SENATE—*Thursday, August 26, 1976*

The Senate met at 10 a.m. and was called to order by Hon. JOHN C. CULVER, a Senator from the State of Iowa.

PRAYER

Dr. Stanley M. Wagner, rabbi, Beth Ha Medrosh Hogodol Congregation, Denver, Colo., offered the following prayer:

Lord of the Universe, Father of all men:

We thank Thee for the miracle which is America.

It is the miracle of a beautiful and bounteous land which Thou hast provided as our inheritance.

It is the miracle of a culturally, racially and religiously kaleidoscopic society that Thou, O God, has helped forge into a harmonious and unified nation.

It is the miracle of a system inspired by Thee in which the fruits of industry and enterprise of the strong are rewarded, and the rights of the weak are protected, and their prerogatives unlimited.

It is the miracle of Thy Divine Spirit working through men of integrity, honor, and sincerity, statesmen who regard the welfare of the American people above all else, and who have led America and continue to lead America in the paths of justice and righteousness.

For these miracles are we humbly grateful.

Continue, we pray, to extend Thy providence over us, to the end that we shall ever be blessed by Thy beneficence and goodness. Guide our destiny and make us Thine instrumentality in the shaping of a better and happier world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 26, 1976.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JOHN C. CULVER, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, August 25, 1976, be dispensed with.

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

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 1095 and 1098.

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

AUTHORIZATIONS FOR THE UINTAH UNIT RECLAMATION PROJECT, UTAH

The Senate proceeded to consider the bill (S. 3395) to authorize appropriations for the construction of the Uintah unit of the central Utah project, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert the following:

Pursuant to the authorization for construction, operation, and maintenance of the Uintah unit, central Utah project, Utah, as provided in section 1 of the Act of April 11, 1956 (70 Stat. 105), as amended by section 501(a) of the Colorado River Basin Project Act (82 Stat. 897), there is authorized to be appropriated for fiscal year 1978 and thereafter, for the construction of said Uintah unit, the sum of $90,247,000 (based on January 1976 price levels) plus or minus such amounts, if any, as may be required by reason of changes in construction costs as indicated by engineering cost indexes applicable to the type of construction involved.

SEC. 2. Notwithstanding any other provision of law, lands held in a single ownership which may be eligible to receive water from, through, or by means of the Uintah works shall be limited to one hundred and sixty acres of class I land or the equivalent thereof in other land classes, as determined by the Secretary of the Interior.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NEW HAMPSHIRE-VERMONT INTERSTATE SEWAGE WASTE DISPOSAL FACILITIES COMPACT

The bill (H.R. 9153) granting the consent of Congress to the New Hampshire-Vermont Interstate Sewage Waste Disposal Facilities Compact, was considered, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the calendar under "New Reports."

There being no objection, the Senate proceeded to the consideration of executive business.

THE JUDICIARY

The second assistant legislative clerk read the nomination of Marion J. Callister, of Idaho, to be a U.S. district judge for the district of Idaho.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF JUSTICE

The second assistant legislative clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. PAROLE COMMISSION

The second assistant legislative clerk read the nomination of Dorothy Parker, of Virginia, to be a Commissioner of the U.S. Parole Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

SENATE RESOLUTION 523—AUTHORIZING SENATE STUDY OF U.S. SECURITY AND FOREIGN POLICY MATTERS

Mr. MANSFIELD. Mr. President, one of the most important issues to face the Senate during the next Congress will be the development of a policy to cope with the worldwide proliferation of atomic reactors. It is probable that the U.S. Senate will be asked to make judgments on the possible sale of nuclear reactors to certain countries such as Iran, Israel, and Egypt in the Middle East. As time goes on, there will undoubtedly be other requests as this sophisticated technology becomes more prevalent.

A potent byproduct from a nuclear reactor is plutonium, and this element can be utilized to develop nuclear weapons. For this reason, it is imperative that appropriate safeguards and security procedures are designed to prohibit the misuse of plutonium and other by-products of an atomic reactor.

Concerning this subject within the Senate, there are proper jurisdictional questions which involve several committees. I have in mind the Joint Committee on Atomic Energy, chaired by the dis-

tinguished Senator from Rhode Island, Mr. PASTORE, and assisted by the ranking minority member, Senator BAKER of Tennessee; the Government Operations Committee under the chairmanship of the distinguished Senator from Connecticut, Mr. RIBICOFF, and the ranking minority member, Senator PERCY of Illinois; and the Foreign Relations Committee, under Senators SPARKMAN and CASE.

In order for the Senate to properly exercise its legitimate oversight function, it is essential that select designated Members be authorized to visit certain countries in the Middle East and elsewhere to conduct a study on U.S. security and foreign policy interests in those areas with particular emphasis on the question of worldwide nuclear proliferation.

With this in mind, the distinguished minority leader (Mr. HUGH SCOTT) and I submit a resolution for immediate consideration. This resolution has been cleared with the distinguished chairman of the Rules Committee, (Mr. CANNON) and the ranking minority member of that committee (Mr. HATFIELD).

The PRESIDING OFFICER. The resolution will be stated.

The resolution (S. Res. 523) was read, considered by unanimous consent, and agreed to as follows:

S. RES. 523

Resolved, That the President of the Senate is authorized to appoint a special delegation of Members of the Senate to visit certain countries in the Middle East, Europe, and other areas as needed to conduct a study on United States security and foreign policy interests in those areas with particular emphasis on world-wide nuclear proliferation and to designate the co-chairmen of said delegation.

SEC. 2. (a) The expenses of the delegation, including staff members designated by the co-chairmen to assist said delegation, shall not exceed $35,000, and shall be paid from the contingent fund of the Senate upon vouchers approved by the co-chairmen of said delegation.

(b) The expenses of the delegation shall include such special expenses as the co-chairmen may deem appropriate, including reimbursements to any agency of the Government for (1) expenses incurred on behalf of the delegation, (2) compensation (including overtime) of employees officially detailed to the delegation, and (3) expenses incurred in connection with providing appropriate hospitality.

(c) The Secretary of the Senate is authorized to advance funds to the co-chairmen of the delegation in the same manner provided for committees of the Senate under the authority of Public Law 118, Eighty-first Congress, approved June 22, 1949.

Mr. MANSFIELD subsequently said: Mr. President, on the resolution agreed to earlier this morning concerning the appointment of a special delegation on U.S. security and foreign policy interests, I omitted the usual language in such resolutions on the appointment of the Senate delegation. I ask unanimous consent that the phrase "upon the recommendation of the majority and minority leaders," be added after "The Senate" in the second line of the resolution.

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

The resolution (S. Res. 523) as modified, is as follows:

Resolved, That the President of the Senate is authorized to appoint a special delegation of Members of the Senate upon the recommendation of the majority and minority leaders to visit certain countries in the Middle East, Europe, and other areas as needed to conduct a study on United States security and foreign policy interests in those areas with particular emphasis on worldwide nuclear proliferation and to designate the cochairmen of said delegation.

SEC. 2. (a) The expenses of the delegation, including staff members designated by the cochairmen to assist said delegation, shall not exceed $35,000, and shall be paid from the contingent fund of the Senate upon vouchers approved by the cochairmen of said delegation.

(b) The expenses of the delegation shall include such special expenses as the cochairmen may deem appropriate, including reimbursements to any agency of the Government for (1) expenses incurred on behalf of the delegation, (2) compensation (including overtime) of employees officially detailed to the delegation, and (3) expenses incurred in connection with providing appropriate hospitality.

(c) The Secretary of the Senate is authorized to advance funds to the cochairmen of the delegation in the same manner provided for committees of the Senate under the authority of Public Law 118, Eighty-first Congress, approved June 22, 1949.

POSTWAR SOUTHEAST ASIA—A SEARCH FOR NEUTRALITY AND INDEPENDENCE

Mr. MANSFIELD. Mr. President, 1 year ago, on behalf of the Committee on Foreign Relations, I visited three nations in Southeast Asia, Thailand, the Philippines, and Burma, to study regional and local developments after the ending of U.S. involvement in Indochina. Upon my return, I reported to the committee that:

Throughout Southeast Asia, nations are now making reassessments of their relationships. Nationalism and neutrality, mixed with a budding interest in regional co-operation, are the driving forces at work.

I ask unanimous consent that pertinent portions of this report be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. MANSFIELD. During the recent congressional recess, I returned to Southeast Asia to make an up-to-date reappraisal of the situation there, visiting Thailand, Burma, and Laos. A confidential report has already been submitted to the President as a result of that trip. This is my report to the Senate.

Winds of change still sweep the area, continuing to move the region toward cohesion and an easing of tensions. The U.S. role in this movement is limited and must remain so. It is not for this Nation, nor is it possible for this Nation to tell the nations of Southeast Asia what is in their interest. If we have learned anything from our sad experience in Indochina, it is that the future of Southeast Asia is for the nations of the area to decide and without outside interference.

The Philippines, Thailand, Malaysia, Singapore, and Indonesia, through the Association of Southeast Asian Nations, ASEAN, have taken small but positive steps toward regional cooperation. In February, the heads of state of the five ASEAN members met at their first summit conference to produce a treaty of amity and cooperation and other agreements looking toward closer collaboration on problems of common concern. There remained, however, an uneasy uncertainty about what course Vietnam, now a powerful, unified nation of 40 million people, would take in regional affairs.

Twenty-two years after the Geneva cease-fire agreement which temporarily divided the nation, the two parts of Vietnam have become one. After three decades of isolation and civil war, Vietnam has entered the regional political *scene*. The ASEAN States and Vietnam have launched a major program of détente, which has already produced an atmosphere of regional friendship. During July, Vietnam's Deputy Foreign Minister Phan Hien made a goodwill visit to several of the ASEAN countries as well as to Burma and Laos. The five ASEAN countries have established diplomatic relations with Vietnam. All signs indicate that Vietnam has set out to prove to its neighbors and the world that it is determined to pursue an independent course, free from domination by either the Soviet Union or China.

These important steps toward regional amity should be welcomed by the United States. A regional organization composed of the ASEAN nations, the states of Indochina, and Burma, dedicated to peaceful intercourse, would be a significant force in maintaining stability and promoting economic progress in this volatile area. Thai officials assured me of their strong support for this concept. While endorsing a regionwide organization in principle, Burma has lingering historical suspicions.

I will describe briefly some current aspects of U.S. relations with Thailand, Burma, and Laos and then discuss the drug situation, a problem of particular concern to this Nation, as it involves Burma and Thailand.

THAILAND

In Thailand, Prime Minister Seni Pramot presides over a shaky parliamentary government. Although the ruling coalition is composed of only 4 parties, compared with 17 in the previous government led by his brother, Kukrit Pramot, there is serious dissension within the coalition. In addition, there is the ever-present threat of a military coup. While I was in the country, a crisis arose as a result of the surreptitious return to Bangkok from Taiwan of the former military strongman, Field Marshal Praphas Charasathien, who was exiled when the military government was ousted in 1973. It was widely assumed that his return was designed to stimulate overthrow of the civilian government by the military. The government's handling of the affair aroused strong passions on both the left and the right. Although Praphas was forced to leave the country, the incident has probably given encour-

agement both to opposition elements within the government and to antidemocratic elements in the Military Establishment.

It is said that the military, much of which is opposed to Thailand's commitment to regional détente with Vietnam, Laos, and Cambodia, is convinced that the country's experiment with democracy will fail. Although it is making a valiant attempt to survive, the future of Thailand's fledgling democratic system is less than assured. On the other hand, prospects for survival of parliamentary government are aided significantly by a reasonably bright economic picture and vivid public memories of the oppressive tactics of previous military governments. Insurgencies in the North and Northeast, and to a lesser extent in the South, continue but the problem appears little changed from last year. And the picture is not likely to improve as long as there is no firm dedication by the Bangkok Government to bringing about real economic progress in neglected regions.

The withdrawal in July of the last regular U.S. military forces, leaving only a 250-man advisory unit, was a significant factor in creating favorable conditions for the establishment 2 weeks later of diplomatic relations between Thailand and Vietnam. Americans should not interpret the Thai demand for the withdrawal of U.S. forces as an unfriendly gesture. It should be seen for what it was, an inevitable adjustment to the new realities which both countries face in Southeast Asia.

Under the withdrawal agreement the United States will have certain aircraft transit rights at the Takli air base. The abuse of this privilege should be scrupulously avoided, lest it exacerbate the tenuous political situation in Thailand. Both military and economic assistance to Thailand continue, although nonconcessional economic aid, other than that for population control and antidrug programs, will terminate next year. Military grant aid will end in 1977 also as a result of the general phaseout voted by the Congress. Consistent with Thailand's desire to stand on its own two feet, U.S. bilateral aid programs for population and antidrug activities should be terminated also if the responsibility for programs in these fields can be shifted to the United Nations.

The current Thai Government favors continuation of the SEATO treaty relationship with the United States. Drawn up following the 1954 Geneva Conference on Indochina as a device to stop the spread of communism in Southeast Asia, the SEATO treaty is no longer a viable multilateral security agreement. It has practical application only to Thailand. Although I strongly approve of Thailand's desire to maintain close ties to the United States, I do not believe that trying to breathe life into the SEATO treaty, a relic of the errors of past policy, is in the best interests of either country. Sound bilateral trade and economic relations are far more important to Thai-United States friendship than a lifeless scrap of paper. Undue emphasis on military matters would be an anachronism, inconsistent with the current interests of both countries. It is, however, important that America continue to demonstrate its desire for close, friendly relations with Thailand in ways that will promote regional cooperation and heal the wounds left by the recent war.

BURMA

The situation in Burma has changed little since last year. Burma continues rigorously to pursue a nonalined course, keeping its distance from all of the major powers. Seven years ago in a report to the Senate, I wrote:

> The Burmese government continues to go its own way as it has for many years. It is neither overawed by the proximity of powerful neighbors nor overimpressed by the virtues of rapid development through large infusions of foreign aid. Burma's primary concern is the retention of its national and cultural identity and the development of an economic system preponderantly by its own efforts and along its own lines.

That analysis continues to be valid.

In July, a coup plot against President Ne Win's government, instigated by a number of low-ranking, but well-connected, army officers, was discovered. Although the attempt may signify eroding confidence in Ne Win's leadership within the army, it did not deter the President from leaving for Europe in mid-August for medical treatment. On the positive side, there are reliable reports that the event stimulated the government to take more aggressive action to cure the ills of Burma's stagnant and inefficient economy. A World Bank consultative group is being formed to aid in stimulating economic growth but, thus far, the United States has refused to join, seeking assurances of economic changes in advance of participation.

Insurgencies continue in Burma's remote mountainous regions but, according to observers, the government has made some progress within the last year in controlling the problem. Although the country's economy is notoriously mismanaged, it is a country rich in assets, both in natural resources and people. "No one dies of starvation in Burma," one top official put it. That says a great deal about the situation.

The United States owns some $12 million in Burmese currencies which are wasting away through inflation. My visit to Burma a year ago came several weeks after a devastating earthquake had seriously damaged or destroyed many Buddhist temples in historic Pagan. It required 5 months of prodding within the Government in Washington to get an Embassy request approved for a token gift of $10,000 of these currencies to aid in the restoration work at Pagan, approval that came long after all major nations had made even more substantial contributions. An Embassy request is now pending in the State Department for use of a modest amount of this U.S.-owned local currency to make needed improvements in Embassy staff apartments. I hope that not only will the Embassy's request be approved but also that a study be made of other appropriate ways to make effective use of the U.S.-owned holdings.

LAOS

With the approval of the Government of Laos, I flew from Bangkok to Vientiane in a small aircraft attached to the U.S. Embassy in Thailand, the first U.S. aircraft of any type allowed into Laos in more than a year. I view the Laotian Government's approval of my flight as a gesture of good will toward the United States.

The new government has taken steps to improve relations with Thailand, although deep suspicions remain from the period when Thailand was used as a base for military operations against Laos. Agreement in principle was reached early this month to open several border crossings on the Mekong to facilitate trade between the two countries.

In the course of a long conversation with me, the Acting Foreign Minister, Khamphay Boupha, repeatedly made allegations that the United States was supporting anti-Lao elements in Thailand. I assured him that, according to the best information available to me, the United States was not engaged in any operations in Thailand directed against Laos.

The Lao Government seeks assistance from all sources, to repair the damage inflicted on its people and resources during many years of civil and international war. Acting Foreign Minister Khamphay told me that 500,000 Laotians were forced to leave their homes because of the war—a United Nations representative in Vientiane said that the number was as high as 700,000—and that 100,000 were killed and tens of thousands wounded, a terrible toll for a country of only 3 million people. Significant United Nations programs are underway to aid refugees and restore agricultural productivity.

Minister Khamphay assured me that his government "wants to maintain good relations with the United States on the basis of mutual respect for each other's independence, sovereignty, and territorial integrity." The Laotian Government, he said, had two objectives for its relations with the United States: First, to bring a halt to any support by the United States for what he termed the "reactionary traitors" working against Laos; and second, to obtain assistance for healing the wounds of the war.

As I noted above, on the basis of official information, I was able to assure the Laotian Deputy Foreign Minister that we were no longer involved in the internal affairs of Laos. It would be my hope that such would continue to be the case. There would be no point at this time in the United States giving any support, directly or indirectly, to anti-Laotian elements inside or outside of that country, under any circumstances. As to foreign aid, I believe that, at an appropriate time, consideration should be given to providing relief aid through the United Nations or other international auspices, not as war reparations, but as a decent gesture to a poor country in a great need through little fault of its own.

One problem of concern to many Americans very much on my mind in traveling to Laos, was to seek cooperation in determining the fate of the some 300 U.S. servicemen missing in action from

aircraft which went down in Laos. When I raised this matter, Minister Khamphay said to me:

> The Lao have a long tradition of adhering to humanitarian principles. . . . The government has ordered the people throughout the country to look for crash sites and if the people find any they are to report to us and the information will be passed to the United States.

In a speech on Pacific policy on December 7, 1975, President Ford said that U.S. policy toward the new regimes in Indochina will be "determined by their conduct toward us. We are prepared to reciprocate gestures of goodwill—particularly the return of remains of Americans killed or missing in action or information about them." I hope that this cooperative gesture by the Laotian Government will produce helpful information. It might well be matched by a gesture on our part.

In this connection, it seems to me that the United States should send an ambassador to Laos, a country with which we still maintain formal diplomatic relations. The nomination of Galen Stone to be Ambassador to Laos was confirmed by the Senate nearly 15 months ago but he has yet to be sent to take up his post. Either he or a replacement should be sent to Vientiane. The present course smacks of a petty petulence.

NARCOTICS

The United States is making a major effort in Thailand and Burma, at a cost of several millions of dollars each year, to lessen the flow of narcotics to the United States from the Golden Triangle. The United Nations also operates antinarcotics programs in both countries. After an investment of $8.5 million in equipment and advisers, plus the cost of an additional $2.6 million annually for regional U.S. Drug Enforcement Administration operations, there is little to show in Thailand for the American investment.

Although the growing of opium in Thailand has been illegal since 1959, the law is not enforced. According to experienced observers, a more fundamental problem is that a revolving door system under which arrested drug traffickers are quickly released is still the rule. Hong Kong authorities, who must cope with the flow of drugs from the Bangkok connection, are making significant progress in local antidrug programs but are critical of the Thai Government's laxity in dealing with drug traffickers. The authorities of other nations are also highly critical of the failure of the Thai Government to police its side of the border and of the corruption reputed to exist in the Thai police system.

To be sure, the Thai Government has to deal with many problems. Stopping the Bangkok drug traffic, however, is a major headache. Until there is a much greater commitment to deal with the problem, putting more millions of American money into buying helicopters, radios, jeeps, and other fancy equipment for the Thai antinarcotics police will not have the desired effect.

According to U.S. officials, Burma is making effective use of 12 helicopters the United States has provided within the last year for antinarcotics operations. Six more are yet to be delivered. The Burmese Army has begun a program of physically destroying opium poppy fields, which, according to estimates, has reduced this year's potential crop from 470 tons to 343 tons, compared with an estimated 440 tons produced in Burma last year. It is said, optimistically perhaps, that Burma's opium production can be virtually eliminated within 3 or 4 years, if an effective herbicide eradication program is initiated and crop substitution schemes now being planned have appeal to the traditional opium growers. Efforts have been made to establish a U.S. Drug Enforcement Agency presence in Burma, a move resisted in Burma. In my judgment, the arguments against bringing DEA personnel into Burma are fully tenable and there is no reasonable justification for such an expansion of the bureaucracy.

Laos is not a factor in the external opium trade, according to most experts. The current Lao Government is taking drastic measures to cure drug addicts, sending them to an island in the middle of the Mekong for intensive treatment. As to China, all U.S. officials within the area agree that it is not a source of narcotics for the outside world, producing only as much opium as is required for internal medical needs.

In my report last year, I expressed concern over involvement by U.S. narcotics operatives in police actions abroad. As a result, Congress adopted a proposal which prohibits any U.S. personnel abroad from participating in any foreign policy arrest actions in connection with narcotics operations. The Drug Enforcement Administration has issued guidelines for implementation of this provision and I have been assured by Mr. Peter Bensinger, the DEA Administrator, that both the letter and the spirit of the law will be strictly enforced.

In view of the fact that the drug problem is international in scope, I also recommended last year that the United States channel assistance to other countries for antinarcotics efforts through the United Nations. Congress has directed the President to make a study of how to achieve this objective. In both Thailand and Burma, for example, the United Nations already conducts crop substitution and other antidrug programs. Burma, intent on maintaining its distance from all major powers, has indicated keen interest in obtaining through the United Nations assistance of the kind we now provide on a bilateral basis. I believe that leaders of the Thai Government would also be more comfortable if the United Nations took the lead from the United States in this field.

The Committee on Foreign Relations should make a thorough study of the foreign operations of the antinarcotics program. It is an expensive program, costing $37.5 million for direct aid alone in the last fiscal year. It is also an administrative nightmare involving the operations abroad of at least five Departments and agencies—the DEA, AID, CIA, the Department of Agriculture, and the Department of State, which, through our ambassadors, is supposed to be in charge of the entire operation. Pending submission of the Presidential report on shifting emphasis to the United Nations or regional programs, the committee should make a careful study of the management and cost effectiveness of all current drug operations abroad.

NONALINED CONFERENCE

While I was in Southeast Asia, an event of significance took place in Sri Lanka, the Fifth Conference of the Non-Alined Nations. The delegates at Colombo represented two-thirds of the nations of the world and one-third of its inhabitants, a three-fold increase from the 28 nations represented at the founding meeting at Bandung two decades ago. Much of the rhetoric that came out of the conference hall in Colombo was not very palatable to us. Nevertheless, it is in our national interest to pay close attention to the Third World, to what the leaders of these countries think and seek. The United States is rapidly becoming a have-not Nation in regard to basic resources on which we and other industrial nations are dependent. The Third World straddles a good share of the world's supply of these resources and can no longer be ignored.

I returned from my visit to Southeast Asia with a firm conviction that, in general, developments in the region are moving in the right direction, both for the nations concerned and for the United States. The Southeast Asian countries appear determined to pursue an independent path, free of outside domination by any power. There are encouraging signs that, on a parallel tract, most also seek to further regional understanding, or, at a minimum, to join hands in preventing undue interference from outsiders.

Vietnam, contrary to many predictions, is demonstrating a desire to live in peace with its neighbors. It has now applied for membership in the United Nations. I hope that the United States will not again veto its application. Our relations with the nations of Indochina should be shaped to fit reality. The reality is that new governments are in firm control in Vietnam, Cambodia, and Laos.

Seven years ago the Senate approved a resolution, offered by Senator CRANSTON, which stated that—

> When the United States recognizes a foreign government and exchanges representatives with it, this does not of itself imply that the United States approves of the form, ideology, or policy of that government.

In other words, the Senate has said that diplomatic recognition is simply a recognition of de facto and de jure control. That should be the basis for U.S. policy toward the new governments of Indochina.

Americans are a generous people, willing to bury the mistakes of the past and look to the future. A generation ago our Nation was locked in a life and death struggle with Germany and Japan. Today they are allied with us. National interests are not immutable. Interests, and the policies to further them, must reflect a changing world. We should look to the past for wisdom, to learn how to shape

the future, not for the purpose of perpetuating animosity or bitterness.

I urge the next President to make a thorough review of U.S. policy in Asia with a view to wiping the slate clean. It is not easy for bureaucracies or individuals to shake off the habits or associations of decades. Much of the Government foreign affairs bureaucracy, from State Department policymakers to CIA operatives, appear to me to be still too closely attuned to policies of the past.

There are deep suspicions in the region that remnants of operations related to the old policies continue, particularly as to CIA operations. It may be that intelligence gathering, for example, has not yet been keyed to the new situation in Indochina and to the goal of normalizing relations with China. In any event, I hope that the Select Committee on Intelligence will make a thorough review of current intelligence operations in Asia to insure that they are consistent in all respects with long-range national objectives.

In closing, I add a short postscript to my recent report to the Committee on Foreign Relations concerning Japan and Korea.

Both en route to and on return from Southeast Asia, I stopped in Tokyo to receive a briefing on recent developments from officers of the U.S. Embassy. The Lockheed scandal continues to dominate Japanese political affairs as the Watergate affair did here for so long. Prime Minister Miki's determination to bring out all of the facts, regardless of where the chips might fall, has created great controversy within his own party but has met with widespread public and news media approval. It is to be hoped that the matter will be handled in such a way that neither the confidence of the Japanese people in their governmental processes nor that nation's political stability will be damaged.

As to the incident in Korea, the brutal killing of two American officers in the joint security area of the Korean demilitarized zone, and subsequent actions have aroused passions on both sides, underlining what I said in my report scarcely a month ago: "Korea is a time bomb which has yet to be defused."

This is not the first inflammatory incident to occur in the nearly quarter of a century since the cease-fire agreement that ended the Korean war. And it will not be the last. When fighting men are placed in close proximity to the enemy on a daily basis, incidents are bound to happen. It takes only a match to start a conflagration.

The President is to be commended for having insisted that U.S. officials keep cool in the recent tragedy because under existing circumstances U.S. Forces will be involved inevitably in any outbreak of fighting in Korea. The swift dispatch to Korea of additional U.S. attack aircraft and a carrier task force demonstrate that under current contingency plans, U.S. military forces will be involved from the outset in any resumption of hostilities, despite the constitutional responsibility of Congress to declare war.

The United States is in a vise in Korea from which it must eventually extricate itself by a phased withdrawal of forces while simultaneously seeking a permanent solution to the conflict. It is to be hoped that the recent incident will not delay U.S. initiatives in that direction.

Exhibit 1

EXCERPTS FROM WINDS OF CHANGE—EVOLVING RELATIONS AND INTERESTS IN SOUTHEAST ASIA

I. THREE VARIATIONS ON NEUTRALISM

President Nixon's visit to Peking in 1972 released strong winds of change in the international relationships of Asia. The collapse in South Vietnam and Cambodia intensified these currents. Visible changes already include the restoration of contact between the United States and China looking in the direction of normalcy after many years of acrimonious confrontation. This shift has been a key factor in enabling us to reduce the U.S. military presence in Asia from some 650,000 at the height of the Indochina war to less than 60,000 at present. Moreover, a further reduction will take place in the months ahead as U.S. forces are withdrawn from Thailand.

U.S. policy, in short, is beginning to reflect the fact that the United States is a Pacific nation, but not a power on the Asian mainland. The waters of the Pacific touch the shores of the United States on the West Coast, at Hawaii, Alaska, the territory of Guam and the U.S. trust territories. They also beat against the coastlines of seven nations to which we have made security commitments—Japan, South Korea, Taiwan, the Philippines, Thailand, Australia and New Zealand—as well as the shores of the Soviet Union and China. What takes place in this vast region is of deep concern to this nation. However, concern and capacity to influence are quite different. What we began to perceive in Korea and saw very clearly in Indochina is that our capacity to influence the flow of history on the Asian Mainland itself is quite limited on the basis of any rational input of manpower and resources.

After the birth of the Peoples Republic of China in 1949, we established a policy of containment of Communist China. It was a policy which sought to line up nations on an either "for or against" basis with "neutralism" regarded as something to be spurned. A ring of treaties was engineered in an effort to use U.S. power and influence to choke off what were held to be China's aggressive designs on its neighbors. In Southeast Asia, both Thailand and the Philippines linked their foreign policy directly to what became a U.S. crusade against communism on the Asia Mainland. Burma and Cambodia, each in its own way, tried to walk the tight rope of non-involvement. The former did so throughout the Indochina war, in part, by rejecting U.S. and other forms of foreign aid. Under Prince Norodom Sihanouk, Cambodia also held the line of non-involvement successfully for many years. When the Prince was overthrown by a military coup, however, the Khmers paid the cost in five years of bloody war. The overthrow of Sihanouk also added more U.S. casualties and billions to U.S. costs in Indochina as this nation went from non-involvement to the aid of the successor military regime in Phnom Penh.

Throughout Southeast Asia, nations are now making major reassessments of their relationships. Nationalism and neutrality, mixed with a budding interest in regional cooperation, are the driving forces at work. Neutralism takes on different characteristics in each of the Southeast Asian nations. Burma is a study of traditional neutrality with a heavy accent on isolationism. Thailand, the only nation in the region to remain free of colonial rule before World War II, is engaged in writing another chapter in its long history of seeking to balance its independence amidst shifting political currents. Three decades after close alinement with and vestigial dependency on the United States, the Republic of the Philippines is moving into the more open waters of international relations and accelerating its efforts to achieve a fully independent identity.

As new relationships evolve in Southeast Asia, new problems are emerging among the nations in the area and in their relations with the United States. Changes in an old order always carry a degree of painful adjustment. It is to be hoped, however, that out of the old, eventually will emerge a new spirit of self-reliance and regional cooperation. In that fashion, the independent nations of the region may be able to live together in a zone of peace respected by all of the great powers. That is the goal towards which each nation visited, in its own way and to some degree, all of them together, seemed to be moving.

The Asian nations are very likely to call for adjustments of all of the relationships with the West which grew out of a previous state of dependency. We should do our best in our own interests to accommodate to changes of this kind. They involve, in many cases, as in Indochina, the lightening of an excessive and one-sided burden which has been maintained for decades by the people of the United States. From our own point of view, it would be desirable to subject the Southeast Asia Collective Defense Treaty, the so-called Manila Pact, to critical reexamination. The treaty seems to me of little relevance to the security of this Nation in the contemporary situation. In fact, it may be more a liability than an asset to all of the signatories. As for our relations with Indochina, it would seem to me helpful in dealing with the vestigal problems of the war and in paving the way for a peaceful future to establish direct contact with the successor governments in Vietnam and Cambodia at an appropriate time.

It would be unfortunate if out of indignation or disillusionment we should turn our backs on Asia. More in line with our interests would be to seek to understand more clearly what is transpiring on that continent. Our young people, in particular, need as much exposure as possible to the changes in Asia since they will experience in the years ahead most of the consequences. Through diplomacy and cultural contacts we should be able to harmonize our reasonable national interests in security, trade and cultural cross fertilization with the emerging situation in Southeast Asia. The present transition need not be a source of anxiety if it is approached in that fashion. Indeed, we could be on the verge of a new era which could bring great benefits both to the Asian countries and to this Nation.

II. BURMA

Neutrality and nonalinement

Under President Ne Win, Burma has navigated a course of neutralism and nonalinement for many years. Its relations with the great neighboring states of China and India are correct and formal and the same is true for the Soviet Union and the United States. Burma has no intimates and seeks none. It has sought to avoid foreign entanglements. Although it was an early member of the United Nations, only in 1973 did the nation even join the World Bank and the Asian Development Bank. In the United Nations and other international forums, Burma has abstained on many divisive issues. For years it has recognized both Koreas and both Vietnams.

Burma was an observer of what happened to the Indochinese nations when they were drawn into great power rivalries. Their tragic experience was such as to provide proof to the Burmese government of the correctness of its own policy. Whatever its shortcomings, this policy has served to keep Burma out of the conflicts which have beset others in Southeast Asia. Furthermore, isolated by na-

tural mountain barriers on the east, west, and north the Burmans have been able to preserve to a greater degree than most nations in the region, their traditional culture.

Speculation in Burma is to the effect that its doors may soon open wider, evidencing, some say, a change in attitude towards the outside world. One Burmese official observed to me, however, that what has happened is "not that Burma has changed but that the world has changed." He went on to explain that a U.S. policy of détente with the Soviet Union and the new U.S. relationship with China significantly altered the framework of Burma's neutralism and made foreign contacts, notably with the United States, more feasible.

Foreign observers, when discussing Burma's economy, generally describe it as "stagnant" or "sick." While it is obvious to a visitor that there is a great deal of poverty, the usual economic yardsticks are not exact or even very relevant when applied to a rice-based agrarian society. The extremes of poor and rich, for example, are not seen in Burma as in many other countries. Burma's economy is not rocketing ahead but neither as in Indochina has the land been devastated and hundreds of thousands killed and maimed by warfare. Also avoided so far have been the cultural upheavals and environmental despoliation which are often associated with economic development via heavy influxes of outside capital and foreign aid.

Nevertheless, there are manifestations of political dissatisfaction from time to time which center in Rangoon and are probably directed in part, at least, at the lack of economic progress and opportunity. Three major anti-government demonstrations by workers and students have occurred during the last year and a half. Colleges and universities have been closed from time to time and leaders of workers demonstrations have been sentenced to long prison terms.

Although a new Burmese Constitution was adopted last year, the government remains based on army leadership. Sixteen of 18 cabinet officers are military or ex-military men. While farming is still on a private basis, as are many shops and stores, the government runs much of the rest of the economy. Staples, such as rice, oil, and cloth are rationed, with scanty allotments. This system, plus a shortage of consumer goods generally undergirds a so-called "shadow economy" or black market. Although stable until the last year or so, prices ar now rising. Rice stocks available for export, the country's principal source of foreign exchange, are dwindling due to lack of substantial increases in output coupled with population growth. In the last thirty years, the population has almost doubled to 30 million. The government is considering new incentives to raise rice production and recently increased the price paid to the farmer by 30 percent. As yet, however, policies have not been devised to surmount the dilemma of a dwindling per capita food supply as against what is seen as a possible loss of security and national identity which might be occasioned by limiting population growth in the midst of towering neighbors.

One way to help alleviate this dilemma, at least for the immediate future, would be by the discovery of petroleum in exportable quantities. After years of rejecting private investment, last year, Burma leased offshore tracts to two American oil companies, Exxon and Cities Service, and two companies from other countries. While the drilling has not yet yielded results, the Burmese believe the prospects are good. Burma is also seeking by its own efforts to extend present onshore oil fields which supply 70 percent of the nation's modest current needs. The government has not shown any interest in foreign involvement in the exploration for minerals, with which, according to technical reports, Burma is generously endowed.[1]

A part of Burma's imports are presently being financed by loans from the World Bank and the Asian Development Bank and by bilateral agreements with West Germany and Japan. Three small Asian Development Bank projects are now underway. While the U.S. has not provided new dollar assistance to Burma since 1963, a consortium arrangement under the World Bank and the International Monetary Fund which involve foreign aid contributions by the United States, Japan, and Western European countries is under consideration.

The Burmese are in the process of repairing the severe damage cause by an earthquake in early July at Pagan, an area of historical significance and the site of numerous edifices and shrines dating from the 11th Century. They are hampered by lack of funds which are being raised through public subscription. Various nations have made contributions through their embassies in Rangoon for this very worthwhile endeavor. Shortly before I arrived, U.S. Embassy officials had asked Washington for permission to make a small monetary contribution to assist in the repair of the damage at Pagan. The request was denied, apparently on some semantic or obscure basis and the matter was buffeted from pillar to post in the bureaucracy. It is amazing to find that in an Executive Branch which frequently finds ways unknown even to the Congress to rush tens of millions in aid to shore up a sinking regime as in the closing days of the Cambodian debacle, is unable to find a basis for a modest human gesture in the face of a natural disaster such as occurred in Burma last summer. One can only note that if more authority is necessary to act in a situation such as this, why has it not long since been requested?

The drug trade and insurgents along the Burmese border create a dangerous mixture. Twenty groups, most of them based on ethnic divisions and some quite small and of little contemporary significance, are now in various degrees of insurrection or insurbordination with regard to the government in Rangoon. It is possible to divide the factions into three basic groupings. The first type seeks to replace the existing government and is exemplified by the Burma Communist Party, the largest single dissident element. Typified by the Kachin Independence Army (KIA), a second group seeks autonomy in ethnic areas. The third consists simply of out-and-out drug traffickers and bandits, some of whom are remnants or descendants of the forces associated with the National Government which fled from China in 1949 and which, for a time, were supported from Taiwan.

Opium is a traditional crop in the hill areas of Northeast Burma. It is estimated that the crop may reach 440 metric tons this year even though the price is currently depressed because of the loss of the South Vietnamese market. All the insurgent groups are believed to be financed, at least in part, through the drug traffic. The Chinese (Nationalist) Irregular Force which is still organized into the 3rd and 5th divisions is the most important group involved in the drug traffic. Another element is the Shan United Army, which operates in the Northern Shan states.

Each organization has its own "turf" in the remote and scarcely accessible border areas as well as its own methods of operations. In simplified form, the cycle of operations, runs as follows: the trafficker buys the crude opium from the grower, transports it to the Thai border, sells it, uses the proceeds to buy arms or other goods, brings the arms and goods back into Burma, sells them on the black market. The cycle is completed when the proceeds from the black market sales are used to buy more opium.

The Burmese government is concerned with the drug traffic both because of the growing consumption of drugs in the country and because suppression of the trade is seen as an essential element in dealing effectively with the insurgency problem. After an initial reluctance, Burma has agreed to accept eighteen helicopters which are available under the U.S. narcotics control program. Four helicopters have been delivered, on a trial basis, and, if results are mutually satisfactory, the remainder will be turned over, in due course, to the Burmese government.

In addition to this arrangement, there have been some small Burmese purchases of U.S. military related goods. The Burmese government, however, has indicated no interest in renewal of military aid program or in obtaining military training for its forces in the United States.

A note of caution is indicated in regard to cooperation in drug suppression. The zeal of U.S. enforcement officials in trying to get at the sources of drugs is understandable and merits much applause. Nevertheless, there are other questions involved in Burmese-U.S. relations. For too long in the administration of U.S. policies, we have tended to assume responsibility for problems which are more properly those of other nations or of the international community. One form of involvement in the internal affairs of other nations can lead very rapidly to other forms, as the bitter Indochina experience should have taught us.

In my judgment, therefore, any further U.S. assistance to foreign countries for their internal use in anti-drug problems, if warranted at all, would seem more appropriately to be funneled through international bodies. Whatever funds Congress thinks justified for this activity might well go as a contribution to the U.N.'s Narcotics Control program. Moreover, any activity of U.S. narcotics agents in Burma or any other nation in Southeast Asia, for that matter, must remain under the strict supervision and firm control of the U.S. Ambassador who is in the best position to know what practices are or are not possible in the light of our total relationship with the country concerned.

After my visit to Burma six years ago, I wrote: "The Burmese government continues to go its own way as it has for many years. It is neither overawed by the proximity of powerful neighbors nor over-impressed by the virtues of rapid development through large infusions of foreign aid. Burma's primary concern is the retention of its national and cultural identity and the development of an economic system preponderently by its own efforts and along its own lines."

These are still the major pre-occupations of the Ne Win government. The nation has succeeded in maintaining its national and cultural identity. Its economic situation, however, is still very tenuous.

As for our relations with Burma, while some strengthening of cultural and technical exchange either on a bilateral or multilateral basis may be desirable and possible, my view is that we would be well-advised to avoid scrupulously any inclinations towards a deepening involvement in Burmese affairs. Such inclinations would not be welcomed in Burma as in its best interests. Clearly, too, they would not be in the best interest of this nation.

III. THAILAND

After four decades of military rule, Thailand is attempting anew to forge a democratic system. At the same time, there is underway a major revision in foreign relationships. Following student uprisings, in

[1] A map depicting petroleum exploration throughout Asia is included in the appendix.

October 1973, the military government of Field Marshall Thanom Kittikachorn was ousted and Thanom and other government leaders fled the country. This development, coupled with the rapidly changing situation in Asia, initiated by President Nixon's trip to Peking, and culminating in the collapse in Indochina, has brought about a sweeping reappraisal by Thailand of its foreign policy.

Until the fall of the Thanom government, Thailand had maintained a close relationship—some termed it a "client-state" relationship—with the United States. Now that has changed, with Thailand moving away from the long intimacy with the United States and, at the same time, seeking better relations with its neighbors in Indochina and Asia. How this land of 44 million people handles the turn towards political democracy and a new foreign policy will have far-reaching consequences for the over-all relationships in and around the Asian continent.

Political and economic situation

Prime Minister Khukrit Pramot, leader of the Social Action Party, has governed Thailand since mid-March with a coalition of eight parties. His own party, with only 18 seats, is a distant third in terms of party strength in the Parliament. While the Thai King, Phumiphon Adunyadet, serves primarily as the symbol of national unity, the monarchy is still a factor in state affairs, particularly, in times of crisis. The present Thai political system is based on a Parliament consisting of 269 seats in an elected Lower House and a 100-member appointed Upper House. Elections earlier this year attracted 42 parties and 2,191 candidates. Predictably, the results were inconclusive. There are now representatives from 23 parties sitting in the Parliament which, when I visited it, was meeting in a joint session and engaged in spirited debate over an aspect of ASEAN. Despite earlier predictions of a short and unhappy life, the Parliamentary structure is managing to hold together and is serving as a vehicle for operative government.

The Khukrit cabinet, apart from the difficulties inherent in any coalition and, especially in one emerging from the trauma of an abrupt shift from military authoritarianism, is subject to three basic pressures; a volatile student movement; long-standing insurgencies in the north, the northeast and the south; and the ever present possibility of a military coup.

The student movement wields influence, as is often the case in Asian nations, far beyond numbers. There is a working relationship between the students and labor on most issues and this coalition constitutes the most potent force in current Thai politics. It may be less of a factor, however, than it was two years ago at the time of the ousting of the dictatorship. Public reaction in Bangkok to past excesses, it is said, has caused student leaders to be more discriminating in choosing issues on which to exert their pressure.

One personal incident was instructive. When I arrived for an appointment with the Prime Minister, hundreds of out of work Thai guards at U.S. military bases, who are being discharged as the bases are phased out, were engaged in a demonstration demanding final pay adjustments. The guards were not on U.S. payrolls but, rather, were paid indirectly on the basis of U.S. contracts with Thai military leaders of the previous regime, some of whom apparently have fled the country. Since the demonstration was taking place in front of the Prime Minister's offices, it was necessary to postpone the meeting lest the presence of a visiting American official trigger more serious difficulties.

Ever present in the background of Thai politics is the potential for a military coup. While the government appears to command the loyalty of the armed forces, rumors of possible coups abound in Bangkok. Perhaps, the principal deterrent is the public revulsion with the rampant corruption of the previous military regime and the possibility that a coup at this time would again bring on a militant student-labor reaction.

The role of the military has been deemphasized by the present government which appears to want to direct its energies towards social and economic needs. Heretofore much of the government's interest centered on Bangkok. With 4 million people, Bangkok is Thailand's only major city and it is scarcely representative of the nation. The gap between Bangkok and the rest of the country is great. Per capita income in the capital, for example, is $600 per year, but it is only about $200 nationally, and it is, perhaps, not more than $75 per year in the most troublesome insurgent area, the northeast. There has been little spread of commerce and industry from Bangkok to the countryside. The city, in some respects, is like a foreign land to most Thais. Its traffic jams, westernized practices and political maneuvering are quite alien to the villagers who make up the vast majority of the country's population.

Neglect of the villages is a major factor in fueling the insurgency movements. In the north the insurgents are ethnic groups often involved in the drug traffic. In the northeast, the problem is pesant discontent and Thai against Thai. In the south, it is largely Malay Muslim or Chinese against Thais.

Over the years, there have been any number of anti-insurgency campaigns launched by Bangkok, all liberally financed with U.S. funds and, often, abetted with advice from various U.S. agencies. None has brought any appreciable results. The insurgent movements have continued to grow, with a total of perhaps 8,500 now under arms in the northeast alone. The Khukrit government seems to be aware that the problem cannot be solved unless there is more effective contact between a heretofore remote government in Bangkok and the people in the localities. It is trying new approaches which include a form of revenue sharing to channel funds to the poorest areas. Also recognized is the need to change the attitudes of the underpaid and corrupt bureaucracy in the insurgent areas. While it may be difficult to persuade soldiers and police who have reaped much of the financial benefit of past anti-insurgent campaigns to become benefactors of villagers, at least an effort is being made to bring about a reorientation. The government's five year plan also emphasizes economic growth in the rural areas and reduction in income disparities. It remains to be seen whether the benefits will actually reach the people.

The Thai economy has weathered the oil crisis, the world recession, and the phaseout of U.S. military involvement in Indochina. Although the rate of inflation was 20 percent in 1974, up from an average of 4 percent in the years before, it has been falling and will probably be down to about 10 percent for 1975. Increased earnings from agricultural exports have been a prime factor in countering oil price increases. The impact of both the recession and the uncertainty over political developments in the region have been felt in the slackening of foreign investment. Tourism, too, is down. Nevertheless, Thailand enjoyed a $400 million surplus in its over-all balance of payments in 1974 in the face of a deficit of $657 million in trade. The difference was made up by foreign aid, oil concession payments, tourism and capital inflows.

The United States has given Thailand large amounts of economic aid over the years, much of it in the last decade for the so-called counter-insurgency programs. Thus far, a total of $672 million in economic aid has been provided by the United States. For fiscal year 1976, $12 million has been requested.

In an economy as formidable as Thailand's, $12 million must be regarded as relatively inconsequential. The government's political and economic policies are the critical factors in shaping the nation's future. There would appear, therefore, to be little relevance to either country in the continuance of the bilateral aid program. Indeed, the time seems very propitious to end this vestige of "clientism" and to place the relationship of the two nations on a firm plane of mutual respect, with accent on mutually beneficial exchange.

Petroleum

There are prospects for major offshore petroleum strikes in the Gulf of Siam on Thailand's east coast and in the Andaman Sea west of the Kra Isthmus. Twenty-five wells have been drilled by American companies in the Gulf of Siam. Oil has been found, but the potential is not yet ascertainable. There could be international difficulties in some areas since most Thai concessions, overlap in part, territory also claimed by Cambodia. Thus far, however, there has not been any drilling in disputed areas. Some concessions have also been issued for the Andaman Sea but work there is not likely to start until next year. Thailand has already received more than $75 million for drilling rights from foreign prospectors. Renewed consideration is also being given by the Thai government to a proposal to join with Japan in constructing a major pipeline stretching across the Kra Isthmus, and terminating in a large refinery which would refine Persian Gulf crude for shipment to Japan.

Drugs

Thailand is a major site in the international drug problem, not so much as a producer but as the route of transshipment of opium brought in from elsewhere in Southeast Asia. Estimates indicate that about 40–45 tons of opium per year are actually produced in Thailand. This level is sufficient only to meet local demand.

Although some Thai officials may still be parties to the drug trade, the level of involvement is reported to be much lower than in the past. Contrary to the situation in Burma, drugs do not seem to be a significant source of financial support for insurgents but, rather, a means for personal or syndicate enrichment.

Thailand receives equipment from the United States under the narcotics control program. In fiscal year 1975, $4.8 million was provided, with $3.7 million more programmed for FY 1976. Bangkok is a regional headquarters for the U.S. Drug Enforcement Agency (DEA) which is active throughout Southeast Asia. The agency has a regional budget of $500,000, but the figure does not include assistance to other governments which runs into the millions. There are 26 U.S. agents in Thailand and they are involved in operational actions as well as intelligence gathering. The day before my arrival, for example, U.S. agents and Thai police had carried out a joint raid on an opium refinery.

This sort of U.S. anti-drug activities in Thailand seems to be highly dubious. Quite apart from the expenditure of U.S. funds, the direct participation by U.S. agents in police activities within Thailand amounts to involvement in internal Thai affairs. While it undoubtedly is meritorious in objective, it is a foot-in-the-door, a point of entry which could lead to extensions and in the end, renewed entrapment in the internal affairs of that nation at renewed cost to the people of the United States. The sorry history of military and economic aid and

other activity in Indochina and Thailand over the past two decades should serve as a precaution in this respect. Police actions, including local drug enforcement, are functions of indigenous governments. If there is a U.S. role, it should be limited to the exchange of information and intelligence with appropriate Thai or other officials. Beyond that point, U.S. financial assistance for anti-drug operations at whatever level may be set by the Congress, in my judgment, is best channeled through international or regional organizations.

Foreign policy and U.S.-Thai relations

President Nixon's trip to Peking and the end of U.S. involvement in Indochina have created a new milieu for Thai foreign policy. From direct links and intimate cooperation with the United States in matters of security, Thailand has moved towards a neutral position. An effort is now being made by Bangkok to assure good relations with all the major powers. A case in point was Prime Minister Khukrit's visit to Peking in July which resulted in the establishment of diplomatic relations with China. So, too, was the official protest to the United States over the use of Thai bases in the Mayaguez affair. That incident, moreover, was followed by a demand for the complete withdrawal of U.S. forces from Thailand.

The outcome of the Indochina war was not only a factor in the new Thai approach to China, it also resulted in intensified interest in closer association with the Southeast Asian nations. Within five months after taking office, Khukrit visited not only Peking but all of the ASEAN countries. Thailand joined in support of the proposal to create in Southeast Asia a zone of "peace, freedom, and neutrality" which would be guaranteed by the great powers. There is no indication thus far, however, that this grouping will include any type of joint security arrangement. In that sense it would not be a substitute for the SEATO Organization which Prime Minister Khukrit and President Ferdinand Marcos of the Philippines have urged should be "phased out to make it accord with new realities in the region." This proposal, it should be noted, relates only to the organized activities under the Southeast Asian Treaty and the large headquarters staff in Bangkok. It does not involve a renunciation of the actual treaty, the so-called Manila Pact. Thailand is the only signatory in the area, however, to which the Pact now has practical application insofar as a U.S. security commitment is concerned. Pakistan renounced the treaty several years ago and the Philippines, Australia, and New Zealand, are tied to the United States by other defense arrangements.

The security relationship between the United States and Thailand is complicated by the existence of the 1962 Rusk-Thanat communique in which the obligations of the Manila Pact were held to be both joint and several. Under that interpretation, it would seem the multilateral SEATO treaty would also amount to a bilateral U.S.-Thai treaty. Thus, the treaty, potentially, has far more significance than the "scrap of paper," as it is often called today. An attack for example, by an enemy in Southeast Asia could conceivably lead on a Thai call on the United States to come to its aid notwithstanding the disinclination of any other of the signatories to do so.

The fact is that the Manila Pact was born of an old and now altered view of China. It is of no current relevance to U.S. interests in Asia. Left in abeyance it is, perhaps, a source of potential mischief or embarrassment. We would be well-advised, therefore, to reexamine this agreement forthwith, with a view to its termination.

It should be noted in this connection that Prime Minister Khukrit has called for the complete withdrawal of the 19,000 U.S. military forces in Thailand by the end of March 1976. Some references, however, have been made to the possible retention of a standby capacity at the U Taphao Base, manned by a small caretaker force.

For more than a decade, my view has been that the United States in its own interests should withdraw militarily from the Southeast Asian mainland, "lock, stock and barrel." It remains my judgment that it is not in the interest of this nation nor, probably, in the interest of Thailand to have a U.S. capacity retained at any of the installations in Thailand. There should be no toe-hold which would serve as a potential source of reinvolvement of U.S. military forces on the Southeast Asian Mainland.

LAOS—THE SANDS RUN OUT

It has been said that in Laos the French laid foundations of sand and that we tried to build on them. As seen from Thailand, the sands have run out. Since the fall of Cambodia and South Vietnam, the Pathet Lao have rapidly expanded their control of Laos. The advance occurred without much resistance or bloodshed, with the opposition tending to evaporate or flee the country. Three of the five government military commanders had left the country by early August and another left shortly afterwards.

In the capital of Vientiane, the Pathet Lao have also extended their control of the coalition central government. Prime Minister Souvanna Phouma is still in nominal command but he is reported to be virtually powerless. The King remains on the throne but is said not to play a political role. Laos is now described as a "Democratc People's Kingdom."

U.S. relations with Laos are strained and minimal following the forced closing of U.S. aid operations last June. The size of the U.S. mission dropped from 800 (including dependents) in April 1975 to 32 by mid-August. It is estimated that there are also some 50 other Americans without official status remaining in Laos. U.S. assistance is not being provided to Laos as a result of a prohibition contained in the continuing appropriations resolution for FY 1976. The new U.S. Ambassador to Laos has been confirmed by the Senate, but as of late-summer had not yet been ordered to his post. In this fashion, a U.S. involvement of 22 years which cost billions of dollars and many lives, is drawing to a close.

Exactly twenty years ago, in 1955, on the occasion of a third visit to Laos, I reported to the Committee as follows:

"* * * military aid policies which seek to do more than bulwark the security forces to the point where they can cope with armed minorities and stop occasional border sallies seem to me to be highly unrealistic. By the same token economic aid programs which attempt to move an ancient pastoral country overnight from the age of the oxcart to that of the airplane are equally unsound to say the least. Both, in attempting to do too much, in my opinion, can do incalculable harm.

"In Laos as in Cambodia, there has been an enormous increase in United States activity and in the size of the (U.S. official) mission during the past year. At the time of my first visit to Vientiane in 1953, there were two Americans in the entire country. Now (1955) there are some 45. Accordingly, I recommend that the Executive Branch, as in the case of Cambodia, review the extent of our activity in Laos and the size of the mission with a view to keeping both within the realm of the reasonable."

ORDER FOR RECOGNITION OF SENATOR HARRY F. BYRD, JR., ON MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Monday next the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) be recognized for not to exceed 15 minutes after the joint leaders have been recognized.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the distinguished minority leader seek recognition?

Mr. HUGH SCOTT. Mr. President, I yield back my time.

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

NO AID FOR MARXIST REGIME IN MOZAMBIQUE

Mr. ALLEN. Mr. President, the Reverand Armand Doll is still a prisoner of the Government of Mozambique. Senators will recall that during consideration of the foreign miliary aid authorization bill (H.R. 13680) in the early part of June, I offered an amendment which would have barred aid to Mozambique pending Rev. Doll's release. The House version of that bill contained a categoric ban on aid to Mozambique presumably because the House of Representatives recognized the pro-Communist dictatorial character of the present regime in that country and saw little purpose in expending taxpayer funds on a government openly hostile to the United States and its people.

Nevertheless, Mr. President, the Senate and House conferees in their wisdom saw fit to remove both the Senate and House bans on aid to the Mozambican regime stating in the conference report that Rev. Doll's release could be more easily obtained without making aid to the Mozambican Marxist dictatorship contingent on that citizen's release.

Mr. President, I say again for the benefit of those Senators who may not have the latest information on this subject, Rev. Doll is still a prisoner in a Mozambican concentration camp, and I ought not to have to remind Senators that Rev. Doll is not alone. Literally thousands of individuals have been imprisoned by the Machel dictatorship, and hundreds of thousands have been forced to flee Mozambique as a direct result of the repressive and criminal behavior of Machel's government.

Yet, Mr. President, Secretary Kissinger presumably with the consent of the President of the United States proposes to reward Machel's criminal conduct by handing over to him millions of dollars in American taxpayer funds for the express purpose of aiding this newly established Soviet satellite in its efforts to overthrow one of the few remaining stable governments in Africa—the Government of Rhodesia.

Senators heard or read on April 27, 1976, the Secretary of State of this country pledge to the dictator of Mozambique the sum of $12.5 million, apparently in payment for the Machel's regime decision to close the Mozambique-Rhodesia border and to step up terrorist attacks in Rhodesia. Some of us here in the Senate

were rather disturbed at the Secretary's action—especially since, so far as was known, the House of Representatives had not appropriated the money the Secretary planned to give away. But the State Department in the administration of the vast and costly foreign aid program of this country, is usually able to find funds somewhere even if it is far from clear that Congress ever intended those funds to be used for the purpose for which they are expended.

So, Mr. President, what the Department of State is planning to do in this particular case—and there will be opposition in Congress; if the whole Congress does not oppose it, there will be opposition, and the Senator from Alabama will give opposition to that—in order to circumvent the possible opposition of Congress to Federal support for a Marxist dictator is to use an authorization contained in a bill passed long before the present situation in Mozambique had developed, which authorized $30 million:

To provide development assistance . . . and rehabilitation assistance to countries and colonies in Africa which were prior to April 25, 1974, colonies of Portugal.

Mr. President, I am referring to section 314 of Public Law 94–161, the International Development and Food Assistance Act of 1975. I doubt that a single Senator here present or, for that matter, a single Member of the House of Representatives had any idea whatsoever at the time the International Development and Food Assistance Act of 1975 was enacted that an authorization for development or for relief and rehabilitation assistance for former Portuguese colonies in Africa would be utilized by the Department of State to fund the Department's commitment to assist the Machel regime in its terrorist efforts against Rhodesia. I do not believe that was contemplated by Congress when that bill was passed.

Mr. President, I might note parenthetically that I believe the Department of State will, in fact, be acting without the authority of Congress if it does continue in its present plan to expend $10 million during the transition quarter under the authorization contained in the Food Assistance Act. I believe the Department of State would be acting contrary to law simply because the authorization contained in that act is for fiscal year 1976 only. When it stretches that year out for 3 months, I do not believe that the original appropriation would cover the transition period. A much smaller amount is authorized for the transition quarter and certainly not a sufficient amount to cover the proposed $10 million expenditure in the transition quarter.

But, Mr. President, I am digressing from the main point that I wish to emphasize to the Senate and that point is that in spite of our efforts in this body, in spite of the assurances of the Senate-House conferees on the foreign military aid bill, and in spite of the repeated assurances to my staff that progress is being made in securing the release of Reverend Doll, a citizen of the United States and a resident of the State of Pennsylvania—I wish the distinguished Republican leader were in the Chamber at this time; I believe he would voice some opinions on the right of the Mozambique Government to imprison this minister from the State of Pennsylvania—despite these assurances, Reverend Doll remains in prison, without trial, without a hearing, without even being informed of the charges against him.

What is his crime? What is the crime of this Reverend Doll of the State of Pennsylvania? Simply this: Reverend Doll chose to attempt to practice his religion according to the dictates of his conscience and his interpretation of God's holy word. He attempted to practice his religion in the face of the Machel dictatorship's announced religious policy. That is the offense that this man is charged with, and this is the type of government that would be aided by this foreign assistance bill that has remained dormant for some weeks, and I dare say will continue to remain dormant, as a result of the statement of the Senator from Alabama that he is going to oppose that measure here in this Chamber. I hope the matter will not be brought up to further complicate the crowded log-jam of legislative activities we now have on the schedule.

Mr. President, it seems to me that in a country founded in large measure on the principle of religious freedom and toleration, there ought to be no toleration for the intolerant and no aid from our Treasury to encourage repression.

Mr. President, we have been hearing for many years how our largesse expended on dictatorial regimes will cause those regimes to see reason and to behave more responsibly toward this country and its citizens. Well, Mr. President, it just has not worked, and it is time for this body to recognize its error and to begin conserving the tax revenues of this country, the taxpayers' money, and not to expend it on nations which abuse our citizens and insult our Nation.

Mr. President, from the end of World War II through the end of fiscal year 1975 we have expended $170 billion in foreign countries, primarily so-called third world nations. Sadly, a large proportion of this expenditure has gone to prop up Socialist dictatorships professing to have the interest of the poor at heart but, in fact, interested only in self-perpetuation, self-aggrandizement, and the subjugation of the great mass of people not in privity with the governing elite.

These so-called third world nations have just concluded a meeting held in the Indian Ocean nation of Sri Lanka, formerly Ceylon. As Senators know, these so-called nonaligned nations have been holding summit meetings since 1955, and at each of the meetings down through the years the main target of attack has been the United States. We are branded as aggressors for saving South Korea from subjugation by Communist North Korea; we are called imperialists because our territories extend to such areas as Puerto Rico and the Virgin Islands; we are called a colonial giant because we support governments which the Communists seek to overthrow; and we are told that we must give up the Panama Canal Zone and our naval base in Guantanamo Bay, Cuba.

Radical leaders of the nonaligned group for several years have threatened to withhold their natural resources from the industrial nations in order to demand high prices not in any way connected with the law of supply and demand. Not only do they seek to blackmail us into paying higher prices for their goods but also they want us to mark off their past debts to us.

Mr. President, since World War II, we have given away hundreds of billions of dollars in foreign aid to help these people develop their countries, but too often have leaders of those countries taken our money and bought weapons and luxury goods, leaving their people in squalor and poverty. In my judgment, Samora Machel, dictator of Mozambique, living in a multimillion dollar palace in his capitol, is a poor risk if we expect the millions proposed to be given to him to be utilized for relief and rehabilitation assistance. Somehow I believe Dictator Machel's interpretation of relief and rehabilitation may be different from yours and mine.

Senators will also, I believe, be interested to know that Mozambique has already been dipping into the till. In fiscal year 1975 some $5 million was expended in Angola, Guinea-Bissau, and Mozambique supposedly for refugee relocation assistance, agricultural assistance and teacher training. A large portion of this money was expended in Mozambique, much of it funneled through the U.N. High Commissioner for refugee assistance.

As I pointed out, the State Department is planning without clear congressional authorization to spend in the next few weeks $10 million under the seemingly innocuous heading "relief and rehabilitation assistance." H.R. 14260, the foreign assistance and related programs appropriation bill of 1977, contains, secreted in its general provisions, the sum of $20 million authorized but not specifically earmarked by earlier congressional action in our adoption of the International Security Assistance and Arms Export Control Act (Public Law 94–329).

I would like to know just how much money the State Department does plan to funnel to the Machel regime in fiscal year 1977. I would also like to know why this item cannot be spelled out in clear language so the Senate can know exactly what it is acting on. Is there some embarrassment in stating clearly where this appropriation is intended to be used?

Mr. President, the American people are entitled to know what the Senate's position on this issue is. My position is clear, and I am not afraid to state it. I urge that if this body does consider the foreign aid appropriation before adjournment, any appropriation to the Marxist dictatorship in Mozambique be stricken.

Mr. President, I ask unanimous consent to have printed in the RECORD a table of recent expenditures in southern Africa. I hope Senators will examine that table and ask themselves what good we have done for the people of southern Africa and what advantage has accrued to the United States as a result of the massive infusion of taxpayer dollars in that region.

I also ask unanimous consent to have printed in the RECORD a newspaper item published in the Washington Post of Wednesday, August 25, 1976, entitled "Rhodesian Leader Hits U.S. Views as 'Illogical.'"

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

Fiscal year—	Zaire	Southern Africa regional (Zambia, Botswana, Lesotho, Malawi, and Swaziland)	Former Portuguese colonies (Angola, Mozambique, Guinea-Bissau, Cape Verde, Suo Tome, and Principe)	Mozambique
1946–75	$664,300,000	$129,500,000	[1] $10,000,000	$5,000,000 [2] (fiscal year 1975).
1976 and transition quarter	53,300,000	6,400,000	22,600,000	$10,000,000 [3] (plus $2,500,000 in Public Law 480, title II grants).
1977, planned or authorized	63,500,000	45,000,000	30,800,000	$20,000,000.

[1] Prior to independence U.S. foreign aid to Portuguese territories in Africa was included in a package deal in which the government of Portugal received $517,100,000 during the period indicated.
[2] A portion of this sum was expended in fiscal year 1975 in Angola and Guinea-Bissau.
[3] Not yet expended but planned for expenditure in transition quarter.

Note: Figures are rounded to nearest $100,000 and are based on the latest available documents furnished to Congress by the Department of State.

RHODESIAN LEADER HITS U.S. VIEWS AS "ILLOGICAL"

(By Robin Wright)

SALISBURY.—Rhodesian Prime Minister Ian Smith says that the Rhodesian government, despite an eagerness to have the United States "take the lead" in finding a settlement to his country's 11-year-old constitutional crisis, will not agree to black majority rule in two years.

A British plan for majority rule in two years was recently endorsed by the U.S. government in new negotiations under American sponsorship.

In an interview here, Smith denounced the plan, saying: "This question of quick majority rule is a facile, superficial argument to our plan. I want to assure you that not only the whites in Rhodesia but the majority of black people in Rhodesia oppose that sort of thing.

"I think it would be unfortunate if they [the United States] simply accepted the views of the present British government because I believe those are far removed from reality . . . I would have thought the U.S. government was a little more realistic and pragmatic than to fall for that kind of thing because it is so illogical."

Smith maintained that majority rule has been the "ultimate goal" of Rhodesian constitutions since 1923, but that there could be no such thing as a timetable for transition since it could be measured only by achievement, "not by a clock or calendar."

Observers in Salisbury feel that the Rhodesian government fears that a definite transition date would lead to an accelerated exodus of the white population, as happened when the Portuguese fled Mozambique and Angola before independence last year.

Despite the serious divergence in the U.S. and Rhodesian positions, Smith said he had communicated "indirectly" his interests in discussions with U.S. State Department officials.

He said that the United States, as leader of the free world, has an obligation to take an interest in the problems of southern Africa to counter the growing Communist influence in the area.

Smith added: "We find ourselves in the incredibly stupid position that we are fighting against other members of the free world more than we are fighting our natural enemies, the Communist world.

"Countries like Britain and the United States are leading the campaign against us in posing sanctions and trying to destroy us economically. So clearly we must try to overcome this ridiculous, this stupid position in which we have got ourselves to see if we cannot get back to normality."

The prime minister said he would offer "quite a few new proposals" if negotiations are organized. But he would not outline them because he does "not negotiate in public."

The proposals, however, do not appear to include the issue reported by diplomatic sources to be of prime importance to the countries involved in backing new negotiations: A common voters' roll leading to one man, one vote.

Under the current Rhodesian electoral system, blacks gain the vote only after meeting one of two requirements.

A minimum income of about $600 with property holdings worth $1,000.

A minimum income of $400, property holdings worth $800, and completion of two years of secondary education.

There are approximately 85,000 voters in the white population of 270,000 compared to approximately 6,000 voters in a population of 6.1 million Africans.

Although Smith said he is willing to discuss details of qualifications for voting, he is adamantly opposed to lowering standards.

"You can't expect people to take over and govern and run a country without some preparation. Otherwise we're going to have chaos and pandemonium such as we have in Mozambique today or in Angola where there is far greater misery, tragedy and disaster than there was before the Portuguese pulled out."

During the interview, Smith indicated that he intends to take a strong stand against any pressure by the United States, Britain and South Africa.

He also appears to be counting on Secretary of State Henry A. Kissinger's anger about the continued Cuban presence in Angola flowing over to the rapidly escalating guerrilla war in Rhodesia.

Diplomatic sources in Mozambique have confirmed that there are a few hundred Soviet, Cuban and East European technicians advising the Rhodesian guerrilla forces based in Mozambique.

The guerrilla war is already closing in on Rhodesia. Government sources admit that they expect 4,000 guerrillas to be operating here by the end of September, compared to approximately 1,500 now.

Rhodesian forces are already strained by the opening of three new fronts and the spread of fighting from the borders to areas deep inside the country.

Thus, from a Rhodesian standpoint the timing for American involvement could not be better. With Soviet and Cuban support committed to two vital areas in southern Africa and beginning to threaten a "free world member," the Rhodesians are hoping that the United States will end up taking even more than "the lead."

ORDER OF BUSINESS

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

SENATE RESOLUTION 524—SUBMISSION OF A RESOLUTION REGARDING THE RECENT TERRORIST ATTACK AT ISTANBUL AIRPORT

(Referred to the Committee on Foreign Relations.)

Mr. JAVITS (for himself, Mr. BEALL, Mr. BENTSEN, Mr. BUCKLEY, Mr. CASE, Mr. GRIFFIN, Mr. HUDDLESTON, Mr. HUMPHREY, Mr. JACKSON, Mr. MONDALE, Mr. KENNEDY, Mr. MCGEE, Mr. NELSON, Mr. PELL, Mr. RIBICOFF, Mr. HUGH SCOTT, Mr. PERCY, Mr. STEVENSON, Mr. SYMINGTON, and Mr. TAFT) submitted the following resolution:

S. RES. 524

Whereas the August 11 attack at Yesilkoy airport in Istanbul, Turkey resulted in the death of four innocent civilians, including a member of the United States Senate staff; and

Whereas this victimization of innocent civilians is but the most recent of a long and outrageous history of comparable terrorist attacks allegedly political in nature but causing the deaths and wounding of many Americans and other nationals having nothing to do with the political struggle; threatening the interdiction of international air transportation; and constituting a transgression against human rights and civilized values by a new form of armed aggression; and

Whereas the perpetrators of the August 11 attack have stated that they were provided arms and instructions in Libya for this attack and other terrorists have been provided arms and aid for previous comparable terrorist attacks, as well, by, through, or with the complicity of the government or governments of a nation or nations with which the United States has commercial relations; and

Whereas the actions of such transgressor nations constitute a threat to the facility of free movement thereby necessitating that appropriate unilateral United States and international measures be taken to protect international air transportation from such threat: Now, therefore, be it

Resolved, That it is the sense of the Senate that:

(1) the President of the United States is urged to direct United States ambassadors abroad to seek the consideration by foreign governments of their suspension of their air service to any foreign nation aiding or abetting terrorism until the international community, in implementing the Helsinki accords, has been assured that the nation in question has ceased such activity;

(2) the President should undertake in a timely fashion international discussions and negotiations which would strengthen the current minimum safety standards established pursuant to the Convention on International Civil Aviation; or, should take any other actions he deems appropriate to improve airport security in those nations with direct air links to any transgressor nation and in other airports servicing international air transportation;

(3) the President under his authority pursuant to sections 1114 and 1115 of Public Law 93–366, the Antihijacking Act of 1974, is urged to take such appropriate measures as to:

(a) deny the right of any United States air carrier to engage in foreign air transportation between the United States and any other foreign nation whose government is in violation of such act;

(b) suspend the air service rights of any foreign air carrier, which may pose a threat to international air transportation by servicing such foreign nation, by engaging in air transportation between the United States and any such foreign nation; and

(c) direct the Secretary of Transportation, with the approval of the Secretary of State, to withhold, revoke, or impose conditions on the operating authority of any airline or or airlines of any foreign nation that does not maintain transportation security sufficient to meet the minimum security standards established pursuant to the Convention on International Civil Aviation; and be it further

Resolved, That the Senate urges the President to conduct a comprehensive review of all U.S. trade and diplomatic relations to determine what further appropriate actions including specific sanctions may be taken to discourage any further support of international terrorism.

Mr. JAVITS. Mr. President, today I am introducing with 19 cosponsors a Senate resolution by way of lesson and memorial of the recent August 11 terrorist attack at Yesilkoy Airport in Istanbul, Turkey, and I am calling on President Ford to take action as appropriate under the Anti-Hijacking Act. As we all know, this incident is only one of the most recent of a long and terrible history of terrorist attacks victimizing totally innocent civilians.

In this attack, 4 were killed and 17 were injured. I am sure that my colleagues know from the news coverage of this incident that one of those killed at Yesilkoy Airport was Harold W. Rosenthal, who since January had been working in the Foreign Relations Committee as a special assistant for foreign relations. Hal was a brilliant, totally committed young man with a complete dedication to his work. Ironically, at the time of his murder, he was on his way to the Van Leer Institute in Israel to take part in a program dealing with the issues of securing peace in the Middle East. Incidents such as his murder, and other terrorist attacks, only deepen the divisions in the Middle East and retard the process of peace.

And, the scourge of terrorism is spreading. This was dramatically demonstrated last Monday by the hijacking of an airliner in Egypt—and another rescue, this time by Egypt. It is abundantly clear that no location and no person is safe from the perpetrators of these murderous attacks. Unless civilized nations want to live in a world where international air transportation—and many other aspects of modern life—become increasingly insecure from hijacking, sabotage, and bombings, decisive and effective action will have to be taken against terrorists and those organizations—and those national governments—which aid and abet them.

The Senate's passage of the resolution I am introducing today with other Senators should be taken as an indication that the United States does not intend to tolerate the continued activities of terrorists and their accomplices. The preamble of this resolution characterizes the Istanbul terrorist attack, and the other attacks which preceded it as "threatening the interdiction of international air transportation; and constituting a transgression against human rights and civilized values by a new form of armed aggression." The preamble then points out that, according to the terrorists, arms and instructions to facilitate this attack were provided in Libya. The preamble concludes that "such transgressor nations" that aid or abet terrorism in any way "constitute a threat to the facility of free movement"—"to facilitate freer movement" being one of the objectives of the final act of the Conference on Security and Cooperation in to the facility of free movement—to necessitating that appropriate unilateral United States and international measures be taken to protect international air transportation" from the threat of terrorists and their accessories.

Accordingly, the operative section of the resolution, following the provisions of the Anti-Hijacking Act, urges the President to:

(1) direct United States ambassadors abroad to seek the consideration by foreign governments of their suspension of their air service to any foreign nation aiding or abetting terrorism until the international community, in implementing the Helsinki accords, has been assured that the nation in question has ceased such activity;

(2) undertake in a timely fashion international discussions to strengthen the current minimum safety standards established pursuant to the International Convention on Civil Aviation or any other action he deems appropriate to improve airport security in those nations maintaining air service with nations aiding or abetting terrorism;

(3) consider exercising his authority under the Anti-Hijacking Act of 1974 to:

(a) deny authority for any U.S. air carrier to service any foreign nation violating the Act by aiding or abetting terrorism:

(b) suspend the air service rights in the U.S. of any foreign air carrier servicing any such nation;

(c) suspend the air service rights in the U.S. of any foreign air carrier whose national airports do not meet the minimum security standards established pursuant to the Convention on International Civil Aviation; and

(4) "conduct a comprehensive review of all U.S. trade and diplomatic relations to determine what further appropriate actions including specific sanctions may be taken to discourage any further support of international terrorism."

As the resolution points out, at a minimum the relatively permissive ICAO airport security standards should be considerably strengthened.

Another glaring deficiency in the antiterrorism efforts is demonstrated by the fact that this attack seemingly did not violate any international law. There are three international conventions dealing with aircraft hijacking and sabotage: the Tokyo, Hague, and Montreal Conventions; but all three of these are triggered only when the attack occurs on an aircraft the doors of which are closed for flight. In this incident, the attackers never attempted to enter a plane in the carrying out of their attack. Therefore, none of the antihijacking conventions appear to have been violated. A convention dealing with attacks in airports—or any other transportation facility for that matter—and airport security is clearly needed to close these loopholes.

None of the antihijacking conventions contains any sanctions against nations that aid, abet, or provide sanctuary for terrorism and terrorists, and there does not exist any international convention that deals with forms of terrorism other than air hijacking and sabotage. In 1972, then Secretary of State William Rogers proposed just such a convention to the United Nations, but it was argued and studied to death—largely by third world countries on the completely erroneous notion that it had something to do with self-determination. I am not at all sanguine that any such convention, even if again put forward to the United Nations, would be seriously considered. However, there are alternatives. I hope the President and Secretary of State will consider bilateral and regional negotiations to help fill the existing need.

In addition, there is the avenue of implementing existing law and passing new legislation. As the resolution I am introducing states, it is now time for the President to implement the air service boycott provisions of the Anti-Hijacking Act of 1974, Public Law 93-366. It is also time for Congress to consider other possible legislative remedies, and for that purpose I intend to ask for hearings in the Senate Committee on Foreign Relations of which I am a member.

Mr. President, the civilized world must not fail to respond effectively and decisively to the scourge of international terrorism. While the resolution I am introducing today is just that, a Senate resolution expressing the sense of the Senate, I hope we shall proceed to take the steps that are necessary, in concert with our allies and by ourselves, in order to deal with this new dread terror and scourge upon the civilized world.

Mr. President, I ask unanimous consent that there be printed in the RECORD with my remarks certain press reports and a short history compiled by my staff of the Istanbul terrorist attack, this history being developed from these reports and other sources by my staff.

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

STAFF SUMMARY HISTORY OF ISTANBUL TERRORIST ATTACK, AUGUST 11, 1976, FROM PRESS AND OTHER SOURCES

The two perpetrators of the Istanbul attack, members of what is known as the Wadi Haddad faction of the Popular Front for the Liberation of Palestine, had been fighting for the PFLP in Lebanon when they were ordered to report to Tel el Zataar refugee camp where they were given initial instructions and plans for their attack. They were then ordered to report to Tripoli, Libya, where they were given two automatic weapons, ammunition, hand grenades, false Kuwaiti passports, airline tickets for Bagdad via Rome and Istanbul and their final instructions, which were to (1) "kill as many Israelis as possible", (2) not to hijack the El Al flight to Tel Aviv but to attack the passengers as they enplaned, (3) to take no hostages, and (4) to surrender after the attack.

The terrorists proceeded to Rome and then to Istanbul. At Yesilkoy Airport in Istanbul, the terrorists waited in a transit lounge, through which earlier had passed a Libyan delegation on its way to the Non-Aligned Conference in Columbo, Sri Lanka. They waited as the lines of passengers to the attacked El Al flight to Tel Aviv and the flight the terrorists were ticketed to take

to Bagdad converged at the Turkish security check point. As they approached the security check point, the terrorists commenced their attack, throwing hand grenades down stairs the El Al passengers were taking to a bus which would in turn take them to their flight and then fired their weapons into the crowd. Four were killed and twenty-four injured. The terrorists surrendered shortly thereafter to Turkish security guards and have now been turned over to the Turkish courts for prosecution.

As additional information, below are a listing of the statements of officials of the Government of Libya concerning this and other terrorist incidents and a July 16, 1976 New York Times article, titled "Libyans Arm and Train World Terrorists."

(1) "We in the Libyan Arab Republic take a clear line—that fedayeen action must emanate from all fronts without restriction." President Qaddafi in Tripoli, Libyan State Radio, October 7, 1972.

(2) After Black September terrorists who murdered 11 Israeli athletes at the Munich Olympics were given asylum in Libya, West Germany asked for their extradition. Libyan Foreign Minister Mansour Rashid Kikhiya replied:

"The fedayeen asked for political asylum here and they got it. They will naturally not be brought before a court . . . We Libyans will support in this phase every Palestinian commando operation. I stress: every operation." Quoted in Stern (West Germany), November 11, 1972.

(3) Referring to the 1972 massacre of 26 persons at Israel's Lod Airport by Japanese Red Army members working for the PFLP, President Qaddafi said:

"We demand that fedayeen action be able to carry out operations similar to the operation carried out by the Japanese." Quoted over Libyan State Radio, October 7, 1972.

(4) After the raid at Qiryat Shemona, in which 18 Israeli youth were murdered by Arab terrorists, President Qaddafi said:

"This operation is a step in the right direction, stressing the true meaning of fedayeen operations." Quoted over Libyan State Radio, April 11, 1974.

(5) A week after the PFLP attack which killed four persons and wounded 24 in Istanbul, President Qaddafi told the Conference of Non-aligned Nations that if the Palestinian "struggle is terrorism, then we accept the accusation and it is an honor to us." Quoted in Washington Post August 19, 1976.

[From the New York Times, July 16, 1976]

LIBYANS ARM AND TRAIN WORLD TERRORISTS

(By Bernard Winraub)

LONDON, July 15.—A broad terrorist network, stretching from the Middle East to Africa and Europe, is being trained, armed and financed by Libya's leader, Col. Muammar el-Qaddafi, according to diplomats in Europe, the Middle East and the United States. This zealous adventure, starting early in the 1970's, is said to be designed to unite Arab countries into a radical Islamic union.

Although Colonel Qaddafi seeks to crush Israel and undermine, if not destroy, the leaderships of countries such as Egypt, the Sudan, Tunisia, Jordan, Lebanon and Morocco, the efforts of the 34-year-old colonel reach far beyond the Arab world.

He has sent Soviet-made arms to the Irish Republican Army in Northern Ireland, to Moslem guerrillas in the Philippines and Thailand and to rebels in Chad and Ethiopia, according to European sources.

Arab leaders, including President Anwar el-Sadat of Egypt, view Colonel Qaddafi as an unpredictable and volatile threat to Middle East stability and a central figure underwriting the campaign of hijackings and terrorism.

Moreover, according to diplomats, Mr. Sadat and others are convinced that Colonel Qaddafi is fueling revolutionary groups for assault and assassination campaigns against Arab leaders and embassies of countries seeking settlement with Israel.

Beyond this, Colonel Qaddafi, supported by a burgeoning Soviet weapons arsenal and oil money, has involved himself in some of the most publicized terrorist attacks in recent years. Sources in London said that the terrorists who murdered members of the Israeli team at the Olympic games in Munich four years ago had been trained in Libya, had their arms smuggled into Munich by Libyan diplomatic couriers—a common means of arms smuggling—and were later given large rewards by Colonel Qaddafi.

It is known that a gang that included the terrorist called "Carlos" took refuge in Libya despite the death of a Libyan minister, last December after a raid on the Vienna headquarters of the Organization of Petroleum Exporting Countries. Arab and Western diplomats are convinced that Libya, and possibly Iraq and Algeria, helped plan the raid, whose aim was partly to attract publicity for a newly formed militant group, the Arm of the Arab Revolution.

TERRORIST LIVES IN LIBYA

The group's leader is said to be Wadi Haddad, a leading member of the Popular Front for the Liberation of Palestine, who now resides in Libya. Israeli sources have identified him as the planner of the recent hijacking of the Air France plane whose hostages were flown to Entebbe Airport and in Uganda and later freed in a daring Israeli commando raid.

An assault at Rome airport in December 1973, in which 32 people died, was also planned in Libya with the aim of wrecking the Geneva peace talks between Israel and Egypt, according to diplomatic sources here. The initial plan was to assassinate Secretary of State Henry A. Kissinger in Beirut by an attack on his aircraft with submachine fire and hand grenades, but Lebanese authorities foiled the plot and the plane was diverted to a military airport east of Beirut.

Colonel Qaddafi has recently set up a guerrilla squad under his personal control, trained at a closed camp at the former United States Air Force base near Tripoli, whose missions included assassination attempts on President Sadat of Egypt, an attempt to kidnap one of Colonel Qaddafi's disaffected aides who had sought refuge in Cairo and a plot to blow up the residence of the Egyptian military commander of the Western Desert, Gen. Saad Maamoun.

Mr. Sadat declared Colonel Qaddafi was "100 percent sick and possessed of a demon."

Shah Mohammed Riza Pahlevi of Iran has reportedly called him "that crazy fellow."

Last week, the Sudan's President, Gafaar al-Nimeiry, furiously blamed Libya for a coup attempt and said: "Qaddafi has a split personality—both of them evil."

Colonel Qaddafi, who was born in 1942 in a tent in the Sirte Desert as the German tanks advanced across Libya towards Egypt, has never enunciated his views in a single coherent doctrine. Since he and 11 other young officers unseated King Idris in a coup in 1969—only four remain with him now, others have been arrested or have fled—Colonel Qaddafi has waged a revolution in the name of Islam and Arab supernationalism and opposed to what are viewed as moderate forces.

OIL MONEY FOR ARMS

Coupled with this, Colonel Qaddafi supports "liberation" movements outside the Middle East, movements with links to Islam or, as in Northern Ireland, a struggle against "occupation and injustice," words used by a Libyan official recently about Ulster.

Aided by a huge income—oil revenues last year produced a balance of payment of $1.7 billion—Libya has rapidly acquired large amounts of military equipment. According to military sources in London, the country of 2.3 million people now has 141 combat aircraft, including more than 100 French-made Mirages, and has doubled its supply of Soviet tanks in the last year.

Last year, Colonel Qaddafi concluded an $800 million arms deal with the Soviet Union, and the bulk of his weapons are Soviet-made. Many of the weapons are smuggled outside Libya. British soldiers, for example, seizing Irish Republican Army equipment, have found Soviet-made rocket launchers in Londonderry with desert sand still inside. Nonetheless, security officials in London have concluded that the flow of arms from Libya has been minimal.

There are few specific estimates on the amount of money that Colonel Qaddafi has spent on international terrorism and assistance abroad. It is believed that Libya's contribution to leftist forces in Lebanon has reached $50 million, although the figure could be far higher.

There were reports last year that Colonel Qaddafi had allocated at least $100 million to Black September, the clandestine terrorist wing of al Fatah, and $40 million to other guerrilla groups.

Libyan aid has also reportedly gone to the Eritrean Liberation Front in Ethiopia and to opposition groups in Yemen, Somalia, Syria, Tunisia, Morocco, the Philippines and Panama. There are rumors of Libyan support for black militant groups in the United States but they can't be confirmed.

TERRORIST TRAINING CENTER

According to officials, Libya now serves as the main training center in the Middle East for international terrorists—a network whose training bases spread from Tripoli to North Korea, Cuba, East Germany and the Soviet Union. It is in these bases, according to officials, that links are forged between Palestinians as well as such groups as the Japanese Red Army, the Baader-Meinhof gang in West Germany and the terrorists led by Ilich Ramirez, or "Carlos," the Jackal. In Libya, the terrorists are supplied with forged passports, cash, documents, contacts and weapons.

Recently, Libya has stepped up its own internal terrorist unit and has sent men to Rome and Cairo to try to kill two former members of the ruling Revolutionary Command Council who fled the country. One of them, Maj. Abdel Moneim el-huni, was in a Rome clinic.

In the Rome incident three men were seized at the Fumicino Airport on March 6 after arrival from Cairo. The three were carrying Libyan diplomatic passports, but the briefcase of one failed to pass a metal detector test. It contained three pistols and a hand grenade.

[From the Washington Post, Aug. 12, 1976]

FOUR KILLED IN ATTACK ON EL AL PASSENGERS

ISTANBUL, TURKEY, August 11.—At least four persons were killed and 24 were wounded when terrorists attacked passengers preparing to board an El Al flight to Israel at the international airport here tonight.

After several minutes of shooting, Turkish security forces captured two terrorists.

One of the dead, a Japanese youth, was thought to be a terrorist. The other three dead—two Israelis and a Spaniard—were passengers on the El Al flight.

The Japanese Foreign Ministry in Tokyo later identified the dead youth as Yutaka Hirano, a 29-year-old tour guide. The Japanese consulate general in Istanbul said he was leading a group of 10 tourists. Police said that they had thought he was one of the terrorists because he had been found with a pistol in his shirt. There was no explana-

tion for the presence of the pistol on Hirano's body.

Some reports said five person have died—four passengers and a terrorist.

Witnesses said the terrorists set off a bomb or grenade and fired on passengers with machine guns.

The captured terrorists, traveling on false Kuwaiti passports, were identified by police as supporters of the Popular Front for the Liberation of Palestine. They reportedly told police Libya had financed their operation.

The El Al Boeing 707 later arrived safely in Tel Aviv with 82 passengers aboard, six of them with minor shrapnel wounds. The more seriously wounded remained in Istanbul.

Two injured American women were aboard the plane. Margaret Shearer, 40, was hospitalized with a bullet wound in the ankle, and her companion Lucille Washburn, was slightly injured. Their hometowns were not reported.

Israeli Transport Minister Gad Yacobi called the attack "another attempt to disrupt Israeli's international air connections."

"There is no guarantee that there will not be more attacks and we are alert to this," he added.

The attack came a month after Israeli commandos raided Entebbe airport in Uganda to free more than 100 hostages who had been aboard a plane hijacked by pro-Palestinian terrorists.

Prime Minister Yitzak Rabin said today. "After our operation at Entebbe, I warned Israelis that we had won a battle and that others would follow. It did not take long for that prediction to happen."

Rabin added: "Today, many days since Entebbe, I can't say that the international community has done anything in terms of better and more effective cooperation to cope with terror."

Yacobi said that following the Entebbe raid he had urged the governments of Turkey, France, the United States, Italy, Britain, Cyprus and Greece to tighten up security at their airports.

He said Turkey had "replied favorably" to the Israeli request. Security had been tightened at Istanbul's airport. Teams of policemen were posted at doors and plainclothes agents mingled with passengers.

Turkish police said the two captured men said they flew from Libya's capital, Tripoli, to Rome this morning, then boarded an Alitalia flight to Istanbul, carrying grenades and other weapons in their suitcases.

They were booked from Istanbul on a Pakistani Airlines flight to Baghdad, Iraq, and waited in the transit lounge with passengers for the El Al flight until they attacked.

There were varying reports of how long the battle between police and terrorists went on. Some witnesses reported between five and 15 minutes of shooting. Other reports from Istanbul said the terrorists took a Turkish policewoman hostage and bargained with authorities—including Istanbul Governor Namik Kemal Senturk—for about an hour before being apprehended.

"In Tel Aviv, Clara Mizrahi, a passenger wounded by flying glass, said: "I was in the terminal before going down to the boarding bus when I heard a bomb and the roof fell down . . . I was so frightened I couldn't see."

Dr. Mustafa Turkel, the physician on duty at the airport, said the terrorists "were shooting on police and passengers from the duty free shop just above the stairs descending to the exits doors. The passengers came under fire just as they were descending the stairs. That is why most of them got wounded in the head."

[From the New York Times, Aug. 13, 1976]

TURKS GIVE DETAILS OF GUERRILLA ATTACK AND ATTEMPT TO HIJACK AN EL AL JETLINER

ISTANBUL, Turkey, Aug. 12.—Turkish policeman and intelligence officers today questioned two Palestinian guerrillas who directed bombs and guns at passengers at the Istanbul airport after having failed to hijack an Israeli airliner.

Four persons died, including an aide to Senator Jacob K. Javits of New York, when the Palestinians set off explosions last night and raked an airport departure hall with automatic fire. More than 30 people were injured.

Legal sources said that the state prosecutor's office might demand the death penalty when the two guerrillas came to trial.

The attack was widely regarded as revenge for the Israeli rescue raid on Uganda's Entebbe airport last month, but it appeared curiously unsophisticated in view of the sweeping security precautions always mounted here for planes of the Israeli airline, El Al.

NOT BOOKED ON EL AL

The police said that the two gunmen, who might have been aided by a third, had not been booked aboard the Tel Aviv-bound flight. They were transit passengers supposedly waiting to fly to Baghdad.

The Governor of Istanbul, Manik Kamal Senturk, said the Palestinians had not taken into account El Al's security measures.

Being transit passengers, they evidently hoped to get to where the plane was waiting, without body and baggage searches.

The Governor said that only when they realized that they could not avoid detection at a special checkpoint did the gunmen decide to end their mission with random violence. He denied reports that the guerrillas had tried to take hostages before setting off their bombs.

FOURTH NOT IDENTIFIED

The four who died included Senator Javit's aide, Harold W. Rosenthal, 29 years old, of Philadelphia, a Japanese tourist guide, Yutaka Hirano, and an Israeli identified as Sano Sholomo.

The badly mutilated body of the fourth person has not been identified. The police said he might have been a member of the guerrilla group.

The police gave the names of the two captured guerrillas as Mehti Mohanned Zilh, 22, and Hussein Mohammed al-Rashid, 23, but they said these could be aliases. They traveled from Libya to Istanbul via Rome on Kuwaiti passports.

REPRISAL PLAN REPORTED

ISTANBUL, August 12.—The pro-Palestinian guerrillas who killed four persons in an attempt to hijack an Israeli plane here were quoted today as having said they had been instructed to kill "as many Israelis as we can" in reprisal for Israel's raid at Entebbe.

The prosecutor, Nejat Ulgen, said the two guerrillas contended that their attack was a reprisal for the Israeli commando raid, in which more than 100 mostly Israelis, hostages, from a hijacked Air France plane were rescued.

Mr. Ulgen said the terrorists had described themselves as "active warriors" of the Palestine Liberation Organization. They said they had joined the group six months ago and were on their first assignment, he reported.

[From the New York Times, Aug. 13, 1976]

SECURITY TERMED LAX

TEL AVIV, Aug. 12.—Israeli officials said today that Arab guerrillas were exploiting the laxity of security checks on transit passengers in international airports. They called for international cooperation to tighten supervision.

Prime Minister Yitzhak Rabin said that the terrorists who attacked waiting El Al passengers in Istanbul last night used the same tactic as those who hijacked an Air France plane in Athens in June. Both groups timed their arrivals to catch planes being prepared for takeoff.

Speaking to antiterror units of the Israeli border police, Mr. Rabin said the Istanbul raiders had planned to murder, while the Athens hijackers had been seeking live hostages to be bartered for terrorist imprisoned in Israel. But he said the attempts to free imprisoned guerrillas were also calculated to further murders of Israelis.

Government sources here said that the Foreign Ministry had set up a team to enlist international cooperation for an antiterrorist drive.

Six slightly injured passengers who were flown here from Istanbul last night have been released from Israeli hospitals. More wounded are expected to be flown home from Istanbul tomorrow. Relatives of those who still remain in Turkish hospitals were offered flights to Istanbul by El Al.

NOTABLE REPUTATION

Harold Wallace Rosenthal, an administrative assistant on foreign affairs to Senator Javits, had achieved a notable reputation as an aide to law makers.

He was going to Jerusalem to represent Senator Javits at a two-week conference on the Middle East and Israel at the Van Leer Institute when he was killed in the terrorist attack in Turkey.

Describing Mr. Rosenthal's death as "a stunning, awful and senseless tragedy," Senator Javits said he would urge the Republican Party to adopt a "strong plank against terrorism."

Mr. Rosenthal joined Senator Javit's staff eight months ago after having been a staff assistant on the international economic program of the Rockefeller Brothers Fund.

ONCE AIDED CAREY

Mr. Rosenthal began his Washington career as a legislative assistant to Hugh L. Carey, then a Democratic Congressman from New York and now Governor. Mr. Rosenthal was an administrative assistant to Senator Walter F. Mondale, Democrat of Minnesota, before joining the Rockefeller organization.

A native of Philadelphia and unmarried, Mr. Rosenthal received a bachelor of arts degree from Temple University in 1968, a master of arts degree in international affairs and economics from Cambridge University in 1969 and another master of arts in the same field from the Fletcher School of Law and Diplomacy at Tufts University.

He leaves his parents, Mr. and Mrs. Sidney Rosenthal of Philadelphia. Arrangements were being made yesterday to fly the body to the United States.

[From the New York Times, Aug. 13, 1976]

TURKEY TO ASK DEATH FOR 2 GUERRILLAS AFTER ATTEMPT TO HIJACK EL AL JETLINER

ISTANBUL, TURKEY, August 12.—Two Palestinian guerrillas will face the death penalty in a Turkish court on charge stemming from their attack at the Istanbul airport after a vain attempt to hijack an Israeli airliner, a state prosecuter said tonight.

Four men, including an aide to Senator Jacob K. Javits of New York, died in the explosions and automatic fire that raked an airport departure hall last night. More than 30 people were wounded.

The prosecutor, Nejat Ulgen, interviewed

on television, said he intended to bring charges under an article that provides for the death penalty for murder or attempted murder.

The attack was widely regarded as revenge for the Israeli rescue raid on Uganda's Entebbe airport last month, but it appeared curiously unsophisticated in view of the sweeping security precautions always mounted here for planes of the Israeli airline, El Al.

NOT BOOKED ON EL AL

The police said that the two gunmen, who might have been aided by a third, had not been booked aboard the Tel Aviv-bound flight. They were transit passengers supposedly waiting to fly to Baghdad.

The Governor of Istanbul, Manik Kamal Senturk, said the Palestinians had not taken into account El Al's security measures.

Being transit passengers, they evidently hoped to get to where the plane was waiting, without body and baggage searches.

The Governor said that only when they realized that they could not avoid detection at a special checkpoint did the gunmen decide to end their mission with random violence. He denied reports that the guerrillas had tried to take hostages before setting off their bombs.

FOURTH NOT IDENTIFIED

The four who died included Senator Javit's aide, Harold W. Rosenthal, 29 years old, of Philadelphia, a Japanese tourist guide, Yutako Hirano, and two Israelis identified as Soloman Weisbeck and Ernest Elias.

The badly mutilated body of the fourth person has not been identified. The police said he might have been a member of the guerrilla group.

The police gave the names of the two captured guerrillas as Mehti Mohanned Zilh, 22, and Hussein Mohammed al-Rashid, 23, but they said these could be aliases. They traveled from Libya to Istanbul via Rome on Kuwaiti passports.

Mr. CASE. Mr. President, the resolution introduced today urging additional steps against international terrorists and their supporters in Libya speaks for itself. But it also is an attempt to express our hopes that no more voices will be stilled by the bullets and hand grenades of terrorists.

For too long, the international community has taken only partial steps to combat terrorism. Half-hearted measures and slipshod security suggest that for some nations oil and fashionable slogans of so-called freedom fighters are more important than the blood of innocent civilians.

Now, however, even some of those who have given a degree of moral as well as material support of terrorists are discovering the nature of the monster they helped nurture. The recent explosions and aircraft hijacking in Egypt, which have been blamed on the Libyans, show that terrorists cannot be expected to keep to their original targets.

There is overwhelming evidence that the Libya Government has aided and abetted terrorists and may have even abused the use of diplomatic pouches and privileges to do so.

It is time for the world to treat the Qaddafi government as one deals with an infected animal—by imposing a quarantine.

Thus, we urge the President in this resolution to encourage nations maintaining direct air links with Libya to suspend their service until Libya no longer assists terrorists.

Indeed, the resolution calls attention to a 1974 law, Public Law 94–336, which allows the President to suspend landing right in the United States of airlines which provide service to countries aiding and abetting terrorists.

Another way of encouraging tighter security might be to impose even more stringent than usual security checks on planes and passengers of airliners serving Qaddafi government as one deals with Libya and also landing in the United States. These airlines should be charged a heavy fee, perhaps a very heavy one, until they prove they have taken additional steps to tighten their security, for passengers in transit as well as those boarding planes in their home countries.

It may be that a kick in the wallet is the only way to get tightened security in the world's airports.

Mr. President, I ask unanimous consent to have printed in the RECORD two editorials on this subject.

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

[From the New York Times, Aug. 26, 1976]

WHAT PRICE QADDAFI?

In his long speech at the nonaligned summit meeting in Colombo last week, Libya's Col. Muhammar el-Qaddafi emphatically denied supporting any terrorist activities except those involving "the struggle of a people for independence." He blamed "imperialism, international Zionism and racialism" for the charges that he uses oil revenues to back hijacking, kidnaping and subversion.

Four days after his eloquent denial, Arab gunmen hijacked an Egyptian airliner and ordered the pilot to fly it to Libya. After Egyptian paratroops thwarted the attempt and released 80 hostage passengers, authorities reported the captured hijackers as saying they had acted on orders of Colonel Qaddafi who promised them $250,000 if they forced the plane to land at Benghazi.

