sales Act, as amended by section 211 of this Act, is further amended as follows:

(1) In subsection (a)—

(A) strike out "and" at the end of paragraph (7);

(B) redesignate paragraph (8) as paragraph (9); and

(C) insert the following new paragraph immediately after paragraph (7):

"(8) a description of each payment, contribution, gift, commission or fee reported to the Secretary of State under subsection (c), including (A) the name of the person who made such payment, contribution, gift, commission or fee; (B) the name of any sales agent or other person to whom such payment, contribution, gift, commission or fee was paid; (C) the date and amount of such payment, contribution, gift, commission or fee; (D) a description of the sale in connection with which such payment, contribution, gift, commission or fee was paid; and (E) the identification of any business information considered confidential by the person submitting it which is included in the report; and".

(2) In the first sentence of subsection (b), insert immediately before the period "and a description, containing the informatiin specified in paragraph (8) of subsection (a), of any contribution, gift, commission or fee paid or offered or agreed to be paid in order to solicit, promote or otherwise to secure such letter of offer".

(3) Add the following new subsection at the end of such section:

"(c)(1) In accordance with such regulations as he may prescribe, the Secretary of State shall require adequate and timely reporting on political contributions, gifts, commissions and fees paid, or offered or agreed to be paid, by any person in connection with—

"(A) sales of defense articles or defense services under section 22 of this Act; or

"(B) commercial sales of defense articles or defense services licensed or approved under section 38 of this Act;

to or for the armed forces of a foreign country or international organization in order to solicit, promote, or otherwise to secure the conclusion of such sales. Such regulations shall specify the amounts and the kinds of payments, offers, and agreements to be reported, and the form and timing of reports, and shall require reports on the names of sales agents and other persons receiving such payments.

The Secretary of State shall by regulation require such recordkeeping as he determines is necessary.

"(2) The President may, by regulation, prohibit, limit, or prescribe conditions with respect to such contributions, gifts, commissions, and fees as he determines will be in furtherance of the purposes of this Act.

"(3) No such contribution, gift, commission, or fee may be included, in whole or in part, in the amount paid under any procurement contract entered into under section 22 of this Act, unless the amount thereof is reasonable, allocable to such contract, and not made to a person who has solicited, promoted, or otherwise secured such sale, or has held himself out as being able to do so, through improper influence. For the purposes of this subsection, 'improper influence' means influence, direct or indirect, which induces or attempts to induce consideration or action by any employee or officer of a purchasing foreign government or international organization with respect to such purchase on any basis other than such consideration of merit as are involved in comparable United States procurements.

"(4)(A) All information reported to the Secretary of State and all records maintained by any person pursuant to regulations prescribed under this subsection shall be available, upon request, to any standing committee of the Congress or any subcommittee thereof and to any agency of the United States Government authorized by law to have access to the books and records of the person required to submit reports or to maintain records under this subsection.

"(B) Access by an agency of the United States Government to records maintained under this subsection shall be on the same terms and conditions which govern the access by such agency to the books and records of the person concerned.".

(b) The amendments made by this section shall take effect sixty days after the date of enactment of this Act.

USE OF PERSONNEL

SEC. 605. (a) Nothing in this Act is intended to authorize any additional military or civilian personnel for the Department of Defense for the purposes of this Act, the Foreign Assistance Act of 1961, or the Arms Export Control Act. Personnel levels authorized in statutes authorizing appropriations for military and civilian personnel of the Department of Defense shall be controlling over all military and civilian personnel of the Department of Defense assigned to carry out functions under the

Arms Export Control Act and the Foreign Assistance Act of 1961.

(b) Section 42 of the Foreign Military Sales Act, as amended by section 214 of this Act, is further amended by adding at the end thereof the following new subsection:

"(f) The President shall, to the maximum extent possible and consistent with the purposes of this Act, use civilian contract personnel in any foreign country to perform defense services sold under this Act.".

ASSISTANCE FOR PRODUCTIVE ENTERPRISES

SEC. 606. Section 620(k) of the Foreign Assistance Act of 1961 is amended by inserting immediately before the period at the end of the first sentence ", except that this sentence does not apply with respect to assistance for construction of any productive enterprise in Egypt which is described in the presentation materials to Congress for fiscal year 1977".

EXTORTION AND ILLEGAL PAYMENTS

SEC. 607. Within 60 days after determining that officials of a foreign country receiving international security assistance have (1) received illegal or otherwise improper payments from a United States corporation in return for a contract to purchase defense articles or services from such corporation, or (2) extorted, or attempted to extort, money or other things of value in return for actions by officials of that country that permit a United States citizen or corporation to conduct business in that country, the President shall submit to Congress a report outlining the circumstances of such payment or extortion. The report shall contain a recommendation from the President as to whether the United States should continue a security assistance program for that country.

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

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

There was no objection.

The CHAIRMAN. Are there any amendments to title VI?

AMENDMENT OFFERED BY MR. CONABLE

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

The Clerk read as follows:

Amendment offered by Mr. CONABLE: Page 86, line 9, strike out the closing quotation mark and the second period; and immediately after line 9, insert the following new paragraph:

"(5) The provision of this subsection shall not apply with respect to contributions, gifts, commissions, and fees paid, or offered or agreed to be paid, by any person whose average annual sales of defense articles and defense services for export are less than $25,000,000 (as determined under regulations which the Secretary of State shall promulgate).".

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

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

There was no objection.

Mr. CONABLE. Mr. Chairman, I offer an amendment to title VI which embodies, among other things, extensive reporting requirements for those companies engaged in business overseas, selling defense articles and defense services, with respect to all commission and fees paid or offered and agreed to be paid.

The purpose of my amendment is to create a small business exemption to these reporting requirements. It provides, among other things, that commissions and fees paid by any person whose average annual sales of defense articles and defense services for export are less than $25 million, shall be exempted from the provisions of the subsection applying to reporting.

Mr. Chairman, I am not sure whether $25 million is the right amount or not. But let me say that I have a constituent company in my district that sells a lot of small radios, which are lumped, under the terms of this bill, under "defense equipment," even though they are not used for defense in most cases. These radios are sold through national agents abroad. The company is a small one and maintains no sales staff in foreign countries.

I think there are many companies similarly situated.

The purpose of my amendment is only, Mr. Chairman, to provide a small business exception.

The State Department is required to come up with some sort of regulations setting standards of reporting. I think we should give them some guidance, and in the process reduce the reporting burdens which can only have an adverse competitive impact for small American companies.

If, when we go to conference on this bill, it is determined that $25 million is not the right amount, then I certainly will accede to the determination of the conferees on our part. But let's accept the principle that small business in its dealings abroad should not be held to the same burdensome reporting requirements we impose as a safeguard on the larger military suppliers.

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

Mr. CONABLE. I yield to the gentleman from New York.

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

Mr. Chairman, I have always strongly supported the idea of small business, except I think this amendment relates to something like being half pregnant. It does not make any difference about being half pregnant. This says that a small business may not report some of its activities, and big business is required to. If there is something to be reported, I think it should be reported by all businesses.

Mr. CONABLE. The problem with small business, the kind of business I am talking about, if the gentleman will permit me, is that it has a great many small transactions. It will become a terribly burdensome requirement. The abuses in this area have been identified with very substantial military contracts, as I understand it, and therefore it seems to me that we are imposing an unnecessary burden in the small business area where the abuse is not a major concern.

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

Mr. Chairman, I recognize the purpose the gentleman from New York (Mr. CONABLE) has in mind in offering his amendment, but I think that that purpose can be and will be achieved under the bill as written and that his amendment really might open a rather serious loophole.

The effect of his amendment would be to say to a company which just had one transaction abroad of $25 million and offered a bribe to someone to the extent of $1 million to achieve it, that he would not have to report that to anybody.

I know that is not the intention, but that would be the way it would work under his amendment.

Let me read what the section is that he proposes to amend: In accordance with such regulations as he may prescribe, the Secretary of State shall require adequate and timely reports on political contributions, gifts, commissions and fees paid, and so on, in connection with sales of defense articles.

Mr. Chairman, if there are small transactions or if there is a whole series of small transactions, the Secretary can certainly by his regulations exclude those so they are not burdensome on the small businessman, but it would be a mistake in my view to permit a company that does engage in a very limited way in foreign trade to pay a large, substantial bribe to somebody and be excluded from the coverage of this reporting section.

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

Mr. Chairman, I have a question for the chairman of the full committee, and that is whether or not the term, "defense article," as used in this bill, does not intend to change the present interpretation of the term, "defense article," and does not intend to include articles sold commercially in substantial quantities but which may be used in connection with defense weapons systems.

Mr. MORGAN. Mr. Chairman, if the gentleman will yield, that is correct. The gentleman is correct.

Mr. McCLOSKEY. I thank the chairman of the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. CONABLE).

The question was taken; and on a division (demanded by Mr. CONABLE) there were—ayes 36, noes 44.

So the amendment was rejected.

The CHAIRMAN. Are there further amendments to title VI?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ALLEN

Mr. ALLEN. Mr. Chairman, if there are no further amendments, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. ALLEN:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "International Security Assistance and Arms Export Control Act of 1976".

TITLE I—ARMS EXPORT CONTROLS

SEC. 101. The first section of the Foreign Military Sales Act is amended by striking out "The Foreign Military Sales Act" and inserting in lieu thereof the "Arms Export Control Act".

MILITARY SALES AUTHORIZATION

SEC. 102. (a) Section 31 (a) of the Foreign Military Sales Act is amended by striking out "not to exceed $405,000,000 for the fiscal year 1975" and inserting in lieu thereof "not to exceed $1,039,000,000 for the fiscal year 1976 and not to exceed $840,000,000 for the fiscal year 1977".

(b) Section 31 (b) of such Act is amended to read as follows:

"(b) The aggregate total of credits, or participations in credits, extended pursuant to this Act and of the principal amount of loan guaranteed pursuant to section 24(a) shall not exceed $1,500,000,000 for the fiscal year 1976, which shall be available only for Israel, and shall not exceed $1,000,000,000 for the fiscal year 1977, which shall be available only for Israel.".

(c)(1) Section 31 of such Act is further amended by adding at the end thereof the following new subsections:

"(c) Funds made available for the fiscal years 1976 and 1977 under subsection (a) of this section shall be obligated to finance the procurement of defense articles and defense services by Israel on a long-term repayment basis either by the extensions of credits, without regard to the limitations contained in Section 23, or by the issuance of guaranties under section 24. Repayment shall be in not less than twenty years, following a grace period of ten years on repayment of principal. Israel shall be released from one-half of its contractual liability to repay the United States Government with respect to defense articles and defense services so financed for each such year.

"(d) The aggregate acquisition cost to the United States of excess defense articles ordered by the President in any fiscal year after fiscal year 1976 for delivery to Israel or international organizations under the authority of chapter 2 of part II of the Foreign Assistance Act of 1961 or pursuant to sales under this Act may not exceed $100,000,000 (exclusive of ships and their on-board stores and supplies transferred in accordance with law)."

(2) Subsections (a), (b), (c), and (e) of section 8 of the Act entitled "An Act to amend the Foreign Military Sales Act and for other purposes", approved January 12, 1971 (Public Law 91-672; 84 Stat. 2053), are repealed effective July 1, 1976. All funds in the suspense account referred to in subsection (a) of such section on July 1, 1976, shall be transferred to the general fund of the Treasury.

TITLE II—PROVISIONS RELATING TO SPECIFIC REGIONS OR COUNTRIES

SEC. 201. Chapter 9 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 495B. ITALY RELIEF AND REHABILITATION.—(a) In addition to amounts otherwise available for such purpose, there is authorized to be appropriated $25,000,000 for the fiscal year 1976 to furnish assistance under this chapter for the relief and rehabilitation of the people who have been victimized by the recent earthquake in Italy. Amounts appropriated under this section are authorized to remain available until expended.

"(b) Obligations incurred prior to the date of enactment of this section against other appropriations or accounts for the purpose of providing relief and rehabilitation assistance to the people of Italy may be charged to the appropriations authorized under this section.".

TITLE III—MISCELLANEOUS AUTHORIZATIONS

SEC. 301. Section 532 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 532. AUTHORIZATION.—There is authorized to be appropriated to the President to carry out the purposes of this chapter for the fiscal year 1976 $730,000,000, which shall be available only for Israel, and for the fiscal year 1977 not to exceed $785,000,000, which shall be available only for Israel. Amounts appropriated under this section are authorized to remain available until expended.".

MIDDLE EAST SPECIAL REQUIREMENT FUND

SEC. 302. Section 903 of the Foreign Assistance Act of 1961 is amended—

(1) in subsection (a), by striking out "for the fiscal year 1975 not to exceed $100,000,000" and inserting in lieu thereof "for the fiscal year 1976 not to exceed $50,000,000 and for the fiscal year 1977 not to exceed $35,000,000"; and

(2) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) Funds appropriated under subsection (a) shall be available to assist the Government of Israel in carrying out activities under the Agreement of October 10, 1975, and to pay the costs of implementing the United States proposal for the early warning system in Sinai. Such funds may be obligated without regard to the provisions of subsection (b) of this section to the extent that the proposed obligation has been justified to the Congress prior to the enactment of this subsection.

"(d) Of the amount authorized to be appropriated in subsection (a) for the fiscal years 1976 and 1977, not less than $12,000,000 for each such year shall constitute a contribution by the United States toward the settlement of the deficit of the United Nations Relief and Works Agency for Palestine Refugees in the Middle East, if the President determines that a reasonable number of other countries will contribute a fair share toward the settlement of such deficit within a reasonable period of time after the date of enactment of the International Security Assistance and Arms Export Control Act of 1976. In determining such fair share, the President shall take into consideration the economic position of each such country. Such $24,000,000 shall be in addition to any other contribution to such Agency by the United States pursuant to any other provision of law.

"(d) Funds made available under this section may be obligated without regard to the provisions of subsection (b) of this section for programs contained in the presentation materials submitted to Congress for the fiscal year 1977.".

CONTINGENCY FUND

SEC. 303. Chapter 5 of part I of the Foreign Assistance Act of 1961 is amended—

(1) in the chapter heading, by striking out "DISASTER RELIEF" and inserting in lieu thereof "CONTINGENCY FUND"; and

(2) in section 451(a)—

(A) by striking out "for the fiscal year 1975 not to exceed $5,000,000," and inserting in lieu thereof "for the fiscal year 1976 not to exceed $5,000,000 and for the fiscal year 1977 not to exceed $10,000,000";

(B) by striking out "or by section 639"; and

(C) by adding at the end thereof the following new sentence: "Amounts appropriated under this section are authorized to remain available until expended.".

INTERNATIONAL NARCOTICS CONTROL

SEC. 304. (a) Section 482 of the Foreign Assistance Act of 1961 is amended by inserting immediately before the period at the end of the first sentence ", $40,000,000 for the fiscal year 1976, no part of which may be obligated for or on behalf of any country where illegal traffic in opiates has been a significant problem unless and until the President determines and certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that assistance furnished to such country pursuant to the authority in this chapter is significantly reducing the amount of illegal opiates entering the international market, and not to exceed $34,000,000 for the fiscal year 1977".

(b) Section 481 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(c)(1) Notwithstanding any other provision of law, no officer or employee of the United States may engage or participate in any direct police arrest action in any foreign country with respect to narcotics control efforts.

"(2) The President shall carry out a study with respect to methods through which United States narcotics control programs in foreign countries might be placed under the auspices of international or regional organizations. The results of such study shall be transmitted to the Speaker of the House of Representatives and the President of the Senate not later than June 30, 1977.".

AUTHORIZATION FOR INTERNATIONAL ATOMIC ENERGY AGENCY

SEC. 305. Section 302 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(i) In addition to amounts otherwise available under this section, there are authorized to be appropriated for fiscal year 1976 $1,000,000 and for fiscal year 1977 $5,000,000 to be available only for the International Atomic Energy Agency to be used for the purpose of strengthening safeguards and inspections relating to nuclear fissile facilities and materials. Amounts appropriated under this subsection are authorized to remain available until expended.".

INTERIM QUARTER AUTHORIZATIONS

SEC. 306. (a) Any authorization of appropriations in this Act, or in any amendment to any other law made by this Act, for the fiscal year 1976, shall be deemed to include an additional authorization of appropriations for the period beginning July 1, 1976, and ending September 30, 1976, in amounts which equal one-fourth of any amount authorized for the fiscal year 1976 and in accordance with the authorities applicable to operations and activities authorized under this Act or such other law, unless appropriations for the same purpose are specifically authorized in a law hereinafter enacted.

(b) The aggregate total of credits, including participations in credits, extended pursuant to the Arms Export Control Act and of the principal amount of loans guaranteed pursuant to section 24(a) of such Act during the period beginning July 1, 1976, and ending September 30, 1976, may not exceed an amount equal to one-fourth of the amount authorized by section 31(b) of such Act to be extended and guaranteed for the fiscal year 1976.

BASE AGREEMENTS WITH SPAIN, GREECE, AND TURKEY

SEC. 307. (a) In addition to amounts authorized to be appropriated by any amendment made by this Act which may be available for such purpose, there are authorized to be appropriated such sums as may be necessary for the fiscal year 1977 to carry out international agreements or other arrangements for the use by the Armed Forces of the United States of military facilities in Spain, Greece, or Turkey.

(b) No funds appropriated under this section may be obligated or expended to carry out any such agreement or other arrangement until legislation has been enacted approving such agreement or other arrangement.

TITLE IV—MISCELLANEOUS PROVISIONS

EXPEDITED PROCEDURE IN THE SENATE

SEC. 401. (a)(1) The provisions of subsection (b) of this section shall apply with respect to the consideration in the Senate of any resolution required by law to be considered in accordance with such provisions.

(2) Any such law shall—

(A) state whether the term "resolution" as used in subsection (b) of this section, means, for the purposes of such law—

(i) a resolution of either House of Congress; or

(ii) a concurrent resolution; and

(B) specify the certification to which such resolution shall apply.

(b)(1) For purposes of any such law, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the period indicated.

(2) Paragraphs (3) and (4) of this subsection are enacted—

(A) as an exercise of the rulemaking power of the Senate and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of resolutions described by subsection (a)(1) of this section; and they supersede other rules of the Senate only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

(3)(A) If the committee of the Senate to which has been referred a resolution relating to a certification has not reported such resolution at the end of ten calendar days after its introduction, not counting any day which is excluded under paragraph (1) of this subsection, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution introduced with respect to the same certification which has been referred to the committee, except that no motion to discharge shall be in order after the committee has reported a resolution with respect to the same certification.

(B) A motion to discharge under subparagraph (A) of this paragraph may be made only by a Senator favoring the resolution, is privileged, and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution, the time to be divided equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(4)(A) A motion in the Senate to proceed to the consideration of a resolution shall be privileged. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the Senate on a resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with a resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a resolution, a lot additional time to any Senator during the consideration of any debatable motion or appeal.

(D)(A) motion in the Senate to further limit debate on a resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a resolution is in order in the Senate.

PROCUREMENTS FROM SMALL BUSINESSES

SEC. 502. In order to encourage procurements from small business concerns under chapter 4 of the Foreign Assistance Act of 1961, the Administrator of the Agency for International Development shall report to the Congress every six months on the extent to which small businesses have participated in procurements under such chapter and on what efforts the Agency has made to foster such procurements from small business concerns. The Small Business Administration shall lend all available assistance to the Agency for the purposes of carrying out this section.

PAYMENT OF CONSULTANTS

SEC. 403. Section 626(a) of the Foreign Assistance Act of 1961 is amended by striking out "$100 per diem" and inserting in lieu thereof "the daily equivalent of the highest rate which may be paid to an employee under the General Schedule established by section 5332 of title 5, United States Code".

FEES OF MILITARY SALES AGENTS AND OTHER PAYMENTS

SEC. 404. (a) Section 36 of the Foreign Military Sales Act, as amended by section 211 of this Act, is further amended as follows:

(1) In subsection (a)—

(A) strike out "and" at the end of paragraph (7);

(B) redesignate paragraph (8) as paragraph (9); and

(C) insert the following new paragraph immediately after paragraph (7):

"(8) a description of each payment, contribution, gift, commission or fee reported to the Secretary of State under subsection (c), including (A) the name of the person who made such payment, contribution, gift, commission or fee; (B) the name of any sales agent or other person to whom such payment, contribution, gift, commission or fee was paid; (C) the date and amount of such payment, contribution, gift, commission or fee; (D) a description of the sale in connection with which such payment, contribution, gift, commission or fee was paid; and (E) the identification of any business information considered confidential by the person submitting it which is included in the report; and".

(2) In the first sentence of subsection (b), insert immediately before the period "and a description, containing the information specified in paragraph (8) of subsection (a), of any contribution, gift, commission or fee paid or offered or agreed to be paid in order to solicit, promote or otherwise to secure such letter of offer".

(3) Add the following new subsection at the end of such section:

"(c)(1) In accordance with such regulations as he may prescribe, the Secretary of State shall require adequate and timely reporting on political contributions, gifts, commissions and fees paid, or offered or agreed to be paid, by any person in connection with—

"(A) sales of defense articles or defense services under section 22 of this Act; or

"(B) commercial sales of defense articles under section 38 of this Act;

or defense services licensed or approved to or for the armed forces of a foreign country or international organization in order to solicit, promote, or otherwise to secure the conclusion of such sales. Such regulations shall specify the amounts and the kinds of payments, offers, and agreements to be reported, and the form and timing of reports, and shall require reports on the names of sales agents and other persons receiving such payments. The Secretary of State shall by regulation require such recordkeeping as he determines is necessary.

"(2) The President may, by regulation, prohibit, limit, or prescribe conditions with respect to such contributions, gifts, commissions, and fees as he determines will be in furtherance of the purposes of this Act.

"(3) No such contribution, gift, commission, or fee may be included, in whole or in part, in the amount paid under any procurement contract entered into under section 22 of this Act, unless the amount thereof is reasonable, allocable to such contract, and not made to a person who has solicited, promoted, or otherwise secured such sale, or has held himself out as being able to do so, through improper influence. For the purposes of this subsection, 'improper influence' means influence, direct or indirect, which induces or attempts to induce consideration or action by any employee or officer of a purchasing foreign government or international organization with respect to such purchase on any basis other than such consideration of merit as are involved in comparable United States procurements.

"(4)(A) All information reported to the Secretary of State and all records maintained by any person pursuant to regulations prescribed under this subsection shall be available, upon request, to any standing committee of the Congress or any subcommittee thereof and to any agency of the United States Government authorized by law to have access to the books and records of the person required to submit reports or to maintain records under this subsection.

"(B) Access by an agency of the United States Government to records maintained under this subsection shall be on the same terms and conditions which govern the access by such agency to the books and records of the person concerned.".

(b) The amendments made by this section shall take effect sixty days after the date of enactment of this Act.

USE OF PERSONNEL

SEC. 405. (a) Nothing in this Act is intended to authorize any additional military or civilian personnel for the Department of Defense for the purposes of this Act, the Foreign Assistance Act of 1961, or the Arms Export Control Act. Personnel levels authorized in statutes authorizing appropriations for military and civilian personnel of the Department of Defense shall be controlling over all military and civilian personnel of the Department of Defense assigned to carry out functions under the Arms Export Control Act and the Foreign Assistance Act of 1961.

(b) Section 42 of the Foreign Military Sales Act, as amended by section 214 of this Act, is further amended by adding at the end thereof the following new subsection:

"(f) The President shall, to the maximum extent possible and consistent with the purposes of this Act, use civilian contract personnel in any foreign country to perform defense services sold under this Act.".

EXTORTION AND ILLEGAL PAYMENTS

SEC. 406. Within 60 days after determining that officials of a foreign country receiving international security assistance have (1) received illegal or otherwise improper payments from a United States corporation in return for a contract to purchase defense articles or services from such corporation, or (2) extorted, or attempted to extort, money or other things of value in return for actions by officials of that country that permit a United States citizen or corporation to conduct business in that country, the President shall submit to Congress a report outlining the circumstances of such payment or extortion. The report shall contain a recommendation from the President as to whether the United States should continue a security assistance program for that country.

Mr. ALLEN (during the reading). Mr. Chairman, I ask unanimous consent that

the amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

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

Mr. MORGAN. Mr. Chairman, reserving the right to object, I did not hear the gentleman's request.

Mr. ALLEN. Mr. Chairman, I asked unanimous consent that the amendment be considered as read, printed in the RECORD, and open to amendment at any point.

Mr. MORGAN. Further reserving the right to object, Mr. Chairman, we have not seen the amendment. I ask that it be read.

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. MORGAN) object to the unanimous-consent request?

Mr. MORGAN. Yes, Mr. Chairman, I do.

The CHAIRMAN. Objection is heard.

The Clerk will read.

(The Clerk continued the reading of the amendment in the nature of a substitute.)

Mr. MORGAN (during the reading). Mr. Chairman, the gentleman from Tennessee (Mr. ALLEN) has explained that this amendment in the nature of a substitute is over 20 pages. I did not realize that when I objected.

Therefore, Mr. Chairman, I withdraw my objection and ask that the gentleman be permitted to proceed to explain the amendment.

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

There was no objection.

Mr. ALLEN. Mr. Chairman, I offer this amendment in the nature of a substitute to H.R. 13680, I fully support the provisions of this bill which would provide aid for the victims of earthquake devastation in Italy, and people who may become victims of national disasters, and which would furnish aid to the nation of Israel. I hope I will be able to vote for these provisions.

But, Mr. Chairman, I cannot in good conscience support the other vast military aid and foreign give-away programs which are included in this bill. I simply do not believe that this kind of massive military aid and give-away gratuities to other foreign nations is conducive to the peace of the world.

Recent history clearly shows that this country, time and again, has sent military aid to repressive regimes in other countries, to countries who war on their neighbors with our monetary encouragement. I simply do not believe this is wise.

The irresponsibility and indefensibility of our posture was brought home to me in a meeting of the Veterans' Affairs Committee, of which I am a member.

In that meeting, we were advised that there was no money in the budget to continue our programs for the education of our own veterans, even for those who are already enrolled. Yet here we are, today, considering the authorization of a vast military assistance and giveaway program for nations around the world.

Mr. Chairman, it is time for us to rethink our priorities. When it comes to the nation of Israel, however, we must remember that that country has a unique history and it is a unique creation. We helped give it birth, and we pledged our support for its people who have been hounded and persecuted across the face of the Earth through much of recorded history as they sought to establish a homeland much the same as our forefathers sought a home in the American wilderness. I, for one, intend to keep that pledge. But until we reorder our priorities so that we can continue the education of our own veterans and initiate programs to bring employment to our own people, we have no business squandering the wealth of this country in massive military aid and giveaway of our own taxpayer's money for other nations.

Mr. Chairman, I have also included in my amendment a reservation of the miscellaneous authorizations and provisions contained in titles V and VI of the bill, so that we will be able to support such programs as the International Narcotics Control, the International Atomic Energy Agency, base agreements with Spain, Greece, and Turkey, and a contingency fund, and such provisions as those for the payment of consultants, fees for military sales agents, procurements from small businesses, et cetera. These would be preserved.

Mr. Chairman, I offer this amendment by way of a substitute to this bill which would preserve aid for devastated Italy, which would preserve miscellaneous authorizations, and which, most importantly, would honor this country's commitment to Israel, but which would otherwise cut back our foreign aid program and take us out of the unsavory business of worldwide military assistance.

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

Mr. ALLEN. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I would ask the gentleman from Tennessee whether the gentleman's amendment in the nature of a substitute retains the controls over commercial sales that are in the committee's bill? Commercial sales on arms that are licensed to be sold?

Mr. ALLEN. Yes; all of the miscellaneous controls are retained.

Mr. SEIBERLING. But if the gentleman has eliminated all of the government to government sales, then the gentleman has eliminated the controls on commercial sales the way the bill is written.

Mr. ALLEN. What I have done is simply provide that the money that we would be spending for this military assistance program be cut back. All of the other provisions stay in the bill.

Mr. SEIBERLING. I thank the gentleman.

Mr. MORGAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Tennessee (Mr. ALLEN).

Mr. Chairman, this amendment would gut the military assistance programs in many, many countries. It would provide authorizations only for Israel and Italy. The amendment would also cut out most of the reforms that we have been working on for nearly a year.

Mr. Chairman, I ask the Members of the House to defeat the amendment offered by the gentleman from Tennessee.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Tennessee (Mr. ALLEN).

The amendment in the nature of a substitute was rejected.

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

Mr. Chairman, I was very glad to note that the revised version of H.R. 13680 does contain the amendment—section 607—which I offered when the House initially adopted this measure on March 3 of this year.

My amendment is an attempt to curtail some of the strong-arm tactics which have been used against honest American individuals doing business overseas. I think by adopting my amendment, requiring the President to report to the Congress his recommendation whether aid should be continued to those countries which attempt to extort American business people, we will be giving a clear signal to those who may feel that they have no alternative to paying bribes.

I am very glad that the committee has seen fit to restore my amendment after it was removed in the conference report of the bill the President vetoed. It is my firm belief that this is a step in the right direction. Certainly it is very easy for us to pontificate and say, "Bribes are bad. We should not tolerate them." My amendment puts the House on record of supporting those who have the backbone to say no. The previous bill had strong language in the report. This bill specifically states the prohibition of bribes or extortion in statutory language. This makes it the law—and is much better. I commend the chairman of the committee and the conferees for restoring the full language of the amendment in the bill.

Mr. ASHBROOK. Mr. Chairman, I supported my colleague Mr. DERWINSKI's amendment. The provisions as now contained in the bill would damage efforts at modernizing the South Korean Armed Forces. The result would be to prolong the period that American forces are needed in Korea.

If the provisions are allowed to stand as presently worded, we would pursue a policy that also contradicts the desires of the very people the action is allegedly designed to benefit. The people of the Republic of Korea, including even the strongest opponents of President Park, have implored the Congress not to take any actions that would reduce the security of their country. In a resolution passed unanimously by the Korean National Assembly last year, all political factions demonstrated their unity on the issue of American military support for their country. Section 4 of that resolution reads as follows:

(4) We wish that the United States, an ally with ties forged on the battlefield, which has defended the front of freedom with us for the last three decades, will translate into action its resolve not to repeat on the

Korean peninsula the sort of mistake it committed in Indochina.

If the United States acts otherwise, the commitments it maintains with the allies will lose public confidence and cause a collapse of the peaceful order of the world.

We expect America to complete the five-year Korean Armed Forces Modernization Plan as early as possible, and to make a show of military strength around the Korean peninsula, thus publicizing its firm resolution not to retreat.

Thus all Koreans, including those allegedly being persecuted by the Park government, indicate that the kind of action proposed in this bill would be detrimental to their most vital interests. They fully realize that whatever disagreements they may have with President Park, their own survival as an independent depends upon an adequate defense against a potential North Korean assault.

Given the actions by the North Koreans in the past year, the South Koreans have good reasons to be profoundly concerned about their security from attack.

In this period, the North Koreans have given additional support for the so-called People's Revolutionary Party in the South. They have increased their efforts at infiltration.

In his visit to Peking, Kim Il Sung reaffirmed his determination to support revolution in the South. Kim proclaimed that should a war come about—

We will only lose the military demarcation line but gain the country's reunification.

In his trek to Peking, Kim quite significantly brought along two of his high ranking military leaders. Although it is often asserted that both Peking and Moscow desire to prevent a resumption of war in Korea, we nonetheless have the clear example of Vietnam, where the Russians and the Chinese competed with each other to supply Hanoi with military materials necessary for their successful war in Indochina.

Finally we discovered numerous tunnels which the North Koreans have dug under the DMZ in order to move large numbers of men behind South Korean lines. Overall, the Pyongyang regime of Kim Il Sung has demonstrated increasingly hostile intentions in the past year and only by taking this into account can we begin to understand the present political situation in South Korea.

Only by realizing the kind of tense climate that grips the Republic of Korea can we begin to understand actions taken by President Park.

We should note that prior to the imposition of emergency rule, Park himself secured election to the office of President on three separate occasions by the democratic vote of the people. Moreover, even the adoption of emergency rule itself under Yushin Constitution came about only after a popular referendum in which over 90 percent of the people of Korea voted in favor of the changes.

Also in our discussions today, we should not lose sight of the fact that even the strongest critics of President Park have not charged him with corruption or taking any actions for personal gain. As Selig Harrison noted in an article on Korea in "Foreign Policy":

The saving grace for Park has been a degree of insulation from attack provided by his long-standing reputation as a man of spartan probity who has avoided personal corruption.

Thus, one can quite fairly conclude that the actions taken by President Park have been motivated by genuine nationalist considerations as he weighs the threat to the continuation of the peace and with it the independence of his country.

Given the circumstances in Korea today we must bring a halt to the kinds of unrealistic demands manifested in the current aid proposal. We cannot judge a country such as the Republic of Korea by political standards that neither Great Britain nor the United States herself could live up to in periods of crisis. The continued existence of the Republic of Korea is not threatened, as some would have us believe, by the denial of sufficient civil liberties.

By now we should have thoroughly extricated ourselves from the mythology that the countries of Indochina crumbled before the Communist onslaught because they were not sufficiently democratic. Communism prevailed in Indochina precisely as it has prevailed everywhere else in the world—by force of arms. Similarly in Korea, Kim Il Sung could only reunite Korea under Communist rule through an overwhelming military victory.

Many of the countries allied with the United States find themselves in an impossible situation. If they allow a wide latitude of dissent, we are told that the governments are unpopular and not worthy of our support. On the other hand, if the governments place any limitations upon political dissent, even in the midst of war, we are told they are oppressive and not worthy of our support. Thus, in the face of a well disciplined Communist totalitarian threat, many of our allies discover Members of the U.S. Congress unwilling to support their continued independence regardless of what they do. And then people in the United States and elsewhere wonder why the boundaries of the free world keep shrinking.

If we fail to give this help to the relatively free nations of the world who aline themselves with us, then not only will freedom cease to grow in these countries, but our own security will diminish as we become increasingly isolated in the world.

In order to inform all Members of the House of the solidarity of the Korean people on the question of their own national security and the American military assistance program, I insert the complete resolution passed unanimously by the Korean National Assembly in the RECORD at this point:

FULL TEXT OF THE FIVE-POINT RESOLUTION ON NATIONAL SECURITY, WHICH WAS ADOPTED UNANIMOUSLY AT THE SPECIAL SESSION OF THE NATIONAL ASSEMBLY MAY 20, 1975

The communization of Indochina has brought about a grave impact on both the international political scene and the power balance in the Far East. In particular, a fresh crisis has been created on the Korean peninsula by the stubborn illusion harbored by the Kim Il-sung clique and by his various bellicose utterances and provocative acts at home and abroad.

We, taking a hard look at such stark realities and relentless challenges, feel strongly the need to work out steps designed to secure the safety of this nation promptly by building up national power through national consensus, and setting up a collective security system based on consolidated relations with our allies.

The National Assembly, buttressed by a sense of patriotism of our wise people and the resolute spirit to win any battle on the part of soldiers in front and rear areas, hereby confirms and resolves the national proposition to tide over this time of difficulties as follows:

(1) The entire Korean people, firmly united, resolve resolutely to crush any type of North Korean provocation and aggression, thus safeguarding the nation's legitimacy as well as guaranteeing the right to survive for a free democracy in this country.

(2) We strongly warn the Kim Il-sung clique that if it unleashes a reckless invasion of the South through miscalculation, it would commit another sin of disrupting world peace and causing fraticide, incurring its own self-destruction. We should take this as a sacred moment to realize the unification of our fatherland under a free democracy.

(3) There will be no change in our will and endeavor to aspire to realization of peaceful unification. Our readiness for war is a manifestation of our strength to back up efforts to achieve unification by peaceful means. We restate that set of policies enunciated in the June 4 South-North Joint Communique and the June 23 Declaration offer grounds still available for peaceful unification.

(4) We wish that the United States, an ally with ties forged on the battlefield, which has defended the front of freedom with us for the last three decades, will translate into action its resolve not to repeat on the Korean peninsula the sort of mistake it committed in Indochina.

If the United States acts otherwise, the commitments it maintains with its allies will lose public confidence and cause a collapse of the peaceful order of the world.

We expect America to complete the five-year Korean Armed Forces Modernization Plan as early as possible, and to make a show of military strength around the Korean peninsula, thus publicizing its firm resolution not to retreat.

(5) We invite close vigilance against North Korean plots to create division and disturbance in the South through its common front tactics, a means of violent revolution, which is characterized by the so-called movement for "revolution or liberation of the South."

Also, we resolve to launch a reform of the administration, by resolutely uprooting all types of irrationalities from this society which stand in the way of the consolidation of national consensus as well as an all-out security posture.

Mr. CRANE. Mr. Chairman, in consideration today of American assistance to the Republic of Korea, we suffer from a very distorted perspective. All too often we have engaged in debates and discussions about the suppression of human rights in countries and have never sufficiently put ourselves into any meaningful frame of reference. This is particularly true in the consideration of Korea. Most discussion of human rights in Korea suffers from three major distortions.

First we should not delude ourselves

into thinking that we are talking about another country roughly comparable in political development or strategic location to the United States. We must understand that less than 30 miles from the capital of South Korea stand the armed forces of the Korean communists and, as they demonstrated in June of 1950, they are fully capable of launching a completely unprovoked attack against their neighbors.

To put ourselves into the situation the Koreans now find themselves we must imagine having an enemy power located in the Baltimore area with a military force about equal to ours. The leader of that enemy country has vowed to destroy the United States. With constant tension and occasional skirmishes along the border, we would never know when a new invasion might take place. That is the situation that the Koreans must cope with daily. Thus, we are being unrealistic to assume that they can subscribe to the same kind of constitutonal guarantees of civil and political liberties as we have in our country, just as we are forgetting how President Lincoln reacted in 1861 when faced with Confederate troops across the Potomac and secessionist sentiment in Maryland.

At that time, the President of the United States, arbitrarily suspended the writ of habeas corpus and other constitutional rights in the name of preserving the Union. But, rather than chastising Abraham Lincoln, we have an enormous monument erected in his memory just down the Mall from this very building.

Second, we suffer from a very distorted perspective if we fail to take any note of the nature of the North Korean regime. With all of the publicity in the American press and the various charges given extensive coverage in hearings before the international relations committee, one might think that South Korea is a much more repressive society than is North Korea. We virtually hear nothing about the status of civil liberties north of the 38th parallel, and hence the dictatorial regime of Kim Il Sung has enjoyed a substantial rise in prestige around the world in recent years.

But the simple fact of the real situation is that the North Korean regime is quite possibly one of the most repressive governments in the entire world, rivalled only by the regimes in Cambodia and Albania. As the Far Eastern Economic Review noted in a rare lengthy article on North Korea:

> No matter how authoritarian Park's administration may be, it is the personification of perfect democracy compared with the bzyantine powerplay in hermetically sealed Pyongyang.

Yet, we nonetheless hear the rather bland statement that you have a dictatorship in the North and a dictatorship in the South, and thus for the people, it makes little difference which government they live under. Overlooked, however, is the very fundamental difference between an authoritarian government and an ideologically motivated totalitarian regime.

In a recent essay on Korea, published in Korea in the World Today—Council on American Affairs—the distinguished junior Senator from Utah, JAKE GARN, noted that the government in Pyongyang engages in the usualy totalitarian practice of completely regimenting the lives of the people. This, he states, has resulted in—

> The destruction of individual freedoms and personal initiative—as witnessed by the country's sagging economy.

But possibly the greatest revelation of the differences between the two Koreas is exemplified by the actions of the Koreans themselves. During the war an enormous exodus of Koreans living above the 38th parallel fled to the South. Today the loyalty of the people of South Korea to the government in Seoul has been demonstrated over and over again as spies from the North have been turned into the authorities by the local citizenry.

As Senator GARN states in his essay:

> It is certainly true that there is no comparison on any level between the lives of North and South citizens. If this distinction is not clear to Americans, whose exposure to North Korean repression has been cursory at best, it is understood perfectly by the South Koreans. It was only a month ago, on the 25th anniversary of the North Korean invasion of the South, that a million South Koreans staged an anti-Communist rally in Seoul. Most of President Park's opponents were present; in spite of their differing views on the present leader, they are virtually unanimous in preferring his policies to the Communist alternative.

Finally, as the discussion of North Korea indicates, we should not equate the definition of freedom with certain political rights. The South Koreans enjoy a wide latitude of liberties not available to their brethren above the 38th parallel. While in the North a concerted assault upon all religion has nearly obliterated the practice of Christianity or other forms of religion, one has complete freedom of religion in South Korea. Similarly, people in South Korea enjoy economic freedom similar to that which Americans have. The people are not assigned to jobs or restricted to certain parts of the country as is the case in North Korea.

We should not be so short-sighted as to ignore the very real differences that exist on the two sides of the DMZ in Korea. If Kim Il Sung conquered South Korea we would then see what the deprivation of freedom really means. We should have learned from the lesson of Vietnam that by championing complete and unrestrained liberty in a country, we may be imposing restraints upon them that will cause their obliteration as an independent nation.

We heard much discussion for many years about the suppression of civil liberties in Indochina and about political prisoners. Now, with the triumph of Hanoi's armies in Vietnam we have absolutely no press freedom or political dissent and far more political prisoners than ever before. Even more gruesome has been the massive slaughter of people in Cambodia in the name of creating a new society. What has happened in Indochina should be a lesson to us all of the frightening consequences of the imposition of a ruthless totalitarian regime that means to completely remake man and society.

By slashing military assistance to the Republic of Korea, we unwittingly play into the hands of a real totalitarian dictator, Kim Il Sung. As Senator GARN summarizes the situation:

> Those who systematically attack South Korea's Chung Hee Park are playing a dangerous game. By continually undermining the present South Korean Government—although this be in the name of democracy—we are in fact undermining the freedoms enjoyed by South Koreans—which, I repeat, are denied to the citizens of the North; by eroding the government's position and creating further political instability, we are destroying the chances of full democracy being restored. If we show ourselves an increasingly reluctant ally of South Korea, we ourselves are laying the groundwork for a Communist invasion of this country.

As is often the case, the choice is not between perfect good and perfect evil. However, it is very clear in the case of South Korea that its government is far less evil and repressive than that of its totalitarian neighbor to the north. To undercut South Korea—our allies through two wars and over 26 years—by cutting military and economic assistance would not only be unwise from a geopolitical standpoint but would be a perversion of our commitment to the principles of individual liberty and national self-determination.

I urge my colleagues to reject any such effort.

Mr. DAN DANIEL. Mr. Chairman, as we deliberate this bill today, we would do well to consider the words of our first President regarding international relations.

"The nature of foreign negotiations requires caution," he said. And caution might well be applied in relationship to allies as well as to potential adversaries. The overriding concern should be—must be—where is our national interest served?

Again going back to our beginnings, the colonists' complaints were lodged primarily against George III, and his conduct of the government of the British colonies. And, when we declared that "all men are created equal" no one added, as an aside, that the same went for the people of France, or Spain, or any other nation then living under a monarchy.

Many of those who at this time are maintaining we have an obligation to instruct Turkey in the conduct of that nation's affairs are the same ones who said we must keep out of Angola, and get out of Southeast Asia, because we lacked the right to interfere. The fact that I may not have agreed in the former instances is irrelevant—it is their argument, not mine.

The problem among the Cypriots, the Greeks and the Turks is just that—it is their problem. It is a problem which has been building for years. And it is not realistic to expect a problem which is years old to be settled by a relatively few months of negotiation, with or without an embargo, with or without our taking sides.

It is not in the U.S. national interest to maintain an embargo which jeopardizes

our NATO defense by depriving our Turkish ally of the military equipment it needs to discharge its alliance responsibilities and impedes progress in the Cyprus negotiations.

NATO is the area of the world which is most vital to our security. And Turkey's position is crucial to the overall stability of the NATO defenses. We simply cannot afford a substantial weakening in our military capability in any NATO area without jeopardizing the entire structure.

Whatever goals we might wish to see achieved within or among any other nations of the world is a secondary issue here. The overriding concern is our own defense—a defense which must include Turkey. For Turkey is the key to the defense of the southern region of NATO and the eastern Mediterranean. Its loss as a part of NATO would be irreplaceable.

Mr. ASHBROOK. Mr. Chairman, the bill before us, H.R. 13680, once again shows the liberal double standard in the way it deals with Chile. Let us face it; the issue is not the smokescreen that has been put before us.

Peru has less than a sterling regard for democratic liberties. However, we find no prohibitions placed on Peru. But then the Peru military dictatorship is on the left politically and has never tried to be anti-Communist nor a friend of the United States in international relations.

For some the problem with Chile is not what its government now does or does not do, but rather that its leaders helped overthrow the Marxist Salvador Allende.

Also, there was little outcry on the part of my liberal friends when the idea was floated that perhaps aid should be given to Communist China. Can anyone deny that the totalitarian regime of that land systematically denies all civil liberties?

The issue, as I have said before, is one of a double standard and selective indignation. The rule of thumb seems to be: if the government is anti-Communist and pro-United States, do all possible against it; if the government is leftist and anti-American, help it. To me, this is masochism and a terrible basis for foreign policy.

Mr. JOHNSON of California. Mr. Chairman, I am greatly concerned about a provision of H.R. 13680 as reported by the Committee on International Relations. In particular, I refer to that section which sets a ceiling of $175 million on Public Law 480 food aid to the Republic of Korea for the period beginning July 1, 1975, and ending September 30, 1977.

This provision was not in the legislation passed earlier by the House and subsequently vetoed by the President on May 7. This is a new section which would have disastrous repercussions for American agriculture.

The time limitation placed on these funds is unrealistic. It covers two full fiscal years plus the 3-month transition period. The limitation of $175 million is quite low in view of the fact that some $135 million has already been spent for South Korea under the food aid program, and less than half of the established time period has elapsed. The effect of this limitation would be to cut the fiscal year 1977 authorization by $100 million, a 72-percent reduction.

My concern, in particular, Mr. Chairman, is the effect that this provision would have on the American rice industry. For many years, the American rice farmer has sold great portions of his crop to overseas markets through the Public Law 480 program. One of the major markets has been South Korea. South Korea is the world's fifth largest importer of U.S. farm products, buying large tonnages of wheat, corn, cotton, and rice on commercial terms. The practical effect of the provision contained in this bill is to shut off this key market for American rice.

Earlier this year, the Congress, much to my chagrin, passed comprehensive legislation replacing the present controlled rice production program with a program allowing open production. My prediction that this was ill-advised is justified when we see that the carryover in rice from the last crop year is now estimated to be 35 to 40 million bags.

The future of rice production shows little hope for improvement. The most optimistic outlook for the rice production in my own State of California indicates that there will be a carryover this year of a minimum of 12 million bags. This means a surplus equal to one half of normal rice production in the state.

The only effective means of eliminating this surplus is to sell it to overseas customers. This not only helps to stabilize the American rice industry, but also meets humanitarian needs of other nations of the world.

I am aware that the form of government practiced in the Republic of Korea has strayed from the American ideal of democracy. It seems highly unreasonable, however, to reduce food assistance to a nation, as a form of punishment or inducement for change, when that act will directly serve to harm American industry and our own citizens and consumers.

Mr. Chairman, I must oppose this provision of the bill, because, in my opinion, it is distinctly detrimental to the American rice industry, an industry which is currently suffering from substantial surpluses which could easily be relieved through sales of surplus rice to nations such as South Korea through the expenditure of Public Law 480 funds. I call on my colleagues to think of Americans first and vote to delete this restriction from the bill.

Mrs. HOLT. Mr. Chairman, I opposed the amendment of the gentleman from Minnesota to the International Security Assistance Act because it would have limited all U.S. military assistance and FMS credit sales to the Republic of Korea to no more than $290 million for the period July 1, 1975, to September 30, 1977. This would be a 40-percent reduction—a drastic reduction—in the amount requested by the President and would delay for several years the time when South Korea will be militarily self-sufficient.

The independence and self-sufficiency of South Korea are goals supported by both our governments, and I believe by the great majority of the American people; this amendment would only prolong our military involvement in Korea, not reduce it.

I oppose this amendment and support our colleagues in the International Relations Committee who argued so cogently against its adoption. Let me briefly review the many reasons why the United States has, for the past 30 years, been committed to an independent Republic of Korea.

The survival of a free South Korea is the key to preserving and maintaining the independence and sovereignty of Japan. And just as Berlin is the focal point and symbol of Western defense in Europe, Seoul and South Korea now play the same role in East Asia.

Last year, the U.N. General Assembly passed resolutions which would have dissolved the U.N. Military Command in South Korea, thus forcing the United States to remain the guarantor of the survival of South Korea. Our troops there serve as a deterrent and a concrete assurance that we will come to the aid of the South Korean Army as we did in 1950. And although the Republic of Korea has the fifth largest army in the world, to defeat an invasion by the North, U.S. strategic aid is probably essential. Our forces certainly act as a check on adventurous moves from Red China or the U.S.S.R.

Seoul is only about 30 miles from the demilitarized zone and well within range of heavy artillery. As the seat of government, the center of communications and finance, the industrial center, and the home of a fifth of the country's population, Seoul's occupation would be disastrous. The U.S. Government has fully realized this, and has provided some $3.7 billion in military assistance since June 1950.

Although the Republic of Korea forces are strictly geared to self defense, the North has been increasing its aggressive stance. North Korea now spends 15–20 percent of its gross national product on its military forces, and just recently several tunnels capable of permitting thousands of invaders to cross into South Korea were discovered running under the DMZ. In addition, armored and aircraft units were moved forward by the Communists last summer and guerrilla raids on the South Korean coasts occur frequently.

Fortunately, support for President Park's anti-Communist government runs strong and deep even among those who disagree with some of his policies. The people are firmly opposed to the Communists, having experienced their rule firsthand in 1950, and are determined to oppose another invasion with all their strength.

There has been some criticism of the restrictions on civil liberties now in effect in South Korea from some parts of the U.S. Congress and the press. Certainly Americans have always favored the widest possible individual liberty everywhere in the world; those of us who are realistic, however, know very well that current conditions differ sharply from place to place in this imperfect world.

I know that most Members of Congress who have discussed this situation with President Park have taken the opportunity to urge a lifting of certain restrictions on political activity as soon as conditions permit. They in turn have been reminded by President Park, with some justification, that Americans might have stricter laws if a roughly equal aggressive power occupied the Northeastern United States as far south as a line 30 miles from Washington, D.C. Certainly our own country has felt obliged to curtail some liberties in wartime in our history, especially during the Civil War and World War II.

No impartial observer can fail to agree that there is simply no comparison between the amount of freedom enjoyed by the ordinary citizen in South Korea and the iron discipline imposed by what is probably the firmest dictatorship in the world today—the so-called Democratic Republic of Korea. Speaking for myself, I have been impressed by the vigor of the opposition parties in South Korea who persistently press their disagreements with the government while uniting firmly behind the Constitution of an independent non-Communist South Korea.

South Korea has succeeded in the past three decades in building up a rapidly-growing economy, a stable government, and a strong national defense. It is and must remain the first line of defense for the United States in East Asia. Its strategic position makes it critical to the defense of Japan and Taiwan. The U.S. presence in Korea serves as a deterrent to Chinese or Soviet intervention.

Our continued involvement is necessary to provide security and stop further communist aggression in East Asia. It is mainly through firm U.S. support that active military aggression can be discouraged and the peace maintained in Korea. It is in our national interest to remain firm in our resolve and purpose and thereby prevent another tragic war.

Mr. MURPHY of New York. Mr. Chairman, the proposal to delete the amendment for security assistance to South Korea strikes at the very heart of our defense commitments, not only in Korea, but throughout all of Asia. We are considering a specific reduction in our long-term commitments to a single nation—one with which we joined hands some years ago to fight a major war against Communist aggression.

But our commitments go considerably further than just to that single nation. South Korea is the key to our defenses in the entire Pacific basin, including Eastern Asia. To diminish our long-standing influence on the Korean peninsula would not only destroy the 5-year rearmament plan in which we participate with Korea, but could easily upset the entire balance of power in favor of the Communist bloc on the Asian mainland.

You are, of course, aware of the threats of North Korean leader Kim Il Sung, to launch a full-scale takeover of the South. Kim has indicated that U.S. presence in the South is the single factor which deters him from such a move. But if South Korea should fall, Japan would have no viable option but to fully rearm, including the possibility of nuclear capability, and the rest of the Pacific community would be drawn into defensive expansion at the very least, and offensive action as a distinct possibility as well.

A limit to security assistance to South Korea is an incredible display of myopic vision on the part of some of our colleagues. The proposal is made, as I understand it, as an unjustified reaction to alleged violations by the South Korean Government of the human rights of the South Korean populace.

Nothing could be farther from the truth.

In the ill-advised move to cut security assistance funds to South Korea and impose a ceiling on Public Law 480, my colleagues have failed to consider all the pertinent facts so important to a balanced view.

Even the State Department, in the person of our Ambassador to Korea, Richard L. Sneider, states that the United States will abide by its commitments to its allies—including Korea—and that some Asian countries have been "too hasty" in bending their foreign policies in the wake of the fall of Indochina. The Ambassador said Korea has survived the complex international current due to the people's self-reliance, accompanied by U.S. aid. As the internal strength of South Korea, the strong will of its people, and its evolving internal policies are key factors in any discussion of this nature, we must also note that one of the most striking success stories in Asia in the past 25 years is the outstanding economic development achieved by the Korean people, with the help of U.S. economic and military aid.

Sneider explained that the main guideline of U.S. foreign policy in Asia "is to seek equilibrium of power and reconciliation of different interests," and that "continued American strength in Asia is required to realize it."

The administration has attempted to maintain that equilibrium, and the Congress has wisely accommodated for assistance to Korea through Public Law 480 and section 413 of H.R. 13680. Yet a small band of Members wish to thwart one of the most important aspects of our Asian foreign policy.

The devastating impact such deletions of funding and assistance ceilings would have is obvious:

Although Korea has made great progress in achieving self-sufficiency in food grains, in 1976 it still must import about 2.6 million metric tons of grain at a cost of about $650 million.

Korea is a major American export market. In 1975 Korea was the world's fifth largest importer of U.S. farm products, with purchases totaling $880 million.

The Public Law 480 title I program is in large part responsible for development of this growing commercial market. Were the Public Law 480 program to be substantially reduced, the Koreans might turn for their commercial purchases to other sometimes cheaper outlets for wheat, rice, cotton, and corn—in Canada, Australia, Thailand, and other countries.

Korea needs concessional sales because it still faces a substantial balance-of-payments deficit in 1976—approximately $1.5 billion.

U.S. food assistance is thus a significant contribution to Korea's economic viability, which is essential to maintenance of stability on the peninsula and throughout the Pacific.

Moreover, Public Law 480 assistance is provided to Korea in fulfillment of an understanding made in 1971 in connection with Korean acceptance of restraints on their textile exports to the United States.

IMPACT OF SECURITY ASSISTANCE

The severe cuts in funding levels in section 413 will preclude completion of our modernization plan goals for fiscal year 1977 and will cause a further stretch-out of the plan into fiscal year 1978.

The administration request was carefully considered to provide the framework under which grant material assistance for Korea would be terminated after fiscal year 1976, substituting Defense-guaranteed loans in future years. The funding levels in section 413 are so low that they seriously jeopardize this program.

The funding levels in section 413 would seriously obstruct our efforts to support the Korean Government in achieving military self-sufficiency in the foreseeable future.

Major procurement programs would be seriously affected by the section 413 ceiling—that is, FSE, F4E aircraft and Harpoon missiles. This equipment is essential for the Republic of Korea to achieve a military balance with North Korea.

This military balance is an essential element of U.S. policy for maintaining stability in northeast Asia.

The net effect of section 413 would be to stretch out our current programs and Korea could reach military self-suffi- to delay significantly the time when ciency and we could consider reduction of American forces in Korea.

Obviously, to delete the funding is a most unwise action. And to delete the funding for the reasons offered by the sponsors of that proposal is a particularly misguided move.

The great bulk of the argument against continued funding is the media attention given to alleged repression of human rights in South Korea. I will not respond to that today, but rather, I would direct my colleagues' attention to the 2-hour special order next Monday, May 24, during which my colleague Mr. WILSON of California and I will examine in considerable detail the issue of human rights, both in Korea and worldwide. We invite you to participate in that examination.

Ms. ABZUG. Mr. Chairman, I rise in support of final passage of this bill and would like to say a special word in support of the amendment which earmarks security supporting assistance to African nations, and especially to southern Africa. I want to commend my colleague from New York (Mr. RANGEL) and the other distinguished Members of the Congress for taking leadership to change our Government's policy on Africa away

from support of minority, apartheid regimes and toward support for the aspirations of African peoples for majority rule and human dignity.

Secretary Kissinger's recent trip to Africa was a positive gesture for reorienting American policy on Africa. Yet it had an 11th hour character. In his Lusaka speech, he promised support for majority rule. Why were not these statements made years ago? Is majority rule a political and moral principle which the State Department or the White House have never heard of until this year? The answer is that the Nixon administration—as revealed in the National Security Study Memorandum No. 39 of January 20, 1970—decided to target its policy toward the minority white regimes without genuine regard to the black majorities who were denied democratic rights.

That is why we must examine American actions closely to insure that Secretary Kissinger's Lusaka policy statement will lead to a fundamentally new African policy rather than simply to another exercise in Kissingerian crisis management.

Earmarking this aid to Africa is one step for Congress to take to help fulfill the promise of the Lusaka commitment to majority rule. In addition to the aid to Zaire and Zambia, the $25 million proposed for aid to southern Africa could be used constructively to aid refugees and to give educational training to people from Namibia and Zimbawe—Rhodesia. Without such aid, I am afraid that the new American commitment to majority rule will lack credibility.

Mr. SPENCE. Mr. Chairman, our good friends and ally, South Korea, is in a precarious position today. Her existence is being threatened by a well-armed enemy located directly at her border. We are committed to protect South Korea, and our stated policy is to help her achieve military self-sufficiency.

In the face of that commitment to a friendly nation the International Relations Committee has adopted an amendment to the pending Foreign Assistance bill which proposes a 40 percent reduction in aid and credits requested by South Korea. It is clear that this would significantly and dangerously delay the time when Republic of Korea forces could attain the level of strength needed for defense against the Communists.

The rationale given for this drastic action is that President Park of South Korea has not measured up to the standard of rights and liberties that we offer in this country. Yet, this is a cynical argument which ignores the political realities of running a government in a tight security situation, in an environment made hostile by the threat of aggression from a neighboring country.

It is very important that we view the South Korean situation in a realistic perspective, Mr. Chairman, as we debate the foreign assistance bill.

As a recent article by Sir Robert Thompson makes clear, the South Koreans are putting forth a heroic effort in their difficult struggle to survive as a free and independent nation. Sir Robert, who is the world's leading authority on counterinsurgency, is also well known as the architect of the British victory over Communist guerrillas in Malaysia. He has written a number of books on international relations in warfare, and he is an expert on the situation in Korea.

In his article, entitled "The New Korea—An Economic Miracle," Sir Robert Thompson reviews South Korea's threatened military position and her difficult security situation, and makes the significant point that her restrictions on liberty are less than those imposed on the United Kingdom during World War II. He notes:

In such a security situation the democratic processes are limited and there are restrictions on liberty. Surprisingly they are less than those imposed on the United Kingdom in World War II. Even Freedom House rates South Korea as 'partly free' unlike many countries with which (the British government) is seeking more cordial relations. At least there is a chance of real freedom and democracy, which is more than can be said for North Korea.

Thompson stresses South Korea's substantial economic gains, and generally presents her in the proper perspective—as a nation plagued with problems but struggling and making vast progress in the right direction.

I recommend that all of my colleagues read and consider carefully the article by Sir Robert Thompson entitled "The New Korea—An Economic Miracle," and I include it at this point in the RECORD:

THE NEW KOREA—AN ECONOMIC MIRACLE

(By Sir Robert Thompson)

Nearly 25 years ago, during the Korean war, Seoul city changed hands four times and was devastated before the armistice was finally signed at Panmunjon on 27 July, 1953. No one who knew it then would recognise it now as a teeming city of close on 7 million people with its sky-scrapers, traffic jams, factories, pollution and all, making it one of the most densely populated cities in the modern world and still expanding.

THE THREAT

The city is, however, dominated by one single over-riding fact: it is only 25 miles from the border where North Korean forces, fully armed with the most modern Russian weapons, are poised for another strike. It was probably touch and go last year, after the Vietnam debacle, but Kim Il Sung was restrained by both Russia and China. Two invasions against American allies in one year might have been more than the American people could have tolerated.

The present military situation can be compared to the United Kingdom having a ceasefire in 1940 with Hitler across the Channel except that here there is no Channel, only a demilitarized zone of 4 kilometres. Even that is being pierced by North Korean tunnels of which two have been discovered and it is thought that there may be a dozen more.

It was a most eerie experience to go down the largest of these which had been bored for 3½ kilometres through solid rock, 6 ft. high, and 6 ft. wide. It took four years to build at 2 yards a day before it was discovered, intercepted and blocked.

Above ground the scene on a fine day looks more peaceful and the demilitarized zone, in spite of constant patrolling up the central demarcation line, is becoming a bird sanctuary. Pheasants abound, and I was lucky enough to see the rare Manchurian crane. Skeins of geese frequently fly over. It is only the troops who are on a three minute alert.

SECURITY

Obviously South Korea's first priority is security because North Korea holds the complete strategic initiative to attack when and where it likes. However the invasion routes are limited and thanks to Lt-Gen. James Hollingsworth, a veteran of World War II, Korea and Vietnam, South Korea has adopted a forward defence policy aimed at defeating the invaders in a nine day war using massive firepower for the first five days to halt the invasion in its tracks and leaving four days to "tidy up" the battlefield. The proximity of Seoul and the range of modern artillery and rockets preclude any question of withdrawal followed by counter-attack. A strategy of deterrence has replaced a strategy of invitation thereby facing North Korea with the prospect of frightful casualties, subsequent readjustments to the DMZ to its disadvantage, and disastrous damage to its infrastructure. Certainly in this part of the world peace and detente depend, in Chancellor Schmidt's words, on "undiminished security".

ECONOMIC BREAKTHROUGH

In spite of heavy defence costs, US $1.4 billion this year (6.3% of GNP), South Korea over the last ten years has achieved a miraculous economic breakthrough. Traffic on the expressway to Pusan, the major port 270 miles south of Seoul, is as heavy as that on the MI. Roads and railways now link all the major industrial complexes. Quite the most outstanding achievement is the Hyundai shipyard at Ulsan—the largest in the world. The first sod was cut in March, 1972. In February, 1973, the first two 260,000 ton tankers were laid down and were completed in June, 1974. Six have now been delivered and six more are in various stages of construction all ahead of contract delivery dates. With the collapse of the tanker market the yard has switched to 23,000 ton cargo container ships of which six can be built simultaneously in each tanker dock. There is now a Norwegian order for ten roll-on roll-off ships (no dockers) at a time when we have hardly come to terms with containers.

The same company is now about to produce the "Pony" 1,200 cc. saloon car, fully made in Korea, at an ex-works price of about £1,000. In addition to the shipyard, South Korea will also shortly have the world's largest cement works and fertiliser plant. Its electronic industry is second to none. How would you like to have a watch costing under £10 with no mechanism, working solely on quartz crystals and accurate to within one second a week?

BASIC ASSETS FULLY UTILISED

To support this the country has not made the mistake of neglecting its basic agriculture. The new community (Saemaul) movement has revolutionised village production so that the country's agricultural surplus can support its industry. The country is now self-supporting in rice and barley and hundreds of acres of polythene greenhouses enable vegetable production to continue through even the severest winter. The lower hillsides are covered with orchards of apples, pears, peaches and grapes. Perhaps the most impressive programme has been re-afforestation. Thousands of square miles of barren mountainsides are now covered with conifer and pine.

The statistics speak for themselves. Over the last ten years the annual growth rate has averaged 10% and even last year, in the middle of a world recession, 7% was achieved. Exports have increased from $43 million in 1961 to $5 billion in 1975. At this rate Korea expects to pass the United Kingdom in the 1980s. As elsewhere, Korea too is suffering from inflation, currently about 20%, but government wages this year are being increased by 45% so that there has been a constant increase in the real standard of living.

Foreign and local investment has been massive and the debt charges are high but manageable so that credit is still good. There are prospects ahead of oil, aluminium and uranium, which will attract more capital.

POLITICAL STABILITY

Politically the country is stable. The villages, where the per capita income has increased fourfold in the last few years, are solidly behind the Government. North Korean infiltrators find little or no support. Strangers are immediately reported and apprehended. There are criticisms and complaints but no one disagrees with the basic security and economic policies.

In such a security situation the democratic processes are limited and there are restrictions on liberty. Surprisingly they are less than those imposed on the United Kingdom in WWII. Even Freedom House rates South Korea as "partly free" unlike many countries with which HMG is seeking more cordial relations. At least there is a chance of real freedom and democracy, which is more than can be said for North Korea.

Somewhere in this highly compounded mixture of maximum security and incredible economic growth there must be a lesson for us, but Korea is an experience and market which British businessmen and economists have almost totally ignored. (I could not even find a bottle of Scotch in the shops for foreigners!) Success cannot only be put down to a disciplined, hard working and comparatively cheap labour force though that undoubtedly is the country's greatest natural asset. It is even being exported for construction work in the Middle East and there are 7,500 Korean nurses in Germany. Any British doctors recruited to the oil states are likely to be joined by a further 9,000 Korean nurses.

There must still be something more than that—certainly free enterprise and good planning, with complementary research, in accordance with the disciplines of the market. But, above all, a will to survive as an independent nation.

Mr. GILMAN. Mr. Chairman, I rise in support of the proposal by the distinguished gentleman from New York (Mr. WOLFF) to authorize the experimental use of the Civil Air Patrol in monitoring illegal narcotic traffic border crossings.

While on a recent narcotics study mission to Mexico and South America with Congressman WOLFF, we were told by Mexican officials that the great demand for narcotics in this country and the relative ease of access to those U.S. markets made effective narcotics control extremely difficult.

In many of the Central and South American nations there are hundreds of clandestine air strips and little or no border patrols. Accordingly, it is important that we use all of our possible resources to stop this invasion of illegal trafficking at this end of the line.

This ingenious proposal would enlist the aid of some of the 50,000 members of the Civil Air Patrol across this country to use their privately owned planes to become a part of the eyes and ears of our border control effort. The current task of providing adequate border and customs control for our vast coastlines and the more than 2,000 miles of our shared borders with Mexico is cost prohibitive. Under this proposal, the volunteer pilots of the Civil Air Patrol with their private planes require only the cost of fuel and oil.

The rapid growth of this deadly drug business was recently revealed in a Department of State release which called attention to the staggering cost of drug abuse to this Nation. Despite intensive efforts, more than 5,000 Americans died last year from drug related causes. The Government of Mexico alone is spending $35 million annually in control programs. With our help, they have embarked upon an intensified aerial spraying campaign covering some 15,000 acres of opium poppy fields. During the January to November period of last year our joint border control programs confiscated over 900 pounds of heroin which is worth about $450,000 a pound on the streets of this Nation.

This proposal calls for a modest sum of $4,000 to help in the fight against this invasion of our country that is responsible for an estimated $20 billion in drug related crime. In the war against drug trafficking, it is imperative that we leave no stone unturned. Unless we are able to stop the free flow of illegal planes, ships, and land vehicles across our borders, we will be unable to stop the flow of illicit drugs.

As in times of national crisis, let us draw upon the resources of all our people to fight this common enemy. I urge my colleagues to join with us in support of this proposal.

Mr. LUNDINE. Mr. Chairman, I strongly support passage of the International Security Assistance and Arms Export Control Act of 1976. While modified to meet objections of the President, the bill nonetheless pursues two major objectives of the Congress: one, to phase out grant military aid, and, two, to enhance congressional oversight over our rising arms sales program.

Enactment of this legislation will permit plans to continue for the current fiscal year for $3 billion in military aid to the Middle East. The President's veto of the bill approved earlier by the Congress has prevented this aid from going forward, particularly to Israel, which, under this authorization will receive $2.2 billion for military purchases already made in the United States.

Our goals in helping keep Israel strong are twofold. America's longstanding commitment to the national survival of Israel springs from a shared dedication to democracy and freedom as well as from enlightened self-interest.

Israel, like the United States, had to face armed opposition as it emerged as a nation. Both countries have provided a refuge for the oppressed. Both countries have a common devotion to liberty and democracy.

The military assistance provided in this bill is in our own national interest as well as in the interests of world peace. Israel provides an element of military security and strategic stability for the United States in the vital oil-producing Middle East region.

By its outstanding courage, Israel has shown that it will not disappear as some of its Middle Eastern neighbors would like. As a result, some of those neighbors are talking sensibly of peaceful solutions—I hope we will soon witness further progress toward peace eventually making this kind of assistance unnecessary.

Important progress was made in the acceptance by Israel and Egypt in 1975 of an agreement under which Israel withdrew from some of the territories it held in the Sinai overlooking the Suez Canal. The canal has since been reopened to traffic.

The United States, by its continued commitment to Israel, can inspire the confidence in their own security which the Israelis need to make possible the politically painful decisions involved in any lasting accommodation and to make clear to Arab extremists that a solution cannot be achieved by terror.

It is the responsibility and the aim of the United States to try to get both parties to contribute to the peacemaking process. The funds we are authorizing today are an indication of our continuing commitment to the future security of Israel—evidence that the United States will continue to support the freedom and survival of the state of Israel.

Mrs. MINK. Mr. Chairman, I rise in opposition to the amendment to increase military assistance to South Korea.

This amendment will authorize the administration's request for $245 million per year over the next 2 years, a total of $490 million, for South Korea. This amendment will double the International Relations Committee's amount as found in H.R. 13680. I urge my colleagues to weigh this drastic increase very carefully. The committee bill asks for the same funding to South Korea as in the previous fiscal year.

I can find no justification for this boost in military assistance in the current political situation surrounding South Korea. The House, I am sure, is aware of recent internal events wherein a prominent opposition leader, Kim Dae Jung, was arrested together with 17 other political and religious leaders and jailed for producing a document calling for the resignation of President Park Chung Hee. Kim Dae Jung's crime was to make a public call for the restoration of democratic rights and institutions in South Korea.

Reports from South Korea indicate that far from being an isolated instance, Kim Dae Jung's arrest fits a pattern of political repression and intimidation. Repeated expressions of congressional concern about this have made no impact on President Park. Whatever we may feel about President Park's rule, surely we cannot act in a way that rewards a government for its denial of free speech and for acts of oppression and suppression of civil liberties.

The state of affairs in South Korea today disturbs me deeply. We of course have no right or obligation to intervene but we do not need to support it. We do not need to double our support. Without a positive commitment to establish a democratic government we certainly do not have any duty to double this foreign aid.

The Government of South Korea's own resources are being expended on the consolidation and extension of personal power of President Park. It is therefore incumbent upon this Congress to raise

questions about the effect of increased assistance under such circumstances.

Increased military assistance at this juncture and under these circumstances alines the American Government with repressive practices and gives the impression that we are less interested in our commitment to those democratic ideals which brought us to help South Korea in the first instance.

We can emphatically state our concern over the state of affairs in South Korea by rejecting this amendment. H.R. 13680 retains the fiscal year 1975 level of military assistance to South Korea at $145 million. Retention of this level reflects American willingness to stand by South Korea against the threat of North Korea. At the same time, however, rejecting this proposed dramatic increase will convey our deep distress over President Park's continued suppression of human and political liberties.

I urge this House to defeat this amendment.

The CHAIRMAN. Are there further amendments to title VI? Are there further amendments to the bill? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore Mr. MCFALL having assumed the chair, Mr. EVANS of Colorado, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 13680), to amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and for other purposes, pursuant to House Resolution 1204, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ASHBROOK. Beyond a shadow of a doubt, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ASHBROOK moves to recomit the bill H.R. 13680 to the Committee on International Relations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recomit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 255, nays 140, not voting 36, as follows:

[Roll No. 324]

YEAS—255

Abzug	Gilman	O'Brien
Adams	Goldwater	O'Hara
Addabbo	Gradison	O'Neill
Ambro	Green	Ottinger
Anderson, Calif.	Gude	Patten, N.J.
Anderson, Ill.	Guyer	Patterson, Calif.
Annunzio	Hall	Pattison, N.Y.
Archer	Hamilton	Pepper
Armstrong	Hanley	Perkins
Ashley	Hannaford	Peyser
Aspin	Harkin	Pickle
AuCoin	Harrington	Preyer
Badillo	Harris	Price
Beard, R.I.	Hawkins	Quie
Beard, Tenn.	Hayes, Ind.	Railsback
Bergland	Hébert	Randall
Biaggi	Heckler, Mass.	Rangel
Biester	Heinz	Rees
Bingham	Hightower	Regula
Blanchard	Hillis	Reuss
Boggs	Holland	Rhodes
Boland	Holt	Richmond
Bolling	Holtzman	Riegle
Bonker	Horton	Rinaldo
Breckinridge	Howard	Rodino
Brodhead	Howe	Roe
Brooks	Hughes	Rogers
Broomfield	Hyde	Roncalio
Brown, Mich.	Jarman	Rooney
Burke, Calif.	Jeffords	Rose
Burke, Fla.	Johnson, Calif.	Rosenthal
Burke, Mass.	Johnson, Pa.	Rostenkowski
Burton, John	Jordan	Roybal
Burton, Phillip	Kasten	Ryan
Carr	Koch	St Germain
Cederberg	Krebs	Sarasin
Chisholm	Krueger	Sarbanes
Clancy	LaFalce	Scheuer
Clay	Lagomarsino	Schneebeli
Cohen	Lehman	Schroeder
Collins, Ill.	Lent	Schulze
Conable	Levitas	Selberling
Conte	Litton	Sharp
Conyers	Lloyd, Calif.	Simon
Corman	Long, La.	Sisk
Coughlin	Long, Md.	Smith, Iowa
D'Amours	Lundine	Solarz
Daniel, R. W.	McClory	Spellman
Daniels, N.J.	McCloskey	Spence
Danielson	McCollister	Staggers
Davis	McCormack	Stanton,
Delaney	McDade	J. William
Dent	McEwen	Stark
Derrick	McFall	Steelman
Derwinski	McHugh	Steiger, Wis.
Diggs	McKay	Stratton
Dingell	McKinney	Studds
Downey, N.Y.	Madden	Symington
Drinan	Madigan	Talcott
Duncan, Oreg.	Maguire	Traxler
Early	Mazzoli	Tsongas
Eckhardt	Meeds	Ullman
Edgar	Metcalfe	Van Deerlin
Edwards, Calif.	Meyner	Vander Jagt
Eilberg	Mezvinsky	Vander Veen
Erlenborn	Michel	Vanik
Esch	Mikva	Vigorito
Evans, Colo.	Milford	Walsh
Fary	Mineta	Waxman
Fascell	Minish	Whalen
Fenwick	Mink	White
Findley	Mitchell, Md.	Whitehurst
Fisher	Mitchell, N.Y.	Wiggins
Fithian	Moakley	Wilson, C. H.
Flood	Mollohan	Wilson, Tex.
Florio	Moorhead, Pa.	Winn
Foley	Morgan	Wirth
Ford, Mich.	Moss	Wolff
Ford, Tenn.	Murphy, Ill.	Wright
Forsythe	Murphy, N.Y.	Wydler
Fraser	Murtha	Yates
Frenzel	Nedzi	Yatron
Fuqua	Nix	Young, Ga.
Gaydos	Nowak	Young, Tex.
Gibbons	Oberstar	Zeferetti
	Obey	

NAYS—140

Abdnor	Ginn	Mottl
Alexander	Gonzalez	Myers, Ind.
Allen	Goodling	Myers, Pa.
Andrews, N.C.	Grassley	Natcher
Andrews, N. Dak.	Hagedorn	Nolan
	Haley	Passman
Ashbrook	Hammer-schmidt	Paul
Bafalis		Pettis
Baldus	Harsha	Pike
Baucus	Hechler, W. Va.	Poage
Bedell	Hefner	Pressler
Bennett	Henderson	Pritchard
Bevill	Hubbard	Quillen
Blouin	Hungate	Risenhoover
Bowen	Hutchinson	Roberts
Brinkley	Ichord	Robinson
Brown, Calif.	Jacobs	Roush
Brown, Ohio	Jenrette	Runnels
Broyhill	Johnson, Colo.	Ruppe
Burgener	Jones, N.C.	Russo
Burleson, Tex.	Jones, Okla.	Santini
Burlison, Mo.	Jones, Tenn.	Satterfield
Butler	Kastenmeier	Sebelius
Byron	Kazen	Shipley
Carter	Kelly	Shriver
Chappell	Kemp	Shuster
Clausen, Don H.	Ketchum	Skubitz
	Keys	Slack
Cleveland	Kindness	Smith, Nebr.
Cochran	Landrum	Snyder
Collins, Tex.	Latta	Steed
Cornell	Lloyd, Tenn.	Steiger, Ariz.
Daniel, Dan	Lott	Stuckey
de la Garza	McDonald	Sullivan
Dellums	Mahon	Taylor, Mo.
Devine	Mann	Taylor, N.C.
Dickinson	Martin	Thone
Duncan, Tenn.	Mathis	Thornton
Edwards, Ala.	Melcher	Treen
Emery	Miller, Calif.	Waggonner
English	Miller, Ohio	Wampler
Eshleman	Mills	Weaver
Evans, Ind.	Moffett	Whitten
Evins, Tenn.	Montgomery	Wilson, Bob
Flowers	Moore	Wylie
Flynt	Moorhead, Calif.	Young, Alaska
Fountain		Young, Fla.
Frey	Mosher	Zablocki

NOT VOTING—36

Bauman	Fish	Nichols
Bell	Giaimo	Rousselot
Brademas	Hansen	Sikes
Breaux	Hays, Ohio	Stanton, James V.
Buchanan	Helstoski	
Carney	Hicks	Stephens
Clawson, Del	Hinshaw	Stokes
Conlan	Jones, Ala.	Symms
Cotter	Karth	Teague
Crane	Leggett	Thompson
Dodd	Lujan	Udall
Downing, Va.	Matsunaga	
du Pont	Neal	

The Clerk announced the following pairs:

On this vote:

Mr. Thompson for, with Mr. Bauman against.

Mr. Brademas for, with Mr. Breaux against.

Mr. Dodd for, with Mr. Nichols against.

Mr. Carney for, with Mr. Rousselot against.

Mr. Sikes for, with Mr. Symms against.

Mr. Cotter for with Mr. du Pont against.

Mr. Stokes for, with Mr. Del Clawson against.

Mr. Teague for, with Mr. Crane against.

Mr. Udall for, with Mr. Hansen against.

Mr. Matsunaga for, with Mr. Lujan against.

Mr. Karth for, with Mr. Conlan against.

Until further notice:

Mr. Giaimo with Mr. Stephens.

Mr. Neal with Mr. Hicks.

Mr. James V. Stanton with Mr. Helstoski.

Mr. Hays of Ohio with Mr. Bell.

Mr. Downing of Virginia with Mr. Buchanan.

Mr. Leggett with Mr. Fish.

Messrs. DUNCAN of Tennessee, MOSHER, and DON H. CLAUSEN changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. (Mr. McFALL). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. McFALL). The Chair would like to call the attention of the Members to the statement inserted in the RECORD of June 1 by the Speaker on page 16018. Members should be in the Chamber by 10 o'clock Thursday morning to join the procession to the rotunda to attend the Magna Carta ceremony.

Guests of Members must have tickets to attend the ceremony and must be in the rotunda before 10:15 a.m. Guests cannot be admitted after that time. The tickets made available for guests indicate the proper entrance to the rotunda to be used by the ticketholder.

The Chair would like to state also that it is the intention to take up two rules, on Automotive Research and Development and Cotton Research, and two subpena resolutions. Hopefully, we will be finished by 6:30.

PROVIDING FOR CONSIDERATION OF H.R. 13655, AUTOMOTIVE RESEARCH AND DEVELOPMENT

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1222 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1222

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13655) to establish a five-year research and development program leading to advanced automobile propulsion systems, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. PEPPER) is recognized for 1 hour.

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

Mr. Speaker, House Resolution 1222 provides for an open rule, with 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology. After general debate has been completed, the bill shall be read for amendment under the 5-minute rule.

The Automotive Transport Research and Development Act (H.R. 13655) would establish in the Energy Research and Development Administration a 5-year program to develop advanced automobile propulsion systems which have maximum flexibility regarding the type of fuel used. The Administrator is directed to make contracts and grants with public and private agencies. Existing Federal laboratories and expertise for the effort would be utilized as well as the capabilities of NASA, the Defense Department, and other Federal agencies.

The measure also provides that within 60 days after enactment of the measure now pending in Congress creating the electric vehicle research, development, and demonstration program, all of the authorities and functions of that program will be transferred to the ERDA Administrator.

Mr. Speaker, our increasing consumption of fuel, our dependence upon the automobile, and the crisis resulting from the OPEC embargo precipitated recent legislative proposals that will involve the Federal Government in an active role in automotive research and development. H.R. 13655 extends this Federal responsibility and should accelerate our Nation's efforts to become independent in the energy field.

I urge that House Resolution 1222 be adopted so that the bill can be considered.

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

Mr. Speaker, as explained by the gentleman from Florida, this rule provides for 1 hour of general debate on H.R. 13655—Automotive Transport Research and Development Act of 1976, and that the bill shall be open to all germane amendments.

The purpose of this bill is to establish a 5-year research and development program on advanced automotive propulsion systems.

The bill authorizes $20 million of taxpayers' funds for what I consider to be commercial functions which should be performed by the private sector of our society.

The administration opposes this bill which it considers unnecessary. ERDA already has authority under existing law to develop programs of the type proposed in this legislation.

Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

Mr. PEPPER. Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 10930, AMENDMENTS TO COTTON RESEARCH AND PROMOTION PROGRAM

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1219 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1219

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10930) to amend section 7(e) of the Cotton Research and Promotion Act to provide for an additional assessment and for reimbursement of certain expenses incurred by the Secretary of Agriculture and to repeal section 610 of the Agricultural Act of 1970 pertaining to the use of Commodity Credit Corporation funds for research and promotion. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Agriculture now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

Mr. Speaker, House Resolution 1219 provides for the consideration of the bill H.R. 10930, amendments to the cotton research and promotion program.

This is an open rule providing for 1 hour of general debate. The time is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. It shall be in order to consider the amendment in the nature of a substitute recommended by the committee as an original bill for the purpose of amendment under the 5-minute rule.

H.R. 10930 makes two basic changes in the cotton research and promotion program. It repeals section 610 of the Agricultural Act of 1970 which authorizes Government financing to supplement funds available for the Cotton Research and Promotion Act. The bill also authorizes an increase in the assessment paid by producers to fund a self-help program of research and marketing, subject to approval by producers in a referendum.

In addition the bill provides for the Secretary of Agriculture to be reimbursed from producer assessments for costs, not to exceed $200,000, of conducting a referendum and for administrative costs, not to exceed 5 employee years, for supervisory work after a new or revised cotton research and promotion order has been approved.

The increase in producer assessments

is to be determined by the Cotton Board and the Secretary of Agriculture, but it is not to exceed 1 percent of the value of the cotton. So long as the 1 percent maximum rate is not exceeded, the supplemental assessment could be either a flat dollar and cent rate per bale or a rate based on a percentage of value per bale using past or current cotton prices.

Mr. Speaker, I urge my colleagues to adopt House Resolution 1219 so that we may proceed to consideration of H.R. 10930.

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

Mr. Speaker, as explained by the able gentleman from California, House Resolution 1219 is a rule permitting the House to resolve itself into the Committee of the Whole for consideration of H.R. 10930, a bill amending the Cotton Research and Promotion Act and the Agricultural Act of 1970. The legislation will be open to amendment at the conclusion of 1 hour of debate. The rule further makes in order the amendment in the nature of a substitute recommended by the Committee on Agriculture now printed in the bill as an original bill for purposes of amendment.

Section 610 of the Agricultural Act of 1970, the Commodity Credit Corporation provides funds for cotton research, promotion, and market development. Twenty million dollars per year are authorized for these purposes through fiscal 1978 and $10,000,000 per year thereafter. These funds are supplemented by assessments paid by cotton growers under provisions of the Cotton Research and Promotion Act.

H.R. 10930 would repeal section 610 and, thereby, would eliminate the use of Commodity Credit Corporation funds for cotton research and promotion. The legislation also would authorize the Secretary of Agriculture to issue an order to raise the level of cotton assessments, subject to the endorsement of cotton growers voting in a referendum. The Federal costs of administering the cotton research and promotion program and the cost of supervising the referendum would be reimbursed by cotton growers with funds derived from their assessments. Accordingly, this measure will result in an estimated cost savings to the Federal Government of $244,000 in fiscal 1977 and of $20,073,000 in fiscal 1978.

Mr. Speaker, I am advised that this legislation enjoys a broad base of support from cotton-producing States as well as such prominent organizations as the Board of Cotton, Inc., the National Cotton Council, the Cotton Warehousemen's Association, and others. These groups are aware of the importance of a healthy cotton industry to our domestic economy and of its significant contribution to our balance of payments in international trade. The research and promotion program provided under this bill will help guarantee a strong, competitive fiber market at no cost to the public treasury.

Therefore, I strongly urge the passage of this rule so that we may proceed to consider and pass H.R. 10930.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE—SUBPENA DUCES TECUM IN GRAND JURY INVESTIGATION PENDING IN U.S. DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

The SPEAKER pro tempore (Mr. MCFALL) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
May 27, 1976.

Hon. CARL ALBERT,
The Speaker,
House of Representatives.

DEAR MR. SPEAKER: I have been served with a subpoena duces tecum by a Representative of the U.S. Department of Justice, that was issued by the United States District of New Jersey.

The subpoena commands me or my designated representatives to appear before the Grand Jury of the U.S. District Court on May 26, 1976, said date having been extended to June 2, 1976, and requests certain House records that are outlined in the subpoena itself, which is attached hereto.

House Resolution No. 9 of January 14, 1975, and the rules and practices of the House of Representatives indicate that no official of the House may, either voluntarily or in obedience to a subpoena duces tecum, produce such papers without the consent of the House being first obtained. It is further indicated that he may not supply copies of certain of the documents and papers requested without such consent.

The subpoena in question is herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

With kind regards, I am,
Sincerely,
EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

The SPEAKER pro tempore. Without objection, the subpena will be printed in the RECORD.

There was no objection.

The subpena referred to is as follows:

[In the U.S. District Court for the District of New Jersey]

SUBPENA TO TESTIFY BEFORE GRAND JURY

To Clerk, U.S. House of Representatives, Washington, D.C.

You are hereby commanded to appear in the United States District Court for the District of New Jersey at U.S. Post Office & Courthouse Bldg., Federal Sq., Room 483 in the city of Newark on the 26th day of May 1976 at 10:00 o'clock A.M. to testify before the Grand Jury and bring with you any and all books and records including Standard Form No. 1179, "Recapitulation of Block Control Level Totals of Checks Issued" for the disbursement listed on the attached Schedule A which were issued to Henry Helstoski and Rutherford East Corporation on the date set forth on the attached, pursuant to the voucher listed, and in the amount stated on the attached Schedule A, or other documents which set forth and identify the check numbers, disbursing officer and identification symbol.

This subpoena is issued on application of the United States.

Jonathan L. Goldstein, United States Attorney.

By: William W. Robertson, Assistant U.S. Attorney, Federal Building, 970 Broad Street, Newark, New Jersey 07102, 201-645-2251.

Date May 18, 1976.

ANGELO W. LOCASCIO,
Clerk.
By ELLEN MYERS,
Deputy Clerk.

SCHEDULE A

I. CHECKS PAYABLE TO HENRY HELSTOSKI

Year and date	Voucher No.	Amount	Purpose
1970:			
Jan. 18, 1970	5085	$300.00	Telephone.
Apr. 16, 1970	6646	900.00	Stationery.
1971: Jan. 30, 1971	4812	1,377.50	Do.
1973:			
Feb. 16, 1973	2-337	2,250.00	Transportation.
Feb. 8, 1973	2-137	3,300.00	Stationery.
1974:			
Jan. 8, 1974	1-347	500.00	Office.
Jan. 15, 1974	1-516	4,800.00	Stationery.

II. CHECKS PAYABLE TO RUTHERFORD EAST CORPORATION

[District office expense]

Date	Voucher No.	Amount
1971:		
January 4	4106	$200
February 1	4956	200
March 1	5596	200
April 1	6214	200
May 3	6399	200
June 1	7753	200
July 1	1	200
August 4	846	200
September 1	1602	200
October 1	2358	200
November 1	3051	200
December 1	3886	650
1972:		
January 3	5074	350
February 1	5905	350
March 2	6757	350
April 3	7763	350
May 1	8720A	350
June 1	9552	350
July 3	1	350
August 1	811	350
September 1	1550	350
October 2	2418	350
November 1	3316	350
December 1	4005	350
December 1	9552	350
1973:		
January 2	1-1	350
February 1	2-1	350
March 1	3-1	350
April 2	4-1	350
May 1	5-1	350
June 1	6-1	350
July 2	7-1A	350
August 1	8-1	350
September 4	9-1	350
October 1	10-1	350
November 1	11-1	350
December 3	12-1	350
1974:		
January 2	1-1	350
February 1	2-1	350
March 1	3-1	350
April 1	4-1	350
May 1	5-1	350
June 3	6-1	350
July 1	7-1A	350
August 1	8-1	350
September 3	9-1	350
October 1	10-1	350
November 1	11-1	350
December 2	12-1	485

Mr. O'NEILL. Mr. Speaker, I offer a privileged resolution (H. Res. 1233) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1233

Whereas in a Grand Jury Investigation pending in the United States District Court for the District of New Jersey, a subpena duces tecum was issued by the said court and addressed to Edmund L. Henshaw, Jr., Clerk of the House of Representatives, directing him to appear before the grand jury of said court at 10:00 antemeridian on the 26th day of May, 1976, and to bring with him certain documents in his possession and under the control of the House of Representatives: Therefore be it

Resolved, That by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the order of such court or judge, that documentary evidence in the possession and under the control of the House of Representatives is needful for use in any court of justice, or before any judge or legal officer, for the promotion of justice, this House will take such action thereon as will promote the ends of justice consistently with the privileges and rights of this House; be it further

Resolved, That when said court determines upon the materiality and relevancy of the records called for in the subpena duces tecum, then the said court, through any of its officers or agents, have full permission to attend with all proper parties to the proceeding and then always at any place under the orders and control of this House, and take copies of those requested papers and documents which are in the possession or custody of the Clerk; and the Clerk is authorized to supply certified copies of such documents or papers that the court has found to be material and relevant and which the court or other proper officer shall desire, so as, however, the possession of said documents and papers by the said Clerk shall not be disturbed, or the same shall not be removed from their place of file or custody under the said Clerk; be it further

Resolved, That as a respectful answer to the subpena duces tecum a copy of these resolutions be submitted to the said Court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM CLERK OF THE HOUSE—DEFENDANT-INTERVENOR'S REQUEST FOR PRODUCTION OF DOCUMENTS IN SOCIALIST WORKERS 1974 NATIONAL CAMPAIGN COMMITTEE, ET AL., VERSUS HON. EDMUND L. HENSHAW, JR., ET AL.