The aborted hijacking was the third act of terrorism in Egypt in a fortnight attributed to Libya. Egyptian officials believe Colonel Qaddafi has allocated a million dollars for a coup against President Anwar el-Sadat. Qaddafi unquestionably helped arm, train and bankroll the forces that tried to overthrow President Gaafar al-Nimeiry of the Sudan in July. In fact, the Colonel has supported attempts to undermine the governments of five of Libya's six neighbors in the last six months.

Arab governments may find it convenient to look the other way when Palestinian terrorists, after hurling grenades and firing tommyguns at El Al passengers in Istanbul airport, tell Turkish captors their orders issued in Libya were to "kill as many Israelis as you can." But can the other Arab governments ignore indefinitely the indisputable fact that Colonel Qaddafi intends to use Libya's oil money to overthrow every one of them that falls short of his extremist blueprint for the Arab revolution?

Colonel Qaddafi is everybody's problem; but for reasons of geography and their own eloquent commitments to Arab unity, the Arab governments cannot forever escape a share of the responsibility for halting his aggressions.

[From the Washington Post, Aug. 22, 1976]

AN EXPERT ON TERRORISM

One of the highlights of the fifth summit conference of non-aligned nations, just concluded in Sri Lanka, was a discourse on terrorism by Muammar Kadafi, the Libyan leader. Even though Colonel Kadafi held back much of what he knows about international violence, the occasion in Colombo was noteworthy because he felt it appropriate to defend in general terms his own role as a sponsor of terrorist activity.

The Kadafi defense, predictably, was that he supported good causes (like national independence and racial justice) against evil forces. The latter, he argued, are more deserving of the terrorist label than such victims of injustice as the Palestinians. The plea by the 34-year-old Libyan fanatic must have drawn cynical chuckles from representatives of at least some of the governments that have been objects of his revolutionary zeal.

Colonel Kadafi's targets by now span the globe, and include neighboring Arab nations with which he is technically allied as well as more distant enemies. With ample oil revenues and supplies of Soviet arms, the colonel supports Palestinian extremists in outrages against Israel, and Moslem guerrillas in the Philippines, Thailand and Ethiopia. But these are among the more understandable Kadafi causes, given his Islamic ardor. He also is believed seeking to destroy fellow Arab and/or Islamic leaders, in Egypt, the Sudan, Tunisia, Iran, Jordan and Morocco. And when the IRA in Northern Ireland is found to have Soviet weapons containing desert sand, fingers reasonably point to Colonel Kadafi. Libya is believed to be the training center for a diverse group of international terrorists—the meeting ground of such as the Japanese Red Army and the Baader-Meinhof Gang.

Explanations for Colonel Kadafi's extremist hyper-activity vary. The shah of Iran was reported as calling him "that crazy fellow" and President Sadat of Egypt has pronounced him "100 per cent sick and possessed of a demon." In other views, he is intelligent and dedicated to his version of Arab unity and all-embracing Islam, allowing of no peace with Israel. What is not in dispute is that the causes he promotes threaten stability and innocent lives in many parts of the world.

The mystery of his performance in Colombo is why he dared to show up at all, exposing himself to the possible vengeance of several of those he has sought to overthrow. Colonel Kadafi showed some awareness that he might not be universally popular. His arrival in Sri Lanka was preceded by that of 73 Libyan policemen (a score of them without proper passports), and he brought dozens more guards with him. A young leader of Third World opinion cannot be too careful these days.

Mr. HUDDLESTON. Mr. President, I am pleased to join with Senator JAVITS, Senator HUMPHREY and other Members of this body in cosponsoring Senate Resolution 524 which urges the President to use and expand his authority governing air service among nations to discourage hijackings and related terrorist activities.

In recent weeks, we have seen again the senseless and outrageous acts of those who seek a moment of attention in violence and destruction without concern for innocent victims who become pawns in this deadly game.

Each shocking incident leads to denunciations and expressions of concern. But, again and again the incidents return to plague us. While we have made some significant moves in terms of our own increased security at airports, and while there is greater cooperation in a number of areas, clearly we have not done enough.

Air service is important to any nation. It is a lifeline to the outside world, a means of bringing in both people and things. But, if a nation is unwilling to cooperate in efforts to protect that service, to protect those who provide it and those who might use it, then they have no right to it. If nations allow either their own citizens or nationals of other countries to utlize their air facilities for terrorist activities, then they simply cannot expect their actions to be without sanction among the rest of the world.

Terrorism must be fought on many fronts, in many ways, with many different weapons. We obviously have no one easy solution at hand. We have no magic wand to wave to rid our world of the threats and dangers of fanatic groups and individuals. But, we do have a broad arsenal of diplomatic and economic pressures which can be brought to bear on countries which provide a sanctuary or haven for terrorists.

It is, consequently, a timely period for new initiatives, new efforts. This resolution sets out a number of those areas where productive moves might be undertaken—it requests the President to direct our Nation's ambassadors to seek consideration by those countries in which they serve of suspension of air service to third nations until the international community has been assured that those third nations will no longer serve as a staging area or haven for terrorist operations; it recommends new international discussions designed to strengthen security at airports which have direct links to nations which have harbored terrorists and it urges use of appropriate measures pursuant to the Antihijacking Act of 1974 to restrict or deny air service rights where such action might contribute to preventing or discouraging hijacking and terrorist activity.

Mr. President, any action which gives aid, comfort or sanctuary to international hijackers must be met with appropriate sanctions. This resolution is a positive step in that direction, and I am pleased to associate myself with it.

ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a brief period for the conduct of morning business, with a time limitation on statements of 5 minutes attached thereto.

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

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:03 a.m., a message from the House of Representatives delivered by Mr. Berry, one of its clerks, announced that the Speaker has signed the enrolled bill (S. 3435) to increase an authorization of appropriations for the Privacy Protection Study Commission, and to remove the fiscal year expenditure limitation.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. CULVER).

At 11:05 a.m., a message from the House of Representatives delivered by Mr. Hackney, one of its clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 14262) making appropriations for the Department of Defense for the fiscal year ending September 30, 1977, and for other purposes; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. MAHON, Mr. SIKES, Mr. FLOOD, Mr. ADDABBO, Mr. MCFALL, Mr. FLYNT, Mr. GIAIMO, Mr. CHAPPELL, Mr. BURLISON of Missouri, Mr. EDWARDS of Alabama, Mr. ROBINSON, Mr. KEMP, and Mr. CEDERBERG, were appointed managers of the conference on the part of the House.

At 2:25 p.m., a message from the House of Representatives delivered by Mr. Berry announced that the House has passed the bill (H.R. 15194) making appropriations for public works employment for the period ending September 30, 1977, and for other purposes, in which it requests the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 3650. An act to clarify the application of section 8344 of title 5, United States Code, relating to civil service annuities and pay upon reemployment, and for other purposes;

H.R. 10370. An act to amend the act of January 3, 1975, establishing the Canaveral National Seashore;

H.R. 11009. An act to provide for an independent audit of the financial condition of the government of the District of Columbia;

H.R. 12261. An act to extend the period during which the Council of the District of Columbia is prohibited from reviewing the criminal laws of the District;

H.R. 12455. An act to amend title XX of the Social Security Act so as to permit greater latitude by the States in establishing criteria respecting eligibility for social services, to facilitate and encourage the implementation by States of child day care services programs conducted pursuant to such title, to promote the employment of welfare recipients in the provision of child day care services, and for other purposes; and

H.R. 13679. An act to provide assistance to the Government of Guam, to guarantee certain obligations of the Guam Power Authority, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore.

At 5:22 p.m., a message from the House of Representatives delivered by Mr. Hackney announced that the House disagrees to the amendment of the Senate to the bill (H.R. 8603) to amend title 39, United States Code, with respect to the organizational and financial matters of the U.S. Postal Service and the Postal Rate Commission, and for other purposes; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. HENDERSON, Mr. UDALL, Mr. NIX, Mr. HANLEY, Mr. FORD of Michigan, Mr. DERWINSKI, and Mr. JOHNSON of Pennsylvania were appointed managers of the conference on the part of the House.

At 6:30 p.m., a message from the House of Representatives delivered by Mr. Berry announced that the House has passed the bill (H.R. 14070) to extend and amend part B of title IV of the Higher Education Act of 1965, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 3542. An act to authorize the Secretary of the Interior to make compensation for damages arising out of the failure of the Teton Dam a feature of the Teton Basin Federal reclamation project in Idaho, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. METCALF).

HOUSE BILLS REFERRED

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

H.R. 14070. An act to extend and amend part B of title IV of the Higher Education Act of 1965, and for other purposes; to the Committee on Labor and Public Welfare; and

H.R. 15194. An act making appropriations for public works employment for the period ending September 30, 1977, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, August 25, 1976, he presented to the President of the United States the enrolled bill (S. 3435) to increase an authorization of appropriations for the Privacy Protection Study Commission, and to remove the fiscal year expenditure limitation.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

APPROVAL OF REA-INSURED LOAN

A letter from the Acting Administrator of the Rural Electrification Administration transmitting a statement in connection with the approval of an REA-insured loan to Chugach Electric Association, Inc., of Anchorage, Alaska (with accompanying papers); to the Committee on Appropriations.

REPORT OF THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT

A letter from the Secretary of Housing and Urban Development transmitting, pursuant to law, a report to the Congress on the Emergency Homeowners' Relief Act (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

REPORT OF THE DISTRICT OF COLUMBIA BAIL AGENCY

A letter from the Director of the District of Columbia Bail Agency transmitting, pursuant to law, a report of the Agency for the calendar year 1975 (with an accompanying report); to the Committee on the District of Columbia.

REPORTS OF THE COMPTROLLER GENERAL

Three letters from the Comptroller General of the United States, each transmitting, pursuant to law, a report entitled (1) "Using Independent Public Accountants To Audit Public Housing Agencies—An Assessment"; (2) "Difficulties of the Federal Aviation Administration in Acquiring the ARSR–3 Long Range Radar System"; and (3) "Increased Attention Needed To Insure That Bridges Do Not Create Navigation Hazards" (with accompanying reports); to the Committee on Government Operations.

FOLLOW-UP REPORTS OF THE OFFICE OF MANAGEMENT AND BUDGET

Two letters from the Deputy Director of the Office of Management and Budget, each transmitting, pursuant to law, a follow-up report on (1) Final Report of the National Advisory Council on Supplementary Centers and Services, and (2) a report on Electric Utilities by the President's Labor-Management Committee (with accompanying reports); to the Committee on Labor and Public Welfare.

REPORTS OF THE CIVIL SERVICE COMMISSION

A letter from the Chairman of the Civil Service Commission transmitting, pursuant to law, the 53rd and 54th annual reports of the Board of Actuaries of the Civil Service Retirement System (with accompanying reports); to the Committee on Post Office and Civil Service.

PROPOSED LEGISLATION BY THE SECRETARY OF THE ARMY

A letter from the Secretary of the Army transmitting a draft of proposed legislation to authorize certain construction of locks and dams in the Mississippi River (with accompanying papers); to the Committee on Public Works.

REPORT OF THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

A letter from the Acting Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report concerning grants approved which are financed wholly with Federal funds (with an accompanying report); to the Committee on Finance.

REPORT OF THE COMMISSION ON CIVIL RIGHTS

A letter from the Chairman and members of the Commission on Civil Rights transmitting, pursuant to law, a report containing the Commission's evaluation of school desegregation in a variety of school districts throughout the country (with an accompanying report); to the Committee on Labor and Public Welfare.

FINANCIAL STATEMENT OF THE LEGION OF VALOR

A letter from the Corporation Agent for the Legion of Valor, Inc., transmitting, pursuant to law, the financial statement of the corporation for the fiscal year ending April 30, 1976 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF THE NATIONAL RAILROAD PASSENGER CORPORATION

A letter from the Vice President of the National Railroad Passenger Corporation transmitting, pursuant to law, a report on the operations of Amtrak for the month of May 1976 (with an accompanying report); to the Committee on Commerce.

PROPOSED LEGISLATION BY THE DEPARTMENT OF DEFENSE

Two letters from the General Counsel of the Department of Defense transmitting drafts of proposed legislation to amendment section 651 of title 10, U.S.C., relating to female persons who become members of the armed forces; and to authorize appropriations during the fiscal year 1977 for the procurement of aircraft for the Armed Forces (with accompanying papers); to the Committee on Armed Services.

REQUEST FOR SECRET SERVICE PROTECTION

A letter from the Secretary of the Treasury transmitting, pursuant to law, a request for Secret Service protection for Mrs. Carter and Mrs. Mondale (with an enclosed letter); to the Committee on Finance.

PETITIONS

The ACTING PRESIDENT pro tempore laid before the Senate the following petitions, which were referred as indicated:

A resolution relating to the disposal of nuclear waste material adopted by the board of commissioners of Alpena County, Mich.; to the Joint Committee on Atomic Energy.

House Joint Resolutions 6–208 and 6–212, adopted by the Congress of Micronesia; ordered to lie on the table:

SIXTH CONGRESS OF MICRONESIA, HOUSE JOINT RESOLUTION NO. 6–208, H.D. 1

A House joint resolution congratulating the Honorable Hiram Leong Fong, United States Senator from the State of Hawaii, for his long and distinguished service in the Senate and his efforts on behalf of the people of Micronesia, and cordially inviting him to visit Micronesia at any time in the future

Whereas, throughout the period of the Trusteeship Agreement, the people of Micronesia have been grateful for the programs and support given to them through the understanding, patience, and efforts of concerned and knowledgeable members of the Congress of the United States; and

Whereas, one of the foremost friends of Micronesia in the past two decades has been Senator Hiram Leong Fong of the State of Hawaii; and

Whereas, Senator Fong has a long, distinguished, and varied career both in Hawaii and in the U.S. Senate, where he serves on several important committees including the Senate Appropriations Committee which oversees funding for the civil administration of the Trust Territory of the Pacific Islands; and

Whereas, it is with regret that the Congress and people of Micronesia have learned that Senator Fong intends not to run for reelection to his seat upon completion of nearly 18 years of devoted and dedicated service to his constituents in the U.S. Senate; and

Whereas, it is the sense of the Congress of Micronesia that due recognition ought to be given the distinguished Senator from the State of Hawaii for his efforts on behalf of the people of Micronesia; now, therefore,

Be it resolved by the House of Representatives, Sixth Congress of Micronesia, Second Special Session, 1976, the Senate concurring, that the Honorable Hiram Leong Fong, United States Senator from the State of Hawaii, is hereby congratulated for his long and distinguished service in the United States Senate and for his efforts and interest on behalf of the people of Micronesia; and

Be it further resolved that the Honorable Hiram Fong is hereby cordially extended an invitation to visit Micronesia at any time in the future to meet with the many Micronesian friends he has made over the past years, and to provide the opportunity for the people of Micronesia to demonstrate their hospitality to a fellow islander; and

Be it further resolved that certified copies of this House Joint Resolution be transmitted to the Honorable Hiram Leong Fong, to the President of the United States Senate, to the Governor and the Legislature of the State of Hawaii, and to the High Commissioner.

Adopted: July 31, 1976.

SIXTH CONGRESS OF MICRONESIA, HOUSE JOINT RESOLUTION NO. 6–212, H.D. 1

A House joint resolution extending congratulations to the Government and people of the United States on the occasion of its Bicentennial Year and expressing gratitude and thanks from the Government and people of Micronesia for the economic, social, and political development and progress that has been made during the tutelage period of Micronesia under United States administration

Whereas, on July 4, 1976, the United States of America celebrated and commemorated its 200th Anniversary as a free nation committed and dedicated to the *self-evident* truths of the equality of all men, of all men being endowed by their Creator with certain inalienable rights, that among these are life, liberty, and pursuit of happiness; and

Whereas, based on these political principles as eloquently pronounced by the founding fathers of the United States of America, first in the Declaration of Independence of the United States of America on July 4, 1776, and again in the substance of the United States Constitution, the constitutional government system of the United States has endured for two hundred years, starting as colonies and becoming the "arsenal" of democracy and the mightiest nation of the world; and

Whereas, moved by its humanitarian idealism, the United States Government assumed as "sacred trust" and an international obligation to develop, promote, and advance the economic, social, educational, and political development of the islands of Micronesia under a trusteeship arrangement with the United Nations; and

Whereas, pursuant to its trusteeship obligations, the United States as the Administering Authority has spent, and continues to spend, in and for the people and Government of Micronesia, millions of dollars and continues to provide necessary administrative and other civil service personnel in order to insure uninterrupted administration of the Trust Territory; and

Whereas, despite much criticisms and allegations of maladministration, it must be admitted that the United States has made much progress in Micronesia in the development and advancement of the people and Government of Micronesia as they move closer toward the day the trusteeship system is terminated; and

Whereas, Micronesians and their own government must not overlook or appear ungrateful for what progress and growth Micronesia has achieved as a result of the administration of the Trust Territory by the United States; now, therefore,

Be it resolved by the House of Representatives of the Sixth Congress of Micronesia, Second Special Session, 1976, the Senate concurring, that by means of this House Joint Resolution and on behalf of the people and Government of Micronesia this Congress hereby extends congratulations and wishes a happy Bicentennial Year to the people and Government of the United States of America; and

Be it further resolved that such a congratulatory word be coupled with the hope that the people and Government of the United States long endure; and that the 200th Anniversary be even the best of commemorations ever; and

Be it further resolved that sincere gratitude and thanks be extended to the people and Government of the United States of America for their continuing efforts to assist and help Micronesia develop economically, socially, and politically and for the progress and sig-

nificant growth thus far realized during this tutelage period in Micronesian history; and

Be it further resolved that certified copies of this House Joint Resolution be transmitted to the President of the United States, the President of the United States Senate and the Speaker of the House of Representatives of the United States Congress, the Secretary of the United States Department of the Interior, and the High Commissioner of the Trust Territory.

Adopted: July 31, 1976.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHILES, from the Committee on Appropriations with amendments:

H.R. 15193. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1977, and for other purposes (Rept. No. 94–1167).

By Mr. RIBICOFF, from the Committee on Government Operations, with amendments:

H.R. 3884. An act to terminate certain authorities with respect to national emergencies still in effect, and to provide for orderly implementation and termination of future national emergencies (Rept. No. 194–1168).

THE FEDERAL JUDICIAL SYSTEM—REPORT NO. 94–1169

Mr. BURDICK, from the Committee on the Judiciary, submitted a special report entitled "The Federal Judiciary System," pursuant to Senate Resolution 72, 94th Congress, 1st session, which was ordered to be printed.

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 3651. A bill to amend the Alaska Native Claims Settlement Act to provide for the withdrawal of lands for the village of Klukwan, Alaska (Rept. No. 94–1170).

By Mr. LONG, from the Committee on Finance, without amendment:

H.R. 1386. An act for the relief of Smith College, Northampton, Mass. (Rept. No. 94–1171).

H.R. 3052. An act to amend section 512(b)(5) of the Internal Revenue Code of 1954 with respect to the tax treatment of the gain on the lapse of options to buy or sell securities (Rept. No. 94–1172).

H.R. 8656. An act to amend the Tariff Schedules of the United States in order to provide for the duty-free importation of loose glass prisms used in chandeliers and wall brackets (Rept. No. 94–1173).

H.R. 11321. An act to suspend until July 1, 1978, the duty on certain elbow prostheses if imported for charitable therapeutic use, or for free distribution, by certain public or private nonprofit institutions (Rept. No. 94–1174).

H.R. 12254. An act to suspend the duties on certain bicycle parts and accessories until the close of June 30, 1978 (Rept. No. 94–1175).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. LONG, from the Committee on Finance:

Thomas L. Lias, of Iowa to be an Assistant Secretary of Health, Education, and Welfare.

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

LEAVE OF ABSENCE

Mr. HATHAWAY. Mr. President, I ask unanimous consent, under rule V, that I be granted a leave of absence for 2 days, to attend the funeral of a friend in northern Maine.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

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

S. 3771. A bill to authorize and direct the Secretary of the Interior to convey the mineral interest of the United States to Oklahoma State University to certain lands in Oklahoma, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BENTSEN:

S. 3772. A bill to provide for the establishment and enforcement of security and accountability procedures necessary to protect weapons and munitions of the Department of Defense against theft and loss, and for other purposes. Referred to the Committee on Armed Services.

By Mr. BELLMON:

S. 3773. A bill to authorize the Secretary of the Army and the Secretary of the Interior to convey to the State of Oklahoma certain interests of the United States in and to Fort Gibson Dam and Reservoir Project. Referred, by unanimous consent, to the Committee on Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 3771. A bill to authorize and direct the Secretary of the Interior to convey the mineral interest of the United States to Oklahoma State University to certain lands in Oklahoma, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. BARTLETT. Mr. President, I am introducing for my colleague Mr. BELLMON and myself a bill to transfer to Oklahoma State University the mineral interests reserved by the United States in certain lands in the vicinity of Lake Blackwell, Okla.

In December 1954 the U.S. Government transferred to Oklahoma State University the surface and one-fourth of the mineral rights held by the United States at that time in the subject lands. The remaining three-fourths of the mineral rights were reserved by the United States.

The regents of the university desire to manage all of its properties in a coordinated and efficient manner. The property transfer accomplished by this bill would facilitate prudent management of these lands by the university and would enhance the timely development of any mineral resources which might underlie them.

Any revenues which might accrue to the university because of oil or gas development would, of course, be used to enhance the quality of higher education at the university, in Oklahoma, and in the United States.

The benefits which would result from the coordinated management and timely development of these lands will more than offset any potential revenue loss to the United States if the remaining, reserved mineral rights are retained.

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

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

S. 3771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey to Oklahoma State University, by patent or such other document as he deems appropriate, all interest in minerals reserved to the United States in the following described lands located in the State of Oklahoma:

(1) Township Eighteen North, Range One East of the Indian Base Meridian

Section Two: Northwest quarter, South half,

Section Three: Entire,

Section Four: Northeast quarter, Southwest quarter of the northwest quarter. All of lot four in the northwest quarter excepting a tract in the northwest corner of lot four more particularly described as follows: Commencing at the northwest corner thereof, about 26 rods to the east boundary of the tract owned by the M. E. Church; thence south along the east boundary of the church property 15 rods; thence west about 26 rods to the west line of said lot four; thence north 15 rods to the place of beginning, South half,

Section Nine: Northwest quarter,

Section Ten: North half, Southeast quarter,

Section Eleven: North half, Southeast quarter,

Section Twelve: West half, Southeast quarter;

(2) Township Nineteen North, Range One East of the Indian Base Meridian

Section Three: West half,

Section Four: Entire,

Section Five: Entire,

Section Six: Entire,

Section Seven: Entire,

Section Eight: Entire,

Section Nine: Entire,

Section Ten: West half,

Section Fifteen: A parcel of land in the northwest corner of the northeast quarter of the northwest quarter described as follows:

Beginning at the northwest corner, thence south 466.69 feet, thence east 466.69 feet, thence north 466.69 feet, thence west 466.69 feet to the point of beginning, containing five acres, more or less; Northwest quarter of northwest quarter,

Section Sixteen: Entire,

Section Seventeen: Entire,

Section Eighteen: Entire,

Section Nineteen: North half; Southwest quarter,

Section Twenty: Entire,

Section Twenty-one: Entire,

Section Twenty-two: West half,

Section Twenty-six: North half of northeast quarter, North twenty-one rods of the south half of the northeast quarter, Northwest quarters,

Section Twenty-seven: North half, Southeast quarter,
Section Twenty-eight: Northwest quarter,
Section Twenty-nine: North half except one acre in the northeast corner preserved for school purposes,
Section Thirty-two: Southwest quarter,
Section Thirty-four: Northeast quarter; South half,
Section Thirty-five: Northeast quarter;
(3) Township Eighteen North, Range Two East of the Indian Base Meridian
Section Seven: North half of southwest quarter;
(4) Township Nineteen North, Range One West of the Indian Base Meridian
Section One: Entire section except one acre in southwest corner,
Section Two: Northeast quarter, South half,
Section Three: South half,
Section Four: Southeast quarter,
Section Ten: North half,
Section Eleven: Entire, less twelve acres in the southwest corner thereof described as follows: Beginning at the southwest corner of section eleven; thence north along the section line 578.55 feet, thence east 903.5 feet; thence south 579.2 feet to the section line; thence west along the section line 903.5 feet to point of beginning, containing 148 acres, more or less,
Section Twelve: Entire,
Section Thirteen: North half, Southeast quarter,
Section Twenty-four: East half,
Section Twenty-five: North half of the north half of the northeast quarter;
(5) Township Twenty North, Range One East of the Indian Base Meridian
Section Thirty-one: South half of northwest quarter, South half.
Section Thirty-two: South half of northeast quarter, Northwest quarter; South half except one acre in square out of southeast corner of lot five for cemetery purpose,
Section Thirty-three: Lots one, two, three, four, six, seven, and eight of north half.

SEC. 2. Mineral exploration and development of the lands described in this Act shall be considered a use for public purpose as required in subsection (c), section 32, Title III, Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012(c)), as amended, if the funds derived from such exploration and development are used by Oklahoma State University for public purposes.

By Mr. BENTSEN:

S. 3772. A bill to provide for the establishment and enforcement of security and accountability procedures necessary to protect weapons and munitions of the Department of Defense against theft and loss, and for other purposes. Referred to the Committee on Armed Services.

Mr. BENTSEN. Mr. President, I am today introducing legislation which I believe is a much-needed and long overdue step toward meeting a problem of potentially wide-ranging and enormously serious dimensions, both internationally and domestically, but one of which all too few Americans are aware. I refer to the continuing incidence of losses, frequently through theft, of military weapons from U.S. facilities and the direct connection between those losses and clandestine operations abroad.

Mr. President, subcommittee hearings on this subject in the House of Representatives over the past 9 months have developed evidence which must be of concern to all of us. They illustrate that the Defense Department has lost 18,578 military weapons during the last decade; subsequent recoveries reduced the net loss of 10,604 weapons for that decade, although actual losses were probably much higher since losses were not always reported. In addition, substantial quantities of weapons were frequently written off as inventory errors without benefit of investigation to determine whether there had in fact been theft or loss.

Such losses may not seem substantial spread out over the course of a decade but it is striking to note that they are more than enough to equip 10 combat battalions. Of equal concern to me are the numbers of automatic rifles and machine guns that have been lost or stolen, weapons which clearly are of little interest to the ordinary citizen but are in great demand by foreign clandestine crime and guerrilla organizations.

I find it shocking, Mr. President, that during the 1960's the Defense Department played only a minor role in developing weapons security policy. During that period it was the individual military departments themselves who largely developed their own security programs, if they developed them at all. It was not until 1970 that the Department of Defense even began to be aware of the substantial losses of weapons from its inventories, losses that not only adversely affect our own preparedness but also strengthen the hands of those clandestine groups which obtain them. The Defense Department's establishment of the Physical Security Review Board was the first real effort to coordinate and improve weapons security policy. It is important to note that as a result there have been reductions in numbers of weapons stolen. Nevertheless, the problem remains with us—more than 9,000 weapons have disappeared since the Board was established, a figure which is still far too high.

One of the explanations seems to lie in the failure of the individual services to implement the Board's policies, a failure which the Defense Department itself has recognized and admitted.

In addition, the structure of responsibility within the Department of Defense for monitoring and obtaining compliance is fragmented and ambiguous.

Consequently, Mr. President, the legislation I am introducing today would establish in the Department of Defense a Weapons and Munitions Security Office to be headed by an Assistant Secretary of Defense, to be responsible for formulating coordinating, and supervising a continuing program of security and accountability for Department of Defense weapons and munitions. Immediately upon enactment of the act, a review of weapons security shall be undertaken to determine the effectiveness of existing policy and to develop new procedures for meeting weaknesses in that policy. In addition, the Assistant Secretary is given the critical mandate of conducting periodic inspections to determine the extent of compliance by the individual services with Department of Defense weapons security policies.

A second problem which has been divulged has been the failure to report all weapons losses. Indeed the services have tended all too frequently to follow the practice of chalking up weapons losses to inventory error with little or no investigation. In spite of repeated Department of Defense urging of the services to investigate all weapons losses, however, the practice has continued and its existence was confirmed by a General Accounting Office report as recently as July 1975.

Consequently my bill requires that a thorough investigation be conducted upon each loss of weapons and no loss may be ascribed to inventory error unless the Department demonstrates that its investigation has conclusively excluded the possibility of theft or loss. In addition, each military department is required to submit to the Assistant Secretary quarterly reports on implementation of weapons security regulations and a description of all losses and recoveries of weapons by that department during the preceding quarter. The Secretary of Defense shall submit a report to the Congress each year summarizing the weapons and munitions losses and the recoveries made by each military department during the preceding year.

Finally, my bill requires the Defense Department to cooperate with Federal law enforcement officials in efforts to identify and protect weapons and munitions against threats of destruction or theft and in recovering any loss through theft. This provision is to secure a measure of cooperation between military officers and law enforcement agencies which has not always existed in the past.

In addition to inadequate security, Mr. President, there is another aspect of this issue of great concern to me and that is the destination of these stolen weapons. Available evidence indicates that there are two major groups of recipients: one, illegal narcotics traffickers; two, revolutionary organizations in Latin America, especially Mexico.

It is incomprehensible to me that the Defense Department either denies or minimizes the whole problem of weapons losses but also seems only remotely concerned over their delivery into the hands of those illegal groups. Various Federal agencies, including the Drug Enforcement Administration and Customs Bureau, among others, have documented evidence of U.S. military weapons and aircraft being used by those engaged in the illegal drug trade in Latin America. Mexico is the primary target country. Since these are largely automatic weapons not available on the U.S. commercial market, the source of origin is clear—U.S. military installations.

One drug trafficker told authorities he was buying surplus U.S. military aircraft and selling them to foreign nationals. These nationals would then load them with stolen weapons and fly them to another country to exchange for narcotics.

And late last year evidence was collected pointing to the existence of a gun-smuggling ring stealing weapons from U.S. military installations, a ring with contacts who exchange arms for narcotics.

At a time when 90 percent of the heroin available in the United States

originates in Mexico, Mr. President, when heroin addiction among our Nation's youth continues to be one of our most urgent social problems, I do not believe we can afford to ignore the assistance provided drug smugglers by U.S. weapons. When I see evidence of smugglers flying monthly into the United States with planeloads of heroin and returning with planeloads of M–16 automatic rifles, Mr. President, I am convinced that our faulty weapons security policy is not only a threat to our security, it is—indirectly—a threat to our moral fiber as well.

Also of concern to me, but more difficult to document, is the ease with which stolen U.S. weapons can enter the hands of antigovernment guerrilla organizations in neighboring nations to the south. A recent spate of terrorist incidents in Mexico, in particular, underlines the existence of radical elements in that country which are clearly well armed and may have access to the same sources of arms supplies as those involved in the illegal drug trade. Indeed many terrorist, guerilla groups barter heroin, cocaine, and marihuana for weapons and munitions. For example, a large cache of stolen M–14's from the Midwestern United States was traded in Mexico for marihuana to a Mexico drug trafficker connected with a now deceased Mexican guerilla leader. Other cases document efforts to use a subversive organization in Mexico to obtain marihuana in exchange for automatic weapons.

It goes without saying that it is imperative to our national security to share our 2,000-mile-long southern border with a strong, stable, democratic neighbor. If stolen arms are being provided illegal, extremist, clandestine groups in Mexico, then it is a threat not only to the people of that country but also to the United States—and it is a threat which we must work together to solve.

Therefore, Mr. President, I am convinced that the legislation I am introducing today is one urgently needed step that will not only strengthen our own national security but that of our neighbors as well.

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

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

S. 3772

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 159 of title 10, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 2686. Weapons and munitions security and accountability procedures

"(a) There shall be established in the Department of Defense an office known as the Weapons and Munitions Security Office (in this section referred to as the 'Office'). The Office shall be responsible for formulating, coordinating, and supervising a continuing program of security and accountability for weapons and munitions of the Department of Defense. The Secretary of Defense shall designate an Assistant Secretary of Defense to serve as the head of the Office.

"(b) In carrying out the provisions of this section, the Assistant Secretary of Defense who is designated as head of the Office shall—

"(1) review all security and accountability procedures in effect on the date of enactment of this section with respect to weapons and munitions of the Department of Defense to determine whether such procedures provide effective accountability and physical security for such weapons and munitions wherever located, including, but not limited to, weapons and munitions in storage depots and weapons and munitions in transit;

"(2) modify such existing procedures or promulgate such new procedures as he deems necessary or appropriate to protect weapons and munitions of the Department of Defense against loss or theft and to provide for accurate and timely accountability for such weapons and munitions; and

"(3) conduct periodic inspections to determine the extent of compliance by the military departments with the security and accountability procedures applicable to weapons and munitions of the Department of Defense.

"(c) Whenever any military department suffers a loss of weapons or munitions, such department shall conduct a thorough investigation of such loss. In no case may a military department attribute a weapon or munition loss to inventory error unless such department demonstrates that its investigation has conclusively excluded the possibility of theft or loss.

"(d) Each military department shall submit to the Assistant Secretary of Defense designated as the head of the Office quarterly reports containing such information, as such Assistant Secretary shall prescribe, regarding security and accountability of all weapons and munitions under the jurisdiction of such military department. Such reports shall include, but shall not be limited to, a description of all losses and recoveries of weapons and munitions by such military department during the quarter for which the report is made.

"(e) The Secretary of Defense shall submit a report to the Congress each year summarizing the weapons and munitions losses suffered and the recoveries made by each military department during the preceding year.

"(f) The Secretary of Defense shall cooperate with Federal law enforcement officials in attempting to identify and protect weapons and munitions of the Department of Defense against threats of destruction or theft and in recovering any such weapons or munitions which have been lost or stolen.".

(b) The table of sections at the beginning of chapter 159 of such title is amended by adding at the end thereof.

"2686. Weapons and munitions security and accounting procedures.".

By Mr. BELLMON:

S. 3773. A bill to authorize the Secretary of the Army and the Secretary of the Interior to convey to the State of Oklahoma certain interests of the United States in and to Fort Gibson Dam and Reservoir Project. Referred by, by unanimous consent, to the Committee on Public Works.

Mr. BELLMON. Mr. President, today I am introducing a bill authorizing the transfer of certain elements of the Fort Gibson Reservoir in Oklahoma to State control. This reservoir was constructed by the Corps of Engineers and is now operated by the Interior Department.

Mr. President, the terms and purpose of this bill are not complicated. The bill provides authority for the Federal Government to negotiate with representatives of Oklahoma State government for the sale or transfer of Fort Gibson Reservoir to an agency of the State of Oklahoma. No price is set by the bill. The price is subject to negotiation.

The Fort Gibson Reservoir in Oklahoma represents a unique situation. In 1935, the Oklahoma State Legislature created the Grand River Dam Authority for the purpose of developing the water resources of the Grand River in Oklahoma. The first project, Pensacola Dam and Power Station, was completed in 1941. A second project, Markham Ferry—now known as Lake Hudson—was constructed in 1964.

The third site on the Grand River was taken over by the U.S. Corps of Engineers which constructed the Fort Gibson Dam and Power Station. The power generating elements of this project are now being operated by the Southwest Power Administration of the Department of Interior.

The principal purposes of the project are power generation, recreation flood control, and navigation. Under the terms of this legislation, the Corps of Engineers would continue management of the navigation and flood control operation of the project as is currently the case with Markham Ferry and Pensacola.

Mr. President, Congress and the administration have increasingly returned responsibilities and power to State and local governments. The transfer of the operation of Fort Gibson Reservoir in Oklahoma is another step in this direction. The successful negotiation of the transfer of this project to the appropriate State agency would serve as an example for other States to assume operations of similar projects which are now under Federal control.

Mr. President, it is anticipated that the terms of negotiation will protect the power requirements of the Southwest Power Administration's preference customers.

The U.S. Army Corps of Engineers is probably one of the world's finest construction teams. Throughout its history, it has carried on construction activities of a size and scope virtually unmatched by any other organization. The corps has accomplished its mission under extremely demanding and complex conditions. It has earned a reputation of excellence that is virtually unparalleled. It is not the intention of this legislation to in any way be critical of the corps or to lessen the corps' role as the principal construction agency of the U.S. Government for flood control, navigation, and similar projects.

There is some question, however, as to whether or not the housing chores associated with projects like Fort Gibson are a proper function of the corps. Once these projects are built, there is reason to believe that other entities can perform the day-to-day operational functions and coordinate nonflood control and nonnavigation functions more efficiently and effectively than an arm of the Federal Government.

Mr. President, the passage of this legislation will provide a means for determining whether or not it is necessary for the Corps of Engineers to continue in its present role both as the major con-

struction arm of the U.S. Government and a major housekeeper of projects once they are finished. In addition, it will provide a measure as to whether or not State agencies can perform the important management and housekeeping role with which the corps is presently saddled. I am convinced that the States can meet this responsibility and urge the prompt approval of this legislation.

Mr. President, I ask unanimous consent that this bill be referred to the Committee on Public Works.

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

ADDITIONAL COSPONSORS

S. 1593

At the request of Mr. CRANSTON, the Senator from New Hampshire (Mr. DURKIN) was added as a cosponsor of S. 1593, to amend the Public Health Service Act.

S. 2468

At the request of Mr. GARY HART, the Senator from Utah (Mr. Moss) was added as a cosponsor of S. 2468, to provide for certain payments to local governments based on the amount of certain public lands within their boundaries.

S. 3182

At the request of Mr. TAFT, the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 3182, a bill to amend the Occupational Safety and Health Act of 1970.

S. 3221

At the request of Mr. DOMENICI, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 3221, to issue a certain oil and gas lease to the Ballard E. Spencer Trust, Inc., New Mexico.

S. 3516

At the request of Mr. BENTSEN, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 3516, relating to the suspension of assistance to certain countries.

S. 3663

At the request of Mr. GARY HART, the Senator from Colorado (Mr. HASKELL) was added as a cosponsor of S. 3663, to amend the Federal Water Pollution Control Act.

S. 3750

At the request of Mr. BARTLETT, the Senator from Arizona (Mr. FANNIN) was added as a cosponsor of S. 3750, to amend the Walsh-Healey Act and the Contract Work Hours Standards Act.

AMENDMENT NO. 2114

At the request of Mr. TOWER, the Senator from New York (Mr. BUCKLEY) was added as a cosponsor of amendment No. 2114, intended to be proposed to S. 2304, a bill to strengthen the supervisory authority of the Federal banking agencies.

AMENDMENT NO. 2155

At the request of Mr. FANNIN, the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of amendment No. 2155, intended to be proposed to S. 2657, the education amendments of 1976.

AMENDMENT NO. 2219

At the request of Mr. MUSKIE, the Senator from Missouri (Mr. EAGLETON), the Senator from Indiana (Mr. BAYH), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of amendment No. 2219, intended to be proposed to H.R. 14846, the military construction authorization bill.

AMENDMENTS SUBMITTED FOR PRINTING

OUTER CONTINENTAL SHELF LANDS ACT AMENDMENTS OF 1976—S. 521

AMENDMENT NO. 2225

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

Mr. JACKSON. Mr. President, on July 30, 1975, the Senate passed S. 521, the Outer Continental Shelf Lands Act Amendments of 1976, by a vote of 67 to 19. On July 21 of this year, the House of Representatives passed its amendment to S. 521 by a vote of 247 to 140.

I have reviewed the House amendment which is very similar to the Senate bill in its general approach. I believe that the Senate should accept the House amendment with some further amendments. This approach will give us the greatest opportunity to make these much needed changes in the law this year.

I have introduced amendment No. 2225 which would make these changes. All of them are designed to move the House amendment somewhat closer to the Senate-passed bill. No new or nongermane matter is involved. They are consistent with the Coastal Zone Management Act Amendments of 1976, which became law on July 26.

I believe that, if these amendments were adopted by the Senate and accepted by the House of Representatives, the bill which Congress would be sending to the President would be a fair compromise of the differences between the two Houses.

The ad hoc Select Committee on the Outer Continental Shelf has reviewed these amendments and is prepared to accept them. I intend to bring S. 521 before the Senate as soon as possible.

I ask unanimous consent that my amendment, together with a brief explanation of its 14 provisions and an analysis of the differences between the Senate bill and the House amendment, be printed in the RECORD.

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

AMENDMENT NO. 2225

1. Page 17: Strike all of lines 21–25, and on page 18 strike all of lines 1–24, and on page 19 strike lines 1–7 and insert in lieu thereof:

"(b) Section 4(a)(2) of such Act is amended by redesignating paragraph (2) as (2)(A) and adding at the end of that paragraph the following:

"The determination and publication of the projected lines defining the area shall be completed within one year after the date of enactment of this sentence."

2. Page 22: On line 3 strike "findings, purposes, and".

3. Page 34: Strike all of line 25 and insert:

"(ii) If, during the first year following enactment of this subsection, the Secretary finds that compliance with the limitation set forth in clause (i) would unduly delay development of the oil and gas resources of the Outer Continental Shelf, he may exceed that limitation after he submits to the Senate and the House of Representatives a report stating his finding and the reasons therefor. If, in any other year following the date of enactment of".

4. Page 41: On line 5 strike "would" and insert in lieu thereof "may".

5. Page 47: Strike line 6 and insert in lieu thereof: "and gas accumulations. The Secretary shall, by regulation, specify the length of time during which he will seek such applicants.".

6. Page 47. After line 6 add the following new subsection:

"(h) The Secretary is authorized and directed to contract for exploratory drilling on geological structures which the Secretary, in his discretion, determines should be explored by the United States Government for national security or environmental reasons or for the purpose of expediting development in frontier areas. Such exploratory drilling shall not be done in areas included in the leasing program prepared pursuant to section 18 of this Act."

7. Page 58 Strike lines 12–20 and insert in lieu thereof: "in a balanced manner, consistent with the policies of this Act. If the recommendations from State Governors or Regional Advisory Boards conflict with each other, the Secretary shall accept any of those recommendations which he finds to be the most consistent with the national interest. If the Secretary finds that he cannot accept recommendations made pursuant to this subsection, he shall communicate, in writing, to such Governor or such Board the reasons for rejection of such recommendations. The Secretary's determination that recommendations are not consistent with the national security or the overriding national interest shall be final and shall not, alone, be a basis for invalidation of a proposed lease sale or a proposed development and production plan in any suit or judicial review pursuant to Section 23 of this Act, unless found to be arbitrary or capricious."

8. Page 61 Strike lines 23 and 24 and lines 1–10 on page 62 and insert in lieu thereof:

"(A) Except as provided in subparagraph (B), such regulations shall be developed by the Secretary with the concurrence of the Administrator of the Environmental Protection Agency, the Secretary of the Army, and the Secretary of the Department in which the Coast Guard is operating.

"(B) Regulations for occupational safety and health shall be developed with the concurrence of the Secretary of Labor."

9. Page 62. On line 15, strike "economically achievable,".

10. Page 65 On line 23, strike "twice" and insert "once".

11. Page 67 Strike lines 9–13 and insert in lieu thereof:

"(e) The Secretary, or, in the case of occupational safety and health, the Secretary of Labor, shall consider any allegation from any person of the existence of a violation of a safety regulation issued under this Act. The respective Secretary shall answer such allegation no later than 90 days after receipt thereof, stating whether or not such alleged violation exists and, if so, what action has been taken."

12. Page 70 On line 23, insert after "Act" the first time it occurs the following: "or common law".

13. Page 105 On line 15 insert "or" immediately before "(2)" and strike lines 17 and 18 and insert in lieu thereof: "tity)."

14. Page 128 Strike all of lines 23–25 and all of lines 1–15 on page 129. Also on page 2 strike "Sec. 406. Rule and regulation review."

EXPLANATION OF PROPOSED SENATE AMENDMENTS TO HOUSE AMENDMENT OF S. 521—OUTER CONTINENTAL SHELF LANDS ACT AMENDMENTS OF 1976

1. Applicability of State Law: The Senate bill did not change the existing law with respect to applicability of State law to OCS activity. Section 19(f) of the Deepwater Ports Act of 1974 (88 Stat. 2126) amended

Section 4 of the Outer Continental Shelf Lands Act to provide that current State law would apply. The House amendment would apply State civil law every five years. The proposed Senate amendment would delete this provision and thus maintain the status quo.

2. Clarification of Purpose of Regulations: The House amendment states the leasing regulations shall be "in furtherance of the findings, purposes, and policies of this Act." The Senate bill had no comparable provision. The proposed Senate amendment would delete the reference to "findings" and "purposes" in the House amendment.

3. Use of Alternative Leasing Systems: The Senate bill limits the use of cash bonus bidding to not more than 50% of the acreage offered in frontier areas. The House amendment put this requirement at 66⅔%. Both versions provide for exceptions after Congressional review. The proposed Senate amendment would adopt the House approach with one modification taken directly from the Senate bill. This would allow the Secretary, during the first year after enactment, to use cash bonus bidding for more than two-thirds of the areas offered for lease if he found that compliance with the limitation would unduly delay OCS oil and gas development.

4. Antitrust Review-Conforming Amendment: The House amendment added provisions for antitrust review of proposed leases, which were not in the Senate bill. These provisions were modeled on those in the Naval Petroleum Reserves Production Act of 1976 (P. L. 94–258) and the Federal Coal Leasing Amendments Act (P. L. 94–377).

Among other things, Section 205(b) of the House amendment requires the Secretary of the Interior to notify the Attorney General and the FTC 30 days before the issuance or extension of any proposed lease, and "(s)uch 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 such lease or extension *would* create or maintain a situation inconsistent with the antitrust laws" (emphasis added).

From a technical antitrust standpoint, the correct word is "may". The object of the antitrust section of the OCS bill is to permit the Justice Department and the Federal Trade Commission to challenge potentially anticompetitive leases before they are issued, i.e. in their incipiency. In this regard, the purpose is identical to that of section 7 of the Clayton Act, which prohibits corporate acquisitions "where . . . the effect of such acquisition *may* be substantially to lessen competition . . ." (emphasis added).

The Senate amendment simply substitutes "may" for "would".

5. Stratigraphic Drilling: In connection with oil and gas exploration on the OCS, the House amendment contains a provision (Sec. 206) which requires the Secretary "at least once in each frontier area" to "seek qualified applicants" to conduct geological explorations, including core and test drilling, in areas having the greatest likelihood of containing oil and gas. The Senate bill has no comparable requirement.

While this provision for possible on-structure stratigraphic drilling by private industry is reasonable, it appears desirable to set a specific limit on the length of time during which the Secretary must "seek qualified applicants." The proposed Senate amendment would authorize and direct the Secretary to set a specific deadline.

6. Federal Exploratory Drilling: The Senate bill (new Section 19) provides for a comprehensive OCS oil and gas information gathering program including requirements for detailed mapping and an experimental program of exploratory drilling under government contract. $500 million was authorized to be appropriated for such drilling. The House amendment has no comparable provision.

The proposed Senate amendment would provide for a scaled-down Federal exploratory drilling program to be carried out under contract with private industry. This would be limited to situations where the Secretary of the Interior, *in his discretion*, determined that government exploration was needed for national security or environmental reasons or to expedite development in frontier areas. Areas included in the five-year leasing program would be excluded from Federal exploration.

7. Judicial Review of Secretary's Rejection of Recommendations of Governors and Advisory Board Recommendations: Both the Senate bill and the House amendment provide for establishment of Regional OCS Advisory Boards, and require the Secretary to accept the recommendations of such Boards and of State Governors unless he determines such recommendations are not consistent with the national interest.

The Senate bill provided that the Secretary's determination of overriding national interest would be final unless determined in a judicial review to be arbitrary or capricious. The House amendment broadened the scope of judicial review of the Secretary's determination.

The proposed Senate amendment retains the House language but adds the original Senate limitation on judicial review of the overriding of a State Governor or Regional Board recommendations.

8. Development of Safety Regulations: The Senate bill provides for the safety regulations to be prepared by the Secretary of the Interior with the concurrence of the Environmental Protection Agency and the Coast Guard.

The House amendment splits up this responsibility. Regulations are to be developed by the Secretary (1) for protection of the environment with the EPA or the Secretary of Commerce (NOAA), (2) for the avoidance of navigational hazards, with the Army or Coast Guard, (3) for occupational safety and health with the Secretary of Labor (OSHA) or Coast Guard.

The proposed Senate amendment adopts the original Senate approach but specifies, as did the House amendment, that regulations relating to occupational safety and health will be developed with the concurrence of the Secretary of Labor.

9. Standard of Technology: The Senate bill provides that the Secretary's safety regulations must require use of the best available technology of all new OCS operations and, wherever practicable, on already existing operations.

The House amendment retained this provision but refers to best available and safest technology *"economically achievable"*. (emphasis added.)

The proposed Senate amendment would retain the House language except for the words "economically achievable". There is no need for this qualification with respect to existing operations where the "whenever practicable" test would apply. With respect to new operations, adding an "economically achievable" test could lead to use of less safe equipment in marginal development situations.

10. Inspection Frequency: The Senate bill requires the Secretary to provide for physical observation of OCS installations at least once a year. The House amendment provides for twice a year inspections.

The proposed Senate amendment adopts the original Senate requirement. This is a statutory minimum and does not preclude more frequent inspections where appropriate.

11. Response to Allegation of Violations: Both the Senate bill and the House amendment require the relevant official to consider any allegation of the existence of a violation of a safety regulation. The Senate bill specifically required that an allegation be answered within 90 days.

The proposed Senate amendment adds this requirement to the House amendment.

12. Citizen Suits—Clarifying Amendment: Both the Senate bill and the House amendment contain similar provisions relating to citizen suits to enforce the OCS law and regulations.

The proposed Senate amendment is a technical one. It is simply designed to assure that the provisions of the bill (new section 23) do not restrict any right to relief which anyone may have under common law.

13. Oil Spill Liability—Act of God Defense: The Senate bill contains an oil spill liability provision (new Section 23) modeled after the Trans-Alaska Pipeline Authorization Act of 1973 (Title II of P. L. 93–153) and the Deepwater Port Act of 1974 (P. L. 93–627).

The House amendment contains a more extensive provision (Title III) which applies to oil spills from any OCS facility, and any transportation device, including vessels, for delivery of oil or gas from such a facility. This Title is modeled after the Comprehensive Oil Pollution Liability and Compensation Act of 1975 proposed by the President on July 9, 1975.

The proposed Senate amendment would accept the House amendment with one change. The House amendment provides that a lessee is not liable for damage from an oil spill caused by "a natural phenomenon of an exceptional, inevitable, and irresistable character." The Senate amendment would eliminate this "secular act of God" defense which was not included in the Senate bill. The Senate took this approach in order to encourage OCS operators to make their installation as earthquake and hurricane proof as possible.

14. Congressional Veto of Regulations: The House amendment contains a provision (Section 406) providing for Congressional veto of any rule or regulation issued under the Act if either House of Congress passes a resolution of disapproval within 60 days after its adoption. The Senate bill has no such provision.

The proposed Senate amendment would delete Section 406 of the House amendment. The constitutionality of Congressional vetoes of Executive regulations is currently being litigated. In addition, there is general legislation on this subject currently pending in both Houses. Inclusion of a specific veto provision in S. 521 at this time is not appropriate.

DIFFERENCES BETWEEN S. 521—SENATE VERSION (S) AND HOUSE VERSION (H) (FORMERLY H.R. 6218)

TITLE I

1. Title—S. calls the bill "Outer Continental Shelf Management Act of 1975"; H. calls the bill "Outer Continental Shelf Lands Act Amendments of 1976".

2. Findings—Both versions have many of the same findings.

However, S. also has findings that it is a "national policy" to develop coastal zone resources and provide for energy facility siting; and that the Coastal Zone Management Act provides procedures to anticipate and prevent adverse impacts.

H. alone has findings requiring an updating of environmental and safety regulations; that states should be given timely access to information relating to the outer continental shelf; that states should have an opportunity to review and comment on decisions; that states should receive financial assistance to plan for and ameliorate OCS impacts; that funds should be made available to pay for the removal of oil spills and damages from oil spills; and that the federal government should minimize or eliminate conflicts between OCS exploitation and other uses, such as fishing and recreation.

3. Purposes—Both versions contain many of the same purposes.

However, H. alone provides that states should have timely access to information regarding OCS activities; that states should have an opportunity to review and comment on decisions; that conflicts between OCS and other resource recoveries should be minimized or eliminated; that states should receive financial assistance to plan for and ameliorate OCS impacts; that an oil spill liability fund should be established to pay for the prompt removal of oil spills and damages from oil spills; and that the resources of the OCS should be assessed at the earliest practicable time.

4. Sunshine in Government—(Should really be in Miscellaneous Section—Title IV)—H. alone contains a provision for filing of statements concerning the financial interests of employees of the Interior Department and reports to Congress on such statements.

TITLE II

5. National Policy—(Amending Section 3)

H. restates first two provisions of Section 3 of the OCSLA (maintained without change in S), providing for control of the subsoil and seabed of the OCS of the United States and preservation of the right to navigation and fishing of the waters above the OCS's high seas.

S. recognizes development of OCS resources will have significant impact on coastal zones, and H. states that such OCS activities will have significant impact on not just coastal areas, but on other affected areas of all states.

H. contains a provision for insuring safe operations in this section, while S. places the policy for safe operations in the section on safety regulations.

6. Leasing Programs (New section)—Both versions establish an OCS leasing program.

* H. limits as factors to be included in consideration and establishment of such program the laws, goals and policies of affected states and the policies and plans established pursuant to the Coastal Zone Management Act required to be considered as those specifically identified by the governors of the states.

H. also alone provides, as a consideration, recommendations and advice given by regional OCS boards and whether there will be sufficient resources, including equipment and capital, to provide for expeditious exploitation.

* S. provides that the timing and location of leasing should occur so that areas with the greatest potential for discovery of oil and gas are leased first, taking into account environmental and coastal zone impacts and national needs, while H. provides that timing and location should be based on a proper balance between environmental damage, discovery of oil and gas, and adverse impacts on the coastal zone.

S. version provides for estimates to be prepared in the leasing program for the $500 million exploration program authorized by that bill and H., not having that program, does not so provide.

S. alone includes detailed considerations of what is to be included in the EIS for the leasing program.

H. requires that the procedures to be established by regulation, in addition to those provided in S. version, include periodic consultation with governments, lessees and permittees, representatives of individuals or organizations involved in OCS activities, including fishing, recreation.

S. requires proposed leasing programs to be submitted to Congress and published in the Federal Register, while H. requires that it be submitted to Congress, the Attorney General, state and local governments and regional advisory boards, and other persons, and provides that the Attorney General is to submit comments on competitive aspects of the program and other organizations and states and local governments are to submit recommendations as to any aspect of the program within ninety days of publication.

H. alone specifically requires in addition that during the preparation of any program, the Secretary is to invite and consider suggestions from the governors and to submit the proposed program sixty days prior to formal proposal by publication in the Federal Register to the governors.

S. provides for approval by June 30, 1977 and no leasing unless in accordance with that program after that date, while H. provides for approval within 18 months of enactment and allows leasing to continue until the program is approved and/or under judicial or administrative review.

S. requires the program to be revised and reapproved at least annually, while H. requires review annually and reapproval as seen fit by the Secretary of the Interior.

Both H. and S. provide for the obtaining of information and reports from public sources, or by purchase from private sources, but S. provides that confidentiality is to remain for such period of time as agreed by the parties, while H. provides confidentiality for such period of time as provided specifically in the OCS Act, established by regulation, or agreed to by the parties.

7. Exploration/Information Program (Amended Section 11 and new Section).

* Exploration—S. alone authorizes any type of exploration and alone establishes a comprehensive "information-gathering program" concerning OCS resources, including government drilling, purchasing results of permitted drilling activities in a $500 million drilling program; S. alone also contains a provision for keeping and publishing a detailed set of maps and submitting to Congress a report on the information-gathering program.

* H. adopts, in an amended Section 11, the original language of the OCSLA giving the authority of any agency of the United States, or any person authorized by the Secretary, to conduct any type of geological or geophysical exploration; and adds a subsection requiring the Secretary to "seek qualified applicants to conduct geological explorations in areas of greatest likelihood of resources (onstructure drilling)."

Information—S. provides that all lessees or permittees are to provide all data and interpretations to the Secretary of the Interior while H. provides a lessee or permittee is to provide all information and interpretations as the Secretary requests.

H. alone adds provisions providing that an interpretation made in good faith eliminates any liability by the lessee or permittee based on reliance on that interpretation, and providing for processing and reproduction expenses to be paid by the Secretary.

* S. provides that the Secretary and any other person coming into possession of information is to insure confidentiality until the Secretary determines release would not "damage the competitive position of the lessee," while H. provides for the Secretary only to establish regulations to assure the confidentiality of information.

*H. limits transmittal of information to states to other persons unless the permittee or lessee agrees, but provides specifically that the governor of the state can designate an appropriate official to see any privileged or confidential information after a lease sale, that the state shall keep such information confidential and any provision of state law to the contrary is overruled, and that a state could be deprived of the right of access and transmittal if it violates confidentiality standards. S., on the other hand, provides for the Secretary to make available to the public and to various states all information that the Secretary himself obtains, or obtains by services contracts; and all other information which the Secretary obtains, provided that confidentiality is secured.

H. alone adds a provision that a copy of all relevant documents, reports, plans, EIS's, nominations are to be submitted to the states; that a summary of the data prepared by the Secretary and any other data processed or analyzed by the Secretary is to be submitted to the states, provided that it does not unduly damage the competitive position of the lessee or permittee.

S. has a provision that once an entire geological structure or trap is leased, the Secretary is to publish estimates of the amount of oil and gas contained therein, and also a separate section providing for certain planning information for the states to be supplied as soon as practicable after each lease sale, while H. provides for planning information to be prepared by the Secretary for the states to include estimates of reserves, size and timing of development, etc., and to be periodically transmitted to the states as soon as practicable after any information is received.

8. Safety Regulations—(New section)—S. contains a policy for safe operations, which H. puts in its amended section and establishing national policy.

S. provides for promulgation of all "safety regulations," while H. provides for the promulgation of safety regulations as to the construction and operation of any fixed structure and artificial island on the outer continental shelf.

*S. provides for the safety regulations to be prepared by the Secretary of the Interior with concurrence and advice of the EPA and Coast Guard; H. provides for the separation of responsibility—regulations are to be developed by the Secretary (1) for protection of the environment with the EPA or the Secretary of Commerce (NOAA), (2) for the avoidance of navigational hazards, with the Army or Coast Guard, (3) for occupational safety and health with the Secretary of Labor (OSHA) or Coast Guard. Both provisions provide for a *complete promulgation* of new regulations within one year after enactment and the continuation of existing regulations until that time (language has to be cleared up to make this explicit).

H. alone contains a provision providing for interim regulations to be prepared within sixty days by OSHA as to diving activities and any other unregulated hazardous working conditions.

*S. contains a provision requiring the best available technology, while H. provides for the best available and safest technology economically achievable.

H. alone contains provisions indicating that nothing should affect or duplicate the authority of the Secretary of Transportation as to pipelines, and providing for a compilation of all safety regulations to be prepared by the Secretary available to any person.

9. Research and Development—(New section)—S. contains an extensive provision for research and development programs, and H. does not. (Committee on Science and Technology of the House has passed an Outer Continental Shelf Research and Development Act, which is presently pending in the House Interior Committee, providing for a detailed R&D program as to the OCS, H.R. 11333.)

10. Safety Enforcement—(New section)—*S. provides for the Secretary of the Interior and the Coast Guard to enforce all regulations, while H. provides for the Secretary of the Interior and the Coast Guard to enforce safety and environmental regulations, and the Secretary of Interior and Secretary of Labor (OSHA) to enforce occupational and public health regulations.

H. alone also provides that enforcement shall be "strict."

*H. provides for joint responsibility by holders of leases or permits with an employer

or subcontractor for all safeguards in accordance with regulations.

S. provides for physical observation once a year, while H. provides for it twice a year.

Both versions provide for periodic on-site surprise inspection, but requires on-site inspections as to permittees, and not just as to lessee, as limited in S.

H. alone requires an investigation and report on any death or serious injury by the Secretary of Labor (OSHA).

Both versions provide that the relevant agencies are to consider any allegation as to safety violations, but S. requires the Secretary to answer an allegation within ninety days.

H. alone contains a provision requiring the annual report to contain a listing of the number of safety regulations violations reported or alleged, investigations undertaken, the results of the investigations, and any other action taken in response.

H. alone has a provision providing that after notice and hearing, the Secretary is to cancel a lease, without compensation, where there has been a failure to comply with safety regulations in a repeated course of conduct, or there is an overall pattern of failure to comply with regulations to assure maximum efficient and safe development of leases.

*11. Oil Spill Fund—S. contains a new but limited section on oil spill liability, while H. contains a very extensive Title establishing liability and a pollution fund.

Specifically, H. applies to OCS facilities and vessels transporting OCS oil, while S. is limited to OCS facilities.

H. alone contains a provision prohibiting the discharge of oil in quantities determined to be harmful under the Federal Water Pollution Control Act.

Both versions contain provisions for the person in charge to report a spill, penalties for failure to report, and limitations on the effects of notification on any subsequent criminal prosecution.

S. provides for liability for all clean-up and damages up to $22 million and a fund thereafter, while H. provides for liability for damages up to $35 million and unlimited clean-up.

*H. alone specifically provides that liability limits do not apply to damages resulting from gross negligence, willful misconduct, or violation of applicable standards or regulations. S. provides that liability is not to be imposed for spills as a result of acts of war, negligence by a government agency, or the negligence or intentional act of the claimant, while H. provides that liability does not apply to spills as a result of acts of war, negligence or intentional acts of the damaged, or any third party, including the government, or an act of God (a natural phenomenon, of an exceptional, inevitable and irresistible character).

Both versions provide for subrogation, but H. specifically provides for the right to go against the person who damages or injures. H. contains a provision providing for the limitation of liability to a citizen of a foreign country unless there is a treaty or executive agreement or the Secretary of State, or the Attorney General certifies that there is a similar remedy in that country.

H. also alone provides for interests upon claims.

S's fund is to be within the Department of the Interior, to be financed by 2½ cents per barrel charge, until $200 million has been accumulated, while H's fund is to be administered by the Department of Transportation, on the basis of a three cent per barrel fee, until $100 to $200 million is established in the fund, and H. provides for the ability to borrow up to $500 million in addition.

H. specifically details the duties and powers of the fund, the recoverable damages, the specific disbursements available from the fund and its revolving account, the claims procedure, none of which are specifically detailed in S.

S. provides for removal of discharged oil by the Coast Guard; while H. provides for arrangements to be established by the President.

H. alone provides that claims can be brought directly against the Fund or Spiller, allows the President to adjust the requirements of liability, and provides that states cannot require additional evidence of financial responsibility in addition to those required.

H. alone provides that the President or his representative is to act as a trustee of the natural resources so as to recover for damages to the natural resources from a spill, and alone specifically provides procedures for judicial review; for class actions; for representation of the class by the Attorney General, or if he does not act, by the Secretary of Transportation; for acecss to records by the Secretary; for limited public access to information; and for an annual report.

H. specifically provides for appropriations of $10 million for 1977, $5 million for 1978, and $5 million for 1979, in accordance with appropriation acts each year, while S. contains a general authorization provision.

While both S. and H. provide that this act should not preempt a state from imposing additional requirements or liabiltiy for discharge, H. provides that a person who receives compensation from one fund should not be able to receive compensation from another fund.

12. Citizens Suits—(New section)—*S. provides that any person having interest which "is or may be" adversely affected can sue, while H. provides that any person having interest "which is or can be" adversely affected can sue.

S. alone provides specifically that one can sue a government instrumentality, "to the extent permitted by the Eleventh Amendment."

S. provides for suits against the Secretary, while H. provides for suits against any federal official involved in safety regulation and enforcement. Similarly, S. precludes suits if the Secretary is diligently prosecuting a civil suit on the same matter, while H. provides a limitation if the relevant official or the Attorney General is undertaking such litigation.

S. provides for sixty day notice unless there is an imminent threat to the health or safety "of the plaintiff" while H. provides sixty-day notice unless there is an imminent threat to the "public health or safety."

*S. provides that the citizens suits provision does not in any way limit the ability to sue under any other law while H. provides that some of the judicial review procedures as to certain activities do limit the way one can sue under other laws, except for NEPA.

Both versions provide for a right of judicial review to the D.C. court of appeals of a leasing program, providing challengers participate in relevant administrative procedures, but H. provides that this is the exclusive method of review, and is excluded from citizens suits.

Both versions provide that review of a development and production plan is to be in a court of appeals where an affected state is located, after suitable administrative proceedings, but H. provides this should be the exclusive way to review a development and production plan.

H. also provides for judicial review in a court of appeals of an affected state of an exploration plan (an exploration plan is not included as part of the requirements of the Senate bill).

*S. provides that judicial review of the holding of a specific lease sale is to be reviewed by a United States Court of Appeals, while H. specifically excludes a lease sale from judicial review, thus including it as an event that can be challenged in a citizens suit in the district court.

H. specifically provides, as in the original OCS Act but in a different section (and thus retained in S.), for jurisdiction in the district courts as to court actions, also alone provides for expedited consideration and specifically that this section not to affect any procedures or actions under NEPA.

13. Annual Reports/Promotion of Competition (amended section 15, and a new S. section)—Both versions provide for an annual report, which H. alone including in the report a list of all shut-in wells, and S. alone including a summary of grants made from the impact fund.

Both versions require a report on competition. S. provides in a separate section for a report within one year after enactment, via the Secretary, while H. provides for it to be included in the annual report by the Secretary after consultation with the Attorney General and includes within the report an evaluation of restrictions on joint bidding and their effectiveness.

14. Enforcement/Remedies (New Section)—Both versions provide for the relevant agencies to sue to enjoin or restrain activities, while discretion is granted to do so in S. for violations or implementation while H. provides "it shall be done."

S. provides for penalties of $5,000 for each and every day while H. provides for $10,000 each and every day, and there are minor differences between H. and S. in the criminal provisions.

15. Baseline and Monitoring Studies—Both versions provide for baseline studies to be undertaken by NOAA, in cooperation with the Secretary of the Interior.

H. alone specifically provides that the study is to be commenced within six months for any area where there has already been a lease sale, and no later than six months prior to the holding of a lease sale for any area to be included in a lease sale, and that the Secretary of Commerce is to complete such study and submit it to the Secretary prior to final approval of a D&P plan, that failure to complete a study should not ordinarily be a basis to preclude approval unless the Secretary finds it necessary to do so.

Both versions provide for monitoring after a baseline study, but H. alone provides that additional studies can be undertaken after the development and production is approved to establish baseline information.

H. alone specifically provides that existing information from other agencies as to EIS's or other studies are to be utilized and not repeated, that the Secretary of Commerce is to submit to the Secretary of the Interior and to Commerce and make available to the general public, an assessment of the cumulative effect of activities on the environment.

16. Environmental Impact Statement—S. specifically details what is to be included in any environmental impact statement, while H. did not include it, as it did not want to interfere with the discretion granted in NEPA.

17. Regional Board (New Section)—Both versions provide for Regional Boards to be established, to include representatives from the relevant federal agencies (H. adds as a relevant agency, OSHA) and provides recommendations are to be accepted, if submitted within 60 days, from a state or a Regional Board, unless overridden in the national interest.

*H. Specifically defines national interest as consistent with obtaining oil and gas supplies in a balanced manner, and provides procedures if recommendations from different governors or boards conflict.

S. alone specifically provides that the Secretary's determination, after receiving such recommendations, shall be final unless determined to be arbitrary or capricious (this may be in conflict with S's general provision providing that on judicial review the stand-

ard is to be substantial evidence based on the record considered as a whole).

18. Planning Information (New Section—separate for S; in H's information section)—Both versions provide for planning information to be prepared, S. provides it to be forwarded to the States after each lease sale while H provides that the summary of data is to be available as soon as information is received periodically.

19. Limitations on Export—Both provisions provide for limitations on export in the same manner.

*20. Restriction on Employment—H. alone contains a provision that limits the ability of an employee or an officer of the Department of the Interior, above GS–16, to work within two years for any company subject to regulation by the Interior Department.

21. Lease Terms (amended Section 5)—Both bills revise the various bidding systems with certain minor differences. S. provides minimum royalty of 16⅔, while H. provides a minimum royalty of 12½ percent; S. provides a minimum net profit share of 60 percent while H. provides a minimum net profit share of 30 percent; for percentage leasing systems, S. provides for bids on the basis of highest price per share, while H. provides for averaging of bid shares; S. provides for a work program bid, based on specific activities to be undertaken, while H does not include such a bidding option; S. provides for a bidding system with matching exploration grants to accompany bids on the cash bonus system where H. does not contain this provision.

Both versions allow deferment of any cash bonus, but S. allows deferring to be for three years while H. allows it to be for five years. H. alone allows decreasing royalty or net profit share to promote increased production.

Both S. and H. provide for an evaluation of net profit share, but S. requires that a net profit share be determined individually for each lease area, while H. allows it to be done generally by regulation.

As to the percentage leasing system, both provide that the United States is a nonvoting party to any joint working group, but H. alone describes detailed procedures for averaging out the bids, and offering additional percentages.

S. provides generally that the systems are to be used to accomplish the objectives of the Act, while H. provides detailed considerations for use of bidding systems.

H. alone allows more than one bidding system to be used in a particular lease area.

S. provides for 50 percent of new leasing systems to be utilized in frontier areas unless the Secretary decides not to use 50 percent and neither House disapproves that decision while H. provides for 33⅓ percentage use of new systems which can only be overridden by the Secretary if one House approves, pursuant to an expedited procedure.

*S. also alone contains a specific provision requiring that one of the percentage leasing systems, and one other new system, must be utilized in sales in undeveloped areas in the next two years.

H. specifically requires a report to be prepared by the Secretary as to the use of the bidding systems, detailing all the information to be required and evaluation of effectiveness.

*S. does not allow joint bids under the percentage leasing while H. has a more detailed procedure as to limitations on all joint bidding, of 1.6 million barrels or less a year, pursuant to regulation.

*S. provides for leases to cover whole areas containing geological structures or traps to the maximum extent practicable, or a reasonable economic unit while H. provides for tracts of 5,760 acres, unless the Secretary wants a larger area so as to comprise a reasonable economic and production unit.

S. provides for a lease of five years, or to encourage exploration in deep water adverse weather conditions, for ten years, while H. provides for a lease of five years, and capability, if a provision is in the original lease, to extend for five additional years in areas of unusually deep water or adverse weather conditions.

S. specifically requires a provision in the lease describing the ability of the Secretary to require increased production, while H. does not contain such provisions (as is this is already authorized by Energy Act).

*H. alone provides that the lease shall contain a provision detailing that it can be suspended or cancelled in apporpriate circumstances as detailed in the Act, and that a lease is conditioned upon satisfaction of due diligence requirements.

*H. provides that a lease is not to be issued or extended for five additional years until notification is given to the Attorney General or the FTC who can say that granting the lease or extension would maintain a situation inconsistent with the antitrust laws. In such a situation, the Secretary is to hold a hearing to balance the infringement on competition against the overall benefit to the public.

*H. also alone contains a provision, providing that no lease is to be issued or extended if there is a finding that a lessee is not meeting due diligence requirements on other leases.

*H. alone contains a provision providing for joint leasing in areas within three miles of a seaward boundary of a coastal state and for resolutions of disputes as to resources that might be in both federal and state waters.

22. Royalty Oil and Gas (New Section)—Both versions allow oil and gas to be taken in kind, as a royalty, but H. specifically states that net profit share can be taken in oil and gas.

Both allow 16⅔ percent by volume of hydrocarbons to be purchased by the United States, but H. provides that the government can only purchase that amount if the, and to the extent that, the royalty or net profit share is not 16⅔.

H. specifically provides that title to the royalty or net profit share purchased oil and gas can be transferred to other federal agencies.

Both versions provide for disposition of federal royalty oil on the basis of competitive bidding, but H. alone specifically provides that if there is a regulated price, or a required allocation, it is to be in accordance with those regulatory provisions.

*S. provides that participation in sales can be limited to an "independent refiners", while H. provides that participation can be limited to "small refiners" defined in the section as those companies so designated by the Small Business Administration.

Both provisions provide for disposition of federal royalty gas to the highest bidder and allow limitations so as to have it to needy regional geographic areas, but H. specifically provides that this is to be in accordance with, and not in conflict with, the regulated price or allocation procedures established by the FTC and other agencies.

23. Development of Production Plans (New Section)—Both versions provide for development and production plans.

S. provides for plans to be prepared by all lessees prior to development and production, while H. requires to be prepared by lessees only in those regions where there is no development prior to January 1, 1975.

S. provides for the plan itself to contain information about offshore activities and onshore impact, while H. provides for the plan only to involve offshore activities and a statement of information to be prepared as onshore impact. H. alone specifically provides that the Secretary is to forward, within 10 days of receipt, the plan and statement to the governor and make it available to the public.

S. provides that the plan is to contain a commitment to produce at a maximum efficient rate, with the ability to secure a waiver from the Secretary; while H. provides that production is to be in accordance with rules and orders as established by law, and if no rule or order is established at a rate to be set by the Secretary to assure "maximum rate of production which is efficient and safe."

*H. alone specifically requires a finding by the Secretary as to whether the development and production in an area is a major federal action, requiring NEPA procedures, and requires the Secretary to declare that a lease sale, at least once prior to major development in any area where there has not been development, to be a major federal action.

S. provides that the Secretary determine and tentatively approve a plan and transmit it to states with all other information and that a lessee can proceed with development based on such tentative approval. H. provides for no such tentative approval.

If NEPA does not apply, H. provides for comments to be forwarded within 90 days by a governor or any other person to the Secretary and for the Secretary to approve or disapprove a plan within 120 days after receiving all the comments. While S. provides for public hearings 60 days prior to approval or disapproval of a plan with sufficient opportunity to participate, and states no particular time period for decision.

H. specifically details that if development is a major federal action, a draft EIS is to be sent to the governors, regional boards, and other affected persons for review and comment and that after the final environmental impact statement is prepared the Secretary must act within 60 days, while S. provides merely that the plan is to be made available to the general public not less than 60 days prior to any public hearing.

Both versions allow the Secretary to require modifications of a plan if they don't insure safe operations but S. provides that no modification is to be included if it is inconsistent with the valid exercise of authority by the state or subdivision while H. did not contain such a provision because the H. D&P plan, by definition, has only to do with offshore operations.

Both versions detail procedures for disapproval of a plan and H. contains a provision that disapproval can be had without compensation, if it is not consistent with the Coastal Zone Management Act.

H. alone specifically contains a provision that disapproval means that a lease is to be extended for five years, that new plans can be requested and that if disapproval occurs, and five years later there is still no action on the lease, and no new plan approved, the lease is to be cancelled and a certain stipulated cancellation compensation is to be paid.

Both provisions provide for periodic review of a plan and possible revisions. S. specifically provides the situations where revisions will be allowed when requested by the lessee, while H. provides so long as the revision is not inconsistent with the Act it should be accepted.

Both versions provide that failure to comply with the approved plan shall terminate the lease, but H. alone provides that failure to submit a plan in accordance with regulations shall also terminate the lease, and specifically provides the right to a hearing and judicial review, and states that failure to comply with the plan would not entitle a lessee to compensation.

S. provides that lessees are to design and implement a program to obtain maximum efficient rates of production; while H. does not contain such a provision as the requirement is in the Energy Act.

H. alone contains a provision that allows a development and production plan to be submitted to not just the Secretary of the Interior but also to the FPC and the FPC

to approve those portions having to do with transportation of natural gas.

24. Exploration (amended Section 11)—S. provides for a $500,000,000 exploration program, and does not allow any type of exploration unless there is a permit issued by the Secretary. H. provides for no such program, but does require applicants to be sought for on structure drilling, and allows any agency of the United States and any person to conduct exploration either by permit or pursuant to regulation.

S. separates out the confidentiality requirements as to permittees and provides that all information is to be given to the Secretary and confidentiality is to be maintained until there is a lease sale, or until it would not effect the competitive position of the permittee, while H. provides for the same procedures as to confidentiality for lessees and permittees, grants access after a lease sale to any information by a state representative and precludes transmission unless consented to by the permittee or lessee.

H. contains a provision requiring an exploration plan to be prepared by the lessee which would detail work to be done and also have attached a statement of information as to onshore impact. Such plans would be reviewed by the Secretary and could be modified. Disapproval could only occur under certain circumstances which would allow cancellation under a newly amended section 5.

25. Administration (amended Section 5)—S. retains the original language of the OCS Lands Act as to authority to issue regulations, while H. grants broader authority to prescribe regulations, including as part, the original language of the OCS Lands Act.

*H. alone provides that regulations are to be applicable to any lease issued or maintained under the Act, requires such regulations to be prepared in cooperation with relevant agencies, and as to competition, requires consultation with the Attorney General.

H. also alone specifically provides procedures for the suspension and temporary prohibition of an activity; for cancellation of a lease or permit for environmental reasons, after a five year suspension and with compensation, and details regulations to be included to implement certain requirements of the Act.

H. also includes provisions noting that issuance or continuance of a lease is to be dependent upon compliance with the regulations (as in the original OCS Lands Act and thus retaining in S.); provides that a lease can be cancelled for failure to comply with the Act, if a lease is producing, or if the lease is nonproducing, reincludes the provisions as to rights of way through submerged lands (all as in the original OCSLA and thus retained in S.).

26. Definitions (amended Section 2)—Both versions include many new definitions, but H. alone includes a new definition of lease to include "any form of authorization," does not include "coastal state", but does add a definition for "affected state" which is to comment on particular activities and programs. S. and H. both provide definitions for marine and coastal environment but H. alone adds a definition of human environment relating to the social infrastructure and adds definitions for governor, antitrust law, fair market value, and major federal action, while S. alone defines "maximum efficient rate of production".

27. Laws Applicable (amended section 4)—H. contains a provision changing certain terms to be consistent with the Geneva Convention, providing for an updating of applicable state criminal law as they are enacted and state civil laws every five years, requiring the President to determine within one year boundaries between states and to seek to resolve international boundary disputes, and requiring the Coast Guard to mark navigational hazards when the owner has failed to so mark, rather than as an existing law (and thus in S.) merely authorizing it to so mark.

TITLE III

28. Miscellaneous Provisions—S. contains and H. does not, a provision for a pipeline safety and operations, study and report within one year.

Both versions contain provisions for review of shut-in or flaring wells, and for a review and revision of delinquent royalty payments. H. alone contains a new provision providing for the ability of a natural gas distributing company to have any gas found on a lease which it owns to be sent back to its service area, adds provisions prohibiting discrimination and requiring affirmative action, and requiring all rules and regulations to be submitted to Congress and to be capable of being disapproved by either House of Congress within 60 days. Both versions indicate that the Act is not to repeal any provisions above the laws, unless expressly provided, and S. alone has a severability clause.

29. Funding—S. contains a provision amending the Mining and Mineral Policy Act giving 22½ percent more money to the states, and amending the Coastal Zone Management Act providing for a coastal facility impact program to pay for OCS and energy facility siting impact—both of which are not contained in the House version.

30. Other Miscellaneous Provisions—S. alone contains provisions limiting the ability of the FEA to stop new retail gas outlets, limiting the ability of the Administrator of the FEA to reduce the allocation of retail gasoline sales, requiring the FEA to submit reports about its oil entitlement program and the regional impact of such program, requiring the Secretary of the Interior to submit a comprehensive plan for effective and efficient use of royalty natural gas to meet emergency shortages of natural gas.

EDUCATION AMENDMENTS OF 1976—S. 2657

AMENDMENT NO. 2226

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

AMENDMENTS TO S. 2657, THE HIGHER EDUCATION ACT OF 1965

Mr. PERCY. Mr. President, on behalf of Senator NUNN and myself, I send to the desk an amendment to S. 2657 that should improve the student loan program by establishing criminal penalties to deal with those who have been abusing the program for years.

Last fall, the Senate Permanent Subcommittee on Investigations, under the able leadership of Senator SAM NUNN of Georgia, held a series of hearings on the administration of the Federal student loan program and turned up substantial evidence of fraud, abuse and bribery. Senator NUNN, to whom the survival of this program is of great importance and who shares my concern for the students participating in it, found as I did, that the present program is flawed.

A most helpful synopsis of the problems in the program can be seen in the testimony of John Walsh, who conducted the subcommitte's inquiry into West Coast Schools of Los Angeles. I ask to have his testimony printed at the close of my remarks and following the printing of the amendment itself. Mr. Walsh has recently become Director of the Office of Investigations in the Department of Health, Education and Welfare. I am hopeful that, with his addition, HEW can begin to aggressively pursue the kinds of fraud and abuse he uncovered as an investigator for our subcommittee.

The student loan program is flawed in that there are no criminal penalties provided in the Higher Education and Vocational Education Acts for the kinds of nefarious activities the subcommittee encountered. And, while some of the activities—such as bribery of a Federal official—are covered elsewhere in Federal law, I believe that the absence of adequate penalties within the enabling legislation invites the kinds of abuses disclosed during our public sessions.

There is no doubt in my mind that those who abuse this worthy program for their own financial gain at the expense of needy students and Federal taxpayers are committing no less a crime than someone who robs a bank or cheat on his income tax. Bank robbers and tax cheaters go to jail. Those who seek to unconscionably exploit this program should know that they, too, can find themselves behind bars. We must make vivid the fear of a jail term in the minds of those who contemplate defrauding the students who depend on this program for a better life, and the taxpayers whose interests must be more aggressively protected.

We heard testimony under oath from former employees of West Coast Schools in Los Angeles that they had delivered money on several occasions to an official with the Office of Education in San Francisco for the purpose of insuring that this official authorized Federal grants to West Coast Schools. The program officer, subpenaed before the subcommittee, resigned from the Office of Education on the eve of our hearings. Although the U.S. attorney in Los Angeles has investigated, to date there has been no indictment on this matter. If an antibribery provision were in the Vocational Education Act, Federal law enforcement authorities might well have acted by now.

The revision that I advocate would specifically forbid under this act any payment to a U.S. Government employee in return for which grants or loans are to be made. Violators would be criminally liable and subject to a fine up to $10,000 and/or imprisonment for up to 5 years.

This amendment would also provide criminal penalties for persons who knowingly and willfully provide false information or conceal material information in seeking accreditation as a school eligible for participation in the loan program. Thus, for example, the administrator of a fringe school will think twice before telling the Office of Education that a faculty member has an advanced degree if he does not.

False representations regarding courses offered, facilities available, and the capital structure of a school would also be punishable with a criminal penalty. Such penalties could also be imposed on a school operator who represents to an accrediting organization that certain persons are members of its board of trustees or otherwise serve the institution when that is not the fact.

The operators of a school would like-

wise be inhibited from concealing from the Office of Education the fact that any financial backers have underworld or other unsavory connections. In fact, this amendment can be expected to help keep such elements out of the education business. As we learned during our hearings on West Coast Schools, such characters are all too present at some educational facilities enjoying Federal favor.

For example, Fred Peters, the man who ran West Coast Schools, once faked his own murder, apparently to escape paying alimony to his first wife. After his clothes and bloodstains were found, she tried to collect on his life insurance. State police in Texas, where the alleged murder took place, discovered that Peters had not been killed. This same Peters operated under a false identity for years after that event, and, in fact, filed a passport application in that name. It was only because of the work of the Permanent Investigations Subcommittee on West Coast Schools that his true name—Fred Braneff—was discovered and a Federal arrest warrant was issued for him.

This is the man with whom the Office of Education did business for more than 2 years. Had it only known about his past, as this amendment would require, presumably things might be different today.

Another proposal would allow the courts to sentence to jail school operators who sell student loan notes to other lending institutions under false pretenses or without having informed such groups of material information relevant to the assignment. West Coast Schools officials neglected to tell a credit union in Texas which bought $1 million in federally insured West Coast School notes that they had closed the school down a year before the sales of the notes.

This amendment would also establish criminal penalties for an unlawful payment to a lender as an inducement to make assignment of an insured loan. As the West Coast Schools investigation showed, "commissions" were frequently paid by that institution to encourage the sale of its student loan notes to banks and credit unions. Such financial manipulation is contrary to the objectives of this act.

Another provision would apply criminal penalties to anyone who, with intent to defraud the United States, or to prevent the United States from enforcing any right obtained by subrogation, knowingly and willfully destroys or conceals relevant material involving an application for, or processing of, a federally insured student loan. This would make school administrators think twice before hiding relevant student attendance and financial records. Once again, the West Coast School case provides an example of how that can happen. As the school comptroller told the subcommittee, he was directed to hide student attendance records in his garage, so that auditors would not know how many students had dropped out and were consequently due refunds.

Finally, this amendment would impose criminal penalties for the operator of any school in the program who commingles Federal student loan grant funds with general operating revenues. The West Coast Schools case demonstrated that school administrators can now commingle Federal funds with their own at will. As testimony made clear, West Coast officials took $1.2 million in Federal grant funds and stashed it away in numerous private accounts. Federal investigators are still trying to trace some of that money. Without a commingling restriction, there is little to stop unscrupulous school administrators from successfully siphoning off grant funds for personal use, thus depriving the students most in need of Federal funds intended for their education.

These provisions are designed to discourage the kinds of abuses that the subcommittee uncovered in the course of its hearings.

Mr. President, I believe that the amendment is needed to counter the unwillingness of the Office of Education to face the fact that there are inveterate hucksters in the field of education, just as there are in medicine, used car sales, and just about any other facet of commerce as well as politics.

To allow such fly-by-night operators to continue to abuse this noble program with impunity is for the Congress, in effect, to condone such illicit activity. Senator NUNN and I previously have written to Senator PELL, the distinguished chairman of the Education Subcommittee, offering proposals for establishment of criminal penalties within this act. Senators PELL and JAVITS are to be commended for their outstanding leadership and concern for the education of all Americans. They accepted many of the proposals which we offered. The subcommittee, for whatever its reasons, chose not to include the criminal penalties that we proposed. I ask that a copy of our letter be printed in the RECORD at the conclusion of my remarks.

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

Mr. PERCY. Mr. President, House Minority Whip BOB MICHEL of Illinois whom I have long admired for his work in this area, has been a leader in the effort to establish criminal penalties for many of the wrongs I have cited. Largely because of his diligence, the House approved a series of amendments which fix penalties for a number of activities affecting the student loan program. I ask permission to include in the RECORD, following my statement, Representative MICHEL's explanation of the reasons behind his Student Aid Abuse Act proposal. The amendment I present today is designed to cure specific problems presented to the Investigations Subcommittee during its hearings. In the House bill, criminal penalties are proposed for a number of additional activities which were not explicitly addressed in the inquiry and hearings of the Permanent Subcommittee on Investigations. They are, therefore, not included in the amendment we are offering today. It is my hope, however, that when this bill gets to conference, the conferees give serious consideration to the merits of these additional House provisions, the need for which Congressman MICHEL has well-documented.

Together with Senator NUNN, I offer this amendment to correct a bad situation and to assure that the student loan program is afforded every opportunity for enhanced success.

I ask unanimous consent that the amendment be printed in the RECORD.

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

AMENDMENT NO. 2226

On page 130, between lines 13 and 14, insert the following:

(c) Subpart 2 of part A of title IV of the Act is amended by adding at the end thereof the following new section:

"CRIMINAL PENALTY FOR UNLAWFUL PAYMENT

"SEC. 413E. Any person who makes an unlawful payment to an officer or employee of the United States to obtain funds for supplemental grants under this subpart, and any officer or employee of the United States who accepts any such unlawful payment, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 5 years, or both.".

On page 163, after line 24, insert the following:

(n) Part B of title IV of the Act is amended by inserting immediately after section 439 the following new section:

"CRIMINAL PENALTIES

"SEC. 440. (a) Any person who knowingly and willfully makes any false statement, furnishes any false information, or conceals any material information in connection with an application for accreditation by a nationally recognized accrediting agency or association, or for a finding by the Commission under section 435 (b) (4) (A) or (B), for the purpose of qualifying an educational institution as an eligible institution under this part shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than five years, or both.

"(b) Any person who knowingly and willfully makes any false statement to, furnishes any false information to, or conceals any material information in connection with the assignment of a loan, which is insured under this part, to another eligible lender, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than five years, or both.

"(c) Any person who makes an unlawful payment to an eligible lender as an inducement to make, or to acquire by assignment, a loan insured under this part shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than five years, or both.

"(d) Any person who knowingly and willfully destroys any application for a loan which is insured under this part, any application for insurance of a loan under this part, or destroys or conceals any other record relating to the making or insuring of loans under this part with intent to defraud the United States or to prevent the United States from enforcing any right obtained by subrogation under this part, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than five years, or both.".

On page 175, line 4, strike out "section" and insert in lieu thereof "sections".

On page 176, line 23, strike out the quotation marks and the period the second time it appears.

On page 176, after line 23, insert the following:

" 'SEGREGATION OF FUNDS

" 'SEC. 498 C. (a) Any person who receives funds under the provisions of this title for the making of grants or loans as provided in this title shall be deemed a custodian of public funds and shall not disburse or otherwise use any of such funds for any purpose

other than as expressly authorized by the provisions of this title. Such funds shall be maintained in separate accounts and shall not be commingled with the operating funds of any institution, nor with any other funds except as expressly provided in this title. Such persons shall maintain such records of such separate accounts as Commissioner shall by regulation require.

"'(b) Any person who violates any provision of this section, or any regulation prescribed pursuant to this section shall be fined not more than $10,000 or imprisoned not more than five years, or both.'".

COMMITTEE ON GOVERNMENT OPERATIONS, SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS,
Washington, D.C., March 15, 1976.

Hon. CLAIBORNE PELL,
Chairman, Subcommittee on Education, Committee on Labor and Public Welfare, Washington, D.C.

DEAR SENATOR PELL: As you know, the Senate Permanent Subcommittee on Investigations has held a series of hearings into fraud and abuse in the administration of the Federally Guaranteed Student Loan Program. During these hearings, we had the very helpful counsel of Senator Javits, who so ably serves with you on the Education Subcommittee. During our discussions, Senator Javits suggested that we offer your Subcommittee our thoughts on possible legislative initiatives that would appear warranted to correct many of the abuses uncovered during our hearings.

Knowing of your own dedication to this very important program and with deep respect for the leadership role you have played on the Education Subcommittee, we submit for your consideration the legislative proposals outlined below. We will certainly make Subcommittee staff available to meet with your staff to expand upon these proposals and discuss other relevant material which has come to our attention in the course of our investigation.

LIMITING POTENTIAL FOR FUTURE LOSSES

As testimony made clear during the hearings of the Investigations Subcommittee, default rates are running much higher in the direct, federally-insured part of the GSL program than they are in the state-run program. Under the state program the federal government acts as a reinsurer rather than as a direct insurer. Although the initial concept of the program was to help middle-income students, the emphasis has shifted so that a large number of beneficiaries are lower income persons. It was originally anticipated that outright grant programs, with no anticipated repayment, were for the use of these most-disadvantaged students.

At the same time, the original goal of trying to encourage state programs has apparently been abandoned in favor of the direct federally-insured lending program. As a result, only 25 states now operate their own guaranteed student loan program.

To remedy these problems, Congress could pass legislation establishing a date after which the Department of Health, Education, and Welfare would no longer directly insure loans. Instead, emphasis would be shifted to state programs. Accordingly, legislation should also be contemplated to encourage the other 25 states to set up their own programs.

A principal reason that many states do not operate their own student loan program is the HEW collection policy. In the state-run programs, the federal government reimburses the state 80 per cent of a defaulted loan. This leaves the state with a 20 per cent exposure. However, under existing procedures, if the state collects any money it must turn it over to the federal government until the entire federal obligation is liquidated. Such a policy is a disincentive for state action. If this policy were modified to provide an equitable sharing of collections between the state and the federal government, more states could be expected to inaugurate their own programs and strengthen existing programs.

Legislation must also be considered to authorize a study of how to encourage more state-run programs. For example, the federally-guaranteed portion could be increased and/or the federal government could reimburse the state for a percentage of its collection costs.

Your Subcommittee might also consider providing a bonus to states which run their own insured-loan program under the State Incentive Grant Program in which all 50 states now participate.

An alternative would be to limit the total liability of the state and federal governments in the direct loan system to 80 or 90 per cent of the loan, making the lender responsible for 10 or 20 per cent of the liability. But, realistically speaking, this would undoubtedly result in a severe curtailment of the program unless accompanied by some companion inducement to banks to continue to write these loans.

Finally, consideration should be given to eliminating proprietary and correspondence schools as lenders under the program. In most state programs such schools are not permitted to be lenders, although a student could obtain a loan from another source to enable him to take courses at such schools. Undoubtedly, the elimination of such schools as lenders is one reason for the better performance of state-run programs. On the other hand, we have heard the counter-argument that such schools offer constructive courses which would not be available to students unless such institutions were permitted to continue as lenders. In any event, it would seem that such institutions should be permitted to serve as lenders only after the most careful scrutiny.

ENFORCEMENT AND COMPLIANCE

It was clear from testimony that the Office of Education has been less than efficient in its administration of the program and woefully lacking in professional personnel who will dutifully enforce existing laws and regulations. It is, therefore, suggested that a most important legislative step involves increasing the authorization for more auditors, investigators, compliance officers and support personnel as well as additional travel funds. We understand that some administrative changes within HEW have recently been undertaken with a view toward strengthening this surveillance component. The Education Subcommittee should determine whether those efforts suffice or whether they are merely cosmetic.

In addition, since there are no criminal penalties now being used by the Office of Education in prosecuting violators, it is suggested that criminal penalties be written into the law which would prohibit:

The siphoning off of or allocation of grant funds for purposes not directly related to education, including entertainment, transportation of non-students, payments to non-students for non-educational services, and payments to federal, state or local officials intended to influence governmental action favorable to a school;

False statements made to accreditation organizations;

Fraudulent action of individuals which cause a default claim to be filed against the United States;

The payment of bribes to lenders to induce them to buy GSL loans; and

The intentional destruction of records by any participants in the GSL program.

To provide a marketing unit for guaranteed student loans, Congress created the Student Loan Marketing Association, a quasi-governmental corporation, in 1973. Now, however, it is the opinion of the Department of Health, Education, and Welfare that guaranteed student loans are not negotiable instruments and it is therefore questionable what useful function the Student Loan Marketing Association (Sallie Mae) is serving.

Moreover, the enabling legislation did not require audit of Sallie Mae by the General Accounting Office. Consideration should be given to requiring a GAO audit of Sallie Mae, with a report to be prepared for Congress within six months.

For some time, HEW has proposed cutting the National Direct Student Loan Program and the Supplemental Education Opportunity Grants Program. This proposal merits consideration if coupled with a broadening of the Basic Educational Opportunity Grant Program to pick up true hardship cases now being handled by SEOG. An alternative would be to use NDSL and SEOG programs only for students in higher-learning institutions, while terminating these programs for proprietary vocational schools, since this latter category is where most of the abuses have been found.

Before termination of any of these programs, however, a complete audit of the disposition of the funds should be completed. It is likely that such audits will show massive amounts of unaccounted-for federal monies.

In addition, there are many other problems in the program which could be corrected by new or revised regulations or administrative procedures. Examples include the accreditation process, the composition and authority of boards making outright grants to schools, procedures whereby dropouts can be monitored, problems with present computer and record-keeping capabilities, and clarification of rights and obligations of lenders, students and the government. But one of the greatest criticisms we have of HEW is that they have not promulgated essential regulations to run the program properly. We believe it has reached the point where you might want to consider including in pertinent legislation a directive that HEW promulgate regulations in these and other specific areas with the imposition of a stringent time requirement.

We hope these suggestions will be of some assistance to you in your examination of legislation in this important area. Please feel free to call upon us for any further assistance.

Sincerely,

SAM NUNN,
CHARLES H. PERCY,
U.S. Senators.

STATEMENT OF JOHN J. WALSH, INVESTIGATOR, PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

My name is John J. Walsh and I am an investigator on the staff of the Senate Permanent Investigations Subcommittee. I was assigned to work on the investigation of the Federally Insured Student Loan program and the direct grant programs in the spring of 1975. I participated in meetings with the General Accounting Office where it was agreed that to complement the general review of management controls and practices to be done by the General Accounting Office, the Subcommittee staff would focus on specific case examples involving the programs.

The first step was a review of HEW files involving problem schools. Some 30 or 40 files were reviewed. The files were in deplorable shape. There was no one master file on any school. Pertinent documents were scattered through many different files in many different offices. Material in the files was not maintained chronologically, by subject matter or in any kind of order. Incoming correspondence was found with no record of a reply;

outgoing correspondence was found which referred to incoming letters which could not be located. In most cases, it was necessary to completely rearrange the file before one could understand the nature of the school's problems.

It was apparent from the files reviewed that a major problem existed in the Advance Schools located in Chicago, Illinois. Advance is a correspondence school which went bankrupt in 1975, leaving about 70,000 students stranded and about $150 million in guaranteed student loans in the hands of some 45 financial institutions, a substantial part of which could become default claims against the Government.

Another major problem area was in the Dallas Region where a number of schools had been suspended or removed from the program. In this region several investigations were already under way; and a substantial number of cases were awaiting investigation when personnel became available. A number of HEW officials in the Dallas office had been suspended from their duties because of alleged improprieties. More will be set out later concerning these cases but because of the advanced stage of these investigations, it was decided that Subcommittee efforts might be duplicative of work already done.

The file reviews showed problem schools in every region of the country but it was noted that there was a large number of problem schools in California. The file reviews indicated a possible pattern where schools had been operated intensively for a short period of time to build up the student body, usually immediately after opening or after a change in ownership. A large cash inflow would be provided from the sale of guaranteed loans. The school would be closed abruptly and the students would be unable to complete their classes. Financial institutions which had obtained these loans would have substantial claims but the school would be out of business and many of the students would be unable to pay or had not finished their courses so that they were not accountable for the full amount of their loans.

The files reviewed failed to show any pending prosecutions or, in fact, even any pending investigations in California. After a review of a number of California problem schools, it was decided to focus attention on the operations of Automation Institute of Los Angeles, Inc., doing business as West Coast Schools.

The HEW file showed that this school closed down in May 1973, leaving many students unable to complete their education; that there had been a change in ownership shortly before the school closed; and that a large number of student loans had been sold to financial institutions in the last few months of the schools' existence. An audit had been started by HEW but had never been completed because the current owner, one Fred Peters, had moved the books and records to an undisclosed location. There was no indication in the HEW files of any ongoing investigation or even of any attempts to locate the books and records.