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.
May 27, 1976.

Hon. CARL ALBERT,
The Speaker,
House of Representatives.

DEAR MR. SPEAKER: I have, in the case of Socialist Workers 1974 National Committee and others, against Edmund L. Henshaw, the Clerk of the House of Representatives and others, (Civil Action No. 74–1338), been served with Defendant-Intervenor's Request for Production of Documents, said pleadings requesting the Clerk of the House of Representatives to produce certain documents in the possession and under the control of the House of Representatives.

House Resolution No. 9 of January 14, 1975, and the rules and practices of the House of Representatives indicate that no official of the House may, either voluntarily or in obedience to a subpoena duces tecum, produce such papers without the consent of the House being first obtained. It is further indicated that he may not supply copies of certain of the documents and papers requested without such consent.

The Defendant-Intervenor's Request for Production is attached herewith, and the matter is presented for such action as the House in its wisdom may see fit to take.

With kind regards, I am

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, U.S. House of Representatives.

The SPEAKER pro tempore. Without objection, the accompanying paper will be printed in the RECORD.

There was no objection.

The document referred to is as follows:

[In the U.S. District Court for the District of Columbia, Civil Action No. 74–1338]

DEFENDANT-INTERVENOR'S REQUEST TO THE FEDERAL DEFENDANTS FOR PRODUCTION OF DOCUMENTS

Socialist Workers 1974 National Campaign Committee, *et al.*, Plaintiffs, v. Hon. Edmund L. Henshaw, Jr., *et al.*, Defendants.

Defendant-Intervenor hereby requests Defendants, pursuant to Rule 34, Fed.R.Civ.P., to produce at the office of Defendant-Intervenor's counsel, Kenneth J. Guido, Jr., 2030 M Street, N.W., Washington, D.C., within thirty (30) days of the date of this request all reports, statements, records or information filed by Socialist Workers Party candidates, campaign committees or officials, as required by the Federal Corrupt Practices Act (2 U.S.C. §§ 241 *et seq.*), from the period 1954 through 1972 and permit the Defendant-Intervenor to inspect and copy the documents, records, statements, letters, correspondence and other writings described in the attachment to this request.

KENNETH J. GUIDO, Jr.,
ELLEN G. BLOCK,
Attorneys for Defendant-Intervenor Common Cause.

April 26, 1976.

Mr. O'NEILL. Mr. Speaker, I offer a privileged resolution (H. Res. 1234) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1234

Whereas in the case of Socialist Workers 1974 National Committee and others, against Edmund L. Henshaw, Jr., Clerk of the House of Representatives, and others (civil action numbered 74–1338), pending in the United States District Court for the District of Columbia, a request for the production of certain documents was propounded by the Defendant-Intervenor, Common Cause, and served upon Edmund L. Henshaw, Jr., Clerk of the House of Representatives, requesting him to provide in response to such request certain documents in the possession and under the control of the House of Representatives, and to serve the documents on counsel for Defendant-Intervenor in such proceedings: Therefore be it

Resolved, That by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECOMMENDATION FOR EXTENSION OF WAIVER AUTHORITY PURSUANT TO SECTION 402(d)(1) OF THE TRADE ACT OF 1974—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 94–513)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

In accordance with section 402(d)(1) of the Trade Act of 1974, I transmit herewith my recommendation that the authority to waive subsections (a) and (b) of section 402 be extended for a period of 12 months.

This recommendation sets forth the reasons for extending waiver authority, and for my determination relating to continuation of the waiver applicable to the Socialist Republic of Romania, as called for by subsections (d)(1)(B) and (d)(1)(C) of section 402 of the Trade Act. I include, as part of this recommendation, my determination that extension of the waiver authority, and continuation of the waiver applicable to the Socialist Republic of Romania, will substantially promote the objectives of section 402.

GERALD R. FORD.

THE WHITE HOUSE, *June 2, 1976.*

BUDGET OF DISTRICT OF COLUMBIA FOR FISCAL YEAR 1977—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 94–514)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed with illustrations:

To the Congress of the United States:

In accordance with the District of Columbia Self-Government and Governmental Reorganization Act, I am today transmitting for your consideration the budget of the District of Columbia for fiscal year 1977.

GERALD R. FORD.

THE WHITE HOUSE, *June 2, 1976.*

HELP FOR THE HAND TOOL INDUSTRY

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

Mr. SLACK. Mr. Speaker, on May 25, I introduced H.R. 14010, a bill to amend the appendix to the Tariff Schedules of the United States by increasing tariff rates on imports of hand tool articles for 5 years beginning July 1, 1976. Under this legislation, the tariff rates would be phased downward again beginning in

1979 until eventually in 1981 they would return to present levels commensurate with a more healthy economic climate.

During the last 2 years, the hand tool industry has twice sought relief under the Antidumping Act from the effects of foreign imports on the hand tool market in the United States. Both times the Treasury Department found foreign imports were being dumped in this country for sale at prices more than 50 percent lower than American products, even while the producing countries charge a higher price in their home markets than the price they offer in the American market. The International Trade Commission, however, found no injury or threat of injury, even though imported hand tools continued to take a larger share of the American market, and industry profits continued to decline.

It is the intent of this legislation to provide some relief for the hand tool industry on a temporary basis so as to allow them a chance to overcome the effects of foreign competition. Section 2 (a) of this bill provides in part that during the period in which the increased rates are in effect, the International Trade Commission shall keep under review the efforts of the hand tool industry to adjust to foreign competition.

The hand tool industry in this country currently employs approximately 30,000 workers. In my home State of West Virginia, some 2,000 are employed in the manufacture of hand tools. As foreign imports gain an increasingly larger share of the U.S. market, which now appears likely, some of these workers stand to lose their jobs. With the economy still recovering from recession, there is no assurance that these workers, should they become displaced, will be able to find jobs in other industries.

With our economy operating at below full scale, we are facing a gap between what we are actually producing and what we are capable of producing. For those industries operating at less than full potential and facing hardships due to foreign imports, some encouragement in the form of a Government commitment could mean the difference between expansion and reduction of operations. A "relief tariff" of a temporary nature will provide that encouragement.

"COAL SLURRY PIPELINE—4" EFFECT OF COAL TRANSPORTATION ON RAILROAD ECONOMIC VIABILITY

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

Mr. SKUBITZ. Mr. Speaker, beginning with May 26, 1976, I have called attention to the House of a bill, H.R. 1863, the coal slurry pipeline bill, which is now pending before the House Interior Committee. This bill would grant Federal powers of eminent domain to the slurry pipelines.

On May 26, 1976, I discussed the question of eminent domain, which can be found on page 15521 of the RECORD. On May 27, 1976, I discussed the fact that this is transportation legislation not energy legislation, this can be found on page 15878. Tuesday, June 1, 1976, I spoke on the railroad's capability of handling the increased coal production, this is on page 16078.

This is a continuation of my presentations concerning the coal slurry pipeline issue. Today, I would like to discuss the threat that slurry pipelines offer to the survival of this country's railroad industry.

Last June, Mr. George Stafford, Chairman of the Interstate Commerce Commission, appeared before the House Interior and Insular Affairs Committee in regard to House bill 1863. The ICC is charged with the development and preservation of a sound national transportation system; the agency has been subject to various criticisms, but certainly no knowledgeable person suggests that it favors any one transport mode over another. With that in mind, permit me to read a short portion of Mr. Stafford's statement dealing with slurry pipelines and railroad viability.

> Substantial diversion of the railroads' coal traffic through destructive competition would plainly have a devastating effect on an already crippled industry. At a time when Congress has committed billions of dollars in an attempt to maintain a workable railroad system in this country, it is important to note that railroads derive more revenue from coal than from any other commodity—over $1.4 billion annually, or about 10.5 percent of their total revenue. Diversion of coal traffic could result in railroads having to reduce their service to coal producing areas, further depriving them of revenue and perhaps forcing them to increase their rates on other commodities to cover operating costs. In some cases, such diversions could pose a threat to a railroad's very existence.

I doubt that there is anyone in the country better able to judge the effects of one mode of transportation on another than Mr. Stafford and his staff. If they are alarmed at the threat of the pipelines, should we not also be concerned?

In order to understand why the slurry lines would be harmful to the health of the railroads, we must look at the basic economics of the industry. Mr. John H. Lloyd, president and chief executive officer of the Missouri Pacific Railroad Co., testifying before our Interior Committee on page 977 of the hearings said, and I quote:

> It has been recognized for years that a basic problem of the nation's railroads has been the fact that they were forced to operate with, to maintain, and to pay taxes upon, an excessive physical plant. Otherwise stated, the railroads have long suffered because of an inability to attract sufficient volumes of traffic to fully utilize their inherent advantage of being able to handle tremendous tonnages at unit costs which notably decrease as a function of increased volumes. The present subject provides an illustration of the type of situation which has contributed to the railroads' problems. For many years, truck lines have been permitted to selectively skim off high-rated traffic without having to bear the truly common carrier burdens of transporting less desirable commodities; barge lines have similarly been permitted to limit their movements to bulk commodities moving over publicly provided right-of-ways between major port cities. In the case of both of these competing modes, much of this selective handling or skimming of desirable freight has been permitted under the provisions of legislative exemptions, which permit the bulk of competitive truck and barge traffic to be moved without certification or other regulation, to which the railroads are uniformly and stringently subject at all times. Now that an opportunity has arisen for the railroad industry to handle large volumes of coal—a commodity which they have a proven ability to transport most efficiently—it would be unthinkable to foreclose such increased handling by encouraging the construction of a slurry pipeline, the economics of which are, at best, highly suspect, and the environmental and water-related problems of which are obvious. Because the railroads continue to have a physical plant greatly in excess of that needed for the volumes of traffic moved thereover, it would be a grave disservice to the rail industry and to the shipping public generally to permit construction of a selective pipeline to again deprive the railroads of an opportunity to increase the efficiency of their already existing physical plant.

Railroads have huge investments in their physical plants and facilities. Consequently, their profitability depends, in a large part, on the amount of volume they handle. In recent years, they have lost an increasing amount of profitable traffic to trucks and barges, neither of which has this fixed cost burden because of the Government financing the highways and waterways on which they operate. This skimming has prevented railroads from operating to their full capacity, and as a result, unit costs have remained high and profit levels low or nonexistent.

The development of the western coal fields, however, has the potential for changing this situation for a major part of the industry. The opportunity to handle large volumes of coal, and thereby make efficient use of excess physical capacity, will allow this depressed industry to improve its financial position and, hence, it will be able to buy additional equipment and improve track and other properties. Also, additional volume helps to hold rates down. For example, according to Bureau of Mines statistics the leverage which volume brings to bear on unit costs was demonstrated during the period 1965 to 1975, when the percentage of the delivered coal price represented by rail freight cost declined from 41 percent to 17 percent. Mr. Speaker, permit me to incorporate at this point the comparison of FOB mine realization and railroad rates in bituminous coal—United States—1931 through 1975, as prepared by the U.S. Bureau of Mines:

COMPARISON OF F.O.B. MINE REALIZATION AND RAILROAD RATES ON BITUMINOUS COAL—UNITED STATES—1931 THROUGH 1975

Year	U.S. coal production (million tons)	Average realization coal f.o.b. mine	Average rail rates	Total	Percent of destination value: Coal	Percent of destination value: Rail rates
1931	382.1	$1.54	$2.22	$3.76	41.0	59.0
1932	309.7	1.31	2.26	3.57	36.7	63.3
1933	333.6	1.34	2.20	3.54	37.9	62.1
1934	359.4	1.75	2.15	3.90	44.9	55.1
1935	372.4	1.77	2.24	4.01	44.1	55.9
1936	439.1	1.76	2.25	4.01	43.9	56.1
1937	445.5	1.94	2.17	4.11	47.2	52.8
1938	348.5	1.95	2.27	4.22	46.2	53.8

Footnotes at end of table.

COMPARISON OF F.O.B. MINE REALIZATION AND RAILROAD RATES ON BITUMINOUS COAL—UNITED STATES—1931 THROUGH 1975

Year	U.S. coal production (million tons)	Average realization coal f.o.b. mine	Average rail rates	Percent of destination value		
				Total	Coal	Rail rates
1939	394.9	1.84	2.23	4.07	45.2	54.8
1940	460.8	1.91	2.22	4.13	46.2	53.8
1941	514.1	2.19	2.22	4.41	49.7	50.3
1942	582.7	2.36	2.31	4.67	50.5	49.5
1943	590.2	2.69	2.30	4.99	53.9	46.1
1944	619.6	2.92	2.21	5.13	56.9	43.1
1945	577.6	3.06	2.20	5.26	58.2	41.8
1946	533.9	3.44	2.27	5.71	60.2	39.8
1947	630.6	4.16	2.49	6.65	62.6	37.4
1948	599.5	4.99	2.74	7.73	64.6	35.4
1949	437.9	4.88	3.00	7.88	61.9	38.1
1950	516.3	4.84	3.09	7.93	61.0	39.0
1951	533.7	4.92	3.16	8.08	60.9	39.1
1952	466.8	4.90	3.35	8.25	59.4	40.6
1953	457.3	4.92	3.33	8.25	59.6	40.4
1954	392.0	4.51	3.23	7.74	58.3	41.7
1955	464.6	4.50	3.24	7.74	58.1	41.9
1956	500.9	4.82	3.45	8.27	58.3	41.7
1957	492.7	5.08	3.57	8.65	58.7	41.3
1958	410.4	4.86	3.58	8.44	57.6	42.4
1959	412.0	4.77	3.45	8.22	58.0	42.0
1960	415.5	4.69	3.40	8.09	58.0	42.0
1961	402.9	4.58	3.40	7.98	57.4	42.6
1962	422.1	4.48	3.32	7.80	57.4	42.6
1963	458.9	4.39	3.21	7.60	57.8	42.2
1964	486.9	4.45	3.11	7.56	58.9	41.1
1965	512.0	4.44	3.13	7.57	58.7	41.3
1966	533.8	4.54	3.01	7.55	60.1	39.9
1967	552.6	4.62	3.00	7.62	60.6	39.4
1968	545.2	4.67	3.01	7.68	60.8	39.2
1969	560.5	4.99	3.10	8.09	61.7	38.3
1970	602.9	6.26	3.41	9.67	64.7	35.3
1971	552.2	7.07	3.70	10.77	65.6	34.4
1972	595.4	7.66	3.67	11.33	67.6	32.4
1973	591.7	8.53	3.71	12.24	69.7	30.3
1974	601.0	15.00	3.95	18.95	79.2	20.8
1975	[1] 628.0	[1] 20.00	[2] 4.23	24.23	82.5	17.5

[1] U.S. Bureau of Mines forecast.
[2] Estimate based on 7 percent authorized general rate increases permitted to date during 1975.

Source: U.S. Bureau of Mines except as noted.

This is all the more remarkable when you consider that during the past several years the average distance of coal haul has increased as the mines in the West have opened up.

Increased coal traffic will provide another related benefit to the railroads and to the shippers of all kinds which depend on them. I refer to the fact that for many years railroads have had difficulty in attracting capital, either equity or debt, because of depressed levels of return on investment. Especially in recent years of capital shortages, railroads have been at a distinct disadvantage competing in the money markets with other borrowers having better earning capacity. However, reasonable prospect of long-term increases in coal traffic, which characteristically generates good profits, will provide the incentive for lenders to look more favorably on railroads. Given that prospect, they can be expected to provide the funds necessary for the equipment and plant improvements required to meet the public's shipping needs of every kind.

Enhancement of railroad borrowing capacity is vital, considering the huge investments that even today the railroads are attempting to make in order to handle tomorrow's coal tonnages. One railroad, the Burlington Northern, proposes to spend over a billion dollars on cars and locomotives and on improvements in track and related facilities. I quote from pages 956–58 of the hearings, wherein Mr. Louis Menk, chairman and chief executive officer, Burlington Northern, Inc., stated:

You have been told that the need will be so great in years ahead that the railroads probably won't be able to do the job. From this false premise which demeans 500,000 railroad men and women, you are urged to conclude that the Nation must confer the power of eminent domain on coal slurry lines.

I think the pipeline crowd's credibility is biodegradable and will dissipate as we expose their arguments to fresh air.

Certainly, this could embarrass members of the Federal energy establishments who demonstrably have no understanding of rail capacities and potentials and who have been led to embrace the rail potential concept that is about as appropriate to the Nation's needs as the windup light bulb.

* * * * *

My assurance that railroads can perform the coal transport job ahead is based on an extraordinary amount of research into the needs of western coal. We learned with the greatest possible accuracy how much coal will be mined in our territory, when and where it will be mined, where it will be shipped and what routes it would follow on. On the basis of this information, we developed plans for the step-by-step expansion of our fixed plants and our car and locomotive fleets. This will permit us to increase our unit train coal traffic from the 8.2 million tons of last year to the 140 to 150 million tons that is expected to be moving in just 60 months.

Computer similation have enabled us to develop careful plans for expansion improvements and to estimate with precision that in the next 60 months, we will need $448 million for roadway, $468 million for locomotives and $590 million worth of new cars, that is a $1½ billion total in private capital.

In view of the opportunities and risks implicit in the, involving the coal situation, my company would have been foolhardy had we not studied the potential competition from slurry lines. For that matter, recognizing that our farflung tracks could double as pipeline routes, we considered participating in slurry lines. This was accomplished through a 2 year study carried out with the Bechtel firm and the Peabody Coal Co. We proved to our satisfaction that except for special size slurry lines in our territory cannot be self-supporting in the foreseeable future. However, we were impressed that Bechtel wants very badly to get contracts to engineer and/or build these enormously expensive facilities.

While much of the problem is obscured for many of us by the financial and transportation jargon employed by witnesses in essence it is quite simple. It is very much like the case of a man who takes on a 25-year mortgage to buy a fourplex. He plans on receiving rental income which will pay the interest and the principal on the mortgage and leave him a little for profit. If, however, in 5 years a rent-subsidized apartment is built next door and two of his renters move to the new structure, he is in deep financial trouble. He is still obligated to repay his mortgage; yet his income flow is severely diminished. About all he can do in a case like this is try to make up the lost income by increasing rents of the remaining renters and that will probably drive them out. The result is bankruptcy.

So it is with the railroads and the threat to their coal business represented by slurry lines. The Burlington Northern has estimated that it would fall short of earning its capital charges by more than $100 million if five of the proposed lines are built. The only possible way to make up this shortfall would be by raising rates on other commodities and this step entails the risk of losing this business also. The alternatives are *subsidy* or bankruptcy since they would be left with only the smaller markets to handle in bits and pieces. Consider also the adverse effect on railroad employment and the loss of thousands of actual and potential jobs. The communities involved would suffer.

Abandonment of branch lines could result, particularly those which service coal mines. In my view, it would almost certainly lead to rate increases and to cutbacks in equipment purchase commitments. Especially vulnerable to injury are the eastern lines. Mr. Jervis Langdon of the Penn Central has observed that one of the contributing factors to the bankruptcy of that company was loss of coal business, a real prospect in light of the beneficiation process described by Messrs. Jack A. Horton and John Morgan of the Department of Interior, would severely injure the ConRail system. Other roads are also clearly in jeopardy.

In closing, I would remind this body that the Congress has just committed over $6 billion of Federal funds to shore up faltering portions of the railroad industry. To now turn around, put slurry pipelines in a position to completely undermine major portions of the industry would, in my view, be a mistake of the highest order. I trust you will join me in seeing to it that this mistake is not made.

ALEXANDER LERNER

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

Mr. SCHEUER. Mr. Speaker, several weeks ago, I received a very poignant note from the Soviet Union, saying only "many thanks for your concern."

Its author, Prof. Alexander Lerner, was, until 1971, chairman of the Department of Cybernetics of the Soviet Academy of Sciences, and an editor of the Soviet Encyclopedia, and the Journal of Automation and Telemechanics. He received world renown in the field of cybernetics as deputy chairman of a committee of the International Federation of Automation Administrators.

Four years ago, while on an official trip as a Member of this body, I was arrested and taken into custody by the KGB while enjoying dinner with Alexander Lerner and a number of other Soviet Jewish scientists at his home in Moscow. His—and their—only crime was a deep-felt desire to emigrate to Israel. For this Professor Lerner has been ejected from the Soviet Academy of Sciences, and is no longer allowed to earn a livelihood.

My misdemeanor—in the Soviet's eyes—was my demonstration of abiding concern and sympathy for Alexander Lerner's plight. Alexander Lerner is an example of the terrible toll that Soviet tyranny takes of human life.

This world is vast but, Mr. Speaker, we in a free land ignore the condition of an Alexander Lerner at our peril. We have learned that freedom is indivisible; that we must "ask not for whom the bell tolls."

We, in the U.S. Congress, must say to Prof. Alexander Lerner and to the Jews of Russia, "abiding thanks for your humanity and dignity in the face of oppression; you are indeed our deep and heartfelt concern. We will never forget you or cease our efforts to end your bondage and persecution."

We are determined that the leaders of the Soviet Union meet their legal obligations as set forth in both the United Nations Declaration of Human Rights and in the Helsinki accord, to which they have affixed their signature. It flys in the face of human decency as well as international law when these solemn international obligations are so systematically and flagrantly flouted.

We must say to the rulers of the Soviet Union: "Our concern for Alexander and Judith Lerner and their hundreds and thousands of coreligionists is hardened into an absolute determination that under the clear provisions of international law they must and will be free."

ALASKAN NATURAL GAS—THE NEED TO TAP IT QUICKLY AND CORRECTLY—SUPPORT FOR TRANS-ALASKAN ROUTE

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. MURTHA) is recognized for 30 minutes.

Mr. MURTHA. Mr. Speaker, every Member of Congress realizes the importance of natural gas and the problems America faces in the years ahead over shortages of this energy source.

An extremely important debate is now underway in Congress that will decide a great deal about how we handle that natural gas problem. That debate is over when and how we plan to develop the natural gas reserves in Alaska.

This week I presented testimony to the House Energy and Power Subcommittee of the Interstate and Foreign Commerce Committee on this subject. In the remarks that follow I want to share the thoughts from that testimony with my colleagues.

One word before I begin. I want to congratulate my colleagues and the major spokesmen for the competing approaches to Alaskan development. To date the debate has been based on the facts, without distortion or unfairness, and has been aimed toward developing the best possible approach for the United States. I hope the following remarks will add to the facts and to that spirit.

I have divided this presentation into two parts. First, I discuss the legislation presently before the subcommittee; second, I detail my own preference for Alaskan natural gas development:

LEGISLATION

PART 1: INITIAL LEGISLATION

After debating the natural gas issue for over a year in Congress there should be little doubt that the situation is serious. While we can look to off-shore drilling, Alaska, and devonian shale for possible large inputs of new gas, we must also face the fact that development on these sources must begin quickly.

In H.R. 12983 we have a good vehicle for expediting the decision on how to tap the Alaskan natural gas. The decisions moving from the Federal Power Commission, to the President, and finally to Congress represent in my estimation a proper decision-making path.

In all candor we face a difficult time problem because it is a Presidential election year. I can understand the philosophy underlying this bill that in the interests of national policy the Presidential decision should be made by the administration taking office in 1977.

Personally, I must disagree with that philosophy. My own preference is for making the decision this year. I have two main reasons for that. The first is the severity of the natural gas situation. Most estimates I have seen indicate all known reserves of natural gas will be used up at our present rate of consumption by 1990. Last week I saw a news story reporting that a Federal Power Commission study indicated it might only be 10 years before those reserves were gone. When we have 40 million households, 135 million residents, and millions of jobs depending on this energy source, I believe we must move as quickly as possible.

Second, estimates I have seen are that each year of delay in pipeline construction increases the final project cost by 10% because of inflation, labor rates, etc. We want to add as little to that final delivery cost as possible to protect the consumer who is already hard hit by jumps in energy prices.

If a majority of the Committee believes the administration beginning in 1977 should make the determination, then I would strongly urge that the deadlines in the bill for decision-making be moved forward. I am concerned that under the time limits in the legislation it could be as late as October 1977 before the government clears the way for development of the Alaskan gas. My recommendation would be to move up the dates for Presidential and Congressional decisions in 1977 so at the latest by one year from this testimony a final decision is made. Despite the possibility of a change in administration, I believe enough evidence will be known for any new administration to make its decision earlier in 1977 than the August 1 final deadline in this bill.

I hope the Committee will report and Congress pass an outline such as in this bill, so we do develop a firm time plan for making this decision.

PART II: FINAL ROUTE

Because it is essential for Congress to debate thoroughly the final development plan for the Alaskan natural gas, I also want to take this opportunity to state my firm, positive support for the Trans-Alaskan route for transporting the gas. In the remainder of this testimony I would like to first sight the positive elements of this route, and then answer some of the criticisms being made of this Trans-Alaskan plan.

A. Outline

There have basically been two proposals for moving the gas. The Trans-Alaskan route involves building a pipeline across Alaska, paralleling the oil line, then transporting the gas as LNG to California for distribution in the continental U.S. The alternative proposal (the Trans-Canadian line) involves building a pipeline through Alaska coupled to another pipeline through Canada arriving at the U.S. in the middle west for distribution. I believe the Trans-Alaskan route is superior. [Note: A third route, the Northwest Pipeline, routed through the Fairbanks Corridor, has also been mentioned. I believe the FPC should consider this route if a firm proposal is made, but facts are scarce at this time on the idea, therefore it is excluded from the discussion.]

B. Security

The United States would have total control of a Trans-Alaskan pipeline. Only American approval would be necessary to begin the project. Only the actions of Congress, the Administration, and the State of Alaska would control the deveopment of the project.

If the route is built through Canada, several factors then complicate the issue. Canadian litigation on environmental and other problems could tie up development of the project for many years. In Canada the provinces have sovereignty over the central government and it is unknown what actions the provinces containing the pipeline will take. One option they have is taxing the line heavily, a decision we could not prevent.

Obviously, the Canadian government has traditionally been very friendly to the United States. I am confident that friendship will be strong in the years ahead. But the situations involving the Panama Canal and the Arab Oil Embargo should have shown us that the United States must control our own destiny. The oil and gas coming to the United States from Alaska should be under the total control of the United States government. We should not rely on other nations, no matter how friendly, during this key energy development.

C. Economics

The economic advantages of the Trans-Alaskan pipeline are many.

First, this project means jobs for Americans. Estimates are the Trans-Alaskan project would produce 345,000 jobs for American citizens during construction. If the Trans-Canadian line is built, the vast majority of jobs will go to Canadian citizens. After completion, the Trans-Alaskan line means 3½ times as many jobs for Americans as the Canadian line.

Second, building through Alaska will mean the U.S. government will collect some $9.3 billion in tax revenues. If the line goes through Canada, the Canadian government will collect at least $7 billion. Let us not kid ourselves, in either case the tax cost will eventually be passed on to the American consumer. But I say that if taxes are going to be collected, let us have them come into the U.S. treasuries.

Third, in studying testimony and talking to officials of the El-Paso Natural Gas Company (who would be chief builder of the Trans-Alaskan route) I am impressed with their commitment to build the pipeline with goods purchased from American companies. There is already substantial information that a Trans-Canadian line will depend on Japanese and German firms for much of their material.

Fourth, a key question to me is the purchase of pipe for the lines. The oil route was built largely with foreign steel because U.S. companies did not produce the 48 inch pipe needed. I have spoken with steel company officials and they plan to develop facilities to roll 48 inch pipe. U.S. Steel has already announced plans to build an $80 million pipe mill in Texas to produce the 48 inch pipe. Also, the El-Paso company officials are considering some use of 42 inch pipe, which is already produced by American companies (including Kaiser, Bethlehem, and U.S. Steel). If the line is built through Canada, American companies could be frozen out of pipe production, at the very least they will produce less of it. I make no secret of the fact that both Bethlehem and U.S. Steel have plants in the 12th Congressional District of Pennsylvania and I believe that if we can use American pipe on this project to help these companies and protect American jobs that we should make every effort to do so.

D. Time span

The Trans-Alaskan natural gas project will parallel the existing oil project. What that

means is that the gravel roads, work parks, and camps are already built, and much of the equipment is already there and available. The start-up time will be much less. Needed construction before the project actually begins will be less.

Finally, several recent indications are that the Canadian government plans to develop and stress gas sources that will help their own nation, placing any Trans-Canadian line on a back-burner. That makes clear sense for their nation, but it is another reason why the timing on a Trans-Alaskan line will be better for our country.

E. Environment

The corridors through Alaska are already developed and environmental considerations have already been met along the routes. Some of the Trans-Canadian line will go through wilderness area that will be extremely difficult to protect environmentally. The Trans-Canadian line requires more than 5 times as many minor waterway crossings and 6 times as many major water crossings. That is just one indication of the additional harm that could be done to much of the beautiful Canadian wilderness this line would have to traverse.

F. Some questions

Concerned citizens have raised some important questions about the Trans-Alaskan route. I want to answer those questions briefly. My explanations will be a quick summary, but for the completeness of the testimony I would like to mention them.

The Trans-Alaskan line calls for shipping gas as LNG from Alaska to California, isn't shipping LNG unsafe? The U.S. Coast Guard has testified to the safety of this shipping. The danger with LNG is during loading and unloading, and the plans are being made to do this in the safest areas possible and away from population. The system involves an automatic cut-off in the pipes when they reach certain stress levels. No one should say there is no danger, but from the material I have seen I believe it is very minimal.

The Trans-Canadian line will bring gas into the Midwest which is hard pressed for gas. By bringing it into California instead, won't we just gut the West Coast market with gas? Those advocating bringing the gas into the Midwest are sincerely trying to help their area, but there are two reasons why I do not believe the Midwest would benefit more than the rest of the nation. First, because of displacement, gas coming into California from Alaska will shift the flow of gas now coming into California from the Southwest to Midwest and Eastern markets. If the gas comes into the Midwest, displacement will transfer gas now going into that region to the east or west. Second, if you don't have a contract for the gas, you aren't going to get it regardless of where it comes in unless there is government allocation which we all want to avoid.

I read where if this gas comes into California, some of it is going to be shipped to Japan. Is that true? That would be against the law. The Alaskan pipeline law says all gas and oil from the pipeline must be used in the U.S., unless Congress and the President give the right to ship it to a foreign nation. Also, the El-Paso Company has publicly stated it has no intention of marketing even the smallest quantity of Alaskan gas anywhere but in the United States.

Can't bad weather halt the shipping and mess up the plans? Sure. The weather has been checked, however, and lead time built in, so that a substantial delay because of continuing bad weather would be unlikely.

It is impossible in a short time to present all the arguments and facts. I would like to conclude, however, by restating several key points. First, I believe it is essential for Congress to act quickly on this proposal. Enough parts of the energy solution have already been delayed. We need to act quickly, and forcefully on this issue so we can stimulate the flow of Alaskan gas within the best time frame possible. Second, I believe the Trans-Alaskan line is the best route. It makes the project entirely under the control of the U.S. government. It increases jobs for Americans, and tax revenues for state and federal governments. It is the quickest project to develop. It is the most environmentally reasonable.

I am submitting a chart outlining the pros and cons of the two proposed routes prepared by the El-Paso Natural Gas Company.

FACTUAL COMPARISON OF PROJECTS

	TRANS-ALASKA PROJECT	ARCTIC GAS PROJECT
I. *Security Risks:*	None. Totally under American control.	Severe. Substantial portion of the pipeline crosses a foreign country. Contrary to Arctic Gas claims, a treaty is powerless to solve the problem.
II. *Balance of Payments Impact:*	Favorable.	Unfavorable. Adverse balance of at least $10 billion.
III. *Economic Impact:*	All goods and services will be contracted within the U.S., including the LNG carriers.	Only 6% of $6 billion of Arctic Gas' facilities in Canada will be procured in the U.S.
IV. *Environmental Impact:*	Miles of new pipe: 809 in Alaska, plus a few hundred miles, principally in west Texas, connecting with existing pipelines in the Lower 48 having idle capacity. Gravel required: approximately 7.5 million cubic yards. Waterway crossings: Major: 26. Total: About 500. Does not enter a wildlife range.	5,600 miles of new pipeline. Gravel required: approximately 57 million cubic yards. Waterway crossings: Major: 170. Total: About 3,000. Traverses the width of the Arctic National Wildlife Range.
V. *Timing:*	With the use of Alyeska's haul road and other construction facilities which required 1¼ years to complete, this project has a significant head start. The laying of 809 miles of pipe in Alaska, coincident with the construction of the liquefied natural gas (LNG) plant represent the major time requirements for the project. Permits must be obtained only from American agencies. Native claims settled in Alaska, after many years of extensive efforts in the U.S. Congress.	Requires the construction of camps, haul roads, and other preliminary facilities before construction of the pipeline may begin. Requires the laying of 5,600 miles of pipeline. Permits must be sought from both U.S. and Canadian agencies. Must compete before the National Energy Board (NEB) in Canada against Foothills' all-Canadian Maple Leaf Project. Native claims *not settled* in Canada.
VI. *Benefits to the State of Alaska:*	Substantial. $4.7 billion worth of goods, services, and facilities. Construction payroll of $840 million in Alaksa. $2.9 billion to be paid in ad valorem and income taxes to the State over the life of the project. Pipeline route provides State of Alaska direct access to 12½ percent royalty share of the gas.	Minimal. $657 million worth of goods, services and facilities. Construction payroll of $190 million in Alaska. $360 million in ad valorem and income taxes to the State over the life of the project. Arctic Gas route precludes state access to its royalty share of gas.

FACTUAL COMPARISON OF PROJECTS—Continued

	TRANS-ALASKA PROJECT	ARCTIC GAS PROJECT
VII. *Tax Benefits to U.S.:*	$9.2 billion in Federal income taxes to the U.S. treasury over the life of the project. $3.6 billion to be paid in *other* taxes to American governmental entities over the life of the project.	$2.1 billion in Federal income taxes to the U.S. treasury over the life of the project. $1.4 billion to be paid in *other* taxes to American governmental entities over the life of the project. (In addition, $8 billion will be paid to Canada at present tax rates. Taxing powers of the provinces are sovereign and cannot be controlled by the Canadian federal government.)
VIII. *Employment:*	7,500 workers to be employed at the peak of the project in the State of Alaska. 624 permanent employees in the State after construction. Total work force in U.S. at peak of construction: 24,000 (including Alaska). Permanent number of employees in the U.S. after completion of project: 1,470 (including Alaska).	2,500 workers to be employed at the peak of the project in the State of Alaska. 39 permanent employees in the State after construction. Total work force in U.S. at peak of construction: 12,000. Permanent number of employees in the U.S. after completion of project: 420.
IX. *Shrinkage:*	11.1 percent, some of which could be recoverable in the form of cryogenic energy.	9.6 percent, *none* of which is recoverable.
X. *Total Capital Cost:*	$8 billion.	$9.2 billion.
XI. *Pipe Rolling:*	Pipe requirements (42") can be met by U.S. mills.	Requires substantial portion of worldwide pipe mill capacity. No U.S. mill can now roll 48-inch pipe. Must be done in Canada, Germany or Japan.

APPARENT CHANGE IN POSITION TAKEN BY MR. GORDON W. RULE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BOB WILSON) is recognized for 10 minutes.

Mr. BOB WILSON. Mr. Speaker, Mr. Gordon W. Rule, a procurement official in the Navy's Office of the Chief of Naval Material, gave a speech today before the Shipbuilder's Council of America in which he supported the decision by the Department of Defense to use the authority of Public Law 85–804, to reform shipbuilding contracts in order to resolve the Navy's shipbuilding claims problem. His speech was very interesting. In it he made a number of caustic comments which appear to be directly contrary to the positions he has advocated over the past several years.

Since many of my colleagues will doubtless read accounts of his speech in the press, I think it is important that all Members be aware of positions Mr. Rule has taken on these matters in the past, positions which my staff have researched for me. I introduce in the RECORD at this point extracts from some previous statements Mr. Rule has made which are all in the public record, but which seems to indicate a change of position or a convenient memory for the gentleman:

ON GORDON RULE'S PHILOSOPHY OF CLAIMS SETTLEMENTS

". . . The philosophy seems to be growing, that put in a big claim, scrub this contract and find every detail that you can put a claim in for and you will get it settled for 30, 40, or 50 percent or whatever you put the claim in for. That seems to be a spreading philosophy.

"I can assure you that it is a philosophy not shared by the Navy. We have a philosophy but it is not that one. Our philosophy is that when a shipbuilder or anyone else presents a claim to the Government the burden of proof is on them to prove every single dollar. We have to be fair and reasonable with them and pay them when they can establish reasonably that we, by our actions or inactions, have caused them to incur additional costs.

"But our philosophy is that the burden of proof is on them to prove that claim—and this is going to make it difficult because some of them, I don't think are going to be able to prove their claim, in which event we will make a contracting officer's determination and let them, if they wish, go to the Armed Services Board of Contract Appeals. If we are going to err it will be on the side of the Government and on the side of the taxpayer and we will not just pay these claims." (Joint Economic Committee, 1969, p. 155.)

ON INFLATED CLAIMS

"Mr. Staats testified yesterday that their records showed that the average of the claims that have been settled were settled at, I believe he said 37 percent of the amount claimed, and this ought to tell you something. This ought to tell you that the claims were almost fraudulent in the first place. Even if they were settled at 37 percent, which seems to me a little high, but even if that is the right figure, to be able to knock off of a claim 63 percent—if we had that sort of over-statement in proposals for new procurement, if people were coming in on new contract proposals and giving us amounts of money that we would reduce that much, we would yell fraud, believe me.

"When we reduce a contractor's proposal by 10 or 15 percent, that is high. But when these people come in with these claims and we can settle them at 37 percent, you have to ask yourself where was the rest, and so far as I am concerned it is just padding and this is why I take a hard-nosed view of claims. Some people do not. This is why I have gotten the American Bar Association, the claims lawyers and everybody else, p.o.'ed at me but I do not care.

"I know these things are not correct. I know that they are taking us to the cleaners. And this is why I agree with Admiral Rickover, the claims should not be a negotiation. These people file these big claims and the thing they want to do quickly is sit down and negotiate. I say that they ought not be negotiated. I agree with Admiral Rickover. We ought to look at them carefully, discuss them carefully with the claimant, go over and find the facts, discuss endlessly almost, to be fair, but then we ought to make up our minds what that claim is worth and say this is it. No negotiation." (*Joint Economic Committee*, 1972, p. 1461)

ON CONTRACTORS ABILITY TO FIND BASES FOR CLAIMS

". . . Well, as Admiral Rickover has said—I hope you don't mind me quoting him, since you quote him so much yourself, so I will follow in your footsteps—as Admiral Rickover has said, and quite properly, if somebody sets out to find something wrong in a Government drawing or a Government specification, with a view toward filing a claim, there just isn't a contract, I guess, that that couldn't take place in." (*Joint Economic Committee*, 1971, p. 1124)

BAIL OUTS

"There are these companies that take the attitude, and thankfully most companies in industry, the defense industry, do not take this attitude, but there are some, and they are pretty obvious who they are, that take this attitude that it is a way of life, 'get the contract and Uncle Sugar somehow will bail us out.'" (*Joint Economic Committee*, 1972, p. 1921)

ON HOW SOME AMOUNTS ARE COMPUTED

". . . The amount of the claim is exactly the difference between the face value of the contracts they bid on and got, and how much they lost on each one of the six, and how much it is going to cost to complete the other three. Just a nice round figure, it is exactly every dollar they have lost and that is the theory of their claim.

"I asked the man who gave me this information from the company if losing money on every contract they ever had with the Navy didn't tell him something. Didn't it perhaps tell him that they might be a little inefficient, or that maybe they shouldn't be in the shipbuilding business at all, and they said, 'Yes, it tells us that.' And I said 'Well, how do you reflect that sort of thing in the amount of this claim,' and he said, 'Oh, that is for negotiation.'" (*Joint Economic Committee*, 1969, p. 155)

ON CONTRACTS CONTAINING THE SEEDS OF CLAIMS

". . . I have learned what to look for and what not to look for to a much greater extent that I ever was capable of doing before, and I want to state for the record with all the clarity and force at my command that I am not going to approve another contract, I don't care how big they are, I am not going to approve another one and I will take it all the way to the Secretary of the Navy, if I spot in there the seeds of a claim, and you can see these things." (*Joint Economic Committee*, 1969, p. 156)

(NOTE.—As head of the Naval Material Command's Procurement Control and Clearance Division, Mr. Rule reviewed and approved most of the contracts for which P.L. 85–804 relief is being requested.)

ON REFUSING TO OVER-PAY CLAIMS

"As I say, we will take care of these (claims) as expeditiously as we can, and certainly we won't pay out $1 more than can be shown to be merited." (*Joint Economic Committee*, 1969, p. 156)

ON RESTRUCTURING CONTRACTS

"I sat in a meeting with an admiral once who was just about to do that. He made a statement, the company had come in and was crying about losing money, and he said, 'I am going to reform the contract.'

"And I said in front of the whole group, 'Over my dead body, you will reform that contract'....

* * * * *

"...I would oppose restructuring any contract. Of course, there is such a thing now as being able to change a clause or change something for consideration, if there is adequate consideration, which I would have to see and judge whether it is adequate or not. You can do a lot of things if you have consideration. But to restructure something for no consideration, absolutely not." (*Joint Economic Committee*, 1971, pp. 1126-1127)

ON INVOLVEMENT OF SUPERIORS IN CLAIM NEGOTIATIONS

"...In my opinion, it has been wrong in the last year for the commander of the Naval Ship Systems Command to personally inject himself into and negotiate these settlements himself. I think he should stay out of them."

* * * * *

"But he wanted in the shipbuilding claims, the Commander felt that he wanted to get them settled speedily. So he charged ahead and made a couple of negotiated settlements. Now he is having a hard time justifying them. I think this is wrong." (*Joint Economic Committee*, 1971, p. 1117)

ROLE OF LAWYERS IN CLAIM SETTLEMENTS

"... When you talk about claims against the Navy and against the Government, the first person you ought to think of is the lawyer. It is a lawyer's role in these claims to make a determination of entitlement. And until or unless he does, nobody should come up with a figure for negotiation, and certainly no negotiation should take place. ..." (*Joint Economic Committee*, 1971, p. 1118)

ON CLAIM-FREE CLAUSES

"I would like to say that in the area of what we have done about trying to preclude claims—I would like to call your attention to the fact that in the nuclear area Admiral Rickover's group came up with what appears to be a good innovation, going to the point of late delivery of Government-furnished material, which is, as you know, always a big element in these claims. Admiral Rickover's people came up with what we call a claim-free clause. If the ship delivery date, for example, is December of this year, and there is doubt that nuclear components will get to the shipyard in time to meet that delivery date, we have asked contractors in the nuclear area to give us their estimate of a claim-free period, for example, 6 months or a year, if our Government-furnished material is late, how much it will cost us, and then they won't have a claim. It has been tried in two or three cases. It is a little too early to tell how it is going to work out. But it is a step in the right direction, and I think that Admiral Rickover's people are to be commended for coming up with this idea." (*Joint Economic Committee*, 1971, p. 1116)

ON NEGOTIATING SETTLEMENTS IN ADVANCE OF SUBSTANTIATION

"... There are two cases now where the negotiated agreement was made with the contractors, in December 1970, and one in January 1971. And those cases haven't come to us yet, because although they have been negotiated now comes the job of substantiating what they negotiated. And that is just exactly the wrong way to do it.

"You ought to have, as Admiral Rickover, says, the legal entitlement clearly spelled out, the audit report clearly spelled out, and the technical report on which to base the amount of the negotiated settlement. It has been done exactly as you say, the wrong way." (*Joint Economic Committee*, 1971, p. 1117)

ON THE RIGHT AND WRONG WAY TO SETTLE CLAIMS

"But I want to point out that we have not rushed claims through. This is for a lot of reasons. We are having a lot of problems with them. But I can assure you, and I can assure the GAO and Admiral Rickover and anybody else who is interested, that your fears are not well founded that we are not kicking these claims around or bargaining them or settling them on a percentage basis, ...