The major question addressed in the file appeared to be whether HEW should pay default claims to the financial institutions which held the students' notes as there was some unresolved question as to whether refunds were due to students because of the schools' closing. As testimony will later show, the investigation disclosed some startling facts as to this school and its principals' activities but there was no reason to suspect the existence of these problems from the HEW file. This, of course, raises the question as to whether the same types of problems and even criminal acts could be found in other schools in California or elsewhere if an adequate effort was made to discover them.

The investigation of West Coast Schools began at the Los Angeles office of the HEW audit division. It was found that an audit of West Coast Schools had commenced after the school was closed on May 24, 1973. While the audit was never completed, it was found that government funds paid to the school for the grant programs could not be accounted for. However, the audit had been dropped indefinitely because the books and records had been moved and HEW was unable to find out their location.

The Los Angeles audit office reported to the Subcommittee staff in June 1975, that while no one in the Federal Government was showing any interest in the West Coast Schools case, the Fraud Section of the Los Angeles County District Attorney's office was interested and was taking some action. It was felt that the logical approach was to look into the matter of how much money was obtained by the sale of guaranteed loans and from grant programs and try to determine what happened to this money—whether the money was actually used for the school or whether it was used for the benefit of the owners. The Los Angeles County District Attorney's Office was contacted and that office was interested in pursuing this matter. However, a major problem was encountered. Within the last two years of the school's operations, nearly 50 bank accounts had been opened and the funds received by the school had been shuttled through these accounts. These included local accounts, out-of-state accounts, accounts of West Coast Schools, accounts of dummy corporations set up by the West Coast Schools' officials, and personal accounts of West Coast Schools' officials. It was agreed that the Los Angeles County District Attorney's office and the Subcommittee staff would work together to try to trace the movement of these funds through this maze of bank accounts, and try to determine whether the money was being spent for legitimate purposes or whether it was being diverted for personal gain. Mr. Andrew Ewing, Investigator for the Los Angeles District Attorney's Fraud Section was designated to work with the Subcommittee staff and his cooperation and assistance has been invaluable.

I want to present at this time a chronology of the pertinent events pertaining to West Coast Schools. I ask that the chronology be printed in full in the record of the hearings but to save time, I will read at this time only highlights from the chronology. I also present a list of documents to support the chronology and ask that the list be printed in full in the record and that the documents be introduced as exhibits.

WEST COAST SCHOOLS CHRONOLOGY

Throughout the chronology, reference will be made to West Coast Schools even though the true name is Automation Institute of Los Angeles, Inc., d/b/a West Coast Schools.

June 13, 1966.—Automation Institute of Los Angeles was incorporated under the laws of the State of California. The President was Edward Tokeshi; the Vice President was Yale Lasker. The purpose of the company was to operate a computer training school at 451 South Hill Street, Los Angeles, California. Tokeshi and his family owned 80 percent of the stock; Yale Lasker, 20 percent.

1969.—Automation Institution of Los Angeles was accredited by the National Association of Trade and Technical Schools and was approved by HEW as a lender.

1969.—Fred Peters appeared on the streets of Los Angeles, unemployed and penniless. He was employed as a telephone interviewer by the Jane Arden Employment Agency, salary $450 per month. His supervisor was O. A. (Dan) Dameron, Branch Manager.

April 1, 1970.—Fred Peters was hired as Placement Manager for Automation Institute of Los Angeles by Edward Tokeshi at a salary of $850 per month.

1971.—Fred Peters was promoted to Vice President of Automation Institute of Los Angeles. He bought 20 percent of the stock from Yale Lasker. The money for this purchase was loaned to Peters by Edward Tokeshi.

1971.—Fred Peters hired Dan Dameron as his assistant.

1971.—Fred Peters was made President of Automation Institute and Edward Tokeshi became Chairman of the Board. Peters assumed active control over the affairs of the corporation and intensified the efforts of the school to obtain funds by selling guaranteed student loans and by applying for financial assistance grants.

November 1971.—Automation Institute purchased five West Coast Trade Schools in the Los Angeles area from Computing and Software, Inc. These five schools had been operating in the Federally Insured Student Loan Program since July 7, 1967, without accreditation. They had been given a grace period by HEW to secure accreditation from the National Association of Trade and Technical Schools by September 1, 1972, or be dropped.

After the purchase of the five trade schools, the corporation now was known as Automation Institute of Los Angeles doing business as West Coast Schools. Salesmen were hired and an intensive advertising campaign both in the press and on television was initiated to sign up new students and to increase the enrollment in the new schools.

September 20, 1971.—Fred Peters was appointed by James Hoffe, Senior Program Advisor for Financial Assistance, HEW San Francisco, to the Advisory Panel for Region IX of HEW. The function of the panel was to review applications for financial assistance grants from schools in Region IX and to recommend how much in Federal funds should be awarded to each school.

December 2, 1971.—Group II Equities was incorporated this date under the laws of the State of California with 20,000 shares of common stock authorized at a par value of $10 per share. Directors were listed as F. P. Fisher, D. M. Carman, and Edward Tokeshi. As of May 31, 1973, officers were identified as D. M. Carman, President; Fred Peters, Vice President; F. P. Fisher, Secretary-Treasurer. As of August 1, 1974, the charter of the corporation was suspended.

Peters had brought Fisher and Carman into the management of West Coast Schools about the time of the purchase of the new schools.

March 1972.—HEW reminded West Coast Schools by letter that the September 1, 1972, deadline for accreditation of the five nonaccredited trade schools was approaching.

April 14, 1972.—An investigation was being conducted by the Federal Home Loan Bank Board into irregularities by certain Savings and Loan Associations in their acquisition and handling of Federally Insured Student Loans. Warren Tappin, HEW San Francisco, contacted the local office of the Federal Home Loan Bank Board and wrote a lengthy report to William M. Simmons, Chief of the Insured Loans Division in Washington, D.C.

The following is quoted from page 10:

"It is quite apparent from the delinquent accounts that we are also going to experience difficulty with Automation Institute of Los Angeles, California. The Association [U. S. Life Savings and Loan] accepted over $1 million of paper from the school . . . This is another school that we have been watching as I am confident that we will experience basically the same problem with this institution that we have and are experiencing with Airlines Schools Pacific."

The report was never sent to the HEW file on Automation Institute and as far as is known no action was taken on the report.

May 26, 1972.—Group III Equities was incorporated under the laws of the State of California. 7,500 shares of no par value stock authorized. Directors were F. P. Fisher, Fred

Peters and David M. Carman. The corporate charter was suspended as of July 2, 1973.

July 7, 1972.—West Coast Schools was notified that the eligibility status of the five unaccredited schools for insured student loans would be extended to October 31, 1972. The unaccredited schools were not eligible to receive the direct grant of Federal funds from the College Work Study and National Direct Student Loan Programs.

September 1, 1972.—Fred Peters, Peter Fisher and Dave Carman bought the remaining 80 percent of stock from Edward Tokeshi and his family and assumed full control of Automation Institute. The price was $141,900 and this sum was paid to the Tokeshi family from the Schools' own funds.

December 31, 1972.—Mr. Peters was notified that HEW was extending the eligibility of the schools for the insured student loan program until February 16, 1973.

January 1973.—The National Association of Trade and Technical Schools denied accreditation to the five newly purchased West Coast Schools.

January 11, 1973.—Lenora W. Mallory, HEW Washington, wrote Fred Peters informing him that the HEW Division of Insured Loans had approved the continuation of Automation Institute's participation in the insured loan program for the next 12 months. However, the letter stated that Automation Institute was instructed not to write more than $300,000 in loans during this period. Actually, between January 1, 1973, and May 24, 1973, the date the school closed, over two million in loans was written. HEW had no mechanism whatsoever to be informed on a current basis as to how much in loans the school was writing nor did HEW have any means to enforce any limitation it imposed. Fred Peters thus could and did ignore the restriction with impunity.

February 6, 1973.—PFC Investments was incorporated this date under the law of the State of California. 7,500 shares of no par value stock were authorized. Directors were listed as F. P. Fisher, W. Fred Peters, and D. M. Carman. California records indicate that as of August 5, 1975, the corporation was in good standing.

February 14, 1973.—R. L. Mappus, Senior Program Officer, Guaranteed Student Loans, HEW, San Francisco, wrote William Simmons, Director, Insured Loans Division, Washington, D.C., of some irregularities on the part of West Coast Schools in the handling of student loan papers. The following is quoted:

"The aforementioned facts and the exhibits attached clearly indicate . . . above and beyond reasonable suspicion of irregular practices on the part of the subject. . . . A program review will be conducted on this school prior to the end of March 1973. In the meantime, it seems logical that we further restrict or suspend this school contract as a lender."

March 7, 1973.—S. W. Herrell, Acting Deputy Associate Commissioner, Office of Education, HEW, wrote Fred Peters saying a decision on the continued eligibility of the five West Coast Schools was deferred until April 14, 1973, pending action by the accrediting agency (NATTS) on an appeal hearing set for April 6, 1973.

March 9, 1973.—William M. Simmons, Jr., Director, Insured Loans Division, wrote to S. W. Herrell, Acting Deputy Associate Commissioner, referring to certain complaints and investigations made concerning West Coast Schools and says:

"I would be remiss in my duty to you and to the program if I did not apprise you of my concerns and strongly recommend that we suspend any further insurance for students in these schools until both the schools' accreditation status and Mr. Peters' performance under his contract of insurance becomes more clear."

April 26, 1973.—R. L. Mappus, HEW, San Francisco, wrote Fred Peters saying that because of accounting deficiencies disclosed in a program review recently conducted, HEW would withhold action on all student loan applications until West Coast Schools made refunds of $550,000 and reimbursed HEW for excess interest billed HEW effective June 1, 1973.

April 26, 1973.—Phillip A. Taylor, NATTS, advised HEW that the previous action in January 1973, denying accreditation had been reaffirmed following an April appeal hearing.

May 1, 1973.—William M. Simmons wrote S. W. Herrell, Acting Deputy Associate Commissioner, saying "we urge in the strongest possible terms that eligibility for further participation in the GSL program by these schools be denied."

May 2, 1973.—William M. Simmons sent another memo to S. W. Herrell reporting further information on the activities of Fred Peters and saying: "In view of this and other irregular activities previously reported, we would like to reaffirm our prior recommendation that no further extension of these schools' eligibility be granted."

May 3, 1973.—The HEW file shows a draft memo dated this date setting out a chronology of pertinent actions in the West Coast Schools case which says:

"In view of the denial of accreditation of the schools by a nationally recognized accrediting agency, we can see no loophole in the law which would permit the commission to grant continued eligibility to these schools."

May 4, 1974.—A package of $323,500 worth of Federally Insured West Coast Schools' student loans were sold to the Kern County Employees Credit Union, Bakersfield, California. David Sawaya, a money broker, and Dan Dameron, a West Coast Schools employee, delivered the package of loans and received three $100,000 Ginnie Mae certificates in payment.

May 9, 1973.—Officers of Automation Institute of Los Angeles were listed on this date as Fred Peters, President; D. M. Carman, Vice President; F. P. Fisher, Secretary/Treasurer.

May 19, 1973.—The three $100,000 certificates were sold by the City National Bank for net proceeds of $290,717. A $3,000 commission was paid David Sawaya and $287,717 was deposited this date to the account of Group III Equities at the Union Bank, Century City Branch, Los Angeles, California.

May 22, 1973.—A check for $290,000 signed jointly by Peters, Fisher and Carman was cashed at the Union Bank and taken out in $100 bills.

May 24, 1973.—Fred Peters announced that all six schools operated by Automation Institute would be closed indefinitely.

June 4, 1973.—On this date, almost two weeks after the school closed, John Ottina, Commissioner of Education, signed a formal notification to Fred Peters that the five West Coast Schools not accredited were no longer eligible for participation in the Federally Insured Student Loan Program.

June 11, 1973.—Alexander Grant and Company, certified public accountants, had made in the fall of 1972, an audit of the books of Automation Institute for the period ending June 30, 1972, and published a qualified report. In the spring of 1973, information was reported to Alexander Grant employees of the school indicating improprieties on the part of the management of the school. Officials of Alexander Grant attempted to obtain access to the records of the school to determine whether their qualified report should be reviewed and withdrawn, but the school officials rebuffed them. On this date, a letter from Alexander Grant was directed to D. W. Stepnick, Director of HEW Audit, Dr. Leonard Spearman, Director of Student Assistance, and Mr. William M. Simmons, Jr., Director of Insured Loans, all in Washington, D.C., advising these officials of the existence of these allegations. More details concerning this incident will be set out later.

June 11, 1973.—Peters, Fisher and Carman appeared at the First National Bank of Arizona with a brief case full of $100 bills which they exchanged for $278,000 in cashiers checks. This incident became known to Gene Ferguson, a Los Angeles newscaster who gave it wide publicity on his broadcasts over Station KPOL.

July 12, 1973.—A $100,000 package of Federally Insured Loans was sold by Automation Institute to Ralph's Credit Union, Los Angeles. Ralph's Credit Union was not aware that the schools were closed and that the paper was of doubtful value. This transaction will be examined further.

August ?, 1973.—Gene Ferguson met with HEW officials in San Francisco, Dr. Edward Aguirre, Regional Commissioner of Education, Florence Van de Camp, Regional Legal Counsel, Rudy Mappus, Senior Program Officer and others. He gave them copies of transcripts of his broadcasts setting out allegations of fraud and a copy of an affidavit from an officer of the First National Bank of Arizona giving details concerning the $278,000 in cash. Although these officials retained copies of these documents and sent copies of the documents to Washington, no action was taken either in San Francisco or Washington to make this information available to HEW auditors; to the HEW Office of Investigations; to the United States Attorney or to the FBI.

August 9, 1973.—HEW auditors commenced an audit of West Coast Schools records in Los Angeles. No attempt was made during this audit to look into the disposition of the $278,000 in cash or to contact Alexander Grant to learn what information that company had concerning West Coast Schools.

December 12, 1973.—HEW submitted a draft of a proposed audit report prepared by the Regional HEW Audit Agency based in Los Angeles. The audit began August 13, 1973, and the period covered in the audit was from July 1, 1970 through July 31, 1973. The audit was concerned primarily with the accountability for National Direct Student Loan Funds and College Work Study Funds received by the school which amounted to $1,209,827 during this period. The conclusion was that the school did not have adequate accounting records, procedure or control to effectively manage these funds. It was recommended the school be required to refund $462,588 in program funds and concluded that as much as $666,319 or more of these program funds were not accounted for. Fred Peters disputed the conclusions in this draft audit report and no action was ever taken to try to collect the money.

February 11, 1974.—West Coast Schools continued to submit invoices to HEW requesting payment of interest and special allowance direct to West Coast Schools even though the school was closed August 24, 1973.

March 1, 1974.—A package of Federally Insured Student Loans amounting to $480,317 was sold to the Big Spring Savings Association, Big Spring, Texas, by a group of people working out of Phoenix, Arizona. Fred Peters and Pete Fisher were part of this group. Included in this package of insured loans was $159,284 of West Coast Schools' loans. These were of doubtful value since the school had been closed almost one year. The Big Spring Savings Association remitted the purchase money before the actual delivery of the loan files. The purchase money was divided by the group in Phoenix. Fred Peters received $100,000. An investigation of this incident was initiated by the United States Attorney's Office in Phoenix, Arizona later in 1974, but nothing came out of it.

April 1974.—A memo to the Secretary of HEW was sent by John R. Ottina, Commissioner of Education. The following is quoted:

"Needless to say Mr. Peters and the loan proceeds have left the scene but we have had some indications recently from his attorneys that he may be willing to come to the conference table (privately) with OE personnel and our legal counsel. Our future course is not set because many pieces of the puzzle are yet missing."

April 22, 1974.—An investigation into West Coast Schools was initiated by the Office of Investigations and Security for HEW. This investigation was based upon a complaint made by a letter dated December 12, 1973, addressed to Congressman Edward R. Roybal by Ricardo Livas, a former employee.

Livas was found to have been employed prior to 1971 and his allegations were found to be largely non-specific and not relative to the operations of Fred Peters. The investigation was also based on a memorandum dated April 12, 1974, prepared by John R. Ottina setting out some information about Peters and West Coast Schools. Nothing was mentioned in this memorandum concerning the reports of alleged improprieties made to HEW by Alexander Grant Company, or about the $278,000 in $100 bills.

April 29, 1974.—The HEW file contains a draft memo by William A. Morrell, Assistant Secretary for Planning and Evaluation, on the subject of preventing the recurrence of cases like West Coast Schools. The following is quoted:

"We must have the mechanism and the will to take what will undoubtedly seem drastic action. There is no question that such action will in some cases force the closure of schools . . . But we must be willing and able to make up our minds quickly when the risk to prospective students and the Federal Government tips the scales in the direction of closure. It seems likely that considerable losses would have been avoided in the West Coast Schools case had action been taken more quickly."

STATEMENT OF CONGRESSMAN BOB MICHEL ON THE INTRODUCTION OF THE STUDENT AID ABUSE ACT OF 1975—OCTOBER 3, 1975

It is now clear that there is substantial fraud and abuse in our Federal student aid programs, particularly the proprietary school segment of the guaranteed student loan program, and it is high time we stopped it.

This fraud comes about in a great variety of ways. There is no single m. o. Rather, the avenues which are used are as many and varied as the criminal mind. It is a con game of immense proportions, involving huge sums of money. When pieced together, it amounts to one of the most gigantic ripoffs in the country.

And who are the victims of this fraud? They are the taxpayers of the United States and the thousands of individual people who enroll in these schools after being led on by misleading advertising and high pressure salesmanship.

My office has conducted a vigorous investigation on this problem, and I am delighted to say that we have had the cooperation of the new Secretary of HEW, and especially of the Commissioner of Education, Dr. Terrell Bell, who is with me today, and who is as committed as I am to rooting out this corruption, and ending the abuses which exist not only in the proprietary school industry, but also in the financial community and the Office of Education itself.

Dr. Bell deserves the applause and support of the people and the Congress for his commitment to good government. In addition, he needs some new tools in order to do the job of cleaning up this blight on our education program.

The legislation which I am introducing today is designed to provide those tools.

But before discussing the specifics of the bill, let me attempt to outline the parameters of the problem. This is a difficult task, because as I have indicated, there are a vast number of varieties of student aid fraud. But let me give you some idea of what we are talking about.

In many instances, the fraud comes about because fly-by-night proprietary school operators sign up students, have them fill out the forms for the federal loans, sell the loan paper for cash, and then go out of business, leaving the student without the education they expected but still owing the government the loan money. In some cases, student names and signatures have been falsified on the loan applications.

Most of the time, the proprietary schools themselves are the lenders, and they frequently sell their paper to established lending institutions, who are willing to purchase it on the basis of the government guarantees. It is possible that in some instances lending institutions themselves have been party to these shady activities, although in most cases they are unwitting participants, having purchased the notes in good faith.

Not all of the problems involve fly-by-night operations, however. There are some well-established correspondence schools, for example, that are systematically involved in the ripoffs. Characteristically, they operate on the basis of a high—perhaps enormous is a better word—rate of student dropouts. Justice would suggest that if a student drops out of a class after a few weeks, he should be refunded a prorated portion of his tuition, but in case after case this is not done. The result is that the school collects the full tuition through government student loans, puts the money to its own use, and lets the government worry about trying to collect from the dropped-out student when the loan comes due. The student is then faced with a dilemma. He received no education, but he is in trouble with the law if he does not pay up. Given these conditions it is small wonder that the default rates on student loans are so astronomical. For the guaranteed loan program, these rates are currently about 18% and rising, with 70% of the defaults involving proprietary school students.

Let me cite for you here just three examples of cases that are currently under investigation by Federal authorities. Because these investigations are now in process, I cannot divulge the names of the schools involved, nor can I reveal which Federal agencies are doing the investigations. But I think these cases will give you some idea of what we are dealing with.

The first case involves a vocational-technical school in Detroit. It has been discovered that 659 students of this school received Federal financial aid of $400,000. The investigation also reveals that 20% of the 659 students never attended a single class, and that an additional 33% dropped out before completing the course. It is alleged that the school was ineligible for federal student aid to the 659 students. No accurate accounting system or documentation has been uncovered to substantiate or verify the school's claim to receive the Federal student aid money.

The second case. A Federal investigation into a proprietary school on the West Coast reveals approximately 7,000 students receiving Federal student aid. The drop-out rate is 50%. The estimated amount of money involved is between 9 and 14 million dollars. That is taxpayers' money the school collected on behalf of students it never educated.

In the third case, a large, nation-wide proprietary correspondence school claimed 91,000 students receiving Federal Insured Student Loans. 89,000 of those students dropped out, and the investigation reveals that only 1,665 students graduated, some 2% of the students receiving government financial assistance. This school has averaged over 90 million dollars a year in FISL funds during the last five years.

There are any number of other cases, and some have received coverage in the press. At the moment, virtually all of them involve what is termed "program abuse," and therein lies the rub. There are at present no criminal penalties for these abuses. Unless the schools can be prosecuted for deceptive advertising or some other related crime, they cannot be properly dealt with by the law.

My bill is designed to close this loophole. My bill would make it a Federal crime to defraud students receiving Federal assistance. It would also prohibit bribes, kickbacks, and other unethical inducements for individuals to make student aid grants or loans, or to sell student loan notes. It would make it a Federal crime to submit false claims and reports, make false statements or to falsify or destroy records needed to prove such violations. I intend to assure that Federal auditors and investigators have access to these records.

In addition, profit making schools will be prohibited from being lenders under the Guaranteed Student Loan Program, a power they have too often used as a sales device. And the student's and the government's rights to refunds will be guaranteed in all proprietary schools.

The bill also provides that whoever receives disbursements of Government student aid funds be designated the custodian of those funds and be prohibited from using them for other than the purpose for which they were granted. The funds could not be co-mingled with other monies, and must be held in escrow.

Finally, we would charge the Secretary of HEW with the responsibility for the enforcement of these provisions, and authorize him to conduct appropriate investigations to insure compliance. In this regard, it is clear that a beefing up of the investigative staff of the Department from its current staff of ten is essential. We have added an additional 12 positions in the Labor-HEW Appropriations bill, and I intend to move for further increases when we put together a supplemental appropriation bill later this fall.

Had these things been done years ago, we would not have the problem today. If they are done now, we will eradicate the problem for the future. I intend to press for passage of this legislation with every resource at my command. I intend to stop the ripoffs and the fraud and the deception. We simply cannot tolerate something like this in our country.

Ladies and gentlemen, let me say this. This thing is big; it is much bigger than we thought when we got started. How much money is involved? No one knows. It could be as much as 500 million dollars; it could be more.

Who is involved? We're just scratching the surface. The tentacles of this thing appear to reach deep into the government.

They reach into some of the nation's largest corporations. In the financial community, there are indications that banks, savings and loan associations, credit unions and other lending institutions are involved. The FBI has established task forces to probe the extent of this network.

There are people who have been perhaps unwittingly drawn into it, including Congressmen and Senators who may have had no idea of the far-ranging ramifications of this thing.

I am gravely concerned about where it all may lead. It is definitely not a penny ante matter.

There is going to be a lot of activity in this area as the investigations proceed. There is also going to be a lot of demagoguery, I fear, and some unproved charges tossed about. Those of us who are concerned about this problem have a special obligation to see

that we do not by our conduct make statements which will damage the reputations of innocent people and infringe upon their personal rights. I intend to observe that standard.

AMENDMENT NO. 2228

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

Mr. GLENN (for himself, Mr. STONE, Mr. TAFT, Mr. KENNEDY, Mr. HUMPHREY, Mr. GARY HART, and Mr. JACKSON) submitted an amendment intended to be proposed by them, jointly, to the bill (S. 2657), supra.

ADDITIONAL STATEMENTS

THE MURDER OF 1ST LT. MARK T. BARRETT

Mr. THURMOND. Mr. President, on Tuesday, it was my sad duty to attend funeral services in Columbia, S.C., for 1st Lt. Mark T. Barrett, one of the two Army officers murdered by North Koreans at the Panmunjom cease-fire village.

President Ford, who asked that I represent him at Lieutenant Barrett's funeral, has properly condemned this senseless act committed by North Korean soldiers along the demilitarized zone.

Lieutenant Barrett and Maj. Arthur Bonifas, the other murdered officer, were performing their duties in an open and proper manner when this obviously well-planned and vicious attack took place. Although the assault lasted only about 6 minutes, these two officers were singled out and brutally murdered by the North Koreans.

The American Government has long recognized that the Communist authorities who control North Korea represent one of the most totalitarian and cruel dictatorships in the world. They have continually fostered truce violations along the armistice line and in December 1974 it was discovered they had constructed tunnels under the demilitarized zone well into South Korean territory. Previously, they had attempted to assassinate South Korean President Park.

As a visitor to South Korea in the winter of 1975, I inspected the area near where these two officers were slain. Based on information provided me reference this incident, there is no doubt in my mind that it was a deliberate and heinous crime which condemns North Korean President Kim Il Sung and his Government.

It illustrates the character of the North Korean Government and is further proof as to why the United States must maintain about 42,000 military personnel in South Korea.

Mr. President, the death of these two officers is a grim reminder of the dangers that thousands of U.S. military personnel endure daily in Korea and elsewhere in this dangerous world. The Communist nations of the world, and many nonalined countries, turn a blind eye to the butchery often fomented by the North Koreans. Those in this country who are promoting U.S. withdrawal from Korea must come to realize the enemy we face is unrelenting and unprincipled.

Lieutenant Barrett died keeping the peace we here at home too often take for granted. His sacrifice is no less heroic than those who died 200 years ago or in those conflicts since our Nation won its independence. His death, however, has touched each American in this year of peace, this year of 1976. They sympathize with his family because they know of his sacrifice.

Mr. President, my heartfelt sympathies are extended to the widow of this young officer and other members of his family. They have been called upon, as well as he, to bear an extra heavy burden in this Nation's efforts to maintain peace throughout the world. Lieutenant Barrett was a Regular Army officer performing his duties in a delicate situation. Obviously, the restraint he exercised in this incident probably cost him his life.

Mr. President, I ask unanimous consent that the following articles relative to this incident be printed in the RECORD at the conclusion of my remarks. They include: "Flags To Be Flown at Half-Mast Today," the State newspaper, Columbia, S.C., August 24; "Murders in Korea," an editorial in the Columbia Record newspaper, Columbia, S.C., August 24, 1976; and "North Korea's Regret," an article in the Chicago Tribune, August 24:

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

[From the Columbia (S.C.) State, Aug. 24, 1976]

FLAGS TO BE FLOWN AT HALF-MAST TODAY

(By Mary Whittle)

The citizenry and the military join the family of 1st Lt. Mark T. Barrett in mourning today as the slain officer is buried in Columbia with full military honors.

Gov. James B. Edwards has ordered all flags on state buildings to be flown at half-mast today in memory of Barrett who, along with Maj. Arthur G. Bonifas of New York, was killed by North Koreans near Panmunjom, Korea, last week.

The two officers were slain last Wednesday by North Korean army guards during a skirmish while they were supervising the trimming of a tree. Both men were assigned to the United Nations Command at the demilitarized zone between North Korea and South Korea.

The body of Barrett, which was flown to Columbia by a commercial airplane Sunday, will be buried at Greenlawn Memorial Park today following 2 p.m. services at the Devine Street Chapel of Dunbar Funeral Home.

In Columbia, more than 50 American flags will flank Main Street "in honor and respect" for the 25-year-old officer who left his station at Ft. Jackson for Korea.

Family members and civilian and military friends of the slain officer will be joined at the services by various military and state government dignitaries as well as those members of the general public wishing to pay their respects.

Assistant Secretary of the Army for Manpower and Reserve Affairs Donald Brotzman will represent the Department of the Army. Also, the director of the Army's staff at the Pentagon, Lt. Gen. William B. Fulton, will attend.

Representing the Republic of South Korea at the funeral will be Korean Maj. Gen. Bong-Chun Chang, a defense and military attache to the United States.

Maj. Gen. Richard L. Prillaman, commander of Ft. Jackson where Barrett was stationed from Dec. 1973 until his assignment last month in Korea, and a full Honor Guard will represent the military installation.

Also attending the services will be Sen. Strom Thurmond, R-S.C., and Gov. Edwards.

According to Ft. Jackson spokesman Bruce Andrae, seven members of the Honor Guard will fire a 21-gun salute over the gravesite at the conclusion of the services. Andrae said the flag-draped casket will be carried by Honor Guards who met it at Columbia Metropolitan Airport Sunday.

Final rites at the cemetery also will include the bugle playing of Taps.

Andrae said the military pallbearers are members of Barrett's former units at the fort—the 6th Battalion, 2nd Training Brigade and the Armed Forces Examining and Entrance Station. Barrett had been a training and executive officer from his arrival at Ft. Jackson in 1973 until June 1975 when he was transferred to the fort's Examining and Entrance Station. He remained at that post until last month when he left for Korea.

Lt. Col. Ollie L. Langford, commander of the 6th Battalion and the man in charge of the military pallbearers, lamented Barrett's untimely death Monday, saying, "It's a terrible tragedy; such a waste of a fine human being."

Remembering the slain officer, Langford said, "He was a rather large, handsome fellow, really, very active and very friendly and easy to get along with."

The commander said Barrett and his wife remained active as "alumni" in 6th Battalion activities even after the officer was transferred to the Entrance and Examining Station.

He said all of the military men participating in the service were friends of Barrett's and had worked with him.

The pallbearers include, in addition to Langford, Capt. Norman R. Allen, Capt. Herman S. Heath (Barrett's former company commander), Capt. Steve Overcash, Capt. David T. Smith, 1st Lt. Robert W. Venci and Lt. Daniel E. Redieske.

Langford said friends of Barrett's from distant places will attend the funeral. He said an officer stationed in Panama was at the airport in Columbia Sunday when the casket arrived.

In issuing Gov. Edwards' order that state buildings fly their flags at half staff, news secretary Robert G. Liming said, "The governor feels that this gesture in recognition of Lt. Barrett's personal sacrifice on behalf of his nation expresses the feelings and sorrow of all South Carolinians. Our prayers go out to his family and friends."

City of Columbia spokesman John Spade said the flags stretching along either side of Main Street from City Hall to the Capitol today are usually flown during special observances. He added this is the first time they will be raised in respect for a death, with the possible exception of the late Gov. James F. Byrnes.

The services are expected to last from 30 to 40 minutes, according to Ft. Jackson's Andrae. Following services at the chapel, which will seat about 400 people, the funeral procession will be escorted by Columbia City Police to Greenlawn Memorial Park.

Barrett's long-time friend, Rabbi William A. Greenebaum, a chaplain at Ft. Jackson, and another chaplain, Father Mark Manzak, will conduct the services. Barrett's widow, Julianne Reiner Barrett, is Jewish and he converted from the Catholic faith to Judaism several years ago. Greenebaum officiated at the Barrett wedding in Gainesville, Fla. two years ago.

[From the Columbia (S.C.) Record, Aug. 24, 1976]

MURDERS IN KOREA

Our feelings are mixed as we mourn the murder of First Lieutenant Mark Thomas Barrett whose body was buried at Columbia's Greenlawn Memorial Park today.

Young Barrett, whose army career seemed so bright, was one of two American officers slain last week by North Koreans at the Panmunjom cease-fire village.

We feel sadness for the families of both men. Our thoughts and sympathies are with them at this difficult time. We also feel unmitigated outrage at the brutishness perpetrated by the minions of North Korea's die-hard Stalinist government.

The murders are the most recent examples of a long series of violent acts committed against the American ground troops stationed in South Korea. A year ago, for instance, North Koreans ganged up on an American officer, kicking and beating him unmercifully. His vocal chords were so badly injured he is still unable to speak properly.

The prevailing theory is that the barbarism carried out by North Korea's President Kim Il Sung is a form of diplomacy: to build support for a gradual phase-out of the 42,000 American ground troops still stationed in South Korea. The effect, of course, should be exactly the opposite: to strengthen our resolve in the face of extreme provocation and to buttress the argument for a continuing U.S. presence in that troubled Asian country.

In the wake of the murders, our government responded in appropriately blunt and forthright fashion, both diplomatically and militarily. We rejected as unacceptable a weaseling statement issued by the North Korean government. The statement expressed regret for the slayings but acknowledged no responsibility for them. At the same time, American forces along the Korean demilitarized zone were beefed up with additional naval and air power.

Predictably, North Korea complained that the U.S. show of power had brought the situation "closer to the brink of war."

Nothing fruitful will come of such propaganda ploys. Clumsy diplomatic rhetoric, coupled with barbarism, can earn North Korea only the disdain and disgust it deserves in the international community.

[From the Chicago Tribune, Aug. 24, 1976]

NORTH KOREA'S "REGRETS"

President Kim Il Sung has described as regrettable the slayings of two United States Army officers by his North Korean troops in the demilitarized zone. For the arrogant dictator to go this far is without apparent precedent, but it is not far enough.

The State Department is quite right in calling his message unacceptable becaue it did not "acknowledge responsibility for the deliberate and unpremeditated murders of the two UN Command officers."

It appears to us to be further unacceptable because it did not explain why the officers were killed as they directed a peaceful work party in pruning a tree in neutral territory. It appears still further unacceptable because it does not explain what, if anything, Kim proposes to do about the killers. In the absence of obvious and adequate punishment we shall continue to assume the killers were carrying out orders and that those orders came from high in the North Korean leadership.

The behavior of the United States has been proper since this unjustified and barbarous act. It expressed outrage. It sent planes and the carrier Midway into the Korean area to make clear that it was alert to the possibility that Kim might follow up barbarism with aggression. It showed restraint in not seeking revenge. And it made a nearly perfect symbolic response to the atrocity by sending in another work party which cut down the disputed tree. We thus made clear that the tree, which we have said blocked our observation of North Korean troop activities beyond the DMZ, would not be permitted to hamper our surveillance of an area in which we remain responsible for maintaining peace. And we made it clear that Kim was not going to intimidate us.

North Korean propagandists say our show of force has endangered peace in Korea. The opposite is true. For one thing, it deterred Kim himself from any further outrages he may have contemplated. And, for another, it doubtless was a calming influence on any South Koreans who might have been trigger-happy enough to respond to Kim in kind.

Our restrained response may not only have contributed to peace; it may have cost Kim two propaganda victories he could have been seeking. It deprived him of an opportunity to inform the conference of nonaligned nations in Colombo, Sri Lanka, that the U.S. was engaged in "aggression" against him. And it cost him an opportunity to suggest to Democratic presidential candidate Jimmy Carter that the administration over-reacted in a situation calling for coolness.

As it turned out, Mr. Carter supported President Ford in the actions he took and called the two killings "deliberate murder." And the conference of the nonaligned, though it adopted a resolution blaming the U.S. for increased tension in Korea, did so without much enthusiasm or conviction.

The murder of two Americans remains an intolerable crime; the matter is far from closed. But so far our government has behaved in a responsible way which shed no blood unnecessarily. It made no threats which cannot be carried out. And, we hope, it may have persuaded Kim that we remain alert to his mischief making and his desire to overturn world peace if he can gain something by doing so.

THE GENOCIDE CONVENTION AND THE MEANING OF MENTAL HARM

Mr. PROXMIRE. Mr. President, the Convention on the Prevention and Punishment of the Crime of Genocide includes in its definition of genocide the act of causing serious mental harm. Opponents of the convention have often expressed concern over the purported vagueness of the phrase "serious mental harm." The Senate Foreign Relations Committee, recommending ratification on four occasions, stated that it had no particular problem with the meaning of these words. It did recommend, however, that the words "mental harm" be construed to mean "permanent impairment of mental faculties."

This redefinition acts to refute charges made by critics who suggest that a liberal construction of the language of the convention would enable hostile foreign nations to invent supposed examples of American foreign involvement which somehow caused mental harm to a particular national group. It is clear that criticism of this sort is unfounded. Such liberal construction of the convention's wording constitutes an abuse of its provisions, intent, and purposes.

Similarly, with the committee's interpretation, foreign powers could not properly charge the United States with a violation of the Genocide Convention because of alleged harassment of minority groups. While those opposed to the treaty believe otherwise, the language of the convention makes it clear that the term genocide is not applicable in cases of discrimination. Only when there is evidence of intent to destroy, in whole or in part, a national, ethnic, racial, or religious group can charges of genocide violations be supported.

The Genocide Convention is meant to prohibit the tragic act of genocide. It does not attempt to deal with internal and political problems of any one nation. These fears should not stand in the way of our ratifying this important document.

DR. HUBERT PHILLIPS

Mr. CRANSTON. Mr. President, one of the greatest men of this century in the California Democratic Party, Dr. Hubert Phillips of Fresno, died last week at the age of 91. He was a dear friend for years. But more than that, Dr. Phillips was a joy to know—a joy because of his unflagging enthusiasm for seeking the truth and for bettering the human condition. For him liberalism was simply a compendium of the virtues he believed in: Honesty, decency, fair play, forthrightness, intellectualism, internationalism, and, most of all, tolerance. I want to share with my colleagues a Fresno Bee eulogy of August 19, 1976, to Dr. Phillips and ask unanimous consent that it be printed in the RECORD.

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

[From the Fresno Bee, Aug. 19, 1976]

HUBERT PHILLIPS

Dr. Hubert Phillips' life was such a celebration of important virtues that it seems inappropriate to mourn his death this week at age 91.

Let us rather be grateful he came our way and stayed so long.

As a teacher, traveler, lecturer, civil libertarian, political and social activist, exemplar of moral courage, and thoughtful friend, he touched hundreds of lives.

He walked through the door of retirement and down the passageway to old age with such grace and intellectual liveliness that it was easy to forget what came before.

During his 32 years at Fresno State College Dr. Phillips was an educator in the broadest sense. He brought to his colleagues and students—and to the community through his lectures—a world view, an acute understanding of ideological and economic forces that was particularly valuable during the confusing and dispiriting period before World War II.

He was a liberal and wore the label proudly. He believed in social and political action to improve the human condition. Unlike many liberals, however, Dr. Phillips was truly compassionate, tolerant of opponents, and a vigorous but fair advocate. And he was willing, always, to act on his convictions right now.

His serenity and optimism were sorely tested.

He worked on a statewide group pressing for justice for farm laborers when this was enough to bring down smears from certain grower interests.

As a member of a state commission on housing he pushed for public housing at a time when some right-wingers perceived this to be a bolshevik plot.

He headed a committee during World War II which pressed for "fair play" for Japanese-Americans who had been sent to internment camps. Demagogues, riding on the hysteria of the times, attacked him. Dr. Phillips' response shamed them into silence.

His losing campaign for Congress in 1946—a bad year for liberal internationalists—was

based on the issues but suffered from what some supporters—in a mood of fond exasperation—thought was excessive integrity.

And so it went—early resistance to the red-baiting attacks on the colleges in the 1950s, early opposition to the Vietnam war a decade later.

Dr. Phillips fretted mildly at the infirmities of old age because of the limits they imposed. But he tried to maintain his extensive correspondence, his curiosity, his friendships, his interest in what young people were thinking and doing. He did not retreat into the past. He never became the intellectual counterpart of the old soldier reliving his battles.

His legacy is carried in many hearts and minds.

TRIBUTE TO SENATOR DOLE

Mr. FANNIN. Mr. President, with the high spirits and the hoopla of the Republican Convention hardly over, it would be well for all of us to reflect on the wisdom of the President's choice of our esteemed colleague, Senator DOLE, as his running mate.

I call to the attention of my colleagues a recent editorial of the Arizona Republic which fairly points out not only Senator DOLE's considerable achievements, but also the qualities that make him an asset to the Republican ticket. As the campaign progresses, I think that President Ford's good judgment in his election of Senator DOLE will become even clearer, as this Arizona Republic editorial suggests.

Mr. President, I ask unanimous consent that the complete text of the Arizona Republic editorial of August 20 be printed in the RECORD.

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

GOOD POINTS FOR DOLE

When President Ford picked Sen. Robert Dole of Kansas as his vice-presidential candidate, the first reaction was not exactly exuberant.

"The bland leading the bland" was a typically ungenerous remark.

But the senator from Kansas has a lot going for him. He is a team player. His modesty ("I'm not sure what I can contribute to the ticket") is refreshing in a business noted for its brashness. He has served in both houses of Congress, and has many friends there. He has been the national chairman of the Republican Party.

Most important of all, however, is that Dole was re-elected to the Senate in the post-Watergate year of 1974, when Republican candidates were being shot down all over the place. The bad Nixon image didn't brush off on him.

In fact, it was Nixon, or at least the Nixon White House, that removed him as chairman of the Republican National Committee in January 1973. The official reason: Dole was too independent of the White House. That was before Watergate had reached the huge proportions it was to achieve.

Dole favored winding up the Vietnam War at a time when Lyndon Johnson and the Democratic Congress were plunging the nation farther into the morass without making a victory possible.

When he left the party chairmanship, Dole said, "We're a strong minority party, but that's not enough. We've got to reach out and take in some of these people—blacks and Spanish-speaking Americans—and we've got to elect some good candidates."

Dole's obscurity may help him. He did not have as high visibility as Ronald Reagan, Sen. Howard Baker, Gov. John Connally and others. Therefore he hadn't made the enemies some of the others had.

His biggest job, of course, will be "to elect some good candidates." Presumably he will include Jerry Ford and himself in that number.

ALASKA FORESEES A GREAT INTEREST IN IMPROVED FUTURE AGPLANES

Mr. MOSS. Mr. President, surprisingly, the largest State in the Union, Alaska, has a very small utilization of agplanes at present. But for future potential, Alaskans are "very interested."

Those are not my words, Mr. President, but the words of the Honorable Jay S. Hammond, Governor of Alaska, and the word "very" is underlined by him. Let me read a short excerpt from his letter:

As with many aspects of our State, the agricultural picture is rapidly changing. The next decade may see the development of the great basins along the Yukon River between Fairbanks and the Arctic Circle. This will be a type of agriculture demanding large investment and the most modern farm equipment. By the year 1985 Alaska may be *very* interested in the increased agricultural production afforded by a new generation of agricultural aircraft.

Governor Hammond continues with a number of detailed and interesting sugestions for possible improvements in agplanes, both fixed wing types and helicopters.

Mr. President, I ask unanimous consent that Governor Hammond's letter be printed in the RECORD.

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

STATE OF ALASKA,
Juneau, June 28, 1976.

HON. FRANK E. MOSS,
Chairman, Committee on Aeronautical and Space Sciences, U.S. Senate, Washington, D.C.

DEAR SENATOR MOSS: Thank you for your letter inquiring on the desirability of improved agricultural aircraft technology and its applicability to better agricultural productivity in the State of Alaska.

Although Alaska is a leading state in the utilization of small aircraft, the number of "ag" planes here is very small: several Pawnee-type adapted for seeding and fertilization and one or two devoted to mosquito control. Our small, family farms apply their pesticides with ground equipment.

As with many aspects of our State, the agricultural picture is rapidly changing. The next decade may see the development of the great basins along the Yukon River between Fairbanks and the Arctic Circle. This will be a type of agriculture demanding large investment and the most modern farm equipment. By the year 1985 Alaska may be *very* interested in the increased agricultural production afforded by a new generation of agricultural aircraft.

The specific technological improvements that can make agricultural aircraft more acceptable in our state are several:

1. Higher ferry speeds for our great distances. A wider envelope between stall speed and cruise speed and a greater selection of applicating speeds within this range. To be financially attractive to a small operator, one piece of equipment must be able to do several types of applications each demanding different optimum speeds,

2. Adaptation of modern turbo-prop engines to agricultural aircraft, plus a reinvestigation of tricycle gear (as on the Fletcher) for planes so equipped. Prop damage is common when working off rough strips and dinged prop and a "sudden stop" that can be shrugged off with a radial engine requires rebuilding a turbine,

3. Spray equipment and chemical formulations designed to control the drift of pesticides. Spray apparatus that is designed to give the pilot cockpit-control over droplet size,

4. A wider swath width for fixed wing aircraft when using either liquids or dry materials. Initial agricultural development will probably be in the area of small grains. Here the profit margin is small, the acreage large and an increase in swath width from the present-day one or two wing spans can be of considerable economic importance to our farmers,

5. A helicopter designed completely for agricultural use. At present agricultural users of rotary-wing aircraft pay for design costs unrelated to their type of operation.

Today's new equipment prices range from $25,000 to $75,000 for single engine, fixed wing aircraft and from $110,000 to $300,000 for helicopters. A single engine, fixed wing aircraft with a turbine will top $100,000. Professional applicators in Alaska will profit most from improvements at the lower end of this price range.

My sincere thanks for your interest in this important area of concern to the State of Alaska.

Sincerely,

JAY S. HAMMOND,
Governor.

ENDING THE BROKEN PROMISE: THE FULL EMPLOYMENT AND BALANCED GROWTH ACT OF 1976

Mr. HUMPHREY. Mr. President, the first order of business for the Government of this Nation is to see to it that every adult American has the opportunity to earn a decent living in a free, democratic society.

Free people cannot remain free if they are overwhelmed by the fear and despair of unemployment.

They cannot remain free if they are forced to abandon expectations of fulfillment for themselves and their families.

They cannot remain free if they lose their homes and all the other important endeavors in which they have invested their lives.

These tenets are fundamental to the purpose and promise of America.

But the promise has never been fully kept. It has not been kept because our Government has never completely marshaled the talent and the determination needed to put our economy on an even keel and keep it growing. It has never built the policy and program framework necessary to coordinate Government and our free enterprise system to achieve and sustain prosperity despite the vast resources of our people and the wealth of the land.

Mr. President, we dare not sit back again and entertain the alibi that nothing needs to be done now because the economy has begun to recover. With a 7.8 percent unemployment rate, with 25 percent of our plant capacity idle, add to this, the high rate of unemployment among adult blacks, about 15 percent—and a dangerously high unemployment rate of over 40 percent among black youth.

More important, the history of the last 7 years, with the economy swinging from boom to bust, should teach us that we will soon be back in another recession if not depression if we continue to fail to develop the policies and the programs necessary to achieve and sustain prosperity.

Mr. President, Congress can and must break this pattern of failure and start the Nation moving toward consistent realization of its full potential. I do not mean we should start this work next year or some indefinite time in the future. I mean we must start right now and hold to a time table that will achieve this aim within the next 4 years.

The blueprint to build the road to this goal is before us in S. 50 and H.R. 50, the Full Employment and Balanced Growth Act of 1976.

In essence this measure would require by law that Congress and the administration, as an ongoing chief priority, and with maximum coordination, design and implement the fiscal and monetary policies and programs necessary to stimulate private enterprise and reduce unemployment to no more than 3 percent of the adult labor force within 4 years. This is a level which would reflect only the temporary joblessness of those workers seeking new opportunities in an evolving but nevertheless prosperous full employment economy.

The Full Employment and Balanced Growth Act of 1976 was introduced by Representative AUGUSTUS HAWKINS of California and myself. Neither of us claims exclusive authorship for the proposal. Rather, it was written by the people of this Nation—by labor leaders, businessmen, unemployed men and women, officials of State and local government, and by economic experts—at field hearings held by the Joint Economic Committee, which I chair. We asked the people what they thought their Federal Government should do to get the Nation out of the depression of the 1970's and to lock the country into prosperity.

This measure is truly the people's bill. In a very real sense it is their bill of rights to a full employment economy and the security and opportunity a full employment economy guarantees.

The Full Employment and Balanced Growth Act requires that on a first priority basis, the President and the Council of Economic Advisers annually present to Congress short- and long-range full employment, production and anti-inflationary goals and recommend the policies and programs necessary to achieve these goals as soon as possible. The long range adult unemployment goal of 3 percent is to be met not later than 4 years after the bill is passed. Adult unemployment does not include those age 20 and below—thus the 3 percent unemployment goal is a reasonable, achievable goal. Monetary and fiscal policies must be utilized to the fullest extent necessary to reach and sustain a full employment-balanced growth economy. This mandate requires the President to propose supplementary job creation policies to eliminate any shortfall.

In this connection, the Federal Reserve Board, which influences the economy more than any other single agency, would be required to annually explain to the President and to Congress the extent to which its monetary policies support or fail to support the goals and recommendations of the administration and to justify any differences.

The President would have to make recommendations to the Board and to Congress when necessary to bring monetary policy fully in line with fiscal policy.

Mr. President, one of the most important provisions of the Full Employment and Balanced Growth Act requires the administration to include comprehensive antiinflationary recommendations in its annual reports to Congress. These recommendations will go to such issues as increasing the supply of goods and services in markets deprived of investment capital, strengthening antitrust laws and the promotion of general price stability. It places no limits whatsoever on what antiinflation measures the President may propose.

To assist the Council of Economic Advisors to prepare policy and program recommendations, the measure provides for the establishment of a 12 member Advisory Committee on Full Employment and Balanced Growth, broadly representative of the public interest. The Committee shall be appointed by the President, the Speaker of the House, and the President pro tempore of the Senate.

The measure requires the President to present to the Congress effective and flexible recommendations for the establishment of programs to reduce high youth and adult unemployment caused by downturns in the economy. Such programs shall include public service and standby public works programs and proposals to provide antirecession grants to State and local governments. These programs, which shall include skill training for both public and private sector workers, will be automatically triggered in and out with the seriousness of the unemployment problem.

The President would also be responsible for the development of policies designed to coordinate Federal economic policies and programs with those of State and local governments. In this connection, the President would be required to submit proposed legislation to Congress to establish a permanent antirecession grant program to help stabilize State and local budgets, a program that would be automatically activated when national unemployment exceeds a specified level. Areas of highest unemployment would receive priority treatment in the distribution of these funds.

The comprehensive employment policies the administration would be required to formulate would include plans for the reduction of unemployment and underemployment in chronically depressed areas or industries. New methods by which credit would be channeled into depressed areas for private and public investment purposes would be proposed.

Problems of youth unemployment are singled out by the bill. Required comprehensive employment policies and proposed programs would cover methods to improve the transition from school to work, preparation of disadvantaged youths with employment handicaps for self-sustaining employment through training, counseling and other support activities. Combining training and actual work experience and the provision of employment opportunities in public service work in Federal, State, and local government projects, would also be a part of these proposals.

To help achieve maximum levels of employment, the measure would establish a Full Employment Office within the Department of Labor. Among other things the office would develop programs aimed at providing employment opportunities for jobless Americans who have seriously sought work but cannot find it. Counseling and job training would be provided and a system of job referrals in both the private and public sectors would be placed in operation. In addition a reservoir of Federally operated or approved projects would be phased in by the President whenever necessary to meet the employment goals which would be established by this measure. Under provisions of the act work at standard wages would be substituted for income maintenance programs whenever possible.

All of the administration's full employment and balanced growth policies and proposed programs as well as the monetary policies of the Federal Reserve Board would be reviewed annually by the Joint Economic Committee. The JEC in turn would evaluate these proposals and submit its recommendations for change or improvement to Budget Committees of the Senate and the House. Appropriate *standing committees* of Congress would report their recommendations to achieve a full employment-balanced growth economy to the JEC. Recommended changes in the administration's proposals would be presented to the President. A Division of Full Employment and Balanced Growth would be established within the Congressional Budget Office to assist the JEC in meeting the responsibilities prescribed by the measure.

Mr. President, this is a straightforward proposal which is basically designed to harness the resources of the administration, the Federal Reserve Board, and the Congress to the maximum extent possible to plan and implement the policies and programs leading to a full employment economy under conditions which will keep inflationary forces in check. The structure to initiate

action immediately is in place. All that is really required is the will to act.

SDX SUPPORT FOR JOURNALISTS' FREEDOM OF CHOICE

Mr. FANNIN. Mr. President, the Society of Professional Journalists, Sigma Delta Chi, will hold its annual national convention in Los Angeles on November 10–13. Among the matters to be considered by that distinguished body at that time will be the issue of compulsory unionism for journalists.

In anticipation of this meeting, SDX members and nonmembers, all of them journalists, were asked to support a draft resolution indicating their opposition to being forced to join or support a labor organization. The so-called journalists' Freedom of Choice resolution which will be introduced at the convention reads as follows:

Whereas no journalist should be required to contribute either his loyalty or his money to any private organization in order to fulfill his (her) First Amendment rights and professional obligations, be it

Resolved, That journalists should not be required to join or support any labor, fraternal, professional, or any other private organization in order to report or interpret the news.

Journalists throughout the country were asked to express their opinion of this resolution. To date, the response has been overwhelmingly favorable. Approximately 100 SDX members have indicated that they wish to cosponsor the resolution. In addition, more than 225 journalists who are nonmembers have asked to be identified as supporters of the resolution. The list of those favoring the principle of freedom of choice is impressive. It represents men and women at all levels of the journalistic profession, from top management and owners of newspapers to staff reporters and even a staff intern at one newspaper.

Mr. President, for the record, I ask unanimous consent that the names of those journalists favoring the resolution be printed in the RECORD at this point. I call attention to the names of those distinguished journalists from Arizona who stand behind the freedom of choice principle; namely, Asa S. Bushnell, Tucson Daily Citizen; Louis J. Combs, Arizona Grocer; Gary Dillard, Bisbee Review; Loyal G. Meek, the Phoenix Gazette; Pat Murphy, Arizona Republic; and Jones Osborn, the Yuma Daily Sun.

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

SDX MEMBERS COSPONSORING RESOLUTION

Col. J. L. C. Beaman, Publisher, the Epco Publications, 1004 E. Third Street, Alice, Texas 78332.

Duward Bean, News Editor Montgomery County Daily Courier, P.O. Drawer 609, Conroe, Texas 77301.

Charles L. Bennett, Exec. Editor, Oklahoman & Times, P.O. Box 25125, Oklahoma City, OK. 73125.

Ralph D. Berenger, Ed. & Pub., the Pioneer, Shelley, Idaho 83274.

Robert W. Boyer, Man. Editor, Altoona Mirror, 1000 Green Ave., Altoona, PA 16603.

P. C. Boyle, Editor, the Derrick, 1510 W. First Street, Oil City, Pennsylvania 16301.

E. Edwin Bradford, Editor, Hickory Daily Record, 116 Third Street, NW., Hickory, NC 28601.

A. W. Bramwell, Editor, Chico Enterprise-Record, 700 Broadway, Chico, CA 95927.

Mack Nelson Brice, Editor, Yoakum Herald-Times, P.O. Box 231, Yoakum, Texas 77995.

Tom Briley, Editor, the Intelligencer, 1500 Main Street, Wheeling, WV 26003.

David E. Bryant, Editor, Today's Farmer, 201 S. Seventh, Columbia, MO 65201.

Donald B. Bryant, Ed. Writer Del Rio Daily News-Herald, 321 South Main Street, Del Rio, Texas 78840.

Roger D. Buehrer, City Editor, Crescent-News, Perry & Second Streets, Defiance, Ohio 43512.

Gwen Bushart, Editor, Polk County Enterprise, Livingston, Texas 77351.

Tal Campbell, City Editor, the Daily Breeze, 5215 Torrence Blvd., Torrance, CA 90509.

George L. Carey, Publisher, the Daily Clintonian, 422 South Main Street, Clinton, Indiana 47842.

Robert J. Casey, 206 Valley Court, Pittsburgh, PA 15237.

J. A. Clendinen, Editor, Tampa Tribune, 202 Parker Street, Tampa, FL 33606.

Peter A. Cockshaw, Editor, Construction Labor News-Opinion, P.O. Box 427, Newtown Square, PA 19073.

Robert S. Corya, Bus. Editor, Indianapolis News, 307 N. Pennsylvania Street, Indianapolis, IN 46204.

A. Monroe Courtright, Pub., the Public Opinion, 130 Graphic Way, Westerville, Ohio 43081.

Wayne Cox, Reporter, Fresno Bee, Fresno, CA 93786.

Ed S. Critchlow, Pub., Union City Daily Messenger, 613 Jackson Street, Union City, TN 38261.

Philip S. Duff, Jr., Editor, Republican Eagle, 433 Third Street, Red Wing, MN 55066.

Ray Edwards, Ed. & Pub., the Mayfield Messenger, 206 W. Broadway, Mayfield, KY 42066.

George A. Embrey, Bu. Chief, the Columbus Dispatch, 809 National Press Bldg., Washington, D.C. 20045.

John R. Evans, Editor, Jamestown Daily Sun, 122 Second Street, NW, Jamestown, ND 58401.

Loyal Frisbie, Ed. & Pub., the Polk County Democrat, P.O. Box 89, Bartow, FL 33830.

Pat Geisler, Wire Editor, Chronicle Telegram, 225 East Ave., Elyria, Ohio 44044.

John D. George, Editor, Democrat News, 519 S. State, Jerseyville, IL 62052.

Douglas A. Gibson, Editor, Wyoming Agriculture, P.O. Box 1348, Laramie, WY 82070.

Nicholas L. Goble, Editor, Pa. School Board Bulletin, 412 N. Second Street, Harrisburg, PA 17101.

Max Goodwin, Ed. & Pub., Lemon Grove Review, P.O. Box 127, Lemon Grove, CA 92045.

William E. Hannan, EPE, the Sun Chronicle, P.O. Box 600, Attleboro, MA 02703.

Charles H. Hansohn, Farm Editor, Quad-City Times, 124 East Second, Davenport, IO 52808.

Del Harding, Secretary, Colorado Professional Chapter, 8102 S. Jay Drive, Littleton, CO 80123.

Roland C. Hartman, Editor, Poultry Digest, P.O. Box 1220, Redlands, CA 92373.

A. L. Hewitt, Editor, Daily News Tribune, 655 W. Valencia Drive, Fullerton, CA 92632.

W. E. Hussman, Sr., Editor, Palmer Newspapers, 113 Madison Ave., Camden, Ark. 71701.

Paul E. Ingels, EPE, the Palladium-Item, 19 N. Ninth Street, Richmond, IN 47374.

Rosemary K. Jackson, Associate Editor, the Sun, 115–117 S. Water Street, Hummelstown, Pa. 17036.

Harvey C. Jacobs, Editor, the Indianapolis News, 307 N. Pennsylvania Street, Indianapolis, Ind. 46206.

John M. Jones, Jr., Associate Editor, the Greeneville Sun, 200 S. Main Street, Greeneville, Tenn. 37743.

George A. Joplin, III, Managing Editor, the Commonwealth-Journal, 102 N. Maple Street, Somerset, Ky. 42501.

Gene Kelly, Business Editor, Lincoln Journal, 926 P Street, Lincoln, Nebr. 68501.

James J. Kilpatrick, Columnist, Washington Star syndicate, 225 Virginia Ave., SE., Washington, D.C. 20003.

Robert King, Sports Editor, Holdrege Daily Citizen, 418 Garfield Street, Holdrege, Nebr. 68949.

Fred C. Latcham, Jr., Publisher, Beeville Bee Picayune, 206 W. Corpus Christi, Beeville, Texas 78102.

Paul League, Editor, Lancaster News, 701 N. White Street, Lancaster, S.C. 29720.

William R. Lewis, Publisher, Lunden Tribune, Box 153, Lunden, Wash. 98264.

Curtis A. Littman, Editor, Gadsden County Times, P.O. Box 790, Quincy, Fla. 32351.

Jeffrey K. MacNelly, Cartoonist, Richmond News Leader, 333 Grace Street, Richmond, Va. 23219.

James L. Martin, Sr., Vice President, Forewarned, 8320 Old Courthouse Rd., Vienna, Va. 22180.

Richard L. McBane, Reporter, Akron Beacon Journal, 44 East Exchange Street, Akron, Ohio 44328.

Allan W. McGhee, Editor, the Drovers Journal, Kansas City, Kans. 66101.

Sidney B. McKeen, Assistant Editor, Worcester Telegram & Gazette, 20 Franklin Street, Worcester, Mass. 01613.

Holt McPherson, Editor Emeritus, High Point Enterprise, 210 Church Avenue, High Point, N.C. 27261.

Loyal G. Meek, Editor, the Phoenix Gazette, 120 E. Van Buren Street, Phoenix, Ariz. 85001.

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Mr. FANNIN. Mr. President, I wish to call my colleagues' attention to two editorials discussing the SDX resolution in the context of freedom of the press in America. I ask unanimous consent that the complete text of the article "A Free Press—If We Can Keep It" by William Murchison of the Dallas News and the editorial "Press, Unions Do Not Mix" of the Centralia-Chehalis, Wash., Daily Chronicle of July 30, 1976, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. FANNIN. Mr. President, on November 20, 1975, I was pleased to introduce, together with Senators CURTIS, HANSEN, HELMS, HRUSKA, LAXALT, and THURMOND, S. 2712, the Journalists' Freedom of Choice Act. This bill incorporates the principle discussed in the Sigma Delta Chi resolution.

This legislation would amend the Federal labor laws to guarantee freedom of choice in bargaining and labor relations matters. This would be accomplished by exempting employees of newspapers, radio, and television stations and other media from the exclusive representation provisions of the National Labor Relations Act.

If S. 2712 were enacted, it would no longer be lawful to require news personnel to join, support or pay membership dues or fees to any union in order to exercise their first amendment rights. Employees who are journalists would henceforth be free to negotiate their own wages, hours, and working conditions and adjust grievances with their employers without intervention or control of any union, if they so desired. Journalists could join or support a union as they see fit, but membership in a labor organization would not be necessary in order to hold a job or to express opinions on public issues in a professional capacity.

As I stated upon introducing S. 2712, current provisions of the Federal labor laws not only create serious problems for those individuals employed in the news media as columnists, broadcasters, commentators and critics on public issues. They also pose "a potential threat to individual liberties and fundamental freedoms enjoyed by all Americans." Unless amended, these laws threaten to destroy basic rights of free speech and free press guaranteed by the Constitution, especially where journalists are concerned.

Mr. President, I am disappointed though not surprised that to date the Senate Committees on the Judiciary and Labor and Public Welfare have failed to hold hearings or to take any action whatever on the journalists' Freedom of Choice Act. Since there is little time remaining in this Congress, I am hopeful that the next or succeeding Congresses will take time to consider the important fundamental issues involved in this legislation. In the meantime, I look forward to the discussioon of the Sigma Delta Chi convention and hope that the professional journalism fraternity will take a strong affirmative stand in favor of freedom of choice for journalists.

As William Murchison wrote in the Dallas News:

The matter is considerably more important than many journalists probably believe. More than the right of free association is at stake. Over the long run, the right to think is at stake. . . . Marvelous is the freedom of speech; marvelous are all our freedoms. But they put one in mind of Benjamin Franklin's famous description of the Philadelphia convention's handiwork. What kind of government are we to have? the good doctor was asked. "A republic," replied Franklin, pausing significantly, "if you can keep it."

EXHIBIT 1

[From the Dallas (Tex.) News, August 3, 1976]

A FREE PRESS—IF WE CAN KEEP IT

(By William Murchison)

Journalists, who think more, talk more and worry more than anyone else about freedom of the press, have a chance this fall to show they mean what they say.

The professional journalism fraternity, Sigma Delta Chi, will be offered a resolution affirming the right of journalists to abstain from union membership if they so wish. Two years ago, a similar resolution got booted out of SDX's resolutions committee without discussion. If SDX wishes truly to make a stand for press freedom, it will lustily shout the '76 resolution through to passage.

The matter is considerably more important than many journalists probably believe. More than the right of free association is at stake. Over the long run, the right to think is at stake.

What makes such a resolution essential is a saddening fact: For only a decided minority of American journalists does there exist legal protection against forced union membership. Only 20 states have right-to-work laws. Most of the great centers of communications—New York City, Chicago, Los Angeles—are in states where to decline union membership is to decline employment.

The point is one that rankles with anyone who values freedom. Still worse is it when the freedom in question is the *freedom* to express an idea or a belief—which freedom is precisely the one enshrined in the great constitutional prohibition: "Congress shall make no law . . . abridging the freedom of speech, or of the press."

What law has Congress made that so abridges freedom? The offending statute is the National Labor Relations Act of 1935, the Wagner Act. It provides that where employers negotiate contracts with unions, those contracts are binding on all employes. Only with passage of the Taft-Hartley Act in 1947 were individual states given the right to exempt their citizens from so onerous a requirement.

A suit filed several years ago by William F. Buckley Jr. and several other broadcasters challenged the power of the American Federation of Television and Radio Artists (AFTRA) to make news commentators join. Though preliminary verdicts have gone against the plaintiffs, the suit still drags along in the courts.

The passage by Sigma Delta Chi of an anticlosed shop resolution would hardly, of itself, strike the shackles from the wrists of journalists—among them, liberals like Nicholas von Hoffman—who consider themselves prisoners of their unions. But at least it would be a symbolic start—a blow for liberty.

That liberty is more than theoretical. For some of the leaders of the communications unions wax ever more arrogant. The Newspaper Guild, over the objection of numerous members, endorsed for president none other than George McGovern. AFTRA urged its members to back Cesar Chavez' grape and lettuce boycotts. From urging, it is but a step to forcing.

Should that step at last be taken, then the journalist of conscience would have no choice. He would have to go along to get along. Or he would have to look elsewhere for work.

Already, in the birthplace of Anglo-Saxon

freedoms, such matters are being worried over long and loudly. A bill to press-gang all British journalists into unions is making its menacing way through Parliament. The coercive ways of British unions are well known; so also their dislike of dissent. Should the bill go through, it is being freely predicted, only a short time would elapse before shop stewards began telling journalists what to write; almost as bad, the unions would gain theoretical power to ban contributions from outside writers.

That anything so totalitarian should even be talked of in Great Britain shows that American journalists had best nail down their freedoms while yet there is time. An adverse straw already floats in the domestic wind: The Democratic presidential candidate has declared that he would go along with outlawing voluntary unionism.

Marvelous is the freedom of speech; marvelous are all our freedoms. But they *put one* in mind of Benjamin Franklin's famous description of the Philadelphia convention's handiwork. What kind of government are we to have? the good doctor was asked. "A republic," replied Franklin, pausing significantly, "if you can keep it."

[From the Daily Chronicle, July 30, 1976]

PRESS, UNIONS DO NOT MIX

When members of the Society of Professional Journalists/Sigma Delta Chi (SDX) meet in Los Angeles Nov. 10 to 13, they will have an opportunity to go on record against compulsory unionism in the news business. Two years ago, the resolutions committee and the SDX directors declined to permit discussion of such a resolution at the convention. They later said they thought the resolution in favor of freedom of choice would somehow undermine employe-employer relations.

Compulsory unionism, in our judgment, violates the First Amendment to the U.S. Constitution by embedding in law the principle that a reporter can neither write nor express his or her opinions without financially joining a union.

Compulsory unionism also flies in the face of the SDX Code of Ethics, which says that "Journalists must be free of obligation to any interests other than the public's right to know."

We are not saying journalists should not join unions, what we are saying is that it should be a matter of choice ... if the First Amendment is to survive.

SDX is now going to get another opportunity to pass a resolution in favor of freedom of choice. If its members truly believe in an unfettered press, its members will pass it overwhelmingly.

The issue of unionism in journalism cuts across all lines of the political spectrum—it is not a conservative versus liberal stance. These are some of the prominent individuals who have made public statements about it:

—Supreme Court Justice William O. Douglas: "In some respects, the requirement to pay dues under compulsion can be viewed as the functional equivalent of a 'license' to speak ... Our cases dealing with flat license fees or registration requirements ... tend to suggest that even a minimal payment designed to cover administrative costs may be impermissible in a First Amendment context."

—Benjamin Bradlee, executive editor of The Washington Post: "I have long been troubled by forced union membership, particularly in the newspaper business, where independence is so important."

—Nicholas von Hoffman, syndicated columnist: "I do not appreciate being a member of a union against my will and live in fear and trepidation of a licensed press."

—Wes Gallagher, general manager, The Associated Press: "If the AP is to maintain its standards of objectivity, it cannot force the news employes into any organization, including a union. Inherent in the First Amendment is the assumption that the press is going to be the independent watchdog over public affairs and government and be divorced from any particular partisan group."

Compulsory union membership is basically unAmerican, and it is particularly reprehensible in the profession of journalism where independence of thought and fairness are so essential to an effective and responsible free press.

It is time that SDX faced up to its responsibilities in this area, and endorsed publicly the freedom of choice of a journalist to join or not join a union.

CITIZEN ACTION ON THE CASCO BAY ISLANDS

Mr. MUSKIE. Mr. President, a recent editorial in the Portland Press Herald made note of two important successes for the people of the Casco Bay Islands in the areas of health care and world peace. I had the opportunity to visit the islands recently, and talked with people there about these projects. I would like to join the newspaper in offering thanks and congratulations. I think their work demonstrates what a small group of determined and dedicated people can do to improve the quality of their lives and the lives of others.

I ask unanimous consent that the editorial be printed in the RECORD.

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

A GIANT STEP

It was a very big weekend for the people of Peaks Island with two significant events, one involving a building, the other a World War II gun emplacement.

On Friday, the Casco Bay Health Center was opened culminating two years of dedicated work by members of the Casco Bay Health Council. And while other sources, such as the Maine Medical Center which will work closely with the Center, have played major roles in bringing the island facility to reality, it was primarily the efforts of islanders themselves that brought success and everyone participating in the official ceremonies stressed that factor.

The other event, the dedication of the gun emplacement, represents an even longer period of effort and is part of a project not yet brought to completion.

The gun emplacement was dedicated to peace throughout the world and it represents a 13-year effort by the Peaks Island Conference Center. It is that organization's dream to one day build an international conference center on the site at the east end of the island.

Some 40 United Nations journalists were weekend guests of residents of Peaks, Chebeague, Long, Little and Great Diamond Islands. It was the first time in five years that the journalists had gathered here.

The people who share the vision of the conference center on the island hope that these journalists, and those who have been here in earlier years, will join in encouraging the development of such a center. The whole idea is to promote peace, bringing people together on a one-to-one basis in a setting of tranquility and beauty. It may be a dream, but it is everyone's hope that the dream will come true and that free from the protocol and rigidity of the formal United Nations proceedings, some understanding can be shared.

More immediately and practically, the gun emplacement may be used for special events and islanders hope it may even become part of a summer theater operation.

The dedication of the gun battery may seem as one small step for man, but who is to say that one day it will not be recognized as part of a giant step for mankind.

And the health center already is a giant step for all the men and women of the island who for so long have had to travel to the mainland for medical assistance.

The health center brings a new security to island residents right now. Perhaps, in years to come, the conference center concept will bring a new security for all people.

In any event, the people of Peaks Island are to be congratulated for their devotion to both causes and the accomplishments already realized in each program.

RHODE ISLAND UNDERSTANDS AG-PLANE PROGRAM COULD BE WORTHWHILE

Mr. MOSS. Mr. Preseident, even Rhode Island, the smallest State in the Union, has found a use for the aerial application of pesticides to control mosquitos and gypsy moths. In his letter to me, Gov. Philip W. Noel of Rhode Island also notes the potential for this technique in agricultural crop production.

Governor Noel states:

It is my understanding that a program of the type to be carried out by NASA, having as its aim increasing the efficiency, economy, and safety of agricultural aircraft usage, could be quite worthwhile.

Mr. President, I ask unanimous consent that Governor Noel's letter be printed in the RECORD.

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

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
Providence, R.I., June 25, 1976.

Hon. FRANK E. MOSS,
Chairman, Committee on Aeronautical and Space Sciences, Washington, D.C.

DEAR SENATOR MOSS: Mr. Rudolph D'Andrea, Chief of the Division of Agriculture, Rhode Island Department of Natural Resources, has informed me that to date aerial pesticide applications have been undertaken in Rhode Island mainly in pursuit of objectives in forest pest (gypsy moth,) and disease vector (mosquito) control. However, the potential for use of this technique in agricultural crop production exists.

It is my understanding that a program of the type to be carried out by NASA, having as its aim increasing the efficiency, economy, and safety of agricultural aircraft usage, could be quite worthwhile.

Sincerely,

PHILIP W. NOEL,
Governor.

SALE OF U.S. TECHNOLOGY TO SOVIETS

Mr. THURMOND. Mr. President, the July 1976 issue of Conservative Digest included a shocking article written by Miles Costick entitled "The Dangers of Economic Détente."

Mr. Costick, a Washington based foreign affairs and trade analyst, raises many vital points which should be addressed by the Congress and the administration.

Many of us in Congress are opposed to the transfer of defense related technology to the Soviet Union. Much of this technology, especially in the area of advanced computers, has a definite military

application. We are selling the Soviets what their totalitarian system has not been able to produce.

While I am unable to verify all of Mr. Costick's claims, the Congress and the administration should give the issues he has raised immediate consideration.

Transfer of laser and computer technology to the Soviets is irresponsible and dangerous. By so doing we are passing on the fruits of our free system to aid a system dedicated to our demise. The American people will not stand for such actions.

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

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

THE DANGERS OF ECONOMIC DETENTE

(By Miles Costick)

Not satisfied with the serious damage done by his grand design for political detente, Secretary of State Henry Kissinger has also advanced the concept of "economic detente."

Economic detente, according to Kissinger, is based on the principle of "linkage" of the American and Soviet economies, and would add "an element of stability to the political equation."

However, stability is not the result because what the United States means by detente and what the USSR means by detente are two entirely different things.

Leonid Brezhnev and his colleagues see detente as a policy to increase Soviet power over the United States *without* alarming the Americans or their allies into taking effective countermeasures. Brezhnev made this clear to his Politburo and Warsaw Pact leaders during the summer of 1973.

His key proposition was dubbed the "new Brezhnev doctrine" by U.S. defense analysts, who summarized it as follows: "We communists have got to string along with the capitalists for a while. We need their credits, their agriculture and their technology.

"But we are going to continue a massive military buildup, and by the middle 1980s we will be in a position to return to a much more aggressive foreign policy designed to gain the upper hand in our relationship with the West."

Therefore, every U.S.-Soviet deal—particularly the transfer of advanced technology and sophisticated capital equipment—is an act of international politics.

THE NATURE OF TRADE

By now, the two general techniques in the Soviet pattern of trade have clearly emerged. One is to tap the Western technology and long-term credits in order to develop resources rapidly, including oil, natural gas, timber and rare metals in Siberia.

The other is to import complete industrial installations wholesale, especially in the chemical and petrochemical industries, computer production, the automotive field, the energy sector and modern metallurgy.

In 1972 alone, orders for Western technology ran to $2 billion—a figure that rose in 1973 to almost $3 billion and is still climbing—with the result that Moscow now spends over 22 percent of its foreign exchange earnings annually in repaying loans.

The surge in shipments of advanced technology was particularly evident in the case of the United States. According to figures released by the Department of Commerce, the U.S. shipped $547 million worth of machinery and equipment to the Soviet Union last year.

This sharp increase in the export of technology, combined with grain shipments worth $1.1 billion, produced a record trade gap in Soviet-American relations in 1975. United States' exports totaled $1.8 billion, compared with imports from the Soviet Union of $227 million, a ratio of almost seven to one.

More, however, lies behind the Soviet trade strategy than erecting large new industrial facilities. The major contract with Fiat to build a complete auto factory at Togliatti illustrates another Soviet objective. Fiat not only planned, programmed and supervised construction of the complex, but trained Soviet engineers and technicians and provided technical help in running the installation.

Thus, what Moscow wanted to and did acquire was not just a modern plant, but the very art of modern mass production of cars, plus the management and organization for such mass production. The same applies to the Kama River truck plant, which predominantly utilizes American technology.

Historically, the Kremlin has used trade for political and strategic reasons, to exploit economic crises and to try to disrupt Western economies. In the view of this observer, the Soviet Union had explicit political objectives in exhorting the Arab oil nations to bargain hard with the West.

By half privately, half publicly promoting the upward spiral of oil prices, Moscow hoped to push the West toward bankruptcy and depression. It was obvious that Moscow took great comfort in seeing inflation pressures increasing in the West.

The Soviet press made no secret that Moscow also saw advantages in the rising competitive frictions between Western Europe and the United States as the oil crisis mounted.

THE MILITARY DIMENSION

In his testimony on April 12, 1974, before an executive session of the Subcommittee on Priorities and Economy in Government of the Joint Economic Committee of the U.S. Congress, William Colby, then director of the CIA, stated that the Soviets "have been getting military technology" from the West.

When Chairman William Proxmire inquired about the nature of that technology, Mr. Colby replied: "Computers, some scientific instruments and advanced equipment."

In 1972, the U.S. Departments of State and Commerce granted an export license for 164 of the latest generation Centalign-B machine. These are of critical importance in the manufacture of precision miniature ball bearings, which, in turn, are imperative for any guidance mechanism used in intercontinental ballistic missiles—ICBMs, MIRVs and the latest in guided missiles, MARVs—Maneuverable Reentry Vehicles. The sole manufacturer of these unique machines is the Bryant Chucking Grinder Company of Springfield, Vermont.

The Soviet war industry gained 164 of these machines; the United States has never owned more than 77 of them. The export of Centalign-B machines to the Soviet Union gave Moscow direct access to the mass manufacture of guidance mechanisms needed for MIRVing and MARVing.

According to testimony presented to the Senate Finance Committee, United States and British computer technology and large scientific computers enabled the Soviets to make a breakthrough in the development and advancement of MIRVs by saving them valuable time ranging from two to four years.

In 1982, the Soviets will have at least 5,000 operational MIRVs aimed at the United States. Without American technology and precision miniature ball bearings, this would not have been possible.

In my presence, the former chief legal counsel of the contracting division in the Soviet Ministry of Armaments gave a sworn statement that, without the use of American computers, precision instruments and digital tools in Soviet research and development laboratories, the Soviet military-industrial complex could not have made any advances in the development of high-energy lasers or nuclear devices. His statement was made in the spring of 1974.

This statement was confirmed on July 21, 1975, when Lt. Gen. Daniel Graham, then director of the Defense Intelligence Agency testified before a subcommittee of the Congressional Joint Economic Committee in executive session that he was worried about a Soviet breakthrough in "the application of lasers."

Furthermore, the Soviet Union is seriously exploring "revolutionary" and "highly speculative" weapons technologies, which could give it the worldwide lead in military weaponry in the near future.

So stated Deputy Defense Secretary William Clements on April 20 of this year. Clements told an MIT university conference in Washington, D.C., that the Soviet's arms experiments "include high-energy lasers, surface-effect vehicles and antipersonnel-pressure weapons."

It should be stressed that the Soviets have made a breakthrough in the deployment of high-energy lasers in the form of antisatellite devices. It was recently reported that several U.S. spy satellites placed in orbit to observe Soviet compliance with the SALT 1 agreement were rendered nonoperable (blinded) by Soviet laser-beam devices.

Computers are at the core of today's and tomorrow's strategies. Without them there are no weapons systems. All the new technologies—giros, lasers, nucleonics, metallurgy, propulsion, including computer technologies themselves—are dependent upon computers. Furthermore, computers, lasers and nucleonics are interrelated.

ROPESELLERS RUN WILD

And yet there is a concerted drive by several leading American electronic firms to sell to the Soviets fourth-generation large computers and related technologies, or to provide the Soviets with complete manufacturing facilities for the mass production of the latest generation computers.

For example, Control Data Corporation has provided the Soviet nuclear-research facility in Dubna near Moscow with its second- and third-generation computers. Today Control Data's management is pressing the Department of Commerce and other U.S. government agencies to permit the export to the Soviet Union of the world's largest and most advanced scientific computers—the fourth-generation Cyber-76 and Cyber 172 series.

Only eight such installations exist in the world, including those at the Atomic Energy Commission, U.S. Air Force, NASA and the National Security Agency.

One of the most flagrant examples of the outflow of American advanced technology and automated machinery is to be found in the case of the KAMAZ—Kama River truck plant, still under construction in accordance with specifications provided by leading American engineering concerns.

Donald E. Stingel, president of Swindell-Dresser Co., told the congressional Subcommittee on International Trade of his firm's role as the plant's principal engineering and construction contractor. His testimony included the revelation that the firm is providing the USSR with a technology yet to be realized even in the United States.

Specifically, the KAMAZ will have an annual production capacity of 150,000 to 200,000 10-ton multiple-axle trucks, more than the capacity of all U.S. heavy-duty truck manufacturers. This plant will be capable of producing tanks, military scout cars, rocket launchers and trucks for military transport, but it was approved as "nonstrategic."

Hedrick Smith, a Moscow correspondent for The New York Times, has reported a

joke that circulated within the official Soviet establishment on the eve of Brezhnev's visit to Washington in June 1973. Brezhnev, it seems, had gathered his advisors for counsel on what he should ask from America.

"Ask them to sell us cars and build us highways," suggested one. "Ask them to build us computer factories and petrochemical plants," said a second. "Ask them to build us oil pipelines and atomic power stations," said a third. "No," replied Brezhnev thoughtfully. "I'll just ask them to build us communism."

From the results to date of both political and economic detente this is exactly what the West has been doing: Building communism and digging its own grave.

BANK LOAN LOSS ACCOUNTING

Mr. McINTYRE. Mr. President, during the last year or so, as banks have experienced sizable loan losses, their accounting of those losses has become a matter of increased public interest.

Walter B. Wriston, chairman of Citicorp, has recently written an article entitled "A View of Loan Loss Accounting," which I believe to be a useful contribution to understanding the problem. I ask unanimous consent that the article be printed in the RECORD.

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

A VIEW OF LOAN LOSS ACCOUNTING

(By Walter B. Wriston)

The evolution of the accounting concept that loan losses, which are an expected and identifiable cost of the business of banking, should be charged to a bank's profit and loss account has developed slowly. Until as recently as 1969, loan losses in banks were not reflected as an expense in the calculation of operating earnings as publicly reported. This bookkeeping was clearly inconsistent with the valid concept that accounting presentations should reflect economic reality which, in the case of banks, means that the bottom line should reflect loan losses as one of the normal costs of being in the banking business. Bank managements, independent public accountants, and bank regulators recognized and then rectified this situation by requiring that any reserve set up for loan losses had to be funded by a charge to operating earnings. This change in accounting rules was a clear improvement in that inevitable loan losses were identified as a cost of doing business by clearly delineating that they should be charged to operating earnings.

Citicorp's policy has been, and will continue to be, to charge off loan losses in the month when management reviews determine that, based on judgment, a loss appears likely. Citicorp is, therefore, following the conservative policy of charging off perceived loan losses on an anticipatory basis. Because of the stringency of this anticipatory process, our experience has been that substantial sums are collected on loans which have previously been charged off. These recoveries are detailed in our financial statements. Unlike industrial experience, where inventory and accounts receivable losses tend to have little salvage value, a meaningful portion of Citicorp's loan losses are recovered. Citicorp has been charging current earnings in excess of actual loan losses, and, therefore, has been providing currently for possible future losses.

Because the absolute and relative size of bank loan loss reserves have recently attracted some attention, it may be useful to analyze the function and the utility of such reserves. The level of a loan loss reserve is a function of the size of the charge to earnings to fund it on the one hand, and the timing of bad debt write-offs on the other. It follows from this, that the size of a reserve can be significantly inflated by continuing the funding charge against earnings, while at the same time being slow to charge off bad debts against the reserve. This timing might vary all the way from a highly conservative anticipatory process, to deferring write-offs until ordered to do so by bank examiners.

Suppose, for example, that Citicorp had not followed its conservative policy of anticipatory credit charge-offs and had allowed loan write-offs to lag twelve months behind those actually reported. Assuming also that the provision for loan losses charged to earnings remained the same, the reserve for loan losses on June 30 would have been close to $700 million, more than double the reported amount. Earnings and net loans, as shown on the balance sheet, would have been exactly the same as actually reported. The absolute and relative size of such an inflated reserve would not, in fact, have resulted in stronger shareholders' and depositors' positions, nor would it be predictive of future earnings trends. On the contrary, this action would be the reverse of conservative management. If there were a universal perception that the larger the reserve the sounder the institution, there would then arise a strong motivation not to recognize losses promptly, and to let the reserve build up. Such a course of action would be not only bad business management, but also would present an inaccurate picture of the facts. The concept that the ratio relationship between the reserve for possible loan losses and aggregate loan totals should be either constant or increasing is based on the presumption that charges are not in fact, made to current earnings in anticipation of possible loan losses. If one assumes a constant or increasing loan portfolio matched by a constant or increasing ratios between the reserve and the loans, it is apparent that the reserve can never decrease. This being so, it ceases to be a reserve and assumes the attributes of equity, thus defeating the purpose of reserve accounting for loan losses.

The understanding of the function and utility of a reserve is further complicated by the fact that every financial institution has a different mix in its loan portfolio. This fact also tends to get abscured by simple arithmetic ratios. Citicorp, for example, has approximately $4 billion of personal and mortgage loans to consumers. The nature of this risk is relatively predictable in that the ratio of losses to particular kinds of consumer loans made does not vary widely from one time period to another, although loss ratios do vary from market to market and among different types of consumer loans. In the case of personal loans, losses are recognized on a formula basis which is based on loss experience by type of loan by market over time. Typically this formula anticipates loan loss recoveries will run approximately 30% overall.

In the first half of 1976, certain Citicorp subsidiaries changed their write-off policies, based on experience with respect to consumer personal loans, to a more restrictive "180 days contractual" basis. The one time effect of this discretionary formula change was an additional charge against loan loss reserves of $16 million in the first half of 1976. This change made good business sense and was deemed prudent and conservative. It means, however, that future reserves will, by definition, be lower and that write-offs and recoveries somewhat higher. There will be no effect on reported earnings.

As a result of this formula change, Citicorp's reserve for loan losses is $16 million lower than it would have been had the formula charge-off policy for consumer loans been the same as it was in 1975. By implementing a more conservative charge-off formula, the ratio of reserves to loans was lowered by four basis points. Since the economic reality has been and continues to be that losses on consumer loans are anticipated with reasonable accuracy and charged to current earnings, this charge has taken on many characteristics of an accrued expense. It is simply a rather predictable cost of doing business and is viewed as such. Citicorp's consumer losses for the full year 1975 were $58 million and recoveries $18 million. For the six months ended June 30, 1976, and after reflecting the $16 million of losses resulting from the change in write-off policy previously described, consumer loan losses were $61 million and recoveries $17 million. The higher absolute level of write-offs results primarily from the write-off policy change combined with greater loan totals outstanding.

Unlike the experience of personal finance companies or Citicorp's own consumer loan portfolio, commercial loan losses are not as clearly predictable as consumer loan losses. There is not now, or has there ever been any formula which has proven accurate in predicting losses over time, so charges must of necessity be judgmental. These judgments must be made based on a thorough analysis of a given portfolio and then subjected to scrutiny by independent accountants and bank examiners. Clearly, if management could identify at any one point in time all anticipated losses within a given portfolio with total accuracy, these loans would be immediately written off and no reserve would be required. Since no one can predict the future with total accuracy, Citicorp has increased its charges to current earnings in excess of current losses to be as conservative as possible. Over the last five and one-half years Citicorp has charged current earnings and put into the reserve for loan losses $72 million more than actual write-offs.

Since all known loan losses are appropriately anticipated, it is clear that the primary defense against loan losses has always been and will continue to be the ability of a financial intermediary to absorb future losses out of current earnings and still provide an adequate return to the shareholders. Both in 1975 and thus far in 1976, a period in which Citicorp has experienced greater loan losses than any other period in its history, earnings before taxes and provision for net loan losses were more than three times net loan losses.

UNEMPLOYMENT RATES

Mr. DOMENICI. Mr. President, there is an issue of importance within the Labor-HEW appropriations bill that I wish to bring to the attention of my colleagues. In supporting H.R. 14232, the Senate will be appropriating funds to clear up a case of statistical oversight dealing with unemployment rates.

In brief, the Bureau of Labor Statistics has come up with a procedure that is unfair to the 23 least populous States, as applied to CETA funding. It is the practice of the BLS to "benchmark" unemployment figures—reported by the States—to the Census Bureau's Current Population Survey—CPS. In so doing, the BLS generally improves the quality of official figures by relating them to a standard and accepted statistical series.

In the 23 least populous—or non-CPS—States, however, the BLS readily acknowledges the fact that the CPS sampling is too small to measure employment trend changes within any of the non-CPS States. As a lump sum, we are told by the BLS, it is known that refinements are needed because the small

States report too much unemployment—by an estimated 9 percent. But, because the actual samples are so small, the BLS is unable to statistically locate the sources of overreporting within the 23 non-CPS States, and they therefore assume a uniform error from which they uniformly reduce the official unemployment figures of all 23 non-CPS States with no recourse to individual States.

It is quite possible, for example, that Rhode Island lose a major source of employment resulting in a dramatic increase in unemployed persons. If the trend among other small States is an increase in jobs due to energy exploration, the overall trend of increased employment will be used to Rhode Island's detriment because it happens to be a small State with an inadequate CPS sample. The net result for Rhode Island, as far as official statistics are concerned, will be a reduction in the numbers of unemployed persons even though the actual joblessness increased.

This can happen because of the lumpsum approach of the BLS in reporting unemployment rates among the 23 non-CPS States. Because so many Federal grant programs—especially CETA and the EDA programs—are directly tied to BLS statistics, Rhode Island could and would lose needed Federal assistance.

Fifteen Senate colleagues have joined me in a letter to Mr. Julius Shiskin, Commissioner, BLS. We expressed our concern and were in turn promised by the Employment and Training Administration and the BLS of the Department of Labor that any negative funding decisions due to changes made by the BLS in unemployment statistics would be held harmless—with discretionary funds in H.R. 14232.

I bring this matter to your attention so that you will know that a vote in favor of H.R. 14232 will be a vote of assistance to those non-CPS States that could very easily lose some or all of their CETA funds.

In fairness to the BLS, I assure my colleagues that a revised, more in-depth procedure will be online for calendar year 1977. At that time, according to BLS timetables. all 50 States will have adequate samples for meaningful benchmarking and improvement in the quality of unemployment rates. Therefore, the problem shared by the 23 least populous States as discussed above is due to an interim procedural measure. The Department of Labor has been most cooperative in resolving the funding problems associated with aggregate, multi-State revisions of the unemployment rates.

In discussing this same statistical problem with the Economic Development Administration, we have found that the 23 non-CPS States will, as a group, not be hindered. This is due to a new twist in the application of numbers. CETA uses the estimated numbers of unemployed persons while EDA uses the rates of unemployment. CETA funds would have been—without the transfer of discretionary funds allowed in this bill—decreased in the 23 non-CPS States because the number of unemployed persons is officially reduced as explained above. However, since the BLS also reduces the number of employed and the total labor force, the ratio of unemployed to the total labor force can and, in fact, does increase. That is, the unemployment rate increases—in most cases—due to the reduced official size of the labor force. Thus, the same set of numbers yields different results depending on their specific application.

I ask unanimous consent that our letter to BLS and the response be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C. May 27, 1976.

Mr. JULIUS SHISKIN,
Commissioner, Bureau of Labor Statistics, U.S. Department of Labor, Washington, D.C.

DEAR MR. SHISKIN: We write you in opposition to the recent BLS decision to treat 23 States as a single group in making downward adjustments in the official unemployment rates. While we enthusiastically support your plans to standardize unemployment statistics in the coming year, we object to this interim measure.

As we understand this complicated procedure, each year (when necessary) the BLS benchmarks the State estimates to the Current Population Survey figure. The problem arises in 23 States that do not have an adequate CPS sample to justify such an adjustment. The net result is the use of two different methods. The 27 most populous States are individually revised and benchmarked to the CPS; the 23 least populous States are lumped into one group with a uniform downward revision applied to all 23 States.

Further complicating this situation is the fact that Congress made several significant changes in the unemployment insurance system. The estimating procedures for all States are closely tied to unemployment insurance figures and then verified or adjusted by the results of the CPS which is conducted by the Census Bureau. According to information received from the BLS (in the March 25, 1976 letter to Mary C. Hackett, Employment Security Director for Rhode Island), the 27 CPS States had over-estimated 1975 unemployment by about 6 percent and the 23 non-CPS States over-estimated 1975 unemployment by about 9 percent.

While we can empathize with the dilemma faced by the BLS in determining an equitable method for making adjustments in the 23 non-CPS States, we must object to the uniform reductions required in these 23 States with no field validation or State-by-State verification of methodology to more precisely determine the sources of "error." It is also not clear to us how the "error" can be known when the CPS sample is admittedly insufficient in the non-CPS States.

We have relied on unemployment data from the Bureau of Labor Statistics for much of our decision-making. Had we known about the underlying problems and the impending interim "solutions," funding decisions for CETA and economic development programs may have been quite different.

We would like to continue our good faith in the reliability of the estimates given to us by the BLS. There is no better way to undermine this faith than to make changes in the methodology without public notice or proper validation of data.

Therefore, we ask that the BLS rescind its requirement to the 23 non-CPS States to reduce their official unemployment rates by an annual average of about 9 percent. Since there is no valid statistical reason to assume that each of the 23 non-CPS States has an error of that magnitude, we further request that other alternatives be examined by the Department of Labor to insure that current funding levels are held harmless in the 23 non-CPS States. We feel confident that alternative solutions are clearly possible in light of inadequate data in the 23 non-CPS States.

Sincerely,

Pete V. Domenici, New Mexico; Ted Stevens, Alaska; John Pastore, Rhode Island; Paul Fannin, Arizona; Patrick Leahy, Vermont; Claiborne Pell, Rhode Island; Joseph M. Montoya, New Mexico; Gary Hart, Colorado; Jennings Randolph, W. Virginia; Lee Metcalf, Montana; Robert Stafford, Vermont; Mike Gravel, Alaska; Thomas McIntyre, New Hampshire; William Hathaway, Maine; Robert Dole, Kansas; Howard W. Cannon, Nevada.

NOTE.—After obtaining the signatures of 15 colleagues, it was brought to our attention by the staff of the Labor-HEW Subcommittee of the Appropriations Committee that the final paragraph of this letter might be misunderstood. It could be interpreted to mean that any changes made for the non-CPS States would have to be absorbed by the CPS States. Such an interpretation is not our purpose. On the contrary, we are seeking a solution that would preserve CETA funding (as well as other program activities tied to unemployment rates) for all the States. We intend no spill-over or negative impact in the CPS States. We feel that the BLS should have the latitude to pursue alternatives.

I am confident that the co-signers of this letter agree to this clarification.

PETE V. DOMENICI.

BUREAU OF LABOR STATISTICS,
Washington, D.C., June 18, 1976.

Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMENICI: I am responding to your letter of May 27 to Commissioner Shiskin, in which you expressed your concern and that of several other Senators, regarding the unemployment estimates for the 23 States for which data from the Current Population Survey (CPS) are not available.

We understand your concern and would like to explain to you the reasons for the decision made by the Bureau of Labor Statistics to require a uniform adjustment to the unemployment data for these 23 States. This decision was made after consultation at all levels within the Bureau and with Committees on which State employment security agencies are represented.

A careful review of the data prepared by the State employment security agencies revealed that the State estimates tended to overstate unemployment in 1975. This was due to the fact that the estimating procedure, sometimes referred to as the "Handbook Method" or the "70-step method," had not been corrected to allow for new unemployment programs in 1975 (the State extended benefit program and the Federal supplementary benefit program).

In the 27 States for which reliable data from the national survey are available, the benchmarking process corrected this problem. Since individual State benchmarks from the CPS were not available for the other 23 States, some other procedure was required in order to insure comparability. The CPS data for the individual States in this group did not meet the required standard of reliability, but the aggregate of the 23 States—taken as an entity—did. The decision was to use the 23 State aggregate (the only data available) as a benchmark and to adjust each of the States in the group proportionately.

The problems involved in the use of this

procedure have been reviewed with those in the Department responsible for administering funds under the Comprehensive Employment and Training Act (CETA). It has been decided that the Secretary's discretionary funds will be used to insure that no area is penalized merely because separate CPS estimates were not available. This decision, I believe, will satisfy the intent of your letter. However, if you wish to have particular details clarified further, I suggest that your staff call Mr. Dudley E. Young, our Assistant Commissioner responsible for this program for BLS (523-1694), to discuss any questions on statistical procedures. Questions on the allocation process itself, however, should be directed to Mr. Davis Portner of the Employment and Training Administration (376-6274).

I want you to know that I appreciate your concerns about the quality of the local area statistics and that the Bureau of Labor Statistics is doing everything it can to improve the data so that the allocation of Federal funds is made in an equitable manner.

Sincerely yours,

JANET L. NORWOOD,
Acting Commissioner.

THE CORPORATE DOUBLE STANDARD: WOMEN STAY BACK

Mr. METCALF. Mr. President, a double standard is being used to prevent women from becoming board members of America's largest corporations.

At the 1976 General Electric stockholder meeting, G.E. Chairman Reginald H. Jones was asked why there are no women serving on the board of America's ninth largest industrial corporation. As reported in the summer issue of General Electric's Investor magazine, Chairman Jones explained that he was "personally distressed" that there are no women serving on the board, but because of the wide diversity of General Electric's products, no qualified women could be found who were not already on the board of a competing company.

I am pleased that Mr. Jones has expressed a concern about director affiliations which present potential conflicts of interest. Unfortunately, it appears that G.E. standards for women executives are far stricter than those for male executives.

I have asked my staff to prepare an analysis of the affiliations of the present members of General Electric's board of directors. The board, made up of 18 men, is packed with representatives of potential competitors, customers and suppliers, and financial institutions with potential controlling interests in competing companies.

Two of the Nation's largest retail chains, Federated Department Stores and J. C. Penney, are represented on the board of G.E.—one of the Nation's largest manufacturers of retail goods.

Two large steel companies, National Steel and Inland Steel, both potential suppliers, are represented on the G.E. board.

Six of the Nation's largest banks, Chase Manhattan, Morgan Guaranty, Citibank, Chemical Bank, Wells Fargo, and Northern Trust Co., are represented on the G.E. board. The trust and investment divisions of these banks hold, with voting rights, blocks of General Electric common stock. Common stock voting authority, along with long- and short-term debt control and interlocking directors, are the main avenues of influence between the banks and corporations.

Five subsidiaries of the Nation's largest mutual fund complex, Investors Diversified Services, are represented on the General Electric board. Two of those five companies hold G.E. common stock. Another IDS company, not represented on the board, holds more G.E. stock.

These companies and banks, all directly interlocked with the board of General Electric, present potential conflicts of interest for board members involved.

It should be pointed out that this array of corporate affiliations and potential conflicts exists on the board of virtually every large American corporation. Concerns about potential conflicts of interest are indeed legitimate. I am personally concerned about the present situation at General Electric. But for anyone to claim that there are simply not enough qualified women to go around is ludicrous.

It is ironic that the issue of Investor magazine which reports Mr. Jones' remarks was distributed at approximately the same time that Business Week published, as its cover story, a survey of the top 100 corporate women in the United States.