"Now, I will admit to you that there are people in the Navy that are handling these claims that would settle them just about the way you fear they are being settled. But those people are not getting their way. They have tried it. But all of these claims over $5 million have to go through ... this Special Claims Review Group. And they haven't gone through there, and they are not going to go through this group, until or unless, as you and Admiral Rickover and the GAO have said, every dollar is factually supportable and legal entitlement is found." ... (*Joint Economic Committee*, 1971, pp. 1115-1116.)

ON OUTSIDE PRESSURE FOR CLAIMS SETTLEMENT

"It is something that I personally feel strongly about because I have been working on these things for so many years. Normally, claims go through without this pressure. When anything happens outside that normal, you begin to wonder about the merits of the claim. It is just part of the business. Because a lot of people will substitute, or try to substitute pressure for merit." (*Joint Economic Committee*, 1972, p. 1257.)

ON PROPER OBJECTIVE OF CLAIMS

"The objective of a claim should be the identification and payment of those additional costs incurred, or to be incurred, by the contractor which are demonstrably caused by Government action or inaction." (*Joint Economic Committee*, 1972, pp. 1235-1236.)

THE PROBLEMS WITH SECRETARY COLEMAN AND AIRCRAFT NOISE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 30 minutes.

Mr. WOLFF. Mr. Speaker, I am today formally requesting of Comptroller General Elmer Staats that the General Accounting Office initiate an investigation of the historical pattern of failure by the Department of Transportation and the executive branch to enforce the Noise Control Act of 1972, and other environmental protection laws passed by the Congress.

I have made this request in the wake of Transportation Secretary William Coleman's reported decision regarding the aircraft noise abatement technique known as "retrofit." I feel the Secretary's decision represents a green light to further delays on noise regulation compliance by the aircraft industry. Mr. Coleman has forwarded to the Office of Management and Budget a plan, basically originated by the airline industry's Air Transportation Association, calling for a user's tax-funded multibillion dollar pool from which the airline industry can draw to finance either retrofit, or replacement of the older Boeing 707's and DC-8's.

What concerns me is that an ATA official has told my office that the airline industry does not consider the retrofit option to be realistic in today's economy, and that it is not anticipated that any airlines will opt for retrofit.

So when I couple this with the airline industry's recent announcement that the older generation jets operational "lifetime" will be extended another decade through the 1980's, because of the economic picture, I must wonder how Mr. Coleman's plan will force the industry to live up to laws designed to protect the public from increased intrusion and health damage from noise—except in terms of 10 or 15 years due to the process of attrition.

Mr. Coleman's decision in favor of the industry plan fits the historical pattern which seems to dictate that if the industry, including foreign industry, in the case of the Concorde SST, objects to proposed U.S. noise standards or abatement methods, those standards somehow never get implemented. I trust the apparent conflict here will not be the cause of years more of delays.

As I noted last week in my opening statement to Secretary Coleman during our hearing on his Concorde decision, it is clear that in every year since 1972, efforts by one agency or another of the executive branch to implement aircraft noise abatement rules and regulations have been frustrated by some combination of industry, diplomatic, or bureaucratic pressure.

I shall present my SST statement of last week for the RECORD at the close of my remarks today, since it caused no small amount of interest at the time, and produced an extraordinary performance by Secretary Coleman at the hearing, and then at an afternoon press conference. But for the moment, let me note a few points which I made then, and have repeated in my letter to the Comptroller General: In December 1972, then-Transportation Secretary John Volpe attempted to get both SST and subsonic noise rules adopted for what he termed compelling political and environmental reasons. But in January 1973, then-President Richard Nixon ordered the Concorde SST exempted from the proposed fleet noise rule. Subsequently, both of Secretary Volpe's noise rule recommendations disappeared without public comment.

My office has been informally told by a DOT source that the "Nixon letters" of January 1973, to the leaders of Britain and France promising Concorde's exemption actually represented part of an elaborate shell game being played so that the British and French would not feel that the U.S. Government was timing release of the proposed noise rules in such a way as to adversely affect decisions then being made by Pan Am and TWA on whether or not to buy Concorde.

This would be fine were it not for the fact that after Pan Am and TWA ruled out Concorde for economic reasons, presumably acting independently of either each other or the Nixon administra-

tion, both the fleet noise rule and the SST proposal, as I noted above, disappeared from the bureaucratic scene, not to be heard from again.

In 1974, while the FAA was solemnly writing interested Congressmen such as myself that it was fully aware of its legal responsibilities on noise abatement, and that it was working apace, we also saw an interesting memo by EPA Administrator Russell Train telling his people to consciously slow down implementation of the Noise Control Act. Train subsequently sought to lay the blame for this ill-chosen phrase onto the OMB, but in any event the pattern was continued in that no aircraft noise rules emerged in 1974.

In 1975, the Concorde controversy sprang full force onto the scene, but from a small mountain of documents one in particular stands out, a February 18 DOT memorandum noting that a top EPA official was ordered by the White House to hold off on proposed SST regulations, and that he subsequently approved a waiver for Concorde based on diplomatic considerations, rather than the mandate of Congress.

This year, in addition to a continuation of the Concorde controversy, which I feel represents an important link in the historical pattern because of its diplomatic ramifications, we have the retrofit decision now being studied by the OMB. It is my fear, as I noted above, that while perhaps justifiable in itself, the decision represents in the historical context a green light to any polluting industry which says, in effect, that delay will always win, and that the executive branch will not enforce laws passed by Congress so long as private industry can raise objections which, purely by themselves, seem reasonable.

The bureaucratic imperative operating here is that delays produce a self-fulfilling prophecy after a certain point—of course, replacement becomes a more attractive option, economically, than retrofit, if the industry has been allowed to drag its feet for years.

The point here, of course, is that the Congress passed the Noise Control Act of 1972, and other important pieces of environmental protection legislation, with a full awareness of the larger issues of public health and welfare which are involved. On the face of it, at least, it would appear that the executive branch has determined that particular industry concerns will always be allowed to triumph over congressional mandates in the area of aircraft noise—if not in other areas.

For these reasons, if not others which could be cited, I hope that the GAO will speedily join with this House in investigating the DOT's traditional failure to enforce our laws.

I now present for the RECORD my opening statement of a week ago today, when Secretary Coleman and I engaged in an attempt to get to the bottom of a small mountain of documents from DOT and FAA files pertaining to the Secretary's controversial Concorde decision.

Our confrontation, as it has been labeled in various news accounts, was frankly disappointing to me because the Secretary proved himself the consummate master of using the 5-minute rule to filibuster through tough questions. As a consequence, the Congress still has no clear explanation of why an incoming Cabinet officer can logically defend a decisionmaking process fundamentally grounded in ignorance of the events leading up to his decision.

And as a result, the American people still have no clear idea as to whether or not Mr. Coleman's subordinates shielded him from the various, disquieting matters revealed by the documents, such as the fact that Mr. Coleman's decision has clear roots in the Nixon administration's pledge on Concorde which I have already discussed today.

Since Mr. Coleman took the rather extraordinary tack following the hearing of calling an afternoon press conference to personally attack me, and to characterize my opening statement as a compilation of "falsehoods," I think it might be instructive if interested parties could read that statement for themselves. I think that even the most ardent Concorde supporter would grant that while he or she might disagree with my conclusions, that nonetheless my statement represents a logically possible explanation of what we have learned in recent months about the Concorde decision, as revealed by the documents turned over to me by Mr. Coleman.

I had hoped that Mr. Coleman could correct the record. Unfortunately, he opted instead for a broadly based attack on the personal level. I frankly find this rather revealing, and not a little depressing. For what the Secretary's response says to me is that we in Congress are not allowed to make our case. We are not allowed to reach a judgment independent of Mr. Coleman's. We most specifically are not allowed to criticize Mr. Coleman for his handling of the Concorde decision.

Just one example of the unfortunate performance by Mr. Coleman 1 week ago presents, I feel, an accurate picture of the reality behind his public posture of openness. When I pushed him hard about the truth of the British Concorde pilot's sudden change of heart on which runway to depart Dulles, the Secretary charged me with saying "a falsehood" in suggesting that the British were deliberately dodging our noise measurement devices.

However, at his afternoon press conference, Mr. Coleman chose to reveal to the gathered aviation press what he had withheld from the Congress that morning—that he shared our concern over the British tactics, and in fact had called in the British Ambassador to make his displeasure known.

Telling us the truth, instead of contesting the views of opponents point by point in the most personal way, would have been more in line with Mr. Coleman's carefully orchestrated reputation for "openness" and "candor."

One final note—in my opening statement many serious questions were asked of the Secretary on Concorde to which the American people have a right to hear answers. Most of these questions remain unanswered. I trust the GAO investigation will help the Congress and the American people fully understand what has been done to them in the name of Concorde.

I now present my opening statement of May 26 for the RECORD:

OPENING STATEMENT OF HON. LESTER L. WOLFF, CHAIRMAN, SUBCOMMITTEE ON FUTURE FOREIGN POLICY, MAY 26, 1976

Thank you, Chairman Randall, for your usual excellent summary of the task before us today, and thank you, Mr. Thone, for your cogent advice to our distinguished witness. Let me also thank the Members of this Subcommittee, and its staff, for their dedication during the series of hearings you have held on Concorde in the past year.

I know I can speak for the people of New York in extending their thanks to this Subcommittee and its Chairman, for by shedding light on the activities of Concorde boosters in our own Government, you have helped us protect our people against the ill-effects of actions by our government.

As you have said, Mr. Chairman, we are here today to hear Secretary Coleman's explanation of several key documents culled from thousands of pages the Secretary turned over to me in April of this year. I should explain that in an effort to pursue the future foreign policy implications of the Concorde decision I requested on March 8 that Mr. Coleman produce any and all documents in FAA or DOT files which might bear on my concerns as Chairman of the Future Foreign Policy Subcommittee, House Committee on International Relations, since Mr. Coleman had repeatedly stressed the foreign policy aspects of his decision. But the documents which were produced so clearly affected major areas already probed by the Randall Subcommittee that after consultation with the Chairman the present forum was arranged.

I must add in all candor, Mr. Secretary, that I find it incredible from an administrative standpoint that upon assuming office last year, and then taking over the SST decision, you did not ask your people to produce what I have asked of you—that you apparently did not ask to see a complete Departmental record of what had transpired to cause all the commotion, particularly regarding the crucial diplomatic area.

In calling this omission "incredible" I take you at your word, Mr. Secretary, that you approached the Concorde decision with an open mind. If you did have an open mind, that, of course, suggests that you might have said "no" to Concorde. What I find specifically incredible, Mr. Secretary, is that you did not, by your account, inquire whether such a "no" answer might contravene any Presidential commitments or diplomatic representations, if for no other reason than to prepare counter-arguments. Reports of such Presidential commitments have been widespread since April of last year, and, of course, the documents you have released to me clearly confirm those reports.

From this I find it equally incredible that none of your staff people volunteered to you any information on the historical background of your decision, particularly if, in fact, there was ever the slightest possibility that you might make a negative decision, or one which the British and French might perceive as a violation of any commitments made over the years.

Of course, if you did ask for such information, and were not told the truth, I trust that today's hearing will afford you a beginning to redress the damage done to us all on behalf of Concorde in the past year and a half.

The damage I refer to hits not only the environment itself, but also the integrity of the decision-making process which Congress ordained in the National Environmental Policy Act and other legislation. Perhaps hardest hit is the faith which the American

people can place in the workings of their government.

The Concorde case is one in which we have been treated to the spectacle of one misleading statement after another on the part of the plane's proponents. For example, the British and French witnesses at your Jan. 5 hearing were still insisting that Concorde's noise would be "broadly comparable" to that of subsonic jets, despite your public statements and the actual record of the November EIS showing Concorde will be perceived as being at least twice as loud as the Boeing 707. Needless to say, yesterday's debacle at Dulles, where the British demonstrated a touching, but newly-found, concern for local sensibilities which no-doubt coincidentally allowed them to dodge the noise measuring device, simply continues this tendency.

Fortunately, the French were for once less concerned with subtleties, and blasted off as planned. The results showed what we have been saying all along—Concorde is more than twice as loud, indeed, it is nearly three times as loud, as the 707, and the 707 is sufficiently bad to warrant the contemplated billion-dollar retrofit program which I trust you are about to announce.

The Concorde case is the one in which the plane's makers took a full-page ad in the New York Times last year claiming that the EPA had found Concorde's noise to be "indistinguishible" from that of other jets. While I will be the first to admit that EPA has been somewhat confusing in its Concorde position, Mr. Train quite accurately testified last November to the Randall Subcommittee that EPA had never made any such statement of Concorde.

And so, with all respect, Mr. Secretary, the American people will have to be excused if they wonder just where the Concorde cover-up ends and the truth begins. Perhaps yesterday's flight at Dulles, and today's hearing, will help us find the truth.

Also, Mr. Secretary, we have the possibility that the Federal Treasury may be opened up for billions of dollars in airport noise damage suits if the courts rule that the Port Authority of New York must give in to your recommendation that Concorde fly into J.F.K. The documents released to me show that your predecessor, Secretary Volpe, was deeply concerned that we avoid the possibility of what he termed "many billions of dollars" at risk because of the Concorde decision. What we need to know, Mr. Secretary, is if you have decided to ignore Mr. Volpe's warning and open up the U.S. Treasury to a multi-billion dollar disaster caused by the British and French. What price diplomacy, Mr. Secretary?

I originally requested the documents from you, Mr. Secretary, because I am particularly concerned that the so-called "Nixon Letters" of Jan. 19, 1973, represented a commitment on Concorde in themselves. I felt then, and your documents clearly demonstrate, that the Nixon Letters represent the tip of an iceberg in the files of the Executive Branch which, if fully explored, would reveal depths of diplomatic involvement in the domestic decision-making process which clearly contravened the intent of Congress in passing the National Environmental Policy Act and related measures. In sum, I feel that the Nixon Letters represen. a very dangerous precedent regarding foreign policy concerns and the domestic decision-making process.

The documents themselves go far toward establishing that melancholy hypothesis as fact. They show that in the fall of 1972 the FAA and the DOT were eager to get on with the work of promulgating two noise regulations, the first a fleet noise rule, the second a noise rule for SST's with which the Concorde could not comply. To get around this problem the British and French were told that if they wanted an exemption from either rule, they could publicly apply for it, and let the facts justify such an exemption be laid out for public view. Evidently the British and French panicked at the suggestion of such an above-board procedure and went right to the Nixon White House, where they exacted the secret concessions only fully revealed last December in the "Nixon Letters."

For the future, as I testified at your Jan. 5 hearing, Mr. Secretary, I am concerned that your oft-stated commitment to foreign policy considerations has set up a potentially endless series of diplomatic Pandora's boxes. I do not want to see a situation where the U.S. Government is forced to explain to Iran, or Japan, or India or Australia—or to any potential Concorde customer—that only Great Britain and France carry enough diplomatic clout to push Concorde through despite the concerns spelled out in the documents produced for us today.

Mr. Secretary, telling us, as you have, that a new EIS process will be necessary in the event of other foreign SST applications begs the larger question. As both your decision and these documents make clear, the SST decision has been defined as lying somewhere among domestic environmental concerns . . . political concerns . . . and foreign policy concerns . . . thereby ensuring that a "balance" will be struck which has little to do with the concerns which in the first place prompted Congress to pass environmental and noise protection laws.

Secretary Kissinger's letter to you of last Oct. 6 seems to bear out my fears. Mr. Kissinger, after a two-page discussion of the diplomatic problems which would arise if you ruled against Concorde, concluded with this final thought:

"I hope that in taking the Administration's initial decision with specific regard to the Concorde, you will find it possible to weigh carefully the concerns of these two close allies (Britain and France) together with the environmental and other criteria that you must consider."

While aspects of this letter smack of a "memo to the file" to demonstrate concern for environmental and other matters, I wonder just what Mr. Kissinger was saying to you with the words "the Administration's initial decision with specific regard to the Concorde." The words certainly would seem to leave the door open for foreign policy "considerations" to somehow overrule any negative decision which you might have been contemplating.

I cannot emphasize enough this matter of your reliance on foreign policy, Mr. Secretary, for if we are learning nothing else this year it is that the American people are not about to dismiss foreign affairs from their concerns, and that the lesson of Vietnam appears to be a heightened awareness of the necessity of watching the Executive Branch very closely on foreign policy matters.

The Concorde has become a classic case study of how our Government places foreign interests ahead of our domestic needs, be they the problem of heroin trafficking from Burma, or the Concorde. Your decision says to the people of New York, and to the people of this area, that their concerns for the peace and tranquility of their homes, and the health of their families, are rights which can be secretly bargained away, along with their tax dollars, in the name of foreign policy. Your decision tells our people that if the French are angry because they lost out in the NATO sales game last year they can feel beter because they are winning the Battle of Long Island this year. I agree that we should recognize our debt to the French during this Bicentennial Year, but really the Concorde decision goes too far. As for the British—Robert Morley says we can come home, all is forgiven. I should think so, Mr. Secretary, I should think so!

Mr. Secretary, your General Counsel, Mr. Ely, last week sought to dismiss these documents as merely of "historical interest" since you are making the incredible claim of having little or no knowledge of them prior to your decision on Feb. 4 of this year. Even if this is so, I do not see how you can continue to claim that the "history" told by these documents portrays anything less than a vertible strait-jacket binding you or any Secretary of Transportation on Concorde.

Be that as it may, even an impartial observer of the key documents we will discuss today (as listed on the Chronological Summary Sheet) would see obvious contradictions in any claim that foreign policy considerations have not had an overriding influence on domestic environmental and political decisions. These documents prove my charges of last June, at the initial hearing in this series, that foreign policy has overwhelmed the FAA, the DOT, the EPA and the State Department as these agencies wrestled with each other over what to do about aircraft noise, as well as the Concorde.

You have already made it clear that you do not agree that you virtually had your decision dictated to you by the events of the past. But I think that if you will read these documents, you can see how, prior to your involvement, the British and French were consistently able to head-off potential problems by exerting sufficient diplomatic pressure to block promulgation of U.S. aircraft noise and related environmental standards.

These documents show that right up into 1975, and your arrival in Washington, whether it was a proposed fleet noise rule, or a specific SST noise rule, or an EPA recommendation on SST noise or emission standards, the British and French were invariably tipped off in sufficient time to muster their forces. In fact, one of the main impressions I got in reading these documents is that at every step of the way, the British and French have been given a more accurate and detailed view of Executive Branch plans than has ever been given to the Congress—let alone to the American people who will have to bear the brunt of Concorde.

The success of the British and French in putting this intelligence to use is clear on the face of it: there exists at this very moment no SST noise rule, no implementation of FAR 36 noise standards on the books since 1969, and, of course, the now-defunct Fleet Noise Rule. We have had to subsist on years of promises that such rules and regulations are just around the corner—June 1st being the latest, I believe.

Mr. Secretary, this is the heart of my statement to you today: I do not see how you can fail to see that you and we have been used by those who put foreign policy ahead of our obligations to our own people. The proof is that you will repeat today the claim that the absence of an SST noise rule means that you can't apply regulations to the present generation of Concordes without facing charges of "discrimination," charges of contravening past treaty obligations, and indeed, without opening up the entire diplomatic struggle all over again.

To repeat, Mr. Secretary, I do not see how you can ignore the fact that the absence of any enforceable SST noise and emission standards stems directly from past diplomatic pressure. These documents prove that. And, given the present triumph of diplomatic considerations, I fail to see how you can assure us today that we have no reason to fear future "foreign policy" decisions on SST's. You have set the precedent, Mr. Secretary. Foreign governments expect to be treated as equals in all matters, and they will hardly view the SST as an exception.

To move to a brief but specific discussion of the documents in the Chronological Summary: the first four, memos from the White House and the DOT, show clearly that as a result of months of close coordination be-

tween U.S., British and French experts, it was determined that Concorde could not meet proposed U.S. Aircraft noise standards. They also clearly state that Concorde had severe problems of fuel capacity, range, fuel fire safety, and airport flight pattern handling characteristics. These technical difficulties were spelled out for top officials up to and including the Cabinet level in virtually all agencies of the Executive Branch involved in any way with Concorde.

These first four documents, covering late 1972, show that until Dec. 11, 1972 the DOT was solidly on record that despite diplomatic problems, recommended SST and subsonic fleet noise rules should be promptly published in the Federal Register, and promulgated for compelling domestic political and environmental reasons. Your predecessor, Mr. Volpe, himself signed a 6-page memo recommending this course of action.

But at a Dec. 11, 1972 White House meeting, a decision was reached overriding Secretary Volpe and the best advice of the DOT, and setting the stage for the Nixon Letters the following Jan. 19. This Subcommittee has already gone over Mr. Nixon's letters with you, Mr. Secretary, and I suspect that the Members will do so again today. But from the new documents received since your December testimony, let me suggest that it is obvious that the British and French would have every reason to believe they were being told that their months of "coordination" with our people were paying off. It is obvious that regardless of Mr. Nixon's warnings about local and Congressional prerogatives, the British were claiming within one week of receiving them that the letters constituted a commitment by the U.S. Government that aircraft noise rules would not be applied to Concorde. Mr. Binder's memo of Jan. 26, 1973, makes this point very clear.

And we have had subsequent confirmation of this 1973 British claim in the somewhat tangled testimony of Mr. Roger Strelow of EPA. He at one time last year was telling us that a representative of the National Security Council and a man from the State Department came to him in early 1975 to lobby against strict SST standards then in the works, because the Nixon Letters could be construed as a commitment, and diplomatic problems might ensue. It does strike me that you ought to have been told the same thing at some stage, Mr. Secretary, but in any event, Mr. Strelow has subsequently decided that his visitors were not so definite as he portrayed them in his first rendition of the meeting. Fortunately, the historical record is now clear thanks to a DOT document you have turned over to us showing that on Feb. 18, 1975, Mr. Strelow was ordered by the White House to hold-off on proposed SST noise rules. Less than a month after receiving his marching orders, Mr. Strelow issued the so-called "waiver" for the first 16 Concordes which caused you, Mr. Secretary, to question him so closely at your Jan. 5 hearing.

I might also add that the much-trumpeted British and French "denials" of any secret deals at your hearing are unmasked as pure sophistry by the facts as reflected in these documents. I would note that the British and French did not actually deny the deals, if you read what they actually said. They merely denied that the deals were still secret. Since you had already released the Nixon Letters to Mr. Randall, the British could testify in all truthfulness that there existed no deals which were not already a part of the public record, to quote Mr. Kaufman. Similarly, the French could claim, as they did, that they knew of no secret deals—since, of course, the deals were no longer secret.

Now, Mr. Secretary, this brings me to a very critical document, Mr. Barnum's "Eyes Only" memo on the Nixon Letters to Secretary Volpe on Jan. 26, 1973. I call this group of papers to your attention because it calls into question the very foundation of your claim that you were not aware of any prior commitments on Concorde. If we accept your word on this, the only possible conclusion we can reach when analyzing your past testimony that you did not know of the Nixon Letters prior to last Dec. 12, and that prior to Feb. 4 you had no knowledge of the documents now in our hands, is that persons in your Department having control of these documents, particularly, the Nixon Letters, deliberately withheld them from you.

For from your Dec. 12 testimony it is obvious that you were not giving us copies of the Nixon Letters which Mr. John Barnum, now Deputy Secretary and then General Counsel of the Department, appended to a memo to Secretary Volpe which explained in no uncertain terms just what Mr. Nixon's words really meant.

We will need to know, of course, why this memo and its original DOT versions of the Nixon Letters were not produced in December. Perhaps more to the point today, we will need to know why Mr. Barnum could explain to his boss in January, 1973 that the British were taking the Nixon Letters as a commitment, but fail to inform you of this in 1975 when the British and French were making it abundantly clear that there was more to their diplomatic rumblings that an optimistic reading of the Chicago Convention.

It does not tax the imagination to see how the British, and, particularly, the French, could read the Nixon Letters as a general commitment promising U.S. cooperation whenever SST problems might come up at the Federal level. While later documents show that Mr. Barnum in 1975 was speaking very frankly to the French at the Paris Air Show about problems with New York and other matters alluded to in the Nixon Letters, I can only wish that your Deputy Secretary had been equally frank with you. That a broad reading of the Nixon Letters is possible, and not mere postulate, is shown by the use of the letters on Mr. Strelow in 1975 by the State Department and the National Security Council.

Mr. Secretary, we had a right to an honest appraisal last summer of the problems which our government had been studying in depth since at least 1972. Instead, we got the disgraceful performances of the Executive Summary of the CIAP report, and a DEIS which was patently fraudulent, and was so branded by the White House's Council on Environmental Quality, and even by the FAA's Eastern Regional offices in New York. But getting the facts on Concorde has been like pulling teeth from an elephant with a pair of tweezers, Mr. Secretary—at a certain point it's tough to tell who's doing what to whom.

It is perhaps a measure of how irreversible your decision really is, Mr. Secretary, that your General Counsel can blithely tell the Court of Appeals, as he did last week, that the Concorde is "environmentally questionable," particularly with regard to noise. He even threw us a bone on the ozone layer. But such candor is cynical grandstanding at this point, Mr. Secretary, since we needed it last summer, when Congressional legislation and public hearing testimony was being formulated, and court cases prepared, and when public and international opinion was being manipulated by the British and French free from the restraints which could have been imposed by a U.S. Government dedicated to the truth. And the truth was there, Mr. Secretary, as your documents show. All last summer your Department was feigning ignorance of information it had been gathering since the beginning of the decade.

In a sense I accept your contention that these documents are a history lesson, Mr. Secretary. They are a living example of how the decision-making process in your Department is contaminated, contaminated in this instance by foreign policy pressures withheld from public scrutiny. As these documents show, there has been no doubt in our Government as to the unacceptability of Concorde since at least 1972, but despite the doubts, diplomacy won out.

It will be interesting to see, Mr. Secretary, whether your 16-month "test series" will be allowed to terminate for anything less than an absolute disaster, as was the case with the Comet, the most horrible example to date of "diplomatic" aircraft certification.

Thank you, Mr. Chairman, that concludes my opening statement.

THIS TIME LET US MAKE IT WORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, on May 17, 1976, I brought to the attention of the House the failure of the Treasury Department and the Internal Revenue Service to adhere to Presidential and congressional policy of seeking tax evasion convictions against the major narcotics wholesalers.

This policy was established in 1971 when Treasury and the IRS, responding to a directive by President Ford's predecessor, created the narcotics traffickers tax program and the Congress appropriated large new sums to implement it. But, as I pointed out 2 weeks ago, that program unfortunately collapsed under President Ford. It was "merged" out of existence by the IRS last July 1, and funds specifically requested of Congress for this program were diverted to other IRS programs. The result has been a dramatic drop in tax and penalty recommendations against narcotics traffickers—from $70 million in fiscal year 1974 to less than $10 million in the first 9 months of this fiscal year.

Now, President Ford is trying to get the program started up again. In a message to the Congress on April 27, 1976, he announced that he is directing the Secretary of the Treasury to work with the Commissioner of the Internal Revenue to develop a tax enforcement program aimed at high-level drug traffickers.

Last Friday, Secretary of the Treasury William Simon announced the establishment of a Treasury Department Anti-Drug Enforcement Committee to implement the President's directive. The committee will be headed by Under Secretary Jerry Thomas and will also include Assistant Secretary David R. MacDonald, Commissioner of Internal Revenue Donald C. Alexander, and Commissioner of Customs Vernon D. Acree. According to Secretary Simon's announcement, one of its objectives will be "the revitalization of an income tax enforcement program focusing on the illegal profits of high level drug dealers."

Mr. Speaker, I am gratified by this prompt response. Secretary Simon's announcement appears to be a step in the right direction. But the Congress will need to exercise its oversight function to make certain this time that the words of the President and of top officials in his administration are matched by the deeds of the bureaucracy.

ON JUNE 8, 1976, CONGRESSMAN DANIEL J. FLOOD WILL ADDRESS THE HOUSE CONCERNING RECENT PANAMA CANAL DEVELOPMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, in an address to the House of Representatives in the CONGRESSIONAL RECORD of March 16, 1976, page 6550, I presented a summary of the more significant factors that have made the future status of the U.S. Canal Zone and Panama Canal a major national election issue.

Just as foreseen, since that time the isthmian question has been increasingly discussed all over the United States, especially by thoughtful citizens who see through the campaign of sophistry and mendacious propaganda spearheaded by the Department of State and, more recently, by the Department of Defense, for an ignominious surrender of U.S. sovereign control over the Canal Zone.

On Tuesday, June 8, 1976, I plan to address the House again on this vital policy question, analyze some of the propaganda, stress the perils involved in the surrender proposal for the Gulf-Caribbean basins, outline a canal policy derived from experience, and offer a program for implementing such policy.

Accordingly, I trust that as many Members as possible will be on the floor and participate in the discussion.

WOMEN'S EQUALITY DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 30 minutes.

Ms. ABZUG. Mr. Speaker, today I am introducing House Joint Resolution 969 which designates August 26, 1976, as "Women's Equality Day." As we celebrate the 200th anniversary of the founding of our Nation, it is especially important that we extend recognition to the contributions American women have made to the development of our country.

August 26 commemorates that day 56 years ago when women won the right to vote. Ratification of the 19th amendment represents a historic milestone for the women of this country. The struggle to secure the franchise involved women all across the country and produced some of our finest leaders including Susan B. Anthony, Carrie Chapman Catt, Harriet Tubman, and Elizabeth Cady Stanton. Winning the right to vote and achieving political citizenship was a vital step toward gaining human dignity and equality for women. Women of America today have united to pursue the still unattained goal of full equality for which the suffragists strived.

Since I have come to the Congress, August 26 has been designated Women's Equality Day by either Presidential proclamation or joint resolution of the Congress. Under the new House procedures, 218 cosponsors will be needed to proclaim a commemorative day.

August 26 has been celebrated by American women as a symbol of the progress achieved and the need for continued commitment to gain full equality. It is also a day for women and men to study and learn about women's earlier campaigns to gain the vote and to discuss the critical issues facing women today. Children growing up find few women in their history books and learn little about the contributions women have made to our society. This day will help to focus attention on this neglected chapter of our history.

Few of our Bicentennial events will focus on the important roles women have played in the history of our Nation. None of our national holidays commemorate women's century of struggle to achieve the vote nor do women appear on many commemorative stamps.

Designating August 26 as "Women's Equality Day," will extend national recognition to all those women who struggled for the ratification of the 19th amendment and will restate congressional support for the continuing struggle to achieve full equality for women more than half a century later.

I would like to take this opportunity to insert the text in the RECORD.

H.J. RES. 969

Joint resolution designating August 26, 1976, as "Women's Equality Day"

Whereas, 1976 is the 200th anniversary of the founding of this Nation and women continue to encounter legal, economic, and social barriers to their full and equal participation in American life;

Whereas, August 26, 1920, was the culmination of women's nationwide effort to gain the vote and this important chapter of American history deserves recognition;

Whereas, the women of the United States have united to assure that the task begun by the suffragists is completed and that opportunities are available to all citizens equally, regardless of sex;

Whereas, August 26th, the anniversary of the ratification of the nineteenth amendment, has been celebrated by American women as a symbol of the progress they have achieved and the need they have for continued commitment to gain full equality; and

Whereas, the women of the United States are to be commended and recognized in their organization and activities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 26, 1976, is designated as "Women's Equality Day," in commemoration of that day in 1920 on which the women of America were first guaranteed the right to vote, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

INDIA'S HYPOCRISY: POLITICS AND HEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 10 minutes.

Mr. KOCH. Mr. Speaker, today the New York Times reports that the International League for Human Rights has asked the United Nations to investigate its allegations that the Government of India has been "trampling on the freedom of thousands of its citizens," imprisoning politicians who oppose that Indira Gandhi regime, and allowing widespread torture to occur. For some time I have been disturbed by events in India, as I am sure many Americans have been, as Prime Minister Indira Gandhi has imposed a state of emergency on India, suspended basic civil rights, imprisoned the opposition, tolerated brutality by the Indian police, and instituted strict censorship of the Indian press. If these actions had been taken because the country were truly threatened by a domestic or foreign emergency, one might be inclined to be more tolerant, but the true situation seems to be that Prime Minister Gandhi resorted to emergency rule in order to preserve her political power and that of the ruling Congress Party.

I find the record of India in its treatment of its own citizens ironic in view of India's leadership in a recent effort to suppress a World Health Organization report on medical care in the Israeli-occupied West Bank and Gaza territories. As my colleagues may remember from the press accounts of the week of May 17, India led the movement by the Arab and Third World nations to refuse to accept the report compiled by experts appointed by the World Health Organization. By a vote of 65 to 18 with 14 abstentions, the annual assembly of WHO, composed of the governmental representatives of WHO member countries, refused to consider a report of its own appointed experts that concluded that the health services in the Israeli-occupied territories have experienced "slow but steady" improvement since 1967.

India offered the motion to refuse the report as part of a continuing pattern of cooperation between Arab and Third World nations to embarrass Israel at any opportunity.

Ostensibly the report was rejected, because Israel refused to receive the inspectors from Indonesia, Senegal, and Romania as a group. Since Israel does not have diplomatic relations with either Indonesia or Senegal, and doubted the impartiality of their involvement, the inspection visit was delayed, until Israel offered a compromise to allow the experts from each nation to make separate visits to Israel and evaluate the state of health care in the occupied territories. This arrangement was accepted by the experts involved, who made their evaluation and submitted a report. That report was distributed to all 151 member states of the World Health Organization, but the politics of extremism and hate have prevented it from being officially accepted.

The continuing cooperation between the Arab countries and the underdeveloped nations on issues solely concocted to embarrass Israel as well as other Western nations on other matters does not bode well for the U.N. In the World Health Organization we are now seeing the same pattern of international political abuse of power by the Arabs and the Third World which will only lead to the demise of that organization as an effective or humanitarian international body.

It is particularly ironic that the motion to refuse to consider the report should be advanced by India, whose general level of health services and whose respect for political freedom pale in com-

parison with the conditions in the Israeli-occupied territories.

To the obvious chagrin of India and other countries which have taken up the cause of the Palestinians and have attempted at every opportunity to embarrass the Israelis, the report of the experts from these three countries revealed that the state of health care in the West Bank and Gaza occupied territories has been improving since the Israelis took over its administration. Based on statistical data examined and discussions with local organizations, the report revealed that in both the West Bank and Gaza regions the numbers of health personnel has increased substantially since 1967.

The report cited figures for the West Bank of the Jordan, occupied territories, which show that the number of physicians, both specalists and general practitioners has increased from 149 in 1967 to 376 in 1976. Even though the population of the West Bank has increased since 1967, the number of people per medical doctor has decreased from 4,013 in 1967 to 1,792 in 1975.

India, the nation leading the effort to suppress this report on medical conditions in the Israeli-occupied West Bank, has a much worse health record, when measured against these statistics, which are the public health statistical indicators available. In terms of population per physician India ranks 77th in the world with 4,399 persons for each physician. Other statistics, including infant mortality, life expectancy, and population per hospital bed, also indicate that India is far behind the state of health care in the world generally and Israel in patricular. Since India has led the effort to suppress the evidence about the situation in the West Bank, those are the statistics that the world should note, and ask whether India is trying to embarass Israel or whether India is embarassed by the true facts about the state of health care in the West Bank area.

However, when one considers the program of political repression in which India has engaged at home, India's leadership in suppressing this report can be seen as part of a larger, sinister disregard for the principles of fairness in human and political relations. Consider how Prime Minister Indira Gandhi has reacted to the threat of a viable political opposition. She has imposed her rule on India and systematically expunged the political freedoms which formerly existed in India, once a model democracy in Asia. Beginning with a decree of nationwide state of emergency in June 1975, Prime Minister Indira Gandhi has turned India into a dictatorship:

In January 1976, Prime Minister Gandhi's government suspended article 19 of the Indian Constitution, which guarantees freedom of assembly, freedom to form associations and unions, freedom of movement, freedom to own property, and freedom to follow any profession, trade, or business;

Freedom of the press has been suspended. The press is prohibited from criticizing the government and cannot even report about antigovernment demonstrations, political arrests, or opposition speeches in the Parliament;

The Gandhi government has taken control of India's largest newspaper, which supported the political opposition prior to the declaration of "emergency" in June 1975;

The government has imposed censorship on the reports of foreign correspondents;

India has imprisoned 40,000 people as of January 1976, for violations of the emergency decrees or for political reasons; by its own admission, the government has jailed 1,000 people solely for political reasons;

By legislation rushed through Parliament in January, the government need not disclose to anyone the reasons for arrests made under India's Internal Security Act, not even to the judiciary;

India has imprisoned 30 members of its own Parliament and has banned 26 political parties and groups; and

Elections for Parliament have been postponed a year and can be postponed year to year indefinitely.

With this regard of political repression at home, I find it amazing that India has the audacity to lead an effort to suppress the facts gathered by the World Health Organization's experts. Prime Minister Gandhi and her government will apparently go to any length to crush opposition to policies they support. Not content to accuse the Israeli Government of shortsighted or unfair policies, the Indian Government is willing to suppress the only report of the health situation in the Israeli-occupied territories, and one favorable to Israel.

I think the conduct of India in the World Health Organization is disgraceful, and the conduct of India at home in both political and health affairs reveals the hypocrisy involved.

For the interest of my colleagues, I am appending an article which appeared in today's New York Times, describing the latest charges which have been made about India's political situation:

RIGHTS LEAGUE TELLS THE U.N. INDIA TRAMPLES ON FREEDOMS

(By Kathleen Teltsch)

UNITED NATIONS, N.Y., June 1.—The International League for Human Rights asked the United Nations today to investigate its charges that the Indian Government has been "trampling on the freedom of tens of thousands of its citizens," imprisoning political opponents and permitting extensive practice of torture.

The human rights group, in support of its allegations, submitted lists of hundreds of names of persons said to have been tortured since the Government of Prime Minister Indira Gandhi began restricting individual rights last June.

The detailed accounts of torture were collected by Indians for Democracy, a group of Indian residents in the United States whose membership includes educators, physicians, students, and businessmen. The group was organized to work against the repressive policies its members charges are being practiced in their homeland.

NOT ALL CASES PROVED

Dr. Faruk B. Preswalla, coordinator of the group and associate medical examiner of New York City, said that not every allegation made could be proved, but he declared that enough cases of torture were given so that there could be no doubt that it was occurring.

Dr. Preswalla said he gave copies of the group's report to the Indian Embassy in Washington last March, personally handing them to A. P. Venkateswaran, Minister for Political Affairs, and asking that the charges be investigated.

"There has been no inquiry," he said. In submitting the charges in the United Nations, he said, the group is not saying that Prime Minister Gandhi or her Government's leaders had ordered political opponents tortured, but was allowing the practice of mistreating prisoners.

Dr. Preswalla said the group did hold the Government responsible for the practice of torture and other abuses of political dissidents on two counts. First, that the Prime Minister had created a situation permitting arbitrary power to be given to the police and low-level bureaucrats while at the same time cutting off judicial review and other protection of citizens; second, that it was not doing anything about the conditions reported to it.

At the Indian Embassy in Washington, Mandalam Sivaramakrishnan, press spokesman, said that he did not know about the report, but the charges were known and had been denied as completely untrue. He said he was sure the Government had looked into the matter. Mr. Venkateswaran is not, available, he said.

TO REAFFIRM DESIRE OF AMERICAN PEOPLE TO MAINTAIN AND ENHANCE UNITED STATES-ITALIAN RELATIONSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. MINISH) is recognized for 10 minutes.

Mr. MINISH. Mr. Speaker, on June 2, 1946, 30 years ago today, the people of Italy held their first election following the Second World War, and thereupon replaced their monarchy with a republic.

Italy thus began a long and difficult struggle to maintain successful democratic institutions in a nation which has been historically renown for economic, cultural, scientific, educational, and commercial success.

Italy's contribution to Western civilization in such diverse fields as art, letters, religion, science, and philosophy has been enormous and some of the greatest names in the history of Western man have been Italian.

From Giotto and Cimabue in the 13th century, through Da Vinci and Raphael and Titian and Michelangelo Italian artists ranked second to none. The musical staff was established by an Italian, Guido d'Arezzo, while Palestrina, Monteverdi, Corelli, and Vivaldi left a renowned musical legacy. Verdi and Pagannini and Donizetti helped to make the 19th century the great age of opera. Puccini and Leoncavallo were more recent operatic composers, who helped to assure that the language of music was Italian. Italian operatic singer Enrico Caruso was a legend in his time and Arturo Toscanini was generally regarded as the greatest operatic and orchestral conductor among all his contemporaries. Antonio Stradivari and Giuseppe Guarneri have bequeathed to us the beauty of their musical instruments, and Italian Bartolommeo was the inventor of the piano forte.

Italian writers have ranked among the world's greats, and include Dante and Petrarch. Nobel prizewinner Luigi

Pirandello wrote plays that still serve as models to budding playwrights. Novelists Ignazio Silone and Alberto Moravia are widely read and have inspired successful motion pictures. Michelangelo Antonioni, an Italian filmmaker, directly influenced the films Americans see today, and Federico Fellino and Vittorio de Sica have produced movies no one else can hope to emulate.

Italy has produced many renowned figures in the fields of philosophy and statesmanship as well, such as Lorenzo de Medici and Niccolo Machiavelli, Giuseppe Mazzini, statesman Camillo di Cavour and Garibaldi. Ranking Italian scientists include Galileo, Gugielmo Marconi and Enrico Fermi, while our Nation can never repay its debt to Christopher Columbus and Amerigo Vespucci.

Obviously, without the contributions of the above-named Italians, our world would be a poorer place today. Some of its outstanding music, arts and letters, and scientific achievements would be lost. Moreover, the great Renaissance leading to the emergence of modern Western man, would not have had the impact nor the influence were it not for the Italian contribution.

In light of all that the great nation of Italy has offered to the world, it is most appropriate that we pay homage today to the important anniversary of its birth as a republic. Let us not forget, moreover, that Italy has not only provided us with a cultural and scientific legacy, but it has provided us with many of our citizenry as well.

It is my sincere hope that the Italian heritage, next to Greece the oldest in Europe, will continue to flourish with its present form of government. We in America wholeheartedly wish Italy every success.

In this connection, Mr. Speaker, I am today introducing a concurrent resolution that reaffirms the desire of the American people to maintain and enhance our relationships with Italy and her people. Through this measure the Congress can convey to the people of Italy its moral support for that nation's continued active membership in the world's family of free nations.

The full text of my resolution follows:

Whereas the Atlantic Alliance continues to be the cornerstone of the foreign policy of the United States;

Whereas the basic purposes of that Alliance are to preserve the security of member countries and promote the ideals of freedom and democracy they hold in common;

Whereas the effective functioning of the North Atlantic Treaty Organization (NATO) is crucial to the fulfillment of these purposes;

Whereas the effectiveness of NATO is dependent upon general agreement within the Alliance as to the security needs of its members and the means by which such needs are to be met;

Whereas the full and unencumbered participation of Italy in NATO is of vital importance in sustaining such agreement;

Whereas there exist between the United States and Italy strong ties of friendship, alliance, and kinship;

Whereas the people of the United States and Italy share broad ideals and viewpoints; and

Whereas the United States owes a debt to Italy in the creation and formation of our own country: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that for all these reasons the people and government of the United States reaffirm a sympathetic interest in Italian democracy and democratic institutions and call on the European friends and allies of Italy similarly to confirm their support for the Italian people and their government and to join in assisting Italy to renew her confidence and to attain full and lasting prosperity.

SEC. 2. It is the sense of the Congress that the economic viability of Italy is important to the Atlantic Alliance as a whole as well as to the United States.

SEC. 3. It is the sense of the Congress that the United States, in conjunction with other friends and allies of Italy, should stand ready to participate in efforts to provide financial assistance to Italy through the proposed OECD Special Financing Facility and/or by other means deemed appropriate.

FEDERAL GRAND JURY PRACTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 15 minutes.

Ms. HOLTZMAN. Mr. Speaker, today I am introducing legislation to reform several serious problems related to Federal grand jury practice.

First, there are no specific limits on the length of time a person can be imprisoned for refusing to answer questions posed by the grand jury. If held in civil contempt, a witness may be imprisoned for the life of a grand jury—up to 18 months. But, when the grand jury's term expires, nothing prevents the witness from being resubpenaed, questioned again, and subjected to another 18-month period of imprisonment.

Significantly, a judge acting alone cannot imprison a witness for criminal contempt for more than 6 months. My bill brings civil contempt in line with criminal contempt and limits imprisonment to 6 months. It also prohbits reimprisoning a witness for refusing to answer questions about a matter for which he has already been held in civil contempt.

A second major problem regards the place of imprisonment for contempt of a Federal grand jury. Because a person can be subpenaed to appear before a grand jury anywhere in the Nation. he can find himself imprisoned for civil contempt far from his family, home, or attorney. This has caused some extraordinarily harsh results in the past. For example, in the case of the Fort Worth Five, five New York residents were summoned to testify before a Federal grand jury in Fort Worth, Tex. These men were held in contempt and imprisoned in Texas for almost a year and a half. Since the families of all five men and their principal attorney were in New York, imprisonment in Texas posed a serious problem. My bill permits a witness held in civil contempt to apply for a transfer of his place of imprisonment on a showing of hardship.

Furthermore, a person held in civil contempt is sometimes incarcerated in State prisons or county jails. These jails are often substandard. My bill requires that, unless a witness consents, imprisonment must be in a Federal facility.

Although many other major reforms have been suggested with respect to Federal grand jury proceedings, I suggest we begin by correcting the problems I have outlined above.

The text of my bill follows:

H.R. 14146

A bill to amend titles 18 and 28 of the United States Code to limit the circumstances in which an individual appearing before certain grand juries can be held in contempt and to limit the imprisonment for such contempt

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

SEC. 2. Section 1826 of title 28, United States Code, is amended to read as follows:

"§ 1826. Recalcitrant witnesses.

"(a)(1) Whenever a witness in any proceeding before or ancillary to any court or grand jury of the United States refuses without just cause shown to comply with an order of the court to testify or provide other information, including any book, paper, document, record, recording or other material, the court, upon such refusal and after a hearing at which the witness may be represented by counsel, may, if the court finds that such refusal was without just cause, hold the witness in contempt and order the witness to be imprisoned.

"(2) Any imprisonment for refusal to give testimony or provide information pursuant to this subsection shall be at Federal correctional institution unless the witness agrees to confinement at a non-Federal institution designated by the Attorney General.

"(3) Upon a showing of need or hardship, the court ordering such imprisonment may grant a request by the witness to be imprisoned at a suitable correctional institution near the place of residence or employment of the witness or the witness' family or relatives or the attorney of the witness.

"(4) Any imprisonment for refusal to give testimony or provide information pursuant to this subsection shall continue until such time as the witness is willing to give such testimony or provide such information except that no period of such imprisonment shall exceed the lesser of—

"(A)(i) in the case of a court proceeding, the life of the court proceeding before which such refusal to comply with the court order occurred, or

"(ii) in the case of a grand jury, the term of the grand jury, including extensions, before which such refusal to comply with the court order occurred; or

"(B) six months.

"(5) No hearing shall be held under this subsection unless ten days notice is given to the witness who has refused to comply with the court order under this subsection, except that a witness subpenaed for a trial may be given a shorter notice of not less than five days if the court, upon a showing of special need, so orders.

"(b) No person imprisoned under this section for refusal to testify or provide other information concerning any transaction, set of transactions, event, or events may be again imprisoned under this section or under section 401 of title 18, United States Code, for a subsequent refusal to testify or provide other information concerning the same transaction, set of transactions, event, or events.

"(c) Any person confined pursuant to subsection (a) of this section shall be admitted to bail or released in accordance with the provisions of chapter 207 of title 18, United States Code, pending the determination of an appeal taken by such person from the order of imprisonment, unless the appeal is patently frivolous. If the person has not

been released on bail or otherwise released, any appeal from an order of imprisonment under this section shall be disposed of as soon as practicable, pursuant to an expedited schedule, and in no event more than thirty days from the filing of such appeal. If the appellate court shall fail to dispose of the appeal of a person who remains confined within 30 days, the person shall automatically be released on his or her personal recognizance pending disposition of the appeal.

"(d) In any proceeding conducted under this section, counsel may be appointed in the same manner as provided in section 3006A of title 18, United States Code, for any person financially unable to obtain adequate assistance.

"(e) A refusal to answer a question or provide other information before a grand jury of the United States shall not be punishable under this section or under section 401 of title 18, United States Code, if the question asked or the request for other information is based in whole or in part upon evidence obtained by an unlawful act or in violation of the witness' Constitutional rights or of rights established or protected by any statute of the United States.".

SEC. 3. (a) Chapter 21 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 403. Refusal of a witness to testify in a grand jury proceeding:

"No person who has been imprisoned or fined by a court of the United States under section 401 of this title for refusal to testify or provide other information concerning any transaction, set of transactions, event, or events in a proceeding before a grand jury (including a special grand jury summoned under section 3331 of this title) impaneled before any district court of the United States may again be imprisoned or fined under section 401 of this title or under section 1826 of title 28, United States Code, for a subsequent refusal to testify or provide other information concerning the same transaction, set of transactions, event, or events.".

(b) The table of sections for chapter 21 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"403. Refusal of a witness to testify in a grand jury proceeding.".

"FREEDOM AND CONTROL IN A DEMOCRATIC SOCIETY," INSTITUTE OF LIFE INSURANCE, JUNE 2, 1976

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, I wish to insert in the RECORD the text of an address I shall deliver tonight, June 2, 1976, at a conference on "Freedom and Control in a Democratic Society," sponsored by the Institute of Life Insurance and held at Arden House, Harriman, N.Y.

The text of my address follows:

KEYNOTE ADDRESS BY CONGRESSMAN JOHN BRADEMAS (D-IND.), QUADRENNIAL CONFERENCE OF THE INSTITUTE OF LIFE INSURANCE, ARDEN HOUSE, HARRIMAN, NEW YORK, WEDNESDAY, JUNE 2, 1976 ON "FREEDOM AND CONTROL IN A DEMOCRATIC SOCIETY"

I am honored to have been invited to open this conference at Arden House on "Freedom and Control in a Democratic Society," and I salute the Institute of Life Insurance for sponsoring these discussions.

As some of you may know, my father was born in Greece but I hope that I shall not be charged with ethnic chauvinism if I begin my remarks with the first lines of a poem by that extraordinary Greek, Constantine P. Cavafy:

"Ordinary mortals know what's happening now, the gods know what the future holds because they alone are totally enlightened. Wise men are aware of future things about to happen."

As I look about at the extraordinary group of persons whom Blake Newton has assembled for this meeting, I realize that he has brought together some very wise men—and women!—indeed.

And I am glad to see among them so many old friends—Howard Bowen, Leonard Duhl, Robert Goheen, Harold Howe, Stan Karson, David Truman and others.

I shall not even pretend to touch tonight upon all dimensions of so rich a subject as "Freedom and Control in a Democratic Society."

Rather, I shall address the subject from the viewpoint of one who has been a practicing politician for nearly two decades now, a Member of Congress for eighteen years and a partisan of the difficult but unique constitutional system that characterizes the American democracy.

For that there is a relationship between government and freedom in our democratic society, I think none of us would deny.

THE FOUNDING FATHER'S VIEW OF GOVERNMENT

Indeed, the Founding Fathers viewed that relationship as a positive one, for, in affirming the rights of "life, liberty and the pursuit of happiness," they acknowledged that it was "to secure these rights that governments are instituted among men."

This is a conviction of the Founders which we today sometimes forget—the idea of government as a social contract without which, as the gloomy Hobbes put it, "No arts; no letters; no society . . . and the life of man, solitary, poor, nasty, brutish, and short."

That the Declaration of Independence reaffirmed the "social contract" theories which played so large a part in the history of 17th and 18th century America and England is worth remembering.

No less important to recall, of course, is the corollary mistrust which the Founders had for government itself and which caused them to write into the Constitution not only a governmental structure based on a separation of powers but to provide the additional insurance of a network of checks and balances.

You will recall the admonition of the author of No. 51 of *The Federalist*:

"But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external or internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself."

So as a Member of Congress, I see much of my task, day to day, in the context of the continuing tension between "freedom" and "control," and I am perfectly aware that what to one man is governmental action indispensable to "freedom" is to another unwarranted "control".

The theme of your conference then is the stuff with which we in government, elected and appointed, wrestle all the time even as it is a question which must preoccupy those whose lives are lived in the private sector.

In speaking to you, therefore, as a legislator, I hope not to focus on concerns peculiar only to my breed but to raise some issues which I think must impinge upon you as well, whether you are in the insurance industry or, as are many others here, in the university.

I shall talk about three subjects tonight all of which, I hope, will in some way illumine our understanding of the relationships between freedom and control in the American democracy.

I want to say something of the role of Congress in our constitutional system.

I want to speak of the need for linkages between the thinkers and the doers in our political life.

And I want to press the case for more attention to education for values in this country.

A STRONG CONGRESS

All three themes are, in my view, directly related to the leitmotif of our meetings this week.

First, I would argue strongly that if we are to maintain the balance between freedom and control that was crucial in the minds of the Founding Fathers as they shaped our Constitution, it is imperative that we have not only a strong President but a vigorous, feisty Congress.

This observation holds true with respect to both domestic and foreign policy.

Let me say generally why I believe that if Congress did not exist, it would be necessary to invent it.

There are certain functions essential to responsible and effective government in the United States which can be carried out only by an institution with the attributes of Congress.

These functions are the following: to act as a vehicle of representation and participation, to help formulate public policy, and to oversee its administration.

I do not have time here to expand on each of these roles.

Let me say simply with respect to the first function, representation and participation, that if we are, in a nation of 200 million people, to avoid still further alienation from government, a Congress composed of Senators and Representatives elected from particular states and local districts but legislating for the entire country is indispensable.

If we are concerned to reconcile freedom with a strong political authority, there must be mechanism for ongoing and effective political participation and with all its deficiencies Congress must play that role.

But Congress has two other central responsibilities: to help shape public policy and to monitor its implementation.

Congress is often attacked as either a rubber stamp of the executive or a willful obstructionist of presidential policies. It has at times warranted both descriptions. That Congress has also been a creative source of policy is less well understood. One can recite a lengthy list of major laws in recent years that were in large measure the product of Congressional initiative and effort in such fields as health, education, pollution control, immigration reform and economic development as well as in foreign policy.

Congress, independently of the executive, is a fountain of policy alternatives, an activity essential in a large, complex society like ours on the not unreasonable assumption that the executive branch has no monopoly on intelligence or new ideas.

Moreover, the give and take of the legislative process, for all its lack of decisiveness by way of contrast with the parliamentary system, is not ill-matched either to our power-diffusing Constitution or to the diverse nature of our society.

Lacking highly centralized parties as a well of innovation, we rely rather on the continuous bargaining that occurs between not only the legislative and executive branches but also between each of them and the citizenry.

I here cite but one instance of a product of Congressional creativity, the Budget Control Act of 1974, which at the same time illustrates the importance in the American structure of government of institutions capable of generating alternative policy proposals.

The new budget process, while imposing a

rigorous discipline on Congress, will also enable Congress, a co-equal branch of our government, to initiate its own judgments on national priorities. No longer will the President's budget be the only overall set of spending and taxing recommendations for the nation to consider.

There is a third function Congress must serve if our governmental system is to encourage a tolerable balance between freedom and control.

That function is to appraise, criticize and oversee public policies and their administration.

It is this oversight capacity that enables Congress to provide some protection to the citizen and community against the dangers of bureaucratic insensitivity and centralism.

Furthermore, if Congress continues to vest considerable powers in the executive, all the more must Congress monitor the use of these powers. The record of recent Presidents grown too aggrandizing is familiar to us all. Need I here rehearse the history of the last few years, of our involvement in Vietnam, of the whole spectrum of issues we call Watergate or of the revelations of law-breaking by the FBI and CIA?

The Founding Fathers were right on target in their apprehension about the dangers of an overweening or tyrannical government.

And what I am saying about the role of Congress, both in the making of policy and overseeing it, applies to foreign affairs as well as domestic.

For in foreign policy, too, Congress has the responsibility to establish or give sanction to policies, to oversee their implementation and to vote or withhold money.

Aside from observing that these powers are under the American charter of government, appropriate to Congress, I would only add that members of the executive branch, elected and non-elected, are not always, to be as gentle about it as possible, accurate in their assessments of our national interests.

This, indeed, is one of the reasons for our separation of powers system and why it is imperative that a vigorous, at times combative, Congress is indispensable to checking and correcting the missteps of the executive in the life or death arena of foreign affairs.

BETTER LINKAGES BETWEEN THINKERS AND DOERS

Now I have argued that a strong Congress is, in the American democracy, essential to maintaining an appropriate balance between freedom and control.

But essential to a strong Congress, one capable of meeting the responsibilities I have suggested for it, are substantial improvements in the way we do business on Capitol Hill. I shall here focus on but one need which impresses itself on me the longer I serve in the House of Representatives.

I speak of the importance of developing more, and better, linkages between, to use an imprecise shorthand, the thinkers and the doers.

Now I know that some thinkers do and some doers think.

What I am talking about, more concretely, is the range of issues raised by what President Johnson used to say: "My problem is not so much doing what is right as knowing what is right".

I have in mind specifically the challenge to public policymakers and more particularly still, to those in Congress, to shape some sort of sensible, viable policies for dealing with the extraordinary diversity of issues which confront the American government.

Here are just a few examples from my own experience and observation.

How do you measure the differing costs of educating children with different handicaps?

What are the best ways to provide compensatory education for disadvantaged children?

How can we sort out competing claims on the part of champions of various measures for energy conservation and production?

How can beleagured Congressmen and Senators have some sensible notion of what is in a $100 billion plus defense budget, and why it is there?

I am not so innocent that I do not know that nearly all these questions are shot through with a political dimension.

But I would also assert that a keener understanding of the substance of the issues on the part of decision-makers, especially in government, can increase the likelihood of policies at once more rational (and so more effective) and more likely of receiving public support.

Harold Howe has elsewhere given voice to some of the frustrations many of us who make public policy feel as we in good faith seek better to understand what we are about:

". . . we increasingly find ourselves in a ridiculous situation. The techniques, disciplines, and methods employed by planners and policy analysts have become so complicated and so specialized that the people who must use their product—the political leaders and administrators in the case of public problems (or the university presidents in the case of institutional planning)—are no longer able to understand and participate in the processes that are supposed to assist with their decisions.

". . . Somehow we have to find accommodation and communication between those on the one hand who bear responsibility for action and those on the other hand who try to illuminate the implications of the various options action must consider."

My own view is that the development of a capability for what one might call operative access to relevant intelligence is far more important to the future place of Congress in the American constitutional system than many of us in Congress yet realize.

Reforms such as the new Congressional budget process are significant advances in achieving that capability but they are not enough. I believe that we must fashion still other methods of enabling legislators to get at the thinking of the thinkers, both those in the scholarly community and outside it, including thinkers in business, industry and other areas vital to American life.

As Woodrow Wilson told the American Political Science Association in 1919, "The man who has the time, the discrimination, and the sagacity to collect and comprehend the principal facts and the man who must act upon them must draw near to one another and feel that they are engaged in a common enterprise."

For in government, as in business, not to speak of education, knowledge is power.

And if Congress is effectively to bear its burdens in the American democracy, it must know how to know.

But knowledge alone is not enough to insure that the American democracy can meet the twin demands of freedom and order.

For knowledge, at least applied knowledge, must operate within some normative framework, some moral structure.

Surely the theme of this conference, "Freedom and Control in a Democratic Society", raises questions that are not solely instrumental in nature. We need not only to ask how to carry out a particular policy but whether we ought to or not.

THE PLACE OF VALUES

And this observation brings me to my final point tonight, the place of values in our national life.

For, in the wake of Vietnam and Watergate, the lawlessness of our intelligence agencies and the wave of revelations about the enthusiasm of some American free enterprisers for bribery, both foreign and domestic, one may well ask, "What are our values and how do we teach them in modern America?"

James H. Billington, the historian of Russian intellectual thought, said recently that our traditional institutions and values are being eroded by what he termed "a crisis of legitimacy in our society." Says Billington, ". . . the American people are no longer so sure of what institutions they wish to follow and what shared values can be used to show us the way".

Billington observes that our society is characterized still by the essentially production-oriented, secular values of the late nineteenth century, which emphasized specialization and competition for those entering the ruling elite, and stressed "minimal literacy and patriotic indoctrination" for those joining the assembly lines of our maturing industrial revolution.

The system worked not only because values were widely shared and deeply felt but also because the values, rooted in church and family and local community, could effectively counter the dehumanizing forces of economics and politics. Those values provided a sense of identity the absence of which we increasingly feel today.

A significant indication, it seems to me, of this rising sensitivity to the place of values in American life in the recent report, to quote the New York Times, that "the precipitous enrollment decline that threatened the existence of this country's Roman Catholic parochial schools has eased, and the schools are now drawing new strength from an emphasis on spiritual and moral values that many parents find lacking in public schools".

The Times report continues: "The efforts by Catholic schools to infuse the education they offer with a moral dimension at a time when many of society's traditional values are being shaken is seen as a key to enhancing the appeal of the schools".

A still more dramatic manifestation of this attention to values is, in my view, the extraordinary rise to political eminence of Jimmy Carter.

In his column last Sunday, (New York Times, May 30, 1976), entitled, "What Makes Jimmy Win?", James Reston replied:

". . . he is getting the support of a much wider constituency in America that longs for something it has lost and thinks he represents . . . (and) who see him as a new personality appealing to the old but not quite forgotten values."

A recent survey in the Knight-Ridder newspapers of Carter's ascendency to front-runner status as a presidential candidate concluded that:

"Voters of all political persuasion, watching the first presidential campaign since Watergate, desperately want someone they can believe. Carter's calculated effort to fill that need shows strong signs of succeeding. . . ."

The study gives the former Georgia governor the highest popular rating for "integrity" among the Democratic contenders, and concluded that he "has begun to rally the strong (religious) believers—no matter what the faith—against not-so-strong or nonbelievers."

I do not wish to suggest that this whole subject of the relationships among politics, morality and religion is uncomplicated, and I am certainly not here to make any endorsements!

Nonetheless, it seems to me clear that the political success of Jimmy Carter to date is in large part explained by this yearning for a return to values.

There are still other signs of a renaissance of concern for values in this country.

This reawakening has been stirred not only by the evidence of corruption in the highest political office in the land. The last couple of years have also brought unprecedented reports that a wide range of American business corporations have engaged in campaign law violations, bribery of officials of foreign governments and other unethical practices.

GOVERNMENT AND BUSINESS

At least some in the business community, troubled by these practices, are considering what to do about them, and I should think that no conference of business leaders on "freedom and control in a democratic society" can fail to take not of this entire range of problems.

In considering questions of values, freedom and control and the relationship between government and business today, there are, I think two basic points that must be made.

First, even as Watergate spawned greater governmental restrictions on political campaigns, so, too, corruption in business may be followed by increased demands that government intervene to protect the public from lawlessness and wrongdoing in the private sector.

Second, I think that in 1976 we can agree that there is no simplistic, inverse correlation between the amount of government and the degree of freedom.

Even as I hope that American business will move to put its ethical house in order and thereby diminish the impetus for governmental action, so, too, I believe, business and industry can, by displaying greater sensitivity to their social responsibilities in respect of problems most of us can agree are real, avert intervention by government.

For, as Howard Bowen reminds us, although 1976 marks the 200th anniversary of the Declaration of Independence, 1776 was also the year of the publication of *The Wealth of Nations*.

And I think it fair to assert that the principles of Thomas Jefferson are in somewhat better shape today than those of Adam Smith.

For there is clearly a broad consensus in all modern, industrialized democracies, including ours, that government must play a significant role both in encouraging a vigorous economy and in meeting a number of basic human needs.

This last observation, I am well aware, refers to what is likely to be—and should be—the subject of many of your conversations here this week—the social responsibilities of both business and government.

That, given your conference theme, I have chosen not to concentrate on this subject in no way suggests that I do not appreciate its significance but only that I have come at you from a different vantage point.

EDUCATION FOR VALUES

Now it must be clear from what I have so far said that I sympathize with the viewpoint presented by Howard Bowen in the thoughtful paper he prepared for this conference. Like him I propose no fundamental change in the structure of our government although I do press for reforms that I believe can help the modern democratic state more effectively meet its responsibilities.

Still more to the mark, however, in my judgment, is Professor Bowen's assertion that "the basic question . . . is how to change the values of the people."

Mr. Bowen is not hopeful about the church, school, family, workplace or the mass media as effective instruments for education for values.

He places more store in liberal learning at the university, and while I am sure he would not disagree that the effect on college students of all these other institutions of education can be very powerful, I would reinforce his reminder that it is still to our colleges and universities that we turn to produce the men and women who will lead in our society.

Although I realize that the question of values and the university is a minefield, it cannot be avoided for, as the theologian, Robert McAfee Brown, has put it:

"Colleges and universities are . . . in the values game, whether they like it or not. We decide all the time that some things are more important than other things and we make those decisions on the basis of at least an implicit value structure: a gym is more important than a new wing on the library. . . ."

So, says Brown, "the task . . . is to smoke out the value assumptions behind the decisions we make. . . ."

Some experiments in teaching values are going on. At the University of Notre Dame, in the district I represent, there has been initiated a "senior values seminar," based on the premise that it is part of the intellectual responsibility of the university to raise value issues for discussion and reflection and not simply to present a value system to be absorbed by the student. Faculty are therefore engaged with students in a process of mutual examination of values and clarification of them.

At Harvard, Derek Bok has urged the creation of interdisciplinary programs for students seeking careers as teachers and scholars in applied ethics.

But universities are not the only places where adults can study values. Business and professional leaders and the organizations that represent them, such as the Institute of Life Insurance, can consider arranging—perhaps, with universities—seminars and conferences that focus on the kinds of value questions to which I have been referring.

More specifically still, while attending meetings of the Fifth Assembly of the World Council on Churches in Nairobi last fall, I suggested to some leading American churchmen the possibility of a series of weekend dialogues in or near Washington, D.C., involving leaders from business and industry, labor and the professions together with officials from the government, both elected and appointed, and some historians, economists, theologians and other churchmen.

The purpose of such dialogues would be to focus, in some systematic and thoughtful way, on the relationships between values and decisionmaking in the real world.

The theme of our meeting here this week would, I suggest, take on still deeper meaning in such a context.

As I close these remarks, I realize that it may seem to you that I have strayed tonight far from the theme of "Freedom and Control in a Democratic Society."

You may have anticipated a homily on my part, as a Democratic Congressman, on the joys of a more activist government in Washington, D.C. or a strong criticism of American corporations.

Not so, for I believe, as I have tried to suggest, that the issues that confront modern democracies, at least our own, reach far beyond the continuing—and highly important—debate over the appropriate limits of government intervention in the economy.

I have rather sought to paint, from my own background as a practicing politician and a legislator, a broader canvas.

I have told you that I believe essential to the building of a free and just America, in a world in which increasingly powerful executives seem to be the order of the day, is a strong and sensitive Congress.

I have said that to play such a role, Congress requires far more effective ways of informing itself on the many issues with which it must deal.

And, finally, I have added my own to those voices calling for a new commitment to values in American life and to finding better means of teaching them.

"AMERICA: STILL THE MOST EXCITING HUMAN EXPERIMENT"

Allow me then to conclude with some moving words of my friend, and my most distinguished constituent, Father Theodore Hesburgh of Notre Dame, speaking at a bicentennial festival there earlier this year.

Said Father Hesburgh:

"I, for one, do not believe that America is a thwarted experiment, a burned-out case, a fading hope. Despite the negativism of the day, we are becoming 'twice born,' coming of age and it is not the decrepitude of old age . . . The world may or may not follow, but we must lead because our tradition says we must; liberty is worth the effort, and the creation of justice and peace abroad will in large measure depend on the measure of justice and peace that we create here at home, increasingly in our America. Whatever its faults, America is still the most exciting human experiment in all the world."

I share that conviction, and I am confident that you do, too.

STATEMENT OF CHAIRMAN ULLMAN WITH RESPECT TO THE RULE TO BE REQUESTED FOR THE CONSIDERATION OF H.R. 14114

(Mr. ULLMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ULLMAN. Mr. Speaker, on June 2, 1976, the Committee on Ways and Means ordered favorably reported to the House of Representatives the bill, H.R. 14114. Section 1 of H.R. 14114 would increase the public debt limitation to $636 billion through September 30, 1976, to $682 billion through March 31, 1977, and to $700 billion through September 30, 1977.

Section 2 of the bill would increase from $12 billion to $17 billion the amount of long-term bonds which may be issued by the Department of the Treasury without regard to the 4¼-percent ceiling.

I take this occasion to advise my Democratic colleagues in the House as to the type of rule which I will request for consideration of the bill on the floor of the House. The committee instructed me to request the Committee on Rules to grant a rule which would provide for committee amendments, which would be open as to section 1 of the bill, but which would be closed with respect to section 2 of the bill. The rule would also provide for 2 hours of general debate, to be equally divided, with one motion to recommit, and waiving one point of order regarding the Second Liberty Bond Act. We intend to file the committee report by midnight, Friday night, June 4, 1976. It is our intention to request a hearing before the Committee on Rules as expeditiously as possible.

H.R. 9560—WETLANDS BILL

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, within a short time, the House will be considering H.R. 9560 which includes the amendment proposed by the gentleman from Louisiana (Mr. BREAUX). I believe that a coordinated control of our Nation's wetlands is essential to the continued viability of those important resources of our environment and this amendment should be rejected.

An editorial in this morning's Washington Post states the issue most succinctly and I include the editorial at this point in the RECORD:

SAFEGUARDS FOR THE SWAMPS

The current anti-Washington mood has compounded Congress' perennial problem of

deciding how much regulation is essential and what is too much. An important example is the issue of wetlands protection, which is scheduled to come before the House today in connection with H.R. 9560, a water resources bill.

The bill includes an amendment by Rep. John Breaux (D-La.) which would negate a 1972 law and 1975 court decision which greatly enlarged the Army Corps of Engineers' power to regulate dredging and filling in the nation's marshes, swamps and other ecologically priceless wetland areas. The Corps' expanded program has not yet taken effect. However, some of that agency's own comments have helped to stir up fears that the Army intends to assert control over farm ponds, rice paddies and every other damp spot on the continent. The Breaux amendment is meant to preclude such excesses by slashing back the Corps' authority to about its pre-1972 scope.

As a reaction to alleged regulatory overkill, the Breaux amendment is in several important respects an exercise in heavy-handedness itself. It would leave millions of acres of important wetlands open to exploitation and possible ruin. It would limit the Corps' jurisdiction so arbitrarily that in some cases the boundary of federal review might run through the middle of a marsh. At the same time, because no hearings were held on the measure, its relation to other water pollution control laws is unclear. Some allege that it might permit dumping of poisonous wastes into rivers and lakes that serve as public water supplies. Others claim that, to the contrary, withdrawing the Corps' authority might bring EPA into the wetlands permit business instead.

In view of such difficulties, some Public Works Committee members who backed the amendment have had second thoughts. Rep. Jim Wright (D-Tex.), for one, has been trying to marshal support for modifying the Breaux language or postponing the Corps program until a study has been made. There has also been some discussion of giving qualified states a larger wetlands protection role. On the other hand, EPA and the Interior Department flatly oppose the Breaux amendment and argue that any major changes in the existing program would be premature.

In the midst of this discord, Reps. William H. Harsha (R-Ohio) and James C. Cleveland (R-N.H.), in cooperation with several environmental groups, have proposed a sensible course. They would reject the Breaux amendment and respond to farmers' fears by providing that the Corps may issue general permits for minor dredging activities and may not regulate stock ponds, irrigation ditches and so forth at all. This would solve the immediate worries without tearing up the whole program.

THE ARTIFICIAL CRISIS OF AMERICAN SECURITY

(Ms. HOLTZMAN asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Ms. HOLTZMAN. Mr. Speaker, recently the House passed its budget resolution, which contained the largest increase for military expenditures in peacetime in our history. Serious questions were raised during debate on the resolution about the adequacy of U.S. military forces.

The May 1976 issue of the Defense Monitor demonstrates that our present U.S. military strength is unmatched and explodes the myth that U.S. military might is slipping. I commend this article to my colleagues' attention.

The text follows:

THE ARTIFICIAL CRISIS OF AMERICAN SECURITY

A crucial element in the effort to shape public attitudes this year has been the extensive campaign by officials of the Defense Department to paint a picture of comparative U.S. and Soviet military power that raises serious doubts and fears about the adequacy of U.S. military forces. The United States, according to the Pentagon, has been reducing its military forces across the board in recent years while the Soviet Union is on the verge of becoming the world's number one military power if current "trends" continue.

General George Brown, Chairman of the Joint Chiefs of Staff, chastizes those who "evidently think we are still stronger than the Soviets despite what the figures show." General David Jones, Air Force Chief of Staff, states that "in relative terms the Soviets have been running full speed while we have been standing still" and that "as you look at what they are doing, it is mind boggling in every respect." Although President Ford declares that "our military power is without equal," his Secretary of Defense, Donald Rumsfeld declares that "we are not number one if one looks at the basic military capabilities as between the United States and the Soviet Union." As a result of Defense Department briefings, Senator John McClellan, Chairman of the Senate Appropriations Committee, concludes that "all the available measurements show that American power is declining while Soviet power is rising."

How accurate is the Defense Department's presentation of American military weaknesses and Soviet military strengths? Do the "trends" really indicate a sharp decline in U.S. power and the prospect of Soviet superiority? Reliable and credible answers to these questions are not impossible to come by, although election rhetoric provides more confusion than illumination. The artificial crisis of American security that has been created this year makes it difficult, but not impossible, to carry on an informed public discussion of U.S. military requirements.

A more positive appraisal

Spokesmen for the Defense Department and the military services have consistently emphasized comparisons of military forces that "demonstrate" Soviet advantage and U.S. inferiority and decline. Dr. Malcolm Currie, Director of Defense Research and Engineering, tells Congress that "we lead in helicopters and strategic bombers but that is all." Only passing reference is made to facts that complicate the image of an emergent Soviet military superiority, including the following:

1. The United States has 8500 strategic nuclear weapons; the Soviet Union has 2500. This is the most important statement about the strategic balance. The U.S. advantage has been *increasing* in recent years.

2. The United States has almost 1000 strategic missiles with multiple warheads (MIRVs) while the Soviet Union has about 60.

3. The United States has an across-the-board lead in nearly all of the important technological-effectiveness aspects of strategic weaponry, including accuracy, reliability, miniaturization, survivability, advanced electronics and computers, and penetration aids.

4. The United States has more than 400 intercontinental strategic bombers, each of which is much more capable than any Soviet bomber. The Soviet Union has 160 strategic bombers and lacks tanker refueling aircraft to support a large bomber force.

5. The United States has hundreds of military bases far from its territory and close to the Soviet Union. The Soviet Union has few, if any, permanent overseas bases.

6. The United States has a world-wide alliance system, with some allies who make a significant military contribution. The Soviet Union is still essentially a regional power, lacking strong and reliable friends and allies, and must use its forces to defend its borders and police its "allies."

7. The United States armed forces have extensive combat experience after fighting for more than ten years in Southeast Asia. Soviet military forces are almost completely lacking in combat experience.

8. The United States has 13 attack aircraft carriers. The Soviet Union has none.

9. The United States has more than 1100 fixed-wing aircraft at sea. The Soviet Union has none.

10. The United States has eight nuclear-powered surface naval ships. The Soviet Union has none.

11. The United States has 197,000 Marines. The Soviet Union has 17,000. (This and the next item are approximate measures of ability to deploy intervention forces at a distance.)

12. The United States has more than 300 strategic airlift aircraft. The Soviet Union has 60.

13. The United States has about 5400 strategic nuclear weapons on board invulnerable submarines. The Soviet Union has about 750.

14. The United States, as a result of a vigorous R&D program, is on the verge of a number of new technological advances that will probably open up a further lead over the Soviet Union. These include conventional munitions and guidance, satellite navigation systems, and highly accurate strategic missiles.

The list could be extended much further. Not all the "trends" are "adverse trends." A crucial fact that affects nearly all comparisons of numbers of weapons systems is that the United States today continues to have a significant lead in the technological effectiveness of its weapons. Not only do the United States and its allies have a quantitative advantage in many important military areas, the U.S. has a qualitative edge in nearly every respect. The few areas where the Soviet Union has surpassed American technology usually reflect a decision by the Defense Department not to pursue a particular avenue; an example is big liquid propelled ICBMs with large throw-weight.

A familiar refrain

Recent history provides a useful perspective on the present "crisis" of American security. There is little new in the alarms that the Pentagon is raising this year. In fact, the continuity of complaint and prediction about the Soviet military threat is remarkable, extending back to the 1950's and even before. One would search Defense Department statements in vain for any time of acknowledged "decisive U.S. military superiority." The famous NSC-68 report of the National Security Council in 1950 reached the same conclusion widely used today: "The Soviet Union actually possesses armed forces far in excess of those necessary to defend its national territory."

There is a striking similarity between descriptions of the Soviet Union by U.S. military spokesmen 20 years ago and today. In 1958 then-Army Chief of Staff General Maxwell Taylor described the Soviet Army in these terms: "This modernized Soviet Army, the largest in the world, has a completely new postwar arsenal of weapons in being, in the hands of trained troops capable of fighting either a nuclear or non-nuclear war, large or small, in any kind of climate or terrain." In 1958 Thomas S. Gates, the Secretary of the Navy, stated that "The threat to the United States' capacity to control the seas has never been greater" and the Chief of Naval Operations, Admiral Arleigh Burke, already perceived a blue water Soviet naval threat: "The Soviet Navy is operating more and more on the high seas—away from their home waters."

The Gaither Report to the National Security Council in 1957 predicted near-term Soviet military superiority. In 1976 this period in the 1950's is declared to have been an era of "unquestioned U.S. military superi-

ority," a time that former Defense Secretary James Schlesinger has referred to as "Pax Americana." But American military policy makers in 1958 apparently had no confident sense of U.S. military superiority. The uncertain relationship between military forces and a sense of national security is thus evident.

Five years ago, Dr. John Foster, then-Director of Defense Research and Engineering, said that, if present trends continued, "The Soviet Union would assume technological superiority in military research and development in the middle of this decade." According to Defense Department statistics, the trends existing in 1971 *did* continue. However, in 1976 when Dr. Malcolm Currie, Dr. Foster's successor, appeared before Congress he could state that "The United States continues to hold a technological lead over the Soviet Union in most areas critical to our national security." General Daniel Graham, former head of the Defense Intelligence Agency, confirms that "in almost all military technologies we do lead them." Dr. Currie puts off the time when the Soviets might surpass the United States for another ten years, projecting "a potentially grave situation in the mid-1980's."

General George Brown, Chairman of the Joint Chiefs of Staff, has revealed some very encouraging aspects of American military capability which are not widely known. In addressing the military balance between NATO and the Warsaw Pact in Europe, General Brown observes:

"There was a time, not too long ago, when there were arguments about the length and duration of conflict and how soon one side or the other would be forced into the use of nuclear weapons. . . . Now, over a period of time, that has changed dramatically. Today the NATO forces, principally the Germans and U.S. forces, have a very respectable capability to fight without resorting, early on, to nuclear munitions."

These success stories of real increases in U.S. and allied military capability deserve more public attention than they have received.

QUESTIONABLE MILITARY SPENDING COMPARISONS

The newest, and most publicized, Defense Department rationale for a big increase in the U.S. military budget is the allegation that the Soviet Union is outspending the U.S. on defense, by more than 40%. No other "adverse trend" has had quite the impact of this new revelation in creating fears that the United States is falling behind the Soviet Union.

It is ironic that a number of U.S. weapons systems, for example, the B-1 bomber and the strategic cruise missile, are defended by military officials precisely on the grounds that such weapons will "force" the Soviets to expend more money. The Soviets have, of course, invested heavily in strategic defense. In some respect, therefore, it is official U.S. policy to encourage increases in Soviet military spending, while at the same time pointing with alarm to any increase in Soviet spending.

The Central Intelligence Agency, under pressure from the Defense Department, has produced estimates of what it would cost in dollars and U.S. prices for the United States to operate the Soviet military establishment. An exaggerated conception of Soviet military forces is thus created by cloaking them in the much higher costs of American manpower and weapons.

The dollarized estimates of Soviet military spending have nothing to do with what the Soviets actually spend on defense and provide no basis for assessing the adequacy of U.S. military forces. The "new, improved" estimates that have appeared are no refinement of our understanding of Soviet military developments. They are no measure of Soviet military capability. Such magnifications of the costs of Soviet military efforts seem only useful in producing a psychological inflation of the Soviet threat. The exaggeration is perhaps intended to produce the corrollary effect of greater public toleration for high U.S. military costs.

Some U.S. officials have on occasion recognized that the military spending comparisons have severe limitations. Secretary of Defense Donald Rumsfeld has admitted that "It is important to note that these dollar-cost analyses are not measures of how much the Soviets spend on defense, nor are they measures of Soviet military capability, either in absolute terms or in relation to U.S. military capabilities." Rumsfeld's predecessor, James Schlesinger, once commented that "I do not wish to exaggerate the significance of these numbers. Quite obviously, when one translates Soviet manpower into U.S. dollars, the effect is to lead to a much higher cost than is valid." Given these disclaimers by Rumsfeld and Schlesinger, one wonders what the estimates are good for, and it is curious that these comparisons have been given such wide circulation by the Defense Department.

The Central Intelligence Agency itself has made it clear that it does not put much stock in the dollarization of Soviet military effort. The CIA states that "dollar cost calculations tend to overstate Soviet programs relative to the U.S." William Colby, former CIA director, acknowledged that "we do this because of the demand for it" and that "our estimates probably tend to overstate the costs of the Soviet design." And General Daniel Graham, the former director of the Defense Intelligence Agency, agrees that "Any attempt to measure the efforts of a command economy such as the USSR's in terms of the currency of a free economy such as ours is doomed to produce misleading results."

One is forced to agree with General George Brown, Chairman of the Joint Chiefs of Staff, that "It is difficult, and often impossible, for us to determine accurately Soviet military expenditures and expenditure trends." Unfortunately, many spokesmen for the Defense Department have been willing to misuse the dollar estimates for purposes of raising alarm—and the military budget.

The potential threat to the U.S. comes from the size and capability of the Soviet's military effort, not from its cost. The Soviet threat must be assessed with regard to the relevance of its different components to U.S. security and recognition must also be given to the contribution of other nations to the military balance. Not every Soviet action threatens the U.S., nor does the U.S. stand alone in the world.

Need for broader assessment

Only an introduction to a broader assessment can be offered here. A useful public debate over U.S. defense policy has yet to begin as most of the discussion has dealt with irrelevant issues. A careful reading of the remarks of U.S. military leaders reveals some important, but little noted, factors that may be at work in the U.S.-Soviet arms competition.

Secretary Rumsfeld has stated that *"durable negotiations are possible only between equals."* It seems evident that the Soviet leaders have felt the same way and that this consideration has played some role in the Soviet military budget in recent years. General Brown confirms that the interrelationship between Soviet arming and negotiating postures when he predicts that the Soviets will continue to enhance their military posture in the future, "reflecting the Soviet desire to negotiate from a position of increased strength." Negotiating from "strength" is obviously a game that two can and do play. The lack of U.S. interest in naval arms control measures is in part a reflection of the fact that the Soviet Navy still lags substantially behind the U.S. Navy.

General Brown has raised another consideration that may be driving the Soviet military effort when he states that a United States that found itself with fewer friends in the world and in a "Fortress America" situation would "undoubtedly find ourselves spending much more on defense than we do now." It is the Soviet Union, particularly since the Sino-Soviet split, that has found itself in a "Fortress Russia" position. Soviet geographic vulnerabilities are striking and contribute to what William Colby has called "a national historical fixation on the problem of invasion." The "dollar" value of U.S. geographic advantages is incalculable but enormous. These facts should be a cause for confidence in U.S. security, rather than grounds for raising fears.

The Sino-Soviet split has had a fundamental impact on Soviet policy and a somewhat restricted impact on U.S. policy. The Soviet Union has tripled its forces in the Far East during the past decade and, according to President Ford, "half of their military capability is guarding that border."

The Defense Department points out that the Soviets have also improved their military forces facing NATO but this should not be surprising. NATO has improved also. Undoubtedly a number of factors are involved, including instabilities in Eastern Europe. The perceived threat from China probably has created a generalized heightened Soviet sense of insecurity. The Soviet build-up in the east and in the west may be related, rather than separate as described by the Defense Department. (A possible Soviet motivation for a conventional build-up is the belief that this will decrease the likelihood of using nuclear weapons, which may also be in the interests of the West. Raising the nuclear threshold has certainly been a major motivation for NATO's expansion of conventional forces.)

In addition to its military concern with China, the Soviet leadership has been very conscious of the build-up of European NATO forces in recent years, particularly West Germany. The military expenditures of the European NATO members have risen from $24 Billion in 1970 to $57 Billion in 1975. The combined navies of the European members of NATO are probably at least as potent as the Soviet Navy and their ship construction programs are also impressive. According to the Defense Department, America's NATO allies "can deploy more major surface combatants, more submarines, more mine warfare vessels and more sea-going patrol vessels than the U.S."

Even using the Defense Department's inflated estimates of Soviet defense spending, NATO's defense spending exceeds that of the Warsaw Pact, approximately $149 Billion versus $122 Billion in 1975. Secretary Rumsfeld states that *"Comparisons of total military manpower and numbers of weapons across a large number of categories show a rough balance between NATO and the Warsaw Pact."* The conventional force balance—the traditional area of Soviet numerical strength—indicates that NATO combines rough quantitative equality with qualitative superiority.

Consequence of Vietnam war?

In examining the broad context in which the growth of Soviet military capability has occurred, the massive long-term U.S. military involvement in Indochina has been an important factor. There was an apparent relationship between the Cuban missile crisis in 1962 and the build-up of Soviet military forces—perhaps a lesson for the U.S. in the dangerous and unanticipated consequences of the exhibition of military muscle. Just as the United States has not been indifferent to Soviet involvement in Angola, American willingness to conduct an extended war in Vietnam, far from "traditional" areas of U.S. concern, may have led the Soviet Union to strengthen its military forces. In the 1950's and 1960's the number of Soviet military per-

sonnel declined, reaching a minimum in 1965; the subsequent expansion coincided in part with the growth of U.S. involvement in Indochina.

ELEMENTS OF U.S. STRATEGIC SUPERIORITY

To excite the public about dangers of U.S. inferiority in strategic weapons requires extraordinary contortions at a time when the United States has some 8500 strategic nuclear weapons and the Soviet Union has about 2500 and the "trend" has been in favor of the U.S. [See chart on page 6.] Indeed, Secretary of State Henry Kissinger has made it clear that he considers the Defense Department's "fanciful nuclear scenarios" and other devices used to create alarm to be foolish and dangerous. He criticizes "overawed technocrats" and states that "we must not mesmerize ourselves with ficticious 'gaps'."

In part, the American people are suffering the consequences of an accidental conjunction of events. The Defense Department's "requirement" for huge increases in funding for major new strategic weapons programs—the B–1 bomber and the Trident submarine in particular—are occuring at the same time. It may appear to the Pentagon that the only way to obtain increased Congressional funding is to overstate the threat.

Secretary Kissinger has recently commented that "our technology has always been ahead of the USSR by at least five years." This remains true today, as indicated by Soviet lags in MIRVing and the tremendous U.S. advantages in miniaturization, propulsion capability, and guidance which have applications in many fields. In the strategic cruise missile program, for example, Air Force Secretary Thomas Reed estimates that the U.S. has a ten year advantage over the Soviets. Secretary Rumsfeld lists as one of the elements of U.S. advantage "accuracy of missiles, especially in the potential for a major quantum improvement." This is an instructive statement, in view of allegations that the Soviets will close the accuracy gap.

The evidence indicates that the United States has durable superiority (although of questionable military or political importance) in strategic forces over the Soviet Union and that this superiority has been increasing in recent years. The "trends" in the past five years have *not* been towards the "rough equivalence" of which Secretary Rumsfeld speaks. President Ford's speeches on the campaign trail have described some elements of U.S. strategic superiority, but Defense Department officials very rarely admit the reality of U.S. advantage. An exception is a recent statement by Major General Robert C. Marshall, the Army's Ballistic Missile Defense Program Manager, that warned a Congressional committee about Soviet programs "which could lead them to strategic equivalence" and referred to the danger that "in the next decade, we face . . . the possible loss of our strategic superiority over the Soviet Union."

The Defense Department speaks consistently of the intensification of the Soviet strategic threat. Information about new Soviet developments that indicates an increasing threat is quickly passed to the press but contrary information is usually not publicized. For example, a little-noted statement by Dr. Malcolm Currie that Soviet MIRVing has been slower than expected appeared in a recent hearing of the House Armed Services Committee: "Current information on Soviet ICBM conversions indicates a somewhat slower pace than had been projected in late 1975." In June 1975 former Defense Secretary Schlesinger announced that the Soviets had 60 operational MIRVed ICBMs but almost a year later the Pentagon has announced no new updating of this number. In fact, Secretary Rumsfeld has quietly decreased by 300 Schlesinger's estimate of how many strategic nuclear weapons the Soviets had in mid-1975. We hear little about the problems that the Soviets probably are having in mastering the enormously complex MIRV technology.