This Business Week list is impressive, but in no sense is it complete. It is only a small example of the vast range of talent yet to be tapped by America's corporations. As the Business Week article points out "Corporate officers need all the talented and experienced advice they can find. There is plenty to be found among women executives."

I am in complete agreement. Corporations that are serious about bringing women and minorities into upper management positions can find plenty of talented, intelligent people—if they will only throw aside their double standards and stop searching for more excuses for delay.

Professional women who are interested in opportunities for service on corporate boards should be aware that information bearing on the discrimination against them, by companies such as General Electric, is not easy to obtain. There is no centralized reporting of affiliations of corporate officers and directors or, for that matter, other data bearing upon corporate ownership and control such as major stockvoters and debtholders.

The staff of the Subcommittee on Reports, Accounting and Management spent several days sifting through public reference such as Standard & Poor's, Moody's, and Vickers, as well as the reports of the trust and investment divisions of national banks to the Comptroller of the Currency, to obtain some of this data on GE.

Such information, that is so vital to our understanding of the structure of the American corporate system, is not available in any one place. It should be. To this end, the staff of the subcommittee, in cooperation with staff members of nine regulatory agencies and the General Accounting Office, developed model uniform corporate disclosure requirements. They appear in appendix A of Senate Document 94-246: Corporate Ownership and Control.

These proposed regulations would provide Congress with the information we need to make important public policy decisions. They would provide the regulatory agencies with the information they need to efficiently and effectively protect the public interest, with a minimum of interference and burden on the reporting companies. They would provide investors with the information they need to make safe, sound investments. And they would provide the majority sex with information women need to attain a larger role in corporate governance.

The model corporate disclosure regulations are currently before all of the commissions and agencies that participated in their formulation. Most of these commissions and agencies unfortunately, appear to be as slow to adopt these disclosure regulations as many corporations are in adding qualified women to their boards of directors.

Mr. President, I ask unanimous consent that Mr. Jones' remarks, as they appear in the summer 1976 issue of Investor magazine, the staff analysis of the board of directors of General Electric, and the article, "Top 100 Corporate Women," from the June 21, 1976, issue of Business Week, be printed at this point in the RECORD.

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

[From the General Electric Investor, summer 1976]

A WOMAN DIRECTOR: THE SEARCH INTENSIFIES AS A SPECIAL COMMITTEE OF THE BOARD CONSIDERS MORE WOMEN NOMINEES

In response to a share owner question at the Statutory Meeting, Board Chairman Jones said that he was "personally distressed that we do not have a woman serving on our Board of Directors at this time." He reported that the Special Committee of the Board has been considering nominations for a couple of years but has not yet found "the right woman to bring aboard."

The Chairman explained that "one of our problems is the very great diversity of the Company itself. Many qualified women are already members of a Board of Directors of some other company, and because of the diversity of our products would be in conflict if they were to serve on our Board."

He indicated, however, that efforts are being intensified "to find the right woman to bring to our Board," and he added that he was "personally hopeful that by the time we next send out an annual Proxy Statement this will be a moot issue."

AFFILIATIONS OF BOARD OF DIRECTORS OF GENERAL ELECTRIC CO.

Board member, corporate affiliations, and comments

Humphrey, Gilbert W.: Hanna Mining Co.; General Electric Co.; National City Bank of Cleveland; Texaco, Inc.; St. John d'el Ray Mining Co.; Massey Ferguson, Ltd.; National Steel Corp, 8th largest integrated steel company—potential supplier; Sun Life Assurance Co., holder of GE common stock; General Reinsurance Co., holder of GE common stock.

Hovde, Frederick L.: General Electric Co.; Purdue University; Investors Mutual, holder of GE common stock; Investors Selective Fund; Investors Variable Payment Fund; Investors Stock Fund, holder of GE common stock; IDS Bond Fund, Inc.; Inland Steel Company, 5th largest integrated steel company—potential supplier.

Lawrence, John E.: General Electric Co.; James Lawrence & Co.; State Street Investment Corp., holder of GE common stock.

Parker, Jack S.: General Electric Co., inside director.

Weiss, Herman L.: General Electric Co., inside director.

Pierce, Samuel R.: General Electric Co., inside director.

Wriston, Walter B.: General Electric Co.; Citicorp; First National City Bank, holder of GE common stock, potential debtholder Chubb Corp.; Rand Corp.; J. C. Penney Co., 3rd largest retail chain, potential customer, actual competitor.

Jones, Reginald H.: General Electric Co., American Management Association, board chairman.

Scribner, Gilbert H.: Nortrust Corp.; Nothern Trust Company, holder of GE common stock; General Electric Co.; Scribner & Co.; Northwestern Mutual Life, Mortgage and Realty Investors, parent company is holder of GE common stock; Quaker Oats; Abbott Laboratories.

Dance, Walter D.: General Electric Co.; inside director.

Lazarus, Ralph E.: Federated Department Stores, ninth largest retail chain, potential customer; Chase Manhattan Bank, holder of GE common stock, potential debtholder; Scott Paper Co.; General Electric Co.

Littlefield, Edmund: Utah International; General Electric Co.; Marcona Corp.; Cyprus Pima Mining; Wells Fargo Bank holder of GE common stock, potential debtholder; American Mining Congress; Southern Pacific Transportation, potential customer; Southern Pacific Co.; Industrial Indemnity Co., holder of GE common stock.

Austin, J. Paul: Coca-Cola Co.; Continental Oil Co.; Morgan Guaranty Trust Co., holder of GE common stock, potential debtholder; General Electric Co.; Trust Company of Georgia; J. P. Morgan Co.

Boswell, James G. II: General Electric Co.; Safeway Stores; Security Pacific National Bank.

Dickey, Charles D.: General Electric Co.; Scott Paper Co.; British Columbia Forests; INA Corporation, holder of GE common stock; Morgan Guaranty Trust Co., holder of GE common stock, potential debtholder; J. P. Morgan Co.; American Paper Institute.

Hillman, Henry L.: Chemical New York Corp.; Chemical Bank, holder of GE common stock, potential debtholder; Pittsburgh National Corp.; Pittsburgh National Bank; Texas Gas Transmission Corp.; Hillman Corp.; Cummings Engine Corp.; Global Marine Corp.; Marion Power Shovel Co., Inc.; Copeland Corp.; Edgewater Corp.; Shakespeare Co.; Hillman Coal and Coke Co.; National Steel Corp., eighth largest integrated steel company, potential supplier; General Electric Co.

Cathcart, Silas: Illinois Tool Works; A. B. Dick Co.; Jewel Companies; General Electric Co.; Nortrust Corp.; Northern Trust Company, holder of GE common stock; Quaker Oats Co.

BANKS REPRESENTED ON THE GE BOARD OF DIRECTORS WHOSE TRUST DIVISIONS HOLD GE COMMON STOCK

Director	Bank	Total shares held	Sole voting rights
Wriston, Walter	Citibank	4,712,000	3,021,511
Lazarus, Ralph	Chase Manhattan Bank.	2,166,000	754,000
Littlefield, Edmund.	Wells Fargo Bank	740,957	536,468
Austin, J. Paul	Morgan Guaranty Trust Co.	1,419,122	584,084
Hillman, Henry	Chemical Bank	[1] 1,042,000	[1] 915,000
Scribner, Gilbert H., Cathcart, Silas.	Northern Trust Co.	[1] 2,135,406	[2]

[1] Approximate.
[2] Not available.

COMPANIES HOLDING GENERAL ELECTRIC COMMON STOCK REPRESENTED ON GE BOARD OF DIRECTORS

Board member: Company	Shares held
Humphrey, Gilbert W.:	
Sun Life Assurance Co	46,000
General Reinsurance	77,600
Hovde, Frederick L.:	
Investors Mutual	400,000
Investors Stock Fund	300,000
Lawrence, John E.: State Street Investment Co	55,000
Dickey, Charles D.: INA Corp	120,000
Littlefield, Edmund: Industrial Indemnity Co	5,000
Scribner, Gilbert H.: Northwestern Mutual Life Mortgage & Realty Investors	[1] 169,000

[1] Stock is held by parent company, Northwestern Mutual Life. Scribner is not a director of Northwestern Mutual Life.

ONE HUNDRED TOP IMPORTANT WOMEN—A COMPREHENSIVE SURVEY OF WOMEN WITH CORPORATE CLOUT—AND THEIR ROUTES TO THE TOP

Ann Maynard Gray, a 30-year-old MBA from New York University, was elected treasurer of American Broadcasting Cos. in New York City two months ago after only three years with the entertainment conglomerate that is enjoying one of its best years in television. Jayne Baker Spain, 52, former chief executive of a machinery manufacturer and a former vice-chairman of the U.S. Civil Service Commission, was named senior vice-president of public affairs at Gulf Oil Corp. in Pittsburgh earlier this year. Frances Davis, a 51-year-old member of a leading San Francisco law firm, was appointed vice-president and general counsel of Potlatch Corp., the forest product giant, last September.

Quietly, with no more notice than the usually ignored press release, women have been moving into significantly important executive positions at major U.S. corporations. Who they are, where they are, and determining their real influence has taken weeks of research and reporting by BUSINESS WEEK'S staff. Profiles of 100 of these women are on the following pages.

These 100 women who wield real corporate power are distinguishable for one thing: They are indistinguishable from their male counterparts in how they came to their present business eminence. More than a dozen founded their own businesses, a handful inherited a business. Some are highly educated, with several degrees capped by a doctorate. Some have a high school education.

Like upwardly mobile men, about a dozen of the top women executives found a law degree either handy or the principal tool in their rise. Banking or financial services have offered most—23 of the top 100—their path to a senior corporate post. Many feel their age is irrelevant to their present job and will not disclose it.

AVENUE TO SUCCESS

Some of the women have carved their careers by spotting corporate needs and developing the knowledge to fill them, or by being in the right spot at the right time, such as was the case with Marion S. Kellogg (picture, above), a vice-president at General Electric Co., and Phyllis A. Cella, a John Hancock Mutual Life Insurance Co. vice-president (BW—Nov. 24, 1975). Others, such as Mary Kay Ash—now chairman of a $35 million cosmetics company—found the male refusal to give a female a chance too forbidding and started their own businesses. Mary Hudson Vandegrift was in her early 20s when her husband was killed in a truck accident, leaving her with a couple of gasoline stations in the middle of the Great Depression and a surplus of gasoline. She pioneered in acquiring a string of gas stations and cutting prices.

The top female executives are no different than males in being busy people. Dorothy Gregg, holder of a doctorate from Columbia University and vice-president of communications at Celanese Corp., has served on a half dozen New York State and New York City commissions, on the White House Conference on Children, a UNESCO committee, and claims membership in 22 organizations. Spain is a director of a hospital, a trustee of two colleges, has been a director of the American Management Assn., and served on two Presidential commissions.

No one geographical area of the country seems more hospitable to the woman executive than any other. You will find more of them, of course, in New York City and its environs as that area boasts the most corporate headquarters. But women executives are prominent in Boston, Philadelphia, Chicago, and Los Angeles. No particular vocation seems closed to women; one directs research at Avco Corp., another negotiates labor contracts for Macy's New York.

These women share one distinction: They are sought by male executives to serve on boards of directors. This is not primarily a response to the "consciousness-raising" of the past decade, but a calculated move to get counsel on developing their own women executives. And, just as important, corporate officers need all the talented and experienced advice they can find. There is plenty to be found among the following women executives.

BANKING

Catherine B. Cleary, president and chief executive officer of First Wisconsin Trust Co., Milwaukee, with deposits of $20.8 million. The only woman to head a well-known bank she did not inherit, Cleary also serves as a director of General Motors, AT&T, Kraftco, Northwestern Mutual Life Insurance Co., and Kohler Corp.

Rebecca S. High, senior vice-president of First Pennsylvania Bank, Philadelphia, the nation's 19th largest bank, with deposits of $4.4 billion. High supervises five divisions: corporate cash management, deposit and accounting services, trust accounting, loss and fraud prevention, computer control.

Marilyn LaMarche, vice-president at Citibank, New York City, the country's second largest, with deposits of $45 billion. As head of the business development department of the personal financial management division, LaMarche handles portfolios totaling more than $100 million.

Kay K. Mazuy, senior vice-president for corporate marketing at Shawmut Corp., Boston, parent of Shawmut National Bank, with deposits of $1.8 billion. Mazuy directs corporate advertising, market research and sales analysis, and corporate business and product development at the eight-bank holding company, and is a director of McGraw-Hill and Blue Shield of Massachusetts.

Sandra J. McLaughlin, vice-president for retail services at Mellon Bank, Pittsburgh. McLaughlin heads three divisions of the nation's 15th largest bank, with deposits of $7 billion, and she controls more than $100 million. She is also consumer adviser to the American Bankers Assn.

Madeline McWhinney, president of First Women's Bank, New York City. The first of a number of banks to serve predominantly women, the bank has acquired $8 million in deposits since its opening in October, 1975.

Caroline Norman, vice-president at Wachovia Bank & Trust Co., Winston-Salem, N.C., and the first woman to attain this rank in the Southeast's second largest bank, with deposits of $2.8 billion. Since last year, Norman generates new loans in the Midwest and specializes in cash management.

Mary G. Roebling, chairman of National State Bank, Elizabeth, N.J., which has deposits of $570 million. One of the first women bank presidents and the first woman governor of the American Stock Exchange, Roebling also serves on the New Jersey Investment Council, a state advisory group.

Martha R. Seger, division vice-president for investments and economics at the Bank of the Commonwealth, Detroit, with deposits of $836 million. A former Federal Reserve Board economist, Seger manages Commonwealth's investment portfolio and heads its money center and municipal bond departments.

BROADCASTING

Deanne Barkley, vice-president of program development at NBC in Burbank, Calif. Barkley is responsible for supervision of 60 to 70 new prime time TV program concepts each season.

Ann M. Gray, treasurer of American Broadcasting Cos., New York City. Reporting to the financial vice-president, Gray directs all treasury operations, cash control and management, credit and collections, and short-term portfolio management.

Charlotte Schiff Jones, executive vice-president and director of Manhattan Cable Television Inc., a subsidiary of Time Inc. As No. 2 executive of the 80,000-subscriber CATV station, one of the nation's largest, Jones directs relations with government regulatory agencies and develops new uses for cable TV technology.

Kathryn Pelgrift, vice-president for corporate planning at CBS Inc., New York City. A rising corporate star at the broadcasting company, which she joined as assistant to the president in 1972, Pelgrift recommends corporate objectives for growth and profitability.

Marion Stephenson, vice-president and general manager of NBC's radio-network, New York City, and RCA Corp.'s first woman vice-president. The No. 2 executive at the network, Stephenson is in charge of sales, programs, and the operations of affiliates.

Marilyn Walsh, vice-president and director of taxes and finance at CBS, New York City. Walsh is the corporation's chief tax executive, advising and representing CBS on all tax matters.

COSMETICS AND FASHION

Mary Kay Ash, chairman and co-founder with son, Richard, of Mary Kay Cosmetics Inc., Dallas. Ash was instrumental in boosting the company's revenues from $200,000 in 1963, its first year, to $35 million in 1975.

Jane Evans, president of Butterick Fashion Marketing Co., New York City, the American Can Co. division that comprises Vogue and Butterick Patterns, Butterick Publishing, and several smaller units. A former president of I. Miller, the Genesco Inc. retail shoe operation, and vice-president for international marketing of Genesco's International Group, Evans is an established power in fashion marketing.

Gloria Gelfand, president of Picato sportswear, New York City, a new General Mills Inc. division aimed at the young professional market. After only two years, Picato racked up sales of $10 million, with Gelfand exerting autonomous control of sales, marketing, and merchandising.

Mary Joan Glynn, general manager and chief operating officer of the Princess Marcella Borghese Div. of Revlon Inc. The cosmetics giant in New York City had 1975 sales of nearly $750 million. Glynn is responsible for all aspects of the multiproduct cosmetics group, specializing in marketing and product direction.

Shirley Goodman, executive vice-president of the Fashion Institute of Technology, New York City, and a trend setter for the garment trade. By training designers and placing them with ranking companies, Goodman exercises strong influence on the fashion and retailing industries.

Helen Lee, president and designer of Helen Lee Inc., New York City. The company produces the nation's single largest line of children's clothing, the Winnie the Pooh collection for Sears.

Ruth Manton, president for Anne Klein Design Studio, New York City, a designer and licenser of towels, sheets, and 20 other lines, which account for about $150 million in retail sales.

Paula K. Meehan, founder and chairman of Redken Laboratories Inc., Van Nuys, Calif. A former actress, Meehan runs the 16-year-old company with sales of $31 million in cosmetics and personal grooming preparations.

Carole Phillips, executive vice-president and chief operating officer of Estee Lauder Inc., Clinique Div., which is the fastest growing unit in Lauder's cosmetics empire. Phillips heads sales, marketing, and new product development at Clinique, a leader in the allergy-tested cosmetics market.

Tina Santi, vice-president for corporate, consumer, financial, and internal communications at Colgate-Palmolive Co., New York City. Santi initiated and directs the company's sponsorship of women's sports programs, an effort credited with helping to promote sales that produce $119 million in income from the company's predominantly female customers.

Diane von Furstenberg, founder and president of Diane von Furstenberg Inc., New York City, a dress company that started with $30,000 in 1970 and is expected to post sales of $60 million this year, with accessories, cosmetics, perfumes, and shoes added to the dress line.

ELECTRICAL AND ELECTRONICS

Evelyn Berezin, president and founder of Redactron Corp., New York City, a word-processing company with the second largest installed base of word-processing equipment in the U.S. Recently acquired by Burroughs Corp., Redactron continnues under Berezin's direction.

Ursula Farrell, manager of product marketing for large systems in the data processing division at IBM, White Plains, N.Y. Farrell develops national marketing programs for both the hardware and programming of computers that represent IBM's top range in size and price ($5 million to $8 million per system) and account for a sizable chunk of IBM's profits.

J. Diane Folzenlogen, treasurer and secretary of Electronic Data Systems Corp., Dallas. Credited with sparking several important financial management plans at the $123 million company, Folzenlogen serves on the board of various EDS subsidiaries. Long range, she is regarded as a potential corporate chief.

Marion S. Kellogg, vice-president of corporate consulting services at General Electric Co., Fairfield, Conn. GE's first woman at each successive level at the $13 billion company, Kellogg is the first and only woman among 2 GE corporate officers. An internationally known management expert, she supervises 400 employees, working with a $19 million budget.

Lucille Lomen, counsel for corporate affairs at GE. In this key spot, Lomen handles executive compensation issues, drafts benefits programs, and serves on the company's political action committee and its pension board.

FINANCIAL SERVICES

Ida Brancato, director, senior vice-president, and member of the executive board at Thomson & McKinnon Auchincloss Kohlmeyer Inc., a New York City retail brokerage firm with about 85 branch offices and some 2,400 employees. She is one of only four women to serve as directors of major Wall Street firms.

Patricia M. Howe, managing partner at L. F. Rothschild Co.'s San Francisco office. The only woman among about 40 partners of this investment house, Howe was the first woman to manage a branch for any major New York Stock Exchange company.

Beverly Lannquist, vice-president of Morgan Stanley & Co., a major investment house in New York City and the only woman chosen by Institutional Investor to be a member of its All-American Team, a group of top experts in the various investment areas. Lannquist specializes in cosmetics stocks.

Freda I. Miller, senior vice-president of Philadelphia Saving Fund Society, which claims to be the biggest and oldest mutual savings bank in the nation, with assets of $4.2 billion. As a ranking officer of the bank, Miller directs its financial policies and serves on its executive and finance committees.

Lorna Mills, president of Laguna Beach Federal Savings & Loan, Laguna Beach, Calif. The first woman president of a federally chartered S&L, Mills has doubled its assets in the past five years to $236 million.

Gloria Muir, managing partner and vice-president of Loomis, Sayles & Co., Boston, the country's second largest investment counseling firm, managing assets of $4 billion. Muir created and runs a special $150 million department for smaller-scale accounts of $100,000 to $400,000.

Marion O. Sandler, vice-chairman of Golden West Financial Corp., Oakland, Calif. Together with her husband, Herbert, Sandler formed the holding company in 1963 to acquire Golden West Savings & Loan and built its assets from $38 million to $1.8 billion. Last October the corporation merged with Trans-World Financial Corp. to become the second largest S&L branch network in the country, with 107 offices in California and Colorado, and the 7th largest in assets. It is also one of the most profitable: Annual earnings have grown from $16.8 million in 1966 to $92 million in 1975.

Muriel F. Siebert, president of Muriel Siebert & Co., New York City. She is both the first woman member of the New York Stock Exchange and the first to run her own firm.

Beverly Splane, executive vice-president of the Chicago Mercantile Exchange. A former management consultant and former acting executive director of the U.S. Commodity Futures Trading Commission, Splane is regarded as a fast mover in the business world.

Frances Stone, vice-president of Merrill Lynch & Co., New York City. She frequently serves as a national spokesman for security analysts through the Financial Analysts Federation.

Sally A. Stowe, director, senior vice-president and chief financial officer at Keefe, Bruyette & Woods Inc., an investment banking firm that specializes in bank stocks and bank research, one of only four women to serve as directors of major Wall Street firms.

Madelon Talley, director of foreign investment funds at the $3 billion Dreyfus Corp., New York City, and portfolio manager at the Dreyfus Intercontinental Investment Fund. She handles $20 million for the investment fund and serves as the principal analyst for Dreyfus' $126 million in overseas investments.

Julia M. Walsh, vice-chairman of Ferris & Co., Washington, D.C. One of the first women to become a brokerage house officer, Walsh serves as the only woman official at the American Stock Exchange.

FOOD

Mercedes A. Bates, vice-president for the Consumer Center of General Mills Inc., Minneapolis. A woman executive who pioneered in the food field, Bates still exerts substantial influence in the company.

Mary Beth Crimmins, vice-president for school services at ARA Food Services Co., Philadelphia, the industry leader, with annual revenues of $1.2 billion and net income of $30 million. Crimmins is in charge of contract food and dietetic services to schools, a hefty market in which ARA sales increase about $15 million annually.

Marguerite C. Kohl, vice-president for consumer affairs at General Foods Corp., White Plains, N.Y., the country's largest producer of packaged groceries, with $3.9 billion sales.

Kohl directs an operation that has a budget of more than $2 million and a staff of 80.

Betty McFadden, president of the direct marketing division of Jewel Cos., a Chicago-based food chain. McFadden has full control of a division that generates annual sales of about $100 million in 40 states.

Dianne McKaig, vice-president for consumer affairs at Coca-Cola Co., Atlanta. McKaig supervises Coke's domestic soft-drink and foods division (coffee and juices) and develops consumer policies for Coca-Cola Export Corp., the soft drink foreign subsidiary that accounts for more than half of the company's $239 million earnings.

Esther Peterson, vice-president for consumer affairs at Giant Food Inc., an $832 million supermarket chain based in Washington, D.C. Peterson was recruited to make Giant Food a leader in consumerist areas such as open dating, unit pricing, and ingredient listing. The improved company image is credited with helping to raise earnings $11 million last year.

Marilynn A. Raymond, vice-president for health care services at ARA Food Services, Philadelphia. Raymond is in charge of contract food and dietetic services for hospitals and nursing homes.

MANUFACTURING

Olive Ann Beech, chairman of Beech Aircraft Corp., Wichita. President of this top general aviation company for 18 years following the death of her husband, she remains active in day-to-day operations. Company sales have risen from $74 million in 1963 to $267 million in 1975.

Joan M. Burgasser, vice-president of marketing services and design at Thonet Industries Inc., York, Pa., a subsidiary of Simmons Co. Burgasser has full responsibility for selecting the company's line of contract furniture, seeing it through the manufacturing process, and handling its marketing and advertising. Contract furniture accounts for $20 million in sales.

Frances Davis, vice-president and general counsel at Potlatch Corp., San Francisco, a major forest products company. Davis, one of 12 top executives at the $504 million corporation, is responsible for over-all legal activities.

Isabelle M. Dienstbach, vice-president at Johns-Manville Corp., Denver. Dienstbach coordinates administrative responsibilities in this diversified building materials corporation and supervises its public and corporate relations.

Lillian Edwards, staff vice-president, corporate counsel, and secretary of Dresser Industries Inc., Dallas, capital goods producer with sales of nearly $2.5 billion. Edwards functions as the company's specialist in mergers and acquisitions.

Veronica P. Ging, corporate secretary of Olin Corp., Stamford, Conn. The company's first and only woman senior officer, Ging, a lawyer, specializes in mergers and real estate.

Dorothy Gregg, corporate vice-president of communications at Celanese Corp., a $1.9 billion diversified chemicals and fibers company. Gregg coordinates public relations officers in the five Celanese divisions.

Alice E. Hennessey, vice-president and corporate secretary of Boise Cascade Corp., a $1.5 billion forest products company. The only woman among 24 top-level officers, Hennessey oversees company relations with the board of directors, the investment community, shareholders, and the public.

Marjorie Hoyne, assistant vice-president of United Merchants & Manufacturers Inc., a New York textile manufacturer with sales of $921 million, and president of Kenneth Home Fashions, its home furnishings subsidiary with sales of $20 million.

Royle G. Lasky, president and chairman at Revell Inc., Los Angeles. Lasky has doubled sales to $30 million and increased profits nearly tenfold in the five years since she took over the model and hobby company after her first husband's death.

Juliette M. Moran, executive vice-president for communications services at GAF Corp., New York City, which produced net sales of $964 million in 1975. She is one of the most powerful and highest-paid women among executives who have made it through the ranks, with salary and bonus of $120,000 in addition to other compensation.

Dorothy M. Simon, corporate vice-president of research at Avco Corp., Greenwich, Conn., a $1.3 billion conglomerate with substantial government contracts. A physical chemist, Simon commands industry respect in a traditionally male field.

Aleta Styers, manager of economic analysis at Babcock & Wilcox Co., New York City. Styers initiates and conducts both macroeconomic and specific industrial analysis and forecasting for the business planning of the $1.5 billion equipment and machine manufacturer.

Dorothy F. Worcester, vice-president for market research at Milton Bradley Co., Springfield, Mass. Worcester possesses veto power over each of the 50 new toys and games that the company produces annually that account for more than half of Milton Bradley's $174 million annual sales volume.

PETROLEUM

Camron Cooper, investment officer at Atlantic Richfield Co., Los Angeles. ARCO's first and only woman officer and an oil industry rarity, Cooper manages the investment of $700 million in company benefit funds.

Jayne Baker Spain, senior vice-president for public affairs at Gulf Oil Corp., Pittsburgh. A former president of Alvey-Ferguson Co. in Cincinnati, Spain directs public, financial, and government relations for the nation's fifth-largest domestic oil company.

Mary Hudson Vandergrift, president and chief executive officer of Hudson Oil Co., Kansas City, Kan., an independent gasoline marketer. Top woman in the oil industry since founding Hudson in the 1930s, Vandegrift has surmounted problems ranging from the Depression to the Arab oil embargo to run a company with 300 stations in 35 states and revenues of $175 million.

Jane Yount, senior attorney for Cities Service International Co., a Houston arm of Tulsa-based Cities Service Oil Co. Yount operates in the sensitive areas of oil exploration and production contracts with foreign countries and companies, drilling concessions, and joint operating agreements.

PUBLIC RELATIONS AND ADVERTISING

Muriel Fox, group vice-president and senior consultant of Carl Byoir & Associates, New York City, the nation's second largest public relations firm. Probably the top-ranking woman in public relations, Fox handles the agency's TV Radio-Film Dept.

Barbara Hunter, executive vice-president of Dudley-Anderson-Yutzy Public Relations Inc., New York City, the only public relations agency among the top 25 to be owned and run by women, with annual fees of $1.2 million. Hunter handles consumer education programs and specializes in food and other consumer product publicity.

Reva Korda, executive vice-president of Ogilvy & Mather Inc., New York City. Next to Mary Wells Lawrence, Korda probably is the most important woman in advertising as creative director of this top 10 agency, which has worldwide billings of $175 million.

Mary Wells Lawrence, chairman and chief executive officer of Wells, Rich, Greene Inc., New York City. Lawrence is the founder, head, and moving spirit of this major advertising agency noted for trend-setting ads. The agency had 1975 gross billings of $187 million and net income of $1 million.

Barbara Proctor, president of Proctor & Gardner Advertising, Inc., a Chicago advertising agency with annual billings of $4.8 million. It specializes in ads aimed at the black community and handles such clients as CBS, Kraft Foods, and an impressive list of other blue-chip companies.

Joan Satin, founder and president of Throckmorton/Satin Associates Inc., New York City, a fast-growing marketing and advertising firm with special expertise in direct-mail programs for communications companies. Clients include Time Inc., McGraw-Hill, Doubleday Book Clubs, GAF, and Citibank.

Jean Schoonover, president of Dudley-Anderson-Yutzy, New York City. A 20-year employee of the public relations firm, Schoonover has been an account executive of every major account in the agency before becoming its president in 1970.

PUBLISHING

Adele Bowers, president of the book division at Times Mirror Magazines Inc., New York City. Bowers runs two of the largest special interest book clubs in the country, the Outdoor Life and Popular Science book clubs, which together total a half million members. The division, which publishes special interest books and includes a women's craft book club, has gross revenues exceeding $20 million.

Pat Carbine, publisher and editor-in-chief of four-year-old Ms magazine, New York City, the profitable flagship publication of the women's movement, with ad revenue of $1.55 million and circulation of 450,000.

Helen K. Copley, chairman and chief executive officer of Copley Press Inc., La Jolla, Calif. Since her husband's death in 1973, Copley has raised profits of the company 5% to 10% by selling the 14 weakest of its 50 newspapers, cutting staff 6%, and effecting a wide range of other economies. The privately held company's revenues are estimated to be $100 million.

Katherine Graham, chairman, Washington Post Co., Washington, D.C., a $309 million media empire that includes, beside the newspaper, Newsweek magazine, five TV stations, and two radio stations. Taking over following her husband's death in 1963, Graham proved herself a strong executive in her own right, backing the Post's Watergate investigation, despite government pressure, and winning a rough pressmen's strike.

Joan Manley, group vice-president of Time Inc., New York City. In charge of Time-Life Book/Records, Books & Arts Associates, New York Graphic Society, and Little, Brown & Co., Manley is considered a strong contender for the president's spot.

Helen Meyer, president of Dell Publishing Co., New York City, a paperback house that is probably the world's largest mass market publisher, with revenues exceeding $75 million. Meyer is the only woman president of a major publishing house.

Beryl Robichaud, senior vice-president for corporate management information services at McGraw-Hill Inc., New York City, one of the nation's largest publishers, with revenues of $536 million in 1975. Robichaud directs the company's computerization, an evolving process that links her with all major divisions.

Dorothy Schiff, president of New York Post Corp. and publisher and editor of the New York Post, which she has effectively dominated since buying it with her late husband in 1939. The Post, with a circulation of 600,000, is New York City's only afternoon daily and one of the country's largest afternoon newspapers.

Patricia Wier, vice-president of management services at Encyclopedia Britannica U.S.A., Chicago. Operating with a budget of $3 million and a staff of 116, Wier has the responsibility for all of the computer services, accounting, budgeting and planning, payroll, and information systems at one of the world's largest encyclopedia companies.

RETAILING

Gertrude Alman, executive vice-president of purchasing and marketing services for Allied Stores Marketing Corp., New York City, a department store holding company of 165 stores producing $1.75 billion in revenues. Alman moved through the ranks from assistant market representative to her present position in charge of all soft goods.

Gertrude G. Michelson, vice-president for consumer and employee relations at Macy's New York. The consumer responsibility is relatively recent, but Michelson's long-time role as the department store's labor relations chief makes her perhaps the only woman executive in the country to bargain and deal regularly with a major union.

Phyllis Sewell, vice-president of Federated Department Stores Inc., Cincinnati, the country's largest department store group. Sewell heads market research, including acquisition recommendations, planning, budgeting, and setting of corporate objectives for the $3 billion corporation.

Geraldine Stulz, president of Henri Bendel, a New York City specialty store, which Stutz has pulled out of the red since taking charge in 1965. Bendel is part of Genesco Inc., but Stutz operates with substantial independence to give it a high-fashion personality.

SERVICES

Marianne Burge, partner at Price Waterhouse & Co., New York. Burge is one of the few women to become a partner in a Big Eight accounting firm—a firm that is chary with its U.S. partnerships.

Phyllis A. Cella, vice-president for field management and marketing for John Hancock Mutual Life Insurance Co. and president and chief executive officer of Hanesco Insurance Co., a Boston subsidiary. Cella probably ranks as the highest-placed woman in the insurance industry.

Stephanie Dalidchik, vice-president at H. F. Philipsborn & Co. and assistant vice-president at Seay & Thomas Inc., two subsidiaries of IC Industries Inc., Chicago. Dalidchik handles all insurance for loans made by the mortgage banking company, for the properties managed by the companies, and for the real estate owned by the various companies in the $1.5 billion conglomerate.

Mary E. Lanigar, partner at Arthur Young & Co., San Francisco. Believed to be the first woman to achieve partnership in a Big Eight accounting firm, Lanigar has run the tax department of the San Francisco branch.

Myrtle Chun Lee, president of Island Holidays, AMFA Inc.'s Hawaiian hotels division. Lee oversees the operation of 10 hotels, with sales of $51.6 million, Hawaii's No. 2 hotel chain, second only to Sheraton Corp.

Anne M. McCarthy, vice-president at New England Mutual Life Insurance Co., Boston, a major insurance company with $4.6 billion in assets. McCarthy supervises $1 billion in privately placed bonds in addition to investing the premiums from company assets in bonds.

Norma Pace, senior vice-president of the American Paper Institute, the national trade association for pulp, paper, and paperboard companies. A former consultant to such corporate giants as GM, GE, and Sears, economist Pace continues to exercise influence through membership on such important corporate boards as Milton Bradley, Sears, and Sperry Rand and through the weight that the industry gives her economic analyses.

UTILITIES

Grace Fippinger, vice-president and secretary-treasurer of New York Telephone Co. The first woman officer in the Bell System, she handles corporate financing and banking policy for the company, administers a $1 billion pension fund, and is in charge of the General Services Dept.

Mary J. Head, vice-chairman of Amtrak, Washington, D.C. A former director of several transportation committees, Head plays an important role in mapping new routes for the rail network, serving as liaison between Amtrak and the railroads whose rights of way it uses, and representing Amtrak at Congressional hearings and before the public.

Mary Gardiner Jones, vice-president for consumer affairs at Western Union Telegraph Co., Washington, D.C. A former commissioner of the Federal Trade Commission, Jones currently concentrates on developing service standards for WU, pinpointing sources of service trouble, and spotting potential problems in new and proposed services.

Virginia Smith, vice-president and corporate secretary of Intermountain Gas Co., Boise, Idaho, and possibly the top-ranking woman in the public utility industry. As vice-president of the $60 million utility, she is charged with supervision of the personnel and communications departments. As corporate secretary, she deals with Intermountain's directors on behalf of its executives.

Mr. METCALF. Mr. President, I also ask unanimous consent that the article, "Sex and a Single Corporation," be printed at this point in the RECORD. It shows that GE's policy of double standards and discrimination is in effect at all employment levels—from the assembly line to the board of directors. This article was written by Ginny Ullman and Cookie Arvin in association with the GE project for their paper "Women and Corporations: A Look at the General Electric Company," and is reprinted in the book, "The Work of a Giant Corporation," by John Woodmansee.

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

SEX AND A SINGLE CORPORATION

(By Ginny Ullman and Cookie Avrin)

Women have always played a significant, though unequal role in the electronics industry, where in 1969, according to the U.S. Department of Labor, women comprised 40% of the labor force. Except for the textile and clothing industries, there is a higher concentration of women in electronics than in any other area of manufacturing. However, women working in the electronics industry are given little or no decision making power within the corporations. Instead, they are hired mostly as, and remain as, secretarial, clerical, or assembly workers [8].

Women who are production workers in the electronics industry are used for labor intensive work; this is the stage of the production process in which the most expensive element is labor, not machinery or materials. By underpaying women in these positions corporations minimize their costs and hence increase their profits.

In their 1972 policy manual. The United Electrical, Radio and Machine Workers (UE) describe how sex discrimination is practiced by companies:

"Government figures also prove that companies are mining gold by separating these two groups of workers. Their companies "mine the gold" by separating them into jobs that are classified as male and female, heavy and light, technicians and testers, assembly complicated and assembly simple, and similar divisions. They put women in the jobs of 'female', 'light', 'tester', and 'simple.' There are profits for the companies from these divisions. The average woman worker in manufacturing is paid $3,864 a year less than men, resulting in $22 billion extra profits for companies each year." [9]

This job segregation described by the UE takes two forms. In some instances women are put in different kinds of work from men. And since there is no group of male workers doing the same work, women cannot be said to receive unequal pay. Instead, these women are underpaid for the work they do. In other instances, women's jobs are described differently from men's jobs (technicians vs. testers, light vs. heavy, etc.) However, although they are segregated in job and pay categories, the men and the women in these different jobs do work that is often very similar or identical. Yet women in these situations receive smaller wages than men.

As production workers in the electronics industries, women often engage in work which is tedious and repetitive, such as wiring, soldering and assembling. According to the UE, these jobs often take several months of training and can be extremely strenuous. Job descriptions such as "light", "simple" are misleading in terms of the actual work women do. The UE describes women's jobs in the electronics industry:

"Many women's jobs require tremendous eye concentration and are performed in temperatures of 120 degrees. The fact is they actually can be more exhausting and require more physical effort than higher paying men's jobs." [10]

According to a survey made of the electrical industry by the Women's Bureau of the U.S. Department of Labor, "The constant arm and finger movements involved in many women's jobs were, in the course of a day, probably more wearing in many cases than the occasional lifting of a 30 or 40 pound box." [11]

As the largest electronics corporation, GE is no exception in the way it treats women workers. There are approximately 100,000 women workers in American GE plants, comprising more than one third of GE's workforce [12]. There are 121 top level positions within GE—all of which are filled by men. None of its 100,000 women employees are considered sufficiently qualified to hold any of these positions [13].

Although women are not considered eligible for the highest level jobs, one GE spokesman assures us that they are not discriminated against in the jobs they do hold: "We pay all employees on the same job the same wages regardless of their sex. We have different wage rates for different jobs of course, and this is entirely proper under the [Fair Labor Standards Act] law." [14]

Public statements such as this may quell the anxiety of some concerned stockholders but, as our research has revealed, it unfortunately represents little change for women workers at GE. According to Ms. Ruth Weyland, a Washington-based attorney for the International Union of Radio, Machine and Electrical Workers [IUE] who has recently travelled to several GE plants to examine company practices in regard to women workers:

The government has said it is illegal to classify jobs as "light" and "heavy" but GE has a record of advertising positions in this way.

Jobs are filled by foremen on the basis of favoritism with no regard for seniority and merit.

All of GE's women employees [at the Fort Wayne plant] were hired at rates at 35c per hour less than janitor rates, with many of the women doing intricate assembly work; and all were locked into historically women's jobs, with no possibility to move to higher paying jobs.

Many women at GE never rise above the entry level wage for janitors even after 30 to 40 years of experience with the company.

The United Electrical, Radio and Machine Workers of America [UE] obtained from GE the following figures on the average hourly straight-time wages of male and female workers in all GE plants in the U.S. (regardless of union representation) from 1945 to 1968:

	Men	Women
1945	$ 1.09	$ 0.76
1955	2.10	1.61
1965	2.92	2.22
1968	3.34	2.53

GE seems to have accurately described the situation of its women workers when it changed its corporate slogan from "Progress Is Our Most Important Product" to "Men Helping Man."

VETERANS NEED ACCELERATED ENTITLEMENT

Mr. TAFT. Mr. President, the most recent Jobs for Veterans Report, a publication of the National Alliance of Businessmen, contains a most disturbing report: The rate of joblessness for veterans, particularly for Vietnam-era veterans, is increasing compared to the rate for non-veterans. The report notes:

Even veterans in the 20–34 age group have a higher unemployment rate than non-veterans, and young veterans (20–24) lead their civilian counterparts by over nine percentage points . . . Raymond Moppin, JFV manager in Minneapolis, says that lack of civilian training and skills is a major obstacle to veterans looking for work.

In December of last year I introduced a bill, S. 2789, that would provide the skills and training opportunities our veterans need to get jobs. It would accomplish this by permitting a veteran to use his educational benefits under the GI bill at an accelerated rate, so that he could attend not just a liberal arts college, but a vocational or a training school. It is training, not A.B.'s, that many of our Vietnam-era veterans need.

I hope that the Veterans' Affairs Committee will, in its continuing deliberations, give full and serious consideration to S. 2789 and to accelerated entitlement. We need to provide our veterans with job-oriented training. We need to do this not only because we owe this to the men who have served our country, but also because we need to assist veterans to become employed, productive members of our community.

Mr. President, I ask unanimous consent that this article, "Gap Widens Again Between Vet and Non-Vet Jobless Rates," be printed in the RECORD.

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

GAP WIDENS AGAIN BETWEEN VET AND NON-VET JOBLESS RATES

The gap between young veteran unemployment and their non-veteran peers jumped over four percentage points in June. Figures from the Bureau of Labor Statistics show that even veterans in the 20–34 age group have a higher unemployment rate than non-veterans, and young veterans (20–24) lead their civilian counterparts by over nine percentage points. Recently the job stability of older Vietnam veterans has tended to lower the jobless rate for veterans as a whole (nearly all Vietnam-era vets are between 20–34) down to rates comparable to non-vets.

The *JFV Report* surveyed twenty Alliance JFV managers from around the country and found several factors hindering young veterans in finding employment.

Raymond Moppin, JFV manager in Minneapolis, says that lack of civilian training and skills is a major obstacle to veterans looking for work. "What kind of a job can a guy get who is a rifleman? Where is he going to go?" Moppin says the youngest vets went into the service straight from high school, while their friends went into civilian careers. The Bureau of Labor Statistics says that because of their lack of civilian experience, young veterans need a transition period. They need time to transfer their skills into civilian industry and to feel out the job market.

Federally-supported unemployment benefits give veterans time to adjust. Young civilians generally have not been on the job long enough to earn unemployment eligibility. Veterans, on the other hand, have money coming in and so don't have the same sense of urgency about taking *any* job that happens to come along. In many cases vets use their educational benefits to get the education and training they lack, rather than enter the civilian labor market directly from service.

"It's a matter of alternatives," Long Island JFV Manager Ron Williams says. "Going to school or apprenticeship training is an alternative. Going out and taking the first job that comes along is an alternative. Unemployment compensation is also an alternative," he says.

"Why should I work for $100 a week when the government will give me that money tax free," asks Fate Carter of Philadelphia. He says that some veterans, particularly in states where the unemployment benefits are larger and extended over a longer period of time, don't want to take a job right away, but would rather take their time and readjust to society first.

The problem here is that veterans who don't grab the first job that they can reach, but who stay idle may be compounding their difficulties. "A big gap between jobs looks bad on your employment record," says Edgar Ekman of Grand Rapids. "Employers want someone who has initiative and has been working."

When unemployment compensation does run out, a veteran may have to take a menial job. Several of the JFV managers point out that if a veteran had taken a $2.50 job to start, with raises and promotions he could have ended up with the $10 job he was waiting for.

Not all JFV managers thought veterans misuse unemployment benefits. Larry Hales of Norfolk, for example, says that if a young veteran has responsibilities, unemployment "doesn't even cover the necessities." Coming out of service and seeing everyone about going to work every day makes it difficult to be idle he says.

Chuck Long of Portland, Oregon, says the biggest problem for young vets is their youth. "They're young. Employers aren't willing to hire inexperienced workers in a tight job market and will always go for a more mature, settled employee."

Most JFV managers seem to agree that young veterans always had a job in the military, and so when faced with the option of taking a menial job in civilian life, many pass it by, figuring that something better will come along soon. When they do take jobs, some quit soon, discouraged by poor work conditions, or when a better job comes along.

Most veterans don't think very much about a career while they are in the service, and don't know what they want to do or what direction to go in when they get out. Many don't know what services are available to them, or where to turn for help in getting the training and guidance that they need.

Charles Collins, NAB director, jobs for veterans, says that another obstacle facing young veterans is the image that the public has of the Vietnam-era. Collins says that most of the young veterans coming out now should not even be labeled as Vietnam-era veterans, since most didn't serve in Vietnam. "Why are they still calling them Vietnam veterans? They are suffering from subtle discrimination over a war that they weren't even in," Collins says.

George Cordova of Denver adds up the unemployment situation facing younger veterans: "First, lack of experience. Second, location. Third, lack of direction. Fourth, lack of education and skills. Fifth, discrimination against minority veterans." There's only one ultimate solution Cordova says, "The services have got to provide some career direction for these veterans while they are still in the service. They have to gear training more to civilian life."

CRACKDOWN ON RUNAWAY FATHERS

Mr. TALMADGE. Mr. President, the State of Michigan is pushing a hard-nosed program to crack down on runaway fathers in an effort to lower the State's welfare costs, and Wednesday's Wall Street Journal carried an interesting article on the effectiveness of this program.

Michigan authorities are locating and apprehending fathers who desert their wives and children and cause their families to resort to public welfare. The State takes the position, with which I thoroughly concur, that it is the responsibility of the father to work, if he is able to do so, and to look after his family, and this burden should not be placed on the taxpayers through an already bloated welfare system.

What the State of Michigan is doing is in keeping with a Federal law passed by Congress 2 years ago under the sponsorship of Senator LONG, the distinguished chairman of the Senate Finance Committee, Senator NUNN, and me. This law requires States to try to track down runaway fathers and to make them pay for the support of their families and Federal financial assistance is offered in connection with this program. I am very glad to read of the success of the Michigan effort, and I for one would like to see similar programs put into force in every State where the cost of welfare has become virtually intolerable. I applaud the Michigan authorities, and I wish them continued success in relieving taxpayers of a responsibility that ought not to be theirs.

I bring the Wall Street Journal article to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

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

WHITTLING WELFARE COSTS—DESERTING FATHERS ARE REQUIRED BY MICHIGAN TO SUPPORT THEIR FAMILIES OR BE SENT TO JAIL

(By Jonathan Spivak)

LANSING, MICH.—Almost 400 recalcitrant men—no ordinary criminals—were sentenced in this county last year to jail terms ranging up to a year.

They weren't car thieves, shoplifters or the like. Indeed, many people would argue they weren't criminals at all. They were absentee fathers who had fallen behind in their pledged child-support payments or had made none at all—often leaving their families on welfare.

The crackdown is part of a harsh but effective method that Michigan has pioneered to hold down its welfare costs and enforce

greater parental responsibility. The state demands that deserting fathers support their families or go to jail. Many pay up to avoid the pokey or to get out as quickly as they can.

One delinquent, a 35-year-old worker at an Oldsmobile auto plant, who owed $3,500 in support payments for two children, was sentenced to six months in jail. After serving a week, he won his release by coming up with a lump-sum payment of $1,000 and agreeing to increase his weekly payments to $45 from $40.

For some, just the threat of jail is enough. A 30-year-old carpenter who had let his child-support obligation pile up to $3,000 drew a six-month sentence; he got out of it by paying $500. A prominent local doctor, earning as much as $70,000 a year, paid $2,000 he owed for child support and alimony as soon as he was ordered to appear in court. But now he has fallen another $1,000 behind and is likely to be summoned to court again.

Since Michigan began brandishing the jail threat five years ago, its collections from husbands of women on welfare have risen fivefold to $50 million a year; officials predict they will reach $100 million annually. The savings so far reduced the state's welfare costs by 8%, says Paul Allen, chief deputy administrator of the Michigan Social Welfare Department.

FEDERAL ENCOURAGEMENT

While civil libertarians, as well as delinquent daddies, are unhappy, prosecutors are pleased, women's-rights groups delighted and welfare officials ecstatic. "This is what we want to do, reduce the taxpayers' dollars," exclaims David Bailey, head of Michigan's Office of Central Registry, which oversees the endeavor. "The threat of incarceration is essential," he adds.

A little-noticed federal law is encouraging every state to emulate Michigan's get-tough policy, though not necessarily to the extent of throwing fathers in jail. The law, brainchild of Senate Finance Committee Chairman Russell Long of Louisiana, requires states to track down the missing fathers of all welfare children and make them cough up. New state "parent-locator" services, financed with federal funds, will undertake the search. As Sen. Russell Long told Secretary David Mathews of the Health, Education and Welfare Department, "You will help us make these fathers, some of whom are making $10,000 to $20,000 a year, contribute something to the support of their children."

The effort to reduce welfare costs has obvious political appeal; district attorneys in some places have boasted of it in election campaigns. The appeal is simple and direct. "Why should taxpayers support someone else's children?" asks Judge John Dowling of Harrisburg, Pa. Without any way to find a missing father, he complains, "I put on an order for $50, the man doesn't pay and the woman goes on welfare."

HEW efforts to help states set up their locator services now are getting into high gear. By the beginning of next year, states must have these services in full operation or face the loss of 5% of their federal welfare funds. A number of states besides Michigan are well on the way to compliance; California, Massachusetts and Washington, among others, have already moved to track down delinquent fathers.

As things stand now, it's estimated that 5.4 million of the 8.1 million children on the nation's welfare rolls still receive no support payments from their missing fathers. But Louis Hays, who heads the HEW Department's child-support enforcement efforts, says, "We are fairly confident that it will be possible to collect from 50% of the absent parents." Officials expect a welfare-cost saving of $1 billion annually by 1980.

THE FRIEND OF THE COURT

Michigan, which is setting a pattern for the nation in child-support enforcement, relies on a unique official known as the Friend of the Court. There's one in every county, and his job is to ensure that all court-ordered support payments are made and other domestic issues, such as a parent's right to visit children, are properly dealt with. Here in Ingham County, there's no question that the Friend of the Court, James Pocock, an ex-West Pointer, means business. Under the new federal law, 25% of the amount collected is kept by the local agency that does the work. As a result, Mr. Pocock figures he will get $400,000 to $500,000 this year to spend on more manpower and equipment to improve collections.

He is particularly proud of a computerized operation that keeps constant tabs on fathers' payments. These payments are made through the Friend of the Court, and employes of his staff ask questions as soon as the records show a father falling into arrears. "I like to give them two months," says Dena Kaminski, a caseworker. But then events can move rapidly. If the father doesn't resume his weekly payments and make arrangements to catch up with his back debt, he is taken to court and given a choice of paying or being thrown in jail.

David Chambers, a professor of law at the University of Michigan, has been examining the impact of this approach. He concedes that it is effective in extracting more money for child support over a longer period than are more lenient methods used in other states. But he cautions, "The big question is what happens to the quality of relationship between the separated child and the father when it's based on fear."

JOB TRAINING

Critics also demand to know what good it does to jail an unemployed father who simply doesn't have the funds to pay. To meet this objection, Mr. Pocock has instituted job training for delinquent fathers. Even before completing their jail terms, they're sent out on work-release projects run by public or private agencies in a three-county area. Follow-up checks show some 60% are still at work after three months. The Ingham County official is extending his efforts to include job searches for women who are left with children to care for and not enough money to pay the bills.

But Ingham procedures are rudimentary alongside those of Genesee County Friend of the Court Robert Standal in industrial Flint. Mr. Standal used to send his emissaries into the auto plants twice a week to pull off the line workers who were defaulting in their child-support payments. If they did not make arrangements to settle their debt on the spot, they were jailed.

Now a far more civilized system is used. The big auto companies have authorized automatic deductions from employes' salaries to cover child-support payments to the Friend of the Court. Mr. Standal wants to go even further. If he can get an okay from the companies, he will search their computer tapes to try to find the addresses of missing fathers.

The shock of arrest alone can make a delinquent father come across in a hurry, Mr. Standal reports. He says: "Better than 50% of the people we lock up are released on some kind of planned (payment) system; they pay in a matter of hours. It's not unknown to have a man pay $1,000 to $4,000 in 30 minutes to an hour."

Though no other states have gone as far as Michigan, most have already stepped up their child-support enforcement, in cooperation with the federal government. During the fiscal year ended in June, these efforts yielded a total of $192 million in support payments but at a cost of $131 million. It's hoped that collection costs will come down as the state operations increase in efficiency. Some are already doing well. Michigan reports it gets $4 back for every $1 in outlays, but Iowa is the leader with a $6 to $1 ratio.

The HEW Department's main contribution is a parent-locator service that searches federal records for the addresses of fathers fleeing from their obligations. It operates out of a modest two-room office on the second floor of the department's headquarters in downtown Washington. Twenty-five state governments are linked to this point by computer terminals; the rest send in their requests by mail. Since mid-March, when the service began searching records at the Social Security Administration, Internal Revenue Service and the Defense Department, it has found addresses for almost 90% of the 13,500 names on which the states sought help.

There's an elaborate effort to prevent possible abuse of the system by nosy outsiders. Computer tapes are locked up every night, and a secure computer code has been designed to block any unauthorized access. But the Social Security Administration lost a bitter struggle to block use of its identification numbers for searching other government files. The agency argued that such practices violated the Privacy Act and could lead to indiscriminate use of the numbers by snoopers to win access to other personal information about the delinquent fathers. But Sen. Long, who regards the use of Social Security numbers as the key to the parent-locator service's success, held up Senate confirmation of a new HEW general counsel until the Social Security Administration agreed to release the numbers.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

EDUCATION AMENDMENTS OF 1976

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of Calendar No. 838 (S. 2657), the higher education bill, and that it be made the pending business.

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

The bill will be stated by title.

The second assistant legislative clerk read as follows:

A bill (S. 2657) to extend the Higher Education Act of 1965, to extend and revise the Vocational Education Act of 1963, and for other purposes.

The Senate resumed the consideration of the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment in the nature of a substitute.

Mr. JAVITS. Mr. President, I ask unanimous consent that we may have a quorum call without its being charged to either side.

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

Mr. JAVITS. Mr. President, I ask unanimous consent that Charles Warren, Ralph Neas, and Barbara Harris may have the privilege of the floor during consideration of the education bill.

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

Mr. JAVITS. Mr. President, pursuant to the unanimous-consent agreement, I suggest the absence of a quorum.

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

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. HATHAWAY. Mr. President, S. 2657, the bill which is before us today, is the result of many months of extensive work by the members of the Committee on Labor and Public Welfare and its Subcommittee on Education. The chairman of that subcommittee (Mr. PELL), the chairman of the full committee (Mr. WILLIAMS), and the ranking minority members (Mr. BEALL and Mr. JAVITS), respectively, are to be congratulated for the diligence and thoroughness with which they have undertaken this responsibility.

I should extend commendation also to the many staff members who have participated in bringing to the floor what I consider to be an excellent bill with respect to higher education and vocational education.

Crafting a major bill which encompasses a wide range of programs in higher education, vocational education, and in many ancillary areas is not an easy or uncontroversial task. I am happy to say that we Americans take our educational system seriously. We are as concerned and troubled by its failures as we are gratified and excited by its successes. In writing this legislation, one of our primary tasks has been to identify as many examples as we could of both, and write a bill solving some of the problems generated by the failures—while extending and enlarging the beneficial effects of the successes.

As you might imagine, not everyone agrees with every aspect of the result. I myself do not agree with all parts of the bill before us today. While I offered many amendments which were accepted by the committee, for example, I also proposed some that were not. Yet I believe the bill represents a reasonable committee effort in virtually all of its major particulars, and for that reason, I urge colleagues to support it on the floor of the Senate today, and to reject all crippling amendments. I imagine that several will be offered not only today but tomorrow, and I hope that my colleagues will reject them, especially those pertaining to busing and other matters which I do not consider to be germane to the Higher Education Act or to the Vocational Education Act.

The bill before us today is divided into two major sections: the higher education and vocational education. In addition, there are titles to the bill dealing with several other education programs, such as the National Defense Education Act and the Emergency Insured Student Loan Act (title III); education administration, including reauthorization of the National Institute of Education and the fund for the improvement of postsecondary education (title IV) and career education and counseling programs (title V).

In title I of the bill, most Higher Education Act programs are extended through the fiscal year 1982, at authorization levels that are basically the same as current levels. Certain specific programs, such as the Education Professions Development Act, and the occupational education title, which has never been funded, have been repealed. Other programs, such as the guaranteed student loan programs, have been modified. But most others have simply been extended with little change through the next 5 fiscal years.

It is on the length of this extension itself, and the relative unchanged nature of the basic student aid programs, that I have expressed the greatest dissatisfaction with the committee-reported measure. I believe certain basic changes in our student-aid program should receive fuller consideration during a non-election year, and under a new administration. I moved in committee to limit the extension of those programs to 1 year instead of 5. On that issue, I was voted down. However, I do not intend to pursue that question further at this time, since the House has already enacted that approach, and I believe the issue can be adequately discussed in conference.

My primary reason for wanting to take a closer look at our financial aid programs next year stems from the increasing dichotomy between Federal support for public versus private institutions of higher education. While no bias has ever been intended in the Federal aid programs, I believe we are reaching a stage where the costs of attending private schools on the one hand, or publically subsidized institutions on the other, are creating a prima facie case of public policy discrimination against the former under the current student aid program—a situation the Government can continue to promote only at the peril of abandoning a large part of our Nation's intellectual heritage.

I am convinced that if we continue to permit our ever-increasing student aid programs to channel low-income students into cheaper public colleges and universities, not only will we hasten the bankruptcy of many of our private liberal arts institutions, but we will also unwittingly be creating once again a system where some schools become educational ghettoes, while others are the province only of the rich.

In addition to the programmatic extensions and revisions I have already mentioned, there are several new or significantly altered programs in this measure, some of which I offered personally or in conjunction with one or more of my colleagues.

The most significant of these provisions should be considered together as part of a new overall approach to American eductional policy. The provisions include:

The reworking of title I of the Higher Education Act to expand the Continuing Education provisions, and plan for the establishment of a new approach to lifelong learning;

The creation of a nationwide network of Educational Outreach Centers; and

The expansion and institutionalization of our current experimental and demonstration approaches to career education.

The new policy each of these items is designed to complement stems from the recognition of the need for early development of, and lifelong commitment to, a type of education relevant to the needs of the changing world in which the student must ultimately live, work, and conduct his or her affairs.

I realize that liberal arts professors and administrators have become hypersensitive in recent years to what they consider the "careerism" movement in higher education. It challenges, to hear some tell it, the right of every individual to listen to great music or read a good book. They fear an anti-intellectual approach to education that will stifle creativity, that will create, in the words of one education, "specialty idiots, who pursue job credentials at the expense of learning."

The "higher" in higher education, they cry, will soon have to be spelled "hire."

I believe such critics do have a valid complaint—to a point. One brand of education cannot, and must not, be pursued simply for its own sake, to the point of excluding all else. But neither the liberal artists nor the hard core vocationalists necessarily appreciate that education in this country, in this decade, must be able to take account of and educate for, both the complexity of the world outside the ivy-covered towers and the speed with which that world is constantly changing.

New approaches to education are going to be required in the months and years ahead. With changes occurring in all of life at an ever-increasing rate, education will have to adapt itself to the increasing need for lifelong learning and relearning. And the education that will continue to be concentrated in a child's early years will have to become increasingly related to the ability to function in society—to get and hold a job, and to analyze and react to change.

The specific provisions of S. 2657 that deal with this need are as follows:

CONTINUING EDUCATION AND LIFELONG LEARNING

The revision of title I of the Higher Education Act represents an extensive collaboration between Senator Mondale and I, merging our concerns about the way adults are educated in postsecondary institutions, the way adults are or should be treated in all educational institutions in the future, and the future resources that are or may be available to finance such education.

The current title I program ties Federal support for parttime "continuing education" in colleges and universities to the creation of programs directly con-

cerned with providing or augmenting "community services." As far as it goes, this concept is a good one. But true continuing education must transcend the utilitarian concept of linking schools more closely to the problems of their communities, just as the true provision of community services must go far beyond the resources and capabilities of local institutions of higher education.

It would have been possible to be myopic to the greater needs of adults for parttime continuing education, but for the fact that adults who take advantage of these programs have unique ways of expressing their needs. For one, very often they pay their own way. That is, despite the lack of financial aid available for students in continuing education programs, many such programs exist self-sufficiently on the basis of tuition paid by their students. This means, of course, that the very limited Federal effort in this area—limited in scope as well as in dollars—has been virtually ignoring the greater part of the need for the development and replication of more extensive continuing education programs.

My amendments to title I are thus designed to incorporate the existing program into the wider context of support for an ongoing continuing education program, and to provide a new Federal emphasis on innovation and development, at the Federal and State level, in this vital area of ongoing education for all adults.

Because the committee perceived the needs in this area to be more expansive than those which might be met in programs limited to institutions of higher education, however, a second, equally important subtitle was added to title I. Characterized as a "lifelong learning" title, its purpose is to fund research and development into the full range and scope of the education needs of all persons through their lives in the future. This title is meant to complement the extensive effort currently underway into problems of early childhood education, concentrating instead on those who "have left the traditionally sequenced education system." But the possibilities for developing new creative insight into this vast educational field are virtually limitless, giving us for the first time an opportunity to explore the roles played by all our major societal institutions in the education and reeducation of adults.

This subtitle authorizes Federal research and development, as well as funding for State assessment and demonstration programs. In its early stages, its purpose is to cause us all to think more clearly about the range and scope of educational opportunities that can—or should—be made available to all adults throughout their lives.

In that regard, I would like to call particular attention to the research and study requirements of section 133(a). That provision encompasses virtually every aspect of an amendment I proposed which would have required the National Institute of Education to devote major resources to a 5-year study of current and proposed domestic and foreign educational resources. I point this out only to underscore the breadth of the effort Congress will expect of our Federal education administrators in carrying out this national assessment.

EDUCATIONAL OUTREACH PROGRAM

The second new program which I consider a part of the attempt to develop a new strategy for educational change in America stems from a program originally designed to provide educational aid and assistance to severely disadvantaged students. The educational opportunity center concept, which was designed by Senator JAVITS several years ago, has been adapted in this amendment to the needs of all Americans for access to information about educational opportunities, and assistance in taking advantage of them. The need for these centers is particularly great in rural areas, and in our Nation's smaller towns and cities.

It is intended that these centers will be located so as to provide all persons in an area with reasonable access to them. They will be designed, it is hoped, to provide outreach services with regard to available full- and part-time education opportunities, as well as other education-related programs or activities, and to provide assistance in taking advantage of such opportunities.

This is a concept which has been endorsed by educators from all across the country, and I have received unsolicited indications of support for this provision from Maine, New York, California, Minnesota, and over a dozen other States.

CAREER EDUCATION PROGRAMS

The third major part of this new educational emphasis concerns the refinement and expansion of the currently experimental programs being undertaken at the Federal, State and local level in career education. These provisions will be found in title V of the committee reported bill.

I would like to note that there has been some confusion over the addition to title V of a new program called career guidance counseling, pursuant to an amendment offered by Senator STAFFORD. At an appropriate time, and with Senator STAFFORD's concurrence, I intend to offer technical amendments to this part of the bill to clarify this provision.

The career education provisions of title V are designed to expand and refine the Federal effort to develop State and local programs implementing many of the ideas developed under the current experimental authority of section 406 of the Special Projects Act, by the National Institute of Education, and by other educators and researchers.

The intention is to gradually bring these ideas and experimental programs, which have proved to be successful in a wide variety of contexts, into online operational status. I should note that funding under the new provisions will rise gradually from $25 million per year to $75 million per year, but that it is not intended to begin until the fiscal year 1978, in order to give Federal, State, and local administrators ample leadtime to prepare for this new phase.

The need for this program has been ably demonstrated by recent headlines detailing the failure of many of our educational institutions to adequately prepare individual students for the world outside their doors. Included in that category are many individuals with bachelor of arts degrees, or more, who despite their education often find themselves unemployable and ill suited to the real needs of the American job market.

As I mentioned earlier, the recent polarization of the debate about careerism in American education has obscured some essential facts about the needs of the American job market and the ability of our educational system to prepare students to meet those needs. Thus far, the arguments have taken on "dancing angels" quality, concentrating quite erroneously on the issue of whether the intention of "career education" is or is not to deny the benefits of great books to American students, in favor of comprehensive skill training in auto mechanics.

I would find this whole argument amusing, if its participants did not seem to take themselves so seriously. For the information of the panic stricken liberal artists who teach in our Nation's college and universities, and who might fear for their jobs in the face of a greater emphasis on career education, I must point out that the "basic notion" of career education is not, as Washington Star so superciliously put it in an editorial some months ago—

> that a knowledge of the more academic subjects won't buy groceries, and may not prepare children to be good workers bees.

It is not, as the Star went on in purple prose to claim—

> a foggy-minded effort to manipulate the attitudes of children, rather than to train them.

Rather, career education—and if you object to the phrase "career education" you are welcome to throw it out and substitute anything you like—involves the clear demand that our educational institutions begin training our children, and many of our adults, to be able to analyze all aspects of their lives, and how those lives relate to the changing needs of the world around them, and to relate their own particular needs—including the need to feed, clothe, and house themselves and their families—to the needs of that world.

That those institutions have not been doing so was graphically illustrated by a recent study published by the Office of Education, in which it was found that perhaps as many as one in every five adult Americans lack even the most basic skills and knowledge necessary to get along in modern society.

I ask unanimous consent, Mr. President, that a Christian Science Monitor article summarizing that study, a Washington Post editorial dealing with a similar, though unrelated, issue, letters written to the editor of the Star in response to its editorial, but not published, and a brief description of a program

from my own home State of Maine graphically illustrating an experimental attempt to solve one of the many career education problems faced by our youth, be printed in the RECORD at this point in my remarks.

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

[From the Christian Science Monitor, Oct. 30, 1975]

NEW SURVEY FINDS JOHNNY'S PARENTS CAN'T READ EITHER

(By Clayton Jones)

WASHINGTON.—New findings that one out of five American adults lacks enough basic skills to count change, read a newspaper, or write a job application mean that U.S. education needs major "rethinking," according to a senior federal official here.

U.S. Education Commissioner Terrel H. Bell calls the findings "rather startling." "At one time, if a person could read or write, he could function in our society," he said. "But we now conclude that is not so."

The findings come from a $1 million, four-year study of 10,000 people conducted for the Office of Education. They show that over half of American adults barely have the skills needed to function in the United States in the 1970s.

The survey, by Opinion Research Corporation of Princeton, New Jersey, shows that almost 34.7 million adult Americans are incompetent in such consumer tasks as reading a grocery ad, writing a grocery list, computing the unit price of a grocery item, and determining the best stores to shop in. Another 39 million just "get by" in coping with consumer basics.

Also, 30 percent of American adults (35 million) cannot read a flight schedule or bus schedule. Thirteen percent (15 million) cannot address an envelope. And 58 percent (68.5 million) cannot understand a paragraph describing rights under arrest.

Dr. Bell acknowledged that the study confirms cries by many students for more "relevancy" in dealing with adult life. "We have moved into a decade in which the need for capability is being superseded by 'copeability,'" he added.

The report stated, "as long as 'literacy' is conceived to be nothing more than the ability to read and write one's name, or to score at some low grade level on a standardized test developed for children, then the United States probably does not have a significant problem." Said Dr. Bell, "We now know that we prepare people for further education but not to meet the demands of living."

Several states, in response to earlier signs that high school curricula should offer more than college preparatory courses, now require students to pass "competency" tests in real life roles before they can graduate.

Freshmen in high schools in Oregon, for instance, are now taking courses in personal development, social responsibility, and career development rather than college-directed training. Mississippi, Texas, and Alabama also are converting to the new training.

"Teachers will require significant retraining in order to function effectively in providing basic education for adult life," the report said.

Are schools failing or is American society getting too complex? asks study director Dr. Norvell Northcutt, from the University of Texas.

"The gap is widening between what adults know and what is demanded of them," he says. The picture is more dismal than had been believed previously, he said.

The survey found that those most unable to "make it" in modern society are older, undereducated, unskilled, unemployed, and low-income. They predominate in the South and rural areas.

[From the Washington Post, June 14, 1976]

GRADUATES WHO CAN'T READ

One by one, school systems throughout the country are beginning to require high school seniors to meet a basic test of competence before they can graduate. Of all the things that a student ought to be able to do, the crucial skill is reading. Virginia has now authorized its local school boards to set levels of ability that a student must reach before getting a diploma. Until now a student was eligible to graduate if he had earned the necessary course credits. But, notoriously, it has been possible for a good many to earn the credits without ever really learning to read.

As usual, the coming wave of educational reform is the reaction to the last wave of educational reform. Sometime in the 1950s a broad consensus formed in this country around the idea that every child ought to finish high school. It is remarkable how recently most Americans had regarded high school as an optional benefit, offered to those youngsters who wanted it. A high dropout rate was generally taken as the indication of a tough school with strict standards. But in the decade after World War II the country changed its mind and decided—correctly—that a high school education was essential equipment for life in the United States. A high dropout rate quickly turned into a sign that the school was falling down on its responsibility to the students and to the community.

The pressure to reduce the numbers of dropouts frequently induced schools to move youngsters along from one grade to the next even when they were learning very little. Of this June's graduates, how many are functional illiterates? It depends upon your definition of illiteracy. One of the benefits promised by Virginia's decision is that school boards will have to bring into focus their views as to what, at the minimum, a high school graduate ought to be able to do.

A standard requirement for basic skills would be cruel and unfair if it consisted of only one test given at the end of four years of high school. But as the Virginia Board of Education conceives it, testing would begin in the ninth grade and the children who scored badly would be marked out for special attention over the following years. It would constitute an early warning system not only for the student and his family but for the school as well. This kind of testing would be unacceptable if it turned merely into a device to exclude students from graduation. The test is only half of the bargain between the student and his school. The other half of the bargain is the promise of help for those whom the test identifies as possible failures.

The demand for more rigorous minimum standards is coming, above all, from employers. They have discovered that a new employee's high school education sometimes means far less than it ought and, reasonably enough, they want a guarantee of an agreed basic level of proficiency. But it is not only employers who have an interest here. First of all, it is the new graduates—particularly those who are not going on to college, but who will go job-hunting armed with their new diplomas. The shockingly high unemployment rates among young people are a major source of social malaise in this country. These rates usually run three or four times as high as the rates for adults. One valuable remedy would be to restore a degree of confidence among employers in the one real asset of the inexperienced young jobseekers—his or her high school diploma.

Like Virginia, Maryland is moving toward more rigorous standards of skill, but it is following a different route. Maryland's State Board of Education held hearings this spring on a proficiency test as a requirement for graduation. Now it seems to have backed off the idea a bit. Instead of initiating the standards in the high schools, Maryland is going to begin much farther down the ladder. Under new state legislation, children who fall below the standard as early as second grade must either repeat the grade or be assigned to remedial instruction. This law is designed to push schools into a much more serious effort at special reading instruction for young children. Maryland is following the view that reading is best taught in the lower grades, and illiteracy gets harder to deal with as children grow older.

Fifty years ago one-fourth of the country's children finished high school. The proportion rose to half shortly after World War II. Now it is around three-fourths. This long experience has demonstrated—most of the time—that it is possible to expand the secondary school system massively without sacrificing standards. But it is also pretty clear that, in recent years, there has been a degree of slippage in students' performance. For the sake of the students themselves, it is necessary for schools to begin—as they are now doing in Virginia and Maryland—to resolve the anomaly of the illiterate high school graduate.

OFFICE OF EDUCATION,
Washington, D.C., January 14, 1976.

EDITOR,
The Washington Star,
Washington, D.C.

DEAR SIR: The Star's January 12 editorial, "The Career Education Rigmarole," is both misleading and unnecessarily capricious. Your readers deserve a more reasoned and accurate picture of career education.

The basic reason career education emphasizes education/work relationships is that most persons seek work once they leave the educational system. Moreover, they assume that the education they received will aid them in this quest. That assumption is neither frivolous nor unreasonable. If education/work relationships do exist, career education simply says that we should help students understand and capitalize on them. To help students see, experience, and think about such relationships is far better than having educators and students ignore them.

Career education is not, as you state, either a "substitute for (or a supplement to) careful academic training." On the contrary, career education is one source of motivation for studying academic subjects. Our assumption here is that motivated students will learn more than unmotivated students. The validity of this assumption is already beginning to be verified by research.

Contrary to your accusation, career education does not assume that "children necessarily like to work if they watch it and learn about it at an early age." On the contrary, career education assumes only that youth will be better equipped to make the transition from school to work if, instead of shielding them from knowledge of the work place, we let them learn what it is like before they try to enter it. We think that there are serious limitations on the extent to which students can learn about the world of work through reading. It is for this reason that career education seeks collaborative relationships with both the business/labor industry community and with the home/family structure.

Career education does not, as you state, consist of "an effort to manipulate the attitudes of children." Instead, it seeks to help students better understand both themselves

and the world of work so that they can make better, informed decisions on the work they choose.

Finally, I must point out that in basing your editorial on the Grubb and Lazerson article in a recent issue of the Harvard Educational Review, you have made what I would regard as a serious error. That unscholarly article is filled with false perceptions of career education. Yet, even Messrs. Grubb and Lazerson know that about 5,000 (one-third) of the local education agencies in the United States have initiated some sort of career education program on their own. Can we all be that wrong?

KENNETH B. HOYT,
Director, Office of Career Education.

CHAMBER OF COMMERCE
OF THE UNITED STATES,
Washington, D.C., January 15, 1976.

LETTER TO THE EDITOR,
The Washington Star,
Washington, D.C.

DEAR SIR: Far from manipulating and indoctrinating students ("The Career Education Rigmarole"), career education expands student options by giving them a better understanding of the many ways people earn their living, and stimulates student interest in academic subjects by illustrating their application in various careers—from the sub-technical to the most skilled professional.

Geometry may appear useless to an indifferent student, but takes on new meaning and purpose if a carpenter shows a class how to use the principles of geometry in designing a flight of stairs, or an engineer in designing a bridge, or an architect in designing a gymnasium.

Your editorial also contends that most of the nation's jobs are boring and simplistic, and therefore to expose these jobs to students will only turn them off.

We disagree! Granted there are dull jobs, and even the best of jobs can occasionally be routine. Students should understand this. They should also understand that the least attractive jobs go to the least skilled.

A recent study by Professor Drawbaugh of Rutgers University estimates that American industry spends $25 billion annually on personnel training and education—almost half the amout spent on all public education! This investment to develop talent indicates the demands of most jobs surpass workers' skills. It also indicates that too many young workers arrive at the employer's door ill-prepared and, equally unfortunate, uncertain of what they want to do. Career education seeks to give them a better chance.

"Career education pulls back the curtain that isolates much of education from one of the largest dimensions of life—a man's or woman's work. Education and work are artificially separated today, but they were not so divided in the past and should not be so in the future. A linking of education and work is even more important in a dynamic industrial-service economy than in a less complex economy."

This quotation is from a U.S. Chamber of Commerce publication co-authored with 25 major education associations and other national labor, minority, women's, and business organizations. This near-universal expressing of support suggests that, rather than "rigmarole," career education offers a promising response to the call for educational reform.

Sincerely,

THOMAS P. WALSH,
Education Director,
Chamber of Commerce of the United States.

RESEARCH DEVELOPMENTS—PROJECT WOMEN

Women, once considered too frail physically and naive intellectually to cope with the world beyond the kitchen, are now taking jobs as never before. Department of Labor statistics show that women accounted for three-fifths of the increase in the civilian labor force in the past decade. Because of advanced technology, few careers are beyond their physical capabilities, and they are proving conclusively that intellectual ability is blind to differences in sex.

Why then are the majority of women concentrated in low-paying, dead-end jobs?

Part of the problem is that women have not been adequately prepared to enter the job market. When and where a woman seeks employment is influenced by her conception of her capabilities and her knowledge of the various career and training opportunities open to her.

Many schools, recognizing that women have not always been given equal treatment with regard to career education, are trying to relieve the condition. Five high schools in Maine were involved in one project to educate female students about career possibilities in traditional male fields. Entitled "Project Women—in a Man's World of Work," it was developed as a State model for a career education program. One hundred girls (20 from each of the five schools) were selected to participate in the program.

Project Women began in the 1971–72 school year with support from OE's Bureau of Adult, Vocational, and Technical Education (now the Bureau of Occupational and Adult Education) and the University of Maine at Orono. The experiment had two main goals: 1) to acquaint girls in the tenth and 11th grades with career opportunities in fields that were traditionally male-occupied; and 2) to train students to work as aides to counselors in providing occupational guidance to other students.

The write-up of the project, intended to be a guide for high school counselors, presents a detailed, step-by-step exploration of how Project Women progressed. According to the report, the first problem was to identify the career interests of the students. By administering a standard vocational preference test, which lists 91 career choices, the directors were able to select ten careers on the following basis: those having the greatest amount of student interest, and those in which at least 50 percent of the jobs were occupied by men. The ten careers on which Project Women focused were: veterinary medicine, communications, counseling, military, recreation, bookkeeping and accounting, computer programing, law enforcement, law, and forest service.

Next, the project directors assessed the girls' knowledge of the ten male-oriented careers. To accomplish this, a "Knowledge of Careers" multiple-choice survey was developed and administered. Each girl was asked to choose one of the target careers in which she was most interested and to complete her survey accordingly. This test indicated each girl's knowledge of her chosen career in such aspects as entry requirements, future employment trends, salary, and male/female ratios.

The directors, aided by graduate apprentices from the University of Maine at Orono, helped the young women learn more about their chosen careers. This inservice training was provided through orientation groups, private meetings with school counselors, written materials, and informal question and answer sessions. Moreover, the young women went on field trips to places where others were doing precisely those jobs they were studying—an area hospital, a newspaper, a counseling center, and a bank. At each place they got a clearer idea of the actual working conditions and types of duties associated with each career.

The students, spurred on by greater interest in the project, also sought out their own means of gathering information on the target careers. Samples of their ideas for training:

Visit local community figures (men and women) who are employed in the target careers.

Visit colleges to learn about curriculum requirements.

Give a slide show presentation at each school.

Visit employment agencies to gather information on job opportunities.

Develop a list of books (fiction and nonfiction) about women involved in the project careers.

Start career notebooks.

The second objective of Project Women—to provide a rotating cadre of student helpers to work with the guidance departments—had also been accomplished by the end of the school year. The students who had received training were able to share with their classmates their knowledge about careers traditionally confined to men. In addition, the girls received an added benefit: They now know how to gather information about other careers that might interest them later in life.

The Project Women handbook includes various valuable "project instruments"—sample letters, the Knowledge of Careers survey, lists of associations connected with the ten target careers, and articles covering the experiment, which were clipped from area newspapers.

In its final section, the report presents an evaluation study of Project Women submitted by an impartial outside evaluator who observed all phases of the project firsthand. The comments and recommendations in the evaluation would be most helpful to those seeking ways to implement similar projects in their schools.

RITA C. BOBOWSKI.

TIME-LIMITATION AGREEMENT

Mr. ROTH. Mr. President, I ask unanimous consent that debate on my amendment No. 2122 be limited to 50 minutes to be equally divided between myself and the manager of the bill.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that we may again suggest the absence of a quorum, the time being charged to neither side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROTH. Mr. President, I ask unanimous consent to have Ted Farfaglia of my staff be granted the privileges of the floor during the consideration of this bill.

Mr. JAVITS. Mr. President, I did not hear the unanimous-consent request.

Mr. ROTH. I ask unanimous consent that Ted Farfaglia be granted the privileges of the floor during the consideration of this measure.

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

Mr. ROTH. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be charged to neither side.

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

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRIFFIN. Mr. President, I ask unanimous consent that Jim Hill, a member of my staff, may have the privileges of the floor during the debate and votes on the pending legislation.

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

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum, with the request that the time not be charged to either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

UP AMENDMENT NO. 374

Mr. HATHAWAY. Mr. President, I send an amendment to the desk, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The second assistant legislative clerk read as follows:

The Senator from Maine (Mr. HATHAWAY) proposes an unprinted amendment numbered 374.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At page 337, line 15, strike out "Career Development and Guidance and Counseling Programs" and insert in lieu thereof: "CAREER EDUCATION AND CAREER DEVELOPMENT";

At page 337, line 17, strike out "Part A—Career Education and Career Development";

At page 341, line 18, strike out "counseling" and insert in lieu thereof "development";

At page 342, line 12, after "programs" insert: ", including inservice training programs,";

At page 342, line 12, after "for" insert "teachers,";

At page 342, line 13, before "educators" insert "other";

At page 343, line 25, after "disseminating to" insert "teachers,";

At page 344, line 1, before "career" insert "other";

At page 344, line 4, strike out "section" and insert in lieu thereof "title";

At page 344, line 17, strike out, "Part B" and insert in lieu thereof "Title VI";

At page 344, line 19, strike out "511" and insert in lieu thereof "601";

At page 345, line 9, strike out "512" and insert in lieu thereof "602";

At page 345, line 12, and at page 346, line 7, strike out "part" and insert in lieu thereof "title";

At page 345, line 14, strike out "513" and insert in lieu thereof "603";

At page 346, line 9, strike out "514" and insert in lieu thereof "604";

At page 346, line 14, after "professional" insert "guidance", and after "of" insert "teachers and";

At page 101, the Table of Contents is amended after "Title V" by striking out "CAREER DEVELOPMENT AND GUIDANCE AND COUNSELING PROGRAMS" and inserting in lieu thereof "CAREER EDUCATION AND CAREER DEVELOPMENT"; by striking out "PART A—CAREER EDUCATION AND CAREER DEVELOPMENT"; by striking out "Part B—Guidance and Counseling" and inserting in lieu thereof "TITLE VI—GUIDANCE AND COUNSELING"; and by renumbering sections 511, 512, 513, and 514, as sections 601, 602, 603, and 604 respectively.

Mr. HATHAWAY. Mr. President, this is a technical and clarifying amendment to title V of S. 2657, the provisions of which concern career education, career development, and guidance and counseling. It is necessary because the combination of two programs in this title have resulted in considerable confusion in the various educational fields affected by these amendments.

The two provisions are the new career education and career development program, which was a Hathaway amendment in committee, and the new guidance and counseling language, which was added by Senator STAFFORD in the very last markup. At that time, the latter program was added to title V, which had previously been set aside for career education. In order to avoid further confusion between the two programs, it has become necessary to create a new title VI to the bill to accommodate separately the guidance and counseling provisions.

In addition, the amendment makes several changes of a clarifying nature, involving the intended status of classroom teachers under both the Hathaway and Stafford provisions. The career education title used the words "educator," intending to include teachers within that term. However, since several different teachers organizations and representatives have expressed concern over what they say might be considered an omission, the language has been clarified in several places with specific references to teachers, and to in-service training for teachers.

Mr. President, I have discussed this amendment with the Senator from Rhode Island and the Senator from New York. I understand there is no objection.

Mr. PELL. Mr. President, the Senator from Maine is correct. It has been discussed. It seems to be mainly technical and clarifying in nature.

From my viewpoint, I see no objection.

What would be the view of the ranking minority member?

Mr. JAVITS. Mr. President, I understand from my staff—and I think I have talked to Senator HATHAWAY about it—that there is no objection to this amendment.

Mr. PELL. Does the Senator yield back the remainder of his time?

Mr. HATHAWAY. If I have time, I yield it back.

The ACTING PRESIDENT pro tempore. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Maine.

The amendment was agreed to.

Mr. PELL, Mr. President, I ask unanimous consent to suggest the absence of a quorum without the time being charged to either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

UP AMENDMENT NO. 375

Mr. PELL. Mr. President, I call up my unprinted amendment and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Rhode Island (Mr. PELL) proposes an unprinted amendment numbered 375.

Mr. PELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 149, between lines 8 and 9, insert the following:

(g)(1) Section 427 (a)(2)(C)(i) of the Act is amended by adding at the end thereof the following: "or is pursuing a course of study pursuant to a graduate fellowship program approved by the Commissioner,".

(2) Section 428(b)(1)(L)(i) of the Act is amended by adding at the end thereof the following: "or is pursuing a course of study pursuant to a graduate fellowship program approved by the Commissioner,".

On page 149, line 9, strike out "(g)(1)" and insert in lieu thereof "(3)".

On page 149, line 15, strike out "(2)" and insert in lieu thereof "(4)".

Mr. PELL. Mr. President, this amendment makes a technical change in the deferral provisions of the guaranteed student loan program. Under existing law, a student's obligation to repay his loan may be deferred while he is enrolled in graduate study, a member of the Armed Forces, or a Peace Corps or VISTA volunteer. This deferral does not change a student's obligation to repay; it merely delays it.

However, a problem has arisen concerning graduate fellowship programs of independent study, such as the one conducted by the Thomas J. Watson Foundation of Providence, R.I. Since a fellow is required to study on his own, rather than as a part of an organized institutional curriculum, it has been ruled that he cannot defer his obligagation to repay his guaranteed loan during the period of his fellowship. My amendment would correct this oversight.

In order to assure that deferral is allowed only for legitimate programs of independent graduate study, my amendment requires that the program be approved by the Commissioner before its fellowship recipients become eligible for deferral.

I hope that my colleagues will accept the amendment.

I yield back the remainder of my time.

Mr. JAVITS. Mr. President, this amendment is acceptable on this side.

I yield back our time.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the

amendment of the Senator from Rhode Island.

The amendment was agreed to.

Mr. PELL. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time not be counted against either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2194

Mr. BUMPERS. Mr. President, I call up my amendment No. 2194.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arkansas (Mr. BUMPERS), for himself and the Senator from Idaho (Mr. CHURCH) proposes an amendment numbered 2194:

On page 131, line 1, strike "1976" and insert in lieu thereof "1977".

Mr. BUMPERS. Mr. President, first I would like to announce that the distinguished Senator from Idaho (Mr. CHURCH) joins me as a cosponsor of this amendment.

Mr. President, this is a very simple amendment which I believe the committee will find acceptable. Here is the reason for it: There are 16 States in this country which are not presently contributing as much as 150 percent to the State student incentive program. Some of those States also have prohibitions against the portability of these grants. In other words, they have State laws which prohibit students from using these grant funds to attend school outside their State borders.

My own State happens to be one that falls into both categories. First, we have a State law which prohibits students from taking their student incentive grants and attending schools outside the State and second, we are not contributing 150 percent of the funds for the program.

The amendment simply strikes the year 1976. The bill as it is presently written provides that the States must be in compliance with the 150 percent matching requirement by September 30, 1976 or else allow the grants to be used at out-of-State schools. I have asked in my amendment that the year 1976 be stricken and the year 1977 be inserted so that our legislature, which will not meet until January, will have an opportunity to rectify this problem in either of two ways: First, repeal the statute prohibiting portability so that students can use the funds to go outside the State or, second, contribute up to 150 percent and retain the prohibition against portability.

It seems only fair that 16 States should not be prevented from participating in this program because of a law being in effect which they will not get an opportunity to repeal before January, and, second, it does not give those States an opportunity, if they choose, to participate to the extent of 150 percent and keep the portability clause. It seems only fair to give these State legislatures, most of which will be coming into session in January, an opportunity to work their will.

Mr. PELL. Mr. President, I have discussed this amendment with Senator BUMPERS and also with Senator CHURCH. I believe it is a good amendment, and to my mind, it is acceptable. I urge my colleagues to accept the amendment.

Mr. JAVITS. Mr. President, because of the special circumstances affecting the States which have been mentioned by the Senator, we were quite confident this amendment would be offered. We fully accept it. Senator FONG was interested in a similar amendment.

The PRESIDING OFFICER (Mr. STONE). Is all remaining time yielded back?

Mr. BUMPERS. I yield back the remainder of my time.

Mr. PELL. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

UP AMENDMENT NO. 376

Mr. PEARSON. Mr. President, I send an unprinted amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kansas (Mr. PEARSON) proposes an unprinted amendment No. 376.

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. 7. The Act of November 2, 1921 (25 U.S.C. 13), is amended by adding at the end thereof the following new paragraph:

"Notwithstanding any other provision of this Act or any other law, post-secondary schools administered by the Secretary of the Interior for Indians, and which meet the definition of an "institution of higher education" under Section 1201 of the Higher Education Act of 1965, shall be eligible to participate in and receive appropriated funds under any program authorized by the Higher Education Act of 1965 or any other applicable program for the benefit of institutions of higher education, community colleges, or post-secondary educational institutions."

Mr. PEARSON. Mr. President, under present law, postsecondary schools funded directly by the Bureau of Indian Affairs are not eligible to receive funds under education programs administered by HEW. This unfortunate situation has arisen because of the question of "augmentation of appropriations." The United States Code states that "the use of appropriated funds is limited to the purposes for which they are appropriated." HEW has interpreted this statute to mean that Federal institutions are eligible only for direct support from a single agency. I believe that HEW has misconstrued this statute, and in a June 15, 1976, legal brief, the Library of Congress stated that they seriously questioned the applicability of the doctrine of augmentation of appropriations in this instance.

This amendment, which is approved by HEW, does not have any revenue cost. It would simply enable two post-secondary Indian schools, Haskell Junior College and the Albuquerque School of Vocational Education, to compete for funding under programs administered by HEW. Without this amendment, these schools cannot be fully provided for. I strongly believe that if these Federal institutions are to be quality institutions they must be eligible to compete for funding under these various education and research programs.

Mr. President, when the Elementary and Secondary Education Act passed in 1963, there were already several elementary and secondary schools funded directly by the BIA. Thus, the Elementary and Secondary Education Act did specifically provide for the eligibility of these schools and Haskell, which was then a high school, could receive funding from HEW. However, when the Higher Education Act passed in 1965, there were no postsecondary schools directly funded by the BIA so the Higher Education Act did not provide for their eligibility under the act. Consequently, when Haskell became a postsecondary institution in 1970, it could no longer receive funds under many HEW programs. In effect, I propose only to update our present laws and remove an existing inequity.

Mr. President, to summarize, this amendment relates specifically to two Indian institutions, the Haskell Junior College and the Albuquerque School of Vocational Education in Albuquerque, N. Mex. It provides that these institutions may apply for programs and funds under the HEW programs. The fact that they cannot apply arises from some legal construction within the act, which construction the Library of Congress questions. It provides for no additional funds. It just says that these two institutions may make application for HEW funding programs. It corrects an inequity, actually, created when we passed the Elementary Aid Act some time ago. When both of these institutions were pregraduate types of institutions they could apply. But in the passage of the Higher Education Act this was overlooked in draftsmanship.

The amendment is supported by HEW and, as I understand it, is acceptable to the managers of the bill.

Mr. PELL. Mr. President, it would certainly seem appropriate that the first Americans should have the same opportunity as others for access to strong secondary support. I recommend that the amendment be accepted.

Mr. JAVITS. Mr. President, the amendment is acceptable on this side.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. PEARSON. Yes. I move its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PELL. Mr. President, I ask unanimous consent that Adele Mann be granted the privileges of the floor during the consideration of the pending legislation.

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

Mr. PELL. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time to be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2204

Mr. McINTYRE. Mr. President, I call up my amendment No. 2204 to the pending bill S. 2657, the educational amendments of 1976.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. McINTYRE) proposes amendment numbered 2204.

The amendment is as follows:

On page 283, line 12, strike out "$5,000,000" and insert in lieu thereof "$6,000,000".

On page 283, line 12, strike out "$10,000,000" and insert in lieu thereof "$15,000,000".

On page 283, line 14, before the period insert a comma and the following: "of which $1,000,000 for the fiscal year 1978 shall be available only for carrying out the provisions of section 168, and $5,000,000 in each of the succeeding fiscal years ending prior to fiscal year 1982 shall be available only for carrying out the provisions of section 168".

On page 284, between lines 4 and 5, insert the following:

"GRANTS FOR SOLAR ENERGY EDUCATION AUTHORIZED

"SEC. 168. The Commissioner, after consultation with the Administrator of the Energy Research and Development Administration, is authorized to make grants to postsecondary educational institutions to carry out programs for the training of individuals needed for the installation of solar energy equipment, including training necessary for the installation of glass paneled solar collectors, of wind energy generators and for the installation of other related applications of solar energy.".

On page 284, line 6, strike out "'SEC. 168." and insert in lieu thereof "SEC. 169. (a)".

On page 284, line 7, after the word "part" insert the following: "(other than section 168)".

On page 285, between lines 5 and 6, insert the following:

"(b) Each postsecondary educational institution desiring to receive a grant under section 168 of this part shall submit an application to the Commissioner at such time, in such manner, and containing or accompanied by such information as the Commissioner deems necessary.".

On page 285, line 7, strike out "SEC. 169." and insert in lieu thereof "SEC. 170.".

Mr. McINTYRE. Mr. President, before proceeding further, in a brief explanation of this amendment, I ask unanimous consent that the amendment be modified in the following manner to strike out the words "fiscal year" on line 9 of the amendment and insert in lieu thereof "October 1,".

I send a copy of the modification to the desk.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment, as modified, is as follows:

On page 283, line 12, strike out "$5,000,000" and insert in lieu thereof "$6,000,000".

On page 283, line 12, strike out $10,000,000" and insert in lieu thereof "$15,000,000".

On page 283, line 14, before the period insert a comma and the following: "of which $1,000,000 for the fiscal year 1978 shall be available only for carrying out the provisions of section 168, and $5,000,000 in each of the succeeding fiscal years ending prior to October 1, 1982 shall be available only for carrying out the provisions of section 168".

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On page 285, between lines 5 and 6, insert the following:

"(b) Each postsecondary educational institution desiring to receive a grant under section 168 of this part shall submit an application to the Commissioner at such time, in such manner, and containing or accompanied by such information as the Commissioner deems necessary.".

On page 285, line 7, strike out "SEC. 169." and insert in lieu thereof "SEC. 170.".

Mr. McINTYRE. The purpose of this amendment is to help our Nation decrease its dependence on foreign oil by stimulating vocational training in the installation and maintenance of solar energy heating, cooling, and hot water equipment.

The amendment does not change the major goals or immediate needs provided for in the education bill. Nor does it request any additional authorization for funding in the coming fiscal year. It would not authorize funding until fiscal 1978, in the amount of $1 million the first year. From fiscal 1979 through fiscal 1982, it would provide for an authorization of $5 million per year. I anticipate that from the first few years' experience with solar vocational training, we will be better able to judge precisely how much funding will be necessary.

As we all know, both the Senate and the House of Representatives have made firm commitments to accelerating the development of safe domestic sources of energy, and have given special attention to solar energy. For example, both the Senate and House have voted to allow a residential solar energy tax credit, and both Houses have voted to increase more than threefold the ERDA budget for solar energy research and development.

But we have not overcome all the obstacles. For one thing, we have not considered who will do the solar energy installation work, or where the country will get the architects, engineers and designers—the needed specialists—to help make solar energy in the home both inexpensive and attractive.

Today, skilled tradespeople who can install and maintain solar energy equipment are especially lacking, even though some equipment is already on the market, and new equipment is being introduced all the time. By passing this amendment now, we can encourage vocational schools to begin planning for courses in solar energy installation because they will know when Federal aid will be available.

This amendment does not cover the whole gamut of solar energy training and the long-range educational programs we will eventually need in the Nation's vocational schools, colleges and universities. It is my intention to review the need for more comprehensive solar energy programs with educational and solar experts, and consider submitting a bill to encourage these education programs in the next session of Congress.

Though there is not time to consider such comprehensive programs in this session, we must recognize the immediate and growing need for skilled people to install solar heating, cooling, and hot water units. And so, Mr. President, I urge the adoption of my amendment.

Mr. President, this is a very simple amendment. It was called to my attention that the education bill had authorization for some funding to assist in vocational education in the field of mining technology and since we all in this Chamber are so interested in energy today, it seemed appropriate to suggest to the members of the committee that we add solar energy vocational education.

I spoke to the distinguished senior Senator from West Virginia, who is the father of the section providing for mining technology vocational education, and he agreed to the amendment that I wished to make.

I have also proceeded to discuss this matter thoroughly with the distinguished manager of the bill, the Senator from Rhode Island.

So I believe at the appropriate time the committee will agree to accept this proposal.

I am happy to yield to the manager of the bill, the Senator from Rhode Island.

Mr. PELL. The Senator from New Hampshire is correct. I have been informed that it has been cleared with the Senator from West Virginia. It fulfills a real need because the wider we can make the research in this field and experimentation the better off we are. From at least this side of the aisle I recommend that we accept this amendment.

Mr. JAVITS. Mr. President, the amendment is acceptable on this side as well.

Mr. McINTYRE. Mr. President, before we move to agree to this amendment, let me say I thank the distinguished Senator from Rhode Island and the distinguished Senator from New York. All of us want to do everything that we can possibly to lend further impetus to the techniques and technology of solar energy, a possible great help to us in the future in the energy field. With that I am happy to yield back the remainder of my time.

Mr. PELL. I yield back the remainder of my time.

The PRESIDING OFFICER. Is all remaining time yielded back? All time having been yielded back, the question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment was agreed to.

Mr. PELL. Mr. President, I ask unanimous consent that Mr. Peter Harris, of the staff of the Committee on Labor and Public Welfare, be accorded the privilege of the floor during the course of this debate.

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

Mr. PELL. I suggest the absence of a quorum with the time to be counted from neither side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Who yields time to the Senator from Utah?

Mr. PELL. I yield 10 minutes to the Senator from Utah.

Mr. MOSS. Mr. President, for many months, Senator PELL and members of the Education Subcommittee and the Committee on Labor and Public Welfare have worked long and hard to write the Education Amendments of 1976. I commend them for a prodigious accomplishment. My only concern is that the whole bill may overshadow some of its best parts. Very briefly, therefore, I want to draw the Senate's attention to a provision of title II which marks a new departure in Federal assistance to vocational education programs and which will undoubtedly make an important contribution to the development of the Nation's energy resources.

Over a year ago, I introduced the Coal Mining Technology and Manpower Development Act, to assist community colleges in training skilled coal mine workers. That bill, with some modifications, was cosponsored by Senator RANDOLPH and adopted by the committee as an amendment to S. 2657 under the title "Special Energy Education Program."

In our effort to expand the production and diversify the sources of domestic energy, we must not overlook the need to develop sufficient manpower with appropriate skills to do the job. This is particularly true of coal mining. Coal presently provides only 17 percent of our energy even though it constitutes 93 percent of the fossil fuel reserves of the United States. Project Independence anticipates an increase in production of 10 percent per year through 1985 in order to raise output to more than 1 billion tons. This goal, in the judgment of the National Academy of Engineering, will require 125,000 additional skilled workers, more than one-half of the projected increase for all energy production, electric power generation, and energy transportation in the decade ahead.