Former Defense Secretary Schlesigner attempted to provide a new thrust to U.S. strategic programs by enunciating requirements for nuclear weapons that would accomplish complex feats of politico-military coercion. This is the counterforce or "flexible options" approach. President Ford and Secretary Rumsfeld, however, have made statements that seem to question the Schlesinger doctrine. President Ford has warned against "fast and fancy gunplay with weapons that can destroy the human race." Secretary Rumsfeld states that "although we can lower their yields and refine their effects in various ways, we cannot be certain that enemies would treat them as other than very blunt instruments." The logical implication of such remarks would be to constrain programs whose rationale is the presumed usefulness of "fancy gunplay" and "refined instruments." Schlesinger stated that "the change in targeting doctrine can be implemented without the procurement of any additional weapons." Yet the new budget increases funding for such programs.

Another area of confusion within the Administration concerns the degree of seriousness to be given to scenarios of possible future Soviet nuclear attack. This involves again the military and political feasibility of nuclear war. Secretary Kissinger has decisively rejected the common Defense Department view, enunciated most explicitly by former Navy Secretary Paul Nitze and Admiral Zumwalt, that presents fanciful contingencies of Soviet nuclear attack as imminent dangers. Kissinger states:

"To be sure, there exists scenarios in planning papers which seek to demonstrate how one side could use its strategic forces and how in some presumed circumstance it would prevail. But these confuse what a technician can calculate with what a responsible statesman can decide. They are invariably based on assumptions such as that one side would permit its missile silos to be destroyed without launching its missiles before they are actually hit—on which no aggressor would rely where forces such as those possessed by either the U.S. or the USSR now and in the years ahead are involved."

This view is supported by General David Jones, Air Force Chief of Staff, who believes that "it will be a long time before they could disarm the Minuteman force with any great assurance. I question whether they will ever be able to achieve that."

Nuclear forces in particular do not deserve alarmist concerns about U.S. weaknesses, today or in the future. General Brown has observed that China has "a modest, but credible, nuclear retaliatory capability against the USSR." In China, whose nuclear forces are much smaller than those of the USSR, nevertheless has a "credible" retaliatory capability, perhaps we need not be so alarmed about our own alleged inadequacies.

CONTINUING U.S. NAVAL SUPERIORITY

Some observers point to the growth of the Soviet Navy as a cause for concern about the condition of U.S. security and a reason for a big increase in the U.S. military budget. This is certainly a more important issue than the comparisons of military spending or the strategic balance.

One school of thought maintains in essence that Russia needs no navy, and views Soviet naval activity as evidence of Soviet intention either to dominate the world or create dangerous mischief. Yet, the Soviet Union *does* have very demanding requirements for naval forces, not the least of which are caused by the enormous threat posed by American strategic submarines and nuclear weapons on board aircraft carriers. Even today's Soviet Navy cannot protect the Soviet Union from utter devastation launched from the sea.

The widely separated Soviet fleet areas also place great demands on Soviet naval forces. The fact that Soviet ships have to pass through very vulnerable geographical choke points to reach open water also drives the Soviets toward constructing more than a token navy. General Graham, former head of the Defense Intelligence Agency, has noted the problems that the Soviets face in developing a capability to operate on the broad oceans: "It is a tough thing for the Soviet Navy to come up with that kind of capability. Their seas are landlocked. They have to get out of the North Sea between the ice and Norway. They have to get out of the Black Sea through the Dardenelles. They have to get through the Sea of Japan. They have a tough problem."

Another factor which contributes to Soviet naval expansion is the example that the United States has set of superpower behavior. American demonstrations of naval force encourage the Soviet Union to throw its naval weight around. Joint Chiefs Chairman General Brown states that "U.S. naval task groups . . . have been routinely dispatched to crisis areas as signs of American intentions to influence the outcome." Since 1955, the Defense Department reports, aircraft carriers have been involved in 54 such situations. If the United States persists in a "routine" pattern of gunboat diplomacy, it should be no surprise if the Soviet Union follows the leader. A Soviet naval officer, reading Chief of Naval Operations Admiral James Holloway's description of the advtntages of a "forward" naval strategy, entirely for "defensive" purposes, would have little difficulty in applying the same arguments to his own country. Pointing out this fact is not an effort to portray the Soviet Navy as benign but rather a caution that for our own national interests perhaps greater circumspection in the use of naval power and less grandiose objectives may be desirable. Observing "habits of restraint" must be mutual.

Some of the commonly held impressions of the expansion of the Soviet Navy are not true. As the much-cited Library of Congress study on the U.S.-Soviet military balance concluded, "the Soviet Navy . . . is still structured primarily to protect the mother country."

President Ford stated in February 1976 that "in the last five years the Soviet Union has increased their navy tremendously." Actually, other than strategic submarines, there has been little increase in the size of the major components of the Soviet Navy in recent years. The Soviets, as has the United States, have been retiring older ships as new ones are built. This is consistent with the intelligence information revealed by Congressman Les Aspin that only 3% of the growth in Soviet defense spending over the 1964–1974 period went into naval general purpose forces.

General Brown notes that *"Soviet naval growth is moderate, below estimated shipyard facilities capacity."* He says that "the overall force level of Soviet major surface combatants is expected to gradually decrease slightly over the next decade."

Soviet naval threats

The major military threat from Soviet surface ships is the anti-ship missile. The United States has, until recently, concentrated on improving carrier-based airpower while the Soviets developed less expensive anti-ship missiles. The Soviets have deployed such missiles in profusion, although there is some doubt about their real capabilities and effectiveness. Until recently, the U.S. intelligence community ascribed triple its real range to a Soviet antiship missile which had been operational for years. The United States is in the process of closing the anti-ship missile gap. By 1980 the advanced Harpoon anti-ship missile will be deployed on virtually all U.S. surface combatants and on many aircraft as well.

Even today, without a serious U.S. anti-ship missile capability, General Brown believes that, "Soviet surface ships . . . are considered particularly vulnerable to concerted Western air or submarine attack." This is true chiefly because of the necessity for Soviet ships to pass through geographical choke points where they are vulnerable to land-based aircraft or barriers of mines and submarines. Further, as General Brown states, "once in open water, the missile-armed Soviet surface combatants once detected, must contend with carrier strike aircraft well before they can reach the launch points for their surface-to-surface missiles."

The Soviet submarine force is probably the most significant Soviet naval threat. Secretary Kissinger, in another context, has commented that "there is nothing new about the size of the Soviet army." The same is true of the Soviet submarine force. The number of Soviet attack submarines has been substantially larger than the number of U.S. attack submarines for many years. In 1965, the Soviets had 336 attack submarines (including those armed with cruise missiles). In 1975 they had 253. The Defense Department projects a continuing decline of Soviet numbers. The United States has more nuclear-powered attack submarines—and has been deploying more in recent years—which are far superior in speed, endurance, operating depth and overall effectiveness to diesel-powered subs. Diesel subs must operate at or near the surface most of the time they are at sea and are, as a result, highly vulnerable. Soviet submarines also suffer from the serious weakness of being "noisy," which increases their vulnerability to sonar detection. U.S. anti-submarine warfare capability is substantially more extensive than that of the Soviet Union and, according to Admiral James Holloway, the U.S. advantage is growing: "they are really not moving [as] fast today in my opinion as we are."

Much attention has been given to increased Soviet naval deployments around the world, although the U.S. Navy continues to operate its ships far more extensively than does the Soviet Navy. After a period of Soviet expansion, primarily in the Mediterranean, however, the "trend" seems to have stabilized and, according to Secretary Rumsfeld, "Soviet naval peacetime presence . . . now appears to have stabilized at a level below that of the overall U.S. presence." In terms of capability to support, protect, and deploy naval forces at a distance the United States today has an overwhelming advantage over the Soviet Union, which is still essentially a regional naval power whose forces are very vulnerable when outside the protection of land-based aircover.

The "trend" in distant development capability may be in favor of the United States. General David Jones, Air Force Chief of Staff, reports that "the past few years have witnessed a major growth in our capability to deploy forces beyond our shores. . . . This capability includes not just Air Force forces but Army, Marine Corps, and Naval forces as well."

The United States has some 100 naval war ships under construction or funded. In major surface combatants—those over 3,000 tons—U.S. ship construction has greatly exceeded that of the Soviet Union in recent years, according to Defense Department figures released by Senator Patrick J. Leahy. Since 1960, the U.S. has built 122 ships over 3,000 tons, while the Soviet Union has built only 57. In every five year period since 1960, U.S. construction has exceeded that of the Soviet Union in large ocean-going naval vessels. Comparisons of total NATO with total Warsaw Pact naval construction makes the NATO advantage even sharper.

The Secretary of the Navy, J. William Middendorf, states that "The United States Navy has major assets not possessed by the Soviet Union, such as superior aircraft carriers, quieter submarines, and more highly qualified personnel. Therefore, there is no validity to the charge that 'we are falling farther and farther behind the Soviet Union in sea power.'"

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. HICKS (at the request of Mr. O'NEILL) for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. FENWICK) and to revise and extend their remarks and include extraneous matter:)

Mr. MARTIN, for 10 minutes, today.

Mr. BOB WILSON, for 10 minutes, today.

The following Members (at the request of Mr. AUCOIN), to revise and extend their remarks, and to include extraneous matter:)

Mr. WOLFF, for 30 minutes, today.

Mr. VANIK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. FLOOD, for 5 minutes, today.

Mr. AUCOIN, for 5 minutes, today.

Ms. ABZUG, for 30 minutes, today.

Mr. KOCH, for 10 minutes, today.

Mr. MINISH, for 10 minutes, today.

Ms. ABZUG, for 30 minutes, on June 3.

Ms. HOLTZMAN, for 15 minutes, today.

Mr. BRADEMAS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Ms. HOLTZMAN, and to include extraneous matter, notwithstanding the fact that it exceeds 3½ pages of the RECORD and is estimated by the Public Printer to cost $1,001.

(The following Members (at the request of Mrs. FENWICK) and to include extraneous matter:)

Mr. SCHNEEBELI.

Mr. GRADISON.

Mrs. PETTIS.

Mr. ROUSSELOT.

Mr. ESCH.

Mr. RHODES.

Mr. ARMSTRONG.

Mr. LAGOMARSINO.

Mr. ANDERSON of Illinois in two instances.

Mr. EMERY.

Mr. GILMAN.

Mr. SKUBITZ in three instances.

Mr. SPENCE.

(The following Members (at the request of Mr. AUCOIN) and to include extraneous matter:)

Mr. GREEN in three instances.

Mr. ROYBAL.

Mr. VANIK in three instances.

Mr. MILFORD.

Mr. WOLFF.

Mr. MAZZOLI.

Mr. YOUNG of Georgia.

Mr. GONZALEZ in three instances.

Mr. ANDERSON of California in three instances.

Mr. FORD of Michigan in five instances.

Mr. MAGUIRE.

Mr. BAUCUS in two instances.

Mr. BADILLO in two instances.

Mr. HUNGATE in three instances.

Mr. OTTINGER.

Mrs. BURKE of California.

Mr. MCHUGH in three instances.

Mr. GIBBONS.

Mr. RANGEL.

Mr. CARNEY.

Ms. ABZUG in two instances.

Mr. JONES of Tennessee in two instances.

Mr. ALEXANDER in two instances.

Mr. BALDUS.

Mr. BRECKINRIDGE in two instances.

Mr. WAXMAN.

Mr. DRINAN.

Mr. JOHN L. BURTON.

Mr. LLOYD of California.

Mr. ROSENTHAL in two instances.

Mr. EDGAR.

Mrs. COLLINS of Illinois.

Mr. WIRTH in two instances.

Mrs. SPELLMAN.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following title:

S. 52. An act for the relief of Miss Rosario Y. Quijano, Walter York Quijano, Ramon York Quijano, Tarcisus York Quijano, Denis York Quijano, and Paul York Quijano; and

S. 223. An act for the relief of Angela Garza and her son Manual Aguilar (aka Manuel Garza.)

ADJOURNMENT

Mr. AUCOIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 19 minutes p.m.) the House adjourned until tomorrow, Thursday, June 3, 1976, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3414. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement describing a proposed transaction with the Korea Electric Co. (KECO) and private financial institutions which exceeds $80 million, pursuant to section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Currency and Housing.

3415. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement describing a proposed transaction with three Spanish electric utilities and private financial institutions which exceeds $60 million, pursuant to section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Currency and Housing.

3416. A letter from the Mayor of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Self-Government and Government Reorganization Act with respect to the borrowing authority of the District of Columbia,

and for other purposes; to the Committee on the District of Columbia.

3417. A letter from the U.S. Commissioner of Education and the Chairman, National Advisory Council on Career Education, transmitting a report on career education in public schools, pursuant to section 406(e) and (g)(4) of Public Law 93-380; to the Committee on Education and Labor.

3418. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on the assignment of foreign service officers to public organizations, pursuant to section 576(e) of the Foreign Service Act of 1946, as amended (89 Stat. 764; 22 U.S.C. 966(e)); to the Committee on International Relations.

3419. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Army to offer to sell certain defense articles to Pakistan (transmittal No. 76-53), pursuant to section 36(b) of the Foreign Military Sales Act, as amended; to the Committee on International Relations.

3420. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting the annual report of the Service for fiscal year 1975; to the Committee on the Judiciary.

3421. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Urban Mass Transportation Act of 1964, as amended, to repeal section 3(h); to the Committee on Public Works and Transportation.

3422. A letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to extend the appropriations authorizations for reporting of weather modification activities; to the Committee on Science and Technology.

3423. A letter from the Chairman, Commission on Federal Paperwork, transmitting recommendations for reducing the paperwork burden caused by rules and regulations; jointly, to the Committees on Government Operations, and the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

3424. A letter from the Acting Comptroller General of the United States, transmitting his review of the revised deferral of budget authority contained in the message from the President dated April 13, 1976 (H. Doc. No. 94-454), pursuant to section 1014(c) of Public Law 93-344 (H. Doc. No. 94-515); to the Committee on Appropriations and ordered to be printed.

3425. A letter from the Comptroller General of the United States, transmitting a report on the evacuation and temporary care phases of the Indochina Refugee Program; jointly, to the Committees on Government Operations, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Texas: Committee on Rules. House Resolution 1242. Resolution providing for the consideration of H.R. 8401. A bill to authorize cooperative arrangements with private enterprise for the provision of facilities for the production and enrichment of uranium enriched in the isotope 235, to provide for authorization of contract authority therefor, and for other purposes (Rept. No. 94-1205). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 1243. Resolution providing for the consideration of H.R. 10133. A bill to upgrade the position of Under Secretary of Agriculture to Deputy Secretary of Agriculture; to provide for two additional Assistant Secretaries of Agriculture; to increase the compensation of certain officials of the Department of Agriculture; to provide for an additional member of the Board of Directors, Commodity Credit Corporation; and for other purposes (Rept. No. 94-1206). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 1244. Resolution providing for the consideration of H.R. 11743. A bill to establish a National Agricultural Research Policy Committee, and for other purposes (Rept. No. 94-1207). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 1245. Resolution providing for the consideration of H.R. 12944. A bill to extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for 6 months (Rept. No. 94-1208). Referred to the House Calendar.

Mr. MURPHY of Illinois: Committee on Rules. House Resolution 1246. Resolution providing for the consideration of H.R. 13636. A bill to amend title I (Law Enforcement Assistance) of the Omnibus Safe Streets and Crime Control Act of 1968, and for other purposes (Rept. No. 94-1209). Referred to the House Calendar.

Mr. ULLMAN: Committee on Ways and Means. H.R. 13500. A bill to amend the Internal Revenue Code of 1954 with respect to influencing legislation by public charities; with amendment (Rept. No. 94-1210). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITE: Committee on Post Office and Civil Service. H.R. 12114. A bill to amend chapter 89 of title 5, United States Code, to establish uniformity in Federal employee health benefits and coverage provided pursuant to contracts made under such chapter by preempting State or local laws pertaining to such benefits and coverage which are inconsistent with such contracts; with amendment (Rept. No. 94-1211). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. ABZUG:

H.R. 14131. A bill to amend title II of the Social Security Act to eliminate the special dependency requirements for entitlement to husband's and widower's insurance benefits, to provide benefits for certain divorced husbands and former husbands, to provide benefits to husbands based on having minor children in their care, and to provide benefits for widowed fathers with minor children, so that benefits for husbands, widowers, and fathers will be payable on the same basis as benefits for wives, widows, and mothers; to the Committee on Ways and Means.

H.R. 14132. A bill to amend title II of the Social Security Act to provide for the payment of full wife's, husband's, widow's, and widower's insurance benefits without regard to age in cases of disability, and for related purposes; to the Committee on Ways and Means.

By Mr. ANDERSON of Illinois (for himself, Ms. JORDAN, Mr. FITHIAN, Mr. HINSHAW, and Mr. KOCH):

H.R. 14133. A bill to reorganize the executive branch of the Federal Government to eliminate excessive, duplicative, inflationary, and anticompetitive regulation; jointly, to the Committees on Government Operations, and Rules.

By Mr. ASHLEY (for himself, Mr. BLANCHARD, and Mr. BROYHILL):

H.R. 14134. A bill to stimulate the purchase of new and existing housing, to assure the steady flow of capital into the mortgage market, and for other purposes; to the Committee on Banking, Currency and Housing.

By Mr. GIBBONS (for himself and Mr. CORMAN):

H.R. 14135. A bill to require the Internal Revenue Service to publicize for each year the number of individuals with economic incomes in excess of $200,000 who paid little or no Federal income taxes; to the Committee on Ways and Means.

By Mr. LOTT:

H.R. 14136. A bill to provide that amounts received under the Armed Forces health professions scholarship program shall continue to be excluded from income under section 117 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. MOORHEAD of Pennsylvania (for himself, Mr. PATTERSON of California, Mr. LAFALCE, Mr. HAYES of Indiana, and Mr. D'AMOURS):

H.R. 14137. A bill to provide for consumers a further means of minimizing the impact of inflation and economic depression by narrowing the price spread between costs to the producer and the consumer of needed goods, services, facilities, and commodities through the development and funding of specialized credit sources for, and technical assistance to, self-help, not-for-profit cooperatives, and for other purposes; to the Committee on Banking, Currency and Housing.

By Mr. RONCALIO:

H.R. 14138. A bill to amend title XVIII of the Social Security Act to authorize payment under the medicare program for certain services performed by chiropractors; to the Committee on Ways and Means.

By Mr. ST GERMAIN (for himself, Mr. BADILLO, Mr. HELSTOSKI, and Mr. RODINO):

H.R. 14139. A bill to increase the protection of consumers by reducing permissible deviations in the manufacture of articles made in whole or in part in gold; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHNEEBELI:

H.R. 14140. A bill to suspend until the close of June 30, 1979, the duty on concentrate of poppy straw used in producing codeine or morphine; to the Committee on Ways and Means.

By Mr. STEELMAN (for himself and Mr. D'AMOURS):

H.R. 14141. A bill to regulate lobbying and related activities; jointly to the Committees on the Judiciary, and Standards of Official Conduct.

By Mr. BRINKLEY (for himself, Mr. BRECKINRIDGE, Mr. BADILLO, Mr. GILMAN, Mr. GUYER, Mr. HINSHAW, Mr. HYDE, Mr. JENRETTE, Mr. KETCHUM, Mr. KINDNESS, Mr. LONG of Maryland, Mr. MONTGOMERY, Mr. PEPPER, Mr. SARASIN, Mr. SISK, Mr. J. WILLIAM STANTON, Mr. STARK, Mr. WALSH, Mr. WHITE, Mr. WINN, and Mr. WON PAT):

H.R. 14142. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

By Mr. EDGAR (for himself, Mr. CORNELL, Mr. D'AMOURS, Mr. DOWNEY of New York, Mr. HUGHES, Mr. MOFFETT, Mr. HOLLAND, Mr. DODD, Mr. BEARD of Rhode Island, Mr. HANNAFORD, Mr. LEVITAS, Mrs. LLOYD of Tennessee, Mr. KOCH, Mr. LAFALCE, Mr. DE LUGO, Mr. FORD of Tennessee, Mr. MAGUIRE, Mr. METCALF, Mr. FOUNTAIN, Mr. FRASER, Mr. GILMAN, Mr. FLORIO, Mr. HARKIN, Mr. HECHLER of West Virginia, and Mr. HALL):

H.R. 14143. A bill to amend title 38 of the United States Code in order to extend under

certain circumstances the delimiting period for completing veterans' education programs and to provide a teach-down period for veterans who have committed themselves to furthering their education; to the Committee on Veterans' Affairs.

By Mr. EDGAR (for himself, Mr. PRESSLER, Mr. PATTEN, Mr. PERKINS, Mr. OTTINGER, Ms. CHISHOLM, Mr. JOHN L. BURTON, Ms. BURKE of California, Mr. CARR, Mr. CLEVELAND, Mr. CONTE, Mr. CORMAN, Mr. RUSSO, Mr. BEDELL, Mr. DUNCAN of Tennessee, and Mr. STOKES):

H.R. 14144. A bill to amend title 38 of the United States Code in order to extend under certain circumstances the delimiting period for completing veterans' education programs and to provide a teach-down period for veterans who have committed themselves to furthering their education; to the Committee on Veterans' Affairs.

By Mr. EDGAR (for himself, Mr. DOMINICK V. DANIELS, Mr. DRINAN, Mr. ECKHARDT, Mr. FISH, Ms. HOLTZMAN, Mr. HEINZ, Mr. KINDNESS, Mr. JACOBS, Ms. KEYS, Mr. HOWE, Mr. HOWARD, Mr. KASTENMEIER, Mr. AMBRO, Mr. HORTON, Mr. JEFFORDS, Mr. HELSTOSKI, Mr. JENRETTE, Mr. JONES of Oklahoma, and Mr. KASTEN):

H.R. 14145. A bill to amend title 38 of the United States Code in order to extend under certain circumstances the delimiting period for completing veterans' education programs and to provide a teach-down period for veterans who have committed themselves to furthering their education; to the Committee on Veterans' Affairs.

By Ms. HOLTZMAN:

H.R. 14146. A bill to amend titles 18 and 28 of the United States Code to limit the circumstances in which an individual appearing before certain grand juries can be held in contempt and to limit the imprisonment for such contempt; to the Committee on the Judiciary.

By Ms. HOLTZMAN (for herself, Mr. BAUCUS, Mr. FITHIAN, Mr. GIBBONS, Mr. GUDE, Mr. HOWARD, Mr. JONES of North Carolina, Mr. MAGUIRE, and Mr. PATTERSON of California):

H.R. 14147. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for certain diagnostic tests and examinations given for the detection of breast cancer; to the Committee on Ways and Means.

By Mr. LITTON:

H.R. 14148. A bill to amend the Social Security Act and the Internal Revenue Code of 1954 to provide that the taxes presently imposed for medicare purposes shall be added to the taxes imposed for purposes of the OASDI program to assist in financing such program, and to provide that the medicare program shall hereafter be financed from general revenues rather than through such taxes; to the Committee on Ways and Means.

By Mr. MOAKLEY (for himself, Ms. ABZUG, Mrs. COLLINS of Illinois, Mr. CONTE, Mr. CONYERS, Mr. DE LUGO, Mr. DOWNEY of New York, Mr. EILBERG, Mr. HARRIS, Mr. HELSTOSKI, Mr. KOCH, Mr. MCFALL, Mr. RANGEL, Mr. RIEGLE, Mr. WAXMAN, and Mr. CHARLES H. WILSON of Texas):

H.R. 14149. A bill to amend title II of the Social Security Act to provide for the entitlement of disabled widows and widowers to unreduced widow's and widower's insurance benefits without regard to age; to the Committee on Ways and Means.

By Ms. ABZUG:

H.J. Res. 969. Joint resolution designating August 26, 1976, as Women's Equality Day; to the Committee on Post Office and Civil Service.

By Mr. DOWNEY of New York (for himself, Mr. ROYBAL, Mr. ADDABBO, Mr. RIEGLE, Mr. AMBRO, Mr. MITCHELL of Maryland, Mr. HOWARD, Mr. RICHMOND, Mr. COTTER, Mr. BEARD of Rhode Island, Mr. LAFALCE, Mr. EILBERG, Mr. KOCH, Mr. RUSSO, Mr. DELLUMS, Mr. OTTINGER, Mr. HUGHES, Mr. PATTISON of New York, Mr. CORNELL, Ms. ABZUG, Ms. HOLTZMAN, Mr. EDWARDS of California, Mr. ROSENTHAL, and Mr. BADILLO):

H.J. Res. 970. Joint resolution to plan and conduct a Congressional Conference on Aging in 1977; to the Committee on Rules.

By Mr. ROYBAL (for himself, Mr. ARMSTRONG, Mr. CEDERBERG, Mr. CHAPPELL, Mr. GILMAN, Mr. JENRETTE, Mr. JOHNSON of Pennsylvania, Ms. KEYS, Mr. MANN, Mr. MOAKLEY, Mr. MURPHY of New York, Mr. PATTEN, Mr. PATTERSON of California, Mr. PERKINS, Mr. SOLARZ, Mr. YATES, and Mr. YATRON):

H.J. Res. 971. Joint resolution. authorizing the President to proclaim September 8 of each year as National Cancer Day; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON of Illinois:

H. Res. 1235 Resolution to amend rule X of the Rules of the House of Representatives to permit a majority of the House to direct the Committee on Standards of Offiical Conduct to investigate complaints or resolutions involving alleged misconduct if the committee fails to undertake an investigation within 15-legislative days after the receipt of such complaint or referral of such resolution; to the Committee on Rules.

By Mr. ASHBROOK:

H. Res. 1236. Resolution expressing the sense of the House regarding the closing of post offices; to the Committee on Post Office and Civil Service.

By Mr. HANLEY (for himself, Mr. CLAY, Mr. NEAL, Mr. JENRETTE, Mr. LOTT, Mr. TAYLOR of Missouri, Mr. ABDNOR, Mr. ALEXANDER, Mr. BALDUS, Mr. BAUCUS, Mr. BERGLAND, Mr. BOLAND, Mr. BOWEN, Mr. BURGENER, Mr. JOHN L. BURTON, Mrs. CHISHOLM, Mr. DON H. CLAUSEN, Mr. DANIELSON, Mr. DAVIS, Mr. DOWNEY of New York, Mr. DRINAN, Mr. EDGAR, Mr. ENGLISH, Mr. EMERY, and Mr. FINDLEY):

H. Res. 1237. Resolution expressing the sense of the House regarding the closing of post offices; to the Committee on Post Office and Civil Services.

By Mr. HANLEY (for himself, Mr. FISH, Mr. FISHER, Mr. FITHIAN, Mr. FLOOD, Mr. FLOWERS, Mr. FOLEY, Mr. FRASER, Mr. FUQUA, Mr. GONZALEZ, Mr. GOODLING, Mr. HALEY, Mr. HALL, Mr. HAMMERSCHMIDT, Mr. HANSEN, Mr. HARKIN, Mr. HAYS of Ohio, Mr. HECHLER of West Virginia, Mr. HEFNER, Mr. HIGHTOWER, Mr. HORTON, Mr. HUNGATE, Mr. KASTENMEIER, and Ms. KEYS):

H. Res. 1238. Resolution expressing the sense of the House regarding the closing of post offices; to the Committee on Post Office and Civil Service.

By Mr. HANLEY (for himself, Mr. JOHNSON of California, Mr. JONES of Tennessee, Mr. KINDNESS, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MCEWEN, Mr. MCHUGH, Mr. MITCHELL of Maryland, Mr. OBEY, Mr. OTTINGER, Mr. PERKINS, Mrs. PETTIS, Mr. PEYSER, Mr. POAGE, Mr. PRESSLER, Mr. ROBERTS, Mr. SANTINI, Mr. SEBELIUS, Mr. SHIPLEY, Mr. SHRIVER, Mr. SISK, and Mr. SLACK):

H. Res. 1239. Resolution expressing the sense of the House regarding the closing of post offices; to the Committee on Post Office and Civil Service.

By Mr. HANLEY (for himself, Mrs. SMITH of Nebraska, Mr. STARK, Mr. STEIGER of Wisconsin, Mr. STUCKEY, Mr. TEAGUE, Mr. ULLMAN, Mr. VANDER JAGT, Mr. WALSH and Mr. WEAVER):

H. Res. 1240. Resolution expressing the sense of the House regarding the closing of post offices; to the Committee on Post Office and Civil Service.

By Mr. LONG of Maryland (for himself, Mr. HARRIS, Mr. RUSSO, Mr. TRAXLER, Mr. TSONGAS, Mr. AMBRO, Mr. JEFFORDS, Mr. SYMINGTON, Mr. DOMINICK V. DANIELS, Mr. DUNCAN of Oregon, Mr. BALDUS, Mr. GREEN, Mr. MCKINNEY, Mr. NOLAN, Mr. MCDADE, Ms. FENWICK, Mr. JACOBS, Mr. MOORHEAD of Pennsylvania, Mr. ROONEY, Mr. ASHLEY, Mr. MATSUNAGA, Mr. D'AMOURS, Mr. ARMSTRONG, Mr. ANDERSON of California, and Mr. MOFFETT):

H. Res. 1241. Resolution creating the Select Committee on Nuclear Proliferation and Nuclear Export Policy; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MCCLOSKEY:

H.R. 14150. A bill for the relief of Doris Mauri Coonrad; to the Committee on the Judiciary.

By Mr. WIGGINS:

H.R. 14151. A bill for the relief of Mrs. Young Hee Kim Kang, Hee Jae Kang, Hee Jin Kang, and Hee Soo Kang; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

482. The SPEAKER presented a petition of the Sparta Area Chamber of Commerce, Sparta, Wis., relative to the Arctic gas project pipeline, which was referred jointly, to the Committees on Interstate and Foreign Commerce, Interior and Insular Affairs, and Public Works and Transportation.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6218

By Mr. DODD:

Page 74, line 8, immediately after "laws." insert the following: "If the Attorney General or the Federal Trade Commission advises the Secretary, within such thirty-day period, that a proposed lease or extension may create or maintain a situation inconsistent with the antitrust laws, the Secretary may issue such lease or allow such extension only if—

"(1) he commences a public hearing on the record within sixty days after the date of the receipt of such advice, in accordance with chapter 5 of title 5, United States Code; and

"(2) he makes a finding, pursuant to such hearing, that the overall benefit to the public from the issuance or extension of such lease clearly outweighs any possible adverse effect upon competition and that there is no reasonable alternative which would have a lesser adverse effect upon competition."

By Mr. DU PONT:

On page 56, line 14, strike "shall", and insert "may" in lieu thereof.

On page 92, line 16, strike all after "(a)" down through page 94, line 16, and insert in lieu thereof the following: "Upon the date of enactment of this section, the Secretary

and the Secretary of the Department in which the Coast Guard is operating shall, in consultation with each other and other agency heads as appropriate, promptly commence a study of the adequacy of safety regulations in effect on such date of enactment, and of the technology, equipment, and techniques available for the exploration, production and development of natural resources, with respect to the Outer Continental Shelf. The results of this study shall be submitted to the Congress, together with a plan of action which each Secretary proposes to take, working alone and in consultation with the other, under their respective authorities under this or other Acts, to promote safety, health, and environmental protection in the exploration, production and development of natural resources of the Outer Continental Shelf.

"(b) In exercising their respective responsibilities for floating, temporarily fixed, or permanently fixed structures for the exploration, production and development of the natural resources of the Outer Continental Shelf, the Secretary and the Secretary of the Department in which the Coast Guard is operating shall require the use of the best available and safest technology which the respective Secretary determines to be economically achievable, wherever use of less than such technology would cause operations conducted pursuant to this Act to pose a significantly greater threat to safety, health, or the environment, on all new drilling and production operations and, wherever practicable, on existing operations.

"(c) Nothing in this section shall affect any authority otherwise provided by law to the Secretary of Labor for the protection of occupational safety and health, to the Administrator of the Environmental Protection Agency for the protection of the environment, or to the Secretary of Transportation with respect to pipeline safety."

On page 94, line 17, strike "(2)", and insert in lieu thereof "(d)".

On page 95, strike lines 4 through 7.

Strike page 95, line 14, down through page 99, line 23, and insert in lieu thereof the following:

"SEC. 22. ENFORCEMENT OF ENVIRONMENTAL, HEALTH, AND SAFETY REGULATIONS.—(a) The Secretary and the Secretary of the Department in which the Coast Guard is operating shall consult with each other regarding the enforcement of environmental, health, and safety regulations which either has promulgated pursuant to this Act, and each may by agreement utilize, with or without reimbursement, the services, personnel, or facilities of any Federal agency, for the enforcement of their respective regulations.

"(b) The Secretary and the Secretary of the Department in which the Coast Guard is operating shall individually, or jointly if they so agree, promulgate regulations within one hundred and twenty days after the date of enactment of this section to provide for—

"(1) scheduled onsite inspection at least once a year of each facility on the outer Continental Shelf which is subject to any environmental, health, or safety regulation promulgated pursuant to this Act, which inspection shall include, whenever practical, testing of all safety equipment designed to prevent or ameliorate blowouts, fires, spillages, or other major accidents; and

"(2) periodic onsite inspection without advance notice to the operator of such facility to assure compliance with such environmental, health, or safety regulations.

"(c) Any authorized representative of the Secretary or of the Secretary of the Department in which the Coast Guard is operating, upon presenting appropriate credentials to the owner or operator of any facility subject to inspection pursuant to subsection (b) of this section, shall be authorized to—

"(1) enter without delay any part of such facility; and

"(2) examine any document or record which is pertinent to such inspection.

"(d)(1) The Secretary or the Secretary of the Department in which the Coast Guard is operating, as applicable, shall make an investigation and public report on each major fire, major personal injury, and major oil spillage occurring as a result of operations conducted pursuant to this Act. For the purpose of this subsection, the term 'major oil spillage' means any discharge from a single source of more than two hundred barrels of oil over a period of thirty days or of more than fifty barrels over a single twenty-four-hour period. In addition, such Secretary may make an investigation and report of any lesser oil spillage.

"(2) In any investigation conducted pursuant to this subsection, the Secretary conducting such investigation shall have the power to subpoena witnesses and to require the production of books, papers, documents, and any other evidence relating to such investigation.

"(e) The Secretary, or the Secretary of the Department in which the Coast Guard is operating shall consider any allegation from any person of the existence of a violation of any safety regulation which such Secretary has issued pursuant to this Act."

On page 104, after line 15, insert the following new subsection:

"(e) Notwithstanding any other provision of this section, this section shall not apply to any action which is commenced to require compliance with any provision of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)."

On page 104, line 17, strike "Labor", and insert in lieu thereof "the Army".

On page 105, line 6, strike "Labor", and insert in lieu thereof "the Army".

By Mr. FISH:

Page 45, strike out line 1 and all that follows through page 123, line 9, and insert in lieu thereof the following:

TITLE II—IMPROVED MANAGEMENT OF OUTER CONTINENTAL SHELF ENERGY RESOURCES

DEFINITIONS

SEC. 201. (a) Paragraph (c) of section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended to read as follows:

"(c) The term 'lease' means any form of authorization which is issued under section 8 or maintained under section 6 of this Act and which authorizes exploration for, and development and production of, deposits of oil, gas, or other minerals;".

(b) Such section is further amended—

(1) in subsection (d), by striking out the period and inserting in lieu thereof a semicolon; and

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

"(e) The term 'coastal zone' means the zone defined in section 304(a) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(a)), the inward boundaries of which may be identified by the several coastal States pursuant to the authority of section 305(b)(1) of such Act;

"(f) The term 'coastal State' means a coastal State as such term is defined in section 304(c) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(c));

"(g) The term 'affected State' means a State which is designated as such pursuant to section 23 of this Act;

"(h) The term 'environment' means the marine, coastal, or human environment, as appropriate, and includes economic, esthetic, and social factors;

"(i) The term 'Governor' means the Governor of a State or the person or entity designated by, or pursuant to, State law to exercise the powers granted to such Governor pursuant to this Act;

"(j) The term 'exploration' means the process of searching for oil, gas, or other minerals, including (1) geophysical surveys in which magnetic, gravity, seismic, or other systems are used to detect or imply the presence of such resources, (2) any drilling, whether on or off known geological structures, including the drilling of a well in which a discovery of oil or natural gas in commercial quantities is made, and (3) the drilling of any additional well needed after such discovery to delineate the reservoir and to enable a lessee to determine whether to proceed with development and production;

"(k) The term 'development' means those activities which (1) take place following discovery of oil, gas, or other mineral resources in commercial quantities, including drilling, emplacement and outfitting, pipelaying, and platform construction and other on-shore support activities, and (2) are for the purpose of ultimately producing such resources;

"(l) The term 'production' means the removal of oil, gas, or other minerals from the outer Continental Shelf, and other activities which take place after the successful completion of a development well or other means for such removal, including field operation, transfer of oil, gas, or other minerals to shore, operation monitoring, maintenance, and workover drilling;

"(m) The term 'fair market value' means the value of any oil, gas, or other mineral (1) computed at a unit price equivalent to the average unit price at which such mineral was sold pursuant to a lease during the period for which any royalty is accrued or reserved to the United States pursuant to such lease, or (2) if there were no such sales, or if the Secretary finds that there were an insufficient number of such sales to equitably determine such value, computed at the average unit price at which such mineral was sold pursuant to other leases in the same region of the outer Continental Shelf during such period, or (3) if there were no sales of such mineral from such region during such period, or if the Secretary finds that there are an insufficient number of such sales to equitably determine such value, at an appropriate price determined by the Secretary;

"(n) The term 'major Federal action' means any action or proposal by the Secretary which is subject to the provisions of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and

"(o) The term 'antitrust law' means—

"(1) the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies', approved July 2, 1890 (15 U.S.C. 1 et seq.);

"(2) the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914 (15 U.S.C. 12 et seq.);

"(3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.);

"(4) sections 73 and 74 of the Act entitled 'An Act to reduce taxation, to provide revenue for the Government, and for other purposes', approved August 27, 1894 (15 U.S.C. 8 and 9); or

"(5) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).".

NATIONAL POLICY FOR THE OUTER CONTINENTAL SHELF

SEC. 202. Section 3 of the Outer Continental Shelf Lands Act (43 U.S.C. 1332) is amended to read as follows:

"SEC. 3. NATIONAL POLICY FOR THE OUTER CONTINENTAL SHELF.—It is hereby declared to be the policy of the United States that—

"(1) the subsoil and seabed of the outer

Continental Shelf appertain to the United States and are subject to its jurisdiction, control, and power of disposition as provided in this Act;

"(2) this Act shall be construed in such a manner that the character of the waters above the outer Continental Shelf as high seas and the right to navigation and fishing therein shall not be affected;

"(3) the minerals of the outer Continental Shelf constitute a vital national resource held by the Federal Government in trust for the benefit of the public;

"(4) lands of the outer Continental Shelf determined to be both geologically favorable for the accumulation of oil, gas, and other minerals, and capable of supporting exploration therefor, and development and production thereof, without undue environmental harm or damage, be made available for such purposes in an orderly manner which is consistent with the maintenance of competition and other national needs;

"(5) affected States, in recognition of their rights and responsibilities to preserve and protect their environment through such means as regulation of land, air, and water uses, and of other related activity and development, be assured the opportunity to participate, to the extent consistent with the national interest and in accordance with the provisions of this Act, in policy and planning decisions relating to leasing, exploration, development, and production activities under this Act by means which include timely access to information relating to such activities and opportunity for review and comment before succh decisions are made and thereafter; and

"(6) operations in the outer Continental Shelf should be conducted in a safe manner by well-trained personnel using technology, precautions, and techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstruction to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property, or endanger life or health.".

LAWS APPLICABLE TO THE OUTER CONTINENTAL SHELF

SEC. 203. (a) Section 4(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(1)) is amended—

(1) by striking out "and fixed structures" and inserting in lieu thereof ", and all structures permanently or temporarily attached to the seabed,"; and

(2) by striking out "removing and transporting resources therefrom" and inserting in lieu threof "or producing resources therefrom, or any such structure (other than a ship or vessel) for the purpose of transporting such resources".

(b) Section 4(a)(2) of such Act is amended to read as follows:

"(2)(A) To the extent that they are applicable and not inconsistent with this Act or with other Federal laws and regulations of the Secretary now in effect or hereafter adopted, the civil and criminal laws of each coastal State adjacent to the outer Continental Shelf, as in effect on the date of enactment of this paragraph, are hereby declared to be the law of the United States for that portion of the subsoil and seabed of the outer Continental Shelf, and those artificial islands and structures referred to in paragraph (1) of this subsection, which would be within the area of such State if its boundaries were extended seaward to the outer margin of the outer Continental Shelf. After such date of enactment—

"(i) any change in any criminal law of such State shall be adopted as the law of the United States, for purposes of this paragraph at the same time such change takes effect in such State; and

"(ii) any change in any civil law of such State during the five-year period beginning on such date of enactment shall be adopted as the law of the United States, for purposes of this paragraph, at the end of such five-year period, and any change during any subsequent five-year period shall be adopted in the same manner at the end of the five-year period in which such change occurs.

Within one year after the date of enactment of this paragraph, the President shall determine and publish in the Federal Register projected lines extending seaward and defining each such area. The President may, prior to such determination, establish procedures for settling any outstanding boundary disputes relating to the projection of such lines. All of such applicable and consistent State laws shall be administered and enforced by the appropriate officers and courts of the United States. State taxation laws shall not apply to the outer Continental Shelf.

"(B) Within one year after the date of enactment of this paragraph, the President shall establish procedures for settling any outstanding international boundary dispute respecting the outer Continental Shelf, including any dispute involving international boundaries between the jurisdictions of the United States and Canada and between the jurisdictions of the United States and Mexico.".

(c) Section 4(d) of such Act is amended to read as follows:

"(d) For the purposes of the National Labor Relations Act, any unfair labor practice, as defined in such Act, occurring upon any artificial island or structure referred to in subsection (a) of this section shall be deemed to have occurred within the judicial district of the coastal State, the laws of which apply to such artificial island or structure pursuant to such subsection, except that until the President determines the areas within which such State laws are applicable, the judicial district shall be that of the coastal State nearest the place of location of such artificial island or structure.".

(d) Section 4 of such Act is amended—

(1) in paragraph (1) of subsection (e), by striking out "the islands and structures referred to in subsection (a)", and inserting in lieu thereof "the artificial islands and structures referred to in subsection (a)";

(2) in subsection (f), by striking out "artificial islands and fixed structures located on the outer Continental Shelf" and inserting in lieu thereof "the artificial islands and structures referred to in subsection (a)"; and

(3) in subsection (g), by striking out "the artificial islands and fixed structures referred to in subsection (a)" and inserting in lieu thereof "the artificial islands and structures referred to in subsection (a)".

(e) Section 4(e)(1) of such Act is amended by striking out "head" and inserting in lieu thereof "Secretary".

(f) Section 4(e)(2) of such Act is amended to read as follows:

"(2) The Secretary of the Department in which the Coast Guard is operating may mark for the protection of navigation any artificial island or structure referred to in subsection (a) whenever the owner has failed suitably to mark such island or structure in accordance with regulations issued under this Act, and the owner shall pay the cost of such marking.".

(g) Section 4 of such Act is further amended by striking out subsection (b) and relettering subsections (c), (d), (e), (f), and (g) as subsections (b), (c), (d), (e), and (f), respectively.

ADMINISTRATION OF LEASING OF THE OUTER CONTINENTAL SHELF

SEC. 204. (a)(1) The second and third sentences of section 5(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)(1)) are amended to read as follows: "The Secretary may at any time prescribe and amend such rules and regulations as he determines to be necessary and proper in order to provide for the maximum recovery, prevention of waste, and conservation of the natural resources of the outer Continental Shelf, and for the protection of the marine and coastal environments; and, notwithstanding any other provision of this Act, such rules and regulations shall apply to all operations conducted pursuant to any lease issued or maintained under the provisions of this Act. In the administration of conservation or environmental laws, rules, and regulations, the Secretary is authorized to cooperate with the conservation and environmental agencies of the adjacent coastal States.".

(2) The fourth sentence of such section 5(a)(1) is amended by striking out "for the sale of royalty oil and gas accruing or reserved to the United States at not less than market value,".

(b) The first sentence of section 5(a)(2) of such Act is repealed.

SEC. 205. Section 7 of the Outer Continental Shelf Lands Act (43 U.S.C. 1336) is amended—

(1) in the first sentence thereof, by inserting "(a)" immediately before "In"; and

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

"(b)(1) Except as provided in subsection (a) of this section, in the case of any lease issued under this Act after the date of enactment of this section with respect to which production may, in the judgment of the Secretary, result in the drainage of oil or gas from lands of any State, the Secretary shall—

"(A) whenever the lands of such State have been or are about to be leased or otherwise utilized for exploration, development, or production by such State, seek to establish an agreement for unitary exploration, development, and production of the Federal and State lands; or

"(B) whenever such State has not or is not about to so lease or utilize such lands, include a term in the lease making the lessee a party to any negotiations and any suit for equitable division of the proceeds from such lease among the lessee, the State, and the Federal Government.