The problem in coal mining is not merely one of numbers. So far the general unemployment rate has assured the industry an adequate labor supply, but many of the new recruits are poorly trained. Shortages of experienced miners are beginning to appear and will become acute, for a large proportion of the work force is concentrated in the older and younger age groups. According to United Mine Workers' president Arnold Miller, who testified last year before the Senate Interior and Public Works Committees, nearly 30 percent of the union's membership will be eligible for retirement under the terms of the present contract. The same number of workers is under 30 and, therefore, inexperienced. In this, the most hazardous of industrial occupations, they are the most frequent victims of accidents.

The private sector has long assumed the major burden of recruiting and training skilled coal workers and is taking new initiatives. In recent years, however, a number of junior colleges, technical colleges, and vocational schools have created training programs.

In all, 17 2-year institutions now have 2,878 persons enrolled in associate degree or 1-year certificate programs. All but three of these programs have been established since 1970. Twelve additional colleges are in various stages of planning to offer coal mining curricula. I am proud to say that nearly half of the present total number of students are participating in the program at the College of Eastern Utah in Price. In the near future the college will construct a $2 million center to provide training for high school students, a 2-year associate degree in mining technology, an extension course for recertifying mine electricians, and a university preparatory general science course.

This remarkable expansion is documented in a recent survey conducted by John R. Doggette of the Oak Ridge Associated Universities for ERDA and the American Association of Community and Junior Colleges. Although the study does not assess the financial requirements of these programs, I have received letters from more than half of the 17 institutions describing the enormous costs they incur in starting up, continuing, and improving their training. These costs are especially high for equipment purchases and instructors' salaries.

Senator RANDOLPH'S and my amendment provides $5 million for fiscal year 1978 and $10 million for each succeeding year until 1982 for grants by the Office of Education to postsecondary institutions to train entering miners, supervisors, technicians, safety personnel, and environmentalists. It is expected that they will be engaged in all phases of coal production from extraction to disposal of coal mine wastes and reclamation of surface-mined land.

I regard this assistance as one way of providing the trained manpower to do the job that must be done if we are to achieve energy independence and of enabling thousands of men and women to qualify for jobs that will be available.

Mr. President, I ask unanimous consent that the relevant section of Dr. Doggette's survey, together with a list of institutions having coal mining training programs, be printed in the RECORD.

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

ENERGY-RELATED TECHNOLOGY PROGRAMS IN COMMUNITY AND JUNIOR COLLEGES: AN ANALYSIS OF EXISTING AND PLANNED PROGRAMS, JUNE 1976

(By John R. Doggette)

COAL-MINING TECHNOLOGY

By far the greatest demand for energy-related technicians is in coal mining. This is because the U.S. coal industry intends to mine more than 1.1 billion tons of coal by the year 1985. One projection published in December 1974 is that 125,000 new employees will be needed to man the 270 mines now to be built, each of which will be producing 2 million tons of coal a year.[1]

Another projection, stated in May 1975 by a representative of Consolidated Coal Company, is that coal-mining companies must hire an additional 152,000 employees between 1976 and 1985, the majority of whom will be inexperienced in coal mining.[2]

Experts discussing manpower needs for the coal mines have emphasized that not only will many new persons be needed but also they will need to be well trained. Because additional pretraining and early upgrading have proved both to increase productivity and to augment mine safety, companies are no longer satisfied with the practice of indoctrinating new employees for fewer than 40 hours before they go underground.

In illustrating this point, one survey respondent explained that a coal-mining company with more than 2,000 applications for underground miner positions, offered to hire all persons who successfully completed the college coal-mining program. The college and the coal company created a successful cooperative program, alternating school and work.

Without exception, coal-mining technology programs in two-year colleges fit the definition of community programs. The colleges work closely with the regional coal companies to develop programs needed by the local mines or related industry. And because of this close cooperation in tailoring the programs to the needs of local mines and industry, it was difficult for the survey staff to categorize the coal-mining technology programs.

In all, 17 colleges with a combined total of 24 existing programs in coal-mining were identified. All but 3 programs were reported to have been established within the last five years. (See Table 111.5.)

TABLE 111.5.—COAL-MINING TECHNOLOGY: COLLEGES AND THEIR EXISTING PROGRAMS, ENROLLMENT, AND GRADUATES

Regions	Colleges	Programs	Enrollment	1975 graduates	Projected 1976 graduates
East	5	7	[1] 466	12	[1] 74
South	4	6	453	25	88
Midwest	5	5	685	89	143
North-central	2	3	60	25	28
Southwest	1	3	1,214	2	10
Total	17	24	2,878	153	343

[1] This figure is an estimate.

[1] J. Wes Blakely, "The Manpower Scene: Training and Development," *Coal Mining and Processing* (December 1974), p. 52.

[2] Roger M. Haynes, "Manning of Coal Mines," a speech delivered at the 1975 Coal Convention of the American Mining Congress, Pittsburgh, Pa., May 4–7, 1975.

Of these 17 colleges, 5 are in the East, 5 are in the Midwest, and 4 are in the South. The two states having the greatest number of these colleges are West Virginia (5 colleges) and Illinois (3 colleges).

It was frequently difficult for the survey research staff and the college to determine whether or not a program led to a certificate or an associate degree. Many of the short courses and electrician and supervision certification preparation courses are or can eventually be placed in the degree track. Colleges generally were unsure about how many of the employed miners taking courses were seeking degrees. The survey identified 2,878 persons enrolled, 153 graduated in 1975, and 343 who were projected to graduate in 1976.

Of the 17 colleges with programs, 8 are expanding their offerings. Twelve additional colleges are planning programs: 6 in the discussion stage, 2 in the preliminary stage, and 4 in the formal stage. (See Table 111.6.)

TABLE 111.6.—COAL-MINING TECHNOLOGY: NEW COLLEGES PLANNING PROGRAMS AND STAGES OF PLANNING

Regions	New colleges	Program planning stage: Informal	Preliminary	Formal
East	3		1	2
South	2	1	1	
Midwest	3	3		
North-central	2	1		1
Southwest	2	1		1
Total	12	6	2	4

The start-up time for coal-mining technology programs seems to be considerably shorter than that for other energy-related technology programs: seven of the offerings are planned to begin in 1976 and two are slated for 1977.

In analyzing the West Virginia public and private college programs training coal miners, Duane A. Letcher, of the Mining Extension Service of West Virginia University, classified the instructional activities into three categories: [1]

Training: Activities to improve the employee's present performance.

Education: Activities to improve the overall competence of the employee beyond the job now held.

Development: Activities to prepare the employee to adjust to the organization as it changes.

While most of the degree programs identified are "education" and "development" activities using Letcher's classification system, colleges are also providing extensive "training" activities for underground miners.

Each coal company is required to submit a training plan to the district office of the U.S. Mining Enforcement and Safety Administration (MESA) for approval. The community colleges are frequently included as part of the method for meeting the training objectives. Experienced miners with appropriate underground time can seek certification as electricians or become supervisors if they have completed training and can pass the required certification tests. Community colleges provide training for both certifications.

In only two states do state statutes require a minimum of 80 hours of pretraining before the new employee can go underground. The apprenticeship as a "red hat" under close supervision away from the face of the mine lasts 90 days. The local colleges make available a variety of courses each a few hours in length on all phases of mining and safety.

Six categories of coal-related programs were identified besides short training courses for employed miners. (See Table 111.7.)

[1] Duane A. Letcher, *Identification and Structural Analysis of Instructional Programs for the Underground Coal Miner in West Virginia*, July 1975.

TABLE 111.7.—TYPES OF COLLEGE COAL-MINING DEGREE PROGRAMS

Type	Length	Students	Program
Mining engineer	2yr	Full-time	Transfer emphasis.
Mining technology	1 or 2 yr	Full- and part-time.	Terminal and transfer.
Mining management.	1 or 2 yr	do	Terminal o transfer.
Surface mining technology.	1 or 2 yr	do	Terminal.
Mining reclamation technology.	1 or 2 yr	do	Do.
Coal-conversion technology.	1 or 2 yr	Still only in planning.	Still only in planning.

One- and two-year programs in mining technology are available for both full-time students and miners enrolled part-time. Mining management was listed as a complete program and as an option in mining technology. Two-year associate degree programs in mining engineering and mining technology designed for students to transfer to four-year colleges were identified.

Surface coal-mining and reclamation technology programs are available in geographical areas where surface coal-mining is prevalent. Surface coal mining does not have the strict training regulations that underground coal mining has, but the colleges work closely with the coal companies. Of the five colleges responding in the survey that had surface coal-mining technology programs, two also had reclamation technology programs. (See Table 111.8) One surface coal-mining program in the formal planning stage and two reclamation programs—one in the formal planning stage and one in the preliminary planning stage—were identified.

TABLE 111.8.—SURFACE COAL-MINING AND RECLAMATION TECHNOLOGY: COLLEGES WITH EXISTING AND PLANNED PROGRAMS [1]

Regions	Colleges with existing programs	Colleges with planned programs: Informal	Preliminary	Formal
Surface coal-mining programs:				
South	1			
Midwest	3			1
North-central	1			
Total	5			1
Reclamation programs:				
South	1		1	
Midwest	1			1
Total	2		1	1

[1] This table's data are also included in tables III.5 and III.6.

Three college coal-conversion technology programs being planned will train technicians in converting coal to a fuel oil or a gas. (See Table 111.9.) The formally planned program is in North Dakota and will train personnel to operate plants now on-line and under construction in converting lignite to a synthetic gas.

As mentioned previously, there is strong cooperation between the colleges and the local coal mines. To colleges with existing programs, industry made instructional staff available to 13 colleges (77 percent), facilities to 12 colleges (71 percent), equipment to 11 colleges (65 percent), and curriculum planning expertise to 10 colleges (59 percent). (See Table 111.10.)

Six of the 12 colleges planning programs (50 percent) are using local companies in curriculum planning. (See Table 111.10.) A number of the colleges are also planning to use industrial facilities, equipment, and industry-trained college instructors.

TABLE 111.9.—COAL-CONVERSION TECHNOLOGY: NEW COLLEGES PLANNING PROGRAMS AND STAGES OF PLANNING [1]

Regions	New colleges	Program planning stage: Informal	Preliminary	Formal
East	1		1	
Midwest	1	1		
North-central	1			1
Total	3	1	1	1

[1] This table's data are also included in table 111.6.

TABLE 111.10—COAL MINING TECHNOLOGY: INDUSTRIAL INVOLVEMENT IN COLLEGES WITH EXISTING AND PLANNED PROGRAMS

Industrial involvement	17 colleges with existing programs: Number	Percent	12 colleges with planned programs: Number	Percent
Industry involved	15	88	6	50
Use of industrial facilities	12	71	5	42
Use of industrial equipment	11	65	4	33
Use of industrial staff for instruction	13	77	4	33
Use of industrial staff for curriculum planning	10	59	6	50
Use of industry to train college instructors	3	18	1	8
Use of college to train industry employees	4	24	2	17
Industry not involved	2	12	6	50

INSTITUTIONS WITH COAL MINING TECHNOLOGY PROGRAMS

EAST

Beckley College, Beckley, West Virginia.

Bluefield State College, Bluefield, West Virginia.

Comunity and Technical College: West Virginia Institute of Technology, Montgomery, West Virginia.

Fairmont State College, Fairmont, West Virginia.

Williamson Campus—Southern Virginia Community College, Williamson, West Virginia.

SOUTH

Madisonville Community College, Madisonville, Kentucky.

Mountain Empire Community College, Big Stone Gap, Virginia.

Southeast Community College, Cumberland, Kentucky.

Southwest Virginia Community College, Richlands, Virginia.

MIDWEST

Belmont Technical College, St. Clairsville, Ohio.

Illinois Eastern Community College, Olney, Illinois.

Indiana Vocational Technical College, Indianapolis, Indiana.

Rend Lake College, Ina, Illinois.

Southeastern Illinois College, Harrisburg, Illinois.

NORTH CENTRAL

Casper College, Casper, Wyoming.

Sheridan College, Sheridan, Wyoming.

SOUTHWEST

College of Eastern Utah, Price, Utah.

Mr. MOSS. I thank the Senator from Rhode Island for yielding, and I yield back the time I did not use.

Mr. HUMPHREY. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. PELL. I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that two members of

my staff, Mr. Dan Davis and Miss Louise Bracknell, be permitted the privilege of the floor during the consideration of the pending measure and during rollcall votes.

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

Mr. PELL. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time not to be charged to either side.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2222

Mr. STONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will please state the amendment.

The assistant legislative clerk read as follows:

The Senator from Florida (Mr. STONE) proposes amendment numbered 2222.

Mr. STONE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 213, between lines 15 and 16, insert the following:

"PART K—GENERAL PROVISIONS

"ANTIDISCRIMINATION AMENDMENTS

"SEC. 181. Title XII of the Act is amended by adding at the end thereof the following new section:

"'ANTIDISCRIMINATION

"'SEC. 1207. No institution of higher education receiving Federal financial assistance may use such financial assistance, whether directly or indirectly, to undertake any study or project or to fulfill the terms of any contract containing an express or implied provision that any person of a particular race, religion, sex, or national origin be barred from performing such study, project, or contract.'.".

On page 100, in the table of contents, after item "Sec. 177." insert the following:

"PART K—GENERAL PROVISIONS

"Sec. 181. Antidiscrimination amendment.".

Mr. STONE. Mr. President, this amendment has already been passed by the House, and what it does is prohibit the use of our educational assistance funds in a manner that would discriminate against participants in those grant programs by reason of their race, religion, or background.

I stress that neither the wording nor the intent of the amendment is designed to restrict in any way the curriculum or the subject material of the use of these grants.

I am proposing an antidiscrimination amendment which was adopted without opposition by the House of Representatives. The amendment would bar American universities from using Federal funds to enter into programs with foreign nations that deny participation in these programs to individuals on the basis of race, religion, sex, or national origin.

The need for this amendment is not hypothetical. The honorable Representative from Pennsylvania, EDWIN ESHLEMAN, who introduced this amendment in the House, reports that several New England colleges and universities have felt compelled to turn down contracts with Arab nations which demanded that persons of certain religions be barred from fulfilling the contract. In other instances, foreign countries involved in faculty and student exchange programs with American institutions have forbidden entry to certain American students on the basis of religion.

We have recognized the need for antidiscrimination provisions in other aspects of our foreign policy. President Ford has issued orders that Federal agencies should ignore the discriminatory policies of foreign countries when selecting individuals for overseas assignments. Former Secretary Dunlop expanded this order to all Federal contractors entering into agreements with foreign nations. We need an equivalent statement of policy in the area of contracts granted to institutions of higher education.

American universities are becoming increasingly prominent in international education, sending their faculty, students, and research and administrative expertise throughout the world, as well as educating foreign students on their own campuses. The amendment I am introducing would make it clear that foreign nations may not use contracts or grants to force American educational institutions to discriminate against any person on the basis of race, religion, sex, or national origin.

Mr. JAVITS. Mr. President, I would like to ask the Senator a few questions. First, let me tell the Senator that the Department raises some question about this amendment on the ground that none of the civil rights statutes relating to higher education deals with religion. This discrimination on the ground of race, color, and national origin is dealt with, as well as sex, but not religion; and therefore, this would introduce yet another proposition into the antidiscrimination aspects of the law.

The language also raises some questions in my mind, for two reasons: first, I understand the amendment is designed to deal with contracts which may be offered or projects or studies which may be offered to a university or college from abroad, requiring discrimination and, for example, saying that people of a certain religious faith should not be hired under the contract.

Mr. STONE. That is correct.

Mr. JAVITS. But nothing in the section 1207, as written, says anything about contracts offered from abroad. It is a blanket proposition bringing in religious discrimination.

What is the reason for omitting the specific reference to the evil the Senator is trying to deal with?

Mr. STONE. I think the placing of the provision in the act at the point where it is placed does refer to that. But if the committee feels more comfortable in making an additional specific reference to that, it can do so. But this is the language that the House committee and, finally, the House, did clear.

The purpose here is to eliminate the use of grants and contract money in such a way that the recipient uses it while specifying, as some have, that members of a particular race or particular religion may not participate. That would be against the proper general use of American taxpayers' money.

Mr. JAVITS. The other matter that concerns me is the following:

. . . to undertake any study or project or to fulfill the terms of any contract . . .

Now, they might undertake conceivably a study or project dealing with this particular question, to wit, the question of discrimination on religious grounds.

Mr. STONE. Yes.

Mr. JAVITS. What concerns me is any impairment to the academic freedom of individual institutions.

Now, anything they would undertake for anybody else would be pursuant to some form of contract or agreement, and I was concerned about whether or not the amendment should read broadly enough that if they undertook—mind you, without any agreement, they just undertook—as an in-house proposition, any study or project containing an express or implied provision, and so forth, of discrimination, whether or not we had any right, even though we might thoroughly disapprove of that idea, to inhibit any higher education institution from going ahead with any in-house study or project of any kind even if we did not like its subject.

Mr. STONE. The Senator has a correct concern, but the amendment is so worded as to permit that type of course material, and the only restriction here, the only prohibition, is that in the carrying out or implementing of any program, a person of a particular race, religion, sex, or national origin not be barred from performing the study.

In other words, this amendment is not a restriction on the course material or types of study carried out. It is only a prohibition that in the implementing of any such project, the manner of carrying it out not be such that it bars people, because of their religion, and so forth. Had it not been occasioned by at least charges that this had taken place, this type amendment would not be felt necessary.

I think this point need not concern the Senator, and I think the legislative record we are making now shows the intent clearly to be simply that the way of carrying out these projects shall be in a nondiscriminatory way.

Mr. JAVITS. Would the Senator object to a proviso added to the amendment saying, *"Provided, however,* That nothing herein contained shall be deemed to relate to in-house studies or projects of higher education institutions"?

Mr. STONE. The Senator from Florida would object to it in this way, for this reason: the provision here does not bar, nor do we intend to bar, either in-house or contract studies of any kind, includ-

ing the type that the Senator raised in a hypothetical way.

For example, a study of discrimination.

What this does is say when we use the money we cannot, either by express prohibition or implied prohibition, prevent a woman from participating, or perhaps a Catholic from participating, or an Armenian from participating, and so forth.

Mr. JAVITS. Does that relate also, or does the Senator intend it to relate—suppose Columbia University undertakes a study, whatever the study may be, which has nothing to do with a contract, nothing to do with anybody giving them a contract.

Mr. STONE. Right.

Mr. JAVITS. Does the Senator want to bar them from providing in undertaking that study that they are going to exclude women?

Mr. STONE. That is right.

Mr. JAVITS. So it is a much broader provision than protecting against Arab nations which offer contracts to universities, provided they exclude people of a given faith; it is going much further than that.

Mr. STONE. Correct. But we are not requiring they use women. We are not requiring they use ethnic backgrounds of any kind.

We are simply saying in the use of these funds they cannot prohibit participants from being of a certain——

Mr. JAVITS. That is not the way it works. When the Senator says that they are prohibited from prohibiting——

Mr. STONE. That is right.

Mr. JAVITS. Require the use of women, or it may be people of a given faith, or a given race. I mean, we simply cannot get by with that.

In other words, it is just not the prohibition against prohibiting the use. We have to use affirmatively.

Mr. STONE. That is not the case.

Mr. JAVITS. If they are of equal quality or of equal capacity.

I am concerned about the application of this amendment to strictly in-house studies and projects of colleges and universities.

That is not what we intend to deal with by this amendment.

I know why the Senator is putting it forward. I agree with its purpose. But I am deeply concerned about the breadth of trying to control the in-house operations, other education, civil rights laws, by introducing now the religious qualification. That is really what we are doing.

I would much rather change title VI of the statute of 1964. I would rather do it directly that way because I do not know the full implications, as I stand here now.

I am more than with the Senator if he will give us an amendment saying——

Mr. STONE. Suppose we take the proviso the Senator has suggested.

Mr. JAVITS. Yes.

Mr. STONE. Between now and the conference, the House staff and our staff can tailor it to prevent any broadening beyond that which is intended in this amendment.

Mr. JAVITS. The Senator has read my mind correctly.

If we take the same amendment as the House, it is not in conference.

Mr. STONE. That is right.

Mr. JAVITS. If we add something to it, it is in conference.

Mr. STONE. Correct.

Mr. JAVITS. The Senator knows me well enough to know he can accept my good faith.

Mr. STONE. I certainly do.

Mr. JAVITS. I do not want to act in any way to inhibit the freedom of American education.

Mr. STONE. Mr. President, I ask that the amendment be modified using the words the Senator from New York has suggested, and I will send that to the desk in writing momentarily.

Mr. JAVITS. Mr. President, I ask unanimous consent that we may have a quorum call without its being charged to either side.

The PRESIDING OFFICER. The Senator has the right to modify his amendment and it will be so modified.

Mr. STONE. I thank the Chair.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hearing no objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. JAVITS. Mr. President, I believe that Senator STONE has now sent a modification of his amendment to the desk. I ask that the modification be stated.

The PRESIDING OFFICER. The modification will be stated.

The second assistant legislative clerk read as follows:

On page 2, at the end of line 3, strike the period and quotation mark and insert in lieu thereof the following:

"*Provided, however,* That nothing herein contained shall be deemed to affect any in-house study or project of an institution of higher education."

Mr. JAVITS. Mr. President, the amendment, as modified, is acceptable.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. STONE. I yield back the remainder of my time.

Mr. PELL. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

Mr. PELL. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be counted against neither side.

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

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2206

Mr. ALLEN. Mr. President, on behalf of my senior colleague (Mr. SPARKMAN) and myself, I call up our amendment No. 2206, which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Alabama (Mr. ALLEN), for himself and Mr. SPARKMAN, proposes amendment No. 2206.

Mr. ALLEN. I ask unanimous consent that further reading of the amendment be dispensed with, inasmuch as I will explain it.

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

The amendment is as follows:

At the end of the Act, add the following title;

TITLE III—AMENDMENT TO TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

SEC. 301. Section 901(a) of the Education Amendments of 1972 is amended by striking out "and" at the end of clause (5), by striking out the period at the end of clause (6) and inserting in lieu thereof "; and", and by adding at the end thereof the following new clause:

"(7) this section shall not apply with respect to any scholarship or other financial assistance awarded by an institution of higher education to any individual because such individual has received an award in any pageant in which the attainment of such award is based upon a combination of factors related to the personal appearance, poise, and talent of such individual and in which participation is limited to individuals of one sex only.".

Mr. ALLEN. Mr. President, pageants such as the Miss America pageant and America's Junior Miss pageant, held in Mobile, Ala., are being seriously damaged by the possible application or misapplication of title 9. Many colleges and universities give scholarships, both at the local level and at the national level, to winners of these pageants. Of course, the Miss America pageant and the Junior Miss pageants are open to young ladies, to one sex only. There is a fear, and that fear is well grounded from what we understand may possibly be the application of title 9 in this area, which has caused many colleges and universities to now be unwilling to grant these scholarships for the reason that they would be helping one-sex organizations or pageants in possible violation of title 9.

What this amendment would do would be to provide that title 9 would not prevent colleges and universities from continuing the practice that they have engaged in for many, many years of, in their discretion, giving or not giving, as they might desire, scholarships to winners in these various contests. That is all the amendment would do. Serious damage is being done at this time to these pageants by the fear of some universities and colleges that Federal funds will be withdrawn from them. All this amendment does is to make this practice permissible.

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

Mr. ALLEN. I yield.

Mr. JAVITS. I would like to ask a question, and then I would like to make

a very brief statement on the amendment.

The Senator will notice the language on page 2:

This section shall not apply with respect to any scholarship or other financial assistance awarded by an institution of higher education to any individual because such individual has received—

And here are the words that trouble me—

an award in any pageant—

Is the word "award" related directly to the scholarship or other financial assistance awarded by an institution of higher education? That is really what we are talking about. We are not talking about qualifying somebody who just received an award, whatever that may mean.

Mr. ALLEN. No; it is related to this contest or pageant or other activity.

Mr. JAVITS. Could we say "such award" or something like that? Would the Senator mind that? As it stands, if they give a girl a certificate——

Mr. ALLEN. Well, it is an award. If the Senator will read further, it is an award in a pageant.

Mr. JAVITS. I agree. But sometimes they hand out on a wholesale basis, these awards, or other forms of recognition. I think what is troubling me is a lack of a connection betwen the word "award" and the term "scholarship or other financial assistance."

Mr. ALLEN. Does not the Senator think the college or university would use discretion in giving their scholarships?

Mr. JAVITS. I agree. I am just looking at the words of the amendment. The Senator is a lawyer just as I am. The word "award" in line 3 is not related to the "scholarship or other financial assistance." It simply pertains to anyone who may have received an award which may or may not be this financial assistance. I suggest changing the word "an" to the word "such," because that is what we are talking about.

Mr. ALLEN. I would have no objection to that. This is the manner in which the House passed the amendment. I am sure in conference they can decide on the better of the two words.

Mr. JAVITS. May I ask another question? I am with the Senator on the amendment. I am just trying to put it into the best form.

Mr. ALLEN. I understand.

Mr. JAVITS. The other thing that worries us a little bit, and I think it would worry the Senator, is that the pageant should itself not be discriminatory. In other words, what we are trying to do is to avoid sex discrimination, but we do not want to encourage pageants or beauty contests—which is what this is about, as I understand it—which are themselves discriminatory. It might be confined.

Mr. ALLEN. Of necessity it is going to be discriminatory.

Mr. JAVITS. As to sex.

Mr. ALLEN. Yes. I have no objection to that.

Mr. JAVITS. Suppose it is discriminatory as to something else?

Mr. ALLEN. I have no objection to making that clear.

Mr. JAVITS. All right. So we would add "so long as such pageant is in compliance with other nondiscrimination provisions of Federal law."

Mr. ALLEN. But leaving the permission to discriminate as to sex in this particular area.

Mr. JAVITS. Of course; that is why I use the word "other."

Mr. ALLEN. Yes.

Mr. JAVITS. Does the Senator mind making the changes? One is "has received such award" and then add "so long as such pageant is in compliance with other nondiscrimination provisions of Federal law."

Mr. ALLEN. I have no objection to that. I am sure that is the thrust of it.

Mr. JAVITS. That is what we both intended.

Mr. ALLEN. Yes.

Mr. JAVITS. Mr. President, I will send the modification to the desk. I ask unanimous consent to so do.

The PRESIDING OFFICER. The Senator from Alabama has a right to modify the amendment.

Mr. ALLEN. Yes. I will modify the amendment, but first we will have a look at it. In the meantime, I ask unanimous consent that we might have a quorum call without time being charged to either side.

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

Mr. ALLEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. ALLEN. I send the modification to the desk. I believe it meets the objections.

The PRESIDING OFFICER. The amendment as modified will be stated.

The second assistant legislative clerk read as follows:

At the end of the Act, add the following title:

TITLE III—AMENDMENT TO TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

SEC. 301. Section 901(a) of the Education Amendments of 1972 is amended by striking out "and" at the end of clause (5), by striking out the period at the end of clause (6) and inserting in lieu thereof "; and", and by adding at the end thereof the following new clause:

"(7) this section shall not apply with respect to any scholarship or other financial assistance awarded by an institution of higher education to any individual because such individual has received such award in any pageant in which the attainment of such award is based upon a combination of factors related to the personal appearance, poise, and talent of such individual and in which participation is limited to individuals of one sex only so long as such pageant is in compliance with other nondiscrimination provisions of Federal law.

Mr. ALLEN. Mr. President, before we vote on the modification I shall make this statement:

Mr. President, as you of course know, title IX of the Education Act Amendments of 1972 prohibits discrimination on the basis of sex in educational programs or activities receiving financial assistance. The implementation of title IX by the Department of HEW has caused much deliberation, discussion, and concern that the provisions of title IX be enforced in a reasonable and responsible manner.

Frankly, Mr. President there have been many unintended results since title IX became law—results which I am confident few if any of us here in the Senate, ever expected and results which are creating great distress among parents of children attending schools receiving Federal financial assistance. I might add also that this sentiment of distress is not confined to the parents alone but, I believe, is shared in large measure by students and in fact all citizens, whether or not they are directly affected.

In my judgment, Mr. President, there is a substantial danger that the underlying concept which led to the enactment of title IX will itself soon be subjected to strenuous attack if the anomalous and unintended results which have brought title IX into disrepute are not promptly corrected.

In HEW's implementation of title IX, one of the greatest disasters has occurred in the scholarship programs of the America's Junior Miss Pageant, the Miss America Pageant, and other such pageants throughout the Nation. Historically, colleges and universities have offered scholarships to participants in local and State level pageants. Before title IX became effective, these scholarships amounted to approximately $7 million annually. Senators ought to agree with me when I say that Congress had no intention of causing a tremendous educational loss of that magnitude for the young women throughout the country.

As Senators of course know, colleges and universities give scholarships for a variety of reasons—athletic, talent, ability, scholarship—some to young men, some to young women—but all of them designed to recognize the potential of the recipient in their chosen field.

Personally, I think it is most unfortunate that title IX has resulted in a termination of these educational programs, and I urge the Senate to adopt my amendment so that worthy young women may have a better opportunity to get a good education.

Now, Mr. President, I will concede that I have more than an ordinary interest in this question since the America's Junior Miss pageant is held annually in Mobile, Ala. Some Senators may have seen the pageant on television several months ago. Fifty young women who were high school students competed on the basis of talent, poise, youth fitness, and scholastic achievement. I feel certain my distinguished colleagues from the State of Washington will recall that this year's America's Junior Miss is Lenne Jo Hallgren from the town of Clarkston, Wash. Miss Hallgren is truly a delightful and charming young lady and certainly ought not to be denied a scholarship by a blind and unreasonable interpretation of title IX.

I want Senators to understand that these pageants are not "bathing beauty

contests" and that it is truly a shame to see the Education Act used to deny education benefits to such intelligent and talented young women.

A vote for this amendment will be a vote for education and against a bureaucratic and unreasonable application of a measure adopted by Congress in good faith with every intention that it would be implemented in a reasonable fashion.

Mr. President, this amendment will not cost the taxpayer one dime, but it will correct a problem we should all want to see corrected and will allow some $7 million in scholarships to be made available that will otherwise be denied.

Mr. President, the House of Representatives has passed a similar amendment.

I ask unanimous consent that a statement by the Honorable JACK EDWARDS, a Congressman from the First Congressional District of Mobile, Ala., be printed in the RECORD.

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

PAGEANT AMENDMENT

Title IX of the 1972 Education Amendments Act was meant to end sex discrimination in the nation's schools. It went into effect in July of last year after Congress concluded its hearings on the Department of Health, Education and Welfare's published regulations.

Based on the Act, the departmental regulations prohibit sex discrimination in admissions, financial aid, employment and athletics in the 16,000 school districts and 2,700 institutions of higher education throughout the country that receive federal aid.

Since its implementation, several problems have been encountered in athletic and curriculum programs and in other areas.

SCHOLARSHIP PROGRAMS

One of the greatest injustices has been in the scholarship programs of the America's Junior Miss and the Miss America pageants.

Historically, colleges and universities have awarded scholarships at the local and state level pageants. In fact, before Title IX became effective, these scholarships amounted to more than $7 million annually.

In addition, many local pageants have been held in high school and college auditoriums throughout the country. With the Title IX regulations, these same educational institutions have become reluctant to let their facilities be used.

If allowed to continue, this whole situation would result in a tremendous educational loss for young women throughout the land.

Colleges and universities give scholarships for a variety of reasons—athletic, talent, ability, scholarship—some to young men, some to young women—but all of them designed to recognize the potential of the recipient in their chosen field.

COLLEGE EDUCATION

Personally, I think it is unfortunate that Title IX originally could have resulted in a termination of some of these educational programs.

The America's Junior Miss Pageant, for example, which concluded in Mobile in early May before a nation-wide television audience, is not what is generally referred to as a "beauty" pageant.

Fifty young women who are high school seniors compete on the basis of creative and performing arts, poise and appearance, youth fitness and scholastic achievement. The scoring percentages for scholastic achievement and an interview with the judges accounts for a great percentage of the overall scoring total.

This is an honorable program that spotlights the better points of youth and allows them to compete in a wholesome atmosphere and before a large audience for a worthwhile objective; a college education.

EDWARDS AMENDMENT

It would be a shame for the Education Act to deny education benefits to such intelligent and talented young people.

And so on May 12, I offered an amendment to the Higher Education Act to exempt the Junior Miss Pageant and others like it from the provisions of Title IX.

It was adopted and now goes to the Senate. If it passes the Senate and is signed by the President, colleges and universities may once again award scholarships to the fine young women who participate in the pageants.

Mr. HATHAWAY. Mr. President, will the Senator yield for a question?

Mr. ALLEN. I yield.

Mr. HATHAWAY. As I read the amendment, am I to understand it applies to so-called beauty contests only?

Mr. ALLEN. Actually, they are not beauty contests. I guess that might be the popular expression. We feel that the Alabama Junior Miss is a pageant. It is not a beauty contest.

Mr. HATHAWAY. I understand that. That is the sole purpose of this amendment, to qualify that type of pageant, or rather to exempt it, from the provisions of title IX. What I am afraid of is that the language here might be used by some ingenious individual or institution to manufacture some other type of contest or pageant which would fall within the terms of this amendment, but which would actually be in controversion of the spirit of title IX. We have had a colloquy here that clearly limits this to pageants, such as junior miss pageants or other beauty contests, where customarily only females are entered.

Mr. ALLEN. I do not think the Senator need fear, because this does not operate so much on the pageants themselves as that it allows colleges and universities in their discretion to give scholarships to the winners in the pageants.

We assume that the colleges and universities would not grant scholarships to the entrants in a pageant unless the pageant measured up to their requirements. That is all it does. It does not put any special power in the pageants. This is permissive as far as colleges and universities are concerned.

Mr. HATHAWAY. I understand that.

Mr. ALLEN. As regards title IX.

Mr. HATHAWAY. I understand that. I wish to make sure we are not going to open the door to individuals or, as I say, institutions coming up with ingenious discriminatory devices and then asking the university to award them a scholarship, like devising some kind of a talent contest where they exclude women or they exclude men for no real reason other than to get around title IX. The university would say, "Well, I guess we are entitled to do this under the Allen amendment," and go ahead and honor the award. That would be in controversion of the spirit of title IX.

Mr. ALLEN. As I say, I do not believe we are going to have that. As far as that is concerned, the universities now can give scholarships to anyone they want to, I suppose. But the reason for this amendment is that if they gave a scholarship to a one-sex-type pageant they might be in violation of title IX, and this just removes that inhibition or that burden and says that as to these particular organizations they can grant these scholarships without offending title IX. It does not make them grant the scholarship.

Mr. HATHAWAY. No. I realize that. I just wish to make sure that the language here is confined to the junior miss-type pageant that the Senator from Alabama has in mind.

Mr. ALLEN. Yes, and Miss America as well; reputable pageants, yes.

Mr. HATHAWAY. Because we can use exactly the same words, "personal appearance, poise, and talents," but apply them to some kind of football players' contest with scholarships as prizes, and restricted to males only. Taking the literal interpretation of these words, we might open the door to actual discrimination such as we are trying to avoid through the provision of title IX. As long as we have established in this colloquy that this is an extremely limited amendment, I think it is going to be pretty clear that such activities would be illegal.

Mr. ALLEN. The modification proposed by the distinguished Senator from New York (Mr. JAVITS) proposed that these pageants or contests, if you will, would have to comply with all other Federal antidiscrimination laws generally. So I do not believe we could run into a discriminatory organization.

Mr. HATHAWAY. Senator JAVITS' amendment simply says the pageant itself cannot discriminate in any other way. If this Junior Miss pageant discriminated against anyone on the basis of religion, for example, it would not qualify.

Mr. ALLEN. That is correct.

Mr. HATHAWAY. That is the purpose of Senator JAVITS' amendment. My purpose in questioning the Senator is to make sure it is confined only to current ongoing pageants such as the Junior Miss pageant.

Mr. ALLEN. I do not wish to say "current."

Mr. HATHAWAY. Well, then, to that type of pageant. We could start one tomorrow morning, or after this amendment passes, as long as it is that same type of contest.

Mr. ALLEN. Of that type; that is what this amendment is intended to cover, yes.

Mr. HATHAWAY. I thank the Senator.

Mr. PELL. I thank the Senator from Maine and hope that since it is acceptable on both sides of the aisle we could come to a vote on this matter.

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

Mr. ALLEN. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Alabama (Mr. ALLEN).

The amendment, as modified, was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I suggest the absence of a quorum, and ask unanimous

consent that the time not to be charged against either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask uanimous consent that the order for the quorum call be rescinded.

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

Mr. PELL. Mr. President, would it be considered that legislative business had intervened if I asked for a renewal of the quorum call, but with the time to be charged equally to both sides?

The PRESIDING OFFICER. If nothing is done, the time will be charged. If a quorum call is entered, the time will be charged automatically to the Senator requesting it, or whoever has control of the time. If the Senator asked by unanimous consent for it to be charged equally, it would then be charged equally to both sides.

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

Mr. PELL. I yield.

Mr. JAVITS. Mr. President, Senator PELL's problem and mine is the problem of time here going on. We have a unanimous-consent agreement respecting this bill, and the controversial amendments have yet to be offered. The Senate has been in session now on this particular matter for about 2 hours. That is our problem. We have no desire to curtail anyone's opportunity to offer amendments, but they have to be willing to offer amendments.

I do not believe in using up our time arbitrarily. We can always yield it back if we choose, and if we wish to press the rights of the managers of the bill, we could always press the bill to third reading, right here and now. Of course, we have no such design.

I simply make this statement to serve notice on the Members that we hope very much to finish this bill today; certainly at the very latest, tomorrow. If they do not offer their amendments, they put us in a very difficult and embarrassing position, and our duty may be to act notwithstanding. I urge the attachés of the Senate to notify Members that those who have amendments really must present them; otherwise, they could conceivably be locked out.

Then I suggest to Senator PELL that we do not press the use of time on this particular quorum call, but that we serve notice that we will, from now on, allow the time to be equally charged, so that the time on the bill itself will be used up, too, by simply waiting for Members, which is not something we desire.

The PRESIDING OFFICER. Also, the Chair has considered, in his capacity as the Senator from Vermont, objecting to quorum calls going on without the time being charged because of the Chair's concern that this bill be disposed of within the time allowed for it.

Mr. JAVITS. I thoroughly agree with the Chair as the Senator from Vermont. I hope, therefore, that we shall from now on suggest the absence of a quorum in the regular way, with the unanimous-consent request that the time be charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The Clerk will call the roll, with the time for the quorum call to be charged equally to both sides.

The second assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2220

Mr. PERCY. Mr. President, I call up my amendment No. 2220.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an amendment numbered 2220.

Mr. PERCY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 322, between lines 6 and 7, insert the following new section:

"PARTICIPATION OF WOMEN IN CONSOLIDATED TITLE IV PROGRAM

"SEC. 328. (a) Section 421(a)(1) of the Elementary and Secondary Education Act of 1965 is amended by inserting before the word 'library' the following: 'nonsexed biased'.

"(b) Section 431(a)(3) of such Act is amended by inserting before the semicolon a comma and the following: 'and of programs to promote equal educational opportunities for women, including public information activities to increase the awareness of educational personnel concerning the problems incident to sex discrimination and the elimination, reduction, or prevention of sex discrimination in those agencies'.

"(c) Section 431(a) of such Act is amended—

"(1) by striking out the word 'and' at the end of clause (3),

"(2) by striking out the period at the end of clause (4) and inserting in lieu thereof a semicolon and the word 'and', and

"(3) by adding at the end thereof the following new clause:

"'(5) for carrying out demonstration projects designed to promote new approaches to expand educational opportunities for women, including the provision of comprehensive physical education programs and sports activities for women'.".

On page 337, between lines 14 and 15, insert the following new section:

"IMPROVED EDUCATIONAL RESEARCH PROGRAMS FOR WOMEN

"SEC. 406. (a) Section 404(a)(1) of the General Education Provisions Act is amended by inserting before the semicolon a comma and the following: 'including activities designed to improve the status of women in postsecondary education.'

"(b) Section 404(a)(6) of such Act is amended by inserting before the semicolon at the end thereof, a comma and the following: 'including the creation of innovative administrative and educational practices that respond to the special needs of persons who have or have had responsibilities of caring for dependents'.

"(c) Section 405(b)(2) of such Act is amended by inserting after the phrase 'including career education' a comma and the following: 'and programs designed to meet the needs of women'.".

On page 101, in the table of contents, after item "Sec. 327." insert the following:

"Sec. 328. Participation of women in consolidated title IV program.".

On page 101, in the table of contents, after item "Sec. 405." insert the following:

"Sec. 406. Improved educational research programs for women."

Mr. PERCY. Mr. President, I ask unanimous consent that the name of Senator BAYH be added as a cosponsor of this amendment.

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

Mr. PERCY. Mr. President, I first introduced this amendment as part of the Women's Equal Educational Opportunity Act in February 1974. In May of that year, the bill was offered as an amendment to the Education Amendments of 1974. In order not to complicate conference proceedings on the bill, I did not press for its adoption at that time. Instead, in a colloquy with Senators MONDALE and JAVITS, members of the Senate Labor and Public Welfare Committee, it was agreed that the Women's Equal Educational Opportunity Act would be an appropriate addition to a later education bill.

Last spring when the Senate and House Education Subcommittees began hearings on vocational and higher education, I reintroduced the bill, S. 1338, with nine cosponsors, including Senators ABOUREZK, BROCK, CASE, CLARK, GRAVEL, HASKELL, MCGOVERN, SCHWEIKER, and HUGH SCOTT.

The amendment I am offering today embodies part of S. 1338. It addresses the problems of sex discrimination in existing education programs. The amendment neither creates new programs, nor requires new moneys, nor alters existing funding formulas. It modifies existing educational statutes to expand the permissible uses of Federal grants to include those programs specifically directed at providing equal educational opportunities for women. It allows States to conduct these projects as part of their activities under the Elementary and Secondary Education Act and under the General Education Provisions Act, for postsecondary education.

The amendment is designed to encourage existing education programs to change attitudes and practices that perpetuate sex biases in education and, thereby, fully integrate girls and women as equal participants and beneficiaries of our educational system. It, therefore, expands the impact of the Women's Educational Equity Act which was overwhelmingly approved in 1974, and complements the provision of the women's vocational education amendments incorporated in this bill.

It is unfortunate that this amendment is needed as much today as in 1974. A recent National Assessment of Educational Progress survey found that female educational achievement declines with increasing age although male-female learning ability is nearly equal at age nine. Because of tracking or the channeling of male and female capabilities,

males in the survey generally demonstrated higher levels of educational achievement in mathematics, science, social studies, and citizenship, while females consistently outperformed males only in writing. In releasing the survey information to the public, the national assessment said:

When it comes to educational achievement, it appears that it's still a man's world.

There is a clear need to develop educational programs that will build on all the potentials in children of either sex. The Women's Equal Educational Opportunity Amendment can help us retrieve for this country some of the female intelligence, capabilities, and talents that are now being allowed to wither away.

I understand the committee agrees with me and will accept this amendment. I appreciate this support, and I am sure that the many people who worked with me on this amendment appreciate it also.

Mr. President, I take this opportunity also to commend the Labor and Public Welfare Committee and its Subcommittee on Education for a fine job on this omnibus education bill. My colleagues Senator PELL, the chairman of the subcommittee, and Senator JAVITS, the ranking member of the full committee, have worked particularly hard on this measure.

I am particularly pleased that the bill has incorporated so many of the recommendations which Senator NUNN and I sent from the Permanent Subcommittee on Investigations review of the federally insured student loan program.

In addition, S. 2657 incorporates a major provision of my 1974 Higher Education Insured Student Loan Amendments, which would prohibit students from discharging their loan obligations by claiming bankruptcy within 5 years after graduation. S. 2657, if enacted, will go a long way toward curbing the abuses and the growing default rate of the guaranteed student loan program so that the needed moneys might properly reach the intended beneficiaries—students in need.

Mr. PELL. Mr. President, the Senator from Illinois has worked hard on this amendment. It has been discussed with the staff of the subcommittee. I think it moves in the direction we should move by making life a little fairer for women.

I suggest we accept this amendment.

Mr. JAVITS. Mr. President, we find the amendment acceptable.

I congratulate Senator PERCY and his colleagues on the initiative and intelligence which has gone into this addition to our education program.

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

Mr. PERCY. Yes.

Mr. HELMS. The amendment of the Senator from Illinois seems to have a very salutary purpose.

I wonder, just for my education, will the Senator give me some precise information on the inequities he spoke about?

Mr. PERCY. If I may refer to a speech I gave in the Senate on February 5, 1974, I think these specific examples are possibly the best that I can give.

I pointed out at that time that at each level of advancement within the American educational system, the percentage of women declines: Women comprise 50.4 percent of the country's high school graduates, 43.1 percent of these who receive bachelor's degrees, 40 percent of those with master's degrees, and only 13 percent of the doctorates. Although women make up 24 percent of college and university faculties, only 8.6 percent are full professors.

We have experience with another amendment I offered to the foreign assistance bill.

In that case we required that women be integrated into the development process under our bilateral and multilateral foreign aid programs. This has now become the so-called Percy amendment in the foreign aid bill.

I have monitored it when visiting other countries, for instance, last year, when I was in Jordan.

Traditionally, out of 100 fellowships that were offered for advanced degrees of study in this country, 92 percent were given to men.

As Senator HUMPHREY—who was a cosponsor of this foreign aid amendment—knows, American foreign assistance has in many cases had the effect of increasing the gap between men and women in developing nations. We were highly educating and highly training men, leaving the women farther and farther behind. In a sense, we were dealing with 50 percent of the human resources in those countries.

Today, with this language in the foreign aid bill, equal opportunity for women has become a priority.

All we had to do in Jordan was to reach out with that as a goal: no mandate, no quotas, just a goal. They reached out and now approximately half of the students coming here from Jordan are women.

There were plenty of women who, heretofore, had never been reached, had never had programs available to them; they just assumed they were only for the men. Now we have specifically stated that they are for women, too, and they are being brought increasingly into them.

This history of discrimination is exactly the same thing we find to our amazement is true in American education.

Just by way of illustration, we have learned from grammar schoolbooks, in which "Mary is a stewardess and John is a pilot. Mary is a nurse and John is a doctor."

We can go through and find countless examples of this sort of subtle sex discrimination. The same problem exists in physical education.

In the pending amendment, we simply are trying to see that when funds are made available, those funds should be available equally to women and men.

We are not mandating forced integration. But we do say that if we provide for mathematics training, if we provide for foreign language training, there should be a goal that as long as 50 percent of the population are women and 50 percent are men the goal ought to be equal opportunity provided in the use of funds from the Federal Government for students regardless of sex.

Mr. HELMS. What the Senator is saying is that this is designed to encourage a psychological incentive to women to participate in these programs?

Mr. PERCY. Absolutely.

Mr. HELMS. I thank the Senator.

Mr. HUMPHREY. The President, will the Senator yield?

Mr. PERCY. I am happy to yield.

Mr. HUMPHREY. I take a moment to commend the Senator from Illinois, who has been a leader in this effort. It is paying off. I cooperated with the Senator in the Committee on Foreign Relations, as did other members of our committee, and I was honored to be a cosponsor.

The evidence is there that when efforts are made the results speak for themselves. In this instance, in the higher education amendments, the participation of women in educational activities is as vital as anything we could possibly consider. The effort that was made in physical education in the past couple of years has resulted in a tremendous improvement in women's athletic events, in women's participation in physical fitness programs, and in other matters of higher education and elementary and secondary education activities.

I have to say with some regret that one of the worst areas of discrimination on the basis of sex is in education. In the United States, of those who have the honor of the title of professor, dean, administrator, all too few are women. Yet in many other countries that is not the case, particularly in the other countries of democratic persuasion, like the Scandinavian countries and some of the Western European countries. Women there occupy very important administrative and scholarship roles.

I think the Senator is doing us a great favor by calling this matter to our attention. The amendment which he offers, I believe, will be very helpful. As the Senator from Illinois has said, there are no quotas, there is no compulsion, but what it does say is, "Look, get with it," and it attacks this great resource of women power.

Mr. PERCY. I do not know anything that would do more good to strengthen our economy. In vocational training, for instance, women today are still too frequently directed to a narrow range of occupations, mainly homemaking, clerical, and health occupations, where the promises are small, the pay is low, and chances for advancement are very, very limited. The generally conceived to be masculine professions are always those with higher pay and more rapid advancement possibilities. We go right back to Whitney Darrows' popular children's book entitled "I'm Glad I'm a Boy. I'm Glad I'm a Girl." He says in there:

Boys have trucks. Girls have dolls.
Boys are doctors. Girls are nurses.
Boys are presidents. Girls are first ladies.
Boys fix things. Girls need things fixed.
Boys build houses. Girls keep houses.

I suppose we could go back and say men drive taxicabs, women do not. Today where would we get the manpower or person power if we did not have women taxicab drivers? I must say I was surprised when I got in my first taxicab

driven by a woman years ago. Today we do not think of it as unusual. Soon we will have many women airline pilots.

We have to move with it and get women involved, certainly, if we are going to be an example to the developing nations of the world to break down the stigma against women, as we are doing with the Percy-Humphrey foreign aid provision. I wish to thank my colleagues for their willingness to accept this amendment. I appreciate their leadership in this field.

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

Mr. PELL. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

Mr. PERCY. Mr. President, I ask unanimous consent that during all deliberations and votes on S. 2657, to extend the Higher Education Act, the privileges of the floor be accorded to John Cottin and Stuart M. Statler, from the staff of the Permanent Subcommittee on Investigations.

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

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

Mr. FANNIN. Mr. President, I yield to the distinguished Senator from Kentucky.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that Janice Wilson be granted the privilege of the floor during the consideration of the pending bill, S. 2657.

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

AMENDMENT NO. 2155

Mr. FANNIN. Mr. President, I call up my amendment No. 2155.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. FANNIN) for himself and others, proposes an amendment numbered 2155.

The amendment is as follows:

On page 322, between lines 6 and 7, insert the following new section:

"AMENDMENT RELATING TO SEX DISCRIMINATION

"SEC. 328. (a) Section 901(a) of the Education Amendments of 1972 is amended—

"(1) by striking out 'and' at the end of paragraph (5);

"(2) by striking out 'This' in paragraph (6) and inserting in lieu thereof 'this';

"(3) by striking out the period at the end of paragraph (6); and

"(4) by adding at the end thereof the following new paragraphs:

"'(7) this section shall not apply to—

"'(A) any program or activity of the American Legion undertaken in connection with the organization or operation of any Boys State conference, Boys Nation conference, Girls State conference, or Girls Nation conference, or

"'(B) any program or activity of any secondary school or educational institution undertaken in connection with—

"'(i) the promotion, organization, or operation of any Boys State conference, Boys Nation conference, Girls State conference, or Girls Nation conference; or

"'(ii) the selection of students to attend any such conference; and

"'(8) this section shall not apply to any father-son or mother-daughter activity at any educational institution.'".

(b) The amendment made by subsection (a) shall take effect on January 1, 1976.

On page 101, in the table of contents, after item "Sec. 327." insert the following new item:

"Sec. 328. Amendment relating to sex discrimination.".

Mr. FANNIN. Mr. President, more than 17 colleagues initially joined me in cosponsoring this amendment, and there is a greater number now.

Since the enactment of the Education Amendments of 1972 there has been much discussion and concern about the provisions of title IX—which prohibits discrimination on the basis of sex in any educational program or activity receiving Federal financial assistance.

Title IX of the education amendments, which passed in June of 1972, affects virtually every educational institution in the country.

The spirit of the law is reflected in this statement: under title IX—

No person in the United States shall on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance . . .

The law was originally introduced in 1971 as an amendment to the Civil Rights Act of 1964. Following congressional debate and changes, the law, signed on June 23, 1972, emerged as title IX.

The HEW-proposed final regulations covering every aspect of title IX were sent to the White House on February 28, 1975, for approval. After approval on May 27 they were sent to Congress which had 45 days to accept or reject them. The regulations became effective July 21, 1975.

In the 93d Congress Senator BAYH attached an amendment to title IX to the White House Conference on Libraries and Information Services Act which stated that section 901 of title IX does not apply to membership practices of social fraternities and sororities of higher educational institutions or to voluntary youth service organizations, Young Men's Christian Association—YMCA, Young Women's Christian Association—YWCA, Girl Scouts, Boy Scouts, and Camp Fire Girls.

Although title IX was well-meaning there have been many unintentional results since it became law. One of the most outrageous took place on June 25 when a letter was mailed from HEW's region IX Civil Rights Office to the Scottsdale, Ariz. school district. This letter said school sponsorship of father/son or mother/daughter events "would be subjecting students to separate treatment and would not be permitted by the title IX regulations." Schools sponsoring such events would run the risk of losing their Federal funds.

This decision followed an earlier decision by HEW that the Boys and Girls State American Legion program violates title IX. It was not the American Legion, however, that was being challenged since it does not receive Federal funds. Rather, it was the relationship of public schools to Boys and Girls State that was at issue. Any school participating in the program, and most do, by promoting Boys and Girls State would run the risk of losing Federal funds.

To eliminate the potential threat of loss of funds the schools must either end their association with Boys and Girls State and father/son, mother/daughter functions or alter the format of these programs. Neither approach is justifiable since to do either would alter the programs beyond recognition or perhaps even end them.

Subsequently, HEW reversed its decision regarding Boys and Girls State and President Ford was so irritated by the father/son, mother/daughter banquet decision he ordered Secretary Mathews to review the matter, which, in effect, suspends the decision.

However, these decisions are administrative and could change again. In fact, HEW officials, in a meeting with the American Legion, stated that legislation would be the only permanent solution to the problem. For this reason I have introduced this amendment which exempts Boys and Girls State programs and father/son, mother/daughter events from the provisions of title IX. In addition, the Office of Civil Rights has assured me of its full support for this amendment.

Mr. President, I point out that HEW is not to be blamed entirely for these incredible decisions since it is Congress which enacted title IX without considering its ramifications. We have already had to pass legislation to exempt fraternities and sororities, as well as Boy and Girl Scout programs, from the effects of title IX. What these recent HEW decisions demonstrate is that title IX has the capacity to reach far beyond its intent to directly prohibit sex discrimination in federally funded programs. These decisions lack any degree of commonsense, but it is Congress that produced the means to arrive at this unhappy result, and it is Congress which must bear the responsibility for resolving it. Perhaps in this regard it is well to recall the recent statement by the Governor of Colorado that—

All too often we find that the Federal Government for all its sincerity is the problem.

Certain customs and traditions that involve sex discrimination must be ended. However, there are some institutions and practices that deserve to remain as presently constituted. Certainly my distinguished colleague, Senator BAYH, held this conviction when he introduced his amendment exempting fraternities and sororities, an amendment which I fully supported. There is nothing magical to be accomplished in ending the separation in the American Legion program and father/son, mother/daughter functions, and therefore, I hope my colleagues will join with me in voting in favor of this amendment.

Mr. President, on behalf of the Senator from Kansas (Mr. DOLE), I ask unanimous consent that a statement he has prepared in support of amendment No. 2155 to the Education Amendments of 1976 be printed in the RECORD.

There being no objection, the state-

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

STATEMENT OF SENATOR DOLE

I am pleased to cosponsor this amendment to the Education Amendments of 1972 in order that the various youth conferences conducted by the American Legion and the extracurricular activities sponsored by public schools such as the father-son and mother-daughter functions, shall not be subject to further Title 9 sexual discrimination bureaucratic determinations.

It appears that the Department of Health, Education, and Welfare has failed to formulate acceptable implementation plans for the Title 9 guidelines. Twice in the past year alone, the legislative intent of these guidelines appears to have been seriously distorted by the agency efforts to enforce the regulations, and it is my feeling that this additional legislation is necessary to reinforce the intent of Congress and to assure that these programs are not subjected to further misguided bureaucratic efforts.

In the first of these controversial decisions, the Office for Civil Rights in the Department of Health, Education, and Welfare ruled that the conferences sponsored by the American Legion violate the sex discrimination guidelines of Title 9. If this decision had been upheld, high schools taking part in these programs would have been in danger of losing federal funds. Fortunately, the Department of Health, Education, and Welfare reversed its initial position and allowed the programs to maintain their school ties and their exclusive membership policies.

In a more recent ruling, the Department of Health, Education, and Welfare's Office for Civil Rights again issued an equally unacceptable interpretation of the sex discrimination guidelines when it ruled on June 23rd of this year that schools using federal funds would jeopardize their federal assistance by sponsoring such extracurricular activities as mother-daughter and father-son functions since these social activities provided "separate treatment."

I feel that the Department of Health, Education, and Welfare has erred in exercising the vast discretion conferred upon them by elected officials, and I am disturbed by the meaning of the guidelines, as applied to both the youth conferences sponsored by the American Legion and the father-son extracurricular school activities. It appears that additional legislation is necessary to express the sense of Congress that these traditional activities be allowed to continue without becoming embroiled in further disputes with a well-meaning, but over-zealous bureaucracy. I strongly urge my colleagues to approve this amendment and, in doing so, grant the legislative relief necessary for these programs.

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

Mr. FANNIN. I am pleased to yield to the distinguished Senator from North Carolina.

Mr. HELMS. I commend the able Senator from Arizona on this amendment, and I will be honored if he will include me as a cosponsor of it.

Mr. FANNIN. Mr. President, I ask unanimous consent that the name of the Senator from North Carolina (Mr. HELMS) be added as a cosponsor of this amendment.

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

Mr. THURMOND. Mr. President, who is in control of the time?

Mr. FANNIN. I am pleased to yield to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from Arizona is in charge of the time.

Mr. THURMOND. Mr. President, I commend the able Senator from Arizona for offering this amendment, and I am very pleased to join him as a cosponsor.

Mr. FANNIN. I thank the distinguished Senator from South Carolina and appreciate the Senator from North Carolina and the Senator from South Carolina supporting this very necessary amendment.

Mr. THURMOND. Mr. President, will the Senator yield me 10 minutes?

Mr. FANNIN. Mr. President, I am glad to yield to the Senator from South Carolina.

How much time does the Senator from Arizona have remaining?

The PRESIDING OFFICER (Mr. FORD). The Senator from Arizona has 25 minutes remaining.

Mr. FANNIN. I am very pleased to yield to the Senator from South Carolina.

The PRESIDING OFFICER. How much time does the Senator desire?

Mr. THURMOND. Ten minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 10 minutes.

Mr. THURMOND. Mr. President, I strongly support the amendment to exempt the American Legion Boys' State program and the American Legion Auxiliary Girls' State program from title IX of the Education Amendments of 1972.

Likewise, I strongly support a similar exemption for mother-daughter and father-son activities in the public school systems.

Title IX provides that no person may be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of sex under any education program funded with Federal money.

Mr. President, title IX embodies a lofty goal, which on its face, seems practical and realistic. Unfortunately, some of the bureaucrats who administer title IX have approached its implementation in an unrealistic and impractical manner. Thus, we are faced with the necessity of offering the proposed amendment.

If it were not for misguided and senseless application of these regulations, Congress would not have to concern itself with this corrective legislation.

Briefly, I provide a historical outline which will explain the necessity for the amendment.

I. BOYS' STATE AND GIRLS' STATE

On January 30, 1976, I received a telephone call informing me of the HEW decision advising the American Legion that the Boys' State and Girls' State programs violated title IX, since there were different programs for young teenage girls and young teenage boys. Furthermore, I was shocked to learn that HEW had advised school districts they could not put up American Legion posters in the schools, student newspapers could not advertise the program, and student annuals could not even publish stories or pictures relating to Boys' State or Girls' State. Otherwise, the school districts would be in danger of losing their Federal funds.

Mr. President, I immediately telephoned Dr. David Mathews, Secretary of HEW, and asked him to have the general counsel review the decision of the runaway bureaucrat who initially caused the whole problem. Fortunately, Dr. Mathews reacted swiftly and professionally to order the review, which resulted in an administrative determination that Boys' State and Girls' State were exempt from title IX.

Mr. President, I followed up on my telephone conversation with Dr. Mathews by directing a letter to him dated January 30, 1976. His response to me, dated February 17, 1976, sets forth the administrative determination, and for the sake of the historical record, I ask unanimous consent that this exchange of correspondence be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. THURMOND. Mr. President, this brings me to the essence of why I support the pending amendment.

Simply put, the current ruling is an administrative determination subject to change based on the interpretation of legislative history. We should set the record straight today, once and for all.

II. MOTHER-DAUGHTER AND FATHER-SON BANQUETS

Legislation to protect father-son and mother-daughter events in the public schools is equally necessary. There is a popular misconception that President Ford effectively disposed of this problem by his swift and decisive action in ordering Dr. Mathews to review the HEW decision forbidding these banquets in public schools. Unfortunately, this is not the case. President Ford did all that he could under existing law, the bureaucracy still retains the ability to thwart the President's policy.

Specifically, Mr. President, I have received a report on the Department's policy concerning father-son and mother-daughter events which leaves open the question of what course the HEW bureaucrats will take. If the current review of the statute upholds the bureaucratic interpretation, legislation will be necessary to exempt these events from title IX.

Mr. President, I ask unanimous consent that the report signed by the Director of the Office of Civil Rights be printed in the RECORD at the end of my remarks.

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

(See exhibit 2.)

III. OVERREGULATION

Mr. THURMOND. Mr. President, I urge the adoption of the pending amendment for one more simple and compelling reason—it is highly important that the Federal Government stay out of matters like this, where it has no business in the first place.

If there is one thing our constituents want, it is for the Government to get off their backs, to stay out of their private and business affairs, and to cease trying to implement utopian designs at the expense of personal freedom.

Only yesterday I received a call in my office from a constituent who objects on religious grounds to his daughter being compelled to participate in physical edu-

cation activities with members of the opposite sex. It is not that he objects to the current HEW policy of determining mixed classes on the basis of whether contact or noncontact sports are involved. This constituent is a minister, and as a part of his religious belief, his family does not condone pants suits on girls. In other words, his daughter wears skirts, and skirts are unbecoming for the physical activity required in physical education classes.

This constituent has been put in the position of requesting a waiver from physical training since my State requires physical education as a part of the curriculum. I intend to do all that I can to help this constituent, since his problem emanates from a decision by HEW bureaucrats to require mixed physical *education* classes.

Mr. President, this example serves to show the far-reaching effects of the decisions by bureaucrats who are unaccountable to the people. I hope the Senate will pass the pending amendment as a signal to HEW that we intend to administer title IX in a practical rather than unrealistic and disruptive manner.

Finally, this amendment is necessary in order to signal the intent of Congress that we intend to restore a semblance of sanity and balance to the promulgation of title IX regulations.

Mr. President, I shall vote for the amendment, and urge my colleagues to do likewise.

EXHIBIT 1

COMMITTEE ON ARMED SERVICES,
Washington, D.C., January 30, 1976.

Hon. DAVID MATHEWS,
Secretary of Health, Education, and Welfare, Independence Avenue, SW., Washington, D.C.

DEAR SECRETARY MATHEWS: I have learned of a recent decision by the Department of Health, Education, and Welfare, holding that The American Legion Boys State and Girls State programs violate Title IX, the sex discrimination provisions of the 1972 education amendments.

It appears that HEW has ruled that any school which participates in the programs will be in danger of losing its federal funding.

In my opinion, such an approach is not only unjustified, but highly ill-advised. I know of no more worthwhile program to teach young people fundamentals of good citizenship than Boys State and Girls State.

I hope you will order an immediate review of this uncalled for and unwise opinion. If possible, I hope you will have the General Counsel rescind it. If this cannot be done, I will appreciate any legislative recommendations you may have concerning this matter. I think it is highly important for the government to stay out of matters like this, where it has no business in the first place.

I shall look forward to hearing from you concerning this matter at your earliest convenience.

With kindest regards and best wishes,
Very truly,

STROM THURMOND.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE,
Washington, D.C., February 17, 1976.

Hon. STROM THURMOND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR THURMOND: This is in reply to your letter of January 30, 1976, expressing concern that this Department has ruled that schools which participate in, or cooperate with, the Boys State and Girls State programs of the American Legion and the American Legion Auxiliary, respectively, would be violating Title IX of the Education Amendments of 1972. The decision to which you are apparently referring was contained in a letter from our Regional Office in San Francisco, responding to a specific request and based on the facts available to it at the time. At the request of the Secretary, we have obtained further facts and have thoroughly reviewed the statute and pertinent legislative history. As a result, we have concluded that the membership practices of Boys State and Girls State are exempt from Title IX.

As you know, Title IX generally prohibits discrimination on the basis of sex in education programs or activities receiving Federal financial assistance. Under the HEW regulation which was approved by the President and which became effective on July 21, 1975, school districts and other educational institutions are prohibited from discriminating against their students and employees, and pursuant to section 86.31(b)(7) of the regulation, are prohibited from providing significant assistance to persons, agencies and organizations which discriminate in this manner.

We are advised that Boys State and Girls State are sex-separate activities sponsored, as noted above, by the American Legion and the American Legion Auxiliary, respectively. Their purpose is to give outstanding high school students experience in the techniques of democracy. Both activities are funded by their sponsoring organizations and neither, as far as we are aware, receives Federal support. It is our understanding that participants in Boys State and Girls State are normally chosen by or with the assistance of the schools attended by the students. Apparently, some school districts or post-secondary institutions grant academic credit to the participants, although we are informed that neither Boys State nor Girls State has a policy encouraging that practice.

Neither Boys State or Girls State receives any direct Federal financial assistance. Thus, the only way in which Title IX can affect their membership practices is if they are receiving assistance from an educational program which is receiving Federal financial assistance. This concept, as you may know, is embodied in the Department's Title IX regulaton at 45 CFR Section 86.31(b)(7). However, as you may also know, the Congress, in Section 901(a)(6) of Title IX, has provided an exemption from this policy for certain types of organizations. This leads us to review the terms of that section and the nature of the activities of Boys State and Girls State.

Section 901(a)(6) of Title IX which was added to the act by an amendment signed by the President on December 31, 1974 (P.L. 93-568) excludes from the application of Title IX the membership practices of:

(A) . . . a social fraternity or social sorority which is exempt from taxation under Section 501(a) of the Internal Revenue Code of 1954, the active membership of which consists primarily of students in attendance at an institution of higher education, or

(B) . . . the Young Men's Christian Association, YWCA, Girl Scouts, Boy Scouts, Camp Fire Girls, and voluntary youth service organizations which are so exempt, the membership of which has traditionally been limited to persons of one sex and principally persons of less than nineteen years of age.

The amendment was introduced and sponsored by Senator Bayh who was also, of course, the Senate sponsor of Title IX itself. In his introductory remarks, Senator Bayh stated:

"Since I introduced S. 4163, it was brought to my attention that the Department of Health, Education, and Welfare was also planning to extend title IX *to youth services organizations such as the boy scouts and girl scouts, YMCA, YWCA, or the Campfire Girls.* . . . Again, I feel the Department has gone far beyond the original intent of the Congress in passing title IX by extending its provisions to cover such organizations. Therefore, in order that the Department can turn its time and energy to those legitimate aspects of Title IX which are in great need of its time and attention, I am proposing an amendment . . . which would provide a specific exemption to the admissions requirements of Title IX for social fraternities and sororities and for youth service organizations such as the Boy Scouts and Girl Scouts, and intended to include YMCA's and YWCA's and other such organizations.

"My amendment would also provide an exemption for youth service organizations whose membership has been traditionally open to members of one sex and has been principally limited to only those under 19. Therefore it would not apply to organizations such as the Little League, a primarily recreational group, or to the Jaycees, an organization whose membership consists primarily of those over 19. It would apply to the Boy Scouts, Girl Scouts, YMCA, YWCA, Campfire Girls, and Boys Clubs, and Girls Clubs." (Emphasis added.) *Cong. Rec.*, vol. 120, part 30, pp. 39992-39993, remarks of Senator Bayh.

The term "voluntary youth service organization" is not defined in section 901(a)(6) or in the current HEW regulation. We intend to develop general guidance on this term in the near future in order to avoid any future uncertainty and ambiguity. In the meantime, however, in light both of the language of the exemption and of its legislative history, it is our judgment that Boys State and Girls State fall within the term. They are, in effect, performing a service to the community by teaching the techniques and philosophy of democratic leadership and governmental processes. However, they satisfy the other requirements of the exemption: their sponsoring organizations are exempt from taxation under section 501(a) of the Internal Revenue Code, and their membership is composed primarily of persons under nineteen years of age.

We are concerned, however, about those instances in which educational institutions give academic credit to students participating in Boys State and Girls State, because this action appears to give these activities an educational, rather than service, orientation. Moreover, by giving students academic credit, the educational institutions are making available, as a part of their own education program, activities being conducted in a manner prohibited by Title IX. Therefore, we conclude that any educational institution receiving Federal financial assistance which gives such academic credit is violating Title IX.

We are not, at this time, concerned with other forms of contact and cooperation between educational institutions and Boys State and Girls State, such as furnishing lists of academically qualified students or allowing facilities to be used during the summer. In our judgment, these do not constitute an integral part of the institutions' education programs or activities.

The Secretary has asked me to convey to you his thanks, along with my own, for your interest in this matter. I hope these comments will be of assistance to you. Should you have questions or further comments, please do not hesitate to let me know.

Sincerely,

MARTIN H. GERRY,
Acting Director,
Office for Civil Rights.

EXHIBIT 2
DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., August 17, 1976.

REPORT ON THE DEPARTMENT'S POLICY CONCERNING APPLICATION OF THE NONDISCRIMINATION PROVISIONS OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 TO SCHOOLS THAT SPONSOR FATHER-SON, MOTHER-DAUGHTER EVENTS, JULY 1976

Title IX prohibits, with certain exceptions, discrimination on the basis of sex in educational programs and activities receiving Federal financial assistance. Under the implementing regulation, which became effective July 21, 1975, school districts and other educational institutions are prohibited from discriminating against their students and employees and, pursuant to Section 86.31(b) (4) of the regulation, are prohibited from subjecting any student to separate or different treatment, on the basis of sex, in providing benefits or services.

An initial decision, finding sponsorship of father-son and mother-daughter breakfasts in violation of the Title IX regulation, was contained in a letter from the San Francisco Office for Civil Rights to the Scottsdale Public Schools, Arizona. The letter was in response to a specific request and was advisory in nature.

Following the initial decision in this matter, the President directed the Department to undertake further legal review to determine whether such application is mandated under the statute. Further, the President stated that if such a review upholds such an interpretation, the Administration will seek an immediate amendment to Title IX to permit schools to continue sponsorship of father-son or mother-daughter events.

At the President's direction, the Department has suspended the ruling, pending review by the Department's General Counsel and the Director, Office for Civil Rights. Accordingly, the Department plans no enforcement action as to these kinds of events occurring during the review period. A school requesting advice from the Department's Office for Civil Rights as to whether to sponsor a father-son or mother-daughter event will be informed of this policy.

MARTIN H. GERRY,
Director, Office for Civil Rights.

Mr. FANNIN. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, we understand that the Senator from Missouri will offer a substitute amendment.

I call the attention of the Senator from Arizona to two propositions respecting his amendment and the Eagleton substitute. I am sympathetic to both, but I think it is necessary, in order to handle the matter, to combine both concepts.

First, the Eagleton substitute will call for equal treatment respecting these individual events—that is, father-son, mother-daughter—so that schools that have father-son will also allow, on the same terms and conditions, and with equal treatment, mother-daughter. The Eagleton amendment does contain safeguards so that we will not have a biased situation there.

The second thing I should like to ask the Senator from Arizona is with respect to the disquiet which is created by the following words in his amendment. I am not certain that these few words are really needed. The amendment, at page 2, lines 14 and 15, speaks of:

Any program or activity of any secondary school or educational institution undertaken in connection with.

And then it goes on to deal with the promotion, organization, or operation of Boys' State, and so forth.

There is no question about the fact that if we adopted this amendment, we would be authorizing a segregated activity. But, as I think my colleagues properly say, we are undertaking a great reform in respect of trying to bring up the status of women; and this reform runs into some very deep social establishments which do differentiate between sexes, and we cannot expect to whole scale eliminate all those activities.

For example, we would prefer to see that the mother-daughter and father-son activities be intermingled, so that it becomes four-cornered instead of two.

We would like to see the Legion, in its very enviable and fine programs undertake joint boys' and girls' conferences. There is no law against it, and I understand that it is being done just that way in a good many places.

Nonetheless, recognizing the facts of life and facing those facts of life, I express the hope to the Senator from Arizona that we can work out the matter so that two things occur: First, a very clear definition of the activites which we intend to allow to be governed by sex; and, second, the words "undertaken in connection with" are much too broad, and I suggest that the words be stricken and that it relate to any program or activity of any secondary or educational institution dealing with the promotion, organization, or operation of the boys' conference, and so forth.

Mr. FANNIN. The Senator from New York has brought forth a very good recommendation, and the Senator from Arizona will ask that the amendment be altered on that basis.

Mr. JAVITS. That is fine. Not yet, I say to the Senator. First, let us deal with the other question.

The question will be raised by Senator EAGLETON of allowing comparable facilities in the same institution to girls that are allowed to boys. That means that in the dynamics of carrying out the amendment of the Senator from Arizona, the same type and quality of facilities—not necessarily line by line, but comparable facilities, comparable opportunities—will be afforded to girls as are afforded to boys. That suggests a combination of the Eagleton concept with the Fannin concept, adding the specifics of the Legion's program which is dealt with by the amendment of the Senator from Arizona.

I suggest to the Senator from Arizona, if it is agreeable to him, that the time be yielded back on his amendment, so that we may go ahead with the Eagleton substitute. Then, in the course of that debate—as I have suggested—combine the two and adopt one amendment, on which we will have a rollcall vote, if it is desired, but which will be acceptable to the majority and the minority on the committee.

Mr. FANNIN. The Senator from Arizona expresses appreciation to the distinguished Senator from New York.

I ask that the substitution be made in the amendment of the Senator from Arizona, in section 8, with respect to section 7 on page 2 of the Eagleton amendment.

Would that comply with the wishes of the Senator?

Mr. JAVITS. I think it would, if it also included the material which is contained in section 7(b) of Senator EAGLETON's amendment.

Mr. FANNIN. That is what I say. The elimination of section 8 on the second page, lines 22, 23, and 24, and then take up, on page 3, as the Senator suggested, the same wording in that area.

Mr. JAVITS. With respect to the retroactive nature of the Senator's amendment, I see that it takes effect on January 1, 1976. Will the Senator give us his purpose in that respect? They have already dealt with this by regulation.

Mr. FANNIN. The Senator is correct. I think the amendment should take effect at the time of passage.

Mr. JAVITS. Mr. President, in order to try to work this out, I am ready to yield back my time, if Senator FANNIN is. We will give him time against the Eagleton amendment, if he wishes it, or time on the bill, so that we can get both matters before us.

Mr. FANNIN. As I understand, it is the desire of the Senator from Missouri to offer a substitute or an amendment.

Mr. JAVITS. I think we had better ask him.

I yield to the Senator.

Mr. EAGLETON. It is my intention to offer a substitute for the Fannin amendment now pending.

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

Mr. JAVITS. I yield.

Mr. BAYH. I ask the Senator from New York to permit me to have a bit of time, perhaps before all the time is yielded back on the amendment of the distinguished Senator from Arizona, to share some of my thoughts with my colleagues with respect to the whole thrust of where we are going here.

Mr. JAVITS. Unless Senator FANNIN wishes more time, I yield 10 minutes to the Senator from Indiana.

Mr. BAYH. I do not want to take any more time than necessary.

As the author of title IX of the Education Amendment of 1972, I have seen a good deal of progress made in trying to guarantee the major thrust and intent of that legislation, the elimination of sex discrimination in our educational system. However, as is always the case when we have new legislation such as this, there can be misinterpretations.

What concerns me here about the well-intentioned effort made by our colleagues is that I do not think that the proper way to deal with a problem such as this is to come on the floor of the Senate—or, indeed, the floor of the House—and try to structure amendments to deal with every possible eventuality.

The basic legal mechanism to deal with age-old discrimination against women students is title IX. HEW has

promulgated regulations to carry out title IX. I have been very unhappy with the way HEW has carried out this mandate. Not only was HEW very slow in coming up with the implementing regulations, not only has HEW missed the mark of what we were trying to accomplish so far as equality of opportunity for our daughters was concerned, but also, it seems to me that they have gone out of their way to pick some of the most ridiculous examples of the intention of title IX.

The best example of this is this father-son, mother-daughter controversy, I tell you, as original sponsor of this bill, there was no intention whatsoever to do away with the traditional father-son, mother-daughter festivities that exist in most of our schools. Yet, instead of really dealing with the fact that we are not getting equal scholarships, we are not getting equal course opportunities, we are not getting equal employment opportunities for our daughters, what do they do? They come up and say, "You cannot have mother-daughter, father-son banquets." That is the most idiotic thing I have ever heard.

It seems to me that what we have to do is get back on the mark. These recent administrative decisions were not based on complaints. They were invented by short-sighted bureaucrats. In this instance, we have no alternative but to say, "Wait a minute, that is not what we meant." While this administrative foolishness may require congressional action, but I hope that we shall move carefully. I hope that we shall deal with this problem with a scalpel and not with a meat ax.

On the amendment before us, I say to the distinguished Senator from Arizona that I find myself preferring the approach of the Senator from Missouri. I do so for several reasons, one of which is that I do not think we ought to legislate in the area where regulations have already been perfected. Because of the intervention of the Senator from Indiana as well as the Senator from South Carolina, we were able to get HEW to back away from the Boys' State-Girls' State ruling. An exemption has been made for Boys' State-Girls' State. In fact, I think it is to the credit of the Legion and the Legion Auxiliary that they have sort of taken the bull by the horns themselves. For the first time in history, they had a joint meeting of Boys' Nation and Girls' Nation.

These are two very salutary programs. The Senator from Indiana has a little personal experience with this, having married a sweet young thing who, a long, long time ago—not so long by her definition—was the president of Girls' Nation. In that regard, I know firsthand of the training that is given in Girls' Nation and Boys' Nation, Girls' State and Boys' State. Rather than legislating in this area, since the exemption already exists, we should concentrate on other areas not covered.

The second matter is a matter that was touched on by the Senator from New York. After HEW released that absolutely ridiculous—and I am being kind by saying that—statement on father-son, mother-daughter affairs, they indicated they are studying the matter and that no ruling is to be in effect. So I think this is an area where we should give attention. Certainly, it was the intention of those of us who got title IX enacted into law to say that those additional functions, which add significant contributions to the lives of our sons and daughters, should be exempted under title IX. But it seems to me that in the language that is used by the distinguished Senator from Arizona, we are, in fact, making a significant departure from what we had intended to do in title IX. What we want to do, it seems to me, is say that sons and fathers, daughters and mothers can have festivities that follow the tradition of our schools, but that those opportunities have to be available to both groups.

As I read the language of the Senator from Arizona, it would permit under the guise of activities in connection with father and son activities—a continuation of the discrimination that has existed for years against our daughters. For example, it is possible to have a father and son sports activities and totally ignore mothers and daughters. By following the language of the Senator from Arizona, we continue that discrimination, which I do not think any of us wants.

So, with all respect to the distinguished Senator from Arizona, I do not want to see this discrimination continued. I do not think, really, that he wants that, but as I read the language, it is going to be permitted, not only in the area of sports but in the whole area of scholarships and counseling and other programs that could be construed to relate to father and son.

What I would like to see us do is deal with the father-son, mother-daughter situation but do a scalpel job, as the amendment by the distinguished Senator from Missouri has gotten much closer to doing.

Basically, I think that that is all that I need to say on this matter. I appreciate the Senator from New York letting me have some time.

The PRESIDING OFFICER. Who yields time?

Mr. EAGLETON. Mr. President, will the Senator yield to me 1 minute?

Mr. HATHAWAY. Yes, I am happy to yield.

Mr. EAGLETON. At such time as all time is yielded back on the pending Fannin amendment, I intend to offer a subsitute with respect thereto.

Mr. HATHAWAY. Mr. President, may I make a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. HATHAWAY. How much time will be allowed on the substitute?

The PRESIDING OFFICER. That would be an amendment in the second degree. There is 30 minutes on any amendment in the second degree, 15 minutes to a side.

Mr. STAFFORD. Mr. President, I ask unanimous consent that Michael Francis and Michael Burns, both of my staff, have the privilege of the floor during debate and votes on the pending legislation, the business now before the Senate.

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

Mr. EAGLETON. Mr. President, I ask for the same privilege with respect to Marcia McCord.

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

Mr. THURMOND. I ask for the same privileges for John Napier of the Judiciary Committee staff.

Mr. FANNIN. Mr. President, I ask unanimous consent that Kathryne Bruner be given the privileges of the floor.

Mr. BAYH. Would the Senator add Barbara Dixon of my staff to that growing list?

The PRESIDING OFFICER. Are there any others in the Chamber? Without objection, it is so ordered.

The Senator from Maine is recognized.

Mr. HATHAWAY. I yield to the Senator from Nevada.

Mr. CANNON. Mr. President, I ask unanimous consent that Jim Stasny of my staff be accorded the privileges of the floor during the consideration of this measure.

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

Mr. BEALL. Mr. President, I ask unanimous consent that Joseph Carter and Nancy Slepicka of my staff be granted the privileges of the floor during the consideration of this measure.

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

Mr. HATHAWAY. Mr. President, before I yield back my time, I would like to make a point with regard to the amendment of the Senator from Arizona (Mr. FANNIN). I understand full well the objective and motivation of the Senator from Arizona and his cosponsors with respect to this amendment. They do not want to impair certain traditional activities.

At the same time, I think we should be mindful of the fact that we seem to be going down the path of "separate but equal" with amendments like this. In another context, you will recall America rejected that concept several years ago.

I'm sure you can make a good case for the exemption of Boys' State and Girls' State, and for father-son and mother-daughter activities. I think in the latter case, the father-son and mother-daughter, you can probably make a better relative case than you can with respect to the Boys' State-Nation and the Girls' State-Nation, because the father-son and mother-daughter activities are primarily social activities. But even there, you can raise some questions with respect to those activities in an age when we see increasing numbers of one-parent families. In fact, we might want to be encouraging father-daughter activities or mother-son activities here today, because in many families today there is no father or there is no mother, for whatever reason.

Even so, I think a much stronger case can be made against allowing Boys' State and Girls' State activities, because these activities are encouraged for the purpose of getting young people of both sexes interested in politics. I suppose that maybe I should be the last one in

this body to suggest this in view of the person against whom I ran when I was elected in 1972. But I think we are trying to encourage participation of both sexes in the legislative process, on a coequal basis, and I think a very good argument could be made that Boys' State and Girls' State discourage coequal participation in that direction.

But the essential point is, I do not think we should be starting down a road of separate-but-equal educational activities for women. As the Senator from Indiana has pointed out, each amendment we accept could be precedent-setting, and therefore I think this is a good time to stop setting this "separate-but-equal" precedent.

I am mindful of the fact that there is already an HEW administrative ruling that Boys' State and Girls' State activities can be exempted from title IX, and that the purpose of the amendment of the Senator from Arizona is only to make sure that this is etched in concrete so that the ruling cannot be changed.

But, at this time at least—and I await further argument on the Eagleton substitute—I would much prefer the Eagleton substitute to the amendment offered by the Senator from Arizona.

Mr. FANNIN. I thank the distinguished Senator from Maine. He is correct as to the statements of the Senator from Arizona.

The Senator from Arizona does not want to delay. In fact, the distinguished Senator from Missouri permitted the Senator from Arizona to proceed because of the conference which the distinguished Senator knows is taking place on the tax bill, and the Senator from Arizona is due back at 2 o'clock.

It is not the intent of the Senator from Arizona not to try to cooperate and show appreciation for the manner in which the distinguished Senator from Missouri has permitted him to intervene. So the Senator from Arizona would like at this time, if the Senator from Missouri would be willing, for him to explain his amendment and to explain, if he so desires, why he would oppose the Boys' State and Girls' State amendment, and not be willing to accept the amendment of the Senator from Arizona. I realize it would require unanimous consent, but if the Senator from Missouri would like to express himself on the Senator from Arizona's time maybe we could get this settled.

Mr. President, how much time is remaining of the Senator from Arizona?

The PRESIDING OFFICER. The Senator from Arizona has 17 minutes remaining.

Mr. EAGLETON. Mr. President, if the Senator will yield 2 minutes——

Mr. HATHAWAY. I yield 2 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Maine yields 2 minutes to the Senator from Missouri.

Mr. EAGLETON. I know the Senator from Arizona wants to get to his conference committee on the tax bill, and properly so. I think the quickest way to do that would be to yield back the time on this amendment. I will offer my substitute; 15 minutes on that amendment will be assigned to the Senator from Arizona and 15 minutes to me, and I think I will only use about 4 minutes, and we can have a vote well before 2 o'clock.

Mr. THURMOND. Mr. President, will the Senator from Missouri yield?

Mr. HATHAWAY. I will be happy to yield.

Mr. EAGLETON. Yes.

Mr. THURMOND. Mr. President, will the Senator from Missouri agree to include in his amendment Boys' State and Girls' State?

Mr. EAGLETON. I am sorry, I did not hear the Senator.

The PRESIDING OFFICER. Will the Senator use his microphone?

Mr. EAGLETON. If I heard the Senator correctly, Boys' State and Girls' State are not specifically mentioned in my amendment because that has been treated administratively by HEW.

Mr. THURMOND. We cannot rely on that treatment. They may reverse themselves.

Does the Senator object to including Boys' State and Girls' State?

Mr. EAGLETON. I do not know that I object. I do not know that this has to be etched in concrete, to use the term the Senator from Maine has used.

Mr. THURMOND. Mr. President, may I make this statement: The American Legion is very anxious for Boys' State and Girls' State to be specifically excluded here. Will the Senator from Missouri object to this?

Mr. EAGLETON. My objection is not strenuous, although I do not consider it to be a matter of national compelling necessity.

Mr. THURMOND. If the Senator from Missouri would include Boys' State and Girls' State in his amendment, then it is possible the Senator from Arizona might agree not to press his amendment, and to let the Senator from Missouri offer his substitute.

Mr. EAGLETON. Perhaps I had better yield at this point to the Senator from Maine or the Senator from Vermont in administratively handling this meaure at this time.

The PRESIDING OFFICER. The time of the Senator has expired at this point.

Mr. THURMOND. Mr. President, I ask unanimous consent for 2 minutes to carry on this colloquy because if we do we can save some time.

The PRESIDING OFFICER. The Senator from Arizona is yielding the Senator 2 minutes.

Mr. THURMOND. I would like to inquire whether the Senator from Missouri is willing to agree to include Boys' State and Girls' State in his amendment. The American Legion is asking for that specifically, which would appear to be reasonable in view of the trouble we have had in this matter.

Mr. EAGLETON. Might I suggest that if we get to my substitute, if the Senator from South Carolina or the Senator from Arizona wish to offer a perfecting amendment to my amendment I personally will not oppose it. Perhaps others might.

Mr. BAYH. Mr. President, will the Senator from Maine permit me to have——

The PRESIDING OFFICER. The Senator from South Carolina has 2 minutes from the Senator from Arizona, and he has the floor until the 2 minutes are up.

Mr. THURMOND. Mr. President, will the Senator from Indiana object to that being offered?

Mr. BAYH. Yes, I will. May I state why I am in favor of Boys' State and Girls' State being exempted? I think the Senator from Maine made a good argument on the other side of this issue, but I come down on the side of having an exemption for Boys' State and Girls' State. In addition, the personal experience I have witnessed firsthand I think indicates they make a valuable contribution, and I do not see why they should not be exempted. But what I am concerned about is that if we exempt them then I have got to tell the Senator from South Carolina there is a list as long as my arm of other people who are going to come in here and will want to be exempted who are not now included, and if you make an exemption for the American Legion and the auxiliary which, I think, are exemplary organizations, providing a significant service, I do not know how we will be able to prevent our having an amendment every 30 minutes.

What I would like to propose to the Senator from South Carolina, inasmuch as I was one who intervened along with some others to get that exemption made by regulation, is that the instant that regulation is changed so that the exemption is no longer available I will come on this floor with him and we will change that law in about 30 minutes.

Mr. THURMOND. Mr. President, we have already had this trouble. One bureaucrat ruled on this situation unfavorably, and we may get a ruling again by that bureaucrat or some other bureaucrat, so what is the objection? The main point that has been raised here concerns Boys' State and Girls' State.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. BAYH. Mr. President, will the Senator permit me an additional minute?

Mr. HATHAWAY. I yield 2 minutes.

The PRESIDING OFFICER. The Senator from Indiana has 2 minutes.

Mr. BAYH. The Secretary of HEW has ruled personally the exemption now exists. That is about as high as you can go, and I just reiterate what I said a moment ago.

Mr. THURMOND. He had to overrule a bureaucrat to do it, and if another bureaucrat reverses that policy or if another HEW Secretary reverses that policy where are we?

The PRESIDING OFFICER. The Senator from Indiana has the floor.

Mr. BAYH. Let me just say to my friend from South Carolina the issue has been settled now.

There was some fellow down there at HEW who I think was shortsighted and who ruled title IX meant no Girls' State and no Boys' State. He was overruled by his superior. That is what the law of the land now states. That has been put to rest.

I think most of us understand that is what title IX means, that it is not de-

signed to try to get Boys' State and Girls' State:

I will reiterate what I said a moment ago, and I hope my friend will listen because I have been personally involved in this.

Mr. THURMOND. The Senator does not have to repeat it. I heard what he said the first time.

Mr. BAYH. Then I will sit down, but the Senator asked a question.

Mr. THURMOND. Is it not true——

The PRESIDING OFFICER. The Senator from Indiana has the floor.

Mr. BAYH. I yield.

Mr. THURMOND. Is it not true that Boy Scouts and Girl Scouts have been exempted?

Mr. BAYH. That is accurate.

Mr. THURMOND. Then what is the objection to exempting Boys' State and Girls' State?

Mr. BAYH. For the very reason I just mentioned: We now have an administrative exemption. We now have a ruling exempting Boys' Nation and Girls' Nation. There was a time when these characters at HEW wanted to do away with Boy Scouts and Girl Scouts. At that time they had not thought about Boys' Nation and Girls' Nation yet.

Mr. THURMOND. If we have trouble with them, we can exempt others. These are the ones causing trouble now. The American Legion is asking for this. I think they are reasonable in asking for it.

I hope the Senate will pass it.

Mr. BAYH. Will the Senator tell me how it is causing any trouble?

Mr. THURMOND. Simply because the bureaucrat ruled the other way and the Secretary had to overrule him. That is their ruling. It could be changed tomorrow by a new bureaucrat or Secretary. The only way to fix it is to put it in the statute, to protect the people of this country.

Mr. BAYH. Can the Senator tell me one thing that is going to be provided if it is put in the statute that is not now provided by the regulation, one thing——

Mr. THURMOND. Yes.

Mr. BAYH. Will the Senator allow me to continue?

Mr. THURMOND. They cannot change it because it will be in the statute. It ought to be in the statute.

Mr. BAYH. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from South Carolina has been yielded time by the Senator from Arizona, and the Senator from Indiana——

Mr. BAYH. Will the Senator from Maine yield me some time?

Mr. HATHAWAY. How much time does the Senator need?

Mr. BAYH. Two minutes.

Mr. HATHAWAY. I yield.

The PRESIDING OFFICER. The Chair will explain that the Senator from Indiana has the floor and he has it for 2 minutes.

Mr. BAYH. I understand the dedication of the Senator from South Carolina, but it is difficult to answer questions when he continues expressing his views. Certainly, he is within his right to do that when he has the floor.

But I want to tell the Senate that there is nobody any closer to the American Legion than the Senator from Indiana. It happens to be headquartered in Indianapolis. Nobody has been involved more in Boys' State and Girls' State than he has. He does not need any lecture about the importance of the program.

The fact is that the Senator from Indiana and his wife both had the privilege of addressing the first joint meeting of Girls' State and Boys' State meeting collectively.

So the Senator does not need to tell me what is happening.

Are we going ahead here and let this statute operate or are we going to get on the floor and wave the flag and try to convince the American Legion we support them more than somebody else? The fact is that if we make this exception, we better be prepared to fend off 20 other organizations that have a good case to make.

I think this is very poor legislative history. It is not good legislative procedure to establish by law an exemption which has already been established by administrative ruling.

I think the case has been made. The Senator from South Carolina is right in expressing concern. I was adamant in my position and took the bull by the horns. I went to Secretary Mathews and it was changed.

I cannot envision any other Secretary of HEW undoing that ruling.

I appreciate the courtesy of the Senator from Maine and the Senator from Rhode Island. I appreciate the interest of the Senator from South Carolina. I just happen to believe it can be best handled this way.

The PRESIDING OFFICER. Who yields time?

Mr. FANNIN. Mr. President, I yield myself 1 minute.

As the Senator from Arizona stated previously, it is very necessary we have an understanding as to just what is involved.

This is an amendment of the Senator from Arizona which does pertain to the Boys' State and Girls' State and does cover them, and this request has been made by the American Legion.

It is a request that has been made by many others; and there are about 20 or more Senators on this particular amendment.

I feel it is essential we carry it through on that basis.

The Senator from Arizona would like to cooperate with the Senator from Missouri. I do not know how much time the Senator from Missouri is going to take on his amendment. The Senator from Arizona hopes to get back to the conference.

Mr. GOLDWATER. Mr. President, will the Senator yield to me?

Mr. FANNIN. Yes.

Mr. GOLDWATER. There is another question that just comes to my mind that I would like to put to the opponents of this procedure.

Just recently, I think it was last week, HEW ruled that we could not have a boys' choir.

We have one of the most famous boys' choirs in the world in Tucson, Ariz. We have another famous boys' choir in Scottsdale, Ariz. The ruling came down that they could not discriminate, that the boys' choir had to have girls in them.

The only purpose of boys' choirs, where they are from the age of 6 to 10 or 12, is that there is not enough difference in the voices, so they have boys' and girls' choirs, and the effort is made to interest the young people in continuing with choral work.

I would like to ask whoever I should ask whether or not they consider that to come under the purview of the present law?

Mr. PELL. From the viewpoint of commonsense, it does not make much sense to me. But I am not as deep into this as I might be.

I think that the approach of the Senator from Missouri is correct, that it is a more commonsense approach. I think if he starts specifying specific organizations in the legislation, we can get into trouble. That is why I intend to support the measure of the Senator from Missouri, and why I am not inclined to be supportive of the language of the Senator from Arizona.

Mr. GOLDWATER. I want to assure the opponents of Senator FANNIN'S approach wholeheartedly, that as to their attitude that there is commonsense in HEW, I will have to admit I have not seen a lot of it displayed.

It may be that with the relatively new Director of HEW we could expect better decisions in the future. But I can assure those people who are opposing this that if we continue to have these jackass decisions handed down by HEW, we are going to push for this type legislation, as objectionable as it is even to me.

I do not like to spell out word for word that a man is supposed to have commonsense to know what to do.

When they get to the point where they say, "You cannot have a boys' choir, it has to be mixed; you cannot have a boys' camp or a girls' camp," I think we have to pay more attention to the matter.

I thank my colleague from Arizona.

Mr. FANNIN. I thank my colleague. This is a very serious problem.

Mr. President, before I yield the floor so that the Senator from Missouri can offer his amendment, I ask unanimous consent that I be permitted to make the following change on the amendment I have offered. On line 16——

Mr. EAGLETON. Mr. President, I ask that any modification offered by the Senator from Arizona to his own amendment not foreclose me from proposing my amendment as a substitute.

The PRESIDING OFFICER (Mr. TOWER). It will not foreclose the Senator from Missouri.

Mr. FANNIN. The change would be on line 16, strike "organization or" and continuing on line 17 to "operation" and then on line 22 to strike 22 through 24 and insert:

This section shall not preclude father-son or mother-daughter activities at an educational institution, but if such activities are provided for students of one sex, opportunities for reasonably comparable activities shall be provided for students of the other sex.

I ask unanimous consent that the amendment be modified as I have stated.

The PRESIDING OFFICER. Will the Senator send his modification to the desk?

Is there objection to the modification? Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 322, between lines 6 and 7, insert the following new section:

"AMENDMENT RELATING TO SEX DISCRIMINATION

"SEC. 328. (a) Section 901(a) of the Education Amendments of 1972 is amended—

"(1) by striking out 'and' at the end of paragraph (5);

"(2) by striking out 'This' in paragraph (6) and inserting in lieu thereof 'this';

"(3) by striking out the period at the end of paragraph (6); and

"(4) by adding at the end thereof the following new paragraphs:

"'(7) this section shall not apply to—

"'(A) any program or activity of the American Legion undertaken in connection with the organization or operation of any Boys State conference, Boys Nation conference, Girls State conference, or Girls Nation conference; or

"'(B) any program or activity of any secondary school or educational institution specifically for—

"'(i) the promotion of any Boys State conference, Boys Nation conference, Girls State conference, or Girls Nation conference; or

"'(ii) the selection of students to attend any such conference; and

"'(8) this section shall not preclude father-son or mother-daughter activities at an educational institution, but if such activities are provided for students of one sex, opportunities for reasonably comparable activities shall be provided for students of the other sex.'".

(b) The amendment made by subsection (a) shall take effect upon the enactment of this act.

On page 101, in the table of contents, after item "Sec. 327." insert the following new item:

"Sec. 328. Amendment relating to sex discrimination.".

Mr. FANNIN. I thank the Chair. I yield back the remainder of my time so that the Senator from Missouri may proceed.

The PRESIDING OFFICER. The Senator from Arizona has yielded back his time.

Mr. FORD. Mr. President, I would like to make a unanimous-consent request, if I may.

Mr. PELL. I yield.

Mr. FORD. I ask unanimous consent that Tom Smith of my staff be granted the privileges of the floor during the debate and vote on this bill.

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

Mr. FORD. I would like to make the comment, Mr. President——

The PRESIDING OFFICER. Does the Senator yield?

Mr. FORD. Will the Senator yield 30 minutes?

The HEW people, through their regional district, have told the educational people in my State that the teachers cannot go into the classrooms in the morning and say, "Good morning, boys and girls."

This has gone as far as I think it ought to go. If we cannot ask them to have the right kind of attitude, I think we will have to start regulating attitudes, and that is bad.

Mr. PELL. What we want to avoid today is for the teacher to go in and say, "Hello, people."

Mr. BAYH. The Senator from Indiana thinks perhaps the proper mode will be, "Good morning, y'all." [Laughter.]

May I have 1 minute?

Mr. PELL. Certainly.