"(2) Whenever subparagraph (E) of paragraph (1) is applicable, and upon an allegation by the State or a determination by the Secretary that drainage of oil or gas from State lands is occurring, the Secretary shall institute negotiations among the lessee, the State, and the Federal Government for the equitable division of the proceeds from such lease. If within six months after the date on which negotiations are commenced pursuant to the preceding sentence an equitable distribution is not agreed to by the parties to the negotiations, any party to such negotiations may initiate a suit for an equitable division of the proceeds from such lease. Notwithstanding any other provision of this subsection, the Secretary shall not be required to include the term referred to in subparagraph (B) of paragraph (1) in such lease, or to institute negotiations pursuant to this paragraph, unless the State agrees to insert a similar term and to institute similar negotiations in any case in which operations on lands of such State may result in the drainage of oil or gas from Federal lands.".

REVISION OF LEASING TERMS AND PROCEDURES

SEC. 206. (a) Section 8(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)) is amended to read as follows:

"(a)(1) In order to meet the urgent need for further exploration, development, and production of the oil and gas deposits of the submerged lands of the outer Continental Shelf, the Secretary, pursuant to regulations which he shall prescribe, is authorized to sell and issue, to the highest responsible qualified bidder by competitive bidding, oil and gas leases for the exploration, development, and production of such submerged

lands which are not covered by leases meeting the requirements of subsection (a) of section 6 of this Act. The bidding for each lease shall be by sealed bid and, at the discretion of the Secretary, on the basis of—

"(A) cash bonus bids with a royalty fixed by the Secretary at not less than 12½ per centum in amount or value of the oil or gas extracted pursuant to such lease;

"(B) cash bonus bids with diminishing or sliding royalty based on such formulae as the Secretary shall determine are necessary to encourage continued production from the lease area as resources diminish, except that the initial royalty shall be fixed by the Secretary at not less than 12½ per centum in amount or value of the oil or gas extracted pursuant to such lease;

"(C) cash bonus bids with a share of the net profits derived from operation of the tract fixed by the Secretary at not less than 30 per centum and reserved to the United States;

"(D) cash bonus fixed by the Secretary with the per centum royalty in amount or value of the oil or gas extracted pursuant to such lease, as the bid variable;

"(E) cash bonus fixed by the Secretary with a per centum share of the net profits derived from operation of the tract reserved to the United States as the bid variable;

"(F) cash bonus bids for 1 per centum shares of an undivided working interest in the lease area, such shares to be awarded at a price which is equal to the average price per share of the highest responsible qualified bids tendered for not more than 100 per centum of the lease area, with a fixed share of the net profits derived from the production of oil and gas pursuant to a lease to be determined by the Secretary; or

"(G) cash bonus bids for 1 per centum shares of an undivided working interest in the lease area, such shares to be awarded at a price which is equal to the average price per share of the highest responsible qualified bids tendered for not more than 100 per centum of the lease area, and with a fixed or diminishing royalty based upon the production derived from operation pursuant to the lease.

"(2) No provision of this subsection shall be interpreted as diminishing the Secretary's authority under section 5(a) of this Act to provide for the reduction of royalties after production commences on any tract.

"(3) Prior to selling any lease under the provisions of subparagraph (C), (E), or (F) of paragraph (1) of this subsection, the Secretary shall establish accounting procedures and standards to govern the calculation of net profits. Such procedures and standards may be established separately for each lease to be sold and may be modified from time to time in the same manner as originally promulgated. In the event of any administrative or judicial proceeding involving a dispute between the United States and any lessee concerning the calculation of net profits, the burden of proof shall be on the lessee. The value of any net profit share reserved to the United States from any lease issued pursuant to this section shall be deemed a royalty for the purposes of this Act.

"(4) In accordance with a schedule announced at the time of the announcement of a lease sale, the Secretary may, in his discretion, defer any part of the payment of a cash bonus required to be paid pursuant to any lease sold in such lease sale, except that such payment shall be made in total not later than five years from the date of such lease sale or no later than the date of the approval of the development and production plan submitted with respect to such lease, whichever date first occurs.

"(5)(A) In the case of any lease area offered for sale pursuant to subparagraph (F) or (G) of paragraph (1), if the accepted bid per share of any person for a per centum working interest in such lease area is less than the average price per share of all accepted bids, and such person does not, within such time as the Secretary shall by regulation prescribe, agree to pay such price, then—

"(i) the Secretary shall return to such person any deposit made with respect to such bid; and

"(ii) any right acquired and any obligation incurred by such person with respect to such bid shall be demed to be canceled.

"(B)(i) In the event the Secretary sells less than 100 per centum of the interest in the lease area offered under subparagraph (F) or (G) of paragraph (1), he shall offer the additional shares to the bidders who purchased shares pursuant to the initial bidding process. The Secretary shall sell such additional shares to the bidders who have elected to purchase under this clause, except that the maximum number of additional shares which any such bidder may purchase shall be in proportion to his bidded interest.

"(ii) To the extent that any per centum of the interest in the lease area offered under such subparagraph (F) or (G) remains unsold after the Secretary uses the procedure required by clause (i) of this subparagraph, he shall repeat such procedure for such period of time as he determines to be reasonable.

"(iii) To the extent that any per centum of the interest in the lease area offered under such subparagraph (F) or (G) remains unsold after the Secretary uses the procedure required under clauses (i) and (ii) of this subparagraph, the Secretary shall offer any remaining shares for sale to the highest interested bidder whose bid was not accepted in the initial bidding process, except that any such bidder may not purchase a number of shares which exceeds the number for which he originally bid. The Secretary shall repeat such procedure for such period of time as he determines to be reasonable.

"(iv) Any additional shares of the interest in a lease area which are sold by the Secretary pursuant to this subparagraph shall be sold at a price equal to the price at which shares of the interest in such lease area were sold pursuant to the initial bidding process.

"(C) The Secretary shall, by regulation, provide for the cancellation of any lease sale held pursuant to subparagraph (F) or (G) of paragraph (1), if the total amount to be paid for all shares sold does not represent a fair return to the Federal Government.

"(D) The Secretary shall establish standards and procedures for the formation of a joint working group in an area leased pursuant to subparagraph (F) or (G) of paragraph (1), and shall approve one or more operators for, and the terms of management of, activities on such lease area. The United States, represented by the Secretary, shall be considered a nonvoting party to any joint working group formed pursuant to such standards and procedures.

"(6)(A) The Secretary shall utilize the bidding alternatives from among those authorized by this subsection so as to accomplish the purposes and policies of this Act, including (i) providing a fair return to the Federal Government, (ii) increasing competition, (iii) assuring competent and safe operations, (iv) avoiding undue speculation. (v) avoiding unnecessary delays in exploration, development and production, (vi) discovering and recovering oil and gas, (vii) developing new oil and gas resources in an efficient and timely manner, and (viii) limiting administrative burdens on government and industry.

"(B) During the five-year period commencing on the date of enactment of this subsection, the Secretary may, in order to obtain statistical information to determine which bidding alternatives will best accomplish the purposes and national policies of this Act, require each bidder to submit bids for any area of the outer Continental Shelf in accordance with more than one of the bidding systems set forth in paragraph (1) of this subsection. If the Secretary requires bids to be submitted in accordance with this subparagraph, he shall, by a random method, determine which one of the bidding systems used in the submission of such bids shall be used in awarding leases for such area."

(b) Section 8(b) of such Act is amended to read as follows:

"(b) An oil and gas lease issued by the Secretary pursuant to this section shall—

"(1) be for a tract consisting of a compact area not exceeding five thousand seven hundred and sixty acres, as the Secretary may determine, unless the Secretary finds that a larger area is necessary to comprise a reasonable economic production unit;

"(2) be for an initial period of

"(A) five years; or

"(B) not to exceed ten years where the Secretary finds that such longer period is necessary to encourage exploration and development in areas of unusually deep water or unusually adverse weather conditions,

and as long after such initial period as oil or gas may be produced from the area in paying quantities, or drilling or well reworking operations as approved by the Secretary are conducted thereon;

"(3) require the payment in amount or value of a royalty as determined by one of the bidding procedures set out in subsection (a) of this section;

"(4) contain a provision that the lessee will comply with any rule or order which is issued by the President under section 106 of the Energy Policy and Conservation Act (Public Law 94-163) and which applies to such tract, and with any rule or order relating to the rate of production of oil or gas which is issued by the Secretary pursuant to section 5(a) of this Act and which applies to such tract;

"(5) provide for cancellation of the lease pursuant to section 5, section 12, or section 21 of this Act; and

"(6) contain such rental provisions and such other terms and provisions as the Secretary may prescribe at the time of offering the area for lease.".

(c) Section 8(f) of such Act is amended by adding at the end thereof the following: "At least thirty days prior to publishing such notice of sale, the Secretary shall publish the final selection of tracts to be offered for lease, together with an invitation for the Governor of each affected State and other interested persons to submit comments. Any such tract may be withdrawn by the Secretary at any time prior to the issuance of a lease for such tract.".

(d) Section 8 of such Act is further amended by adding at the end thereof the following new subsection:

"(k) No lease may be issued pursuant to this section until at least thirty days after the Secretary notifies the Attorney General of the United States and the Federal Trade Commission of the proposed issuance. Such notification shall contain such information as the Attorney General and the Federal Trade Commission may require in order to advise the Secretary as to whether the issuance of such lease would create or maintain a situation inconsistent with the antitrust laws. Nothing in this subsection shall be deemed to convey to any person immunity from civil or criminal liability under any antitrust law, or to create any defense to any action under any antitrust law.".

DISPOSITION OF REVENUES

SEC. 207. Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended to read as follows:

"SEC. 9. DISPOSITION OF REVENUES.—All rentals, royalties, and other sums paid to the Secretary under any lease issued or main-

tained under this Act shall be deposited in the Treasury of the United States and credited to miscellaneous receipts.".

REFUNDS

SEC. 208. (a) Section 10(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1339) is amended by striking out the last sentence thereof.

(b) Section 10(b) of such Act is amended to read as follows:

"(b) Prior to making any repayment under this section, the Secretary shall submit a report to the Congress setting forth (1) the name of the person to whom the repayment is to be made, (2) the amount of such repayment, and (3) a summary of the facts upon which the determination was made. No such repayment shall be made before the end of the first period of thirty calendar days of continuous session of the Congress after the date of such submission. For purposes of this subsection, continuity of session of the Congress is broken only by an adjournment sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period.".

GEOLOGICAL AND GEOPHYSICAL EXPLORATION

SEC. 209. Section 11 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340) is amended to read as follows:

"SEC. 11. GEOLOGICAL AND GEOPHYSICAL EXPLORATION.—(a) Any agency of the United States, and any person whom the Secretary by permit or regulation may authorize, may conduct geological and geophysical explorations in the outer Continental Shelf, which do not interfere with or endanger actual operations pursuant to any lease maintained or issued pursuant to this Act, and which are not unduly harmful to the marine environment.

"(b) The provisions of this section shall not apply to any person conducting explorations pursuant to an approved exploration plan on any area leased to such person pursuant to the provisions of this Act.".

RESERVATIONS

SEC. 210. Section 12(c) of the Outer Continental Shelf Lands Act (43 U.S.C. 1341 (c)) is amended—

(1) by striking out "lease; and" and inserting in lieu thereof "lease or to cancel any lease; and"; and

(2) by inserting immediately before the period at the end thereof the following: "or whose lease is thus canceled".

ANNUAL REPORT

SEC. 211. Section 15 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended to read as follows:

"SEC. 15. ANNUAL REPORT.—Within six months after the end of each fiscal year, the Secretary shall submit to the President of the Senate and the Speaker of the House of Representatives a report on the activities conducted pursuant to this Act during such fiscal year. Such report shall include (1) a detailed accounting of all moneys received and expended, (2) a detailing of all permits issued and all leasing, exploration, development, and production activities, (3) a summary of management, supervision, and enforcement activities, and (4) recommendations for (A) improvements in the administration of this Act, and in the safety, environmental production, and amount of oil, gas, and other minerals produced in activities conducted pursuant to this Act, and (B) the resolution of ambiguities or jurisdictional conflicts.".

NEW SECTIONS OF OUTER CONTINENTAL SHELF LANDS ACT

SEC. 212. The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is further amended by adding at the end thereof the following new sections:

"SEC. 18. OUTER CONTINENTAL SHELF OIL AND GAS LEASING PROGRAM.—(a) After consideration of alternative leasing activities which may be conducted pursuant to this Act, the Secretary shall prepare and maintain an oil and gas leasing program to implement the policy set forth in section 3 of this Act. Such leasing program shall indicate as precisely as possible the size, timing, and location of leasing activities that will best meet national energy needs without undue environmental harm or damage. Such program shall apply to the five-year period, or such longer period as the Secretary may determine, immediately following approval by the Congress of such program. In preparing such program, the Secretary shall take into consideration the following:

"(1) Management of the outer Continental Shelf in a manner which considers the economic, social, and environmental values of the renewable and nonrenewable resources contained therein, and the potential impact of oil and gas exploration, development, and production on other resource values of the Outer Continental Shelf and the marine and coastal environments.

"(2) Scheduling of lease sales to distribute such sales among the regions of the outer Continental Shelf in which commercially exploitable quantities of oil and gas may be located, based on a consideration of factors including—

"(A) information concerning the geographic, geological, and ecological characteristics of such regions;

"(B) the relationship of the general areas to be leased pursuant to such sales to the location and relative need of regional and national energy markets;

"(C) the relationship of the general areas to be leased pursuant to such sales to the location of existing or sited onshore facilities for the receipt, storage, processing, refining, transportation, or distribution of oil or gas, which facilities have, or may have, excess capacity which could be utilized for oil or gas resources from the outer Continental Shelf;

"(D) the potential effect of the leasing of such general areas on other uses of the sea and seabed, including fisheries, intracoastal navigation, sea lanes, deepwater ports, and other uses or anticipated uses of the resources and space of the outer Continental Shelf;

"(E) the location in the coastal zone of development and production facilities necessitated by such lease sales with respect to the existence of other uses or anticipated uses of the coastal zone, including hunting and fishing, recreation, wildlife or bird sanctuaries, and housing;

"(F) interest by potential oil and gas producers in exploration for and development of resources, as indicated by nomination, consultation, or other representation;

"(G) a proper balance among the potential for discovery of oil and gas, the potential for environmental damage, and the potential for adverse impact on the coastal zone; and

"(H) an equitable sharing of developmental and energy benefits and environmental risks among various States and regions of the United States.

"(3) Consideration of the laws of adjacent coastal States.

"(4) Receipt of fair value by the public for the rights to be conveyed by such leasing activities.

"(b) The program shall include estimates of appropriations and personnel required by the Federal Government to implement such program and this Act during each fiscal year, or part thereof, covered by such program.

"(c)(1) No program prepared pursuant to this section shall take effect until it has been published in final form, and then submitted to and approved by the Congress. Such program shall be deemed approved, and the Secretary shall be authorized to proceed with activities thereunder, unless within a sixty-day period of continuous session of the Congress following the date of submission either House passes a resolution stating in substance that such House does not favor the program and setting out the reasons therefor.

"(2) For purposes of this subsection, the continuity of a session of the Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of such sixty-day period.

"(3) Whenever a program prepared pursuant to this section is submitted to the Congress pursuant to paragraph (1), such program shall be accompanied by any environmental impact statement which is prepared with respect to such program in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

"(d)(1) During the preparatiton of any program under this section, the Secretary shall invite and consider suggestions for such program from the Governor of any coastal State which may become an adjacent coastal State under such program. The Secretary may also invite or consider suggestions from any other person.

"(2) After such preparation and at least sixty days prior to submission of such program to the Congress, the Secretary shall publish the proposed program and shall transmit a copy of such proposed program to the Governor of each adjacent coastal State for review and comment. If any such comment is received by the Secretary at least fifteen days prior to such submission and includes a request for any modification of the proposed program, the Secretary shall reply in writing, granting or denying such request in whole or in part, or granting such request in such modified form as the Secretary considers appropriate, and stating his reasons therefor. All such correspondence between the Secretary and the Governor of any adjacent coastal State, together with any additional information and data relating thereto, shall accompany the program when such program is submitted to the Congress.

"(3) The provisions of this subsection shall not apply to any program resubmitted to Congress subsequent to disapproval thereof under subsection (c) of this section, if the only significant modifications of such program are made in response to the reasons set forth in the resolution of disapproval, except that such resubmitted program shall be published and shall be transmitted to the Governor of each adjacent coastal State for his information.

"(e)(1) The first program submitted to the Congress under this section shall be submitted within one year after the date of enactment of this section.

"(2) At least once each year during the period to which any program approved under this section applies, the Secretary shall review such program. If the Secretary determines that it is necessary to revise such program, the provisions of subsections (a), (b), (c), and (d) of this section shall apply to any such revision. If any such revision extends the applicability of such program beyond its original term, the revised program shall be deemed a new and separate program for purposes of this section. Prior to the date of expiration of any program approved under this section, the Secretary shall prepare a new program under this section to apply to the period of not less than five years beginning immediately after such date.

"(f) The Secretary may make minor changes in an approved program, including the cancellation or delay of a scheduled lease sale, by publishing such changes and after transmitting a copy of such changes to the Congress and to the Governor of each adjacent coastal State affected by such changes.

The advancement of a lease sale by more than four months shall not constitute a minor change for purposes of this subsection.

"(g) After the first approval of a program under this section, or after eighteen months following the date of enactment of this section, whichever first occurs, no oil and gas lease may be offered for sale under this Act, except in accordance with an approved program.

"SEC. 19. OIL AND GAS EXPLORATION PURSUANT TO LEASES.—(a) Beginning ninety days after the date of enactment of this section, no exploration pursuant to any oil and gas lease issued or maintained under this Act may be undertaken by the holder of such lease, except in accordance with the provisions of this section.

"(b)(1) Prior to commencing exploration pursuant to any lease issued or maintained under this Act, the holder thereof shall submit an exploration plan to the Secretary for approval. Such plan may apply to more than one lease held by a lessee in any one region of the outer Continental Shelf, or by a group of lessees acting under a unitization, pooling, or drilling agreement, and shall be approved by the Secretary if he finds that such plan is consistent with the provisions of this Act, regulations prescribed under this Act, and the provisions of such lease. The Secretary shall require such modifications of such plan as are necessary to achieve such consistency. The Secretary shall approve such plan, as submitted or modified, within thirty days of its submission, except if the Secretary determines that (A) any proposed activity under such plan would result in any condition which would permit him to suspend such activity pursuant to section 21(a)(1) of this Act, and (B) such proposed activity cannot be modified to avoid such condition, he may delay the approval of such plan.

"(2) An exploration plan submitted under this subsection shall include, in the degree of detail which the Secretary may by regulation require—

"(A) a schedule of anticipated exploration activities to be undertaken;

"(B) a description of equipment to be used for such activities;

"(C) the general location of each well to be drilled; and

"(D) such other information deemed pertinent by the Secretary.

"(3) The Secretary may, by regulation, require that such plan be accompanied by a general statement of development and production intentions which shall be for planning purposes only and which shall not be binding on any party.

"(c) The Secretary may, by regulation, require any lessee operating under an approved exploration plan to obtain a permit prior to drilling any well in accordance with such plan.

"(d)(1) If a revision of an exploration plan approved under this section is submitted to the Secretary, the process to be used for the approval of such revision shall be the same as set forth in subsection (b) of this section.

"(2) All exploration activities pursuant to any lease shall be conducted in accordance with an approved exploration plan or an approved revision of such plan.

"(e) The Secretary may, within ninety days after the date of enactment of this section, provide for the approval under subsection (b) of any plan submitted prior to such date of enactment which he finds is in substantial compliance with the provisions of such subsection, and may require the submission of any additional information necessary to bring such plan into such compliance.

"SEC. 20. OIL AND GAS DEVELOPMENT AND PRODUCTION ON THE OUTER CONTINENTAL SHELF.—(a) Beginning ninety days after the date of enactment of this section, no development or production pursuant to any oil and gas lease issued or maintained under this Act may be undertaken except in accordance with the provisions of this section.

"(b)(1) Upon the discovery of oil or gas in commercial quantities, the lessee shall promptly notify the Secretary of such discovery in a discovery report which shall detail, in such form and manner as the Secretary may by regulation prescribe, pertinent information regarding such discovery, including the location thereof and the lessee's best estimate of the volume of recoverable resources discovered. The Secretary may, by regulation, require the lessee to submit supplemental reports updating such information.

"(2) After such discovery, and after drilling any additional well which may be necessary to delineate the reservoir and to enable such lessee to determine whether to proceed with development and production, such lessee shall submit for the approval of the Secretary a development and production plan described in subsection (c) of this section. Such plan may apply to more than one lease held by a lessee in any one region of the outer Continental Shelf, or by a group of lessees acting under a unitization, pooling, or drilling agreement.

"(c) A development and production plan shall include, in the degree of detail which the Secretary may by regulation require—

"(1) a schedule of anticipated development and production activities on the outer Continental Shelf;

"(2) a description of equipment intended to be used to conduct such activities;

"(3) a description and the anticipated location of development and production facilities on the outer Continental Shelf intended to be constructed or utilized by such lessee (whether or not owned or operated by such lessee), including platforms and wells, rights-of-way, pipelines, and transfer facilities, together with a statement as to the expected date of completion or availability of each such facility;

"(4) any exceptional condition, on or near the leased area and offshore rights-of-way, which may require special treatment or precautions to protect the environment or insure safe development and production of oil or gas, together with a description of the proposed means for effecting such special treatment or precautions;

"(5) the lessee's best estimate of the potential rate of production of oil or gas under such plan; and

"(6) such other relevant information as the Secretary may by regulation require.

"(d) A development and production plan shall be accompanied by a statement of the lessee's intentions regarding the type and location of development and production facilities located other than on the outer Continental Shelf (whether or not owned or operated by such lessee) which will be constructed or utilized in the development or production of oil or gas from the leased area, including support facilities, storage facilities, refineries, processing facilities, and platform construction or assembly facilities. The Secretary shall promptly transmit a copy of such statement to (1) the Secretary of Commerce, (2) the head of any other affected Federal agency, (3) the Governor of each adjacent coastal State, and (4) the governing official or body of each local government within the jurisdiction of which facilities will be constructed or utilized, as described in such statement, except that the Secretary may, by regulation, require the lessee to transmit such statement to such Governors and such officials or bodies.

"(e) Upon receipt of a development and production plan pursuant to subsection (c) of this section and an accompanying statement of intentions pursuant to subsection (d) of this section, the Secretary shall, as promptly as possible but no later than five days after the date of such receipt, publish a notification in the Federal Register that such plan and such statement are available to the general public for inspection.

"(f)(1) Within thirty days after publication under subsection (e) of this section with respect to a development and production plan, the Secretary shall evaluate such plan and—

"(A) if because of exceptional resource values in the marine or coastal environment, or other exceptional environmental factors with respect to which the lessee had no control, such plan (i) does not make adequate provisions for environmentally safe operations, or (ii) is not consistent with the provisions of this Act, regulations prescribed under this Act, and the provisions of the lease, and it is not practical to modify such plan to make such adequate provisions or achieve such consistency, the Secretary shall disapprove such plan; or

"(B) if the Secretary is not required to disapprove such plan under subparagraph (A) of this paragraph, and if any proposed activity to be conducted pursuant to such plan is not in compliance with the requirements of this Act or any other applicable Federal law and it is not practical to require modification of such plan to achieve such compliance, the Secretary shall disapprove such plan.

After the disapproval of a plan by the Secretary under this paragraph, the Secretary may require or permit the lessee to submit a new plan.

"(2)(A) If the Secetary does not, pursuant to paragraph (1) of this subsection, disapprove the plan, he shall, within the thirty-day period referred to in such paragraph—

"(i) require such modification of such plan as is necessary and practical to achieve the safety and consistency referred to in paragraph (1)(A) of this subsection, or to protect the coastal zone from avoidable adverse impacts, except that such modification shall, to the maximum extent practicable, be consistent with the coastal zone management program of any adjacent coastal State, approved pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455); and

"(ii) determine whether the approval of such plan, as submitted or modified, constitutes a major Federal action.

"(B) Within the thirty-day period referred to in paragraph (1) of this subsection, the Secretary shall publish a notification in the Federal Register setting forth (i) any modification required in a development and production plan pursuant to subparagraph (A)(i) of this paragraph, (ii) the determination of the Secretary, pursuant to subparagraph (A)(ii) of this paragraph, as to whether approval of such plan constitutes a major Federal action, and (iii) any information required to be included pursuant to paragraph (1)(B) of subsection (g) of this section.

"(g)(1)(A) If the Secretary determines, pursuant to paragraph (2)(A)(ii) of subsection (f) of this section, that a plan does not constitute a major Federal action, he shall approve such plan, as submitted or modified.

"(B) If the Secretary approves a plan under subparagraph (A) of this paragraph, he shall include in the notification published pursuant to paragraph (2)(B) of subsection (f) of this section a statement that such plan has been approved and that interested persons have thirty days from the date of such publication to submit comments and request modifications with respect to such plan.

"(C) The Secretary shall review the comments and requests for modifications submitted pursuant to subparagraph (B) of this paragraph and he may, on the basis of such comments and requests, require modification of such plan in accordance with paragraph (2)(A)(i) of subsection (f) of this section.

"(2) If the Secretary determines, pursuant to paragraph (2)(A)(ii) of subsection (f) of

this section, that a plan constitutes a major Federal action, he shall, not less than thirty or more than sixty days after the final environmental impact statement prepared with respect to such plan is submitted to the Council on Environmental Quality—

"(A) approve such plan, as submitted or as modified pursuant to paragraph (2)(A)(i) of such subsection (f);

"(B) require additional modification of such plan, based upon the environmental impact statement prepared with respect to such plan, and approve such plan as so modified; or

"(C) disapprove such plan, based upon the environmental impact statement prepared with respect to such plan.

The Secretary shall publish in the Federal Register his decision under this paragraph with respect to approval or disapproval of such plan, and shall include in such publication a statement setting forth any modification of such plan required pursuant to subparagraph (B) of this paragraph.

"(h) Upon approval of a development and production plan pursuant to paragraph (1) or (2) of subsection (g) of this section, the lessee may proceed with development and production pursuant to such approved plan.

"(i) Upon his own initiative or upon the request of the lessee, the Secretary may, pursuant to such regulations as he shall prescribe, require or approve revisions in a development and production plan approved under this section. In determining whether to require or approve any such revision, the Secretary shall consider—

"(1) whether such revision would lead to a significant increase in the degree of, or probability of, adverse impact on the marine or coastal environment;

"(2) whether such revision would lead to a significant and avoidable reduction (contrary to the public interest) in the rate of recovery of oil or gas from any well or in the ultimate recovery of oil or gas from any reservoir; and

"(3) whether requiring such revision, or failing to approve such revision, would result in substantial economic hardship to the lessee.

Upon the requirement or approval of a revision in an approved plan under this subsection, the lessee may proceed with development and production pursuant to such plan as so revised.

"(j) The Secretary may, within ninety days after the date of enactment of this section, provide for the approval under this section of any plan submitted prior to such date of enactment which he finds is in substantial compliance with the provisions of this section, and may require the submission of any additional information necessary to bring such plan into such compliance.

"(k) Notwithstanding any other provision of this section, the Secretary may, by regulation, require a lessee to obtain a permit prior to drilling any well in accordance with a development and production plan.

"SEC. 21. ENVIRONMENTAL SUSPENSION AND CANCELLATION OF LEASES.—(a)(1)(A) Whenever the Secretary has reason to believe that any lessee is conducting or planning to conduct any activitiy on the outer Continental Shelf which poses a serious threat of harm or damage—

"(i) to life;

"(ii) to property other than that of such lessee;

"(iii) to the mineral deposits on a lease or other valuable mineral deposits; or

"(iv) to the marine or coastal environment,

the Secretary shall notify such lessee that he intends to make a determination on the record, pursuant to subparagraph (B), with respect to the suspension or prohibition of such activity.

"(B) If the Secretary has given notice under subparagraph (A) or (C), he shall determine, on the record after opportunity for an agency hearing, whether the lessee is conducting or planning to conduct any activity which poses a serious threat of harm or damage, as described in subparagraph (A). If the Secretary determines that such lessee is conducting or planning to conduct any activity which poses a serious threat of such harm or damage, he shall—

"(i) suspend or temporarily prohibit such activity; or

"(ii) if such activity has been suspended or temporarily prohibited on an emergency basis under subparagraph (C), continue such suspension or temporary prohibition.

Any suspension or prohibition required pursuant to this subparagraph shall remain in effect until the Secertary determines, upon his own initiative or after a hearing held at the request of such lessee, that the activity suspended or prohibited no longer poses a serious threat of such harm or damage. If notice is provided to the lessee under subparagraph (C), the determination by the Secretary under the first sentence of this subparagraph shall be made no later than seven days after the date of such notice.

"(C) If the Secretary determines, in his discretion, that—

"(i) any lessee is conducting or planning to conduct any activity which poses a serious threat of harm or damage, as described in subparagraph (A), and

"(ii) due to the immediate nature of such threat, action must be taken prior to a determination on the record,

the Secretary may suspend or temporarily prohibit such activity on an emergency basis. Within forty-eight hours after any such suspension or prohibition, the Secretary shall notify the lessee that he intends to make a determination on the record, pursuant to subparagraph (B), with respect to the continued suspension or prohibition of such activity. The Secretary may terminate any emergency suspension or prohibition required pursuant to this subparagraph if he determines, in his discretion, that the activity suspended or prohibited no longer poses a serious threat of such harm or damage.

"(2) In the event that any suspension or prohibition under this section applies to all activity on a lease area (excluding any maintenance or safety activity), no payment of rental or minimum royalty shall be required with respect to such lease area for or during the period of such suspension or prohibition, except with respect to amounts accrued to the United States and not yet paid.

"(3) The term of any lease affected by a suspension or prohibition under this section shall be extended by a period equivalent to the period of such suspension or prohibition.

"(4) The provisions of paragraphs (2) and (3) of this subsection shall not apply if the Secretary finds that a suspension or prohibition under this section has been made necessary, in whole or in part, due to the negligence of the lessee or through the failure or refusal of the lessee to comply with any provision of this or any other Act, or any applicable regulation.

"(b)(1) If the Secretary finds that (A) it is probable that the threat of harm or damage resulting in a suspension under this section, or resulting in a delay of approval of an exploration plan under section 19 of this Act will not decrease over time, (B) it is not probable that the development of new technology or further study will lessen such threat within a reasonable period of time, (C) there is no portion of the leased area which may be safe and practical to explore and develop, and (D) such threat outweighs any environmental risks inherent in terminating all operations pursuant to the affected lease, he shall cancel such lease.

"(2) If the Secretary, pursuant to subsection (f)(1)(A) or (g)(2)(C) of section 20, disapproves a development and production plan submitted with respect to any lease issued or maintained under this Act, he shall cancel such lease, unless he determines that a change in circumstances will occur within a reasonable period of time which will permit him to approve, in accordance with the provisions of this Act, a new plan which is submitted pursuant to section 20.

"(c)(1) Except as provided in paragraph (3), upon the cancellation under subsection (b) of this section of—

"(A) any oil and gas lease issued or maintained under this Act and in effect on the date of enactment of this section; or

"(B) any producing oil and gas lease issued under this Act after such date of enactment,

the Secretary shall pay just compensation to the holder of the lease.

"(2) Except as provided in paragraph (3), upon the cancellation under subsection (b) of any nonproducing oil and gas lease issued under this Act after the date of enactment of this section, the Secretary shall (A) pay to the holder of such lease an amount equal to (i) all bonuses, rentals, royalties, and other sums paid to the Secretary pursuant to such lease, and (ii) all direct costs incurred by such holder in the conduct of activities pursuant to an approved exploration plan or any approved development and production plan, or in direct support of such activities, and (B) waive payment of any bonus with respect to such lease deferred pursuant to section 8(a)(4) of this Act.

"(3) A lessee shall have no remedy or right of recovery against the United States for the cancellation under subsection (b)(1) of any lease, if the Secretary has made a finding with respect to such lessee under subsection (a)(4) of this section.

"(d) Within sixty days after the date of enactment of this section, the Secretary shall review each regulation issued pursuant to section 5(a)(1) of this Act, and shall repeal or modify any such regulation to the extent it is inconsistent with this section. After such date of the enactment, the Secretary shall not issue any regulation pursuant to section 5(a)(1) of this Act if such regulation would be inconsistent with the provisions of this section.

"(e) If any lease may be canceled pursuant to either this section or section 5(b) of this Act, the Secretary shall cancel such lease pursuant to the provisions of this section.

"SEC. 22. BASELINE AND MONITORING STUDIES.—(a)(1) The Secretary, in consultation with the Secretary of Commerce, and in cooperation with coastal States, shall design and conduct a study of—

"(A) any area or region of the outer Continental Shelf in which a lease is in effect on the date of enactment of this section, or in which a lease is proposed to be sold within one year after such date of enactment; and

"(B) any area or region of the outer Continental Shelf in which a lease is proposed to be sold following the one-year period beginning on such date of enactment.

The Secretary may utilize information collected in any study prior to the date of enactment of this section in complying with the foregoing requirements of this subsection. Nothing in this subsection shall be interpreted as requiring the Secretary to conduct more than one study pursuant to this subsection in any area or region of the outer Continental Shelf.

"(2) Each study required by paragraph (1) shall be commenced—

"(A) with respect to any area or region described in subparagraph (A) of paragraph (1), six months after the date of enactment of this section; or

"(B) with respect to any area or region described in subparagraph (B) of paragraph (1), six months prior to the sale of a lease in such area or region.

"(3) Nothing in this section shall be inter-

preted as requiring any delay in the holding of any lease sale, or in approval of any plan under section 19 or 20 of this Act, pending completion of any study required by paragraph (1).

"(b) Promptly after the first lease sale held with respect to any area or region studied pursuant to subsection (a) of this section, the Secretary, in consultation with the Secretary of Commerce, shall take such action as is necessary to complete such study, and shall monitor the affected environment in a manner designed to provide data which can be compared with previously collected data for the purpose of identifying any significant change in the quality and productivity of such environment, and establishing trends in the various factors studied and monitored.

"(c) To the extent that other Federal agencies are conducting studies of or are monitoring the affected environment, the Secretary shall utilize the information derived therefrom in lieu of directly conducting such activities. The Secretary may also utilize information obtained from any State or local government entity, or from any person, for the purposes of this section. For the purpose of carrying out his responsibilities under this section, the Secretary may by agreement utilize, with or without reimbursement, the services, personnel, or facilities of any Federal, State, or local government agency.

"(d) As soon as practicable after the end of each fiscal year, the Secretary shall submit to the Congress and make available to the general public an assessment of the cumulative environmental effect of activities conducted under this Act.

"SEC. 23. AFFECTED STATES.—(a) For the purposes of this Act, the Secretary shall, with respect to any activity conducted or proposed to be conducted on the outer Continental Shelf (including the sale of any lease permitting such activity), designate as an affected State any State—

"(1) the laws of which are declared, pursuant to section 4(a)(2) of this Act, to be the law of the United States for the portion of the outer Continental Shelf on which such activity is, or is proposed to be, conducted;

"(2) which is or is proposed to be directly connected by transportation facilities to any artificial island or structure referred to in section 4(a)(1) of this Act;

"(3) which is receiving, or in accordance with the proposed activity, will receive, oil for processing, refining, or transshipment which was extracted from the outer Continental Shelf and transported by means of vessels or by a combination of means including vessels;

"(4) in which there is a substantial probability of significant impact on or damage to the coastal, marine, or human environment, or a State in which there will be significant changes in the social, governmental, or economic infrastructure, resulting from the exploration, development, and production of oil and gas anywhere on the outer Continental Shelf; or

"(5) in which the Secretary finds that because of such activity there is, or will be, a significant risk of serious damage, due to factors such as prevailing winds and currents, to the marine or coastal environment in the event of any oilspill, blowout, or release of oil or gas from vessels, pipelines, or other transshipment facilities.

"(b) At any time after making any designation pursuant to subsection (a) of this section, the Secretary may withdraw such designation from any State which he finds no longer meets the criteria set forth in such subsection.

"SEC. 24. OUTER CONTINENTAL SHELF OIL AND GAS INFORMATION PROGRAM.—(a)(1)(A) Any lessee or permittee conducting any exploration for, or development or production of, oil or gas pursuant to this Act shall provide the Secretary access to all data obtained from such activity and shall provide copies of such specific data, and any interpretation of any such data, as the Secretary may request. Such data and interpretation shall be provided in accordance with regulations which the Secretary shall prescribe.

"(B) If an interpretation provided pursuant to subparagraph (A) of this paragraph is made in good faith by the lessee or permittee, such lessee or permittee shall not be held responsible for any consequence of the use of or reliance upon such interpretation.

"(C) Whenever any data is provided to the Secretary, pursuant to subparagraph (A) of this paragraph—

"(i) by a lessee, in the form and manner of processing which is utilized by such lessee in the normal conduct of his business, the Secretary shall pay the reasonable cost of reproducing such data; and

"(ii) by a lessee, in such other form and manner of processing as the Secretary may request, or by a permittee, the Secretary shall pay the reasonable cost of processing and reproducing such data,

pursuant to such regulations as he may prescribe.

"(2) Each Federal agency shall provide the Secretary with any data obtained by such Federal agency conducting exploration pursuant to section 11 of this Act, and any other information which may be necessary or useful to assist him in carrying out the provisions of this Act.

"(b)(1) Information provided to the Secretary pursuant to subsection (a) of this section shall be processed, analyzed, and interpreted by the Secretary for purposes of carrying out his duties under this Act.

"(2) As soon as practicable after information provided to the Secretary pursuant to subsection (a) of this section is processed, analyzed, and interpreted, the Secretary shall make available to the affected States a summary of data designed to assist them in planning for the onshore impacts of possible oil and gas development and production. Such summary shall include estimates of (A) the oil and gas reserves in areas leased or to be leased, (B) the size and timing of development if and when oil or gas, or both, is found, (C) the location of pipelines, and (D) the general location and nature of onshore facilities.

"(c) The Secretary shall prescribe regulations to (1) assure that the confidentiality of privileged information received by the Secretary under this section will be maintained, and (2) set forth the time periods and conditions which shall be applicable to the release of such information. Such regulations shall include a provision that no such information will be transmitted to any affected State or any Regional Advisory Board unless the lessee, or the permittee and all persons to whom such permittee has sold such information under promise of confidentiality, agree to such transmittal.

"(d)(1) The Secretary shall transmit to any affected State and any appropriate Regional Advisory Board—

"(A) a copy of all relevant actual or proposed programs, plans, reports, environmental impact statements, tract nominations (including negative nominations) and other lease sale information, any similar type of relevant information, and all modifications and revisions thereof and comments thereon, prepared or obtained by the Secretary pursuant to this Act;

"(B) any relevant information prepared by the Secretary pursuant to subsection (b) of this section; and

"(C) any relevant information received by the Secretary pursuant to subsection (a) of this section, subject to any applicable requirements as to confidentiality which are set forth in regulations prescribed under subsection(c) of this section.

"(2) Notwithstanding the provisions of any regulation required pursuant to the second sentence of subsection (c) of this section, the Governor of any affected State may designate an appropriate State official to inspect, at a regional location which the Secretary shall designate, any privileged information received by the Secretary regarding any activity adjacent to such State, except that no such inspection shall take place prior to the sale of a lease covering the area in which such activity was conducted. Knowledge obtained by such State during such inspection shall be subject to applicable requirements as to confidentiality which are set forth in regulations prescribed under subsection (c) of this section.

"(e) Any provision of State or local law which provides for public access to any privileged information received or obtained by any person pursuant to this Act is expressly preempted by the provisions of this section, to the extent that it applies to such information.

"(f) If the Secretary finds that any State cannot or does not comply with the regulations issued under subsection (c) of this section, he shall thereafter withhold transmittal and deny inspection of privileged information to such State until he finds that such State can and will comply with such regulations.

"(g) The regulations prescribed pursuant to subsection (c) of this section, and the provisions of subsection 552(b)(9) of title 5, United States Code, shall not apply to any information obtained in the conduct of geological or geophysical explorations by any Federal agency (or any person acting under a service contract with such agency), pursuant to section 11 of this Act.

"SEC. 25. REVIEW OF ENVIRONMENTAL, HEALTH, AND SAFETY REGULATIONS.—(a) Within one year after the date of enactment of this section, the Secretary and the Secretary of the Department in which the Coast Guard is operating shall each, in consultation with each other, complete a review of all current environmental, health, and safety regulations which he has promulgated pursuant to this Act. Each such review shall consider current technology and information and relevant Federal and State law, including regulations of any other Federal agency having jurisdiction over activities on the outer Continental Shelf or over similar activities elsewhere. Each such Secretary shall, within such year, revise his respective regulations as necessary in light of such review, and promulgate a complete set of such regulations, including the repromulgation of any such regulation which he finds should be retained.

"(b)(1) With respect to occupational safety and health regulations to be promulgated or repromulgated pursuant to this section, the Secretary and the Secretary of the Department in which the Coast Guard is operating shall each include standards or regulations applicable to each known hazardous working condition within his jurisdiction. Subsequently, whenever any previously unregulated hazardous working condition becomes known, the Secretary having jurisdiction over such condition shall promptly promulgate standards or regulations to apply to such condition. Whenever both such Secretaries have jurisdiction over any hazardous working condition, the President shall determine which shall exercise such jurisdiction. Before either such Secretary promulgates any occupational safety or health regulation under this Act, he shall consult with the Secretary of Labor.

"(2) For purposes of section 4(b)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(1)), any regulation or standard promulgated pursuant to this Act which applies to any hazardous working condition, and the enforcement of such regulation or standard by the Secretary or the Secretary of the Department in which the Coast Guard is operating, as applicable, shall,

with respect to such hazardous working condition, be deemed to be an exercise of statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

"(c) Within sixty days after the date of enactment of this section, the Secretary of Labor shall promulgate interim regulations or standards pursuant to the Occupational Safety and Health Act of 1970 applying to diving activities in the waters above the outer Continental Shelf, and to other unregulated hazardous working conditions for which he, in consultation with the Secretary and the Secretary of the Department in which the Coast Guard is operating, determines such regulations or standards are necessary. Such regulations or standards may be modified from time to time as necessary, and shall remain in effect until final regulations or standards are promulgated."

"(d) The Secretary shall make available to any interested person a compilation of all safety and other regulations which are prepared and promulgated by any agency or department of the Federal Government and applicable to activities on the outer Continental Shelf. Such compilation shall be revised and updated annually.

"SEC. 26. ENFORCEMENT OF ENVIRONMENTAL, HEALTH, AND SAFETY REGULATIONS.—(a) The Secretary and the Secretary of the Department in which the Coast Guard is operating shall consult with each other regarding the enforcement of environmental, health, and safety regulations which either has promulgated pursuant to this Act, and each may by agreement utilize, with or without reimbursement, the services, personnel, or facilities of any Federal agency, for the enforcement of their respective regulations.

"(b) The Secretary and the Secretary of the Department in which the Coast Guard is operating shall individually, or jointly if they so agree, promulgate regulations within ninety days after the date of enactment of this section to provide for—

"(1) scheduled onsite inspection at least once a year of each facility on the outer Continental Shelf which is subject to any environmental, health, or safety regulation promulgated pursuant to this Act, which inspection shall include, whenever practical, testing of all safety equipment designed to prevent or ameliorate blowouts, fires, spillages, or other major accidents; and

"(2) periodic onsite inspection without advance notice to the operator of such facility to assure compliance with such environmental, health, or safety regulations.

"(c) All owners and operators of any such facility shall allow any inspector conducting an inspection pursuant to this section prompt access to such facility and shall provide such pertinent documents and records as such inspector may request.

"(d)(1) The Secretary or the Secretary of the Department in which the Coast Guard is operating, as applicable, shall make an investigation and public report on each major fire, major personal injury, and major oil spillage occurring as a result of operations conducted pursuant to this Act. For the purpose of this subsection, the term 'major oil spillage' means any discharge from a single source of more than two hundred barrels of oil over a period of thirty days or of more than fifty barrels over a single twenty-four-hour period. In addition, such Secretary may make an investigation and report of any lesser oil spillage.

"(2) In any investigation conducted pursuant to this subsection, the Secretary of the Department in which the Coast Guard is operating shall have the power to subpena witnesses and to require the production of books, papers, documents, and any other evidence relating to such investigation.

"SEC. 27. REMEDIES AND PENALTIES.—(a) At the request of the Secretary, the Secretary of the Army, or the Secretary of the Department in which the Coast Guard is operating, the Attorney General shall institute a civil action in any United States district court having jurisdiction under the provisions of section 4(b) of this Act for a temporary restraining order, injunction, or other appropriate remedy to enforce any provision of this Act or any regulation or order issued under this Act.

"(b) If any person fails to comply with any provision of this Act, or any regulation or order issued under this Act, after notice of such noncompliance and after expiration of any period allowed for corrective action, such person shall be liable for a civil penalty of not more than $10,000, for each day of the continuance of such noncompliance. The Secretary, the Secretary of the Army, or the Secretary of the Department in which the Coast Guard is operating, as applicable, may assess, collect, and compromise any such penalty. No penalty shall be assessed until the person charged with noncompliance shall have been given an opportunity for a hearing.