Mr. BAYH. I think the Senator from Kentucky has pointed out, as has the Senator from Arizona and others, the abuses that come when we enact new legislation. But I think it is important for us not to lose sight of the many benefits and not to overreact in an effort to get rid of the abuses by doing something that will irreparably damage the major thrust of title IX, which is very salutary.

I think it is possible for us, both by using our influence on those who impose the regulations and when they do not respond by following our responsibility by changing the law, to deal with the abuses and still continue to make equality of opportunity available for the women and girls of this country.

I do not think there is anyone in this body who will argue with the thrust of that. We want our daughters and sons to have an equal opportunity to have a full educational experience, with all that that means.

Mr. HUMPHREY. Mr. President, I support the amendment offered by the Senator from Arizona (Mr. FANNIN), as modified in the course of this debate.

This amendment exempts Boys' State, Boys' Nation, Girls' State and Girls' Nation from coverage under title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in any educational institution receiving Federal funds. In addition, it clarifies the intent of this title so as not to preclude father-son or mother-daughter activities at educational institutions.

Quite frankly, Mr. President, I was befuddled when I learned of the opinion by a regional director of the Office for Civil Rights that the sponsorship by public schools of father-son or mother-daughter events is a violation of laws prohibiting sex discrimination.

In response to this report, I wrote to Mr. Martin Gerry, Director of OCR, expressing my deep concern over this ruling and urging that it be withdrawn immediately. I want to share this letter with my colleagues.

Mr. President, I have been, and remain, devoted to efforts to guarantee the rights of every citizen to equal opportunity in every aspect of American life. We have made great strides, because our attentions have focused on the significant—indeed, vital—elements of discrimination and denial of opportunity.

As I stressed in my letter to Mr. Gerry, I believe that this ruling can profoundly damage nationwide efforts to assure that "every citizen is entitled to an education to meet his or her full potential"—that "no person, on the basis of sex, should be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

In my view, this ruling defies commonsense. I am pleased that the Senate has acted to purify the intent of our hard-won civil rights laws by adoption of this amendment.

Mr. President, I ask unanimous consent that my letter of July 8 to Mr. Martin Gerry be printed at this point in the RECORD.

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

U.S. SENATE,
Washington, D.C., July 8, 1976.

Mr. MARTIN H. GERRY,
Director, Office for Civil Rights, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. GERRY: The recently reported opinion by a regional director of your office that the sponsorship by public schools of father-son or mother-daughter events is a violation of laws prohibiting sex discrimination, defies common sense. I fully concur with the President's view that this ruling is ill-advised.

Our schools are public—they belong to all the people. There is nothing in our laws on the protection of civil rights that says such events are prohibited.

Newspaper reports state that this decision, cleared through your office and representing national policy, was in response to an inquiry from the Scottsdale, Arizona school system, and was based upon an interpretation of Title IX of the Education Amendments of 1972, barring discrimination on the basis of sex in any educational institution receiving federal funds.

However, I emphatically disagree that this sort of decision should be national policy, and I find this interpretation to be distorted at best and, in fact, irresponsible.

This ruling can profoundly damage nation-wide efforts to assure that "every citizen is entitled to an education to meet his or her full potential"—that "no person, on the basis of sex, should be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance." These are the actual statements of national policy and Congressional intent in the Education Amendments of 1972. They mean exactly what they say: that women and men should basically have equal educational opportunities.

When the Office of Civil Rights concentrates its attention and efforts on peripheral or community activities associated with school facilities, it exercises poor judgment that, moreover, can only build frustration and resistance among our people to the achievement of the basic, positive goal of guaranteeing women an equal chance with men to obtain a good education—an equal opportunity that for too long has been denied. It was precisely because of a bureaucratic distortion of priorities in the application or interpretation of HEW regulations implementing Title IX, that Congress had to amend this Title to exempt certain activities.

Rulings of this nature—providing extended commentary and stentorian judgment against a father-and-son banquet or a mother-and-daughter tea, sponsored by a local PTA or school, and condescendingly educating local communities on alternative procedures to enhance community relations—bring discredit to serious efforts to affirm civil rights. They make a mockery of a national commitment to provide equal educational opportunities. They foolishly interfere with family relations and with long-standing traditions in our communities—which in no way can be construed as an in-

formal educational process teaching that men and women are separate and unequal. Quite to the contrary, father-son and mother-daughter events evolved precisely in response to deeply felt needs by both parents and children for such opportunities to strengthen family ties. Moreover, sponsoring groups frequently arrange for "parents" to come with children who do not have a father or mother—to answer another objection reportedly raised by the Office of Civil Rights. And finally, today it is just as frequently a custom in our towns to have father-daughter and mother-son events at our local schools.

This ruling by the Office of Civil Rights should be withdrawn forthwith. Should it be necessary, I shall take steps to initiate appropriate legislative action to make it crystal clear that it is the sense of Congress that such a thing is in violation of Congressional intent and is adverse to national policy on establishing equal educational opportunities for women and men.

I request that your Office respond at the earliest possible time to the concerns I have expressed.

Sincerely,

HUBERT H. HUMPHREY.

AMENDMENT NO. 2221

Mr. EAGLETON. Mr. President, I have amendment No. 2221 at the desk. I submit this amendment as a substitute.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Missouri (Mr. EAGLETON) proposes amendment numbered 2221.

Mr. EAGLETON. Mr. President, I ask unanimous consent that further reading of the substitute be dispensed with.

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

The amendment is as follows:

On page 322, between lines 6 and 7, insert the following new section:

"AMENDMENT RELATING TO SEX DISCRIMINATION

"SEC. 328. Section 901(a) of the Education Amendments of 1972 is amended—

"(1) by striking out 'and' at the end of paragraph (5);

"(2) by striking out 'This' in paragraph (6) and inserting in lieu thereof 'this';

"(3) by striking out the period at the end of paragraph (6) and inserting in lieu thereof a semicolon and the word 'and'; and

"(4) by adding at the end thereof the following new paragraph:

"'(7) this section shall not preclude father-son or mother-daughter activities at an educational institution, but if such activities are provided for students of one sex, opportunities for reasonably comparable activities shall be provided for students of the other sex.'".

On page 101 in the table of contents after item

"Sec. 327. Wayne Morse Chair of Law and Politics."

insert the following new item:

"Sec. 328. Amendment relating to sex discrimination.".

Mr. EAGLETON. Mr. President, I yield myself 3 minutes.

This substitute, Mr. President, seeks to deal with the Department of Health, Education, and Welfare's decision that schools may no longer sponsor father-son and mother-daughter events because they violate title IX of the Education Amendments of 1972.

I believe, and in this regard I feel sure that most of my colleagues will agree, that this was an absurd ruling. The enforcement of it is presently in abeyance, but I believe the only sure remedy in this case is the legislative remedy. Thus, the substitute I now offer to the Fannin amendment would make absolutely clear, otherwise called crystal clear, that the provisions of title IX do not preclude school districts from sponsoring father-son and mother-daughter events as long as the school provides opportunity for reasonably comparable activities for both sexes.

Mr. President, I would like to emphasize that this substitute is intended to cover only the traditional father-son, mother-daughter activities which many schools now sponsor.

I further point out that the amendment would not allow grossly different activities and programs for father-son or mother-daughter events.

If the school district sponsored a father-son football banquet and the female students wish to hold an event for women's sports, the school district would be obliged to sponsor a reasonably comparable event. It would not have to be identical, but it could not be grossly different.

This substitute makes clear, Mr. President, that HEW cannot restrict father-son/mother-daughter activities while at the same time making sure that blatant sex discrimination is not perpetuated.

Subject to the wishes of the Senator from Arizona I am prepared to yield back the remainder of my time. Do I need the yeas and nays on this substitute?

The PRESIDING OFFICER. Yes.

Mr. EAGLETON. I ask for the yeas and nays.

Mr. THURMOND. Mr. President, I move to table the amendment.

Mr. EAGLETON. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. The motion to table is not in order because time has not been yielded back.

Mr. EAGLETON. I ask for the yeas and nays on the Eagleton substitute.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. EAGLETON. I reserve the remainder of my time.

I was trying to expedite this.

Mr. FANNIN. The Senator from Arizona does not have any time.

Mr. EAGLETON. Fifteen minutes on the amendment should have been assigned to the Senator from Arizona, he being the leading opponent of my substitute.

Mr. FANNIN. Mr. President, I thank the Senator from Missouri. I did not understand it to be on that basis. The Senator from Arizona will yield back the remainder of his time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona has control of the time in opposition.

Mr. FANNIN. The Senator from Arizona yields back the remainder of his time.

Mr. ALLEN. Will the Senator yield me 1 minute?

Mr. EAGLETON. I yield.

Mr. ALLEN. I would like to say that I would be glad to vote for the substitute of the Senator from Missouri if it stood alone. if it were an amendment in the first degree. But it does not go as far as the amendment of the Senator from Arizona and, therefore, since it falls short of the thrust of the amendment of the Senator from Arizona, I will have to vote against it. If it were on its own hind legs, if we were voting on it separately, I would vote for his amendment.

Mr. EAGLETON. I appreciate the comment of the Senator from Alabama. I yield to the Senator from Indiana.

Mr. BAYH. I salute the Senator from Missouri for dealing with a problem area directly, succinctly and specifically. Is it fair to say that given the present state of the law and the regulations which have the force and effect of law, if the Senator's amendment is accepted Boys' State and Girls' State will be exempted from coverage by title IX, and father and son, mother and daughter affairs will be permitted with the proviso that equal opportunity for both fathers and sons and mothers and daughters will be required?

Mr. EAGLETON. The term of art used in the amendment is "reasonably comparable," and the Senator is correct.

Mr. BAYH. I salute the Senator.

Mr. EAGLETON. I thank the Senator from Indiana.

Does any other Senator wish to be heard on this substitute? If not, I yield time to the Senator from Rhode Island.

Mr. PELL. I think the proposal of the Senator from Missouri is an excellent one, and I intend to support it.

Mr. EAGLETON. Does any other Senator desire to be heard?

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

The PRESIDING OFFICER. All time is yielded back.

Mr. THURMOND. Mr. President, I move to lay on the table the amendment of the Senator from Missouri.

The PRESIDING OFFICER. A motion to lay on the table is heard.

Mr. EAGLETON. Mr. President, I ask for the yeas and nays on the motion to lay on the table.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Missouri. The yeas and nays have been ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The clerk will suspend. The Senate will be in order. The clerk will suspend until the Senate is in order. Senators will please retire from the well.

The clerk may continue.

Mr. NELSON. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The point of the Senator from Wisconsin is well taken.

Will the Senate be in order? The Senate will be in order.

The clerk will continue.

The call of the roll was resumed and concluded.

Mr. FANNIN. Regular order, Mr. President.

Mr. ROBERT C. BYRD. I announce that the Senator from Michigan (Mr. PHILIP A. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Maine (Mr. HATHAWAY), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK) and the Senator from Kansas (Mr. DOLE) are necessarily absent.

I further announce that the Senator from Utah (Mr. GARN) is absent due to a death in the family.

The result was announced—yeas 47, nays 41, as follows:

[Rollcall Vote No. 531 Leg.]

YEAS—47

Allen	Fong	Randolph
Baker	Ford	Roth
Bartlett	Goldwater	Schweiker
Beall	Griffin	Scott, Hugh
Bellmon	Hansen	Scott,
Bentsen	Hatfield	William L.
Buckley	Helms	Stafford
Bumpers	Hruska	Stennis
Burdick	Johnston	Stevens
Byrd,	Laxalt	Taft
Harry F., Jr.	McClellan	Talmadge
Byrd, Robert C.	McClure	Thurmond
Chiles	McIntyre	Tower
Curtis	Morgan	Weicker
Domenici	Nunn	Young
Eastland	Pearson	
Fannin	Proxmire	

NAYS—41

Abourezk	Hart, Gary	Moss
Bayh	Haskell	Muskie
Biden	Hollings	Nelson
Brooke	Humphrey	Packwood
Cannon	Inouye	Pastore
Case	Jackson	Pell
Church	Javits	Percy
Clark	Kennedy	Ribicoff
Cranston	Leahy	Sparkman
Culver	Mansfield	Stevenson
Durkin	Mathias	Stone
Eagleton	McGee	Symington
Glenn	McGovern	Williams
Gravel	Metcalf	

NOT VOTING—12

Brock	Hartke	Magnuson
Dole	Hathaway	Mondale
Garn	Huddleston	Montoya
Hart, Philip A.	Long	Tunney

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Arizona, as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Michigan (Mr. PHILIP A. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Maine (Mr. HATHAWAY), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK), and the Senator from Kansas (Mr. DOLE) are necessarily absent.

I further announce that the Senator from Utah (Mr. GARN) is absent due to a death in the family.

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 532 Leg.]

YEAS—88

Abourezk	Ford	Muskie
Allen	Glenn	Nelson
Baker	Goldwater	Nunn
Bartlett	Gravel	Packwood
Bayh	Griffin	Pastore
Beall	Hansen	Pearson
Bellmon	Hart, Gary	Pell
Bentsen	Haskell	Percy
Biden	Hatfield	Proxmire
Brooke	Helms	Randolph
Buckley	Hollings	Ribicoff
Bumpers	Hruska	Roth
Burdick	Humphrey	Schweiker
Byrd,	Inouye	Scott, Hugh
Harry F., Jr.	Jackson	Scott,
Byrd, Robert C.	Javits	William L.
Cannon	Johnston	Sparkman
Case	Kennedy	Stafford
Chiles	Laxalt	Stennis
Church	Leahy	Stevens
Clark	Mansfield	Stevenson
Cranston	Mathias	Stone
Culver	McClellan	Symington
Curtis	McClure	Taft
Domenici	McGee	Talmadge
Durkin	McGovern	Thurmond
Eagleton	McIntyre	Tower
Eastland	Metcalf	Weicker
Fannin	Morgan	Williams
Fong	Moss	Young

NAYS—0

NOT VOTING—12

Brock	Hartke	Magnuson
Dole	Hathaway	Mondale
Garn	Huddleston	Montoya
Hart, Philip A.	Long	Tunney

So Mr. FANNIN's amendment (No. 2155, as modified) was agreed to.

Mr. FANNIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HANSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. FANNIN. Will the Senator from New York yield, Mr. President?

Mr. BUCKLEY. I yield.

Mr. FANNIN. I ask unanimous consent that clarifying language be inserted in the amendment just agreed to. It is just to add two words "specifically for" on line 14 at the end of "educational institution" and delete "undertaken in connection with."

The PRESIDING OFFICER (Mr. TOWER). Is there objection? The Chair hears none, and it is so ordered.

Mr. FANNIN. I thank the Chair and I thank the distinguished Senator from New York.

Mr. PELL. Mr. President, will the Senator yield to the majority leader?

Mr. BUCKLEY. I would be glad to yield, without losing my right to the floor.

VALENTYN MOROZ—SENATE RESOLUTION 67

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of Senate Resolution 67.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR ADJOURNMENT TO 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9 a.m. tomorrow.

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

NATIONAL PARK SYSTEM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1091, H.R. 13713.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

Calendar 1091, H.R. 13713, an act to provide for increases in appropriation ceilings and boundary changes in certain units of the National Park System, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments, as follows:

On page 2, line 18, strike "'$3,120,000'" and insert "'$3,462,000'";

On page 3, line 13, strike "'$145,000'" and insert "'$145,000';";

On page 3, beginning with line 15, insert the following:

(12) Canyonlands National Park, Utah: section 8 of the Act of September 12, 1964 (78 Stat. 934) as amended (85 Stat. 421) is further amended by changing $16,000 to $104,500; and

(13) Padre Island National Seashore, Texas: section 8 of the Act of September 28, 1962 (76 Stat. 650) is amended by changing $5,000,000 to $5,350,000.

On page 5, line 6, strike "'$3,850,000'." and insert "'$3,850,000';";

On page 5, beginning with line 8, insert the following:

(9) Channel Islands National Monument, California: paragraph (1) of section 201 of the Act of October 26, 1974 (88 Stat. 1445, 1446), is amended by changing "$2,936,000" to "$5,452,000"; and

(10) Nez Perce National Historical Park, Idaho: section 7 of the Act of May 15, 1965 (79 Stat. 110) is amended by changing "$1,337,000" to "$4,100,000".

On page 5, beginning with line 16, strike out through page 7, line 13, and insert in lieu thereof:

SEC. 301. The Act of September 21, 1965 (79 Stat. 824), as amended, providing for

the establishment of the Assateague Island National Seashore in the States of Maryland and Virginia, is further amended—

(a) by deleting section 7 in its entirety and substituting in lieu thereof the following:

"SEC. 7. The Secretary is authorized to undertake, in consultation with other interested Federal, State, local, and private agencies and interests, the development of a comprehensive plan for the lands and waters adjacent or related to the seashore, the use of which could reasonably be expected to influence the administration, use, and environmental quality of the seashore. Such plan shall set forth the most feasible and prudent methods for providing solid waste disposal, wetlands managements, development of visitor facilities, and other land uses all in a manner compatible with the preservation of the seashore. The Secretary may revise the plan from time to time, and he shall encourage Federal, State, local, and private agencies and interests to be guided thereby. Notwithstanding any other protision of law, no Federal loan, grant, license, or other form of assistance for any project which, in the opinion of the Secretary, would significantly affect the administration, use, and environmental quality of the seashore shall be made, issued, or approved by the head of any Federal agency without the concurrence of the Secretary unless such project is consistent with the plan developed pursuant to this section.";

(b) by deleting section 9 in its entirety and by renumbering accordingly.

On page 11, at the beginning of line 7, strike "151 91,001–B, and dated May 1976," and insert "151 91,001–C, and dated July 1976,";

On page 11, beginning with line 20, insert the following:

SEC. 308. (a) The Appomattox Court House National Historical Park shall hereafter comprise the area depicted on the map entitled "Boundary Map, Appomattox Court House National Historical Park", numbered 340–20,000, and dated November 1973, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary") may revise the boundaries of the park from time to time by publication of a revised map or other boundary description in the Federal Register, but its total acreage shall not exceed one thousand five hundred acres.

(b) Within the boundaries of the park, the Secretary may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange. Any lands or interests in lands owned by the State of Virginia or its political subdivisions may be acquired only by donation.

(c) The Secretary shall administer the park in accordance with the Acts of August 25, 1916 (39 Stat. 535), as amended and supplemented, and August 21, 1935 (49 Stat. 666) as amended.

(d) The Acts of June 18, 1930 (46 Stat. 777), August 13, 1935 (49 Stat. 613), and July 17, 1953 (67 Stat. 181), are repealed.

(e) There are authorized to be appropriated not to exceed $1,365,000 to carry out the purposes of this Act.

SEC. 309. (a) That the Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange approximately four thousand two hundred and thirty-four acres comprising part of the Canada de Cochiti Grand adjacent to the southern boundary of Bandelier National Monument, New Mexico, and approximately three thousand and seventy-six acres containing the headwaters of the Rito de los Frijoles adjacent to the northwestern boundary for addition to the monument. Lands and interests therein owned by the State of New Mexico or any political subdivision thereof may be acquired only by donation or exchange.

(b) Lands and interests therein acquired pursuant to this Act shall thereupon become part of Bandelier National Monument and subject to all laws and regulations applicable thereto.

(c) There are hereby authorized to be appropriated not to exceed $1,463,000 for the acquisition of land.

SEC. 310. Section 7 of the Act of March 1, 1972 (86 Stat. 44) which establishes the Buffalo National River, is amended by deleting "For development of the national river, there are authorized to be appropriated not more than $283,000 in fiscal year 1974; $2,923,000 in fiscal year 1975; $3,643,000 in fiscal year 1976; $1,262,000 in fiscal year 1977; and $1,260,000 in fiscal year 1978. The sums appropriated each year shall remain available until expended." and inserting in lieu thereof "For development of the national river, there are authorized to be appropriated not to exceed $9,371,000.

SEC. 311. The Act of September 5, 1962 (76 Stat. 428) which designates the Edison National Historic Site, is amended (a) by deleting the words "accept the donation of" in section 2 and substituting the words "acquire, by donation, or purchase with donated or appropriated funds,"; and (b) by adding the following new section:

"SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed $75,000 for acquisition of lands or interests therein, and $1,695,000 for development.".

SEC. 312. The Act of September 13, 1961 (75 Stat. 489), authorizing the establishment of the Fort Smith National Historic Site, Arkansas, is amended as follows:

(a) in section 1, after "adjoining" insert "or related" in the first sentence, and add the following after the second sentence: "The total area so designed for the purposes of this Act may not exceed seventy-five acres.";

(b) in section 2, change the colon at the end of the second sentence to a period and delete the remainder of the section (through the second proviso); and

(c) revise section 4 to read as follows:

"SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, $1,719,000 for land acquisition and not to exceed $4,580,000 for the development of Fort Smith National Historic Site undertaken after the effective date of this section.".

SEC. 313. The Act of September 13, 1960 (74 Stat. 881) which designates and establishes that portion of the Hawaii National Park on the island of Maui, in the State of Hawaii, as the Haleakala National Park, is amended by adding the following new section:

"SEC. 2. (a) Notwithstanding any limitations on land acquisition as provided by the Act of June 20, 1938 (52 Stat. 781), the Secretary of the Interior may acquire for addition to the park any land on the island of Maui within the boundaries of the area generally depicted on the map entitled 'Haleakala National Park, Segment 03,' numbered 162–30,000–G, and dated May 1972, by donation, purchase with donated or appropriated funds, or exchange. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

"(b) There is authorized to be appropriated such sums but not to exceed $920,000 as may be necessary to carry out the purposes of this section.".

SEC. 314. The second sentence of subsection (e) of section 6 of the John F. Kennedy Center Act (72 Stat. 1698), as amended, is amended to read as follows: "There is authorized to be appropriated to carry out this subsection not to exceed $4,000,000 for the fiscal year ending September 30, 1978, and not to exceed $4,300,000 for the fiscal year ending September 30, 1979.".

SEC. 315. The Act of September 18, 1964 (78 Stat. 957), entitled "An Act to authorize the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes", as amended by the Act of October 26, 1974 (88 Stat. 1447), is amended by changing "465 acres" in both places in which it appears in the first section to "600 acres".

SEC. 316. The first sentence of section 15 of the Act of March 23, 1972 (86 Stat. 102; 16 U.S.C. 460z–13) which establishes the Oregon Dunes National Recreation Area, is hereby amended to read as follows: "There are hereby authorized to be appropriated for the acquisition of lands, waters, and interests therein such sums as are necessary, not to exceed $5,750,000.".

SEC. 317. The boundary of the Pecos National Monument is hereby revised to include the area as generally depicted on the map entitled "Boundary Map, Pecos National Monument, New Mexico", numbered 430–20017, and dated December 1975, which map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

SEC. 318. The boundary of Zion National Park is hereby revised to include the area as generally depicted on the map entitled "Land Ownership Types, Zion National Park, Utah", numbered 116–80,003, which map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior may acquire the property included by this section by donation only.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

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

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MOSS. Mr. President, will the Senator yield to me?

Mr. BUCKLEY. Mr. President, I will be glad to yield to the Senator from Utah without losing my right to the floor.

ELECTRIC AND HYBRID VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1976—CONFERENCE REPORT

Mr. MOSS. Mr. President, I submit a report of the committee of conference on H.R. 8800 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8800) to authorize in the Energy Research and Development Administration a Federal program of research, development, and demonstration designed to promote electric vehicle technologies and to demonstrate the commercial feasibility of electric vehicles, having met, after full and free conference, have agreed to recommend and do recom-

mend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the RECORD of July 22, 1976, beginning at page 23539.)

Mr. MOSS. Mr. President, today the Senate is to vote on the conference report on H.R. 8800, the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976. This legislation provides a comprehensive program of research, development, and demonstration to help us combat our deepening dependence on foreign sources of petroleum, reduce the consequent significant drain on our balance of payments, and thereby contribute to a greater freedom of action for our foreign policy.

The need for this legislation is clear. The United States is now forced to import approximately 40 percent of our oil—more than 30 percent of it from the Middle East. Furthermore, our dependence on foreign oil has been projected to reach 50 percent as early as 1977. To avoid subjecting ourselves to the threat of energy blackmail, we must take forceful and rapid action to limit this accelerating dependence.

Transportation is clearly a critical sector if we wish to combat this growing energy dependence. The automobile is this Nation's single largest end user of petroleum and accounts for nearly 40 percent of the present petroleum consumption in the United States. This represents approximately 6.3 million barrels of oil a day, an amount almost equal to our present oil imports.

Research, development, and demonstration of electric and hybrid vehicles can greatly assist us in meeting this challenge. Electric vehicles can provide the public with quiet nonpolluting vehicles, which are not dependent on petroleum fuels. The electric vehicle which can utilize more abundant and virtually inexhaustible domestic supplies of energy, including solar, hydro, coal, geothermal, nuclear, wind, and tidal power to generate its electricity, offers the potential of reducing our transportation fleet's petroleum dependence by hundreds of millions of barrels a year. Reducing the amount of petroleum consumed by our motor vehicle fleet would limit the need to import petroleum from overeas.

The potential savings in foreign payments are significant. A study by the Argonne National Laboratory conservatively estimated that—

> The development of economically competitive electric automobiles would reduce the demand for oil and, thus the need for oil imports. Introduction of electric cars by about 1985 and the gradual build up to a total of 18 million cars on the road by the year 2000 would result in a cumulative savings of petroleum of 1.3 billion barrels.

Even at today's price of $13 per barrel of imported oil, such a reduction corresponds to a cumulative savings in foreign payments of $16.9 billion.

If we act forcefully, electric and hybrid vehicle technology can begin to have an impact, not in the distant future, but within the next few years.

A 1975 study carried out by the General Research Corp. for the Environmental Protection Agency on potential electric vehicle use in the Los Angeles region concluded:

> Electric car range and performance can be adequate for substantial urban use. Even limited range, lead-acid battery cars could replace a million second cars in the Los Angeles area in 1980 (17% of all area cars) at little sacrifice in typical driving patterns.

Furthermore, it has been estimated that the range and performance of electric vehicles could double or triple within a few years if both battery research and development and improvement in electric and hybrid vehicle configurations receive adequate emphasis.

It is important to note that the conference report focuses on the development of electric and hybrid vehicles that will be able to capture a significant portion of the so-called second car and short-haul commercial vehicle market. This fleet is a major part of our transportation system. More than 28 percent of all households in the United States own two or more cars. More than 5 perpent of such households own three or more cars. Thus, almost 28 million cars on the road today fall within the second- or third-car category. Milk vans, post office delivery trucks, and many other short-haul commercial fleet vehicles also could successfully utilize electric and hybrid vehicle technology.

The conference report provides a two-part program to facilitate the development and demonstration of such vehicles. The first part of this program will comprise a major research and development program within the Energy Research and Development Administration focused on advanced battery development and improvements in vehicles design. Dr. Austin Heller, Assistant Administrator for Conservation of the Energy Research and Development Administration, estimated in the hearings carried out by the Senate Commerce Committee this year that up to "$150 million" could be usefully expended in battery research and development over a 5-year period by ERDA.

The second part of the program is devoted to a three-step demonstration of electric and hybrid vehicles. This demonstration program will provide the Government, the public, and industry with the baseline data necessary to evaluate electric vehicles. Within 21 months of enactment, the Administrator shall contract to purchase or lease 2,500 electric or hybrid vehicles with delivery of such vehicles to be completed within 39 months of enactment. These vehicles are to represent the best state-of-the-art of electric and hybrid vehicles at that time and meet the performance standards prescribed by the Administrator, which specify minimum performance levels for such vehicles.

Within 54 months of enactment, the Administrator shall complete the final contracts under the act to purchase or lease 5,000 advanced electric or hybrid vehicles. Delivery of such vehicles are to be completed within 72 months of enactment. The act defines electric or hybrid vehicles as vehicles which minimize the total amount of energy to be consumed during fabrication, operation, disposal, and which represent a substantial improvement over existing electric or hybrid vehicles with respect to the total amount of energy so consumed. Such vehicles also must be capable of being produced and operated at a cost and in a manner which is sufficiently competitive to enable their production and sale in numbers representing a reasonable proportion of the market. These vehicles must also meet any safety, damageability, or other Federal requirements.

The conference report provides the Administrator of ERDA with a great deal of flexibility in order to assure that the demonstration project will provide the Government, industry, and the public the best possible data to evaluate the potential of electric and hybrid vehicles. For example, the Administrator may accelerate various phases of the project in order to provide more time for other aspects, although the conference report contains outside deadlines for the performance of various activities under the act. Also in the final contracting phase, the Administrator may lengthen the final delivery period for up to 6 months, if he finds that such an extension will lead to the delivery of advanced vehicles that would otherwise not be available.

Through the setting of performance standards, the Administrator of the Energy Research and Development Administration, is provided with sufficient flexibility to assure that only "top quality" vehicles will be purchased or leased under the act. In contracting for the purchase or lease of electric or hybrid vehicles, the Administrator of ERDA, is directed to see that a cross section of the available technologies and the various types of uses of such vehicles are represented. A sufficient number of each type of vehicle will be bought to provide adequate information as to such vehicles performance characteristics. However, if the Administrator believes that particular types of vehicles, or a particular use, of such vehicles appears particularly promising—for example, for fleet applications—then the Administrator can emphasize the purchase of such vehicles.

The Administrator is also directed to assure the gathering of adequate data in the demonstration project, while at the same time, protecting private industry from unnecessary displacement of vehicles which otherwise would have been purchased privately in the United States. The conference report sets a floor and a ceiling for the number of vehicles to be contracted to be purchased or leased under the act. The Administrator shall choose the number of vehicles that shall actually be demonstrated by balancing the purposes of the demonstration project while attempting to minimize displacing of the purchase of electric and hybrid vehicles in the private sector.

Just as the Administrator is given wide discretion in the contracting aspects of the project, he also has wide flexibility in directing the course of the research and development project. The conference report, however, identifies certain areas as essential to the success of the project. Foremost among those is battery research. In order to carry out this purpose, the authorizations specify that $10 million will be expended on battery re-

search and development during the first year of the project.

Mr. President, it is my strong conviction that only such a program of Federal research, development, and demonstration has any hope of rapidly accelerating acceptance of this useful technology, and I strongly urge my colleagues to join me in support of the conference report.

Mr. President, this conference report has been fully cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

APPOINTMENT OF ADDITIONAL CONFEREE—H.R. 8603

Mr. McGEE. Mr. President, I ask unanimous consent that the name of the Senator from Oklahoma (Mr. BELLMON) be added as a conferee with the House on the postal compromise bill.

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

Mr. McGEE. I yield back the remainder of my time.

EDUCATION AMENDMENTS OF 1976

The Senate continued with the consideration of the bill (S. 2657) to extend the Higher Education Act of 1965, to extend and revise the Vocational Education Act of 1963, and for other purposes.

Mr. BUCKLEY. Mr. President, I understand the Senator from Maryland (Mr. BEALL) has two small amendments that the managers will agree to, and I ask unanimous consent to be able to yield to him for the purpose of proposing those amendments, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Maryland is recognized.

Mr. BEALL. Mr. President, I ask unanimous consent that Ann Colgrove of Senator PACKWOOD's staff, Hazel Elbert of Senator BARTLETT's staff, and Caroleen Silver of Senator DOMENICI's staff, be granted the privileges of the floor during the debate on this bill.

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

Mr. BEALL. I thank the Senator from New York for yielding. This will not take very long.

UP AMENDMENT NO. 377

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The second assistant legislative clerk read as follows:

The Senator from Maryland (Mr. BEALL) proposes unprinted amendment No. 377.

Mr. BEALL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 194, between lines 3 and 4, add the following new paragraph:

"(b)(1) Section 721(a) of the Act is amended by inserting "(1)" immediately after "(a)" and by adding the following new paragraph:

"(2) The Secretary is authorized to make grants to or enter into contracts with institutions of higher education for the construction of facilities for model intercultural programs designed to integrate the educational requirements of substantive knowledge and language proficiency."

On page 194, line 4, strike "(b)" and insert in lieu thereof "(2)".

On page 315, beginning on line 19, strike all following "SEC. 304." to the end of line 2, on page 316.

On page 316, line 3, strike "(b)".

Mr. BEALL. The committee adopted an amendment offered by me permitting the use of title VI of the National Defense Education Act, which provides for language in area studies, for the construction of facilities for model intercultural programs designed to integrate the education requirements of substantive knowledge and language proficiency.

Upon reflection and discussion with the education community and some Members of the House, we have decided that this proposal more appropriately belongs in section 721, a section which authorizes grants for the construction of graduate academic facilities.

This amendment is identical to language adopted by the committee. Its effect is merely to transfer the language from title VI of the National Defense Education Act to the more appropriate graduate facilities construction section.

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

I have talked this matter over with the manager of the bill, and I understand there is no objection to the amendment.

Mr. PELL. That is correct. While I was unenthusiastic about the original amendment, it was accepted, and the logical place for it is where the Senator from Maryland now suggests that it should be, so I have no objection. I yield back the remainder of my time.

Mr. BEALL. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

UP AMENDMENT NO. 378

Mr. BEALL. Mr. President, I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Maryland (Mr. BEALL) proposes an unprinted amendment No. 378.

The amendment is as follows:

On page 346, following line 24, add the following new section:

"SEC. .Notwithstanding any other provision of law, the Secretary is authorized by contract or otherwise to establish, equip and operate a day care center facility for the purpose of serving children who are members of households of employees of the Department. The Secretary is authorized to establish or provide for the establishment of appropriate fees and charges to be chargeable against the Department of Health, Education and Welfare employees or others who are beneficiaries of services provided by such facilities to pay for the cost of their operation and to accept money, equipment or other property donated for use in connection with the facilities."

Mr. BEALL. Mr. President, the need for this amendment was called to my attention as the result of the efforts of HEW's employees at Parklawn to have a day care center. In this case, space is available to the employees for a day care facility, but under an existing interpretation, HEW lacks—or has inadequate authority to address this and similar situations which the Department has confronted.

I initially became involved in the Parklawn situation when I assisted the Parklawn Day Care Foundation, an employee organization, in securing permission from GSA to establish a day care center for them. However, one of the conditions of GSA's permission was that alterations to be accomplished by GSA would be done on a reimburseable basis. HEW has refused—because they do not have specific enabling statutory authority to do so—to pass renovation money from the Foundation to GSA so that the required renovation could proceed. A similar situation arose at the Department of Housing and Urban Development and the Senate amended the Housing Amendments of 1976 to provide HUD with the needed authority. This is now Public Law 94–375.

The amendment I am proposing tracks the HUD language with one additon. My amendment would make it clear that HEW could accept donations—either money, equipment or other property—for use in such child care facilities. I would emphasize this amendment does not require the Department to establish day care centers. It is permissive. And, further, it—like the HUD-passed provision—authorizes the Secretary to provide for or establish appropriate fees and charges for the operation.

Mr. President, when employees band together in recogniton of their need for child care services and the Government cannot accept the money they wish to donate for the purpose of renovating a facility to make this child care center possible, it is no wonder our citizens shake their heads in amazement as they try to fathom governmental action or inaction. This group has been confronted with unbelievable roadblocks in trying to bring into being a child care center. The obstacles can be removed by providing—as the amendment does—HEW with the same authority as was given to HUD earlier.

Mr. President, I want to pay particular tribute to the work of my House colleague, Congressman GUDE, for his efforts to resolve this problem.

I urge the enactment of this amendment.

Simply, Mr. President, this is an amendment that would give HEW the needed authority. It will help clarify the situation that has arisen at Parklawn, but elsewhere at HEW.

I have talked this over with the managers of the bill and I understand there is no objection.

Mr. JAVITS. The amendment is satisfactory.

Mr. PELL. There is no objection to the amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Maryland yield back his time?

Mr. BEALL. Mr. President, I thank the managers of the bill for their cooperation and favorable consideration and I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time has been yielded back. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

Mr. PELL. Mr. President, I ask unanimous consent that Conway Collis be granted privilege of the floor during the debate.

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

UP AMENDMENT NO. 379

Mr. BUCKLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from New York (Mr. BUCKLEY) proposes an unprinted amendment numbered 379.

The amendment is as follows:

On page 337, between lines 14 and 15, insert the following new section:

SEC. 406. Section 440 of the General Education Provision Act is amended by inserting "(a)" immediately after "SEC. 440" and adding at the end thereof the following new subsection:

"(b)(1) Subject to paragraph (2), the extension of Federal funds to a State or local educational agency or institution of higher education, community college, school, agency offering a preschool program or other educational institution through grant, loan, contract, student assistance or any other programs may not be deferred by the Secretary before according such State or local educational agency or institution of higher education, community college, school, agency offering a preschool program or other educational institution the right of due process of law, which shall include

(i) a detailed written notice to the recipient that it is in noncompliance with a specific provision of Federal law,

(ii) a hearing before a duly appointed administrative law judge within a 60-day period from the receipt of notification of non-compliance, and

(iii) a determination by the administrative law judge based on evidence taken from all parties that such recipient is in noncompliance with the specific provision of Federal law as indicated in the notice as herein provided,

except that this provision shall not apply to part B of Title IV of the Higher Education Act of 1965 (20 U.S.C. 1071–82)."

"(2) Notwithstanding any other provision of this subsection the Secretary may defer assistance to any educational agency or institution if the Secretary determines that such agency, institution, or school, after being given notice of an opportunity for a hearing, has, without good cause, purposely delayed the commencement or conclusion of such a hearing.

Any determination made under this subparagraph may not be delegated.

"(3) In any proceeding brought pursuant to the provisions of this subsection to defer financial assistance, the administrative law judge, as part of his decision, may make suitable arrangements for an escrow of the funds subject to the deferral and may order the administrative head responsible for the application made by that agency or institution to place any such new awarding of financial assistance in escrow, as warranted. Such escrow of funds shall only occur if an administrative review of the initial administrative judgment of compliance or noncompliance is sought, and such escrow shall not continue beyond the exhaustion of administrative remedies within the Department.

"(4) The Secretary shall provide written notice to the Congress of any determinations made by him under paragraph (2) of this subsection".

On page 101, in the Table of Contents, after item "Sec. 405." insert the following new item:

"Sec. 406. Administrative due process.".

Mr. BUCKLEY. Mr. President, this amendment is virtually identical with amendment No. 2196, my due process amendment.

The amendment had some modifications inserted to meet certain objections that had been raised since the original introduction.

Mr. President, I ask unanimous consent that the Senator from Texas (Mr. TOWER) and the Senator from Idaho (Mr. MCCLURE) be named as cosponsors.

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

Mr. BUCKLEY. Mr. President, the change that was inserted was to provide 60 days within which the administrative hearing had to take place. There were those who feared that requiring a hearing, an administrative determination of whether or not a school was in violation of Federal law, might open the door to extensive delays in determining whether or not HEW would be entitled to this.

My amendment simply introduces the principle of due process into the procedure by which HEW may defer or withhold funds that a given school or college is otherwise entitled to on a simple finding by a functionary of HEW that that institution is in violation of Federal law.

What my amendment does is make it mandatory that before there can be such a suspension, the school have an opportunity to appear before an administrative judge in an expeditious proceeding in order that there may be a determination as to whether or not a violation, in fact, exists. Only then is HEW entitled to defer funding.

Many people, as I mentioned earlier, are concerned that the due process amendment would result in a long drawn-out battle. This will not happen, as the amendment that I have now submitted requires that a hearing be held within 60 days.

It has also been alleged that the due process amendment would require HEW to approve all new applications for funding, even in cases where the applicant was not in compliance with Federal law.

This would not happen, as the process of deferral refers to situations in which an institution is already receiving Federal funds.

Mr. President, this amendment effectively addresses itself to the questions raised by those who have been concerned over the impact of these proposed changes in existing practice.

It should now be clear that this amendment will accomplish one thing. It will afford the schools and colleges the benefits of due process which are currently enjoyed by private citizens.

I urge the adoption of this commonsense amendment. I point out that it has the support of the National School Board Association.

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

Mr. BUCKLEY. I am glad to yield.

The PRESIDING OFFICER. Who yields time?

Mr. BUCKLEY. I yield such time as the Senator wishes.

Mr. BEALL. Mr. President, if I understand the Senator's amendment correctly, he has eliminated the concerns expressed by some about the Eshleman amendment in the House.

Mr. BUCKLEY. Correct.

Mr. BEALL. By establishing a procedure that provides fair play and due process to an education agency or institution while at the same time assure that such agencies do not unreasonably drag out the hearing process and prevent a decision.

I believe the concurring opinion of Judge Skelton in the *Palm Beach* case, 415 F. 2d 1201, decided in 1969 stated the case for this amendment and, as a matter of fact, seems to beg Congress to change the system it created.

I ask unanimous consent that this opinion be inserted at this point in the RECORD.

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

Skelton, Judge (concurring):

I concur in the opinion in this case but I do so only because existing law leaves me no other choice. I take advantage of this opportunity to record the reasons for my reluctance.

It is my belief that a system which authorizes a government official in Washington, in his sole discretion, to cut off funds to a local school district under the guise of a "deferral", without a prior hearing and determination of the merits of the matter, contravenes the fudamental principles upon which this federal republic was founded. It is true that under the Fountain Amendment to the Civil Rights Act of 1964 (42 U.S.C. § 2000d–5 (Supp. III, 1965–1967)), a hearing must be held, after notice, within sixty days of the notice and the deferral cannot continue more than thirty days after the hearing unless there is a finding of non-compliance at the hearing. At first blush, this would appear to protect the rights of the school district involved. As a practical matter it does not, for the system produces contrary results in most cases. It is generally a foregone conclusion that the decision of the examiner at the hearing will go against the school district in the overwhelming majority if not all, of the cases. It would take an independent examiner, indeed, who would decide in favor of a school district when he knows that for all practical purposes Washington has already made a decision against the school district when it issued the deferral notice. Consequently, in most cases, the hearing is just a formality for the purpose of making a record on which the district can appeal if it desires to do so. In the event of an appeal by the district, the deferral remains in effect until the district exhausts its administrative remedies and while the case is in court. This could take from one to two years, or more. During this time, the funds of the district are cut off. This means, for all practical purposes, the district

has been denied these funds during this period.

To put it another way, the school children of the district have been denied the funds during the pendency of the case. A period of from one to two years or more taken out of the lives of these school children is gone forever, especially for those who finish school during the time in question. The benefits they would have received from the funds thus denied them during this period can never be restored to them. Therefore, the so-called "deferral" is really a denial during the pendency of the proceedings.

Furthermore, the withholding of funds by the government has the appearance of punishment or penalty against the trustees of the school district and the adults living in the district because they have not complied with orders issued from HEW in Washington. The sad part about it is that the denial of funds does not punish the trustees or the adults, because they are not in school. The punishment and deprivation is inflicted on the school children themselves. They are the ones who suffer.

The cutting off of funds from school districts by the HEW is done on the theory that it will help children of minority races in such districts. As a matter of fact, in many cases, when this action is taken, the resulting hardships and deprivations fall on the children of the minority races. Their parents are not financially able to supply the teachers, buildings, and programs which the withheld funds would have supplied, whereas, the more affluent parents of children of the white race may be able to supply them without government help. So, in many cases, the program hurts the very children it was designed to help.

This is the system Congress has created. The courts are powerless to do anything about it. Until Congress sees fit to change it, we will have to live with it.

Mr. BEALL. I think we all want to make sure that there is due process provided in order to protect the Nation's school systems and its educational institutions. Actually, the beneficiaries of an amendment of this sort will be the children and the students in the school system.

We do not want them put upon by people at the Federal level on the basis of some allegation, which unproven, may nevertheless result in school boards losing financial assistance which they might otherwise receive.

The Senator from New York has drawn a *revised amendment*. Such amendment eliminates the concerns expressed by those who were upset with the original Eshleman amendment, and who feared it would set back civil rights.

However all Buckley, as modified, provides is an orderly procedure for a fair airing of the allegation and a decision on the merits before funds may be deferred.

Mr. BUCKLEY. Correct.

Mr. BEALL. Mr. President, I ask that my name be included as a cosponsor of the amendment.

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

Mr. BUCKLEY. Mr. President, I also ask unanimous consent that the Senator from South Carolina (Mr. THURMOND) be added as a cosponsor.

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

Who yields time?

Mr. PELL. Mr. President, I have studied and followed this amendment. I recognize the concern that motivates the junior Senator from New York in offering it.

I think that if we embark on this procedure, where the onus is being taken from changing the procedure in order to receive the Federal funds to a procedure which can be stretched out as long as is possible to avoid the withdrawal of the funds, one will find the end result may well be the same. However, the incentive will be to extend the process over a period of months or years in order that the additional funds may go on, while violations of the law continue to exist.

For that reason, I will be compelled to oppose the amendment.

Mr. BUCKLEY. Mr. President, I would like to point out that the language contained in the amendment I sent to the desk states:

A hearing before a duly appointed administrative law judge within a 60-day period from the receipt of notification of noncompliance, and requires a determination by the administrative law judge based on evidence taken from all parties that such recipient is in noncompliance with the specific provision.

It seems to me that the provision makes sure that we have a very timely adjudication, and perhaps we will find we will accelerate the settlement of the quarrels that go on in every State between a particular functionary of HEW that may or may not be correct in his understanding of the facts in the given situation.

I suggest, as the Senator from Maryland has indicated, that this provision, the due process amendment with the safeguards, will benefit the children who need the help most.

As was pointed out in a letter from the National School Board Association:

Most often deferrals denied funds for programs serve those children in greatest need of special Federal assistance, such as the educationally disadvantaged, the handicapped, the racially isolated and the many linguistic minorities.

These, Mr. President, are the people who are most often adversely affected by the present system, which allows the arbitrary termination of funds that a school district is entitled to until found guilty.

Mr. President, I do not know if anyone else wishes to speak to this amendment. If not, I am willing to yield back the remainder of my time.

Mr. BEALL. Mr. President, I might say I had some concerns similar to those expressed by the Senator from Rhode Island. I think the new Buckley amendment speaks directly to those concerns.

The concern was expressed that under the original amendment there was no time limit and the process would drag on interminably. The current amendment of the Senator from New York has taken care of that objection.

There was concern that noncooperative educational institutions receiving assistance could delay the process for their own purpose. The Senator has spoken to that.

Finally, a concern that such an amendment would impair the enforcement ability of the Office of Civil Rights. I think it is clear that there is no effort or desire to impair the enforcement ability of the Office of Civil Rights. The amendment in my judgment will advance civil rights by expediting the process and extend to school districts basic due process procedures which are fundamental to our Nation.

Therefore, I think the objections raised by the Senator from Rhode Island are covered by the revised Buckley amendment.

Mr. JAVITS. Mr. President, I yield myself such time on the amendment as I may require.

First let me say that I concur with Senator PELL. I think this is not a desirable amendment from the point of view of those who want to cling to whatever vestiges there remain of due process in respect of discrimination in the educational process.

The purpose of deferral is that it discourages recipients who have been notified of the determination of noncompliance with the nondiscrimination statutes from unduly delaying the commencement of a hearing on that particular subject. Without that inducement, recipients could delay a hearing indefinitely without being in any way disadvantaged in the receipt of Federal funds.

The possibility of a deferral tends to encourage recipients to enter into more meaningful negotiations than would be the case if they simply could delay any adverse action for an extended period of time. The deferral preserves the status quo during the course of the proceedings.

Let me point out that the Senator from New York in his amendment seeks a hearing within 60 days, but there is no way that he has, and no way he could provide, when the hearing should end or when the subsequent proceedings should end. Our history in civil rights cases has been that they tend to take years, not weeks and not months. So while I understand the purpose of the amendment—and it has a nice label on it, that it seeks to afford a hearing—the fact is that it will frustrate enforcement of the law, and the fact is that it will string it out for years.

Mr. BUCKLEY. Will the Senator yield?

Mr. JAVITS. Not yet, if I may complete my argument.

Any competent lawyer, once he starts on the route where a recipient gets the funds from a Federal Government and this goes on and on and on, has every inducement for going on and on himself.

There is now a current limitation on the department which was contained in the Fountain amendment, which prohibits the department from deferring funds under certain specified elementary and secondary program statutes for a period of more than 60 days unless the time is extended by mutual consent of the recipient and the department for the purpose of holding a hearing. The deferral may then extend for an additional 30 days for the rendering of a decision. If the decision is in favor of the recipient, the deferral is lifted. If the decision is adverse to the recipient, the deferral is lifted. If the decision is adverse to the recipient, the deferral continues and the determination process, including appeals, occurs.

Thus, the effect of this amendment, which is being proposed by the Senator

from New York, by establishing an absolute prohibition of deferral, is to discourage and retard and abort that process. After all, under the Fountain amendment, the only thing that deferral can force is an early hearing. That is a 60-day proposition. It seems to me that that is desirable and necessary in order to adequately enforce the law, and that this amendment should therefore not be adopted.

Mr. TOWER. Will the Senator yield me 4 minutes?

Mr. BUCKLEY. I yield.

Mr. TOWER. Mr. President, I have joined Senator BUCKLEY as a cosponsor of this amendment because I think it provides a fair and logical solution to a problem which has become distressingly prevalent in our school districts. Contrary to certain criticism, it will not obstruct the intent of the Civil Rights Act. Instead it will expedite the administrative procedures already attendant on compliance with the civil rights laws and will relieve school districts of the disruptions that presently occur as a result of existing procedure.

Amendment No. 2196 would simply require a hearing on alleged violations of Federal law, conducted by an administrative law judge, before Federal funds to educational institutions could be withheld. The point is that a school district will be presumed innocent until proven guilty. It is a courtesy extended to every student on the verge of being expelled, to every teacher being considered for dismissal, and to every citizen and group within the country confronting an accusation in our courts. There is no justification for depriving our school systems of the opportunity for a fair hearing as well.

If this amendment is passed, it will actually expedite the investigations into a possible case of noncompliance which have been known to extend over 8 years. It will end the unnecessary budgetary and hiring disruptions for school districts that occur in spite of a subsequent finding that the district has been falsely accused. It will relieve the special hardship that an accusation of noncompliance creates for the type of student most in need of Federal assistance—the educationally disadvantaged, the handicapped, the racially isolated, and the linguistic minorities. No good purpose can be served by a highly punitive action when a reasonable approach would be just as effective.

It is always easier to see the value of such legislation by illustration of a specific example, and I have several such in Texas. One case in particular, however, illuminates the value of this amendment.

Texas has received substantial funding through the Emergency School Aid Assistance Act, which is intended to facilitate the desegregation process. In order to receive funds, a school district must submit a plan for desegregation and the application of assistance which is acceptable to HEW. The school district in question had to revise its program in order to satisfy requirements, and this it did very expeditiously. The administrative delay in approving this revised program means that funds will not be made available until the middle of September.

However, school started on August 16. Teachers have been employed, and programs have been pursued which will not begin to be paid for until September. There is no way that funding will be made retroactive to the beginning of the school year.

The school district is understandably upset. Teachers may quit work until they can draw salaries, and some will probably seek employment elsewhere. The school board is so upset that members are determined at the moment not to participate in the program again—which will only be to the detriment of the students and the desegregation effort. Since the school district had been substantially funded by ESAA in years past, this amendment would probably make it possible for this and other districts in a similar plight to continue to receive the assistance previously allowed while programs were brought into compliance. In this case as in so many others, the district has approached its obligation toward civil rights with goodwill and a genuine effort in behalf of the students affected. There is no reason why it should become discouraged and frustrated when a fair alternative to the present harsh reality is so readily available on the floor of the Senate.

I commend my good friend from New York (Mr. BUCKLEY) for having taken the initiative in this matter, and I urge the Senate to support it.

Mr. BUCKLEY. Mr. President, I yield myself such time as I will utilize.

I thank my friend from Texas for his support and for providing such a graphic example of the kind of fact situation to which this amendment is addressed.

It is not a revolutionary concept to assume that a party is innocent until proven and found guilty. This is essential to our whole attitude to the law and application to the law. Nor do I understand that this country has ever committed itself to the doctrine of the divine infallability of bureaucrats.

We are talking about the welfare of children, the welfare of teachers, and the continuity of education.

But my distinguished senior colleague did suggest that even though my amendment provides for an expeditious initiation of the hearing process, any competent lawyer could drag it out indefinitely. I have tried to anticipate that objection through the second section of my amendment, which reads as follows:

Notwithstanding any other provision of this subsection the Secretary may defer assistance to any educational agency or institution if the Secretary determines that such agency, institution, or school, after being given notice of an opportunity for a hearing, has, without good cause, purposely delayed the commencement or conclusion of such a hearing.

I believe this is more than bending over backward to insure that a school cannot prolong the proceeding indefinitely while collecting Federal funds.

Mr. President, I think that the size of this issue is well enough understood.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. DOMENICI). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BUCKLEY. I ask unanimous consent that Messrs. Todd Culbertson and Bill Griffin of my staff be accorded the privilege of the floor during the remainder of the debate and the rollcalls on this bill.

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

Mr. JAVITS. Mr. President, I yield myself such time as I may require on the amendment.

Mr. President, the section to which Senator BUCKLEY has referred reads as follows:

Notwithstanding any other provision of this subsection the Secretary may defer assistance to any educational agency or institution if the Secretary determines that such agency, institution, or school, after being given notice of an opportunity for a hearing, has, without good cause, purposely delayed the commencement or conclusion of such a hearing.

The difficulty with that section is twofold: One, the determination of the Secretary is itself reviewable because it is a determination; hence, the deferral is not effective until that question as to whether he has been capricious, arbitrary, or otherwise has not obeyed administrative regulations or provisions of law regarding such a detemination, has been dealt with.

There has been plenty of opportunity to spin things out. In addition, as to a hearing before an administrative judge and the conclusion that hearing can have, if I were the Secretary, notwithstanding my deep convictions on the questions of nondiscrimination, and I were given a list of 100, 200, or 500 witnesses, I could not very well make a determination, unless I really had more than you have in any given case, that they do not have the right to call witnesses to try and prove their case. They do. Therefore, that could just go on and on, and does in all of these agencies.

What strikes me very strongly is this: What the Senator from New York, my colleague, is trying to give is an injunction pendente lite. That is what he is trying to give—an injunction pendente lite without getting one. It is absolutely hornbook law that if you owe x $100 and you have a counterclaim against x, you do not pay him the $100. This goes to the contrary of every tenet of law. If you owe him $100, even though you contest whether you really do, you have to continue to pay it. There is no due process in that. That is just an effort to stand the law on its head and to delay the day when the school district can be called to account. That is what this is all about. It is all dressed up with due process and a hearing, et cetera.

But the fundamental proposition is to ease up on the school district that is charged with discrimination, and remember it has to be de jure discrimination. It has to be actual legal discrimination in respect of these activities.

It seems to me, Mr. President, that this is not only a step backward but it is really a nullification effort. The fact it is dressed up with words of due process—we are far more sophisticated around here than that—does not save it.

Therefore, Mr. President, I deeply feel that this amendment should be rejected.

Mr. ROBERT C. BYRD and Mr. TAFT addressed the Chair.

Mr. TAFT. Will the Senator yield for a question?

Mr. ROBERT C. BYRD. Will the Senator allow me to get one request in?

Mr. TAFT. Yes.

ORDER FOR APPOINTMENT OF A CONFEREE

Mr. ROBERT C. BYRD. Mr. President, at the request of Mr. McCLELLAN, I ask unanimous consent that the junior Senator from Florida (Mr. CHILES), be appointed a conferee on the Defense appropriation bill for fiscal year 1977.

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

Mr. ROBERT C. BYRD. I thank the Senator.

EDUCATION AMENDENTS OF 1976

The Senate continued with the consideration of the bill (S. 2657) to extend the Higher Education Act of 1965, to extend and revise the Vocational Education Act of 1963, and for other purposes.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. TAFT. I wish the Senator from New York to explain a little to me what happens if we have a determination by an administrative law judge that there has been discrimination and funds ought to be cut off and the case is then appealed. What happens to the funds at that point if there is an appeal taken from the ruling of the administrative law judge?

Mr. BUCKLEY. As I understand my amendment, immediately upon the finding of the judge, the HEW is entitled to withhold the funds.

Mr. TAFT. Does the Senator mean there is no withholding until the finding is made?

Mr. McCLURE. That is correct.

Mr. TAFT. If the finding is made, then what happens?

Mr. BUCKLEY. Then the Secretary may withhold funds.

Mr. TAFT. Suppose there is appeal from that?

Mr. BUCKLEY. The funds are withheld pending the outcome of the appeal.

Mr. TAFT. It is the intention to allow those funds to be paid so long as the appeal has not become final or the order has not become final; is that correct?

Mr. BUCKLEY. I believe the language is quite clear that this inhibition on the Secretary exists only until the administrative judge has issued his decision in the case.

Mr. TAFT. The point I was making is this: In this proceeding if there is an affirmative finding by the administrative law judge, and then this proceeding is appealed, it can go through the courts for 2 or 3 more years on appeal procedures, briefs, arguments, and the like, and during that entire period the local school board is cut off from receiving any funds under the act.

Mr. BUCKLEY. That is right.

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

Mr. TAFT. I thank the Senator. I yield.

Mr. BEALL. It should be pointed out we are talking about a rather narrow area here; we are not talking about ongoing funds. We are talking about new funds to which the school district might be entitled. The HEW, I understand, never defers the granting of funds that the local agency has already been receiving, without a hearing. That would be a termination and a hearing is required. They only defer those funds to which they may be entitled that are new funds.

So under the Buckley-Beall proposal, deferral of new funds could not take place until after the decision had been made by the administrative law judge, as I understand it, and if an appeal is then taken the funds could be deferred during the appeal process.

Mr. TAFT. If the Senator will elaborate further on that, by new funds does he mean funds due for the next year or any funds due for the next year, or just funds new for a program?

Mr. BEALL. I mean new application or new programs or new authorization.

Mr. TAFT. Is a new application made each year for each program?

Mr. BEALL. Although I have received different answers to this point, the answer appears to be no, except to the extent the new application would be for fund in excess of the previous year.

Mr. TAFT. What would happen with the funds that already are being withheld at the present time due to the failure of a school to implement a busing plan that previously had been passed by a prior school board?

Mr. BUCKLEY. The funds have to be resumed, pending a hearing.

Mr. TAFT. A new hearing, where a hearing already had occurred?

Mr. BUCKLEY. If there has been a determination, there is no problem. If there is a determination after a hearing that the school is in violation, then there is no obligation on the part of HEW to fund.

Mr. TAFT. I thank the Senator.

Mr. BUCKLEY. Mr. President, I am prepared to yield back my time, but I wish to read one paragraph of the letter I received from the National School Board Association. I think it puts the entire amendment in context:

> Specifically, the Buckley amendment would require HEW officials to conduct a hearing *prior* to deferring (i.e,. curtailing) a school system's funding for violations that federal officials *alleged* have taken place. It is our view that requiring such hearings will expedite investigations involving possible violations of federal law. Some such investigations have already extended over eight years. In addition, the hearing requirement will end the unnecessary budgetary and hiring disruptions for school districts subsequently found to be in compliance with the law. While deferrals apply only to new federal assistance, a cut-off of funds for continuing and previously approved programs requires a separate termination procedure—which does require a hearing. Thus hearings are legislatively required prior to termination but, in the absence of a legislative definition of deferral, HEW officials maintain that no hearing is required in the closely related deferral practice.

Mr. President, I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield back his time?

Mr. PELL. The Senator from Massachusetts wishes to make a statement.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. BROOKE. Mr. President, I thank the Senator from Rhode Island.

Mr. President, I oppose this amendment. Although clothed in the appealing language of the Constitution, the amendment, if adopted, would hamper the achievement of equal rights for all our citizens. It would make even more difficult the already cumbersome process of making sure that Federal funds do not subsidize discrimination in our educational institutions, and, in fact, would put the Federal Government in the position of increasing its funding of such institutions even as they continue to discriminate.

Mr. President, this amendment is based on misinformation about the present nature of civil rights enforcement by HEW. Its sponsors would have us believe that educational institutions are now being denied due process of law, that HEW officials whimsically cut off funds to schools and school districts and then sit on their hands while the impoverished school districts struggle to prove their virtue. This is simply not true. HEW can do no more than defer funding of new programs sought by a school or school district allegedly in noncompliance, and even that can continue for no more than 90 days.

Mr. President, because of the misinformation circulating about the nature of civil rights enforcement at present, I think it important simply to lay out how that procedure now works. I think these facts will make clear that the proposed amendment is both unnecessary and mischievous.

HEW is charged with enforcing several civil rights statutes: Title VI of the 1964 Civil Rights Act, which bars discrimination on the basis of race, color, or national origin; title IX of the Education Amendments of 1972, barring sex discrimination; and sections 799A and 845 of the Public Health Service Act, which also bar sex discrimination. For all of these statutes, HEW uses the enforcement procedure mandated by statute for title VI.

Title VI specifies termination of assistance as one of the ways in which compliance may be sought from recipients of Federal assistance. However, title VI explicitly states that Federal assistance may not be terminated until there has been "an express finding on the record, after opportunity for hearing, of a failure to comply." 42 United States Code Annotated 2000d–1. In practice, HEW does not terminate funding until after all administrative appeals have been exhausted.

Prior to a hearing, HEW can do no more, under the statute, than defer acting on applications from an allegedly noncomplying recipient for new assistance, and such deferral cannot continue for more than 90 days without a hear-

ing—except by mutual agreement. 42 United States Code 2000d–5.

In other words, even now HEW is barred from terminating assistance or refusing to grant or continue assistance until after a hearing before an administrative law judge. Prior to the hearing, HEW has no authority to decrease the amount of education funds already going to an allegedly noncomplying school or school district. It is only permitted to refuse to increase funding to such a recipient, and that for no more than 90 days.

Mr. President, we should not be misled by this amendment. Civil rights enforcement by HEW is weak enough as it is. Far from being overzealous in its enforcement activities, HEW has recently been found by a Federal court to be so reluctant to enforce the law that an injunction mandating action was necessary. *Adams* v. *Weinberger*, 391 F. Supp. 269 (DC DC, 1975). The Civil Rights Commission has similarly concluded that HEW has been timid in its enforcement activities. Report of "United States Commission on Civil Rights," January 22, 1975, page 131. In short, the contention that HEW arbitrarily and capriciously terminates funds simply is not borne out by the facts.

Mr. President, I trust that the distinguished Senator from New York, who has proposed this amendment—for whom I have the greatest respect—understands just how HEW has administered this law. I hope that I may allay any fears he may have by citing the record, because the facts, as I have said, speak for themselves. It is because of that that I feel compelled to move to lay this amendment on the table.

The PRESIDING OFFICER. The motion is not in order at this time.

Mr. BEALL. Mr. President, will the Senator yield me 2 minutes?

Mr. BUCKLEY. I yield.

Mr. BEALL. Mr. President, I always hesitate to take exception to the remarks of the distinguished Senator from Massachusetts, because I agree with the objective he is trying to reach; but I must in this instance take some exception to the remarks he made with regard to the utilization of the taxes by HEW.

First of all, we have to recognize that we are not talking about termination of funds here, but about deferral. No termination is involved in this discussion at all. It is all deferral with regard to new funds and new programs. Of course, that can be a very substantial amount, because on the one hand you could have a new program coming along to aid an innercity school, and HEW would defer the funds.

The damage would be done to the children who are served by the school. But let me read a paragraph from a statement put out by HEW with regard to the Eshleman amendment. I recognize there was difficulty with the Eshleman amendment in the House, and I congratulate the Senator from New York, because I think he has gotten to the problem and eliminated the difficulties that we had with the Eshleman amendment.

When speaking to the Eshleman amendment, HEW said:

Problem with current practice. The major problem in the current use of the deferral authority is the absence of any standards under which the Department will invoke it. In the past, deferrals have been imposed almost as a matter of course in civil rights cases when a recipient is given notice of opportunity for a hearing. However, exceptions to that practice have been made on a case-by-case basis. While the courts have held that deferral is not a refusal to grant and is not violative of due process,[2] the case-by-case approach currently in use may open the Department to allegations of a denial of due process.

What the department is saying by this is that, by implication, they are in effect doing what the Senator from New York has done. He has eliminated the objections to the Eshleman amendment and has come up with some language that I think will rectify a situation that could be subject to abuse by HEW, and which I think would be counter to our goal of achieving greater civil rights for people in our society. Therefore, I think the amendment of the Senator from New York, rather than being contrary to the interests of the Senator from Massachusetts, really enhances his goal.

Mr. BAYH. Mr. President, today we are considering an amendment to the Higher Education Act which could effectly destroy civil rights enforcement activities for minorities and women. This amendment, introduced by my colleague, Mr. BUCKLEY, has noble aims—it seeks to guarantee the due process rights of all institutional recipients of Federal funds, but in reality, it destroys the existing due process protections for victims of discrimination throughout our educational system.

Under the provisions of the Buckley amendment, the Secretary of Health, Education, and Welfare would be prohibited from either terminating or deferring Federal funds to any agency, institution or program until final judgment of noncompliance with the law has been reached, and after a hearing before a duly appointed administrative law judge. This amendment could, therefore, be interpreted as prohibiting HEW from using its enforcement tools until the completion of the entire appeal process, potentially all the way to the Supreme Court. I think that it is particularly important for all my colleagues to understand both the current enforcement process and the effect of the Buckley amendment on that process.

I. CURRENT ENFORCEMENT PROCESS

The Office of Civil Rights has a number of civil rights enforcement responsibilities. It is legally responsible for protecting minorities, women, and the handicapped from discrimination throughout our educational system. An essential part of the enforcement of existing discrimination laws has been the right to terminate or defer Federal funds for any institutions, agencies, or programs found to be in noncompliance with any discrimination statutes.

I think it is particularly important to understand that the current process does provide due process protection for both parties of concern—the recipient institution and the victims of discrimination.

When the Office of Civil Rights makes a preliminary finding of noncompliance, voluntary compliance is sought. If this effort is unsuccessful, the Department begins an administrative enforcement proceeding. At this time the Department may choose to defer the granting of new financial assistance to the effected institution. I think it is particularly important to note that the funding level prior to the commencement of enforcement proceedings is not reduced. Only new Federal assistance requested by the institution is effected by the deferment.

A measure known as the Fountain amendment that was added to the Education Amendment of 1966 guarantees the granting of a hearing shortly after money is deferred. The Fountain amendment prohibits HEW from deferring funds for more than 60 days, unless this period is extended by mutual consent of the parties involved, for the purpose of holding a hearing. An additional 30 days is allotted for the rendering of a decision.

Termination of funding can occur only when an administrative law judge has ruled that the institution or agency is in noncompliance.

II. EFFECTS OF THE BUCKLEY AMENDMENT

I would like to point out some of the detrimental effects of the Buckley language on the current enforcement process. First, it is important to stress that deferring or terminating funds are only tools available for enforcing civil rights laws.

In reality, the past record of deferments and terminations shows that a very small percentage of institutions have been affected by these actions. Since 1970, only 3 out of 118 enforcement proceedings for title IV resulted in a termination of funds. In the same period, there were only 86 cases where funds were deferred. Since there are approximately 17,000 school districts in the United States, this means that over the last 6 years only 0.02 percent of all school districts had their funds terminated and only 0.5 percent had their funds deferred.

Second, the Buckley amendment would impede civil rights enforcement in another way. The Office for Civil Rights has issued an impact statement on the Buckley amendment which states that removal of the power to defer funds would exacerbate the existing practice of many recipient institutions to delay hearings on discrimination complaints. The statement from HEW stated that the language "discourages recipients who have been notified of a determination of noncompliance from unduly delaying the commencement of a hearing. The possibility of deferral may encourage a recipient to enter into more meaningful negotiations than may be the case if the recipient believed it could delay any adverse action for an extended period of time."

The excessively broad provisions of the amendment pose still another problem: Though it is the intent of the amendment to only change laws which affect civil rights enforcement in education, the language makes the amendment apply to several other laws as well. The addi-

tional laws affected are those which allow the deferment or termination of funds prior to an administrative hearing. Examples of such laws cited in the Office of Civil Rights effect statement are Executive Order 11246—which allows HEW to, as the statement says, "refuse to let contracts to a bidder believed not to be in compliance, pending the completion of administrative or court proceedings" and various labor standards statutes—which allow HEW to withhold funds from contractors who violate the standards set forth in the statutes.

The Library of Congress has provided me with information that indicates many other laws are also involved. Among these laws is one which enables the Department to withhold funds to recoup indebtedness. Some of the programs which have procedures which violate the provisions of the amendment are the Follow Through program, supplemental educational opportunity grants and the emergency school assistance program.

III. PROGRESS AGAINST DISCRIMINATION

True advances have been made in eliminating race and sex discrimination in education over the past few years. For example, in the early 1960's of those students who received doctoral degrees, 0.8 percent were members of minority groups and 10 percent were women. In 1975, minority groups comprised 11.8 percent of those receiving doctorates while 21.9 percent were women. These increases demonstrate progress, yet simultaneously indicate a need for still more effort.

As the author of title IX, I have closely monitored the progress of women in their efforts to attain equality in education. It is evident that in many areas, progress has occurred. In the field of law, in 1960, 3 percent of the people who received bachelor degrees were women; in 1975, 11.5 percent were women. The medical schools have also shown increases. In 1971, 13.7 percent of the students entering medical school were women; in 1974, the figure was 22.2 percent. Yet, despite increases, the number of women receiving legal and medical training is still far below that which one would expect in a discrimination-free environment.

The presence of past sex discrimination is clearly evident when examining general educational statistics. In 1975, of those women ages 25 to 29, 45.7 percent had completed 12 years of school; only 37.2 percent of the men had completed that many years. Yet, in the same year, using the same age group, the corresponding figures for women and men who had 4 or more years of college education were 18.7 percent and 25.1 percent. These figures demonstrate we still have far to go. I urge my colleagues not to end the progress we have been making to date.

Mr. President, the last, but perhaps the most important reason for rejecting this amendment is that it is unconstitutional. Analysis of the constitutionality of this provision prepared by the Office of Civil Rights indicates that since this amendment makes it necessary for the Office of Education to fund a program that it has decried as in noncompliance with civil rights laws, the amendment forces the Office of Education to violate the equal protection issue of the 14th amendment. The fifth amendment prohibits the Government from violating the 14th amendment, so the Buckley provision would not be likely to be declared constitutional. Court precedents in similar, though not identical, cases provide convincing justification for this view.

Mr. President, the Buckley amendment is unnecessary, undesirable, and probably unconstitutional. No hearings have ever been held on this amendment; the abundant problems with the language provide proof that the measure has not been carefully studied. I urge my colleagues to reject the Buckley amendment.

Mr. BUCKLEY. Mr. President, I think that all sides of this matter have been amply examined. With the greatest respect for my friend from Massachusetts, I disagree with him on this one and on how HEW sometimes operates.

I yield back the remainder of my time.

Mr. PELL. Mr. President, I yield back the remainder of my time.

Mr. BROOKE. Mr. President, I move to table the amendment.

Mr. BUCKLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. JAVITS. Regular order, Mr. President.

The PRESIDING OFFICER (Mr. BARTLETT). Regular order has been called for.

Mr. ROBERT C. BYRD. I announce that the Senator from New Hampshire (Mr. DURKIN), the Senator from Michigan (Mr. PHILIP A. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Maine (Mr. HATHAWAY), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) and the Senator from New Hampshire (Mr. DURKIN) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK), the Senator from Kansas (Mr. DOLE), and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

I further announce that the Senator from Utah (Mr. GARN) is absent due to a death in the family.

The result was announced—yeas 44, nays 42, as follows:

[Rollcall Vote No. 533 Leg.]

YEAS—44

Abourezk	Cannon	Culver
Bayh	Case	Eagleton
Biden	Church	Ford
Brooke	Clark	Glenn
Burdick	Cranston	Gravel
Hart, Gary	McGee	Proxmire
Hollings	McGovern	Ribicoff
Humphrey	McIntyre	Scott, Hugh
Inouye	Metcalf	Stafford
Jackson	Moss	Stevenson
Javits	Muskie	Stone
Kennedy	Nelson	Symington
Leahy	Pastore	Weicker
Mansfield	Pell	Williams
Mathias	Percy	

NAYS—42

Allen	Fannin	Pearson
Baker	Fong	Randolph
Bartlett	Griffin	Roth
Beall	Hansen	Schweiker
Bellmon	Haskell	Scott, William L.
Bentsen	Hatfield	Sparkman
Buckley	Helms	Stennis
Bumpers	Hruska	Stevens
Byrd, Harry F., Jr.	Johnston	Taft
Byrd, Robert C.	Laxalt	Talmadge
Chiles	McClellan	Thurmond
Curtis	McClure	Tower
Domenici	Morgan	Young
Eastland	Nunn	
	Packwood	

NOT VOTING—14

Brock	Hart, Philip A.	Magnuson
Dole	Hartke	Mondale
Durkin	Hathaway	Montoya
Garn	Huddleston	Tunney
Goldwater	Long	

So the motion to lay Mr. BUCKLEY's amendment on the table was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. PELL. I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

Mr. ALLEN. I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the motion to reconsider. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from New Hampshire (Mr. DURKIN), the Senator from Indiana (Mr. HARTKE), the Senator from Maine (Mr. HATHAWAY), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. DURKIN) and the Senator from Washington (Mr. MAGNUSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK), the Senator from Kansas (Mr. DOLE), the Senator from Oregon (Mr. PACKWOOD) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I further announce that the Senator from Utah (Mr. GARN) is absent due to a death in the family.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "nay."

The result was announced—yeas 45, nays 40, as follows:

[Rollcall Vote No. 534 Leg.]

YEAS—45

Abourezk	Hart, Gary	Moss
Biden	Hart, Philip A.	Muskie
Brooke	Hollings	Nelson
Burdick	Humphrey	Pastore
Byrd, Robert C.	Inouye	Pell
Cannon	Jackson	Percy
Case	Javits	Proxmire
Church	Kennedy	Ribicoff
Clark	Leahy	Scott, Hugh
Cranston	Mansfield	Stafford
Culver	Mathias	Stevenson
Eagleton	McGee	Stone
Ford	McGovern	Symington
Glenn	McIntyre	Weicker
Gravel	Metcalf	Williams

NAYS—40

Allen	Fannin	Nunn
Baker	Fong	Pearson
Bartlett	Goldwater	Randolph
Beall	Griffin	Roth
Belimon	Hansen	Schweiker
Bentsen	Haskell	Scott, William L.
Buckley	Hatfield	Sparkman
Bumpers	Helms	Stennis
Byrd, Harry F., Jr.	Hruska	Stevens
Chiles	Johnston	Taft
Curtis	Laxalt	Talmadge
Domenici	McClellan	Tower
Eastland	McClure	Young
	Morgan	

NOT VOTING—15

Bayh	Hartke	Mondale
Brock	Hathaway	Montoya
Dole	Huddleston	Packwood
Durkin	Long	Thurmond
Garn	Magnuson	Tunney

So the motion to table the motion to reconsider was agreed to.

AMENDMENT NO. 2094

Mr. BEALL. Mr. President, I call up my amendment No. 2094 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Maryland (Mr. BEALL), for himself, Mr. HATFIELD, Mr. TOWER, Mr. BUCKLEY, and Mr. LAXALT, proposes amendment No. 2094.

Mr. BEALL. Mr. President, I ask unanimous consent to substitute a revised text of the amendment that is at the desk which only makes some technical and clerical changes.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment, as modified, is as follows:

On page 223, beginning with line 20, strike out all through line 20 on page 226, and insert in lieu thereof the following:

"REQUIRED PARTICIPATION IN STATE PLANS

"SEC. 104. (a) Each State board, in formulating the comprehensive statewide long-range plan and annual program plan required by sections 106 and 108 shall involve the active participation of—

"(1) the State advisory council on vocational education;

"(2) the State Manpower Services Council appointed pursuant to section 107 of the Comprehensive Employment and Training Act of 1973;

"(3) the State agency, if any, having responsibility for community and junior colleges;

"(4) the State agency, if any, having responsibility for higher education institutions or programs;

"(5) the State agency, if separate from the State board, having responsibility for public elementary and secondary programs;

"(6) the State agency, if any, having responsibility for postsecondary occupational education programs; and

"(7) the State agency or commission responsible for comprehensive planning in postsecondary education, which planning reflects programs offered by public, private nonprofit and proprietary institutions, and includes occupational programs at less-than-baccalaureate degree level.

The participation required by this section shall include at least one meeting as a group during the planning year between representatives of the State board and representatives of each agency or council specified in this subsection.

"(b) In submitting the plans pursuant to sections 106 and 108, each State shall (1) include a statement by each agency listed in subsection (a) indicating the extent of such agency's participation in such plans, and (2) specifically respond to the recommendations of the State advisory council pursuant to section 105(d)(1) (i) and (ii), and in the event that such recommendations are not followed, indicate the reasons for its decision."

On page 227, between lines 14 and 15, insert the following new clauses:

"(5) a representative of the State agency, if any, having responsibility for higher education in the State;

"(6) a representative of the State agency, if any, having responsibility for community and junior colleges;

"(7) one shall be a representative of and be a vocational education teacher;".

On page 227, line 15, substitute "(8)" for "(5)".

On page 227, line 17, substitute "(9)" for "(6)".

On page 227, line 22, substitute "(10)" for "(7)".

On page 228, line 1, substitute "(11)" for "(8)".

On page 228, line 4, substitute "(12)" for "(9)".

On page 228, line 6, substitute "(13)" for "(10)".

On page 228, line 8, substitute "(14)" for "(11)".

On page 228, line 10, substitute "(15)" for "(12)".

On page 228, line 12, substitute "(16)" for "(13)".

On page 228, line 14, substitute "(17)" for "(14)".

On page 228, line 18, substitute "(18)" for "(15)".

On page 228, line 21, substitute "(19)" for "(16)".

On page 228, line 24, substitute "(20)" for "(17)".

On page 229, line 3, substitute "(21)" for "(18)".

On page 229, line 12, after the period insert the following new sentence: "A majority of the members of the State advisory council shall be individuals who are not educators or administrators in the field of education.".

On page 230, strike lines 3 through 8 and insert in lieu thereof the following:

"(d)(1)(A) Each State advisory council shall advise the State board in the development of the comprehensive statewide long-range plan and the annual program plan for vocational education. In carrying out its functions under this paragraph each State advisory council shall make recommendations for (i) areas for the concentration of effort and program priorities related to such concentration and (ii) the distribution of funds among various levels of education. The recommendations required by this paragraph shall be developed in close coordination with the State board. Recommendations required under this paragraph shall be submitted to the State board not later than 120 days prior to the submission of each such plan.

"(B) Each State advisory council shall advise the State board on policy matters arising out of the administration of programs under such plans."

On page 231, strike lines 4 through 16, and insert in lieu thereof the following:

"(f)(1) From the sums appropriated pursuant to this section for any fiscal year, the Commissioner is authorized (in accordance with regulations) to pay each State advisory council an amount equal to the reasonable amounts expended by it in carrying out its functions under this Act in such fiscal year, except that the amount available for such purpose for each State for any fiscal year shall not exceed 1 per centum of the amount allotted to each State under section 102, but such amount shall not exceed $300,000 and shall not be less than $100,000. In the case of Guam, American Samoa, and the Trust Territories of the Pacific Islands, the Commissioner may pay the advisory council in each such jurisdiction an amount less than the minimum specified in the preceding sentence if the Commissioner determines that the council can perform its functions with a lesser amount.

"(2) There are authorized to be appropriated $8,000,000 for the fiscal year 1978, $8,500,000 for the fiscal year 1979, $9,000,000 for the fiscal year 1980, $9,500,000 for the fiscal year 1981, and $10,000,000 for the fiscal year 1982 for the purpose of carrying out this section."

On page 231, line 18, strike out "planning commission".

On page 232, line 5, strike out "planning commission".

On page 233, line 8, beginning with the word "State" strike out through "section 104" in line 9 and insert in lieu thereof the following: "appropriate State agencies".

On page 233, lines 12 and 13, strike the words "State planning commission,".

On page 234, line 9, beginning with the word "approved", strike all through the word "board" on line 10.

On page 238, lines 6 and 7, delete the words "planning commission".

On page 238, line 17, before the semicolon insert the following: "and was prepared in accordance with the provisions of section 104(a);".

On page 238, strike out lines 18 through 22.

On page 238, line 23, substitute "(2)" for "(3)".

On page 239, line 1, substitute "(3)" for "(4)".

On page 239, line 9, substitute "(4)" for "(5)".

On page 239, line 15, substitute "(5)" for "(6)".

On page 239, line 19, substitute "(6)" for "(7)".

On page 240, line 5, substitute "(7)" for "(8)".

On page 242, line 3, strike out "(1)".

On page 242, strike out lines 8 through 13.

Mr. BEALL. Mr. President, on behalf of Senators BUCKLEY, HATFIELD, LAXALT, TOWER, and myself, I am offering this particular amendment.

The PRESIDING OFFICER. Will the Senator suspend? May we have order in the Senate?

The Senator may proceed.

Mr. BEALL. Mr. President, this amendment addresses the so-called governance issue which incidentally was one of the most difficult issues that our committee faced during deliberations on this bill. Distilled to its essence, the governance issue comes down to who makes the decision on the distribution of vocational education funds among educational institutions and levels of education in the respective States.

Under present law, States are required to distribute at least 15 percent of the Federal funds to postsecondary institutions. The committee received several recommendations to increase this postsecondary set-aside. Such recommendations varied from 25 to 40 percent. Rather than selecting a particular percentage, the committee decided "that this should be a State's own decision to make for itself."

Since in most States, the State board is responsible only for elementary and secondary education, postsecondary education, in particular, was either not involved or was inadequately involved in the decisionmaking. Thus, the committee decided to mandate the creation of a Planning Commission. The Planning Commission, whose membership would be comprised of the various interests, would be responsible for the "development and preparation of comprehensive statewide long-range plans and annual program plans" for vocational education in that State. If the membership of the State board conformed to the bill's requirements for the Planning Commission, the state board could serve as the planning commission.

In addition, the Hathaway amendment was added, prior to the reporting of S. 2657, to allow the waiver of the requirement to establish a Planning Commission, if all concerned State agencies certify that they actively participated in all phases of development, preparation, implementation and evaluation of the State plan.

However, under this amendment, if a State agency, even unreasonably, refused to certify full participation, a State would have to establish a state planning commission. Also, to secure such a waiver, the Commissioner of Education would have to determine whether such certification "substantially fulfills the purpose" of the Planning Commission provisions. This criterion is vague and could allow the commissioner of education to refuse certification, even if all the participants concurred.

Mr. President, my objections, however, are more central. In my opinion, the Federal Government should not dictate State governance or structure. This is particularly true, when one federally mandated and funded mechanism—the State advisory council—is in place and with appropriate amendments could achieve the objectives of the committee.

I agree that we should provide the States with maximum flexibility to determine their priorities and funding allocation.

I also agree that the various interests in vocational education should be involved and have input in the planning process and the funding allocation.

However, I do not agree that it is either necessary or desirable to require the creation of another layer of bureaucracy.

Mr. President, Amendment No. 2094 represents an alternative way to achieve the committee's objectives without adding another layer of bureaucracy which would divert additional resources away from students and programs.

This amendment that I have just offered would:

First. Strike the planning commission provisions from the bill.

Second. Add a new section to the bill to require the "active participation" of the various parties in both the long-range and annual plans. Such participation would include at least one meeting during the planning year with the State board and the parties specified. In addition, the comprehensive and annual plans would be required to include a statement by the parties on the extent of their participation.

Third. Amend the Advisory Council to add representatives, if any, of the State agency responsible for community colleges and for higher education and a classroom vocational education teacher. The Advisory Council would be specifically required to make recommendations to the State board, at least 6 months prior to the submission of the State plan, with respect to areas for the concentration of funds and priorities related thereto, and the funding allocation among the various levels of education. While such recommendations are only advisory, and not binding on the State board, the board would be required to indicate its reasons if it did not follow the recommendations of the council in the priority-setting and funding allocation areas.

Fourth. Increase the funding of the State advisory councils, including raising the minimum and maximum payments to such councils.

Mr. President, some have contended that the advisory councils are not effective in some States. That this merely converts the advisory councils to planning commissions or that it changes the role of advisory councils from an advisory body to an administrative one.

These arguments are specious and without merit.

If advisory councils are not effective, we should either make them effective or repeal them. The answer is not and should not be to create another council or commission.

The advisory council, under our amendment, does not become a Planning Commission. Instead, all the amendment does is to broaden its membership to provide greater representation for the postsecondary community and to provide greater involvement by the advisory councils in the planning process. The councils are not given any administrative authority, and their essential role of "advising" in the planning and priority-setting—including funding allocation—is retained.

I repeat, these responsibilities are advisory in nature. The State board is expected to consider carefully these recommendations in formulating the State plan. The requirement that the State board explain the rationale and reasons if it decided not to follow the advisory council's recommendation will asure careful consideration.

Mr. President, in summary, this proposal promises to achieve the objectives of the committee's Planning Commission, without forcing another federally mandated structure on the States and with less money.

In committee, a motion to strike the Planning Commission failed by a single vote. This illustrates the strong feelings that exist on this issue.

Mr. President, I urge the Senate to support the compromise proposal which will preserve the objectives of the committee without its objectionable features.

Mr. President, I point out one additional bit of information. We asked the Office of Education in the Department of Health, Education, and Welfare what they felt about this particular amendment, and I shall not read the entire letter, but I shall quote from the letter what I consider to be the pertinent paragraph. The letter is addressed to me, and it is signed by the Acting Secretary of the Department of Health, Education, and Welfare.

We believe your amendment would substantially improve the governance provisions of Senate bill 2657.

Mr. McCLURE. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. BEALL. I am happy to yield to the Senator from Idaho, for a unanimous-consent request.

Mr. McCLURE. Mr. President, I ask unanimous consent that Mr. Jim Fields and Mr. Tom Hill of my staff be accorded the privilege of the floor during all proceedings and consideration of this bill.

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

Mr. BEALL. Mr. President, I also point out that the chief State school officers, the State school superintendents, endorse this amendment to the bill. It is an amendment that makes good sense, and that is obvious because it is supported not only by the Office of Education in the Department of Health, Education, and Welfare, but also by the chief State school administrative officers of this country.

I urge the Senate to support the compromise proposal.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I strongly oppose the adoption of the amendment offered by the Senator from Maryland (Mr. BEALL). To my mind, it substantially weakens one of the major thrusts in the committee bill's provision relating to vocational education—assuring that all interested State agencies and other parties concerned with vocational education and training have a meaningful opportunity to participate in the development of the State's plan for vocational education.

Under current law, this is not the case. Only four States, including my own State of Rhode Island, have State boards for vocational education which encompass all levels of education, from preschool through graduate school. In the other 46 States, the State educational agency is responsible only for elementary and secondary level education. Postsecondary vocational education, an ever-increasing area in this country, does not have an adequate mechanism to make its views known as programs are planned and priorities set. S. 2657, as reported by the Committee on Labor and Public Welfare, provides for just such a mechanism.

The issue of planning and involvement, which is often reduced to the term "governance," was one which was given much attention in the Subcommittee on Education and again at the full committee level. Indeed, I do not believe that any issue was more fully discussed and more alternatives explored. What was reported by the committee as part of S. 2657 represents a delicate balance among a number of competing forces and interests. I am afraid that the amendment to the committee bill might upset that balance, and leave unchanged the current splits between secondary and postsecondary vocational education programs which the General Accounting Office and testimony before the committee revealed.

Let me make it very clear what the committee bill does and does not do.

It does not change the composition of any existing State board for vocational education. The bill as I originally introduced it on November 12, did suggest such changes. I believe that the Rhode Island cradle-to-grave approach to educational planning and administration makes a great deal of sense. However, requiring other States to change their organizational structures to accommodate the views of other State agencies—agencies which the State itself had established—was viewed as too sweeping a change. Therefore, the committee bill leaves unaltered the existing State boards of vocational education.

The bill does not require the creation of an additional organizational structure at the State level. The committee bill offers the States several optional organizational and decisionmaking patterns. First, the State can establish a State planning commission, made up, at a minimum, of a certain statutory membership. This list primarily includes in the planning process all State agencies—if they already exist—which have a valid and vital interest in vocational education and manpower training.

Second, if the State board for vocational education already includes the members listed in the committee bill, the State does not have to make any changes in its planning process. The State board for vocational education also serves as the State planning commission.

Third, if the State agencies who otherwise would participate in the planning commission certify to the Commissioner of Education that they have had an active opportunity to participate in the planning process—whether or not they are satisfied with the outcome—that certification will relieve the State of any requirement that it alter its current planning process.

The committee bill does not change the role of the State advisory council on vocational education. These councils have served an extremely valuable advisory role; they have become increasingly active and sophisticated in advising the State board for vocational education on its administration of the program and in evaluating program success or failure. However, their role has traditionally been limited to advice. As the General Accounting Office noted, the councils "have participated, in varying degrees, in evaluating vocational education programs, but have not served in any primary capacity in planning for the comprehensive provision of vocational education services." They are at present unprepared to take over the much stronger planning role contemplated by the amendment.

Part of the reason for this lies in the composition of State advisory councils. Their membership is primarily client groups of vocational education—disadvantaged, handicapped, individual community colleges, the general public—whereas the planning contemplated by the committee bill is done by State officials. These are the individuals who have the expertise to plan programs so that a State can put limited funds to the best use. After all, they have the responsibility to plan for the expenditure and distribution of equally scarce State funds, as part of their responsibilities under State law.

S. 2657 does not weaken the role of the State board for vocational education. In all instances, it is the only State body which deals with the U.S. Commissioner of Education. If it is dissatisfied with the product of the State planning commission, it returns it to the commission, with suggestions for change. The State board sends nothing to Washington of which it does not approve.

The committee-reported bill has been supported by the following list of major organizations deeply concerned with improving our Nation's vocational education:

The American Vocational Association;

The National Education Association;

The American Association of Community and Junior Colleges;

The American Council on Education;

The American Association of State Colleges and Universities;

The Council for Educational Development and Research, Inc.;

The National Association of State Universities and Land Grant Colleges; and

The American Association of Colleges for Teacher Education.

Yesterday, I introduced into the RECORD a number of communications in support of the committee-reported bill. I ask unanimous consent to have additional letters of support for the planning mechanism contained in S. 2657 printed in the RECORD.

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

JUNE 4, 1976.

HON. CLAIBORNE PELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PELL: The Senate will soon be considering the "Education Amendments of 1976" (S. 2657). This measure, if enacted as reported with amendments by the Committee on Labor and Public Welfare, would constitute a major step toward achieving the goal to which the Congress has committed itself during the past four years: equality of educational opportunity for all Americans.

The Committee bill affects a broad range of education subjects, institutions, and agencies. Favorable action by the Senate is requested by the following associations: American Association of Colleges for Teacher Education, American Association of Community and Junior Colleges, American Association of State Colleges and Universities, American Council on Education, American Personnel and Guidance Association, Council for Educational Development and Research, Inc., National Association of State Universities and Land Grant Colleges, National Education Association.

We are especially supportive of five provisions of the Committee bill which have a long-range positive effect on education.

(1) TEACHER TRAINING

The bill would revise Title V of the Higher Education Act of 1965 to reflect more nearly current and future educational and training needs of the nation's educational systems. The Teacher Corps would be maintained while the general program of education professions development would be ended, with a substitute program designed to meet specific needs for and of teachers. A mechanism for assessing current and future needs for education personnel would be established; training for higher education personnel would continue; funds for improving graduate programs of education would be included; and, most notable, assistance would be provided to local educational agencies to support teacher centers which are designed to meet the professional needs of teachers at the local level.

(2) VOCATIONAL EDUCATION

Title II of S. 2657 revises the Vocational Education Act of 1963. This revision is the first attempt to refocus federal support for vocational education since 1968. In keeping with the efforts made in 1963 and 1968, the revision is designed to modernize vocational education in the nation in order to more nearly meet the needs of all people of all ages for preparation for gainful and meaningful employment. Notable among the new features are the increased emphasis on planning for vocational programs, inclusion of features designed to overcome sex discrimination and sex stereotyping in vocational education, the encouragement given to new and improved vocational programs as opposed to maintaining existing programs, and the priorities given to meet the special needs of disadvantaged youth, handicapped persons, and persons with limited English-speaking ability.

The bill would establish State Planning Commissions for Vocational Education to carry out the planning process for vocational education in each of the states. The provision may well be the most significant aspect of the revision in that, for the first time, a body whose sole function is planning would look to the future needs for vocational education of all the people and assist in developing programs designed to meet those needs.

(3) EDUCATION ADMINISTRATION

The Education Amendments of 1976 propose a reorganization of the Education Division of the Department of Health, Education, and Welfare. The Education Division was established in 1972 as a means of having a distinct but uncentralized organization structure in the Department which is solely responsible for education. S. 2657 reorganizes and strengthens that structure by unifying the policy functions of the Assistant Secretary for Education and the Commissioner of Education and elevating the Commissioner to Executive Level III, equivalent to an Under Secretary.

This reorganization is a significant step toward the eventual establishment of a cabinet-level post for education.

(4) REGIONAL EDUCATIONAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS

The bill continues the National Institute of Education through 1982. In so doing the bill would change NIE to guarantee the con-

tinuance of the regional educational laboratories and research and development centers which have been supported in the past and encourage the establishment of new laboratories and centers when merited. The bill establishes a review panel to advise the Director of NIE on support for laboratories and centers, which will insure decentralized policy in educational research and development, thereby encouraging field-initiated approaches to solving problems in education.

(5) GUIDANCE AND COUNSELING

The bill contains a number of provisions which support guidance and counseling. These provisions recognize the importance of counseling throughout the educational process. Most importantly, Title V–B would establish an administrative unit within the Office of Education with responsibility for assisting and coordinating guidance and counseling activities in all education programs. That unit should give guidance and counseling the recognition it merits.

We urge you to support the "Education Amendments of 1976" when it is considered by the Senate and to oppose any amendments which would weaken these important provisions of the bill.

If you would like more information on these issues, please feel free to call any one of us.

Sincerely,

David Imig, American Association of Colleges for Teacher Education; Jack Terrill, American Association of Community and Junior Colleges; Jerold Roschwalb, American Association of State Colleges and Universities; Charles B. Saunders, Jr., American Council on Education;

P. J. McDonough, American Personnel and Guidance Association; Joseph Schneider, Council for Educational Development and Research, Inc.; John P. Mallan, National Association of State Universities and Land Grant Colleges; Stanley J. McFarland, National Education Association.

AMERICAN ASSOCIATION OF COMMUNITY AND JUNIOR COLLEGES,
June 11, 1976.

DEAR SENATOR PELL: The Senate will soon be considering S. 2657. The Subcommittee on Education and the Committee on Labor and Public Welfare have included a State Planning Commission for Vocational Education in the bill reported to the floor for action.

The Committee decided upon the State Planning Commission as the means of solving administrative problems in many states where presently the secondary-oriented State Boards of Vocational Education do not give adequate support to vocational education at the postsecondary level. Rather than mandate an increased set-aside for postsecondary (now set at 15%) the Committee decided that the best approach is to open up the planning process so that all vocational elements in the state can participate in planning for the allocation of Federal vocational education funds. Thus the State Planning Comissions will have representatives from all significant parties at interest in the state (see attached for Sec. 104 of S. 2657). You will note the provision in Sec. 104(e) that Sen. Hathaway proposed that any State that already had such a representative planning group could have this provision waived.

AACJC participated actively in the development of this concept and strongly believes that the State Planning Commissions will effectively improve participation of community colleges and other postsecondary vocational education institutions. (We have secured a similar planning mechanism in the bill approved by the full House).

Despite the merits of the idea there is some opposition, and it is understood that a move may be made during the Senate debate on the floor to remove the State Planning Commission section from the bill.

It is known that Senator Beall plans to offer a compromise amendment somewhat strengthening the State Advisory Councils, requiring them to submit their recommendations to the State Boards before final plans are developed. However, the State Advisory Councils would still have only advisory functions. Although the State Board would have to explain why it did not follow the Advisory Council's recommendations, it is under no obligation to do so, thus defeating the intent of this section.

AACJC strongly urges you to support the current provision in S. 2657 worked out so carefully by Senator Pell in the Subcommittee after hearings and responding to many interested groups to a draft of the bill. You can see in the language attached from pages 65–66 of the Report that thoughtful consideration was given to using the State Advisory Councils. But, like the House, this idea was rejected as compromising a very important group that has an entirely different function mandated in earlier legislation and elsewhere in this bill.

Your serious consideration will be sincerely appreciated. If we could be of any assistance to you or your staff in this regard, we would be pleased to respond to any request.

Respectfully,

JOHN E. TIRRELL,
Vice President for Governmental Affairs.

Mr. PELL. Mr. President, the amendment before the Senate was never formally offered in draft form at the Committee on Labor and Public Welfare considering this legislation. It was never the subject of hearings.

The bill adopted by the House of Representatives proposes still another approach to the issue of involvement in planning in a meaningful way. Obviously, in conference, some compromise must be struck.

I urge my colleagues not to undo the balance achieved by the committee-reported bill, a balance which has received almost universal support from the vocational education community. I urge you to vote against this amendment.

Mr. BEALL. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BEALL. Mr. President, if the distinguished Senator from Rhode Island is prepared to yield back his time, I am prepared to yield back my time.

Mr. PELL. Mr. President, I yield to the chairman of the full committee, the Senator from New Jersey.

Mr. WILLIAMS. Mr. President, S. 2657 makes changes in the Vocational Education Act to provide for comprehensive long-range planning and to assure that State planning takes into consideration the needs of the student for employable skills, and to assist vocational education for keeping up with the changing employment environment.

In particular, S. 2657 provides for a new statewide planning commission involving in the planning process those persons in the State responsible for manpower programs, for higher education programs, both 4 years and other programs, and elementary and secondary programs. This provision is one around which some controversy has developed and on which the Senator from Maryland has indicated he will offer an amendment so I would like to for my colleagues describe the current situation in the State of New Jersey and the impact of this provision.

New Jersey has three separate agencies which operate higher education, elementary and secondary, and manpower programs. It also has two boards of education, the State board of education vested with policymaking authority for all elementary and secondary programs, and the State board of higher education with policy making authority for all postsecondary programs, with the exception of noncollegiate postsecondary vocational education programs. The issue of comprehensive planning and the establishment of a State planning commission is one which is, therefore, sensitive in New Jersey in terms of what authority is vested where.

The State planning commission in S. 2657, however, does not disturb that authority in the State of New Jersey. The sole State agency for administering vocational education will continue to be the department of education. The State board of education will continue to be the final policymaking body. What the provisions of S. 2657 provide for is input in statewide planning for vocational and technical education by all the responsible governmental agencies whose programs overlap that educational area, and whose policy charge may involve the same students.

The committee bill does not mandate a new separate planning body. If a body—for example, the State board—exists with membership of the appropriate agencies having responsibility for secondary and postsecondary educational programs, for community and junior colleges, for higher education and the State manpower council. Furthermore, it does not mandate the establishment of a commission if each of these State agencies certifies that it had been involved in the planning.

The responsibilities of the State board for policymaking and the advisory role of the State advisory councils remain the same under S. 2657. All that this bill does is assure that all segments of the population will be considered and all responsible State agencies will come together to plan for vocational and technical education.

Therefore, having been through this in a State that has a complexity of administration, and knowing that the goal was to bring them all into the process, the result here—that is, in the bill—meets the most complex situation that I could imagine. Therefore, I am strongly in support of the bill as it is; I am opposed to the amendment that is offered.

Mr. PELL. I thank my colleague from New Jersey. I am prepared to yield back my time.

I yield to the Senator from Maryland.

Mr. BEALL. Mr. President, I certainly sympathize with the Senator from New Jersey in his objective. The objective of my amendment is to make certain that there is input from all interested parties in the planning process. If New Jersey does not like its structure, it is up to

New Jersey to change its structure. I do not think the Federal Government should be mandating a change in the structure of all States, but we should insist that everybody is participating in the planning process. My amendment simply mandates that the appropriate, interested parties be permitted—in fact be required—to participate in the planning process, without mandating the structure of the State. If we did that in the State of Maryland, we would require, by Federal law, that our State change its structure.

I do not think we ought to be requiring that States change their structure unnecessarily. It imposes additional costs on them and also imposes additional costs on the Federal Government.

I hope the Senate will adopt the amendment.

I ask unanimous consent that my colleague from Maryland (Mr. MATHIAS) and my colleague from North Carolina (Mr. HELMS) be added as cosponsors to my amendment.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. PELL. What is the unanimous-consent request?

The PRESIDING OFFICER. For two additional cosponsors.

Mr. PELL. I have no objection.

Mr. JACKSON. Mr. President, I voted for the Beall amendment No. 2094 for reasons described in a letter which Senator MAGNUSON and I sent to the chairman of the Subcommittee on Education earlier this year. I ask unanimous consent that our letter be printed in the RECORD.

Although the committee bill does include a modification of the version of the bill referred to in our letter, it would not have been sufficient to take care of the situation in Washington State. I would like the record to show my reasons for opposing the committee position in this matter.

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

MARCH 1, 1976.

HON. CLAIBORNE PELL,
Chairman, Subcommittee on Education, Labor and Public Welfare Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We are writing to express some specific concerns about S. 2657 now being marked up in the Subcommittee of Education. The State of Washington has some very definite problems with the latest version of that legislation that they have seen because of the way in which the state's vocational administration has developed there. Washington has had a separate organization for the coordination of federal vocational funding since 1957. Only last year that coordinating body was reconstituted by our State Legislature, its powers altered, and its membership changed in ways that appear to be incompatible with the published versions of your bill.

Our Legislature took this action in order to rid the existing system of two problems. First, there had been a tremendous expansion of the bureaucracy administering federal vocational funds, even to the point where a coordinating and planning body was actually running some training programs. Second, under the old system, there was no way to resolve conflicts that developed between the common school system and the postsecondary system as they relate to vocational education. Under the proposal they have seen in S. 2657, this commission would have to be changed once again and the expansion of power contemplated would put the State of Washington back into a situation similar to the one that the Legislature tried to rectify only last year.

The situation in Washington is somewhat unique, but this uniqueness only serves to illustrate the problem of writing such specific and detailed legislation to cover situations in all 50 states. In particular, we are concerned that building such a strong administrative structure for vocational education at the state level will have the tendency of drawing funds away from programs for students.

We are hopeful that the legislation can be redrafted in such a fashion as to permit states the option of organizing the governance of vocational education in their own way while at the same time requiring that such administration begin overcoming the problems that you and your committee have identified in the administration of vocational education. We do not believe that these aims are incompatible and look forward to working with you and your staff to effect a compromise on this important legislation.

Sincerely yours,

WARREN G. MAGNUSON,
HENRY M. JACKSON,
U.S. Senators.

The PRESIDING OFFICER. Is all time yielded back?

Mr. PELL. Yes. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays were ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (when his name was called). Mr. President, I have a pair with the Senator from Washington (Mr. MAGNUSON). If he were present and voting, he would vote "aye." If I were permitted to vote, I would vote "nay." I, therefore, withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. HARTKE), the Senator from Maine (Mr. HATHAWAY), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from California (Mr. TUNNEY) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK), the Senator from Kansas (Mr. DOLE), the Senator from Oregon (Mr. PACKWOOD), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I further announce that the Senator from Utah (Mr. GARN) is absent due to a death in the family.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "yea."

The result was announced—yeas 36, nays 50, as follows:

[Rollcall Vote No. 535 Leg.]

YEAS—36

Baker	Byrd, Harry F., Jr.	Fannin
Bartlett	Cannon	Fong
Beall	Chiles	Goldwater
Bellmon	Curtis	Gravel
Buckley	Domenici	Griffin
Bumpers	Eastland	Hansen
Hatfield	McClellan	Scott, William L.
Helms	McClure	Stafford
Hruska	Pearson	Stevens
Jackson	Randolph	Tower
Johnston	Roth	Young
Laxalt	Schweiker	
Mathias	Scott, Hugh	

NAYS—50

Abourezk	Glenn	Nelson
Allen	Hart, Gary	Nunn
Bayh	Hart, Philip A.	Pastore
Bentsen	Haskell	Pell
Biden	Hollings	Percy
Brooke	Humphrey	Proxmire
Burdick	Inouye	Ribicoff
Byrd, Robert C.	Javits	Sparkman
Case	Kennedy	Stennis
Church	Leahy	Stevenson
Clark	McGee	Stone
Cranston	McGovern	Symington
Culver	McIntyre	Taft
Durkin	Metcalf	Talmadge
Eagleton	Morgan	Weicker
Eastland	Moss	Williams
Ford	Muskie	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—13

Brock	Huddleston	Packwood
Dole	Long	Thurmond
Garn	Magnuson	Tunney
Hartke	Mondale	
Hathaway	Montoya	

So Mr. BEALL's amendment was rejected.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 380

Mr. HATFIELD. Mr. President, I have an unprinted amendment and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD), for himself and Mr. HARTKE, proposes an unprinted amendment No. 380.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 322, between lines 6 and 7, insert the following new section:

COMMISSION ON PROPOSALS FOR A NATIONAL ACADEMY OF PEACE

SEC. 328. (a) There is established a commission to be known as the Commission on Proposals for a National Academy of Peace and Conflict Resolution (hereinafter in this section referred to as the "Commission").

(b) The Commission shall be composed of nine members as follows:

(1) Three members shall be appointed by the President by and *with the* advice and consent of the Senate.

(2) Three members shall be appointed by the President pro tempore of the Senate.

(3) Three members shall be appointed by the Speaker of the House of Representatives.

(c) (1) Any vacancy in the Commission shall not affect its powers.

(2) The Commission shall elect a chairman and a vice chairman from among its members.

(3) Five members of the Commission shall constitute a quorum.

(d) (1) The Commission shall undertake a study to consider—

(A) establishing a National Academy of Peace and Conflict Resolution consistent with the proposals contained in S. 2976, the George Washington Peace Academy Act, modified by considerations of size, cost, location, relation to existing public and private institutions, and the likely effect the establishment of such an academy would have on such existing institutions, and the relation of such an academy to the Federal Government;

(B) the feasibility of making grants and providing other assistance to existing institutions of higher education as an alternative to or as a supplement for a National Academy of Peace and Conflict Resolution; and

(C) alternative proposals available to the Federal Government to accomplish the objectives contained in that proposal.

(2) In conducting the study required by this section the Commission shall—

(A) review the theory and techniques of peaceful resolution of differences between nations, and draw on the experience of public and private institutions concerned with conflict resolution and of informal government leaders of peaceful methods of conflict resolution;

(B) conduct inquiries into existing institutions of international relations, labor-management, racial, community, and family relations, and

(C) consider proposals for combinations of mechanisms available to the Federal Government to strengthen the accomplishment of its peaceful purposes, including the establishment of a National Academy of Peace and Conflict Resolution.

(3) The Commission shall submit to the President and to the Congress interim reports with respect to the study and investigation and a final report, not later than one year after the date of the enactment of the education amendments of 1976, containing its findings and recommendations for such additional legislation as the Commission deems advisable.

(e) (1) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this section, take such testimony, and sit and act at such times and places as the Commission, subcommittee, or members deem advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee or member thereof.

(2) Each department, agency, and instrumentality of the executive branch of the Federal Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the chairman or vice chairman, such information as the Commission deems necessary to carry out its functions under this section.

(3) Subject to such rules and regulations as may be adopted by the Commission, the chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, shall have the power—

(A) to appoint and fix the compensation of such staff personnel as he deems necessary including an executive director who may be compensated at a rate not in excess of that provided for Level V of the Executive Schedule in title 5, United States Code, and

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

(f) Members of the Commission shall receive compensation at the daily rate specified for GS–18 under section 5332 of title 5, United States Code, for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

(g) There are authorized to be appropriated, such sums, not to exceed $350,000, as may be necessary to carry out the provisions of this section.

(h) The Commission shall cease to exist 60 days after the submission of its final report.

On page 101, in the Table of Contents, after item "Sec. 327." insert the following:

"Sec. 328. Commission on the Proposals for National Academy of Peace.".

Mr. HATFIELD. Mr. President, I yield the floor.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that his amendment be set aside?

Mr. HATFIELD. Mr. President, I ask unanimous consent that my amendment be set aside until the Senator from Delaware has had an opportunity to present his.

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

Mr. GLENN. Will the Senator yield?

Mr. ROTH. Mr. President, I yield for the purpose of a unanimous-consent request.

Mr. GLENN. Mr. President, I ask unanimous consent that two members of my staff, Len Bickwit and Reginald Gilliam, be granted privilege of the floor during consideration and voting on this bill.

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

Mr. BELLMON. Will the Senator yield?

Mr. ROTH. Mr. President, I also yield to the Senator without losing my right to the floor.

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

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

AMENDMENT NO. 2122

Mr. ROTH. Mr. President, I call up my amendment No. 2122.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Delaware (Mr. ROTH) proposes an amendment No. 2122.

Mr. ROTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 322, between lines 6 and 7, insert the following new section:

"EQUAL EDUCATIONAL OPPORTUNITIES

"SEC. 328. Section 203(b) of the Education Amendments of 1974 is amended by inserting a period after 'dual school systems' and striking out the remainder of the sentence."

On page 101, in the table of contents, after item "Sec. 327." insert the following new item:

"Sec. 328. Equal educational opportunities.".

Mr. ROTH. Mr. President, I ask unanimous consent that the junior Senator from Delaware (Mr. BIDEN) be added as a cosponsor.

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

Mr. McINTYRE. Will the Senator yield for a unanimous-consent request?

Mr. ROTH. I yield.

Mr. McINTYRE. Mr. President, I ask unanimous consent that John Cross of my staff be granted privilege of the floor during the debate.

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

Under the previous order, there will be 50 minutes on this amendment to be equally divided, 25 minutes under the control of the managers of the bill and 25 minutes under control of the Senator from Delaware, the sponsor of the amendment.

Mr. ROTH. Mr. President, the Roth-Biden amendment strikes certain language from the findings section of title II of the Education Amendments of 1974 commonly referred to as the Esch amendment.

The language proposed to be stricken is the proviso contained in section 203(b) which is as follows:

...except that the provisions of this title are not intended to modify or diminish the authority of the courts of the United States to enforce fully the fifth and fourteenth amendments to the Constitution of the United States.

The source of this language was the so-called Scott-Mansfield amendment. In presenting the amendment, the distinguished Senator from Pennsylvania indicated that this was merely clarifying language—to make clear that the bill was not intended to prevent the courts from upholding the Constitution—however, the U.S. court of appeals for the sixth circuit has misconstrued the language as "not limiting either the nature or scope of the remedy for constitutional violations"—and held the act not applicable to the Federal judiciary. (*Brinkman* v. *Gilligan*, 518 F. 2d 853 (6th Cir. 1975).)

By removing this language through the adoption of my amendment, we are merely reasserting our intention that a court formulate its remedy for a denial of equal educational opportunity in accordance with the priority of remedial alternatives set out in section 214 of Public Law 93–380. That priority of remedies is as follows:

Assigning students to schools closest to their homes, taking into account school capacities and natural physical barriers.

Assigning students to schools closest to their homes, considering only school capacity.

Permitting students to transfer from a majority to a minority student concentration of their race, color, or national origin.

Creation or revision of attendance zones or grade structures without requiring transportation beyond the school next closest to the student's home.

Construction of new schools.

Closing of inferior schools.

And any other plan which is educationally sound and administratively feasible which does not require transportation beyond the next closest school or

across district lines, unless such lines were drawn for the purpose, and had the effect of segregating students among public schools on the basis of race, color, or national origin.

The proviso regarding school district lines is extremely important, because it correctly requires a racial purpose or intent as an essential element of unlawful discrimination. Lower Federal courts have been prone to ignore this element and declare laws or official acts unconstitutional solely because of racial impact, even though the Supreme Court has not.

The recent Supreme Court decision in Washington against Davis (No. 74–1942, June 7, 1976) is directly on point.

In ruling that a job-qualification test given police applicants was not unconstitutional simply because four times more blacks than whites failed it, the Supreme Court stated:

> Our cases have not embraced the proposition that a law or other official act, without regard to whether it reflects a racially discriminatory purpose, is unconstitutional *solely* because it has a racially disproportionate impact. (*Washington*, at p. 8)

In support of its ruling that a racial purpose or intent is an essential element of unlawful discrimination, the Supreme Court specifically cited school desegregation cases as demonstrative that the law is identical in other contexts:

> The school desegregation cases have also adhered to the basic equal protection principle that the invidious quality of a law claimed to be racially discriminatory must ultimately be traced to a racially discriminatory purpose. That there are both predominately black and predominately white schools in a community is not alone violative of the Equal Protection Clause. The essential element of *de jure* segregation is "a current condition of segregation resulting from intentional state action . . . the differentiating factor between *de jure* segregation and so-called *de facto* segregation . . . is purpose or intent to segregate." *Keys v. School District No. 1*, 413 U.S. 189, 205, 208, (1973). (Ibid., at pp. 9 and 10)

Many constitutional scholars find it difficult to reconcile this language with recent Federal district court decisions. In my own State of Delaware, a three-judge district court, after clearly stating the evidence did not substantiate any finding of racial purpose or intent, nonetheless held a State statute unconstitutional solely because it had a racially disproportionate impact. (*Evans* v. *Buchanan*, 393 F. Supp. 428 (D. Del. 1975).)

Many people today are critical of the judiciary. I, for one, believe the courts have usurped prerogatives properly belonging to the elected representatives of the people. By ruling on the basis of their view of "enlightened" social policy rather than the law, the courts have become a super-legislature responsible to no one.

Perhaps the best illustration of the evils that flow from judicial enforcement of social policy in the guise of constitutional adjudication is the deplorable mess in which the schools of the Nation find themselves today as a result of court-ordered busing. In 1954, the Supreme Court in Brown against Board of Education laid down a constitutional principle with which few would disagree, that is, no State may compel separation of the races in the public schools. In other words, the States may not, on the basis of a child's race or color, designate where he is to attend school. Over the course of two decades, however, the noble principle of Brown has been rewritten to the point that we find the present Court announcing that the 14th amendment, far from prohibiting the assignment of pupils on account of race, actually demands it.

The basis for the Court's 180 degree reversal in approach to the problem of school segregation cannot be found in the enduring principle of equal protection which remains the same today as it was in 1954. Rather, it may be explained only for what it actually was—an unrestrained exercise of judicial policy-making totally at odds with the function of the courts under the Constitution.

Patterns of concentration by race and national origin have always existed in American cities and towns. Such concentrations are the natural outgrowth of group loyalties and cultural bonds. These patterns are more often the result of individual choice, rather than discrimination.

The Constitution does not require that racial or ethnic communities be destroyed. It only requires that no individual be confined to them by law. Our whole history has been to allow individuals full freedom to maintain or abandon their ties with such communities.

The polls indicate that the vast majority of Americans favor desegregation yet oppose busing. What the people are telling us is that they want desegregation and education, not desegregation at the expense of education. In terms of quality education, court-ordered busing has been counter-productive. The courts have focused so intently on racial balance that they have lost sight of what such balance was to achieve.

Our public school system is rapidly deteriorating. School tests demonstrate that children are not learning the basic skills of education. The scholastic aptitude tests taken by nearly 1 million college-bound dropped sharply to the lowest level in more than two decades.

There are remedies other than busing through which we can achieve quality education for all children, regardless of race, color or national origin. Title II of Public Law 93–380 provides a priority of remedies consistent with that goal.

It is now up to Congress to clearly indicate to the courts that they formulate their remedies in accordance with that act.

I would like to point out that on May 11 the House passed an identical amendment offered by Mr. ESCH to H.R. 12835. I am hopeful that my colleagues in the Senate will take similar action.

At this time I will yield 5 minutes to my junior colleague from Delaware.

Mr. BIDEN. I thank the Senator.

I shall not take very much of the Senate's time. My distinguished colleague (Mr. ROTH) has, I think, stated our position very well. I would like to amplify a few points, if I may.

First and foremost is the elimination of what has been referred to in the past as the Scott-Mansfield language and which is presently part of the law. In fact, it says, and it sounds very innocuous, that, "Nothing in this title is intended to modify or diminish the authority of the courts of the United States to enforce fully the Fifth and Fourteenth Amendments of the Constitution of the United States."

When that was offered in 1974, it was argued that we wanted to assure everyone that we had no intention to interfere with the Constitution or do away with the authority of the courts to make certain rulings.

We further went on in that law and said, "Look, Courts, we understand you might have to bus on occasion, but we want to make sure that you first exhaust other possible remedies."

We set out a section in the law entitled "Priority of Remedies." Included in the priority of remedies were such things as transfer zones, attendance zones, and so forth. What we tried to get the court to do was to say, "When, in fact, you find there has been discrimination within a school system requiring some action on the part of the court to eliminate that constitutional violation, you start off in the following way," and we listed in that instance several alternatives to busing.

We said, "After you have gone through those eight alternatives and you still determine that implementing them would not satisfy the Constitution, then you can go ahead and order busing. But we want to make sure you have really looked at it." We said in the law not "may" but "shall."

In section 214, referring to the courts in formulating remedies, we said "and shall require implementation of the first of the remedies set out below or the first combination thereof which would remedy such denial."

I voted for that in 1974 on the assumption that all we were doing was mollifying those who were concerned we might be interfering with the constitutional authority of the courts. But what has happened subsequently is that variout Federal courts have interpreted the existence of the Scott-Mansfield language as allowing them to overlook the congressional intent and priorities set out in the law.

Courts have ruled, quite frankly with very tortured reasoning, "With the existence of that language we are not compelled to make a specific finding that any of your seven or so remedies will not satisfy the situation. All we have to do is decide busing will satisfy it."

That is not, as I understood it, what this U.S. Senate intended in 1974. If that is what we intended, I wonder why we went to all the trouble to draft a law that included within it a priority of remedies. Why would we bother to do that if we really meant that the court did not have to look at a priority in making a determination?

Well, what has happened, as I said, is that the courts have decided, or some of the courts and lower courts have decided, that because of the existence of Scott-

Mansfield language in the bill they do not have to follow our test.

What the Roth-Biden amendment does is try to clarify the issue. Unfortunately, in my opinion—and I must be honest—it does not eliminate all busing. I wish it did. What it does do is say, "If, in fact, you are going to order busing, Federal courts, you must make a specific finding that the other remedies listed are not capable of doing the job."

That is simply what it does.

I have talked to some of my friends who usually vote on the opposite side of the issue.

Will the Senator from Delaware yield me 2 additional minutes?

Mr. ROTH. I yield.

(Mr. GLENN assumed the chair at this point.)

Mr. BIDEN. Unfortunately, they are not here now. Along with my senior colleague I have been bending their ears for the last day and a half. Some of the people who voted in 1974, believed this was merely language to quell concern about our attempt to violate the Constitution, if that is how it would be characterized, said, "I did not realize the courts were making the findings you have just stated, Joe. That was not our intent in the first place."

I wish we had everyone here to listen to this. I particularly wish they were here to listen to my distinguished colleague from Delaware and the opposition, whoever will be speaking on this, because I would like it clarified. I would like them to go away from this Chamber with a clear understanding of what we are talking about.

What happens in the meantime is the argument breaks down into whether or not one is for civil rights or against civil rights, whether they are a good guy or a bad guy. As was stated to me by a staff friend of mine, "You are going after the Constitution again, Jo. Ha, ha, ha."

That is really how this is usually argued in the cloakrooms, in the hallways, on the way to the elevators, when we are stopped by opponents or proponents, and we seldom get to the specifics or the merits.

In conclusion, we are not in any way tampering with the Constitution. We cannot, by statute, amend the Constitution, so there is no need for the language in the first place.

We are only attempting to assure that the courts no longer use the Scott-Mansfield language as a dodge to avoid the congressional intent and the law, which says, "Try these other ones first, and make a specific finding that they do not work before you use the drastic step of *busing*."

Mr. President, I yield back to my colleague from Delaware, or whoever seeks the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. JAVITS. Mr. President, I shall speak in opposition to this amendment.

This amendment is an effort to legislate a constitutional amendment in a law. That is all it amounts to. The cases that are alleged to have decided something only say exactly that.

I challenge any conclusion such as is contained in the memorandum on this amendment which has been distributed to all Senators, which says:

> In 1975, the U.S. Court of Appeals for the 6th Circuit determined that title II of the Education Amendments of 1974 was not applicable to the Federal courts because of the Scott-Mansfield language contained in section 203(b).

The part which I challenge is:

> Because of the Scott-Mansfield language contained in section 203(b).

Mr. President, the Scott-Mansfield language, the Roth-Biden language, my language, or anyone else's language, unless incorporated in a constitutional amendment, does not change the Constitution of the United States; and the Fifth and Fourteenth Amendments remain fully in effect no matter what we say.

If we adopted the amendment which Senator ROTH and Senator BIDEN have put forth, it would change nothing; it would only cause social disorder and social distress. That is all it would do. It would invite a confrontation with the courts, which we have sought to avoid, not in the interest of blacks going to public schools, but in the interests of all the people of our country, who want some semblance of order and tranquility, and when they are ready to amend the Constitution they will do it.

Mr. President, I am not given to making assertions without proof, so I read the decision on which this whole idea is based, of Brinkman against Gilligan. Mr. President, this is what it says, and I invite my colleague from Delaware to follow. The court, in its operating language, says at page 556 of 519 Federal 2d:

> We construe the 1974 Act—

To wit, the one we are talking about—

> read as a whole, as not limiting either the nature or the scope of the remedy for constitutional violations in the instant case.

They did not talk about priorities. That is all that title II talked about, and the section to which my colleague has made reference, section 214, talked about: priorities. They just said it cannot limit what the courts do in curtailing constitutional rights as they respect the rights of individuals. And it cannot; and it did not intend to. The only thing the Scott-Mansfield language was intended to do was politically, in its highest sense, to reassure the people of our country that Congress was not trying to change the Constitution or to engage in a face-to-face confrontation with the Supreme Court of the United States, because we, too, like everyone else, respected the findings of the Constitution as to the rights of individuals, and that we did not intend to pass a law to change the Constitution, first because we could not do it, and second because it would be very bad policy to try.

It is the latter point upon which this amendment ought to be decisively defeated. It is very bad public policy to try. We have enough trouble with this kind of conflagration in this country without inviting and asking for a confrontation with the court.

Mr. President, I would refer Senators in that regard to a report of the Civil Rights Commission of the United States just issued, dealing with school desegregation standards. Here is what it says, at page 10:

> Although Congress may legislatively define appropriate remedies for the violation of rights conferred by statute, Congress may not restrict judicial remedies for violation of constitutional rights. The right to attend nonsegregated schools, although reaffirmed by various statutes, is a right conferred on all by the Constitution.

That is the basis, of course, for the 1954 decision of the U.S. Supreme Court.

Now, section 5 of the 14th amendment, which is one of the amendments in question, provides that:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this Article.

That relates, of course, to equal standing before the law. This obviously does not authorize Congress to take away the protection of the 14th amendment, or to limit the way in which it can be enforced. But Congress can exercise its judgment, which it offered to the Supreme Court, as to the order of priorities or its feeling as to the policy which ought to be pursued.

Mr. President, in Katzenbach against Morgan—we will give the date of that decision very shortly; it is 1975—where the court was dealing with a provision of the Voting Rights Act, the court said:

> Contrary to the suggestion of the dissent . . . section 5 (of the 14th Amendment) does not grant Congress power to exercise discretion in the other direction and to enact "statutes so as in effect to dilute equal protection and due process decisions of this court." We emphasize that Congress' power under section 5 is limited to adopting measures to enforce the guarantees of the Amendment; section 5 grants Congress no power to restrict, abrogate, or dilute these guarantees.

That is exactly what the circuit court of appeals said in the case which our colleagues depend upon to sustain their position, Brinkman against Gilligan. It said:

> We construe the 1974 Act, read as a whole, as not limiting either the nature or the scope of the remedy for constitutional violations in the instant case.

As a matter of fact, the court in this Gilligan case actually followed the orders of precedence which are contained in section 214, because the plan approved by the district court in that case actually was inadequate in terms of the constitutional requirement, and the court sent it back to make it adequate. So the court did not take exception, except on one specific kind of a school which is not relevant to this discussion, to the order of the remedies which the lower court had described, but what the court said was, "That does not limit us, and we send it back to the district court to approve the desegregation plan, bearing in mind that we are not confined nor limited to the remedies prescribed in the Education Act, because it is a constitutional right that is being enforced, not a contractual or other legal right which is developed by statute, and therefore may not come under the particular constitutional provision."

Mr. BIDEN. Mr. President, will the

Senator yield for a brief question on that one case?

Mr. JAVITS. Surely.

Mr. BIDEN. Is the Senator suggesting that the language which he read, which said that the Congress cannot dilute the effect——

Mr. JAVITS. Limit, Senator BIDEN.

Mr. BIDEN. Limit?

Mr. JAVITS. I beg the Senator's pardon; he was referring to the Katzenbach case.

Mr. BIDEN. Dilute the effect of the 14th amendment; is he suggesting that prescribing the remedy dilutes the jurisdiction, in effect, of the 14th amendment?

Mr. JAVITS. No; I am not. What that bears on is the fact that the court held that measures which implement the guarantees are perfectly proper for Congress, but that they cannot adopt measures which reduce the guarantees, because that is changing the Constitution.

Mr. BIDEN. Is the Senator suggesting that if you deal with the remedies, you are proscribing the guarantees?

Mr. JAVITS. I suggest only that that is what the Supreme Court held, and that this court, the appellate court, did no differently.

The theory of this amendment was, as I understood it—and that is the broadside attack that you gentlemen made—that the courts had held that section 214 was not applicable, therefore, they need not pay any attention to it. However, you wanted them to pay attention to it so you were going to strike certain language in the Scott-Mansfield compromise. I am pointing out the court held no such thing. Indeed it did not pass on the question of priorities. It just held—and I am going to go back to the statute now and prove that—that you cannot limit the guarantees which the Constitution provides and that the courts——

Mr. BIDEN. But you could limit the remedies.

Mr. JAVITS. You cannot limit the remedies which the Constitution calls for—to guarantee the rights.

Mr. BIDEN. That is not this case.

Mr. JAVITS. Let me go back to the statute and demonstrate what I mean or why this is a perfectly sound doctrine.

In 203(b), which is sought to be partially stricken by this amendment, I said: "We for high social and political policy reasons simply restated the obvious." And I argue and it is the basis of my opposition to this amendment that to strike out that statement raises the big issue of social policy which we had decided by accepting the Scott-Mansfield compromise, that is, that the minorities in the country need have no fear that Congress was trying by statute to change the Constitution; but, on the contrary, we maintain our adherence to the Constitution as we expected everyone else, and that being the essence of the mandate we laid down, it would be a great mistake in policy to change it. In addition especially it would be a great mistake as it meant nothing. The fact is that the Supreme Court would go right ahead and do whatever it thinks it ought to do in the absence of a change in the Constitution, and that is right. That is according to American law. If my colleagues feel deeply aggrieved by it they can take it to the people by a constitutional amendment if they can get the necessary concurrence, and there is no way of cutting and trimming on that proposition, unless you want to junk the Constitution.

Mr. President, let us see the scheme of the legislation. We laid down an order of priority of remedies in section 214. It is very brief, and any member can read it very quickly. It is noted that there is nothing in section 214, there is nothing in section 215, and there is nothing in section 216, all the pertinent sections, which allows busing. Congress did not allow busing as a last resort. As a matter of fact, we sought to prohibit it, and section 215(a) says exactly that. I shall read it because it is very important:

> No court, department, or agency of the United States shall, pursuant to section 214, order the implementation of a plan that would require the transportation of any student to a school other than the school closest or next closest to his place of residence which provides the appropriate level and type of education for such student.

The Supreme Court says—and the Supreme Court has the absolute right—that if that perpetuates segregating schools, then it cannot enforce that provision because that is contrary to the Constitution of the United States.

And that is what we argue. Whether you write it in what you want to strike out or not, it is not going to make any difference except to cause deep social difficulties in our country, if the minorities in this country, whether they like busing or not, get an idea that we feel we think we can in Congress by passing an amendment annul the Constitution. Once we get into that, we are in real trouble, and that is why I urge strongly, Mr. President, against it.

Mr. President, one final word and I shall be through. I think that the situation in our country, notwithstanding upsets in Louisville and upsets in Boston, has shown, according to very authoritative surveys, on the whole to have gone very well with the Southern States, and I am the first to pay tribute to them as the leaders. I argued here in the course of the civil rights debates that I would be just as tough on any State, including my own if it were in violation of law, and the answer is that I was.

We have actually had this situation in a county in New York City which one would think would be the paragon of virtue on this subject but was not. I never did anything but insist on the rigorous application of the law.

I shall read in that regard the finding of the U.S. Civils Rights Commission, that where there is community cooperation with the law, not with policy but with the law, it works, and where there is community violence which a minority feels that it can use to transgress the law it might just as well do that by smashing windows as by denying the guarantees of the Constitution as to equal opportunity in education.

Here is this statement from the Civil Rights Commission's report just issued which says as follows, and then I shall be through, Mr. President:

> At the end of what has been an exciting experience for the members of the Commission, there is one conclusion that stands out above all others: desegregation works. It is working in Hillsborough County, Florida; and Tacoma, Washington; Stamford, Connecticut; and Williamsburg County, South Carolina; Minneapolis and Denver, and in many other school districts where citizens feel that compliance with the law is in the best interests of their children and their communities. It is even working in the vast majority of schools in Boston and Louisville in spite of the determination of some citizens and their leaders to thwart its progress.

So, Mr. President, I conclude, we have decided with the Scott-Mansfield compromise, which took the two leaders of the Senate, Mr. President, to sponsor, in order to make it as authoritative and weighty as we could, and it is working in terms of the tranquility of our country. The expressions of violence which we have seen, and they are real, must be compared to the universe in which there is no violence and in which the Constitution is at long last being enforced. To dismantle this delicately balanced structure by striking out a key portion of the Scott-Mansfield compromise when it will mean nothing except trouble—it does not change a thing, even according to the case they cite—would be, in my judgment, the height of unwise public policy, and I hope very much that when the appropriate moment comes we will reject this amendment.

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

Mr. JAVITS. I yield.

Mr. BROOKE. How much time does the Senator have remaining?

Mr. PELL. How much time do we have now?

The PRESIDING OFFICER. The opponents of the amendment have 6 minutes remaining.

Mr. PELL. I yield 2 minutes to the Senator.

The PRESIDING OFFICER. The other side has 9 minutes remaining. Six and 9 minutes remaining. The opponents of the amendment have 6.

Mr. PELL. How many minutes does the Senator wish?

Mr. BROOKE. Five.

Mr. PELL. I yield 5 minutes.

Mr. BROOKE. I thank my distinguished colleague.

Mr. President, I would prefer to spend this time considering the merits of the provisions of S. 2657, the Education Amendments of 1976. But, unfortunately, the occasion precludes such a discussion and compels me to once again oppose an unconstitutional and unconscionable amendment. That this should be necessary is indeed troubling for I am unable to understand how, as responsible legislators, we again find ourselves giving serious consideration to an amendment that can only invite chaos and confusion across the Nation, further racial division and strife, and precipitate a constitutional confrontation between the Congress and the courts. Instead our sights should be fixed on the legitimate educational concerns facing our Nation as we move slowly, sometimes painfully, but I believe inexorably toward "one nation indivisible."

The amendment now before this body, like the Esch amendment added to the higher education bill on the floor of the House of Representatives, would effectively repeal the Scott-Mansfield language from the Equal Educational Opportunity Act which was enacted as title II of the Education Act Amendments of 1974. In that law, Congress created a new statutory remedy in Federal courts for relief from racial discrimination in education and provided the courts with guidance in formulating remedies for unlawful segregation in the schools. Specifically, the act sets out practices which are to be considered denials of due process and equal protection of the laws and delineates a hierarchy of preferred forms of remedial relief. It also provides that mandatory pupil transportation beyond the school "closest or next closest" to the home is prohibited.

To preserve the act from judicial challenge that would certainly have ensued, the Scott-Mansfield language explicitly affirmed the constitutional authority of the courts by adding the following to the prefatory congressional findings:

. . . Except that the provisions of this title are not intended to modify or diminish the authority of the courts of the United States to enforce fully the fifth and fourteenth amendments to the Constitution of the United States.

As described by Senator SCOTT:

. . . The language regarding constitutionality . . . puts the issue squarely to Senators who (a) insist (Title II) is constitutional as is, or (b) say they are unsure but wish to leave it to the courts. This language does leave it to the courts, but makes clear that Senators . . . will not try to tell the Court that it cannot enforce the Constitution.

To oppose this clarification would undermine the integrity of our system and respect for the Constitution as interpreted by the Courts. If a Senator votes "no" on this Scott-Mansfield substitute, he is saying "Yes, I am prepared to try to go beyond what the Constitution permits." It does not require Senators to decide if this or that provision is constitutional; it merely requires them to stand by the Constitution as interpreted by the judicial branch, as called for by our system short of Constitutional amendment. Cong. Rec., vol. 120, part II, p. 15078.

My reasons for opposing any amendment to eliminate the Scott-Mansfield language from the current law are threefold.

First, contrary to the apparent belief of its sponsors, the amendment would not stop busing for desegregation by making the remedial limitations of the 1974 act mandatory on the courts. Instead, it would render that legislation blatantly unconstitutional and deprive it of any force or effect. The Supreme Court in Swann against Board of Education clearly recognized that the remedial assignment and transportation of students is one permissible—and, in some cases, indispensable—means of achieving constitutionally adequate desegregation of the schools mandated by Brown against Board of Education and its progeny. As stated by the Court, "Desegregation plans cannot be limited to the walk-in school." The imperative nature of this remedial principle was made clear in a companion to Swann which struck down, as violative of equal protection, a North Carolina State law which would have prohibited the involuntary transfer of students to accomplish desegregation. North Carolina State Board of Education against Swann.

The judicial power of the United States is vested by article III of the Constitution in the courts, not in Congress, and ever since Chief Justice Marshall's decision in Marbury against Madison, the judicial power has been supreme over the legislative, so far as the application and enforcement of the Constitution is concerned. The Court in United States against Nixon unequivocally reaffirmed the central principle of that case that "[i]t is emphatically the province and duty of the judicial department to say what the law is." To be sure, Congress has power, which the States lack, to regulate the jurisdiction of the Federal courts, and to govern their procedures and choice of remedies. So it did in the Norris-LaGuardia Anti-Labor Injunction Act of 1932, for example. But there it deprived the courts of power to grant a remedy historically viewed as extraordinary. The remedy ordinarily available was not affected. And there, as in other instances where Congress has imposed jurisdictional limits on the Federal courts the legislation was not concerned with remedies for denial of constitutional rights. Marbury clearly established that the doctrine of separation of powers precludes Congress from limiting the authority of the courts in interpreting the Constitution and effecting constitutional rights. In the guise of a jurisdictional statute, Congress cannot deprive a party either of a right protected by the Constitution or of any remedy the courts deem essential to enforce that right. Similarly, under section 5 of the fourteenth amendment, as interpreted by the Court in Katzenbach against Morgan, Congress' authority extends only to laws expanding or supporting, rather than diluting, the equal protection guarantee.

For Congress to ignore these limits on its authority and pass this amendment would be an open invitation to the courts to strike down the remedial standards of the 1974 act. Where unconstitutional segregation is found, Swann decreed that student transportation plans may be necessary to implementation of an effective remedy. Congressional action in derogation of this principle would impede realization of the constitutional goal of desegregated schools for all our children and therefore violate the due process clause of the fifth amendment.

A major reason for my opposition to this amendment stems from my basic disagreement with its proponents that the courts have callously ignored the remedial standards prescribed by Congress in 1974, ordering large-scale transportation schemes without considering other alternatives. To the contrary, a brief survey of several recent rulings reveals that the lower courts have deferred to the congressional policy of the 1974 act and have utilized busing as a remedy of last resort only where other means would not effectively eradicate the effects of past discriminatory policies.

In the Boston case, Judge Garrity employed many of the remedies authorized by the 1974 act in formulating a comprehensive plan to desegregate the schools of that city. Morgan against Kerrigan. In issuing his final order, the judge indicated that "[r]evision of attendance zones and grade structures, construction of new schools and closing of old schools, a controlled transfer policy with limited exceptions and the creation of magnet schools have been used in the formulation of the plan here adopted in order to minimize mandatory transportation.".

So if there is any doubt in the minds of the proponents as to what at least one Federal district court judge did prior to ordering busing as a tool of last resort, I want to reassure them by the language contained in that judge's final order.

Perhaps the most notable feature of Judge Garrity's order in the Boston case was the extensive use made of the so-called "magnet school" concept to achieve desegregation with minimum busing. The plan finally approved established 22 such schools, offering specialized courses of study, to be attended voluntarily by about 14,000 students throughout the city. But he found that some minimal busing was necessary "to remedy adequately the denial of plaintiffs' constitutional rights and to eliminate the vestiges of a dual school system." About 25,000 of the system's 85,000 students are bused under the judge's order compared with some 30,000 before desegregation.

Likewise, in Louisville, Ky., Judge Gordon instructed the school board to consider the 1974 law in formulating a school desegregation plan for the Louisville school system. The final plan approved by the court made extensive use of school closings and the remedial altering of attendance zones "to insure the maximum desegregation of the schools without the use of any other remedy, including transportation." Newburg Area Council, Inc. against Board of Education of Jefferson County. I offer that to my colleagues for their reading.

Judge Gordon further observed that in issuing his order he had "meticulously followed the priorities and remedies set forth in the Equal Educational Opportunity Act of 1974."

And that is why we passed that act—because we wanted to give Federal courts additional tools that should be used prior to resorting to court-ordered busing. Though it is not written, we have said time and time again that busing should only be used as a constitutional tool of last resort. What I am saying to my colleagues today on this issue—and I have said it so many times before—is that all Federal district court judges have used these tools, and used them wisely, before they ultimately used court-ordered busing.

Another example of judicial discretion recently occurred in the fifth circuit. The court of appeals directed that in fashioning a new desegregation plan for Austin, Tex. the district court attempt "to minimize the economic cost of busing, the traffic congestion that the busing plan will cause, the time that schoolchildren will spend on buses, and the

number of students who will leave the public school system rather than participate in the desegregation plan." United States against Texas Education Agency.

Thus, it is clear that the courts have acted neither excessively nor irresponsibly in their use of busing as a school desegregation technique. They have ordered busing only where no other means would adequately redress violation of constitutional rights. Even then, they have exercised their authority with admirable restraint and in a fashion consistent with congressionally declared policy. Further indication of this is the Attorney General's repeated inability to find the appropriate case—Boston, Pasadena, or elsewhere—in which to argue to the Supreme Court that busing has been used to a constitutionally inordinate degree.

Finally, Mr. President, I oppose this amendment, despite my firm conviction that it would be held wholly ineffectual as contravening constitutional limits, because it would symbolize to the American people a weakening in the commitment of their elected representatives to the rule of law and orderly constitutional processes. Each of us has taken an oath to uphold the Constitution and adhere vigorously to the rule of law. Our Constitution, and Court decisions which interpret it, must not be compromised by the appearance of congressional defiance lest we open the door to lasting and potentially disastrous erosion of our basic freedoms. The very strength of our democratic system proceeds from the protection of individual rights as embodied in the Constitution and we must forcefully resist any attempt to thwart the Constitution or to destroy the fundamental role of the courts in enforcing fundamental freedoms.

Yet this amendment would inevitably lead to a devastating confrontation between the Supreme Court and Congress, which would weaken both branches and undermine the confidence of Americans in our ability to govern. The measure seeks to undo a long line of Supreme Court decisions defining the constitutional obligations of public educational authorities to provide a desegregated education for all our Nation's children. The outcome of the confrontation is predictable. The Court and Constitution would prevail over the Congress. In the process, the amendment would be revealed for what it really is—much sound and fury signifying nothing. It would signify a lack of courage on the part of Congress to make clear our constitutional obligation and to tell the people that what some may desire of us, we cannot deliver. In short, it would be an exercise in hypocrisy and would be perceived as such by the American people. Moreover, by rekindling old antagonisms and encouraging public resistance to lawful court orders by unlawful—and possibly, violent—means, it would jeopardize the progress being made in school districts across the country which have come to accept desegregation as a way of life.

Mr. PELL. Mr. President, I yield as much time as is required——

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. JAVITS. Mr. President, if I may be recognized for 30 seconds, we suggest that the proponents use their time, and if others wish to speak and any time is allocated on the bill, I know that Senator PELL will be glad to yield an equal amount of time to whatever we do use on the bill, or I will, to the proponents. I just wish to make that clear.

The PRESIDING OFFICER. The time of the opponents to the bill has expired.

The Senator from Delaware has 9 minutes remaining.

Mr. ROTH. I yield myself 4 minutes.

Mr. President, first, I respectfully disagree with those who are claiming that the present system is working well. There are many leading sociologists as well as scholars who are finding that what is transpiring today is not only failing to bring about desegregation but also is hurting the educational quality of schools for all children.

I think this is a matter of great seriousness. People like James Coleman, a man who earlier was referred to as the father of busing, has said today that it is time to make a change; it is time to try some other remedies that will bring about better results, not only for quality education for all children but also in achieving the objective of desegregation.

So I do not think we can stress too strongly that the present system is not working. In fact, it is causing the social chaos and difficulties that are facing the educational system today.

Second, I point out that it is very clear under section 5 of the 14th amendment that Congress shall have the power to enforce, by appropriate legislation, the provisions of that article.

In our legislation, we are dealing primarily with the remedy. We are not limiting any constitutional right. Congress has the power, and it has the responsibility, to set forth what it thinks are the appropriate remedies for violations of constitutional rights.

Many distinguished legal scholars, such as Professor Bork and Archibald Cox, have argued very effectively, in my judgment, that Congress does have this authority.

One of the things that I think must be pointed out is that Congress is much more competent than a court—and the courts have recognized this—to make the sophisticated and detailed judgments necessary to frame a general rule regarding remedies which can be applied uniformly across the Nation. It is important that we give the courts the benefit of our judgment and that is what we are seeking to do in this legislation today.

If our amendment is adopted, it will be a major step forward to bring about better schools and better efforts at desegregation than we have experienced in recent years.

Mr. BROOKE. Mr. President, will the Senator yield for a question?

Mr. ROTH. I am happy to yield.

Mr. BROOKE. The Senator said in his statement that he felt that Congress was the proper party that could write sophisticated rules and guidelines that should be used by the courts. Is that correct?

Mr. ROTH. That is correct.

Mr. BROOKE. I agree with the Senator in that statement. Does not the Senator agree, further, then, that the Educational Amendments Act of 1974 contains precisely those guidelines and rules which Congress said to the courts they should use prior to resorting to court-ordered busing?

Mr. ROTH. The difficulty, of course, is that in the one case, the court used the so-called Scott-Mansfield language basically to ignore the remedies that were set out in the legislation.

There are other cases where pretty much the same thing——

The PRESIDING OFFICER (Mr. GLENN). The Senator's 4 minutes have expired.

Mr. BROOKE. I thank the Senator.

Mr. BIDEN. I understand the Senator has 5 minutes remaining. Will the Senator yield 2 minutes to me?

Mr. ROTH. I yield 2 minutes to my distinguished colleague.

Mr. BIDEN. In view of the time, I would like to address myself to one issue. That is remedial jurisdiction in the Federal courts and the right of Congress to deal with that jurisdiction. On the sum and substance of the argument of the distinguished Senator from New York about Congress infringing upon the Constitution by statute and attempting to proscribe the jurisdiction of the Federal courts, I believe he has confused two things. One is the jurisdiction of the court to determine what right exists and if there is a violation of that right with the jurisdiction of the court to prescribe a remedy. I admit that there is a division among judicial scholars as to whether or not Congress has a right to proscribe the remedies available to a Federal court. But there are those judicial scholars who say we do have that right; if it is not a cut and dried matter. My distinguished senior colleague has cited some of them. On the opposite side, there is the distinguished former Professor Bickel, who has come down and said, "No, Congress does not have that right in this case."

The fact of the matter is, to characterize the attempt of the Senators from Delaware as an attempt to make an onslaught on the Constitution of the United States is, I think, very misleading. I believe that the United States Congress has the right to proscribe the remedies available to the Federal courts of this country. That is the issue we must decide here. If we, in fact, are in doubt, let us let the Court decide whether or not we do.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. ROTH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, has all time expired?

The PRESIDING OFFICER. There are 2½ minutes remaining for proponents of the bill only. The opponents have no time remaining.

Mr. ROTH. If the opponents are ready for a vote, we shall yield back the remainder of our time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. PELL. Am I correct that all time has expired on the amendment?

The PRESIDING OFFICER. All time was yielded back, it is the understanding of the Chair.

Mr. ROTH. Mr. President, I think I said I would yield my time if we are ready for the question.

Mr. PELL. In turn, I am glad to yield back my time.

I now yield as much time as he may desire to the majority whip.

Mr. JAVITS. Mr. President, will it be understood that whatever time is taken by the deputy majority leader will also be granted to the proponents of the amendment out of the time on the bill?

Mr. PELL. Absolutely.

The PRESIDING OFFICER. The Chair understands that this will be time yielded on the bill.

Mr. JAVITS. That is correct, and an equal time to the proponents.

Mr. ROBERT C. BYRD. Mr. President, all time has been yielded back or has expired. I am prepared to move to table the amendment, so, after I finish my remarks, I shall move to table. I shall withhold my motion so as to give the other side an equal amount of time.

Mr. JAVITS. I thank the Senator very much.

Mr. ROBERT C. BYRD. Mr. President, I shall shortly move to table the amendment offered by Senator ROTH to strike the Mansfield-Scott language from the Equal Educational Opportunity Act of 1974. At the time, I opposed the Mansfield-Scott language that was written into that act, but I shall oppose the amendment to delete the language today and I shall manifest that opposition by moving to table the amendment.

The language specified is in section 203(b) of that act, and it states in part:

> . . . except that the provisions of this title are not intended to modify or diminish the authority of the courts of the United States to enforce fully the Fifth and 14th amendments to the Constitution of the United States.

In reality, that language merely spells out what is a fact of constitutional law: To wit, Congress cannot, by statute, diminish the enforceability in the Federal courts of a basic constitutional right. Of course, Congress can limit the jurisdiction of the lower courts, but Congress, itself, cannot limit the jurisdiction of the Supreme Court. The jurisdiction of the Supreme Court can only be limited by a constitutional amendment. Congress can, by statute, limit the jurisdiction and authority of lower courts, but the basic rights stemming from the Constitution are still enforceable by the Supreme Court. The elimination of the Mansfield-Scott language at this particular time would raise false hopes among those who oppose court ordered forced busing—and I am one who opposes busing to bring about an arbitrary racial balance in the schools. I do not believe that the Constitution requires an arbitrary racial balance in the schools. But to eliminate the language today could leave an impression with people who are opposed to court-ordered busing that, by virtue of elimination of the Mansfield-Scott language, court-ordered busing would be affected.

In reality, it would not be affected in the slightest degree by the elimination of this language; yet, it could lead to an impassioned reaction here, as we begin a new school year, on the part of those affected in the districts where court-ordered busing would again be applied this fall.

The amendment is referred to as an antibusing amendment. It will not have any impact whatsoever, and it cannot have any impact whatsoever, on court-ordered busing. Yet, it could raise false hopes to the contrary. As I have already indicated, my record of opposition to busing to bring about an arbitrary racial balance is clear, because I do not think the Constitution requires it. I have consistently opposed busing when it is done solely for that specific purpose.

In September of last year, the Senate agreed to my amendment to the HEW appropriation bill forbidding the use of HEW funds to require school districts to bus students beyond the nearest school in order to comply with title VI of the Civil Rights Act of 1964.

That amendment was adopted after lengthy debate in this Chamber, and it was adopted after many meetings in conference with the other body. The distinguished Senator from Massachusetts (Mr. BROOKE) sat in on those conferences. I attended them.

The Senate conferees held fast behind my amendment. The House conferees finally were forced to take that amendment back to the House in disagreement, and the House upheld my amendment. That is one way, one legitimate, effective way, of getting at this matter.

Another way is by constitutional amendment. Another way is by limiting the jurisdiction or authority of the lower courts. But in no way can the Senate of the United States and the House of Representatives limit the courts from enforcing the fifth and 14th amendments to the Constitution. Congress might eliminate the lower courts entirely, but the Supreme Court would still be there. We cannot limit its authority. As I have already indicated, the only way that can be done is by constitutional amendment.

But my amendment did not reach court-ordered busing. I said so at the time, and I have said so repeatedly since. So even my amendment, prohibiting the use of funds to require school districts to bus students beyond the nearest school, was very limited in scope. It did not reach court-ordered busing, but it did effectively prohibit HEW from acting arbitrarily in dealing with busing.

This amendment today likewise will not reach court-ordered busing, and I do not denigrate the arguments of those who have spoken in support of the amendment. They have a right to their viewpoint. I respect their viewpoint, and sympathize with their objective. The amendment will do nothing with respect to court-ordered busing; actually, it will have no impact whatsoever on busing of students.

In regard to the decisions by the courts, I have consistently spoken out, urging the Supreme Court to reexamine the recent line of Federal court decisions in the school desegregation cases which have involved forced busing because I have felt that some of the lower courts have indeed not correctly construed and interpreted the decisions of the highest court of the land. But I have also stated that the only effective legislative method of prohibiting court-ordered forced busing is by constitutional amendment.

I do not believe the Senate ought to act in any manner that may result in mistaken impressions that could result from the passage of this amendment which, as I have said repeatedly, would have absolutely no effect on court-ordered forced busing. It could lead to more unrest this fall when schools open again, and I do not believe that is a possibility that ought to be overlooked.

Therefore, I am ready to move to table the amendment, but I will withhold my motion until the Senators who support the amendment have had equal time.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER (Mr. GLENN.) The Senator from Delaware has 8 minutes.

Mr. ROTH. I would point out No. 1, that no one can say with certainly what the Supreme Court might finally do with this legislation. But no one can say, as the distinguished majority whip has said, that this will have no effect. There are eminent legal scholars in this country who feel very strongly to the contrary, that Congress does have authority to give guidance to the courts on what the remedy shall be when there is a constitutional violation. That is all we are seeking to do here. We are not limiting, we are not modifying, we are not denying constitutional rights.

But what we are saying is that Congress has a right, not only a right but an obligation, to provide guidance to the courts, on how they should proceed to correct any pernicious segregation.

So I must respectfully disagree with the distinguished majority whip when he says that this legislation has no effect. I would urge him to reconsider because I think it is important that we do provide some relief. I think it is important that we give the courts an opportunity to follow guidelines that are the result of careful study and debate.

No. 2, he makes the argument that the timing is wrong. Well, Congress could never act, I suppose, if that were the judgment. I think the fact remains, and it is an important fact to recognize, that many distinguished scholars and educators are urging that the Congress step in and try to provide some strong leadership in this area and not abdicate its responsibility. To do otherwise would be to do nothing. If we are wrong, the Supreme Court can declare it unconstitutional.

I agree with the majority whip that

the one sure way of ending this type of busing is by a constitutional amendment. I would be happy to support, work for and vote for such a constitutional amendment if we could get it through this Congress. But so far that has been impossible.

So we should take our responsibility, take the bit in our teeth and move ahead in an area that is clearly constitutionally sound. Congress does have the right to set remedies to correct a violation of the Constitution.

Mr. BIDEN. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BIDEN. Under the time agreement how much time do the proponents have remaining?

The PRESIDING OFFICER. The proponents have 5 minutes remaining.

Mr. BIDEN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BIDEN. How much time did the distinguished majority whip take?

The PRESIDING OFFICER. Eight minutes.

Mr. BIDEN. I thank the Chair.

If the Senator will yield to me the remaining time, Mr. President——

Mr. ROTH. How much time do we have?

The PRESIDING OFFICER. Four and a half minutes.

Mr. ROTH. I yield 3½ minutes.

Mr. BIDEN. Mr. President, quite frankly I resent the implication that, No. 1, we are trying to mislead the American public by telling them this is going to stop busing. We did not say that. We do not say that now and we never said that, No. 1.

No. 2, I further resent the implication that this is a direct onslaught on the Constitution and that that is what our intent is.

I suggest, and respectfully do so, that the opponents of this amendment, including the distinguished majority whip, are confusing apples and oranges. We never once said nor do we now say that any of the basic rights stemming from the Constitution, to use his phrase, can be altered by this Congress other than by a constitutional amendment. We never said that. We are talking here not about the rights but the remedy, and the question is does this Congress have the right to prescribe the remedy?

I said before and I say again there are distinguished scholars who disagree on that, but there are two distinct schools of thought, one of which says what we are saying that we do have the right to deal with the remedy. We are not taking away any constitutional right. That is not the intent nor are we taking away any constitutional guarantee. We use the phrase interchangeably here. We use the term "right" and the term "remedy." They are two different things, and I wish we would keep that in mind.

The distinguished majority whip also pointed out that on the Robert C. Byrd amendment we had great debate. I suggest that that amendment was the outgrowth of the Biden amendment on which we argued for 3 days. I understand what that amendment was all about. I stood on the floor for 3 days and discussed it and argued it. The fact of the mattter is we are saying here in what way can the United States Congress affect busing to any degree. We all agree there is one way. We can pass a constitutional amendment. Everyone agrees with that. I think that is clearly the most drastic thing we can do in terms of what we can do to impact on it.

There is a second way. We say we can deal with the administrative arm of the Government, HEW, and all the rest. We have done that.

The third way I suggest is open to us. We can deal with the remedial jurisdiction of the Federal courts. If the Federal courts, and the Supreme Court of the United States in particular, after our action is taken, ruled that we cannot, we are back in a Marbury against Madison situation. That is really the essence of the discussion here, which no one has really articulated.

Now, if Senators are going to decide to vote against the Roth-Biden amendment because they think we are going after the Constitution, then understand they have decided that they believe—and they have a right to do it—the U.S. Congress cannot affect the remedial jurisdiction of a Federal court.

The PRESIDING OFFICER. The Senator's time has expired. There is 1 minute remaining for the proponents.

Mr. ROBERT C. BYRD. Mr. President, I want the RECORD to clearly show that I did not say and do not seek to leave——

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I yield time on the bill, 1 minute to the Senator from West Virginia.

Mr. ROBERT C. BYRD. I did not say and certainly do not want to leave any impression that the proponents of the amendment were deliberately misleading the people.

I did not mean to say that. I do not think I said it, and certainly I would not say it. They are acting in good faith, and I respect their position and viewpoint.

Second, as to remedal jurisdiction, as I indicated earlier, Congress can reduce the authority of the lower courts. So we can, indeed, deal with remedial jurisdiction.

But this amendment will not do that.

Mr. HASKELL addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HASKELL. Mr. President, I would like to make a unanimous-consent request for just 1 minute to ask one question which is subject to a yes or no answer by either Senator ROTH or Senator BIDEN.

Mr. PELL. I will yield 1 minute on the bill for that purpose.

The PRESIDING OFFICER. One minute.

Mr. HASKELL. To either Senator, is my understanding correct that if this amendment were adopted courts could still require busing, but that they would have to apply their remedies in the order stated in the statute before they issue an order requiring busing?

Mr. ROTH. That is correct.

Mr. HASKELL. I thank the Senator.

The PRESIDING OFFICER. The proponents of the bill have 2 minutes remaining, if they wish to use it.

Mr. ROBERT C. BYRD. Mr. President, I am ready to yield back the remainder of my time.

Mr. ROTH. I yield back the remainder of my time.

Mr. PELL. Mr. President, I yield back the remainder of the time.

Mr. ROBERT C. BYRD. Mr. President, I now move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the motion to table. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUGH SCOTT. (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Kansas (Mr. DOLE). If he were present he would vote "nay." If I were permitted to vote I would vote "yea." Therefore, I withhold my vote.

Mr. BELLMON (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Tennessee (Mr. BROCK). If he were present he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. MANSFIELD (when his name was called). Mr. President, on this vote I have a pair with the Senator from Minnesota (Mr. MONDALE). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. NUNN). The clerk will suspend.

May we have order in the Senate?

The legislative clerk resumed the call of the roll.

Mr. RANDOLPH. Mr. President, a point of order.

The PRESIDING OFFICER. A vote is in process. The point of order is not in order.

Mr. RANDOLPH. The Senate is not in order.

The PRESIDING OFFICER. The point is well taken. Senators will please take their seats.

The legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. HARTKE), the Senator from Maine (Mr. HATHAWAY), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from California (Mr. TUNNEY), and the Senator from Mississippi (Mr. EASTLAND) are necessarily absent.

I further announce that, if present

and voting, the Senator from Washington (Mr. MAGNUSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK), the Senator from Kansas (Mr. DOLE), the Senator from Oregon (Mr. PACKWOOD), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I further announce that the Senator from Utah (Mr. GARN) is absent due to a death in the family.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "nay."

The result was announced—yeas 46, nays 38, as follows:

[Rollcall Vote No. 536 Leg.]

YEAS—46

Abourezk	Hart, Philip A	Nelson
Bayh	Hatfield	Pastore
Brooke	Hollings	Pearson
Burdick	Humphrey	Pell
Byrd, Robert C.	Jackson	Percy
Case	Javits	Ribicoff
Church	Kennedy	Schweiker
Clark	Leahy	Sparkman
Cranston	Mathias	Stafford
Culver	McGee	Stevenson
Durkin	McGovern	Symington
Eagleton	McIntyre	Taft
Fong	Metcalf	Weicker
Glenn	Morgan	Williams
Gravel	Moss	
Hart, Gary	Muskie	

NAYS—38

Allen	Fannin	Nunn
Baker	Ford	Proxmire
Bartlett	Goldwater	Randolph
Beall	Griffin	Roth
Bentsen	Hansen	Scott, William L.
Biden	Haskell	Stennis
Buckley	Helms	Stevens
Bumpers	Hruska	Stone
Byrd, Harry F., Jr.	Inouye	Talmadge
Cannon	Johnston	Tower
Chiles	Laxalt	Young
Curtis	Long	
Domenici	McClellan	
	McClure	

PRESENT AND GIVING LIVE PAIRS AS PREVIOUSLY RECORDED—3

Mr. Hugh Scott for.
Mr. Mansfield against.
Mr. Bellmon for.

NOT VOTING—13

Brock	Hathaway	Packwood
Dole	Huddleston	Thurmond
Eastland	Magnuson	Tunney
Garn	Mondale	
Hartke	Montoya	

So the motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from Oregon. Who yields time?

Mr. MANSFIELD. Mr. President, will the Senator yield to me briefly?

Mr. HATFIELD. Yes, I am happy to yield to the majority leader.

UNANIMOUS CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I wonder if we can find out how many more amendments will be offered by Senators. One, two, three——

Mr. EAGLETON. I have one.

Mr. MANSFIELD. Four, five, six, seven—Mr. President, I ask unanimous consent that the final vote on the pending measure occur at the hour of 8:30 this evening.

The PRESIDING OFFICER. Is there objection?

Mr. McCLURE. Mr. President, reserving the right to object, I have three amendments. I did not see how many the total was.

Mr. MANSFIELD. There are about eight.

Mr. McCLURE. There are only about 2 hours between now and 8 o'clock.

Mr. MANSFIELD. 8:30.

Mr. McCLURE. And that would give us somewhat less than a half-hour per amendment, 15 minutes on a side. A great many Members, I suspect, think their amendments are more important than that.

Mr. MANSFIELD. I think we are probably over the toughest amendments, and I would hope that the Senate would consider a possible dilution of the time already agreed to, in the interests of bringing this matter to a conclusion. How about 9 o'clock?

Mr. CHILES. Mr. President, I wonder if we could find out rather quickly—I have one of those amendments, and I can handle my amendment in 3 minutes.

Mr. MANSFIELD. Very well.

Mr. EAGLETON. Ten minutes, five minutes to a side.

Mr. MANSFIELD. Let us take them one by one, then.

Mr. BELLMON. Mr. President, I would like a half hour on my amendment. It is a matter of some consequence.

Mr. MANSFIELD. A half hour, equally divided.

Mr. McCLURE. Mr. President, I have three amendments. I would like to have a half hour on each of two, and 10 minutes on the third.

Mr. MANSFIELD. All right. I hope the clerk is keeping track of these times. A half hour equally divided for the Senator from Idaho, or a half hour equally divided twice?

Mr. McCLURE. Yes, and 10 minutes on the third, equally divided.

Mr. MANSFIELD. The Senator from Ohio?

Mr. GLENN. A half hour.

Mr. MANSFIELD. A half hour equally divided.

The Senator from Kansas?

Mr. PEARSON. Twenty minutes.

Mr. MANSFIELD. Twenty minutes, equally divided.

The Senator from Illinois.

Mr. PERCY. Senator NUNN and I have an amendment. A half hour equally divided is adequate.

Mr. MANSFIELD. The Senator from Oregon?

Mr. HATFIELD. A half hour, on the one.

Mr. DOMENICI. Mr. President, I have one for 15 minutes, equally divided.

Mr. MANSFIELD. Very well. This is like a faro game.

Mr. STEVENS. I have two amendments. A half hour on one and 5 minutes on the other.

Mr. MANSFIELD. Very well.

Mr. President, I ask unanimous consent that there be a 10-minute limitation on all votes from now on.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, if we count in all the time expended on voting as well as all the time on amendments, it seems to me we will be here rather late. Is it necessary to finish this bill tonight? Could we not have a time certain tomorrow?

Mr. MANSFIELD. It is not necessary, but it is desirable. The Senator knows what we have on our platter, and how much time we have left. I would think the distinguished ranking Republican Members might be willing to shorten the time.

Mr. GRIFFIN. I am told that a quick computation shows that 4 hours have already been spoken for, not including the time consumed in voting.

Mr. MANSFIELD. Very well; let us go until 7:30 or 8 o'clock, then, and see where we are.

Mr. GRIFFIN. I think setting a time certain for voting tomorrow would be fine.

Mr. MANSFIELD. Mr. President, first could we have the Chair approve the request which the Senator from Montana made relative to these various amendments?

The PRESIDING OFFICER. Did the Senator from Montana also intend to include in his request a time for voting on the bill?

Mr. MANSFIELD. No; just a time on the amendments.

Mr. JAVITS. Mr. President, may we go over the terms of the request?

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, I want to know the terms of the request.

Mr. MANSFIELD. Just as to the requests for time on amendments.

Mr. JAVITS. What was the last answer to the majority leader? I did not get the last point the majority leader raised.

The PRESIDING OFFICER. It is the opinion of the Chair that the majority leader is asking for specified times on amendments, but not for a specified time for voting on passage of the bill.

The Chair observes to the Senator from Montana that if he was asking for a specified time on passage of the bill, waiver of rule XII would be required. That is no longer the case, if the Senator is not asking for a vote on final passage.

Mr. JAVITS. Is this unanimous-consent request under the usual procedure? Because if it is not, we are in a totally new thicket.

Mr. MANSFIELD. No. If the Senator will yield, it just has to do with amendments and the Senators who have indicated how much time they will take.

Mr. JAVITS. I understand, but the unanimous-consent agreement should be under the usual procedure respecting germaneness; otherwise I do not know where we are going or what we have agreed to.

The PRESIDING OFFICER. The Chair informs the Senator from New York that there is a unanimous-consent agreement on the bill in force which

provides for 1 hour on each amendment. This proposal would merely reduce the time, and would be under the same rule.

Mr. JAVITS. Fine. No objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. PASTORE. Mr. President, reserving the right to object——

Mr. MANSFIELD. Let him go, and then ask for recognition.

Mr. PASTORE. All right. Let it go.

Mr. WILLIAM L. SCOTT. Mr. President, reserving the right to object——

Mr. MANSFIELD. Well, then the Senator from Rhode Island has priority.

Mr. WILLIAM L. SCOTT. All right, go ahead.

Mr. PASTORE. Mr. President, if we are going to stay around here until 8 o'clock, and you are going to lose out on your dinner at home, you might as well stay around here until 10 o'clock and finish this bill.

Why not have a definite time tomorrow, either 11 o'clock or 12 o'clock, for final passage of this bill, and stay here tonight and work our will on all the possible amendments that will come up?

Mr. MANSFIELD. That is the next step.

Mr. PASTORE. Is there any objection to that?

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

Mr. PASTORE. I yield.

Mr. LEAHY. If we are going to do that, I would strongly recommend we set the time for final passage fairly early in the morning, like 9:30 or 10 o'clock. This morning we had almost 2 hours of stalling quorum calls on this bill.

Mr. PASTORE. If we have a definite time, those who have been stalling will no longer stall. May I suggest that we have a vote on passage at 11 o'clock tomorrow?

Mr. MANSFIELD. If the Senator will withhold that, one step at a time.

Mr. PASTORE. But this is a big step.

Mr. MANSFIELD. That is the next step.

Mr. WILLIAM L. SCOTT. Mr. President, I am not going to object, but I just express the hope—I would add my word to that of the distinguished Senator from Rhode Island, and say further that I am not going to stay around here after 8 o'clock. Of course, that will be just 1 out of 100.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Montana for time limitations on amendments? The Chair hears none, and it is so ordered.

Mr. EAGLETON and Mr. MANSFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. EAGLETON. No, I am not objecting. I was trying to seek recognition on my amendment.

Mr. MANSFIELD. The next step is this——

Mr. PASTORE. May we have order, please? The majority leader is speaking.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MANSFIELD. The Senate will come in at 9 a.m. tomorrow. If our colleague from Vermont will indulge me, I ask unanimous consent, with the approval of the leadership on the other side and the membership of the Senate, that the vote on final passage occur at the hour of 12 noon tomorrow.

The PRESIDING OFFICER. And rule XII be waived.

Mr. LEAHY. Mr. President, reserving the right to object, and I shall not object, so the majority leader will understand my position, I would much prefer to have the vote tonight.

Mr. PASTORE. It is not going to happen.

Mr. MANSFIELD. It has been a long day, though.

Mr. LEAHY. I understand.

The PRESIDING OFFICER. Is there objection?

Mr. McCLURE. Mr. President, reserving the right to object, and I do not intend to object, it is my understanding that it is the intention to come in at 9 a.m. tomorrow.

Mr. MANSFIELD. Yes.

Mr. McCLURE. Are there pending requests for special orders?

Mr. MANSFIELD. None. Wait a while. There may be one. I am not certain.

Mr. PASTORE. May we have a ruling?

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, reserving the right to object, will the majority leader tell us is it the intention to complete as many of the amendments as possible tonight and then others tomorrow morning or complete all of the amendments tonight and just have a vote on the bill tomorrow?

Mr. PASTORE. That is right.

Mr. MANSFIELD. If we can do that, I do not think we can finish all the amendments tonight. I think we should go to a reasonable hour, between 7 and 8 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. McCLURE. Mr. President, reserving the right to object, since it is my understanding there are no special orders, we will be on this legislation again before 9:30 a.m. tomorrow morning, so there will be 2½ hours on the bill tomorrow.

Mr. PASTORE. That is right.

Mr. MANSFIELD. Yes, indeed.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I have one additional unanimous-consent request.

I ask that rule XII be waived under the unanimous-consent request agreement just entered into.

The PRESIDING OFFICER. That was part of the previous unanimous-consent agreement.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time on all other amendments than those listed be limited by the Members themselves this evening to 20 minutes.

Mr. JAVITS. That is 10 minutes on each side.

Mr. MANSFIELD. Ten minutes on each side.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. Again I repeat my request that from now on the votes on amendments be limited to 10 minutes.

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

The Senator from Oregon has the floor, I believe.

Mr. HATFIELD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oregon is entitled to be heard. The Senate will be in order.

The Senator from Oregon may proceed.

UP AMENDMENT 380

Mr. HATFIELD. Mr. President, I am joined by the Senator from Indiana (Mr. HARTKE). He is necessarily absent. Therefore, he requested that I call up the amendment. It is related to but is different from printed amendment 2015.

Mr. President, Senator HARTKE and Senator RANDOLPH join with me in sponsoring S. 1976.

Mr. McCLURE. Mr. President, the Senator is entitled to be heard. The Senate is not in order.

The PRESIDING OFFICER. The Senator from Oregon will suspend until the Senate is in order.

The Senate is not in order.

Will Senators please take their seats?

The Senator from Oregon may proceed.

Mr. HATFIELD. Mr. President, Senator HARTKE and Senator RANDOLPH join with me in sponsoring S. 1976, entitled the George Washington Peace Academy Act.

The intent of S. 1976 is to establish an educational institution in this country to fulfill an important aspiration of this Nation's great Revolutionary War general and outstanding first President, George Washington—that of providing an establishment devoted to the furtherance of peace and cooperation amongst nations and peoples.

The establishment of a Peace Academy would has a twofold purpose. One important purpose for its establishment would be for the training of students in the arts of conflict revolution.

The PRESIDING OFFICER. Will the Senator from Oregon suspend for a moment for the purpose of an inquiry by the Chair?

Is this amendment of the Senator from Oregon that has a 30-minute allocation or the one with a 10-minute limitation?

Mr. HATFIELD. There is a 10-minute allocation on this amendment.

The PRESIDING OFFICER. The clerk will know to keep that time.

I thank the Senator.

Mr. HATFIELD. For example, arbitration and negotiation are two peaceful methods of conflict resolution which could be researched and studied. The second purpose for forming an institution devoted to peace would be to train individuals in new methodology which will be extracted from the arts of negotiation, arbitration, conciliation, and mediation.

Mr. President, in May of this year, a hearing was held on S. 1976 before the Education Subcommittee of the Committee on Labor and Public Welfare. The hearing was ably chaired by my fine colleague from Rhode Island (Mr. PELL).

As a result of the testimony received during the course of that hearing, it was determined that formation of a commission to study the theories and techniques of peaceful resolution of differences between nations and peoples would be wise. Thus, this amendment requires the formation of a commission to be known as the Commission for a National Academy of Peace and Conflict Resolution. There would be nine members of the Commission; three of whom would be appointed by the President—subject, of course, to the advice and consent of the Senate; three members would be appointed by the Speaker pro tempore of the Senate, and three members would be appointed by the Speaker of the House.

In addition to studying the feasibility of a Peace Academy, the Commission would consider alternative proposals available to the Government for the future resolution of conflicts other than by war. A report would be required to be filed within 1 year of the date of enactment of the Act creating a commission. The Commission shall cease to exist within 60 days after the submission of its final report.

Mr. President, I ask unanimous consent to amend the amendment to reduce the amount authorized of $350,000 to the figure $200,000.

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

The amendment, as modified, is as follows:

On page 322, between lines 6 and 7, insert the following new section:

COMMISSION ON PROPOSALS FOR A NATIONAL ACADEMY OF PEACE

SEC. 328. (a) There is established a commission to be known as the Commission on Proposals for a National Academy of Peace and Conflict Resolution (hereinafter in this section referred to as the "Commission").

(b) The Commission shall be composed of nine members as follows:

(1) Three members shall be appointed by the President by and with the advice and consent of the Senate.

(2) Three members shall be appointed by the President pro tempore of the Senate.

(3) Three members shall be appointed by the Speaker of the House of Representatives.

(c) (1) Any vacancy in the Commission shall not affect its powers.

(2) The Commission shall elect a chairman and a vice chairman from among its members.

(3) Five members of the Commission shall constitute a quorum.

(d) (1) The Commission shall undertake a study to consider—

(A) establishing a National Academy of Peace and Conflict Resolution consistent with the proposals contained in S. 2976, the George Washington Peace Academy Act, modified by considerations of size, cost, location, relation to existing public and private institutions, and the likely effect the establishment of such an academy would have on such existing institutions, and the relation of such an academy to the Federal Government;

(B) the feasibility of making grants and providing other assistance to existing institutions of higher education as an alternative to or as a supplement for a National Academy of Peace and Conflict Resolution; and

(C) alternative proposals available to the Federal Government to accomplish the objectives contained in that proposal.

(2) In conducting the study required by this section the Commission shall—

(A) review the theory and techniques of peaceful resolution of differences between nations, and draw on the experience of public and private institutions concerned with conflict resolution and of informal government leaders of peaceful methods of conflict resolution;

(B) conduct inquiries into existing institutions of international relations, labor-management, racial, community, and family relations, and

(C) consider proposals for combinations of mechanisms available to the Federal Government to strengthen the accomplishment of its peaceful purposes, including the establishment of a National Academy of Peace and Conflict Resolution.

(3) The Commission shall submit to the President and to the Congress interim reports with respect to the study and investigation and a final report, not later than one year after the date of the enactment of the education amendments of 1976, containing its findings and recommendations for such additional legislation as the Commission deems advisable.

(e) (1) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this section, take such testimony, and sit and act at such times and places as the Commission, subcommittee, or members deem advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee or member thereof.

(2) Each department, agency and instrumentality of the executive branch of the Federal Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the chairman or vice chairman, such information as the Commission deems necessary to carry out its functions under this section.

(3) Subject to such rules and regulations as may be adopted by the Commission, the chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, shall have the power—

(A) to appoint and fix the compensation of such staff personnel as he deems necessary, including an executive director who may be compensated at a rate not in excess of that provided for Level V of the Executive Schedule in title 5, United States Code, and

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

(f) Members of the Commission shall receive compensation at the daily rate specified for GS–18 under section 5332 of title 5, United States Code, for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

(g) There are authorized to be appropriated, such sums, not to exceed $200,000, as may be necessary to carry out the provisions of this section.

(h) The Commission shall cease to exist 60 days after the submission of its final report.

On page 101, in the Table of Contents, after item "Sec. 327." insert the following:

"Sec. 328. Commission on the Proposals for National Academy of Peace.".

Mr. HATFIELD. Mr. President, I have discussed this with the leadership, the managers of the bill, the Senator from Rhode Island (Mr. PELL) and the Senator from New York (Mr. JAVITS), and I understand they will accept this amendment.

Mr. PELL. That is correct. We have discussed it and, while I have some reservation in my own mind about the advisability of creating a Government supported institution of higher education, I see merit in the idea of a study. For that reason I am glad to support the amendment of the Senator from Oregon.

Mr. HATFIELD. I thank the Senator from Rhode Island.

Mr. PELL. I know the Senator from New York shares my view. I yield back the remainder of my time.

Mr. HATFIELD. I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 381

Mr. HATFIELD. Mr. President, I send to the desk my second amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD) for himself, Mr. HARTKE, and Mr. RANDOLPH proposes unprinted amendment numbered 381.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 337, after line 14, insert the following:

SEC. 406. Section 440 of the General Education Provisions Act is amended by inserting "(a)" immediately after "Sec. 440" and adding at the end thereof the following new subsection:

"(b) Except to the extent Federal courts determine necessary to comply with the United States Constitution, the Federal government may not

"(1) withhold Federal funds, or

"(2) regulate the practices of educational institutions receiving Federal funds (unless necessary for the administration of applicable funding programs)

"where such power to withhold or regulate is based upon the receipt of Federal financial assistance when such assistance is limited to scholarships, loans, grants, wages or other funds extended to an institution for payment to or on behalf of students or extended to students for payment of education-related expenses, provided that the education institution is not the principal agency determining which individual students receive the benefits of such Federal student assistance."

On page 101, in the table of contents after item "Sec. 405," insert the following new item:

Sec. 328. Revision relating to regulations resulting from student assistance.

Mr. HATFIELD. Mr. President, this is an amendment that I am sure will elicit some comment from the leadership, and rightfully so, because it is a rather complex issue, but yet I believe it is one that we must face up to here in the Senate at some time or another.

As we know, aid to education in our Nation has always been designed for the purpose of enhancing educational opportunities for students. Federal aid has taken the form of direct assistance

to institutions for building programs, for programs of study and research, for enhancement of libraries and other facilities, and for the administration of programs of student financial assistance.

Realizing the limited resources available to many students, the Congress has also provided programs of financial aid to students, some administered by institutions of higher education and some administered directly by Federal and State educational agencies. In keeping with the concern of Congress that all programs be administered with equity and that education be made available equally to all citizens, Federal departments and agencies have used various levers to encourage compliance with Federal law. The levers include the withholding of aid where cases of noncompliance are found. This is proper and within the intent of law.

However, in the present climate of interest in reducing the bureaucracy and expanding liberties, I am surprised that attention has not been given to the unfortunate results of the classification of non-campus-based programs of student financial assistance as aid to institutions of higher education. This has resulted in a loss of liberty for both students and institutions.

For instance, many institutions, in the interest of maintaining independence from Federal regulations, have traditionally refused any kind of Federal financial assistance. They have accepted students whose education is financed by programs of Federal assistance to students. Such aid was not intended to benefit the institution but to enable the student to have the type of education he or she desired.

But some Federal regulations have defined Federal assistance to institutions as including that assistance which is not administered by the institution but is directly available to students through State and Federal agencies. Many institutions, desiring to maintain independence from Federal intervention in their administration, are placed in the position of having to refuse to accept students merely because the students' financial assistance comes from the Federal Government.

This is like a grocer telling a recipient of food stamps that he cannot accept the stamps because they are from a federally funded program and the mere receipt of them as payment for food would result in more Federal regulations on his business. So, in order to maintain the grocer's independence, the food stamp recipient suffers. Now, we know that this is not the case in the administration of the food stamp program. Such a concept is absurd. But, my colleagues in the Senate, this is precisely what happens in higher education.

Mr. President, I should like to have the attention of the manager of the bill at this point in my comments, because I think this gets to the very heart of the matter I am raising.

For instance, one of the oldest programs of student assistance is the GI bill. Under the provisions of this program of student assistance, veterans have been enabled to freely select the type of education they desired. Among the many courses veterans have followed are studies related to careers in the Christian ministry and Jewish rabbinate. Until recently, financing of such seminary education through the provisions of the GI bill has not been a threat to the independence of the educational institutions involved. Such assistance was conceived in a manner which would insure the freedom of students to choose the type of institution they desired.

However, as a result of new Federal regulations students can no longer make such a choice. Now, the presence of just one student receiving noncampus based Federal assistance on a campus which has maintained independence from Federal funding, places the school in the category of receiving funds. Hence, either the school must bear the time and expense of reporting how it complies to Federal regulations or it must refuse to receive the student's money. This, of course, jeopardizes the students' ability to purchase the education they desire.

I realize that some may see this as an expression of anticivil rights sentiment. I challenge them to find in my record grounds for such an accusation. My concern is for liberties of students and for the independence of institutions of higher education.

Mr. President, I should like to have the attention of the managers of the bill at this moment. If they care not to listen to the other part, I would like to have their attention for this, because, again, it emphasizes the purpose of this amendment.

Mr. PELL. This is the first time I have heard of the amendment, and I am studying what it does.

Mr. JAVITS. We were conferring about this amendment.

Mr. HATFIELD. I think the Senators would understand if they would listen, and all I am asking for is their attention.

This amendment would correct an inconsistency in the definition of programs of financial assistance to institutions of higher education. In a letter from Ms. Arlena Renders, Assistant Regional Attorney of Region X of the Department of Health, Education, and Welfare, it is explicitly clear that with reference to the Family Educational and Privacy Rights Act of 1974—and I underscore this particular act—Federal funding to institutions does not refer to noncampus based programs of Federal financial aid to students. In a subsequent letter from the safe office relating to title IX regulations—this is a different act—Federal funding is defined as including non-campus based programs of Federal financial aid to students.

I hope the managers of the bill realize that these are two different acts, with contradictory definitions.

I have no quarrel with the interpretation offered by Ms. Renders. The interpretation is consistent with the laws and regulations. But the interpretation has brought to light the inconsistency that exists in the laws and the regulations. My amendment would correct that inconsistency by redefining Federal assistance to students in a manner consistent with the Family Educational and Privacy Rights Act of 1974. That is, noncampus based Federal assistance to students would not be considered as assistance to the institution.

Mr. President, there are presently at least 292 seminaries, Bible colleges, and Bible institutes in the United States that are trying to maintain their independence and keep their costs down. There are also 797 church-related colleges and universities, many of which have received no direct Federal funding. In addition, there are several independent private colleges that are forced to discriminate in the acceptance of students merely because of the source of the students' funds. Tens of thousands of students are enrolled in all of these institutions. Is it not time that we began to restore integrity and trust in the Federal Government by using only the proper tools in our efforts to achieve equity in education? One does not repair a radio with a sledgehammer. To classify non-campus based programs of student financial assistance as aid to educational institutions is a gross error which deserves immediate correction.

I ask unanimous consent that letters from the Region X Office of the Department of Health, Education, and Welfare and from Hillsdale College and an article from Newsweek magazine, be printed at this point in the RECORD

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

OFFICE OF GENERAL COUNSEL, DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, REGION X,
Seattle, Wash., March 16, 1976.

Re Buckley amendment.
Dr. GENE HABECKER,
Dean of Students, George Fox College, Newberg, Oreg.

DEAR DR. HABECKER: This letter is to confirm our conversation of March 11 regarding the Family Educational and Privacy Rights Act of 1974, commonly referred to as the Buckley Amendment. As I advised you at that time, this statute applies only to those educational agencies and institutions that receive federal funds under a program administered by the Commissioner of Education. Therefore, the statute does not apply to an educational institution solely because the students attending the institution receive benefits under a federal program. The test is whether the institution itself is receiving the funds. (Citation 20, U.S.C. Section 1230, Section 1232G).

The substitute provisions of the statute each begin with wording which makes this limited applicability clear. "No funds shall be made available under any applicable program to any educational agency or institution." The provisions then go on to state conditions which must be met in order for an institution to receive funds. "Applicable program" is defined for these purposes as "any program for which the Commissioner has administrative *responsibility*." Furthermore, enforcement of this statute is by termination of assistance to the institution if failure to comply is found. There would be no method of enforcement against an institution not receiving funds. In summary, the Buckley Amendment requirements apply to all educational institutions which receive funds under programs administered by the Commissioner of Education, but not the private schools which do not receive such funds but whose students receive benefits under these programs. If you have any further questions on the Buckley Amendment, please do not hesitate to contact this office.

Sincerely yours,

ARLENA RENDERS,
Assistant Regional Attorney.

OFFICE OF GENERAL COUNSEL, DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, REGION X,
Seattle, Wash., April 29, 1976.

DR. GENE HABECKER,
Dean of Students, George Fox College, Newberg, Oreg.

DEAR DR. HABECKER: This letter is in confirmation of our conversation Tuesday, April 27. Title IX prohibits discrimination based on sex under education programs or activities receiving federal financial assistance. "Federal financial assistance" has been defined to include "scholarships, loans, grants, wages or other funds extended to any entity or payment to or on behalf of students admitted to that entity or extended directly to such students for payment to that entity." (Citation 45, 86.2 G2.)

Thus, an educational institution which has students receiving guaranteed student loan program benefits or Veterans' Administration student benefits is covered by Title IX.

Sincerely yours,

ARLENA RENDERS,
Assistant Regional Attorney.

HILLSDALE COLLEGE,
Hillsdale, Mich., October 1975.

DEAR FRIEND OF HILLSDALE: Hillsdale has long prided itself on its independence from political funding. That independence has permitted the maintenance of high standards because we have avoided the pressures which politicized education produces. We have been able to offer quality education to generations of students, without regard to race, sex or religion.

Our independence has been based upon the non-acceptance of federal funds for any purpose whatsoever. There have been students on campus who are individual recipients of federal loans, grants, veterans benefits and similar programs, but such funds have never been accepted by the school as an institution. Now the federal bureaucracy has changed the rules. Beginning in October, 1975, Hillsdale College and all other independent colleges and universities are to be regarded as "recipient institutions" if they have any students on campus who receive individual funding through government programs. The American Association of Presidents of Independent Colleges and Universities has recognized the threat and is marshalling a campaign of determined resistance.

Acceptance of such status as a "recipient institution" opens the door to federal control of Hillsdale College. The entire weight of federal guidelines, covering faculty, students, curriculum, dormitories and every aspect of our existence, would potentially dominate our campus if we once accept the premise that aid to an individual student makes Hillsdale College a recipient of federal funds.

The issue at stake is not equal treatment for minority groups or women. Hillsdale College had already pioneered in non-discriminatory treatment for over a century before the first federal legislatiton on the subject. Our record of non-discrimination speaks for itself. We have consistently displayed a willingness to measure our faculty and students by the only yardstick with any real meaning: individual performance.

Now through a bureaucratic ploy, Hillsdale's independence is presumably to give way to the social engineers in Washington. Rather than allow such a federal takeover of our campus, we are prepared to refuse compliance with the government edicts now proposed. None of us at Hillsdale underestimates the power of the federal government to harass and possibly destroy those who do not comply, but we feel the fight must be made if independent education is to endure in America.

At the October 10, 1975, meeting of the Board of Trustees, the decision was unanimously and vigorously made to resist federal control with every means at our disposal. It is with great pride that I enclose a copy of the Trustee Resolution.

The Trustees fully appreciated how high the stakes are likely to be. If the bureaucracy now withdraws the scholarships and veterans benefits of those students attending Hillsdale College, the federal government will be discriminating against those students and will in effect be denying them an education at the accredited college of their choice. The college itself will also be penalized. In an age when independent higher education already faces inflation, governmentally subsidized competition, and a continuing reduction of private revenue through more and more stringent tax policy, the difficulties of meeting the budget and surviving have grown larger each year. Now we are faced with the additional burden of aiding those students against whom the government proposes to discriminate.

The additional financial burdens are enormous, but Hillsdale College feels the fight must be made. In addition to the large operating deficits which the school must face, the October 10 meeting of the Trustees also discussed an endowment campaign of $25,000,000 for scholarships and faculty salaries to perpetuate our independence—whatever new tax policies or bureaucratic whims may lie ahead.

We need help now as never before. The question involved is nothing less than whether or not the private sector can survive in our present society. At Hillsdale, we believe the answer is a resounding affirmative. With your help, we will prove that the job can be done.

All my best,

GEORGE ROCHE.

[From Newsweek, Dec. 29, 1975]

BUREAUCRACY SCORNED

(By Milton Friedman)

In this day and age, we need to revise the old saying to read, "Hell hath no fury like a bureaucrat scorned."

The most recent and flagrant example is the attempt by bureaucrats at HEW to impose an "affirmative action" program on Hillsdale College—a small, independent college in southern Michigan.

The affirmative-action program is one of those bureaucratic monstrosities that have become all too familiar: noble objectives, ignoble results. The objective is to eliminate discrimination on the basis of sex or race; the results are mountains of paper, hiring criteria that are irrelevant to the mission of institutions of higher learning and, frequently, the substitution of reverse discrimination for no discrimination. Par for the course.

Most colleges and universities have accepted—and lobbied extensively for—Federal funds, and their receipt of Federal funds is the legal justification for HEW jurisdiction over their hiring and other practices. They are hoist on their own petard when they now complain that he who pays the piper is calling the tune.

NO REFUGE

But Hillsdale and a few other institutions (for example, Rockford and Wabash colleges) are in a different position. In order to retain their complete independence, these colleges have refused to accept Federal funds for any purpose. In consequence, they have with clear conscience regarded themselves as not subjet to HEW control. George Roche, Hillsdale's president, even had the audacity to write a book attacking the whole affirmative-action program as a threat to the quality and standards of higher education ("The Balancing Act." Open Court, La Salle, Ill. $8.95). And to add insult to injury, it is an excellent book.

The scorned bureaucrats have now struck back. Some students at Hillsdale receive Federal grants or loans under veterans and similar programs. HEW claims that this makes Hillsdale a "recipient institution" subject to HEW control.

By this line of reasoning, the corner grocer and the A&P are "recipient institutions" because some of their customers receive social-security checks. The New York Times and The Chicago Tribune are Federal contractors because welfare recipients buy papers. How silly can you get?

Yet no argument is too silly to serve as a pretext for extending still further the widening control over all of our lives that is being exercised by government bureaucrats. The HEW grab is in the same class as the widening judicial interpretation of "interstae commerce," as the imposition of forced busing despite widespread disapproval by both blacks and whites, as the growing paper work we are all called on to do at the behest of the Internal Revenue Service, as the detailed regulation of business practices in the name of clean air, safety, protecting pensions, and so on and on without end. I doubt that there is a single adult resident of the United States—certainly none who has ever had the legal obligation to file an income-tax return—who could not be subjected at the very least to a costly legal battle to avoid being convicted of violating some law or regulation.

In one sense, it is poetic justice that my colleagues and I at colleges and universities should now be suffering under the bureaucratic lash. For we have done more than any other group to produce a climate of opinion favorable to big government. So long as affirmative-action programs were directed at greedy businesses and grasping trade unions, academia for the most part cheered. And even now that its own ox is being gored, the typical reaction is that the academic world is "different."

FOR FREEDOM

But perhaps the recognition will come, even if only slowly, that freedom is for everyone or no one, and not a special privilege of the intellectual that government controls destroy freedom for everyone and not only the intellectuals, that they typically fail to accomplish their noble objectives no matter on whom imposed.

If that happens, the heavy-handed bureaucratic assault on colleges and universities may prove a blessing in disguise. Just as intellectuals bear major responsibility for instilling the view that big government is Santa Claus, so they can do more than any others to drive home the lesson that big government is really Frankenstein.

Mr. HATFIELD. Mr. President, I emphasize that this is also becoming an increasing difficulty with the Veterans' Administration, because HEW is using the Veterans' Administration GI bill of rights to follow the money of the GI bill into the college to apply HEW regulations and rules. I think we should look at this particular situation and recognize that it is creating havoc.

A number of these colleges and seminaries are small. They are not major institutions. They do not have the wherewithal to provide all the paperwork and all the reports that are required under HEW. To me, this is bureaucracy at its worst, which is invading and intruding into the privacy of these colleges, when there is no direct aid being given, and when, in good faith, they have accepted students and have recognized under one definition of one law that noncampus student aid is not to be regulated and

under another law is. That is the purpose of the amendment.

Mr. RANDOLPH addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. I yield 5 minutes to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I commend the able Senator from Oregon, as the principal sponsor of this amendment. I am gratified to be listed as a cosponsor of the measure.

I am certain that the cogent arguments that have been set forth by the Senator will appeal to the Members of the Senate. I hope that the distinguished chairman of the Subcommittee on Education of the Committee on Labor and Public Welfare will give careful consideration to the proposal.

I hope, also, that the distinguished Senator from New York, the ranking minority member of the Committee on Labor and Public Welfare, who is active in our Senate Subcommittee on Education, will realize that there is an equity presented here in the amendment offered.

The problems of the smaller colleges of the country are very real. Many times, colleges in this category—in fact, most times—are private institutions. They are not publicly supported institutions.

My distinguished colleague (Mr. HATFIELD) referred to the great burden of recordkeeping and reporting of data demanded by the Department of Health, Education, and Welfare. The current issue of Newsweek magazine places this cost at approximately $2 billion each year—or equal to the amount of private donations that go to our educational system annually.

Each of us publically deplores the heavy hand of bureaucracy, but when methods are proposed to provide some modest restraints of those in Washington who would set standards for all of our diverse institutions, we seem to pull back from interfering in any way with the promulgators of redtape on the grounds that what we do might create "administrative chaos."

Mr. President, I submit that it is the Federal educational bureaucracy itself which is creating much of the chaos in our educational system today.

The burden of compliance with multitudinous regulations, the intrusion of the Government into institutional governance, and the imposition of wrongheaded regulations threaten to destroy the character of many of our unique institutions, if not their very existence.

For example, these small, struggling private colleges are, in many cases, dedicated to teaching young men and women Christian ideals to help them develop the basic moral attitudes on which this Nation depends so greatly.

Yet, regulations pertaining to sex discrimination in education have been propounded which would prevent these private, religion-oriented institutions from inquiring into the marital status of a prospective faculty member. Is it an invasion of a person's privacy to ask such a fundamental question? Should a college president know if a new professor, male or female, is living in a state of unwedded bliss as an example for his or her students?

Why should we, in our zeal to assure egalitarianism, prevent those institutions which do not accept direct Federal aid from employing the right, if they so desire, to use the Ten Commandments as a code of conduct for faculty, staff, and students?

In many cases, small private colleges do not have the advantage of funds that flow from public treasuries at political subdivision levels. Certainly, in the State of West Virginia and in other States, this situation is a very acute one from the standpoint of the private or church-oriented colleges, which number several in the State of West Virginia. These often are the colleges of 600 or 700, 800, or 1,000 students. The personnel, even, within the staff of the college, are really pressed with the duties that they have to do, the jobs that they are called upon to do. It is, I think, a realistic look that we should take in the direction of doing what we can to simplify wherever possible the reporting procedures and the programs that surface but really submerge those who have to work under them in an effort to keep current with the various programs, resolutions of the law, or laws that are upon the books. So I shall not take longer—and I am appreciative of the time allotted to me by the Senator from Oregon—to indicate that there is merit in this amendment. I hope that it can be approved.

Mr. PELL. Mr. President, this is an amendment of substantial scope. In fact, I recognize the justice of the problem in certain cases, but this approach is like using a sledgehammer to kill a fly. We are dealing with the direction of programs totaling better than $3.5 billion a year, which is an administrative problem with which the committee is not fully familiar.

We have not considered an amendment of this nature before. Therefore, I think that it would not be prudent to accept it at this time, when we do not know its full effects. So, I shall be compelled to oppose the amendment.

UP AMENDMENT NO. 382

Mr. HATFIELD. Mr. President, I appreciate the comments made by the chairman of the subcommittee, because this is something that has tended to develop complexity as the application of this has been made. I am prepared to withdraw the amendment. I wanted to bring it to the attention of the committee by this route. I do have a bottomline backup position that I would like to offer as a substitute, which would be requesting that a study be made of this particular problem on this issue. I want the committee to know that I have full confidence in its capacity, its objectivity, and its fairness in conducting this. This matter has been brought to my attention—I discussed it with the ranking minority member (Mr. JAVITS) in the well on this day. I now would like to move to ask the committee to accept as a substitute, withdrawing my present amendment, a request for a study of this subject.

Mr. JAVITS. May we see the amendment?

Mr. HATFIELD. Certainly.

Mr. JAVITS. I shall take my own time, so as not to use Mr. PELL's.

The Senator may remember that in our committee, we developed a compromise on the whole question of secular subjects taught in religious institutions. The late Senator Wayne Morse and I worked diligently to achieve this compromise.

It seems to me that what the Senator from Oregon has said as to the scope of this particular problem probably deserves the same kind of review to see if we can find a way to obtain equal educational opportunity for students who chose to attend these types of institutions without compromising the constitutional prohibitions regarding the mixture of church and State.

I should like to have a moment to read the amendment in order to see whether we can, indeed, proceed along the lines that the Senator suggests.

Mr. HATFIELD. I certainly would like to have the Senator take a hard look at it. I shall seek to modify my particular amendment via this route, if it is satisfactory.

I point out to the Senator that he refers back to a very interesting period in our history, when he and the late Senator Morse from Oregon were involved in this. If the Senator from New York recalls, one of the great issues that was raised when the GI bill was before this body was on the question of separation of church and State, if the student should desire to seek out his educational benefits under the GI bill in some seminary or church-related institution. The point was made very clearly in this body that the aid was to the student, to the GI, to the individual, not to the institution. That would maintain that clarity of separation, so that no Federal funds were actually going to that institution as that institution.

Yet, by these regulations of HEW, we are going back on that very principle and we are moving in to say that, because there is one student out of the whole student body who receives this kind of noncampus aid, not administered by the campus, in no way filtered through the school, but directed only to that student, now that money is followed right through to that campus, that seminary, whatever it might be. The Federal Government is saying, "Now we have come in, now we have a role to play in demanding of you the same kind of compliance, the same reporting that we have from that student getting direct aid."

That is the kind of problem we have. I think we ought to look at it very carefully, because I do *not think* the Government can have it both ways. I do not think it can say out of one corner of its mouth, "We maintain separation of church and State," and out of the other side say, "We are going to assume this indirect role of following that money all the way through because you have someone getting student aid."

Mr. JAVITS. Mr. President, I ask unanimous consent that we may have a brief quorum without its being charged to either side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. HATFIELD. Mr. President, with the understanding of the managers of the bill, I send to the desk a modification of my amendment, which would——

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

Mr. HATFIELD. The modification would call for the General Accounting Office, beginning at the bottom of the first page:

. . . is herein directed to conduct a detailed analysis of the extent and effects of the Federal Government's regulation of educational institutions—

On down through to the language—

United States House of Representatives—

Ending at that point.

Does the desk have an understanding of that modification? It begins on page 1, down at the bottom, the second line from the bottom, with the words "The General Accounting Office is herein directed to conduct a detailed analysis of the extent," and continues on page 2. The modification would in effect, be a substitute for the first amendment that I sent to the desk.

Mr. JAVITS. Mr. President, will the Senator yield? Do I understand he is omitting the last three lines on page 2 beginning with "On page 101"?

Mr. HATFIELD. Yes.

Mr. JAVITS. And the amendment starts with a capital letter in the next-to-the-last line on the first page with the words "The General Accounting Office"?

Mr. HATFIELD. That is correct. The second line from the bottom starts "The General Accounting Office is herein directed" and ending with "the United States House of Representatives" on page 2.