"(c) Any person who knowingly and willfully (1) violates any provision of this Act, or any regulation or order issued under the authority of this Act, (2) makes any false statement, representation, or certification in any application, record, report, or other document filed or required to be maintained under this Act, (3) falsifies, tampers with, or renders inaccurate any monitoring device or method of record required to be maintained under this Act, or (4) reveals any data or information required to be kept confidential by this Act shall, upon conviction, be punished by a fine of not more than $100,000, or by imprisonment for not more than ten years, or both. Each day that a violation under clause (1) of this subsection continues, or each day that any monitoring device or data recorder remains inoperative or inaccurate because of any activity described in clause (3) of this subsection, shall constitute a separate violation.

"(d) Whenever a corporation or other entity is subject to prosecution under subsection (c) of this section, any officer or agent of such corporation or entity who knowingly and willfully authorized, ordered, or carried out the proscribed activity shall be subject to the same fines or imprisonment, or both, as provided for under subsection (c) of this section.

"(e) The remedies and penalties prescribed in this section shall be concurrent and cumulative and the exercise of one shall not preclude the exercise of the others. Further, the remedies and penalties prescribed in this section shall be in addition to any other remedies and penalties afforded by any other law or regulation.

"SEC. 28. JUDICIAL REVIEW.—(a) Notwithstanding any other provision of this or any other Act (other than the National Environmental Policy Act of 1969), any—

"(1) action, finding, or determination by the Secretary regarding the approval, modification, or revision of any exploration plan or development and production plan under this Act;

"(2) action to suspend or temporarily prohibit any activity, or to cancel any lease, pursuant to section 21 of this Act; and

"(3) any action by the Secretary under this Act to schedule or hold a specific lease sale;

shall be subject to judicial review only in a United States court of appeals for a circuit within which an adjacent coastal State is located, or in the United States Court of Appeals for the District of Columbia.

"(b) Any person who—

"(1) participated in the administrative proceedings related to an action, finding, or determination specified in subsection (a); or

"(2) submitted comments or requested modifications of a development and production plan pursuant to subsection (g)(1)(B) of section 20 of this Act, and

who is adversely affected or aggrieved, must file, within sixty days, a petition for review of such action, finding, or determination in any court of appeals having jurisdiction. Upon the filing in a court of appeals of the initial petition for review of an action, finding, or determination which is, pursuant to the provisions of this section, subject to review, all subsequent petitions for review of such action, finding, or determination shall be filed in the same court of appeals. The petitioner shall promptly transmit copies of such petition to the Secretary and to the Attorney General of the United States. The Attorney General shall represent the Secretary with respect to such review.

"(c) The Secretary shall file, in the court of appeals conducting a review pursuant to this section, the record of any public hearing held in regard to the matter under review and any additional information upon which the Secretary based his decision, as required by section 2112 of title 28, United States Code.

"(d) The court of appeals conducting a review pursuant to this section shall consider the matter under review solely on the record made before the Secretary. Such court of appeals shall hold unlawful and set aside any action, finding, or determination of the Secretary found to be unsupported by substantial evidence on the record considered as a whole.

"(e) Upon the filing of the record with the court of appeals pursuant to subsection (c), the jurisdiction of such court of appeals shall be exclusive and its judgment shall be final, except that such judgment shall be subject to review by the Supreme Court of the United States upon writ of certiorari.

"(f) The judicial review provided in this section shall constitute an exclusive remedy for any action, finding, or determination specified in subsection (a) of this section.

"SEC. 29. FEDERAL ROYALTY OIL AND GAS.—(a) Any royalty accruing or reserved to the United States from production of oil or gas pursuant to any lease issued or maintained under this Act may be taken in value at the fair market value of such oil or gas, or in amount of such oil or gas, as the Secretary may determine. If the Secretary determines to take such royalty in oil or gas, any oil or gas controlled by the lessee may be substituted for oil or gas produced under such lease, and either oil or gas may be substituted for an equivalent amount of the other, if the Secretary and the lessee so agree.

"(b) Any royalty reserved to the United States in the form of the value of a per centum share of the net profits derived from operation of any tract may be converted to an equivalent amount of the oil or gas produced on such tract at the fair market value of such oil or gas and taken in such amount by the Secretary pursuant to subsection (a) of this section.

"(c) Title to any oil or gas taken as a royalty by the Secretary pursuant to this section may be transferred by the Secretary, upon request, to the Secretary of Defense or to the Administrator of the General Services Administration for disposal within the Federal Government.

"(d) Whenever, after consultation with the Administrator of the Federal Energy Administration, the Secretary determines that small refiners (as such term is defined in regulations prescribed by the Secretary) do not have access to adequate supplies of oil at equitable prices, the Secretary may dispose of any amount of the royalty oil accruing or reserved to the United States pursuant to any lease issued or maintained under this Act by conducting a lottery for the sale of such oil, or may equitably allocate such oil among the competitors for the purchase of such oil, at its fair market value. The Secretary shall limit participation in any lottery or allocated sale to assure such access and shall publish notice of such

sale, and the terms thereof, at least thirty days in advance of such sale. Such notice shall include qualifications for participation, the amount of oil to be sold, and any limitation in the amount of oil which any participant may be entitled to purchase. Any oil obtained by a small refiner pursuant to this subsection shall be used only in the refinery of such small refiner and may not be resold in kind.

"(e) Whenever, after consultation with the Administrator of the Federal Energy Administration and the Chairman of the Federal Power Commission, the Secretary determines that an emergency shortage of natural gas exists in any region of the United States and that such region can be serviced in a practical, feasible, and efficient manner (1) by royalty gas accruing or reserved to the United States pursuant to any lease issued or maintained under this Act, or (2) by exchange for natural gas available to any other region which can be so serviced, the Secretary may sell any amount of such royalty gas at its fair market value to any person servicing the region in which such emergency shortage exists. The Secretary may allocate such gas among the competing applicants for the purchase of such gas to assure the equitable distribution of such gas among the various areas within any such region. If it is not practical to provide all such applicants with a portion of the gas to be sold under this subsection, the Secretary may conduct a lottery for the sale of such gas under such regulations as he may prescribe.

"(f) Any portion of any royalty accruing or reserved to the United States pursuant to any oil and gas lease issued or maintained under this Act which the Secretary determines to take in amount of oil or gas and which is not disposed of under any preceding subsection of this section may be offered to the public and sold by competitive bidding for not less than its fair market value, in such amounts and for such terms as he determines.

"(g) Any portion of any royalty accruing or reserved to the United States pursuant to any oil and gas lease issued or maintained under this Act which the Secretary determines to take in amount of oil or gas and which is not disposed of under any other subsection of this section shall be purchased by the lessee at the fair market value of the product determined for the period during which such royalty was accrued or reserved.

"(h) The provisions of this section shall not apply to the extent that they are inconsistent with any provision of law which applies to oil obtained from the outer Continental Shelf and which provides for the mandatory allocation of such oil in amounts and at prices determined by such provision, or regulations issued in accordance with such provision.

"SEC. 30. LIMITATIONS ON EXPORT.—(a) Except as provided in subsection (b) of this section, any oil or gas produced from the outer Continental Shelf shall be subject to the limitations and licensing requirements and the penalty and enforcement provisions of the Export Administration Act of 1969 (50 App. U.S.C. 2401 et seq.). No oil or gas which is subject to the provisions of this subsection shall be exported until—

"(1) the President makes, publishes, and submits to the Congress an express finding that for a period of not to exceed one year the export of the amount of oil or gas as set forth in such finding will (A) not increase reliance on imported oil or gas, (B) be in the national interest, and (C) be in accordance with the provisions of the Export Administration Act of 1969; and

"(2) within sixty calendar days after receipt of such finding, thirty days of which Congress must have been in session, neither House passes a resolution stating in substance that such House does not agree with the President's finding.

The President may prepare amendments to any finding made pursuant to the provisions of the preceding sentence and such amendments shall be subject to the same requirements as set forth in such proceeding sentence.

"(b) The provisions of subsection (a) shall not apply to oil or gas produced from the outer Continental Shelf which is (1) exchanged in similar quantity for convenience or increased efficiency of transportation with persons or the government of a foreign country, or (2) temporarily exported for convenience or increased efficiency of transportation.

"SEC. 31. SHUT-IN OR FLARING WELLS.—(a) After the date of enactment of this section, no holder of any oil and gas lease issued or maintained pursuant to this Act shall be permitted to flare natural gas from any well unless the Secretary finds that there is no practicable way to complete production of such gas, or that such flaring is necessary to alleviate a temporary emergency situation or to conduct testing or work-over operations.

"(b) Within six months after the date of enactment of this section, and each year thereafter, the Secretary shall submit a report to the Comptroller General and the Congress listing each shut-in oil or gas well and each well flaring natural gas on the outer Continental Shelf. Each such report shall indicate why each well is shut-in or flaring natural gas, and whether the Secretary intends to require production or order cessation of flaring.

"(c) Within six months after receipt of each report required by subsection (b) of this section, the Comptroller General shall review and evaluate the reasons for allowing the wells to be shut-in or to flare natural gas and submit his findings and recommendations to the Congress.

"SEC. 32. REGIONAL OUTER CONTINENTAL SHELF ADVISORY BOARDS.—(a) The Governors of coastal States and noncoastal affected States may establish Regional Outer Continental Shelf Advisory Boards for their regions with such membership as they may determine, after consultation with the Secretary and the Secretary of Commerce.

"(b) Representatives of the Secretary, the Secretary of Commerce, the Administrator of the Federal Energy Administration, the Chairman of the Council on Environmental Quality, the Commandant of the Coast Guard, the Administrator of the Environmental Protection Agency, and the Administrator of the Occupational Safety and Health Administration shall be entitled to participate as observers in the deliberations of any Board established pursuant to subsection (a) of this section.

"(c) Each Board established pursuant to subsection (a) shall advise the Secretary on all matters relating to outer Continental Shelf oil and gas development, including development of the leasing program required by section 18 of this Act, approval of development and production plans required pursuant to section 20 of this Act, implementation of baseline and monitoring studies, and the preparation of environmental impact statements prepared in the course of the implementation of the provisions of this Act.

"(d) If the Governor of any affected State, or any Regional Outer Continental Shelf Advisory Board—

"(1) makes specific recommendations to the Secretary regarding the size, timing, or location of a proposed lease sale or with respect to a proposed development and production plan in any case in which the approval of such sale or plan will affect the environment of such State, or of any State which is represented on such Board, and

"(2) submits such recommendations to the Secretary within sixty days after receipt of notice of such proposed lease or of such development and production plan,

the Secretary shall fully consider such recommendations in light of the national security, the desirability of obtaining oil and gas supplies in a balanced manner, and the policies and purposes of this Act. If the Secretary finds that he cannot accept such recommendations, he shall communicate, in writing, to such Governor or such Board the reasons therefor.

"SEC. 33. COURT JURISDICTION.—(a) Except as otherwise provided in this Act, the district courts of the United States shall have jurisdiction of cases and controversies arising out of, or in connection with, any—

"(1) permit, lease, or right-of-way which is or may be maintained, issued, granted, or otherwise authorized pursuant to this Act;

"(2) exploration, development, or production activity conducted or proposed to be conducted pursuant to this Act; and

"(3) dispute involving rights to the natural resources of the subsoil and seabed of the outer Continental Shelf.

"(b) An action with respect to any matter referred to in subsection (a) of this section may be instituted (1) in the judicial district in which any defendant resides or may be found, or (2) in any judicial district located in the coastal State, the laws of which apply under section 4(a)(2)(A) of this Act to the portion of the outer Continental Shelf on which the cause of action arose, or if the President has not determined the areas within which such State laws are applicable, in any judicial district located in the coastal State nearest the place where the cause of action arose.".

On page 53, line 6, strike "structures", and insert "installations and other devices" in lieu thereof.

On page 53, line 10 strike "structure", and insert "installation or other device" in lieu thereof.

On page 53, lines 22 and 23, strike "and structures," and insert ", installations, and other devices" in lieu thereof.

On page 55, lines 9 through 19, strike "or structure" each time the words appear, and in each case insert ", installation, or other device" in lieu thereof.

On page 55, line 20, through page 56, line 8, strike "and structures" each time the words appear, and in each case insert ", installations, and other devices" in lieu thereof.

On page 56, lines 13 through 19, strike "or structure" each time the words appear, and in each case insert ", installation, or other device" in lieu thereof.

On page 57, strike all after the period on line 10, down through line 14, and insert in lieu thereof the following:

"The Secretary may at any time prescribe and amend such rules and regulations as he determines to be necessary and proper in order to provide for the maximum recovery, prevention of waste, and conservation of the natural resources of the outer Continental Shelf, and for the protection of the environment; and, notwithstanding any other provisions of this Act, such rules and regulations shall apply to all operations conducted pursuant to any lease."

On page 57, line 15, before "enforcement", insert "administration and".

On page 70, lines 13 and 14, strike "if both the Senate and House of Representatives pass a resolution of approval" and insert in lieu thereof "unless either the Senate or the House of Representatives passes a resolution of disapproval".

On page 74, strike all of subsection (d) on lines 9 through 11, and renumber succeeding subsections accordingly.

On page 112, line 13, strike "or".

On page 112, line 15, after the comma, insert "or is otherwise not inconsistent with the provisions of this Act.".

On page 118, lines 3 through 5, strike "Upon the commencement of production of oil from the Outer Continental Shelf pursuant to any lease issued after the date of enactment of this subsection, the", and insert in lieu thereof "The".

On page 118, line 14, strike "such", and insert in lieu thereof "any".

On page 119, lines 17 through 19, strike "upon the commencement of production of gas pursuant to any lease issued after the date of enactment of this subsection,".

By Mr. FORSYTHE:

On page 47, line 12, after "finds that", insert "because of such activity".

On page 62, lines 20 and 21, strike "which is to deal with emergency shortages of oil or gas or".

On page 73, strike lines 5 through 11, and insert in lieu thereof the following:

"(5) contain a provision that the lessee will comply with any rule, order, or regulation referred to in section 5(f) of this Act which applies to the lease area;"

Strike page 74, line 16, down through page 76, line 3.

On page 63, after line 7, insert a new section as follows:

CONTROVERSY OVER JURISDICTION

SEC. 205. Section 7 of the Outer Continental Shelf Lands Act (43 U.S.C. 1336) is amended—

(1) in the first sentence thereof, by inserting "(a)" immediately before "In"; and

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

"(b)(1) Except as provided in subsection (a) of this section, in the case of any lease issued under this Act after the date of enactment of this subsection with respect to which production may, in the judgment of the Secretary, result in the drainage of oil or gas from lands of any State, the Secretary shall—

"(A) whenever the lands of such State have been or are about to be leased or otherwise utilized for exploration, development, or production by such State, seek to establish an agreement for unitary exploration, development, and production of the Federal and State lands; or

"(B) whenever such State has not or is not about to so lease or utilize such lands, include a term in the lease making the lessee a party to any negotiations and any suit for equitable division of the proceeds from such lease among the lessee, the State, and the Federal Government.

"(2) Whenever subparagraph (B) of paragraph (1) is applicable, and upon an allegation by the State or a determination by the Secretary that drainage of oil or gas from State lands is occurring, the Secretary shall institute negotiations among the lessee, the State, and the Federal Government for the equitable division of the proceeds from such lease. If within six months after the date on which negotiations are commenced pursuant to the preceding sentence an equitable distribution is not agreed to by the parties to the negotiations, any party to such negotiations may initiate a suit for an equitable division of the proceeds from such lease. Notwithstanding any other provision of this subsection, the Secretary shall not be required to include the term referred to in subparagraph (B) of paragraph (1) in such lease, or to institute negotiations pursuant to this paragraph, unless the State agrees to insert a similar term and to institute similar negotiations in any case in which operations on lands of such State may result in the drainage of oil or gas from Federal lands.".

And renumber succeeding sections accordingly.

On page 79, lines 3 through 11, strike all of subsection (g).

On page 87, line 1, after "consistency", insert ", to the maximum extent practicable,".

On page 89, strike lines 7 through 20, and insert in lieu thereof the following: "the Secretary shall fully consider such recommendations in light of national security, the desirability of obtaining oil and gas supplies in a balanced manner, and the policies and purposes of this Act. If the Secretary finds that he cannot accept such recommendations, he shall communicate, in writing, to such Board or such Governor the reasons for rejection of such recommendations."

On page 109, line line 7, strike "structure, area, or".

On page 116, lines 3 and 4, strike "Notwithstanding any other provision of this section", and insert in lieu thereof "Notwithstanding the provisions of any regulation required pursuant to the second sentence of subsection (c) of this section".

On page 116, line 21, after "withhold transmittal", insert "and deny inspection".

By Mr. YOUNG of Alaska:

On page 72, strike lines 10 through 21, and insert in lieu thereof the following:

"(2) be for an initial period of

"(A) five years; or

"(B) not to exceed ten years where the Secretary finds that such longer period is necessary to encourage exploration and development in areas of unusually deep water or unusually adverse weather conditions, and as long after such initial period as oil or gas may be produced from the area in paying quantities, or drilling or well reworking operations as approved by the Secretary are conducted thereon;"

Strike page 85, line 3, down through page 86, line 7, and insert in lieu thereof the following:

"(c)(1) No program prepared pursuant to this section shall take effect until it has been published in final form, and then submitted to and approved by the Congress. Such program shall be deemed approved, and the Secretary shall be authorized to proceed with activities thereunder, unless within a sixty-day period of continuous session of the Congress following the date of submission either House passes a resolution stating in substance that such House does not favor the program and setting out the reasons therefor.

"(2) For purposes of this subsection, the continuity of a session of the Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of such sixty-day period.

"(3) Whenever a program prepared pursuant to this section is submitted to the Congress pursuant to paragraph (1), such program shall be accompanied by any environmental impact statement which is prepared with respect to such program in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

"(d) (1) During the preparation of any program under this section, the Secretary shall invite and consider suggestions for such program from the Governor of any State which may become an adjacent coastal State under such program. The Secretary may also invite or consider suggestions from any other person.

"(2) After such preparation and at least sixty days prior to submission of such program to the Congress, the Secretary shall publish the proposed program and shall transmit a copy of such proposed program to the Governor of each State for review and comment. If any such comment is received by the Secretary at least fifteen days prior to such submission and includes a request for any modification of the proposed program, the Secretary shall reply in writing, granting or denying such request in whole or in part, or granting such request in such modified form as the Secretary considers appropriate, and stating his reasons therefor. All such correspondence between the Secretary and the Governor of any affected State, together with any additional information and data relating thereto, shall accompany the program when such program is submitted to the Congress.

"(3) The provisions of this subsection shall not apply to any program resubmitted to Congress subsequent to disapproval thereof under subsection (c) of this section, if the only significant modifications of such program are made in response to the reasons set forth in the resolution of disapproval, except that such resubmitted program shall be published and shall be transmitted to the Governor of each affected State for his information.

"(e)(1) The first program submitted to the Congress under this section shall be submitted within one year after the date of enactment of this section.

"(2) At least once each year during the period to which any program approved under this section applies, the Secretary shall review such program. If the Secretary determines that it is necessary to revise such program, the provisions of subsections (a), (b), (c), and (d) of this section shall apply to any such revision. Prior to the date of expiration of any program approved under this section, the Secretary shall prepare a new program under this section to apply to the five-year period beginning immediately after such date.

"(f) The Secretary may make minor changes in an approved program, including the cancellation or delay of a scheduled lease sale, by publishing such changes and after transmitting a copy of such changes to the Congress and to the Governor of each affected State. The advancement of a lease sale by more than four months shall not constitute a minor change for purposes of this subsection.

"(g) After the first approval of a program under this section, or after eighteen months following the date of enactment of this section, whichever first occurs, no oil and gas lease may be offered for sale under this Act, except in accordance with an approved program.

And redesignate succeeding subsections accordingly.

On page 82, line 5, strike "or reapproval".

Strike page 89, line 22, down through page 92, line 15, and insert in lieu thereof the following:

(a)(1) The Secretary, in consultation with the Secretary of Commerce, and in cooperation with coastal States, shall design and conduct a study of—

"(A) any area or region of the outer Continental Shelf in which a lease is in effect on the date of enactment of this section, or in which a lease is proposed to be sold within one year such date of enactment; and

"(B) any area or region of the outer Continental Shelf in which a lease is proposed to be sold following the one year period beginning on such date of enactment.

The Secretary may utilize information collected in any study prior to the date of enactment of this section complying with the foregoing requirements of this subsection. Nothing in this subsection shall be interpreted as requiring the Secretary to conduct more than one study pursuant to this subsection in any area or region of the outer Continental Shelf.

"(2) Each study required by paragraph (1) shall be commenced—

"(A) with respect to any area or region described in subparagraph (A) of paragraph (1), six months after the date of enactment of this section; or

"(B) with respect to any area or region described in subparagraph (B) of paragraph (1), six months prior to the sale of a lease in such area or region.

"(3) Nothing in this section shall be interpreted as requiring any delay in the holding of any lease sale, or in approval of any plan under section 19 or 20 of this Act, pending completion of any study required by paragraph (1).

"(b) Promptly after the first lease sale

held with respect to any area or region studied pursuant to subsection (a) of this section, the Secretary, in consultation with the Secretary of Commerce, shall take such action as is necessary to complete such study, and shall monitor the affected environment in a manner designed to provide data which can be compared with previously collected data for the purpose of identifying any significant change in the quality and productivity of such environment, and establishing trends in the various factors studied and monitored.

"(c) To the extent that other Federal agencies are conducting studies of or are monitoring the affected environment, the Secretary shall utilize the information derived therefrom in lieu of directly conducting such activities. The Secretary may utilize information obtained from any State or local government entity, or from any person, for the purposes of this section. For the purpose of carrying out his responsibilities under this section, the Secretary may by agreement utilize, with or without reimbursement, the services, personnel, or facilities of any Federal, State, or local government agency.

"(d) As soon as practicable after the end of each fiscal year, the Secretary shall submit to the Congress and make available to the general public an assessment of the cumulative environmental effect of activities conducted under this Act.

"(e) In executing his responsibilities under this section the Secretary is authorized and directed, to the maximum extent practicable, to enter into appropriate arrangements to utilize on a reimbursable basis the capabilities of the Department of Commerce. In carrying out such arrangements the Secretary of Commerce is authorized to enter into contracts or grants with any person, organization or entity with funds appropriated to the Secretary of the Interior pursuant to this act."

On page 108, line 23, strike "After" and all that follows, down through "whether" on page 109, line 1, and insert in lieu thereof "Within thirty days after receipt of a plan, the Secretary shall review such plan in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and shall declare his findings as to whether approval of".

On page 110, lines 17 and 18, strike "one hundred and twenty", and insert in lieu thereof "sixty".

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By Mr. JONES of Alabama:

Page 28, strike out line 23 and all that follows down through and including line 9 on page 31.

Renumber the succeeding sections accordingly.

By Mr. LEVITAS:

Page 33, after line 12, add the following new section:

RULE AND REGULATION REVIEW

SEC. 20. Title V of the Federal Water Pollution Control Act is amended by renumbering section 518 as section 519 and by inserting immediately after section 517 the following new section:

"RULE AND REGULATION REVIEW

"SEC. 518. (a) Any rule or regulation issued under authority of this Act after the date of enactment of this section may by resolution of either House of Congress be disapproved, in whole or in part, if such resolution of disapproval is adopted not later than the end of the first period of 60 calendar days when Congress is in session (whether or not continuous) which period begins on the date such rule or regulation is finally adopted by the Department or agency adopting same. The Department or agency adopting any such rule or regulation shall transmit such rule or regulation to each House of Congress immediately upon its final adoption. Upon adoption of such a resolution of disapproval by either House of Congress, such rule or regulation, or part thereof, as the case may be, shall cease to be in effect.

"(b) Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of such rule."

By Mr. WRIGHT:

Page 31, strike out lines 11 to 25, inclusive, and insert in lieu thereof the following:

SEC. 17. (a) Subsection (a) of section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended by adding immediately after "navigable waters" the following: "and adjacent wetlands".

(b) Such section 404 is further amended by adding at the end thereof the following new subsections:

"(d)(1) The term 'navigable waters' as used in this section shall mean all waters which are presently used, or are susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce shoreward to their ordinary high water mark, including all waters which are subject to the ebb and flow of the tide shoreward to their mean high water mark (mean higher high water mark on the west coast).

"(2) The term 'adjacent wetlands' as used in this section shall mean (A) those coastal wetlands, mudflats, swamps, marshes, shallows, and those areas periodically inundated by saline or brackish waters that are normally characterized by the prevalence of salt or brackish water vegetation capable of growth and reproduction, which are contiguous or adjacent to navigable waters subject to the ebb and flow of the tide, and (B) those freshwater wetlands including marshes, shallows, swamps, and similar areas that are contiguous or adjacent to other navigable waters, that support freshwater vegetation and that are periodically inundated and are normally characterized by the prevalence of vegetation that requires saturated soil conditions for growth and reproduction.

"(e) Except as provided in subsection (f) of this section, the discharge of dredged or fill material in waters other than navigable waters or adjacent wetlands is not prohibited by or otherwise subject to regulation under this Act, or section 9, section 10, or section 13 of the Act of March 3, 1899.

"(f) If the Secretary of the Army, acting through the Chief of Engineers, and the Governor of a State enter into a joint agreement that the discharge of dredged or fill material in waters other than navigable waters or adjacent wetlands of such State should be regulated because of the ecological and environmental importance of such waters, the Secretary, acting through the Chief of Engineers, may regulate such discharge pursuant to the provisions of this section. Any joint agreement entered into pursuant to this subsection may be revoked, in whole or in part, by the Governor of the State who entered into such joint agreement or by the Secretary of the Army, acting through the Chief of Engineers.

"(g) In carrying out his functions relating to the discharge of dredged or fill material under this section, the Secretary of the Army, acting through the Chief of Engineers, is authorized to issue those general permits which he determines to be in the public interest.

"(h) The discharge of dredged or fill material—

"(1) from normal farming, silviculture, and ranching activities, including, but not limited to, plowing, terracing, cultivating, seeding, and harvesting for the production of food, fiber, and forest products;

"(2) for the purposes of maintenance of currently serviceable structures, including, but not limited to, dikes, dams, levees, groins, riprap, breakwaters, causeways, and bridge abutments and approaches, and other transportation structures (including emergency reconstruction); or

"(3) for the purpose of construction or maintenance of farm or stock ponds and irrigation ditches,

is not prohibited by or otherwise subject to regulation under this Act.

"(i) The discharge of dredged or fill material as part of the construction, alteration, or repair of a Federal or federally assisted project authorized by Congress is not prohibited by or otherwise subject to regulation under this Act if the effects of such discharge have been included in an evironmental impact statement or environmental assessment for such project pursuant to the provisions of the National Environmental Policy Act of 1969 and such environmental impact statement or environmental assessment has been submitted to Congress in connection with the authorization or funding of such project.

"(j) The Secretary of the Army, acting through the Chief of Engineers, is authorized to delegate to a State upon its request all or any part of those functions vested in him by this section relating to the adjacent wetlands in that State if he determines (A) that such State has the authority, responsibility, and capability to carry out such functions, and (B) that such delegation is in the public interest. Any such delegation shall be subject to such terms and conditions as the Secretary deems necessary, including, but not limited to, suspension and revocation for cause of such a delegation.".

H.R. 10930

By Mr. BURLISON of Missouri:

Page 4, after line 5, add the following:

SEC. 3. Section 7 of the Cotton Research and Promotion Act (7 U.S.C. 2106) is amended by adding the following new subsection at the end thereof:

"(i) Providing that no funds collected by the Cotton Board under the order shall in any manner be used for the purpose of remunerating or compensating any officer or employee of the Board or of any contracting organization or association described in subsection (g) of this section in excess of the annual compensation received by the Secretary of Agriculture.".

H.R. 13179

By Mr. WHITE:

Page 10, strike out lines 3 through 9 and insert in lieu thereof the following:

Sec. 13. (a) Section 882(b) of the Foreign Service Act of 1946 is amended—

(1) by striking out "(b)" and inserting in lieu thereof "(b)(1)";

(2) by striking out "1 per centum plus"; and

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

"(2)(A) In the case of an annuity to which this subparagraph applies, there shall be paid from the Fund, in connection with the payment of the first monthly installment which reflects an increase under paragraph (1), an amount equal to the aggregate additional amount of annuity which would have been paid, for the period beginning on the first day of the three consecutive months and ending immediately before the effective date of the increase, if such annuity increase had been in effect for that period. For purposes of such computation, the annuity in effect immediately before such effective date shall be considered to have been in effect throughout such period.

"(B) Subparagraph (A) of this paragraph shall apply to any annuity which is increased under paragraph (1) of this subsection and which has a commencing date not later than the first day of the three-month period with respect to which such annuity increase is calculated. For purposes of this paragraph, the commencing date of an an-

nuity of any surviving wife or husband which is payable under section 821(b) shall be considered to be the date on which the deceased spouse's annuity commenced."

H.R. 13589

By Ms. ABZUG:

On page 5, after line 12, insert the following new section:

VOICE OF AMERICA BROADCASTS

SEC. 7. Title V of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1461–62), is amended by adding the following new section:

"SEC. 503. The long-range interests of the United States are served by communicating directly with the peoples of the world by radio. To be effective, the Voice of America (the Broadcasting Service of the United States Information Agency) must win the attention and respect of listeners. These principles will therefore govern Voice of America (VOA) broadcasts:

"(1) VOA will serve as a consistently reliable and authoritative source of news. VOA news will be accurate, objective, and comprehensive.

"(2) VOA will represent America, not any single segment of American society, and will therefore present a balanced and comprehensive projection of significant American thought and institutions.

"(3) VOA will present the policies of the United States clearly and effectively, and will also present responsible discussion and opinion on these policies.".

FACTUAL DESCRIPTIONS OF BILLS AND RESOLUTIONS INTRODUCED

Prepared by the Congressional Research Service pursuant to clause 5(d) of House rule X. Previous listing appeared in the CONGRESSIONAL RECORD of June 1, 1976, page 16086:

HOUSE JOINT RESOLUTIONS

H.J. Res. 931. April 29, 1976. Armed Services. Directs the President to restore to Doctor Mary Edwards Walker the Congressional Medal of Honor.

H.J. Res. 932. April 30, 1976. Judiciary. Proposes a constitutional amendment to assure that the total outlays of the Government during any fiscal year do not exceed the total receipts of the Government during such fiscal year and that the Federal indebtedness is eliminated.

H.J. Res. 933. April 30, 1976. Armed Services. Authorizes and requests the President to appoint John Paul Jones posthumously to the grade of admiral in the United States Navy.

H.J. Res. 934. May 3, 1976. Post Office and Civil Service. Authorizes and requests the President to issue a proclamation designating the week beginning on November 7, 1976, as "National Respiratory Therapy Week."

H.J. Res. 935. May 4, 1976. Post Office and Civil Service. Authorizes and requests the President to issue a proclamation designating the week beginning on November 7, 1976, as "National Respiratory Therapy Week."

H.J. Res. 936. May 5, 1976. Post Office and Civil Service. Authorizes and requests the President to issue a proclamation designating the week beginning June 20, 1976, as "National Truck Week."

H.J. Res. 937. May 5, 1976. Armed Services. Authorizes and requests the President to appoint George Washington posthumously to the rank of General of the Armies of the United States.

H.J. Res. 938. May 5, 1976. Ways and Means. Amends the Revenue Adjustment Act of 1975 to provide that the section relating to corporate income tax shall refer to provisions of the Internal Revenue Code dealing with the normal tax on corporations rather than corporations in general.

H.J. Res. 939. May 5, 1976. Post Office and Civil Service. Recognizes the achievement of Doctor Mahlon Loomis in being the first person to invent and demonstrate a system of wireless communications.

H.R. Res. 940. May 6, 1976. Government Operations. Expresses the general policy of the United States Government to rely upon private commercial sources for the goods and services required to meet Government needs.

H.J. Res. 941. May 6, 1976. Government Operations. Expresses the general policy of the United States Government to rely upon private commercial sources for the goods and services required to meet Government needs.

H.J. Res. 942. May 6, 1976. Judiciary. Proposes an amendment to the Constitution which includes unborn offspring within the definition of "person" for purposes of the fifth and fourteenth Articles of Amendment to the Constitution.

H.J. Res. 943. May 6, 1976. Post Office and Civil Service. Authorizes the President to issue annually a proclamation designating the seven-day period commencing on April 30 of each year as "National Beta Sigma Phi Week."

H.J. Res. 944. May 7, 1976. Post Office and Civil Service. Authorizes and requests the President to issue a proclamation designating the week beginning on November 7, 1976, as "National Respiratory Therapy Week."

H.J. Res. 945. May 7, 1976. Rules. Establishes a Congressional Joint Committee on Intelligence to exercise exclusive legislative jurisdiction with respect to the authorization of funds in connection with any intelligence activity conducted in any foreign country by any agency or department of the Federal Government.

H.J. Res. 946. May 10, 1976. Post Office and Civil Service. Authorizes and directs the President to issue a proclamation designating the week of October 10 through 16, 1976, as "Native American Awareness Week."

H.J. Res. 947. May 10, 1976. Post Office and Civil Service. Designates the week beginning on August 22, 1976, as "National Nurse Anesthetist Week."

H.J. Res. 948. May 12, 1976. Post Office and Civil Service. Designates the fourth Wednesday in October of each year as "Seventy-Plus in High School Day."

H.J. Res. 949. May 12, 1976. Post Office and Civil Service. Expresses the appreciation and gratitude of the people of the United States to Her Majesty, Queen Elizabeth II for the bequest of James Smithson which provided for the establishment of the Smithsonian Institution.

H.J. Res. 950. May 12, 1976. Post Office and Civil Service. Designates the month of October of each year as "National Learning Disabilities Month."

HOUSE CONCURRENT RESOLUTIONS

H. Con. Res. 622. May 4, 1976. House Administration. Directs that there be printed additional copies of a document entitled "The Working Congress."

H. Con. Res. 623. May 4, 1976. House Administration. Directs that copies of a booklet entitled "Duties of the Speaker" be printed as a House document.

H. Con. Res. 624. May 4, 1976. House Administration. Provides for the printing of copies of a walking tour map of the area surrounding the United States Capitol.

H. Con. Res. 625. May 4, 1976. House Administration. Calls for a restoration of the spirit of independence and self-reliance among candidates for Federal office and the American people.

H. Con. Res. 626. May 5, 1976. International Relations. Expresses the sense of Congress that the Soviet Union should release Georgi Vins from imprisonment and allow freedom of religion in that nation.

H. Con. Res. 627. May 6, 1976. Post Office and Civil Service. Expresses the sense of Congress that the U.S. Postal Service should not close or otherwise suspend the operation of any post office during the six-month period beginning on the date of adoption of this resolution.

H. Con. Res. 628. May 7, 1976. Education and Labor. Expresses the sense of the Congress that the President call a White House Conference on Marriage and the Family in order to establish a national understanding of the role played by marriage and the family in the development of a viable society.

H. Con. Res. 629. May 11, 1976. House Administration. Directs that there be printed as a House document a booklet entitled "The Working Congress."

H. Con. Res. 630. May 11, 1976. Interstate and Foreign Commerce. Expresses the sense of the House of Representatives that the Congress has not delegated to the Federal Trade Commission any authority to preempt the laws of the States and their political subdivisions.

H. Con. Res. 631. May 11, 1976. International Relations. Directs the President to express the request of the United States Government that the Government of the Union of Soviet Socialist Republics provide Valentyn Moroz with the opportunity to accept the invitation of Harvard University to join the Harvard Ukrainian Research Institute for the 1976–1977 academic year.

H. Con. Res. 632. May 11, 1976. Rules. Creates a joint select committee to conduct a full and complete investigation and study into ways in which art works depicting the contributions of Black Americans to our Nation can be increased in the Capitol.

H. Con. Res. 633. May 12, 1976. Education and Labor. States that every foster child has specified inherent rights and standards for treatment.

H. Con. Res. 634. May 12, 1976. Interstate and Foreign Commerce. Expresses the sense of the House of Representatives that the Congress has not delegated to the Federal Trade Commission any authority to preempt the laws of the States and their political subdivisions.

H. Con. Res. 635. May 13, 1976. Makes specified corrections in the enrollment of the bill S. 2498.

HOUSE RESOLUTIONS

H. Res. 1166. April 28, 1976. Sets forth the rule for the consideration of H.R. 9043.

H. Res. 1167. April 28, 1976. Sets forth the rule for the consideration of H.R. 12384.

H. Res. 1168. April 29, 1976. International Relations. Expresses the support of the House of Representatives for "Solidarity Sunday" which includes efforts to remove all obstacles to the free emigration of Jews from the Soviet Union.

H. Res. 1169. April 29, 1976. Standards of Official Conduct. Amends Rule XLIII of the Rules of the House of Representatives by requiring that a Member's salary be paid into an escrow account whenever such Member is convicted by a court of record for specified crimes.

H. Res. 1170. April 29, 1976. Interstate and Foreign Commerce. Calls for measures by Federal agencies to insure that the quality and quantity of free broadcasting service is not impaired by the development of pay television.

H. Res. 1171. April 30, 1976. International Relations. Expresses the support of the House of Representatives for the basic principles and positions which Secretary of State Henry Kissinger expounded in his address at Lusaka, Zambia, on April 27, 1976.

H. Res. 1172. May 3, 1976. Interstate and

Foreign Commerce. Calls for measures by Federal agencies to insure that the quality and quantity of free broadcasting service is not impaired by the development of pay television.

H. Res. 1173. May 5, 1976. Armed Services. Disapproves of the proposal of the executive branch to use the authority of Public Law 85-804 to obligate funds in excess of $25 million for the purpose of adjusting naval shipbuilding contracts.

H. Res. 1174. May 6, 1976. Armed Services. Disapproves the proposed obligation of the United States with respect to specified shipbuilding contracts.

H. Res. 1175. May 6, 1976. Post Office and Civil Service. Expresses congratulations and appreciation to Carnegie Hall for its 85 years of artistic achievement and cultural enrichment.

H. Res. 1176. May 6, 1976. House Administration. Provides that Members of the House of Representatives and employees of the House, except in specified cases, may not be reimbursed for the difference between the cost of first-class air travel accommodations and the costs of other air travel accommodations.

H. Res. 1177. May 6, 1976. Sets forth the rule for the consideration of H.R. 10451.

H. Res. 1178. May 6, 1976. Sets forth the rule for the consideration of H.R. 12387.

H. Res. 1179. May 6, 1976. Sets forth the rule for the consideration of H.R. 12835.

H. Res. 1180. May 6, 1976. Sets forth the rule for the consideration of H.R. 12851.

H. Res. 1181. May 6, 1976. Sets forth the rule for the consideration of H.R. 12934.

H. Res. 1182. May 6, 1976. Sets forth the rule for the consideration of H.R. 13350.

H. Res. 1183. May 10, 1976. Sets forth the rule for the consideration of H.R. 10210.

H. Res. 1184. May 10, 1976. Agriculture. Calls for an assessment of the whey supply and for a research program to utilize whey more efficiently.

H. Res. 1185. May 10, 1976. Interstate and Foreign Commerce. Calls for measures by Federal agencies to insure that the quality and quantity of free broadcasting service is not impaired by the development of pay television.

EXTENSIONS OF REMARKS

MORE ON THE CASE OF EUGENE HOLLANDER

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 1976

Mr. KOCH. Mr. Speaker, I should like to bring to the attention of our colleagues additional information bearing upon what I consider to be the inadequate sentencing of Eugene Hollander, a nursing home operator who was one of the chief perpetrators of medicaid fraud in the State of New York, and who was given a suspended prison sentence. The sentencing judge, Justice Milton Mollen, said at the time of sentencing—

A prison sentence in this instance is the equivalent of a death sentence.

I have since received the statement of special State prosecutor, Charles J. Hynes, deputy attorney general, which he delivered at the time of sentencing and which I believe should be read by everyone interested in justice and distressed by the court's failure to impose a prison sentence on Eugene Hollander.

What is important to note is that the same defendant committed comparable crimes in the nursing home field 16 years ago and was not jailed but was merely required to repay moneys to the city of New York. Special Prosecutor Hynes stated in his statement to the court—

Mr. Hollander stands before Your Honor today as a second offender.

Furthermore, the special prosecutor addressed himself to the impaired physical and mental condition of the defendant and said in support of his request of a jail sentence—

Dr. Thomas Rigney is the medical director at Fishkill. He has personally assured me that if Mr. Hollander is sent to that institution, every precaution will be taken to stabilize his medical and emotional condition. I would also like to point out that Fishkill is in no sense the usual prison environment. It is rather, as Dr. Rigney describes it, a nursing home.

I should like to repeat what I said to this House on May 19, in commenting on my distress at the failure of the court to sentence Eugene Hollander appropriately—

I believe that if we permit white collar criminals to escape prison and simply engage in restitution, it places in question our right to punish with prison the poor who engage in physical crimes of violence. I am one of those who believes that our judicial system is verging on bankruptcy. We do not apprehend our criminals in sufficient numbers and when we do apprehend them in limited numbers, we do not adequately punish them. When the revelations are such as they were in this case, that someone has enriched himself on the bodies of those elderly entrusted to his care by the Federal Government, and at the expense of the U.S. taxpayer, it is shocking to find that such an individual does not go to jail. Such kid glove handling of Mr. Hollander must reinforce, whether true or not, the feelings that pervade so many in our society today, that the rich get richer, the poor get poorer and it is not what you know, but whom you know that counts.

I want to take this opportunity to again applaud the enormously effective efforts of Special Prosecutor Charles J. Hynes in bringing Dr. Bergman and Eugene Hollander to trial and at the same time I want to again deplore the action taken by the sentencing court.

The full statement made by Charles J. Hynes, special prosecutor, at the sentencing of Eugene Hollander follows:

STATEMENT OF SPECIAL STATE PROSECUTOR, CHARLES J. HYNES, MADE AT THE SENTENCING OF EUGENE HOLLANDER

May it please the court, when this investigation began 17 months ago, in addition to our primary aim that conditions in the nursing homes of this State be improved to an acceptable level of care, we vowed that the failures of the Kaplan investigation not be repeated.

In a very real sense, Eugene Hollander is a symbol of those failures. Beginning in 1960, Mr. Hollander served for many years as the president of the Metropolitan Nursing Home Association. He has, for two decades, operated nursing homes in this city.

Drawing upon his years of experience as an owner and from his position of leadership in the industry, Mr. Hollander could have acted as a force for a change in an industry that Louis Kaplan found pervasively corrupt 16 years ago. Instead, he holds the dubious distinction of having stolen money—more flagrantly than any other nursing home operator thus far prosecuted in the State of New York.

But your honor, it is not merely how much money he stole—more than $1 million from 1969 until his indictment this year—it is the why of that theft that is so significant and so outrageous.

The principal objective of Hollander's greed was to build for himself a life of luxury and prestige on the backs of those committed to his care. For example, he remodeled his Fifth Avenue apartment at a cost of nearly $30,000; he purchased more than $120,000 worth of paintings including two Renoirs—and in both instances, these costs were disguised as expenses related to the care of patients in his nursing homes.

Your honor, I do not intend to stand here and tell you that Eugene Hollander ran houses of horror, although the Health Department has cited enough deficiencies, including inadequate food and inadequate staffing, to conclude that Hollander is not the public's idea of one who should care for the elderly, but one thing should be crystal clear: That if Mr. Hollander as a leader of the industry had less greed and more compassion, his homes could have served as much needed models of care for others in this State.

Sixteen years ago, this same defendant and scores of other nursing home operators were caught, and forced to admit their fraud, and repay to the city of New York hundreds of thousands of dollars. But despite the publicity, the public outcry and the forced restitution, no lesson was learned by this defendant or by the other operators of the industry: and for all its hooplah, history records the Kaplan investigation to be a dismal failure.

I suggest to your honor that the reason for the failure was that those who stole went unpunished.

While no nursing home operator was prosecuted as a result of the Kaplan investigation, one thing is certain: All, including the defendant, were put on notice. And in that sense Mr. Hollander stands before your honor today as a second offender. Given the seriousness of the crimes for which he pleaded guilty, added to his total lack of remorse for past thefts, fundamental principles of justice require that he be incarcerated as any other citizen who stands convicted of crimes of such magnitude.

It is equally significant that Hollander, who had admitted to the court a net worth of almost $9 million has not taken, until the eve of sentence, a single meaningful step toward returning the money he stole. Indeed, the Renoirs and the other expensive trappings which so highlight his greed remain in his possession or under his control. How did it happen.

Your honor, I recognize another factor which exists in this case. I sympathize with Eugene Hollander because of his impaired physical and mental condition—more than he knows or believes. But jail, very much like any institution, including a nursing home, is never pleasant, albeit Hollander had a clear opportunity to be an honest citizen and thus avoid prison. I hasten to point out