Mr. JAVITS. Mr. President, I hope the Senator will leave what he has omitted at the very end beginning with "On page 101." As we understand, that is a technical requirement.

Mr. HATFIELD. I agree.

Mr. JAVITS. That would be restored to the amendment.

Mr. HATFIELD. It would be all of page 2.

Mr. JAVITS. All right.

Mr. HATFIELD. Mr. President, I ask unanimous consent to modify my amendment as just described by the language that has been presented to the desk beginning at page 1 with "The General Accounting Office is herein directed to conduct a detailed analysis," and continuing on through page 2 of the modification.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 322, after line 6, insert the following:

STUDY OF STUDENT FINANCIAL ASSISTANCE

SEC. 328. The General Accounting Office is herein directed to conduct a detailed analysis of the extent and effects of the Federal government's regulations of educational institutions where such regulation is based solely upon the presence at those institutions of students participating in Federal student assistance programs and/or where the institutions act as mere conduits for the distribution of Federal student assistance benefits. This study shall continue for a period of not more than nine months at the end of which time the General Accounting Office shall file a complete report of its findings with the Labor and Public Welfare Committee of the United States Senate and the Education and Labor Committee of the United States House of Representatives. On page 101, in the table of contents after item "Sec. 327" insert the following new item:

Sec. 328. Study of Student Financial Assistance.

Mr. JAVITS. Mr. President, in that form the amendment is acceptable as far as I am concerned.

Mr. PELL. I concur in accepting this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Oregon.

The amendment, as modified, was agreed to.

Mr. HATFIELD. Mr. President, I want to thank especially the leadership at this time, Senator PELL and Senator JAVITS, for their cooperation. It indicates further the kind of objectivity and fairness with which they have been dealing on this bill, and many other bills in which they have given leadership on the floor, and I am very grateful to them.

Mr. JAVITS. I thank my colleague.

The PRESIDING OFFICER (Mr. STONE). The Senator from Florida is recognized.

UP AMENDMENT NO. 383

Mr. CHILES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Florida (Mr. CHILES), for himself, Mr. NUNN, Mr. HUDDLESTON, Mr. MCINTYRE, Mr. JOHNSTON, Mr. ROTH, Mr. JACKSON, Mr. BARTLETT, and Mr. STONE, proposes unprinted amendment numbered 383.

Mr. CHILES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 337, between lines 14 and 15, insert the following new section:

CONTROL OF PAPERWORK

SEC. 406. Section 406 of the General Education Provisions Act is amended by redesignating subsection (g) of such section as subsection (h) and by inserting after subsection (f) of such section the following new subsection:

"(g) (1) (A) In order to eliminate excessive detail and unnecessary or redundant information requests the Secretary and the Commissioner shall, in accordance with the provision, of this subsection, coordinate the collection of information and data acquisition activities of the Education Division and the Office for Civil Rights.

"(B) for the purpose of this subsection the term—

"(i) 'information' has the same meaning as is prescribed by section 3502 of title 44 of the United States Code; and

"(ii) 'educational agency or institution' means any public or private agency or institution which is the recipient of funds under any applicable program, including any preschool program.

"(C) The Commissioner shall establish and provide staff personnel to operate information collection and data acquisition review and coordination procedures to be directed by the Administrator for the National Center for Education Statistics. The procedures shall be designed to review proposed collection of information and data acquisition activities in order to advise the Commissioner and the Secretary on whether such activities are excessive in detail or unnecessary or redundant.

"(2) (A) The Administrator shall assist each bureau or agency directly responsible for an applicable program, and the Office for Civil Rights, in performing the coordination required by this subsection, and shall require of each such bureau, agency and office—

"(i) a detailed justification of how information once collected will be used,

"(ii) an estimate of the man-hours required by each educational agency or institution to complete the requests,

"(B) Each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, within 30 days prior to the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator on the collection of information and data acquisition activity.

"(C) Nothing in this subsection shall be construed to interfere with the enforcement of the provisions of the Civil Rights Act of 1964 or any other nondiscrimination provisions of Federal law.

"(3) The Administrator shall, insofar as practicable, and in accordance with the provisions of this title, provide educational agencies and institutions with summaries of the information collected and the data acquired by the Education Division and the Office for Civil Rights.

"(4) The Administrator shall, insofar as possible, develop a common set of definitions and terms after consultation with the head of each bureau or agency directly responsible for the administration of an applicable program.

"(5) The Commissioner shall prepare as part of the annual report to the Congress provisions relating to the progress made by the Secretary, the Commissioner, and the Administrator in meeting the objectives of this section and make to the Congress whatever legislative recommendations necessary for meeting the objectives.".

On page 101, in the Table of Contents, after item "Sec. 405." insert the following:

"Sec. . Control of paperwork.".

Mr. CHILES. Mr. President, in the last several years there has been a growing recognition within the Congress of the serious Federal paperwork problem, and the continued lack of effective action to reduce the paperwork burden on private individuals, businesses and public institutions.

As has been pointed out numerous times on the Senate floor we are drowning in a sea of paperwork. The statistics, while becoming familiar in their re-

peated telling, are still alarming. It has been estimated that there are 10 public use forms for every man, woman, and child alive in the United States, and that the amount of paper flowing into the Government each year fills 4½ million cubic feet of space. The costs to the taxpayer of handling and managing this mountain of paper exceeds $8 billion a year. With the advent of so many new Federal programs in the past decade, Federal administrative and statistical reports continue to increase with each passing year.

The increased awareness of the paperwork burden has been accompanied by some serious efforts by the Congress to tackle the problem. We have learned you cannot wish paperwork away. A first and important step was the establishment of the Commission on Federal Paperwork; a temporary body, with the primary goal of recommending means to reduce the amount and cost of Federal paperwork requirements.

The distinguished Senator from New Hampshire (Mr. McINTYRE) sits as a member on that Commission, and the amendment I am offering today addresses this problem.

Another important step is the Paperwork Review and Limitation Act proposed by Senators NUNN, HUDDLESTON, McINTYRE, and ROTH which I have joined in sponsoring. This legislation calls for a paperwork impact statement in the report of all bills and resolutions of a public nature and for annual review of the reporting requirements of all Federal departments and agencies. This bill would keep congressional feet to the fire in stemming the flow of paperwork and I look toward speedy enactment.

The amendment I am offering today, on behalf of myself and Senators NUNN, ROTH, JACKSON, BARTLETT, JOHNSTON, STONE, HUDDLESTON, and McINTYRE, addresses the paperwork burden being experienced by States, local education agencies and colleges and universities due to Federal data acquisition activities. For educators the past few years have marked an explosion in Federal reporting requirements. With new programs and statutes has come a tremendous number of forms to be filled out. I know from talking with administrators and teachers in Florida, that the dimension of this administrative burden is a chronic complaint. There is growing evidence that more and more of obviously limited resources are going into completing forms.

Funds important to the education of students are being diverted to fulfill reporting requirements. This problem exists at all levels of the educational process and no end seems in sight. I was struck by an estimate by Harvard president Derek Bok, reported in this week's Newsweek that the Harvard faculty spent more than 60,000 hours in the school year 1974–75 meeting the record-keeping requirements of Federal programs. Other schools report similar commitments of resources. As Duke president Terry Sanford commented in the same article—

> It's not hard to imagine a day when faculties and administrators will spend all of their time just filling out government forms.

The aim of our amendment is not in any way to interfere with the obvious need and responsibility of the Federal Government to seek accurate and up-to-date educational information. Such information is critical to the decisionmaking of both the administration and the Congress. It is equally important to establishing adequate accountability for Federal education spending. Obviously you cannot evaluate and account for education programs without information that originates in the school districts and institutions where the programs are in operation.

The problem lies not with the objective of Federal information collection. The problem lies in the fact of excess and duplication, and unnecessary information requests. In too many instances persons filling out forms provide the same basic information over and over again. In too many instances local education agencies are asked for information that the States have already collected. In too many instances information is requested without a determination of what is essential as opposed to what may be merely "nice to know."

Unless we reverse this trend we will soon reach a point where the forms connected with a Federal-aid program are too burdensome to make participation in the program worthwhile. A recent memorandum from the Florida Department of Education to district superintendents concerning a certain duplicative Federal form contained the message:

> You may use this memorandum as your authority to dispose of those forms, preferably by throwing them in the trash can.

This is a rather succinct comment on the level of feeling that is being engendered by the paperwork problem.

Our amendment represents an attempt to insure that the Department will make a serious effort to coordinate its data acquisition activities so as to reduce the duplication and excess of reporting requirements. It is in no way intended to interfere with the legitimate information collection responsibilities of the Education Division or the Office for Civil Rights.

Under this provision the Administrator of the National Center for Educational Statistics is to review the proposed collection of information and data acquisition activities in order to advise the Commissioner whether such activities are excessive in detail or unnecessary or redundant.

The Administrator shall require that proposed information collection will be accompanied by a detailed justification of how the information once collected will be used and an estimate of the man-hours that will be required of educational agencies or institutions in completing the information requests.

Also, those agencies and institutions which will have to respond to the information requests will have an opportunity to comment within 30 days as to their feasibility and value.

Further, the Commissioner shall report to the Congress on the progress made in meeting the objectives of this provision and make legislative recommendations necessary for meeting the objectives.

I think this amendment is another step forward in indicating that Congress is determined to reduce the paperwork burden and not just talk about it. Mr. President, I urge the Senate to adopt this amendment.

I yield to the distinguished Senator from New Hampshire.

Mr. McINTYRE. Mr. President, I wish to commend the senior Senator from Florida in this amendment which he has offered and which contained provisions to which he has agreed in my behalf and in behalf of the Commission on Federal Paperwork.

Any Member of this body who has had an opportunity to sit down with college administrators and educators and listened to their plight today as they try to answer inquiries made by HEW will understand the situation.

In this regard I feel the Senator from Florida has really hit the ball right in centerfield and has hit a homerun and I am delighted to support him on it.

Mr. President, several weeks ago Senators HUDDLESTON, NUNN, ROTH, and I circulated a letter to our colleagues in the Senate, noting how much concern is being raised among various sectors of American society about the paperwork requirements imposed by the Federal Government.

In that letter we noted that we would like to ask a series of questions about pieces of legislation that we have before us that would impose paperwork requirements. We also suggested that we would offer an amendment, printed in that letter of August 3 in draft form, to make sure that the Federal agencies not submerge the American public in paper.

Today we have the first bill up before us which would have a significant paperwork impact since we circulated that letter. It concerns education, one of the areas of our society which is burdened by paperwork.

Education, one of the Nation's biggest industries, is an area now under study by the Commission on Federal Paperwork, which I cochair. According to the Paperwork Commission, the Department of Health, Education, and Welfare is the second largest producer of forms and paperwork in the Federal Government.

It produces, excluding the Social Security Administration, about 700 forms, for education and health programs other than medicare, the Food and Drug Administration, and Social and Rehabilitation Services. The Department of Health, Education, and Welfare also produces lengthy forms. According to the Commission on Federal Paperwork, reports on education require over 8 million man-hours on paperwork from the Office of Education alone.

The Department of Health, Education, and Welfare also, according to the Commission, "towers over all the others in the volume of paperwork it generates. It alone receives 170 million responses to the forms it issues out of a total of 421 million in the Office of Management and Budget inventory."

While I know that many of the forms we require of individuals, and in this case universities and educational institutions,

are necessary for the proper functioning of the U.S. Government, I would like to add a few statements on the subject and urge that the Federal bureaucrats administering the programs that we legislate not require so much information that it takes almost eons to comply.

Recently I inserted in the CONGRESSIONAL RECORD a piece that was put together by the editors of U.S. News & World Report.

In that piece, the President of Dartmouth College, John Kemeny, noted that "it is a very frustrating thing that we have to respond to something within 2 weeks and the Government may take up to a year to make up its mind whether it accepts your explanation or not."

That article noted that a $5,000 grant can have as much as 100 pages attached to it in regulations. Compliance with regulations tied up the computers at the University of North Carolina at Greensboro for 6 months. Its president said, "For 6 months we did nothing but HEW forms."

Clearly, steps must be taken to limit the number of forms that we require of our educational institutions.

For instance, in this bill we can see that there will be massive reporting required for some programs.

But when these reports are put together, will a Federal agency consider the amount of time and money it takes to fill them out? Let me tell you, this is one Senator who wants to be sure that the legislative history of this bill shows that the Senate wants to be sure that someone makes an assessment of these reports and lets Congress know what was done and what was the result.

Second, I wonder how we can be sure that there will be no duplication in paperwork when reporting requirements on educational institutions are already severe. The Department should report back to us on how it has cut duplication.

And third, what possibilities are there that smaller institutions without huge computer capabilities will be able to handle the requirements of the Department? I want to be sure that small colleges asking for Federal help do not get swamped by paperwork.

For instance, New England College, a small college in my State in the town of Henniker, tells me that as a rough estimate the college spends about $750 per week just on staff to fill out forms. Thomas P. Fencil, the assistant to the president there for resource development, just this morning said that it takes 30 hours of professional time per week, at a cost of about $500, and 40 hours of nonprofessional time per week, at a cost of $250 per week, to fill out forms. For the Department of Health, Education, and Welfare, he said, it takes about 50 hours, including employment reporting, financial aid reporting, library reports, including one semiannual form that is 4 inches thick. "HEW really gets us," he said.

Clearly, the Department has to do something about this. The amendment offered this morning will provide some relief. Particularly, I want to emphasize that the Department has a responsibility under this amendment to report back to Congress and tell us what legislative recommendations may be necessary to cut Government paperwork.

I am pleased to be able to join Senator Chiles on this amendment, with the changes that have been worked out, to insure that the agencies in the Department of Health, Education, and Welfare involved in education programs and civil rights programs cut Government paperwork.

Mr. NUNN. Mr. President, if the Senator from Florida will yield me one minute, I wish to commend the Senator from Florida. I worked with the Senator from New Hampshire in this Commission on Federal Paperwork to a great extent in the Government Operations Committee. I have known of the interest of the Senator from Florida in this matter. I think this is a very good amendment and a step in the right direction, and I believe it will help to a great degree to relieve some of the unnecessary burden that is now imposed on many higher educational institutions.

Mr. CHILES. I thank the distinguished Senator from Georgia.

The PRESIDING OFFICER. Is all time yielded back? The Senator from New York.

Mr. JAVITS. Mr. President, we have had a copy of earlier version of an amendment which was supposed to be a paperwork amendment. This is the first time we have seen this particular amendment. We do not know whether it does or it does not deal with the problem of giving inadequate information for the purpose of correcting civil rights violations which may occur and upon which information is essential from the people who are subject to the act.

Therefore, before we accept this amendment, which I am not prepared to do——

Mr. CHILES. Mr. President, if the distinguished Senator will look at the bottom of page 2 of the amendment he will see subparagraph (C) which states that:

Nothing in this subsection shall be construed to interfere with the enforcement of the provisions of the Civil Rights Act of 1964 or any other nondiscrimination provisions of Federal law.

Mr. JAVITS. Well, Mr. President, I appreciate that.

Mr. CHILES. I wanted to say——

Mr. JAVITS. We still must read it through, which we have not done. The debate has gone on for about 3 minutes.

Mr. CHILES. I wanted to say to the distinguished Senator from New York that I do not know whether he has had an opportunity to see this amendment, but we have given copies of this amendment to the staff of both sides to discuss it, and we have been discussing it for days.

Mr. JAVITS. I understand, but the amendment has gone through a considerable number of changes. This amendment is very definitive.

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

The PRESIDING OFFICER. The clerk will call the roll. Will the Senator tell the Chair on whose time?

Mr. JAVITS. It would have to be on our time.

The PRESIDING OFFICER. The Chair thanks the Senator from New York. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. JAVITS. Mr. President, if I may have the attention of Senator CHILES, we have now had an opportunity to examine this amendment and I ask for one technical change. Then I would like to make a comment on the amendment, and that is that in the next to the last line on page 2 in front of the word "nondiscrimination," the word "other"—"or any other nondiscrimination provisions of Federal law."

If that is agreeable to the Senator from Florida.

Mr. CHILES. I think that does not do too much harm to the amendment.

Mr. JAVITS. Mr. President, I wish to make this point. We are prepared, and we are going to take this amendment. But I wish to make it clear to the Senator that when we get into the conference, we may find that the paperwork called for by this amendment is in excess of the paperwork which it is designed to correct, because it calls for a new procedure by which comments may be made by any such educational agency, or educational institution, and their representative organization respecting the presentation of this proposed paperwork to OMB for their clearance prior to the establishment of a new data collection form.

We have no idea now what paperwork that implies.

So I say to the Senator, we are with him in the spirit of his amendment, we will take it to conference. We will check it out to see if what is required here will save paperwork. If it will, we are all with him, and if it will not——

Mr. CHILES. I am delighted with that. I think the provisions the Senator is talking about there would not cause any additional paperwork.

It gives people in the field the opportunity to comment, if they feel they need to. It does not require anybody to add anything.

We are delighted.

Mr. JAVITS. I understand the Senator modifies his amendment, therefore, by the insertion of the word "other" in the next to the last line on page 2.

Mr. CHILES. That is correct.

The PRESIDING OFFICER. Will the Senator from New York kindly insert that word, insert any modifications that are added, and send the modified amendment up to the desk?

Mr. PELL. I join in accepting this amendment, but I do recall in the committee how I have usually opposed amendments calling for more paperwork, more reports, more studies.

As I read this amendment in its final form, it seems to me it does create, certainly in the first instance, a lot more paperwork rather than less.

But knowing the objectives of the Sen-

ator from Florida and ourselves are the same, I accept it.

Mr. CHILES. I say to the distinguished Senator from Rhode Island that if there is any paperwork created, it might be that HEW has to do something to justify all of the paperwork they put on all the school boards, that they put on all the local universities, and everybody else.

But it does not create any more paperwork on the poor devils that have been under the paperwork.

Mr. PELL. We will take it to conference and see what we can do with it.

The PRESIDING OFFICER. The amendment will be so modified.

Is all time yielded back?

Mr. JAVITS. Yes.

Mr. CHILES. Yes.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Florida, as modified.

The amendment, as modified, was agreed to.

UP AMENDMENT NO. 384

Mr. STEVENS. Mr. President, I have an amendment, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an unprinted amendment numbered 384.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 128, line 9, strike "1982" and insert in lieu thereof "1977".

On page 144, line 19, strike "1982" and insert in lieu thereof "1977".

On page 164, line 24, strike "1982" and insert in lieu thereof "1977".

On page 168, line 10, strike "1982" and insert in lieu thereof "1977".

Mr. STEVENS. Mr. President, I would like to read a statement for the chairman of our Appropriations Subcommittee for HEW. If he were here, this is what Senator MAGNUSON would say to the Senate:

Mr. President, I would like to say a few words at this point about the Higher Education Act.

As Chairman of the Labor-HEW Appropriations Subcommittee, I am pleased to see this bill moving towards enactment. Unfortunately, our subcommittee had to defer consideration of programs which lacked authorizing legislation. We have always tried to enact early appropriations—particularly for education programs. We have always held the view that the students and the school administrators should know, in advance, what will be available in the way of Federal funds. I am sure my colleagues are aware the Federal investment in education is very small—less than 10 percent. Yet, even the smallest amounts become critical in these times, particularly to those who are in desperate need of any financial aid they can get to go to school. Our committee has worked hard to target funds to the most needy.

One of the programs which helps reach the needy has been the Basic Grant (BEOG) program. After some rough going the first few years the BEOG program, hopefully, seems to be getting on track. There are still some problems: (1) HEW has still not been able to give us good, solid budget estimates at the start of the process, and (2) the issue of potential fraud and abuse has grown just as rapidly as the size of the program.

The bill before the Senate proposes some changes to the BEOG program. Specifically, the bill proposes to increase the maximum grant per student to $1,800—instead of the current level of $1,400. This issue will, of course, be debated on its merits. I would like to make it clear at this point that our labor-HEW Appropriations Subcommittee had no way of accurately predicting that this would happen. In other words, when our subcommittee prepared its projections for the budget ceilings, we did not factor in any increase in the maximum grant level.

It is my understanding that if this legislation is enacted, an additional $400–$500 million would be required over and above our earlier estimates for BEOG's. I just wanted to make it clear that our subcommittee had not planned on this.

As always, we will continue to develop the best appropriation levels possible. When and if legislation is enacted into law, our subcommittee will move with all deliberate speed to get the funds out to the students.

That, Mr. President, was a statement for our chairman.

I have introduced an amendment to limit this authorization to 1 year. Being realistic, I know this amendment will not carry. Therefore, I do not intend to ask for a rollcall vote on it. But having been the one who has chaired hearings on this subject for the Appropriations Subcommittee, I think it is time we looked at what we are doing.

Mr. President, for somewhat different reasons, I must join with members of the Budget Committee in stating my opposition to the recommendations of the Committee on Labor and Public Welfare in extending the student aid programs in the higher education section of this bill.

In one area I do agree with the Labor and Public Welfare Committee and that is extending eligibility to middle-income students. For some time we have recognized that students from lower-income families were often denied the opportunity for post-secondary education because of financial constraints. The many aid programs in this bill testify to the willingness of Congress to ameloriate this situation. In the past decade, however, it is the middle-class student who has had more and more difficulty securing the financial resources necessary to pursue a college degree.

My opposition to the bill before us stems from the fact that we have three grant programs: Basic educational opportunity grants, supplemental educational opportunity grants, and work-study, in addition to two loan programs: Direct loans and guaranteed student loans—all five of which are aimed primarily at the same group of students. In addition to the administrative expenses incurred by the Department of Health, Education, and Welfare in administering the programs for direct loans, work-study-study and SEOG's, the Federal Government pays a 3-percent administrative overhead to educational and financial institutions which process the papers. For fiscal 1976 this 3-percent overhead for the three programs amounted to $28,830,000. By contrast, the administrative costs associated with the basic grants amount to only seven-tenths of 1 percent. If that $28.8 million for administrative expenses had instead been put into the BOG program, an additional 33,483 students could have received grants averaging $855 and that takes into account the BOG administrative cost.

I also have a serious question as to why the Federal Government should pay colleges and universities for processing the forms which then afford students the means to attend the school and pay room, board, and tuition to the institution.

The student aid programs contained in this bill mandate duplication of effort by the student and the colleges by having three different campus-based programs in addition to the basic grant program all of which serve the same purpose—to assist students in getting enough money to attend a post-secondary school. It inflates the Federal bureaucracy by having people in all the regional offices as well as here in Washington who are responsible for only one fraction of student aid. And it wastes the taxpayers' money not only by supporting the HEW employees but also by providing some $28 million a year to pay for processing duplicating applications.

I hope the committee is listening to this because we have to listen to comments on these programs every year. This is a 5-year program. The Senate will be through with it but I will have to listen to these comments again each year for the next 5 years.

The Department of Health, Education, and Welfare informs me that they do not have any statistics on how many students receive basic grants and one or more of the other federally assisted student aid programs. By the very concept of BOG's, however, I feel it is safe to assume that every student who is a recipient of one of the three campus-based programs—work-study, supplemental educational opportunity grants, or a direct loan—also receives a basic educational opportunity grant. HEW does have some figures on the number of students who receive funds from more than one of the three campus-based programs, however, they stopped keeping them after 1970.

During the fiscal year ending June 30, 1970, a total of 772,672 students received funds from work-study, direct loans, or the SEOG program which was then simply called the educational opportunity grant program. Of this number 282,217 or 36 percent received funds from two or even all three of these programs; 51,-703 students had both work-study and SEOG; 70,707 received work-study and NDSL; 96,612 had SEOG and NDSL; and 63,195 benefitted from all three programs.

In fiscal year 1975 HEW tells me that 1,300,000 were assisted by these 3 programs. Using the same percentage of 36 would mean that 468,000 students received funds from more than one of the programs. Keeping in mind my earlier premise that almost all of these students also receive basic opportunity grants, it would be a conservative estimate to say that 1 million duplicative applications were reviewed. That 1 million figure is based only on approved applications.

During our appropriations hearings this year, I chaired the higher education portion. HEW testified that only about 50 percent of the applications received for the basic grant program are approved. I will not carry my estimate of the mountain of unnecessary paper work-generated by the present system of financing student aid which is perpetuated in this bill, but it should be clear by now that we are wasting hundreds of thousands of manhours and millions of taxpayers' dollars in this process.

Now, may I ask my colleagues one question: Why on earth is it necessary to have five programs to accomplish one goal? The authorizing committee has not been responsive to the facts—it has become far too easy to merely change the dates and extend the same programs for 3 or 4 years rather than taking the initiative to streamline the programs. As far as I am concerned, we should have one grant program and one loan program with the same application for each.

Under the bill that is before us now, students will be filling out as many as five applications. We will pay institutions and Federal members of the bureaucracy to process those applications. All of that money is coming from students who could get the money to go to school. Instead of facing up to the problem, the committee merely says, "Authorize more money."

The Appropriations Committee to this date has never been able to fund 100 percent of the current authorization of $1,400. Now we are going to raise it to $1,800. I think it is high time that people listen to the Budget Committee when they tell us we are misleading the students of this country and we are misleading them very grossly.

I wish we had more time to consider this and more people to listen to it. I have listened day after day after day in the Appropriations Committee now for at least 3 years.

We could reduce the size of the Federal bureaucracy, we could save tens of millions of dollars in other administrative costs, and we could provide better service to the students who would no longer have to go hat in hand from one program to the next begging $200 here and $500 there and $700 in loan funds from somewhere else. If a student qualified for a $500 basic grant and a $200 supplemental grant, why not just give $700 from one source?

We make them declare they are paupers, in effect, before they get the supplemental education opportunity grant. I do not see any reason why they should have to do that with the knowledge that the institution gets 3 percent of the money for processing their applications.

I say the record is clear that almost half of these people fill out three applications, they are processed twice, by the institution and by the Federal bureaucracy, and we are wasting money.

We raised this question in our reports. I do not know whether the authorizing committee ever reads the Appropriations Committee's reports, but I am sure that it is time they did. If this amendment would carry, it would mean that the bill before us would be valid for only 1 year, and next year the committee would have to get to the job of revising the whole system and provide us with a simple form where a student could fill out his application and ask for as much BEOG money as he was eligible for, and a guaranteed loan beyond that. That is all we need.

If we did that just this year, as I said, there would be 35,000 more students in school with help. I cannot understand why this committee, to which we have looked for innovation, is giving us a bill which does nothing but change the dates and the dollar amounts, and does not take into account the total of what we have been able to do under this bill.

Mr. President, this year, in 1976, we gave $680, on the average, under a $1,400 grant authorization. Now we are going to tell them, "You will get $1,800." I would be willing to bet, with the budget circumstances we have next year, they will be lucky if they get much more than $700. Then we wonder why it is that students go against the Establishment, why do they despise us? I sat and listened to those students who came in and asked for the right to process their applications themselves, so they would get the 3 percent. They have come forward with a student coordinating council, with some very good suggestions. They present them to our committee, and I presume to this committee, but I see none of that innovation in this bill. This bill is an extension of the same tired, worn-out old thing that has built up the bureaucracy in HEW to the point where the busiest man in HEW today, as our chairman, Senator MAGNUSON, has often said, is the signpainter who paints the names on the doors, because we change the names of the occupants in the same room.

I cannot get excited enough about this, and I know my good friend from the Budget Committee, the Senator from Oklahoma (Mr. BELLMON) understands the problem of the budget limitation, and for that reason, very reluctantly, I will support the committee's amendment to maintain the current level, because it is misleading the students of this country to tell them there is a chance to get any more under the current budget situation, and it is misleading the current population in the schools to tell them this is a new bill, there is something new for education in the country as far as students are concerned.

This bill is a retread, and I have nothing but condemnation for the approach that refuses to listen to the students of the country, refuses to face the facts, and refuses to cut down administrative and overhead costs, and instead deliver that amount of money to the students involved.

As I said, I hope the committee will respond. I do not know whether the Senator from Oklahoma intends to put into the RECORD the statistics to support his action, but I certainly, again, say we are making a great mistake in extending a retread program. We should, instead, be simplifying it, and it could have been done. It could have been done with some innovative thinking. I am sorry to have to say these direct things. I have great respect for the managers of the bill, and I now their hearts and souls are in trying to provide the assistance these students need. But I do not think that the authorizing committee, which faces this problem once every 5 years, is doing anything to assist those of us who face it not only once a year in the annual appropriation, but again in the supplemental process. This year we had to come up with $800 million extra money, taken out of other areas, in order to cover the applications that came in; and in doing so we did not get the opportunity to increase the amount of money the students and schools should have had to meet the increased costs they face.

I happen to know a little bit about this, having four kids in college at the same time. None of them are eligible for these programs, but I know what their friends tell us, and I know some of the problems I personally have faced in keeping those kids in school. It is unfortunate, to me, that the Congress of the United States is going to perpetuate a program that will provide, probably, more jobs for people who process more than a million duplicated applications than it will provide in additional assistance to the students who are vitally in need of that assistance.

As I say, I understand the facts of life, and I do not intend to press for a rollcall vote, but I hope this is a warning to this committee. Some of us intend to be around here for a long time. I do, and I am going to oppose any further extension, ever, of this retreaded concept that continues to pile program on program and administrative cost on administrative cost, and refuses to simplify the process of providing assistance to the students who are in need.

We are all aware of the increasing problems with default on loans and misuse of other Federal student aid funds. The present programs all too readily lend themselves to such abuse. One application per student, one grant fund, one loan fund—this would be far easier to monitor and audit.

Mr. President, I truly feel that the committee is capable of revising, reforming and simplifying the student aid package. For this reason, I am offering an amendment which would limit the authorization for these programs to 1 year with the hope that when the 95th Congress convenes next year, the committee will give serious consideration to the suggestions I have made today.

Mr. PELL. Mr. President, the Senator from Alaska has made a very eloquent statement in behalf of his amendment. However, I think that we ought to bear in mind that the students are opposed to the present, as he puts it, piecework approach. The National Student Lobby, just a couple of weeks ago, sent a letter to the majority leader strongly supporting this bill as it is. I ask unanimous consent that their letter be printed in the RECORD at this point.

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

NATIONAL STUDENT LOBBY,
Washington, D.C., August 13, 1976.

Senator MIKE MANSFIELD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MANSFIELD: The National Student Lobby notes with dismay the repeated postponement of consideration of the

1976 Higher Education Amendments, S2657. This bill is currently scheduled for floor action the week of August 23. Action on S2657 must be taken immediately after the Republican Convention as the first order of business. One more delay (for example, past Labor Day) would make a conference committee virtually impossible, forcing the enactment of a continuing resolution. No one would benefit from such action; students—particularly those who rely on financial aid to remain in school—would be seriously harmed by Congress' inability to act.

It is imperative that the 1976 Higher Education Amendments be adopted before the September 30, 1976 expiration of the higher education programs. To replace action in the amendments with passage of a continuing resolution would constitute gross negligence on the part of Congress. Full funding of the higher education programs and titles would be seriously jeopardized by failure to pass and agree on a bill. NSL is particularly concerned that Title 4 appropriations will be endangered. This is a dangerous game, with the continued education of thousands of students in the balance.

In addition, failure by Congress to enact the new amendments will postpone needed and pressing reforms in Title 4 programs, most notably the Guaranteed Student Loan Program and Special Programs for the Disadvantaged Student (TRIO).

NSL views early consideration of S2657 as imperative.

Yours,

DAVID ROSEN,
Legislative Director.

Mr. PELL. As for the problem of paperwork, there is no one in the committee more concerned with it than I. We have had hearings on this subject. I recognize that the forms used by the basic educational opportunity grants are very complicated. We tried, and were unable to achieve a common form, so that one form could be used for all four programs. Under actions we in Congress have passed, we have specified that the Government must never ask for information unless it is needed for the particular program or application involved. For that reason, among others, we cannot have a common form, because in each case the common form would require information other than that required for the particular program the student was interested in.

From the viewpoint of the institutions and for general planning, I think it is a pretty good idea to have a 4- or 5-year bill, or a 6-year bill, which this is, so that we do not have to continually change plans, with youngsters and parents who have a hard time enough, as is. We found this in connection with basic educational opportunity grants. For the first couple of years, hardly anyone seemed to want to apply, and then, as young people became conscious of the program and familiar with the paperwork involved, it became more and more popular. They then applied in force. The point is, it took almost 3 years before the new program filtered down. To make it a 1-year program, I think, would be in error, it would not allow the students time to adjust, and therefore I oppose this amendment.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator from Rhode Island yield briefly?

Mr. PELL. Certainly.

Mr. WILLIAM L. SCOTT. Just looking through the report, I do not see the total cost of the program; there seems to be no index. Does the Senator know the cost?

Mr. PELL. The approximate total cost, if it remains a 6-year bill, is $36 billion, averaging out to $6 billion a year.

Mr. WILLIAM L. SCOTT. I thank the Senator.

Mr. JAVITS. Mr. President, I wish to make just one point. I adopt everything which the Senator from Rhode Island has said, but I have listened very carefully to the Senator from Alaska (Mr. STEVENS). I am impressed. I know that is his view.

We have had our hearings and have, in the hearings, found justification for these programs. Obviously we like the guaranteed student loans; it is one of "my babies," and I like it because it involves very heavily private enterprise; but I take to heart everything the Senator has said, and I promise him I will dig into it. I never want to be complacent. Since this issue has moved him as deeply as it obviously has, it moves me. I will try very hard tc see what can be done to simplify the programs. I do not want to be arguing about the details now, because obviously the Senator has studied it well, and I want to be as forceful in my argument as he has been.

Mr. STEVENS. I thank the Senator from New York. I am sure the Senator from New York can never be accused of being complacent. I do feel strongly about it, because the record which the students made before the Appropriations Committee, in my opinion, justifies innovation, if we want to restore their confidence in our system of providing Federal assistance to them.

I appreciate the comments of the Senator from Rhode Island, and also the spirit in which the Senator from New York has spoken.

Mr. President, I withdraw that amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. STEVENS. I have another amendment.

The PRESIDING OFFICER. The Senator from Kansas. The Senator from Alaska has a further amendment.

Mr. STEVENS. I said I have two. I will be happy to yield. It is very short.

Mr. PEARSON. Go ahead.

The PRESIDING OFFICER. The Senator from Alaska.

UP AMENDMENT NO. 385

Mr. STEVENS. I do not intend to call for a rollcall vote. But I do have an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) for himself, Mr. INOUYE, Mr. GRAVEL, Mr. DURKIN, Mr. LAXALT, and Mr. MCGOVERN proposes unprinted amendment No. 385.

The amendment is as follows:

On page 130, between lines 17 and 18, insert the following new subsection:

(b) Section 415B(a)(1)(A) of the Act is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "except that (1) no State shall be allotted less than one-half of one per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands."

On page 130, line 18, strike out "(b)" and insert in lieu thereof "(C)".

On page 131, line 9, strike out "(c)" and insert in lieu thereof "(d)".

On page 222, line 5, strike out the period.

On page 222, between lines 5 and 6, insert the following: "except that (1) no State shall be allotted less than one-half of one per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands."

Mr. STEVENS. Mr. President, I discussed this amendment with the manager of the bill and I understand his position and again I am not going to ask for a rollcall vote. I do want to make a record of this, though. I want to indicate my feelings about one portion of this.

Mr. President, I am very pleased to call up my amendment which would insure that all States receive adequate funding under two of the most important programs which we are extending under S. 2657, the State student incentive grants program and the basic vocational education programs. My amendment would insure for the first time a guaranteed funding level to each State.

Both of these programs are now funded through a formula based primarily on population. This formula has, in my opinion, led to inequities in the distribution of funds. We have developed a system which provides built-in hardship for small States such as Alaska in providing adequate services with the moneys that are available.

For instance, the State of Alaska has decided not to participate in the State student incentive grants program in the past because out of a total of $44 million nationwide, my State would receive only $58,000 in Federal funds. Even with matching moneys from the State, administrative and overhead costs which accompany a program such as this outweigh the value of the limited Federal support which would be forthcoming.

Additionally, the level of Federal support for the vocational education funds is totally unrealistic. Alaska receives something over $600,000 out of a total of $422 million. In order for the State to provide for the rapid development of vocational education delivery systems in rural Alaska, coupled with articulation to postsecondary vocational programs and a further expansion of adult and continuing education programs throughout the State, a higher level of Federal assistance must be forthcoming.

In order to make the point more graphic, the figures I have quoted indicate that my State is currently receiving approximately one-tenth of 1 percent of

all nationwide funds for either of these programs. Many other States are faced with similar low percentage figures for Federal assistance under these programs.

My amendment would mandate that no State would receive less than one-half of 1 percent of the funds appropriated under these two programs. I direct the attention of the Senate to a list of the States which would benefit under the provisions of my amendment. I ask unanimous consent that this listing follow the completion of my remarks.

Mr. President, while I certainly realize that there is a strong argument to be made for distribution of these funds on a population basis, I am convinced that the formula that has been developed does not provide nationwide assistance in an equitable manner. I believe that a one-half of 1-percent floor is an extremely modest request, and I would certainly hope that Senators from more largely populated States would recognize this as such. The intent of this bill in continuing the public laws that provide these educational programs is to insure that each State will have enough Federal assistance to adequately carry out the purposes of each program. What we are asking for today is that we live up to this obligation, and provide all our States with enough assistance to cary out these programs.

Mr. President, I ask unanimous consent that a listing of State student incentive grants be printed in the RECORD.

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

State student incentive grants

State	1976 appropriation	1977 estimate	.5 percent floor
Alaska	$58,776	$58,776	$220,000
Delaware	149,989	149,989	220,000
Hawaii	180,753	180,753	220,000
Idaho	145,592	145,592	220,000
Maine	159,086	159,086	220,000
Montana	127,434	127,434	220,000
Nevada	113,904	113,904	220,000
New Hampshire	149,917	149,917	220,000
North Dakota	120,529	120,529	220,000
South Dakota	117,764	117,764	220,000
Vermont	113,172	113,172	220,000
Wyoming	79,279	79,279	220,000

Basic vocational education programs

State	1976 appropriation	1977 estimate	.5 percent floor
Alaska	$618,820	$701,942	$2,407,650
Delaware	989,618	1,134,066	2,407,650
Idaho	1,858,990	2,095,875	2,407,650
Montana	1,683,661	1,873,041	2,407,650
Nevada	906,177	1,097,653	2,407,650
New Hampshire	1,610,620	1,894,837	2,407,650
North Dakota	1,583,246	1,494,848	2,407,650
Rhode Island	1,923,618	2,093,558	2,407,650
South Dakota	1,698,798	1,783,195	2,407,650
Vermont	1,091,067	1,237,586	2,407,650
Wyoming	760,782	869,385	2,407,000

Mr. STEVENS. My State is a very low population, very high cost State. We have had to decide not to participate in the State student incentive grants program because the administrative costs would exceed the amount of money that would be available to students even under the matching formula. Under this bill it provides $44 million nationwide. My State would receive $58,000 for that student incentive grant program.

In the level of Federal support for vocational education funds it is also unrealistic. My State would receive something around $600,000 out of $422 million. Mr. President, it costs almost as much to administer a small program as it does to administer a large program when you are dealing with the contents of this type of aid.

My amendment that I offered here would mandate as we have in the water programs by providing assistance to States to develop clean and safe water programs. We provided a minimum of one-half of 1 percent for the administrative costs to each State. We have provided that now in several other bills at my request, including the administrative costs under the EDA program. This amendment that I have offered would provide that no less than one-half of 1 percent of th se two programs would be made available to any State, and I have a list of those States that would be benefited from this amendment. But also I realize the problem that is involved, and the problem is a unique one. Unless we could find a way to increase the amount of money available we would automatically be decreasing the amounts of money available to other States in order to provide a fair participation to the smaller States. This too is a matter which I hope the committee will study in the future and may find some way to separate out administrative cost funds and provide each State with an amount for administration which will in fact permit the program to go ahead, and then where you have funds that are allocated on the basis of population they could still have a modest program in every State.

And I hope that the comment will alert some members from other States of the very tough problem we have with mounting administrative costs and limited funds for student aid in these two very vital areas.

Mr. JAVITS. Mr. President, does the Senator wish a voice vote on his amendment?

Mr. STEVENS. All I ask for is a voice vote.

Mr. JAVITS. We are prepared to yield back our time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. PELL. I yield back my time.

The PRESIDING OFFICER. Does the Senator from Alaska yield back the remainder of his time?

Mr. STEVENS. Yes, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was rejected.

AMENDMENT NO. 2227

Mr. PEARSON. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. PEARSON), for Mr. DOLE, proposes amendment No. 2227.

Mr. PEARSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 320, strike lines 8 through 17 and insert in lieu thereof the following:

ELIGIBILITY OF CERTAIN CHILDREN FOR SERVICES UNDER TITLE I OF THE ELMENTARY AND SECONDARY EDUCATION ACT

SEC. 325. Section 141 of title I of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of this section, a local educational agency which implements a plan described in subparagraph (A), (B), or (C) of section 706 (a)(1) of the Emergency School Aid Act may, during the three school years following the implementation of that plan or during the school years ending prior to September 1, 1979, whichever is later, provide services under this title to children who reside in school attendance areas which were eligible for such services prior to the implementation of the plan, but who, as a result of such plan, are no longer eligible to receive them. Any school which is not eligible for a project under paragraph (1)(A) or (13) of subsection (a) but which is attended by children who are eligible to receive services under this subsection shall not be considered to be providing services in project areas or to be a school served by a program or project for the purposes of paragraph (3)(C) and (14) of subsection (a).".

On page 101, in the Table of Contents, strike item "Sec. 325." and insert in lieu thereof:

"Sec. 325. Eligibility of certain children for services under title I of the Elementary and Secondary Education Act.".

Mr. PEARSON. Mr. President, I offer this amendment prepared by my distinguished colleague (Mr. DOLE), although I join in the sponsorship with it, and present it in his behalf here tonight, and

it applies to many problems throughout the country, but it is of particular interest to us.

The PRESIDING OFFICER. The Senator will suspend momentarily.

The Senate will be in order.

Will the Senators kindly clear the well and take their seats?

The Senator from Kansas may proceed.

Mr. PEARSON. Mr. President, this amendment deals with the eligibility of services to disadvantaged children under title I of the Elementary and Secondary Educational Act, and under that provision it was formerly provided that children who were transferred under a desegregation plan from one school which had qualified under title I as a school of high concentration of low-income families, when the children were transferred, then the services to those children followed the children themselves to the new school. That was formerly the case. There was then a new legal opinion, by the Office of Education, that renounced that policy. To give a case in point, in the city of Wichita, Kans., which is now under a desegregation order, some 1,800 children will lose under the new legal opinion of the Office of Education the benefits under title I. The committee sought to deal with this particular problem by involving or constructing under title 325, which is on page 203 of the report, which said that services would continue and be transferred with the student, if, first, they had previously been receiving those services, and, second, if it were under a court-ordered desegregation plan.

This amendment changes that committee policy in three ways.

First, it provides that the services will continue with the children as they are transferred, not only if they are only under a court desegregation plan, but if they are under an administrative plan or voluntary plan or any other plan.

Second, it changes it in that children entering into the educational system for the first time would be eligible for these services because they in their preschool years had been subject to the same disadvantages as children who were transferred out and had they remained in their school they would receive those services.

The third modification of the committee proposal is that there be a 3-year limitation on this transfer of funds, because I understand their concern and as they pointed out so well in the report that you cannot transfer funds out of a poor area, do it continually, do it on a long-term basis without effect, without affecting severely the funds in that particular area.

Mr. President, this is an amendment that is supported by OMB, the administration, and HEW. I hope that the managers of the bill will look favorably upon this amendment.

Mr. PELL. Mr. President, this amendment is a pretty broad one. It seeks to get to a problem. I see the problem. But also one of the effects, if it were passed, would be to dilute the effectiveness of the title I programs, and on balance I am compelled to oppose it.

Mr. JAVITS. Mr. President, I want to have the facts clear. According to our figures from the U.S. Commission on Civil Rights, there are three children who are subject to voluntary or other than court-ordered plans for each one child under court-ordered plans. This possibly increases the movement of ESEA title I money, affects money for underprivileged children in education. It moves with the child by three times what is authorized in the committee bill, and, of course, that depletes very materially the aggregate funds available under title I for children who are underprivileged children.

Therefore, Mr. President, I join Senator Pell in opposition to this amendment, and I most respectfully suggest in view of that fact I do not think either of us could rely on the voice vote technique.

I hope, therefore, that we might quit now—it is 10 minutes to 8—or that the vote be put over until tomorrow.

Mr. PEARSON. Mr. President, if the Senator will yield, I think that is a good suggestion. I would like to have a record vote on this amendment, but the hour is getting late. Not many Senators are in the Chamber.

If the leadership would permit, I would hope that we would obtain the yeas and nays this evening and vote on it tomorrow morning. That would give us a reason to come in early and get right to work.

Mr. JAVITS. There is nothing the leadership can do about it. If the Senator asks for the yeas and nays, he will have it.

Mr. PEARSON. I want the concurrence of the leadership on this.

Mr. EAGLETON. Mr. President, will the Senator withhold that request? Will the Senator ask unanimous consent that the rollcall vote on this amendment come immediately following the morning hour tomorrow?

Mr. PEARSON. That is all right. I have no objection.

Mr. JAVITS. I have no objection.

Mr. PELL. Both sides yield back their time.

Mr. EAGLETON. Now we can ask for the yeas and nays.

Mr. PEARSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PEARSON. Mr. President, I ask unanimous consent that the vote on this amendment come immediately following the close of morning business tomorrow.

Mr. JAVITS. Mr. President, reserving the right to object—and I shall not object—I think we should leave 5 minutes to a side, so that anybody who is not there now can know what we are discussing. That should be before the vote.

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

Mr. PEARSON. We can yield back the time.

Mr. JAVITS. We can yield back all but 5 minutes each.

Mr. PEARSON. I make that unanimous-consent request.

The PRESIDING OFFICER. Does the Senator mean after the morning business?

Mr. PEARSON. After the morning business.

THE PRESIDING OFFICER. When the Senate resumes the unfinished business.

Mr. PEARSON. And not before 9:30 in the morning.

Mr. JAVITS. And preceded by a 10-minute debate, with the time evenly divided.

The PRESIDING OFFICER. Five minutes to a side.

Without objection, it is so ordered.

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

Mr. McCLURE. Mr. President, will the Senator withhold that request?

Mr. PELL. Yes.

Mr. McCLURE. I thank the Senator.

Mr. President, I have three amendments, and it is my intention to call up the one amendment on which there is a 10-minute limit. I ask for a rollcall vote on that amendment. I have two other amendments on which there are 30-minute time limitations. They both deal with title IX regulations. They should be considered together, I think, and I wonder whether it might be in order at this time to ask that they be made the pending business following the vote on the Pearson amendment tomorrow morning.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. I have no objection.

Mr. PELL. I have no objection.

Mr. JAVITS. That does not mean that they are going to be considered together. It just means that they will follow seriatim.

Mr. McCLURE. That is correct.

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

Mr. McCLURE. I yield.

Mr. BELLMON. Mr. President, would it be in order for a unanimous-consent request that the Bellmon amendment be the pending business following the McClure amendments?

Mr. JAVITS. Could we know what these amendments are?

Mr. McCLURE. I will give the Senator copies.

Mr. BELLMON. I will give the Senator a copy.

Mr. JAVITS. Mr. President, reserving the right to object, what is the time limit on the amendment of the Senator from Oklahoma?

Mr. BELLMON. Thirty minutes.

Mr. McCLURE. Thirty minutes on each of my two which I will call up tomorrow morning.

Mr. JAVITS. So that there will be 15 minutes on a side on each one.

Mr. McCLURE Yes.

Mr. JAVITS. I should like to have a minute to consult the leadership, because we are piling up the time. We are coming in at 9. Let me consult the leadership.

Mr. McCLURE. Mr. President, I have a unanimous-consent request with respect to making my amendment the pending business.

Mr. JAVITS. Yes.

Mr. McCLURE. While the Senator is doing that, I thought I could bring up the other amendment on which there is a time limit.

Mr. JAVITS. Ten minutes?

Mr. McCLURE. Yes.

Mr. JAVITS. Will it require a vote?

Mr. McCLURE. It will not require a record vote.

Mr. JAVITS. I do not know whether we can even have a voice vote tonight, at this hour.

Mr. McCLURE. It only takes about two to have a voice vote.

Mr. PELL. The two might go the wrong way. [Laughter.]

Mr. JAVITS. Mr. President, if the Senator desires to discuss it, I have no objection; but I am serving notice that we may have the same problem there.

UP AMENDMENT NO. 387

Mr. McCLURE. Let us solve that when we get to it.

Mr. President, I have an amendment at the desk, and I ask that it be reported.

The PRESIDING OFFICER. Without objection, the amendment is in order, and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes unprinted amendment No. 387.

The amendment is as follows:

On page 130, strike out lines 22 through 4 on page 131.

On page 130, line 20, redesignate (6) as (5), and (7) as (6), and in line 21 strike "clauses," and add "clause."

On page 131, line 5, redesignate (5) as (4).

Mr. McCLURE. Mr. President, this matter has been broached once by the amendment of the Senator from Arkansas (Mr. BUMPERS). It deals with the question of portability.

This issue of portability of the Federal grant moneys under the State student incentive grants is a matter of first impression to the Senate, because it has been injected for the first time by the committee bill.

The Senator from Arkansas properly raised the question about the ability of the State to respond to this new matching requirement on the part of the Federal Government by asking that the effective date of the portability requirement be postponed for 1 year, and that amendment was adopted. So it might be said that my object in bringing up this amendment at this time is premature, because it will not be in effect for another year; but my concern remains exactly as if it were going to be made pending immediately.

I understand that in the committee, the Senator from New York was able to have an exception made to the portability provision if the State provided at least 150 percent of the amount of the Federal grant. This has the effect of guaranteeing that the States that have the most financial resources, or the ones that focus most financial resources on student incentive grants, are exempted from the requirement; but the States that have limited resources, that have found it difficult to make student incentive grants, are subjected to the portability requirement.

It seems to me that while this may have been intended to relate it to the amount of money that the Federal Government and the State governments were putting into the program, and perhaps was intended to stimulate the States to come up to the 150 percent grant requirement in order to exempt themselves from the portability requirement, it may, instead of increasing the amount of money available to students, actually work in the opposite way, that States that will be subjected to the portability requirement will suddenly just fail to participate in the program. The result then would be a loss of educational opportunity and a loss in precisely those States that have the greatest difficulty providing money.

That does not seem to me to be a rational policy; and I do not think that simply saying that we will delay it for a year in its application really addresses itself to the question.

The requirement of portability contained in section 123 (b) (4) of the committee version of the education amendments which would prevent States from limiting State student incentive grants to students attending eligible institutions within the State, would have damaging effect on those smaller States, such as Idaho, with relatively small SSIG programs. These States are already hard pressed to provide sufficient matching funds to claim their basic SSIG entitlements, and may, in fact, be forced to discontinue their participation in the program altogether if the added burden resulting from portability is placed upon them. In addition to the added costs of administration, the requirement would necessarily result in the loss of control at the local level by the individual institution, where decisions regarding need of applying students can be made most equitably.

Those students wishing to attend out-of-state schools are afforded portability in financial aid by other programs such as basic education opportunity grants.

The States should not be forced to submit to the dictates of the Federal Government in how they administer such grants including substantial amounts of State moneys.

I have letters from the president of the University of Idaho and from the Governor of the State in which they voice their objections to portability, and I ask unanimous consent that they be made a part of the RECORD.

I also have a listing of the States affected by portability with the 150-percent exemption that was introduced into that deliberation in the committee, and I ask unanimous consent that it be printed in the RECORD.

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

UNIVERSITY OF IDAHO,
Moscow, Idaho, June 18, 1976.

Senator JAMES A. McCLURE,
U.S. Senate,
Washington, D.C.

DEAR JIM: We are seriously concerned that certain amendments to the Higher Education Act of 1965 as proposed in Senate Bill S2657 will not only have a deleterious effect on the states and on college students, but will also be very difficult to administer. These provisions are contained on page 126 of the amendments in Section 415C(b) of the Higher Education Act of 1965.

State Student Incentive Grants are now limited by states to students attending eligible institutions within that state. The amendment seeks, by federal legislation, to prevent states from so restricting. To escape the amendment's force, states will be obliged to exceed the one-to-one dollar match by 50%. In a state such as Idaho, whose fiscal efforts on behalf of higher education are already heroic, the amendment could well result in no increase in state funds for matching and a corresponding net reduction in award of federal aid funds by a factor of one-third.

It is doubtful that the Idaho legislature will endorse this new portability concept, nor do we as an Idaho institution. Idaho state legislation has encouraged Idaho youth to remain in the state for undergraduate study. In support of this goal, a strong state scholarship program (non-portable) is in operation. Idaho possesses adequate institutional capacity within the state, public and private, to furnish quality undergraduate programs to Idaho youth. Full utilization of these institutional resources is vital in a state where citizens are relatively heavily taxed for higher education. Any hint of underutilization of facilities and encouragement of students to go to college out-of-state may well result in loss of fiscal support for Idaho higher education.

The Basic Educational Opportunity Grant program already provides a high degree of portability in student financial aid. Students supported under the campus based programs (NDSL, CWS, and SEOG) are funded through the institution they elect to attend. The portability proposed by this amendment will needlessly complicate financial aid work in every state and in every institution. This, in turn, increases administrative costs. These additional costs will absorb dollars which would otherwise reach students in the form of direct aid. Portability should, in our view, be approached in a way *now possible* under the law, i.e., the receiving state provides State Student Incentive Grant funds to the entering student without discrimination as to the student's residency.

We oppose this amendment vigorously and recommend that portability be encouraged by continuing to permit states to award State Student Incentive Grants without regard for the student's residency.

Sincerely,

ERNEST W. HARTUNG,
President.

STATE OF IDAHO,
Boise, June 11, 1976.

Senator JAMES A. McCLURE,
Room 2106, Dirksen Building,
Washington, D.C.

DEAR SENATOR McCLURE: It has come to my attention that Senate Bill 2657 contains an amendment to the State Student Incentive Grant Program requiring that a state must provide "portability" of state grants unless the nonfederal funding equals 150 percent or more of the federal funding.

This is a strange amendment. Presumably it was designed to insure "portability". Its most probable result would be to enable states with large, well-established student assistance programs to *avoid* portability.

In the case of the State of Idaho, which has for the first time appropriated money to match the federal SSIG funds, the effect of the amendment would probably be the withdrawal of Idaho from the program. The question of portability has never been reviewed by this office, nor has it been reviewed by the legislature. It is certain that a substantial number of legislators would oppose utilization of state monies for such a purpose.

In short, the amendment to S. 2657, without assuring the portability its sponsors appear to desire would, in fact, threaten to destroy completely the fledgling program in this State. I urge you to support any action which may be introduced to remove this amendment from the Bill.

Sincerely,

CECIL D. ANDRUS,
Governor.

STATES AFFECTED BY PORTABILITY

Alaska, Arizona, Arkansas, District of Columbia, Hawaii, Idaho, Louisiana, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, South Dakota, Tennessee, Utah, Virginia, Wyoming, and American Samoa.

Mr. JAVITS. Mr. President, as I understand it, and the Senator will correct me if I am wrong, this proposes to drop the whole concept of portability. Is that correct?

Mr. McCLURE. The Senator is correct.

Mr. JAVITS. It is too comprehensive an amendment for us to take and much too comprehensive an amendment for us to submit to a voice vote. Therefore, I suggest to the Senator—as I understand it now, and he will correct me or the Chair will correct me if I am wrong, there are 10 minutes on this amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. A few have been used. Senator McCLURE has two others, on which there is a half hour each.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. That means an hour tomorrow.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Mr. President, I should have to seek a quorum or a record vote if this matter is to be pursued tonight. We do not want to do that. Perhaps we should make the same arrangement for this amendment that we made for Mr. PEARSON'S amendment and perhaps have it considered immediately after the Pearson amendment is voted upon.

Mr. McCLURE. May I, in conformity with the request of the Senator from New York, ask unanimous consent that this amendment be made the pending business immediately following the disposition of the vote on the Pearson amendment with, again, 5 minutes of debate on each side preceding the vote?

Mr. JAVITS. Right.

Mr. McCLURE. And that the rollcall vote be a 10-minute vote?

Mr. JAVITS. That is right.

Mr. McCLURE. And that, immediately following the disposition of this amendment, my other two amendments be made the pending business.

Mr. JAVITS. I would like to wait on that. I would not like the Senator to include that matter in this request. Just make this one the Senator's amendment, 10 minutes, and a rollcall. Let me say why.

I say to Mr. BELLMON, we find now that we have a list of amendments which will take us, if the time is used, well past 12 o'clock. It will mean that Members who do not happen to be here are absolutely shut out. I should have been alert enough to catch that on Senator McCLURE'S unanimous-consent request. One, maybe, we can live with. But if we begin to have all the time taken up back to back, it is very unfair to other Members. I shall feel constrained, therefore, to object. But I hope that, in the spirit of accommodation which all of us have here, we shall be able to work out a schedule, perhaps reducing time for each in order to be able to accommodate everybody and give a reasonable opportunity for debate. Right now, we have from 9:30 until 12, which is 2½ hours. We have 2 hours and 35 minutes of debate. That includes rollcalls, of course. So obviously, we are over, and some Members are going to be completely shut out.

Mr. McCLURE. I withdraw my request, then.

Mr. JAVITS. The request is OK for this amendment, because we cannot deal with it tonight.

Mr. McCLURE. The difficulty with that is that I have already gotten unanimous consent that my other two amendments will be made the pending business.

Mr. JAVITS. Right.

Mr. McCLURE. If I do not withdraw my request, I shall lose that unanimous consent, because this will vary from that.

Mr. JAVITS. Right.

Mr. McCLURE. Therefore, I withdraw my unanimous-consent request on this amendment.

Mr. JAVITS. Does the Senator want a vote on this amendment tonight?

Mr. McCLURE. That is fine with me.

Mr. JAVITS. We shall have to get a quorum and see if it is here.

Mr. McCLURE. I am satisfied with a voice vote.

Mr. JAVITS. We cannot have a voice vote. We just do not know who is here.

All right, Mr. President, I am willing to yield back my time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. JAVITS. Yes, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. STEVENS. Will the Senator answer an inquiry for me before we close the business here, the manager of the bill?

Mr. JAVITS. Yes.

Mr. STEVENS. We just had a question raised as to whether this bill mandates any particular level of funding of these five student aid programs in regard to one another. Is there anything in this proposal before us that mandates a particular level of one program in relation to the other?

Does the Senator from Rhode Island understand my question?

Mr. PELL. Yes.

Mr. STEVENS. We ran into a situation once where we tried to increase the BOEG allocation and we were told we could not put any money into BOEG because we were mandated to put a certain portion of the money available for student aid into the other programs. Is that concept in this bill?

Mr. PELL. That concept is in this bill. It has been existing law since 1972. The Senator is correct.

Mr. STEVENS. Is it changed in any regard as far as current law is concerned?

Mr. PELL. There is no change as far as current law is concerned.

Mr. President, I move to reconsider the vote on the amendment of the Senator from Idaho.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. May we know if any other amendments are to be offered?

Does Senator BELLMON wish to press his unanimous-consent request?

Mr. BELLMON. Mr. President, I would like to press for unanimous consent to my amendment tomorrow, that it follow the two McClure amendments.

The PRESIDING OFFICER. Will the Senator state the unanimous-*consent* request?

Mr. BELLMON. Mr. President, I ask unanimous consent that, following the vote on the second McClure amendment, the Bellmon amendment be made the pending business.

Mr. JAVITS. Mr. President, reserving the right to object, and I hope we can work this out so that I do not object, I am perfectly agreeable to Senator BELLMON'S amendment following Senator McCLURE. In fairness to Members not here, the time that both have is excessive, considering the fact that we only have 2½ hours. If Senator McCLURE might be willing to consider cutting down the time on both of his amendments, say to 20 minutes instead of a half hour, and Senator BELLMON would consider cutting down the time on his amendment to 20 minutes instead of a half hour, then I think it would be at least somewhat more fair to those who are not present.

Mr. BELLMON. Mr. President, I am agreeable to a 20-minute time limit.

Mr. McCLURE. Mr. President, may I say that both of my amendments deal with the same subject matter. They both deal with the title 9 regulations. Although they are separate amendments and deal with it in different portions, nevertheless, the debate probably will somewhat merge and we might be able to get the debate on both of them and then have back-to-back votes. Rather than a whole hour on the two, we could have 40 minutes on the two, equally divided, then back-to-back votes on the two amendments.

Mr. JAVITS. That suits me.

Mr. PELL. We do not have to use the time in any case.

Mr. McCLURE. That is right.

Mr. JAVITS. The unanimous-consent request, as I understand it, is that the time on the Bellmon amendment is reduced to 20 minutes, *equally* divided. The time on the two McClure amendments is reduced from an hour aggregate to 40 minutes aggregate, equally divided, with the votes to come back-to-back after the debate of 40 minutes is complete.

The PRESIDING OFFICER. The Senator is correct.

Is there objection? Without objection, it is so ordered.

ADDITIONAL STATEMENTS

Mr. WILLIAMS. Mr. President, I am pleased to join my colleagues on the Committee on Labor and Public Welfare

in bringing S. 2657, the Education Amendments of 1976, to the attention of the Senate. This bill contains extension authority for all programs of higher education and vocational education, makes revisions in other programs in the administration of education by the U.S. Office of Education, and authorizes the creation of a number of new programs.

This bill represents the careful and concerned efforts over the last 2 years of the chairman of the Education Subcommittee, the Senator from Rhode Island (Mr. PELL), with the assistance of other members of the committee. Committee consideration encompassed more than 17 days of hearings and many more informal sessions, including field review by staff. I believe this bill thus provides a sensitive and forward looking review of higher education and vocational education, one that provides assistance to those students in need and makes changes in programs to assure that they meet the needs of the times.

Continuing the historical trend of educational legislation which has been approved by the Congress over the last decade, the provisions of S. 2657 further extend equal opportunity through education by focusing attention on the nontraditional student and nontraditional education programs. In particular, the committee bill adopts a program for grants to States for the development of postsecondary continuing education programs, which includes funding for technical assistance to States and localities for the development of such programs and puts a priority on the funding of statewide planning efforts to determine the need for various continuing education programs and to adopt strategies to meet these State needs.

The committee bill directs the Commissioner of Education to undertake activities to explore various alternatives for a national strategy on lifelong learning. These provisions put emphasis on exploring flexible learning environments and programs for persons of all ages. They take note of the tremendous change in our society and the need for individuals to continue learning and continue exploring. As the committee found during its review of education programs, the increase in students enrolled part-time in institutions of higher education has increased by 20 percent from 1969 to 1972 alone, as compared to the increase of full-time students of only 8.8 percent.

Furthermore, we know that over the next several years we can expect an increase in leisure time for all citizens and many changes in the job market and the society around us. Remarkable new methods and environments of learning have been created here and in other countries, including such things as community workplace learning, tuition free education for the elderly, various programs for financing retraining of workers, programs in museums and galleries, and outdoor learning settings. As our society continues to become more complex, I believe we must assure to our citizens as much personal freedom and opportunity for creative endeavor possible. This strategy for lifelong learning offers us this opportunity.

I take special note of one part of this provision which I authored to demonstrate ways to increase the utilization by workers of employer-employee tuition assistance programs and to coordinate and encourage the development of community learning programs which will meet the projected career and occupational needs of the community. These provisions were adopted to try to find ways to correct the underutilization of tuition assistance programs and to bring the world of work and the world of education closer together in the community. These ideas were originally explored in "The Boundless Resource," a study done by Willard Wirtz and the National Manpower Institute.

In the area of student assistance, I believe the committee bill makes some major changes designed to make higher education more accessible to families of all incomes. It adopts an increase in the maximum grant allowable under the BEOG program from $1,400 to $1,800. This provision was adopted by the committee to keep up with increasing costs since 1972 to assure that the student grant allowable makes sense in terms of costs of higher education.

S. 2657 also increases from $15,000 to $25,000 the income level for automatic eligibility for interest subsidies in the guaranteed student loan program. This change in the guaranteed student loan program is designed to assure that this program will again meet the needs of students as was intended when the provision was created in 1965. When the $15,000 limit was set 10 years ago, the intention was that 87 percent of all students receiving loans could benefit from the interest subsidies. Because of the increase in the cost of living, only two-thirds of the students now receiving guaranteed loans are also eligible for the interest subsidy. As many of my colleagues know, this loan program is currently one of the few sources of Federal financial assistance for students from middle-income families.

While students with incomes over $15,000 may receive interest subsidies based on their need, this change will assure that students from middle-income families from all over the United States will be able to be assisted. As this program currently operates, the income level differential cuts hardest against middle-income families from the large industrial States like New Jersey because the cost of living in these areas is higher. I know that in many of these States banks and student financial aids officers have been very sensitive to needs of individual students. This amendment, however, will assure that the intent of Congress is clear on the matter.

S. 2657 also adopts new provisions for support of education outreach centers, to assure that information about opportunities for postsecondary education, financial assistance, and other pertinent matters will be available to all persons throughout a State; and of service learning centers to provide postsecondary remedial training to students from disadvantaged backgrounds. I know that in my own State of New Jersey these programs will be extremely helpful in assuring that the State can meet the needs of bilingual students, handicapped, and other disadvantaged students seeking postsecondary education.

The bill also makes important changes in the GSL program designed to improve loan collection, cut down on student default, and improve the administrative efficiency of the program. These reforms include such things as: Incentives to States to operate their own loan programs because collection efforts are much better in such States, an improved method of setting the special allowance rate for banking institutions, easing the minimum repayment period and lowering the monthly payment when two spouses both have loans, encouragement of lenders to make multiple disbursements, thus lowering the default if educational programs are not completed by the student borrower, and the adoption of a provision prohibiting a student from exercising an unintended use of the bankruptcy laws.

Mr. President, this bill also makes changes in the veterans cost of instruction program, which will assure that this important program will not suffer as a result of the expiration of the delimiting date for educational benefits for post-Korean war veterans. It provides a new method of funding teacher training programs, by allowing for the determination of national priority areas and by the development of teacher centers within local areas. And it assures that certain basic information will be made available by institution to all students receiving GSL loans and BEOG grants such as an institution's fee refund policy, availability of student assistance, policies on the rights and responsibilities of students and that institutions must designate and make known personnel responsible for assisting students in obtaining student assistance.

Finally, the bill creates a new program for the support of research libraries to protect their collections and to prevent them from having to curtail their hours and their services to their users.

Mr. President, I believe that this bill is vitally needed and that it makes critical changes in education law. It provides a solid base of reform and direction for future higher education and vocational education programing, and I strongly urge my colleagues to support its provisions.

S. 2657 also makes changes in the Vocational Education Act to provide for comprehensive long-range planning and to assure that State planning takes into consideration the needs of the student for employable skills, and to assist vocational education for keeping up with the changing employment environment.

In particular, S. 2657 provides for a new statewide planning commission involving in the planning process those persons in the State responsible for manpower programs, for higher education programs—both 4-year and other pro-

grams—and elementary and secondary programs.

This provision is one around which some controversy has developed and on which the Senator from Maryland (Mr. BEALL) has indicated he will offer an amendment. So I would like to for my colleagues describe the current situation in the State of New Jersey and the impact of this provision.

New Jersey has three separate agencies which operate higher education, elementary and secondary and manpower programs. It also has two boards of education, the State Board of Education vested with policymaking authority for all elementary and secondary programs, and the State Board of Higher Education with policymaking authority for all postsecondary programs—with the exception of noncollegiate postsecondary vocational education programs. The issue of comprehensive planning and the establishment of a State Planning Commission is one which is, therefore, sensitive in New Jersey in terms of what authority is vested where.

The State Planning Commission in S. 2657, however, does not disturb that authority in the State of New Jersey. The sole State agency for administering vocational education will continue to be the Department of Education. The State Board of Education will continue to be the final policymaking body. What the provisions of S. 2657 provide for is input in statewide planning for vocational and technical education by all the responsible governmental agencies whose programs overlap that educational area, and whose policy change may involve the same students.

The committee bill does not mandate a new separate planning body, if a body, for example, the State board—exists with membership of the appropriate agencies having responsibility for secondary, and postsecondary educational programs, for community and junior colleges, for higher education and the State Manpower Council. Furthermore, it does not mandate the establishment of a commission if each of these State agencies certifies that it had been involved in the planning.

The responsibilities of the State board for policymaking and the advisory role of the State advisory councils remain the same under S. 2657. All that this bill does is assure that all segments of the population will be considered and all responsible State agencies will come together to plan for vocational and technical education.

PRIVATE AND PUBLIC COOPERATION COMMENDED

Mr. RANDOLPH. Mr. President, today we are debating S. 2657, the educational amendments for higher and vocational education. I call to the attention of Senators that we are urged to think in terms of public and private education—not in terms of public or private education.

Ours is a pluralistic society, and helping to meet the needs of this society is a very important role of the private school. Most of the discussion and debate over private and church-oriented schools revolves around the Federal and State role in supporting or contributing financial assistance to the private educational segment. I am most pleased to note that, in some instances, this assistance works the other way around. Mutual support in education is a two-way street.

An outstanding example of this cooperation and assistance has occurred in my hometown of Elkins, W. Va., where the Randolph County Board of Education, for the past 6 years, has been provided school facilities in the former St. Brendan's Catholic School through the good offices of the Parish Council and the Catholic Diocese of Wheeling-Charleston.

To illustrate this cooperation, I ask unanimous consent that a letter of appreciation from the school board to the Reverend R. M. Kraus, of the St. Brendan's Catholic Church, together with a resolution approved by the Randolph County Board of Education, be placed in the RECORD at this point in our discussion.

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

AUGUST 4, 1976.

Rev. R. M. KRAUS,
St. Brendan's Roman Catholic Church,
Elkins, W. Va.

DEAR FATHER KRAUS: I am very pleased to indicate that the Randolph County Board of Education, meeting in regular session on August 3, 1976, did unanimously approve the attached Resolution in regard to Board utilization of the former St. Brendan's School since 1970. Speaking on behalf of the Board, we are most appreciative of the cooperation and assistance provided by the Parish Council of the St. Brendan's Church and with the Catholic Diocese of Wheeling-Charleston. Truly, the Randolph County Board of Education would have been unable to operate its schools in any reasonable manner these past six years had it not been through the gracious benevolence of the St. Brendan's Church.

We are sincerely appreciative, and if we can be of service, please advise.

Respectfully,

TOM MCNEEL,
Board of Education for the county of Randolph.

RESOLUTION

Re St. Brendan's School Facility.

Whereas, the Roman Catholic Diocese of Wheeling-Charleston, West Virginia, and the Parish Council of the St. Brendan's Catholic Church of Elkins, West Virginia, have since 1970 recognized the need for increased school facilities for Randolph County; and

Whereas, the Parish Council aforesaid has, in a spirit of benevolence and concern, leased to the Randolph County Board of Education that structure formerly known as the St. Brendan's Catholic School; and

Whereas, the Randolph County Board of Education has utilized said facilities to serve students attending the Central Elementary Annex; and

Whereas, new elementary schools have been constructed to house the children formerly attending Central Elementary School Annex; and

Whereas, the Randolph County Board of Education desires to publicly extend appreciation for this service to the Roman Catholic Diocese of Wheeling-Charleston, West Virginia, and to the Parish Council of the St. Brendan's Catholic Church;

Be it hereby resolved, that the Board of Education for the County of Randolph officially notes as a matter of public record that the Board is sincerely grateful for the kind generosity and benevolence of the Wheeling-Charleston Diocese and the St. Brendan's Church for use of this facility.

VETERANS EDUCATIONAL BENEFITS NEED TO BE EXTENDED

Mr. HUMPHREY. Mr. President, as we debate S. 2657, the Higher Education and Vocational Education Act, I want to again bring to the Senate's attention the plight of our post-Korean war veterans whose educational benefits were cut off on May 31, 1976.

On June 10, I introduced S. 3547, a bill which would allow those veterans who were enrolled at the time of the cutoff to complete approved programs of education. Senators SCOTT of Pennsylvania, HUDDLESTON, MONTOYA, and ALLEN have joined in cosponsoring this bill which has been referred to the Veterans' Affairs Committee.

I now strongly urge that the Veterans' Affairs Committee seriously consider extending this May 31, 1976, delimiting date when it meets on veterans' education legislation next week.

I understand that about 483,000 veterans would be affected by this bill, some 7,500 in my State of Minnesota who for various reasons have not completed their educational training within the 10-year time limit. Time is so short, classes are beginning. Every day my office receives calls from veterans who will have to drop out of school for lack of finances and with uncertain job prospects because of unfinished training.

I recognize that an adjustment to meet the cost of this limited benefit eligibility extension will be required in the next concurrent budget resolution but this investment will be more than paid back in the resulting better jobs with higher wages for veterans and additional tax revenues for the Government.

Mr. BROOKE. Mr. President, since 1972, loan limits under the guaranteed student loan program have been set at $2,500 per year with a cumulative limit of $7,500 for undergraduate students and $10,000 total including both undergraduate and graduate education. The House Education and Labor Committee reported H.R. 14070 with an important change in the amounts borrowable by graduate and professional students under this program. In the House version, the annual limit for graduate students would be raised to $5,000 and the total would be raised to $15,000, including the amounts borrowed for their undergraduate studies. These figures are clearly more realistic than the figures agreed upon in the Senate bill.

There are several basic reasons why graduate and professional students need higher loan limits, both annually and total, than undergraduate students. First, almost no grants are available generally to graduate and professional students. Second, tuition in graduate and professional programs is typically much higher than in undergraduate programs. These higher costs, including tuition and books, reflect not only the inflationary trends of society but also the greater expense of providing a high quality graduate education. And, third, professional and graduate students are adults who are often independent of their families or are starting families of their own.

Most graduate and professional students can be expected to have higher earning capacity after receipt of their

degrees, so it is not unreasonable to expect them to have higher levels of debt at the time of graduation. Their higher career earning potential may justify the absence of direct public subsidies for their training, but these students should be able to finance this training by borrowing against the future earnings that it provides.

Since the escalating individual budgets required to keep a graduate student in school are directly tied to the financial condition of the schools themselves, it would be well to realize that the very existence of some of these schools is threatened. Their costs are rising at a rate that outstrips even the rate of inflation, which produced a decline in the purchasing power of the dollar of 40.3 percent in the past 10 years. Endowments of even the relatively affluent private schools were devastated by the recession of the early 1970's and these endowments cannot provide a significant degree of support to graduate education. In addition, for various reasons, both State and Federal governments have curtailed subsidies to graduate and professional education.

As the Carnegie Commission noted in a 1973 report:

> Science and engineering fields, and the academic professions in general, benefitted from greatly increased federal funding in the post-Sputnik period. Today, however, because many fields are developing manpower surpluses, and because the need for additional college teachers seems likely to decline as we move toward enrollment stabilization, the societal benefit of continuing high subsidies is also declining. Thus, federal policy is one of constraint. . . . Too great a reliance on manpower assessments in determining public funding, however, tends to overlook the delicate balance of institutional well-being; what may appear to be a rational policy in adjusting manpower flows may exact a harsh penalty on the institutions whose continued vitality is essential to the public interest.

It should also be added that penalizing students for surpluses in certain professions would be even more harsh than penalizing the institutions. Those who are concerned about subsidizing education programs in career fields that are experiencing a surplus should realize that direct assistance to students does not involve the Government in determining priorities among professions.

Rising tuition levels have been resisted by the schools but are inevitable. Every significant increase in tuition prices a substantial proportion of interested students out of the market. Graduate and professional education in the United States traditionally has been a ladder for those of all social and economic classes who are most competent to climb as high as their interests and abilities will carry them. Particularly since World War II, we have based graduate and professional training on merit rather than on ability to pay. To prevent excluding the sons and daughters of the great majority of our population from this training, additional financial support for students must now be provided.

These are the historical and sociological tenets on which the need for increased financial aid to graduate and professional students is based. The current student budgetary problems follow.

Schools regularly prepare a minimum annual budget figure for their students, a figure derived by adding tuition and books to the standard or minimum budget produced by the Bureau of Labor Statistics for that locality. The Association of American Law Schools estimates that the average minimum budget for attending a private law school is approximately $5,500 per year; average for public law schools is approximately $4,000 per year for nonresidents and approximately $4,500 per year for residents. In the health professions, costs go even higher. The Association of American Medical Colleges estimates that the average budget for a medical student is about $8,400 per year at private schools and about $5,750 per year at public schools.

At these prices, only the wealthy can afford professional education from their personal resources. And the typical middle-class family is rapidly being priced out of the professional education market.

These figures were recently used as the basis for an informal analysis of need among law students by the Graduate and Professional School Financial Aid Service—a nonprofit educational service. GAPSFAS is under contract with law schools, medical schools, dental schools, and business schools to provide analyses of applicants for financial aid at those schools. By comparing the individual's need analysis against the school's suggested minimum budget, the school can assess relative entitlements to financial aid. GAPSFAS thus has both experience with actual levels of aid and sophisticated computer models of need analysis. Using figures supplied by the Association of American Law Schools, GAPSFAS drew upon its family income data and computerized financial aid model to reach an estimate that 40,956 law students could show a need, as defined under the guaranteed loan program, of an average of $3,175 per year. Therefore, for almost 41,000 students—over one-third of all law students—a 3-year law school education would make them eligible to borrow almost $10,000 each if the money were available. Increasing these figures by an average of $2,000 each, a conservative estimate of the greater cost of medical or dental school, would produce loan eligibility of over $5,000 per year and a total of over $15,000. Even if costs of education did not continue to rise with inflationary pressures, a $5,000 annual limit on borrowing would be warranted by these figures; the current $2,500 limit is clearly inadequate. In addition, many graduate school students have already borrowed to pay for their undergraduate education.

Mr. President, I also support extending the repayment period to 15 years. For if these increased limits are adopted, then a 10-year repayment period will become burdensome for many graduates. Moreover, it would impel recent graduates away from public service jobs into higher paying endeavors. Comparable experience with fundraising efforts by the schools indicates that their graduates have a tightly limited amount of money until almost the 10th year after graduation. It is at that time that many of them have established their careers, started families, purchased homes, and otherwise begun to stabilize their financial situations. Fortunately, a high number of graduates, especially from the law schools, spend the first few years of their careers in relatively low-paying public service jobs, either with the Government or legal services institutions. Many others either go into private practice on their own or serve what amounts to an apprenticeship with other practitioners; in either event, their earning potential is not realized during these formative years.

It would not be a wise policy to develop a program that forced graduates immediately into higher paying jobs at the sacrifice of public service. Therefore, it is advisable to stretch out the payments over a longer period to reduce the amounts repaid during the early years of the graduate's career.

There are a couple of points worth reemphasizing. First, this is not a giveaway program. Administrative costs and default rates continue to make it expensive for the Government, but these problems must be tackled independently of the amounts that students need for a quality education. Second, the Federal guarantee in this program is essential to make capital markets respond to students. Given the choice between a real estate mortgage and an unsecured education loan, a lender could not be expected to choose the student without the backing of the Government. Finally, the costs of education threaten in the near future to close all but the most affluent members of society out of graduate education. This would not be fair to so many young men and women who have been told that academic prowess is the key to their future.

Mr. President, I urge the Senate conferees to accept the House allowance for the guaranteed student loans.

IMPACT AID

Mr. TOWER. Mr. President, I would like to express my support for the amendment which Senator HRUSKA would have proposed to S. 2657 revising the impact aid formula. The Killeen School District in Texas has a problem similar to that of the Bellevue Public School System in Nebraska, and as the Senator has stated, there are 81 school districts throughout the United States for whom this issue is a matter of critical concern.

The Federal Government has been providing aid to schools in federally affected districts since 1950. Those funds are vital to the districts if they are to continue to provide quality education to the children attending the schools in areas heavily burdened by Federal activity. As with most Federal programs, there have been cases in which the integrity of the purpose of impact aid has been threatened by certain abuses. Wealthy school districts have received large amounts of tax dollars. However, that does not negate the fact that there are numerous communities in which the tax base cannot possibly support quality education for students, among whom are an extraordinarily large number of military dependents.

When the State cannot tax the Federal property housing those military dependents, the school system must forego massive revenues that must be replaced in

other ways—if the national ideal of a high standard of education is to extend to these parts of the country as well. I might add that, though impact aid is a matter of critical concern to 81 school districts, there are about 4,000 altogether which benefit to some degree from this type of assistance.

In conclusion, the current impact aid formula is extremely complex, and responsible review will require extensive hearings. I look forward to the opportunity for the Senate to go into this matter in some depth, and I, too, have numerous constituents who would appreciate the opportunity to make known their estimation of the value of the program and potential improvements which would enhance its value and popularity. I commend Senator HRUSKA for his efforts in making this opportunity available.

Mr. HRUSKA. Mr. President, I wish to bring to the attention of the Senate a matter of great concern to my constituents in Bellevue, Neb., on the subject of aid to school districts heavily impacted by Federal activity. For many years I have been involved in assuring that local school districts with a high percentage of military dependents in attendance receive the level of funding needed through the appropriations process. The changes in impact aid adopted by the Congress in 1974, establishing a three-tier formula for the distribution of impact aid funds, were designed to insure that school districts with a high level of impaction from the dependents of on-base military personnel receive a separate entitlement.

By distinguishing between the two types of military impaction, a practice followed before the 1974 amendments, districts with a high percentage of both on-base and off-base personnel whose children attend local schools have found that their needs still are not being met. The Bellevue public school system is such a district, due to the proximity of Offutt Air Force Base, headquarters of the Strategic Air Command. There are 81 school districts across the country similarly affected.

To remedy this situation, I had intended to offer an amendment to the bill presently before us. Its purpose would have been to adjust the formula so that off-base dependents of military personnel receive full entitlement under the three-tier formula through the first and second tiers rather than in the third tier. Entitlements for on-base dependents who constitute more than 25 percent of enrollment in an individual school district are now met fully in the first two tiers. Mr. President, I ask unanimous consent to include the text of the amendment for information purposes only at this point in the RECORD.

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

TO AMEND PUBLIC LAW 874, 81ST CONGRESS RESPECTING PAYMENTS PURSUANT TO SECTION 5 THEREOF

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) section 5(c) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended—

(1) in paragraph (2)(A) thereof, by striking out "section 3(a)" and inserting in lieu thereof "sections 3(a) and 3(b)(3)"; and

(2) in paragraph (2)(D) thereof, by inserting after "section 3(b)" the following: "(other than children with respect to whom payments are made under clause (A))".

(b) The amendments made by subsection (a) shall be effective with respect to appropriations for such Act for fiscal year 1977 and succeeding fiscal years.

Mr. HRUSKA. I would like to point out, Mr. President, that providing full entitlements to the 81 school districts that would have been affected by this amendment would cost only $3 million.

The distinguished Senator from Rhode Island, to whom I made my intentions known, expressed reluctance to consider an impact aid amendment to a bill dealing primarily with higher and vocational education. I well understand and respect his reluctance, and for that reason I will not offer my amendment. I would appreciate, however, assurances from my distinguished colleague that the problem facing the 81 school districts with both high on-base and off-base impaction will be taken up when the Senate considers amendments to elementary and secondary education legislation in the next Congress. Does the esteemed Senator from Rhode Island agree that the elementary and secondary education bill of the next Congress is the appropriate legislation for addressing the issue I have raised?

Mr. PELL. Yes, I do.

Mr. HRUSKA. I thank the Senator. As he knows, the impact aid formula is extremely complex. One of the reasons he was reluctant to consider my amendment at this time is due to the complexity of the formula, especially since no hearings were held to present evidence on the need for the change. I would appreciate the distinguished Senator's assurances that my constituents will have the opportunity to testify on the need for amending the impact aid formula during subcommittee hearings on the elementary and secondary education bill next year. Does that meet with the approval of the distinguished Senator from Rhode Island?

Mr. PELL. I can assure the Senator that all issues involving the impact aid program will receive thorough consideration by the Subcommittee on Education as it considers the elementary and secondary education bill in the next Congress.

Mr. HRUSKA. Mr. President, I thank the Senator for his assurances. In order that my colleagues may examine the need for this change in the impact aid formula, I ask unanimous consent to include in the RECORD following my remarks a statement prepared by Dr. Richard Triplett, superintendent of the Bellevue Public School System. It was originally delivered before a conference of impacted school districts in San Diego in December 1975. It represents a refinement of an earlier proposal by Dr. Triplett which I brought to the attention of my colleagues on June 27, 1975, during debates on the education division appropriation for fiscal 1976. It appeared on pages 21274–21278 of that days RECORD.

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

JUSTIFICATION FOR 100 PERCENT FUNDING FOR MILITARY "B'S" FOR DISTRICTS WHICH ARE ALSO 25 PERCENT IMPACTED WITH "A" PUPILS

As was pointed out by Senator Hruska during the floor debate on the 1975–76 appropriation for School Assistance in Federally Affected Areas, (impacted aid), the recent changes in the authorization language have not provided equitably for those districts which are heavily impacted with both "A" and military "B" pupils The so-called Super "A" districts have gained some degree of stability, particularly those with no, or relatively few, "B" pupils, with the provision of 100% funding for "A" pupils through Tier II when 25% impacted with "A" pupils. However, there is a relatively small number of districts with 25% or more impaction of "A" pupils which also have a high concentration of military "B" pupils which are suffering serious financial problems as a result of prorations of P.L. 874 funding.

Of the 4,531 P.L. 874 applicants, only 234 qualify as Super "A" districts. Of these 39 have no "B" impaction, 114 have a "B" civilian impaction but no "B" military impaction, 6 have "B" military impaction but no "B" civilian impaction, and 75 have both "B" military and "B" civilian impaction. The table below depicts this distribution:

"B" impaction among super "A" districts

	Number of districts
No. "B" impaction	39
"B" civilian but no "B" military	114
"B" military but no "B" civilian	6
Both "B" military and "B" civilian	75
Total	234

Thus, there are 81 districts which have a military "B" impaction, of which 75 also have a civilian impaction of "B" pupils, Among the 81 districts which are 25% impacted with "A's" and which also have military "B" entitlements are the 30 districts which were identified in the Battelle Report as "Prisoners of the Federal Government" because their reliance upon impact funding is so great. These are the districts which Battelle recommended should be dealt with separately in the legislation since it was impossible to develop a formula which would apply to the other 99.3% of the applicants and still treat these severely impacted districts in an equitable manner when reductions were made in the funding. This separate category has never been created by the Congress.

Typically, these 30 districts serve military installations. Enrollments vary from approximately 1,000 pupils to 15,000 with an average enrollment of 5,779. This average enrollment is apportioned among the various enrollment categories as follows:

[In percent]	*Average enrollment*	*Percent of total*
"A" Pupils	2,007	35
Military "B" Pupils	762	13
Other "B" Pupils	667	12
Non-federal Pupils	2,343	40
Totals	5,779	100

These districts typically have a smaller tax base per pupil than their neighbors due to

the presence of the military installation, on-base housing and base exchange activities. Military personnel typically retain legal residences in their home states. As a result, they are not subject to state income taxes in the state where their children attend school. Sales on base exchanges are not subject to local sales taxes. On the average, 48% of the pupils in a typical district are dependents of those in the uniformed services and 12 percent are dependents of civilian employees who work on base. Thus, 60% of the students are federally connected. These percentages will vary from district to district, * * *.

A typical district among these 30 districts will expend approximately 80%–90% of the amount per pupil as is expended by its neighbors which are not severely impacted. At least a half dozen of these 30 districts have experienced financial crisis in the past five years as was predicted in the Battelle Report, since the prorations of P.L. 874 first began in 1970. School closings, staff reductions or program reductions have occurred in almost all of these 30 districts during the past five years since P.L. 874 prorations first began.

Attached are three tables listing the 81 districts which have 25% or more impaction of "A" pupils and also have a military "B" impaction. For each district, there is also listed the total enrollment, the relative impaction of the total of "A's" and military "B's" (counting a military "B" as one-half a pupil), the entitlements for "A's", military "B's", and other "B's" and the amount of military "B" entitlement which is funded only when Tier III is funded.

It is proposed that legislation be introduced that would provide 100% funding for the military "B" category through Tier II when a district is also 25% impacted with "A" pupils.

If passed, such legislation would have the following effect:

1. It would apply only to military "B" funding in the 81 districts which have military "B" entitlements in addition to their Super "A" entitlement.

2. It would move $2,978,474 of entitlement from Tier III to Tier II but would not increase the total of entitlements.

3. It would increase the number of districts receiving 100% of entitlement through Tier II from 39 to 45. The increase in funding through Tier II for these six districts would total only $6,679, an insignificant amount when compared with the total appropriations. Thus, the proposal has little effect upon the number of districts guaranteed full funding through Tier II.

4. The 30 districts which are most severely impacted with military "B" pupils presently have 11.0 percent of their entitlements funded in Tier III. The proposal, if passed, would reduce the amount in Tier III to 5.4% of total entitlement, increasing funding through Tier II by $2,861,833.

5. In addition to the 30 districts which were identified above are 51 districts with relatively small military "B" impaction. Of these, 24 are identified in the table attached, the remaining 27 are grouped by state since their "B" military entitlements are small. Full payment for the military "B's" for these districts would have little effect upon the totals since only $116,641 would be moved from Tier III funding to Tier II for these districts. These districts typically have an "A" impaction much greater than the 25% minimum and have a relatively large civilian "B" impaction.

These 51 districts presently have a 9.2% of their enttilement in Tier III. The proposal would reduce Tier III funding to 9.1%.

6. 75 districts, of the total 81, would continue to have a significant portion of their entitlements (that for the civilian "B's") funded only if funds were appropriated for some or all of Tier III.

In summary, the proposed legislation would correct some of the inequities that result when reductions are made in the funding for the districts severely impacted with military "B" pupils.

Justification for the proposal is based upon the premise that there is a distinct difference between a military impaction and a civilian impaction, a distinction that has been recognized in every study that has been made of impact aid.

Obviously, these 30 districts are not, and have not been capable of exerting sufficient political influence to correct the situation. They make up less than one percent of the total applicants, yet their entitlements for section 3 pupils equal almost 10% of the total entitlements for impact aid. They represent only 18 states. In 12 of the states, only one district is among the 30. In only one state, California, are there as many as 5 districts among the 30. Enrolled in these 30 districts are 167,797 pupils, of whom, 48% or 81,023, are dependents of those in the uniformed services. The proposed legislation, if enacted would result in a minimum change in the authorization language, yet would correct one of the most glaring inequities which result from the prorations of P.L. 874 funding of the past 5 years. For these 30 districts at least, the need for full funding for the military connected pupils is unchanged from the date of original enactment of the law in 1950.

DECEMBER 1975—ANALYSIS OF 81 PUBLIC LAW 874 APPLICANTS WHICH ARE 25 PERCENT OR MORE IMPACTED WITH "A" PUPILS AND ALSO HAVE AN IMPACTION OF MILITARY "B" PUPILS

Applicant	Total enrollment	Percent impaction ("A's"+½ of military "B's")	Total entitlement "A"	Total entitlement Military "B"	Total entitlement Other "B"	Portion of military "B" in tier III
Killeen, Tex	14,879	43	$2,197,144	$1,256,911	$404,357	$502,764
Bellevue, Nebr	10,393	51	3,167,726	1,116,292	295,559	446,517
Clover Park, Wash	14,998	39	2,824,570	578,102	426,329	231,241
Monterey Peninsula, Calif	16,752	32	3,450,477	513,028	845,763	205,211
Oak Harbour, Wash	5,337	42	836,119	445,177	226,543	178,071
Junction City, Kans	6,841	48	1,689,695	408,470	241,023	163,388
Lompoc, Calif	11,421	29	2,173,059	246,856	1,188,539	98,742
Del Valle, Tex	4,242	58	1,059,996	203,043	56,486	81,217
Atwater, Calif	3,412	42	624,178	200,709	48,057	80,283
Biloxi, Miss	8,223	31	1,040,444	193,131	270,288	77,252
Air Force Academy, Colo	4,657	37	728,313	192,651	99,719	77,060
Groton, Conn	8,563	32	1,599,134	178,107	164,701	71,243
Burkburnett, Tex	3,643	33	457,702	165,827	105,902	66,331
Waynesville, Mo	4,803	63	1,389,061	161,036	95,337	64,414
North Chicago, Ill	4,043	48	1,179,988	145,553	190,399	58,221
Rantoul, Ill	3,214	54	927,141	138,189	109,577	55,276
El Paso, County, Colo	3,705	60	1,038,811	112,747	618,572	45,099
Mountain Home, Idaho	3,803	44	808,682	102,933	141,994	41,173
Oscoda, Mich	4,001	38	776,530	99,570	109,298	39,828
Prince George County, Va	5,308	31	785,301	80,622	85,725	32,249
Douglas, S. Dak	3,174	79	1,811,390	76,416	9,797	30,566
Central S.D. of P., N.Y.	3,862	34	1,103,176	69,003	69,877	27,601
Fallbrook U.S.D., Calif	1,200	56	297,242	71,447	51,813	28,579
Knob Noster, Mo	1,969	62	552,265	69,157	30,133	27,663
Ayer, Mass	3,351	61	1,695,628	65,183	80,622	26,073
Mascoutah, Ill	3,930	63	1,536,997	62,069	56,949	24,828
Maconaquah, Idaho	3,740	34	639,276	55,732	48,629	22,293
Ocean View, Calif	2,143	34	342,185	53,780	110,195	21,512
Medical Lake, Wash	2,311	56	687,526	52,843	45,535	21,137
Lakehurst, N.J	879	35	255,256	40,003	31,431	16,001
Total, 30 applicants	168,797	48	37,675,012	7,154,587	6,259,149	2,861,3

Applicant	Total enrollment	Percent impaction ("A's"+½ of military "B's")	Total entitlement "A"	Total entitlement Military "B"	Total entitlement Other "B"	Portion of military "B" in tier III
Eatontown, N.J	2,261	46	$887,792	$28,100	$57,957	$11,240
Adelanto, Calif	1,608	93	776,094	25,308	13,181	10,123
Center Jt. S.D., Calif	1,041	61	336,480	22,506	16,317	9,002
Wheatland, S.D., Calif	1,987	83	856,781	18,454	8,436	7,382
Northern Burlington, N.J	2,135	44	884,303	18,144	36,289	7,258
Wheatland U.S.D., Calif	706	69	414,352	16,750	14,106	6,700
Randolph Field, Tex	1,354	94	1,061,521	13,448	12,607	5,379
North Hanover, N.J	1,778	77	955,096	11,886	7,691	4,754
Minot, N. Dak	8,535	26	1,237,036	10,395	1,444,941	4,158
Gallup-McKinley, N. Mex	13,270	61	4,034,446	9,933	214,561	3,973
Flour Bluff, Tex	3,196	26	421,947	9,533	202,193	3,813
Highwood-Highland, Ill	1,454	33	952,474	8,414	12,153	3,366
Travis, Calif	2,977	100	2,054,850	8,219	----------	3,288
Fort Sam Houston, Tex	1,565	82	994,535	7,825	386,546	3,130
Tularosa, N. Mex	1,558	35	282,242	7,237	106,487	2,895
Muroc, Calif	3,350	71	1,692,331	7,051	71,924	2,820
Rudyard, Twp	2,149	67	819,448	6,867	28,040	2,747
Limestone, Maine	2,050	62	663,602	6,260	352,148	2,504
Alaska State Operations	18,639	80	27,428,880	5,200	8,815,440	2,080
Mineral County, Nev	1,620	40	329,729	5,168	435,676	2,067
Sierra Sands, Calif	6,295	34	1,499,356	4,795	715,773	1,918
North Chicago H.S., Ill	1,396	30	555,422	3,986	204,629	1,594
Lackland, Tex	996	99	768,549	3,897	----------	1,559
Seeley, Calif	486	34	92,185	2,845	6,259	1,138
Total, 24 applicants	82,397	55	49,989,451	262,221	13,163,354	104,888

Source: Listing provided by U.S. Office of Education.

Mr. HRUSKA. Our colleagues from Texas also have a strong interest in amending the impact aid formula in the manner that I had proposed to the Senator from Rhode Island. They also have statements on the subject.

I thank the Senator from Rhode Island once more for his assurances.

Mr. GARY HART. Mr. President, S. 2657 would amend section 405(e)(2) of the General Education Provisions Act to include a new subsection which would set aside at least 25 percent of the funds appropriated to NIE for grants and contracts exclusively with research laboratories and centers. This subsection reads as follows:

(f)(1) In carrying out the functions of the Institute under this section, the Director of NIE shall make grants to, and enter into contracts with—

(A) regional educational laboratories established by public agencies or private nonprofit organizations; and,

(B) research and development centers established by institutions of higher education.

Mr. President, I would like to obtain clarification from the committee regarding the implications of this subsection as it applies to the National Center for Higher Education Management Systems—NCHEMS. Since 1971, NCHEMS has been one of those institutions included among NIE sponsored labs and centers and I feel certain that the authors of this legislation intend NCHEMS to be included as one of the labs and centers eligible for funding under this set-aside provision. However, it has recently been brought to my attention that the above referenced language might be interpreted by some to exclude NCHEMS. I would like to briefly review the source of ambiguity on this point.

First, although NCHEMS does not have the word "laboratory" in its title, it is a laboratory. The word "center" was chosen over "laboratory" in order to avoid confusion with the National Laboratory of Higher Education in North Carolina which was also a laboratory in 1971. The North Carolina lab has since lost its laboratory status. As I understand NIE's technical definition of center and the language in the bill before us, it refers to research and development institutions established by institutions of higher education. While NCHEMS is governed by a board of directors made up of representatives from institutions and State agencies of higher education, it is not a "center" in that sense of the word.

Second, NCHEMS was initially established by the Western Interstate Commission for Higher Education—WICHE—a compact of the 13 western States—to serve the western region of the United States. However, its programs and products soon became of national interest and as a result of requests to WICHE by national associations and Federal agencies, WICHE agreed that a nationally representative board of directors should govern NCHEMS and that NCHEMS should become a laboratory funded by NIE.

With this change, NCHEMS shifted its focus from the specific needs of western institutions of higher education to serving the planning and management needs of all institutions of higher education across the nation. Thus, when NCHEMS became a laboratory in 1971 it already had a national rather than regional focus.

Mr. President, NCHEMS is widely known for its highly competitive and excellent achievements in improving planning and management capabilities in postsecondary education through research, development, dissemination and implementation activities. The center's objectives are first, to improve basic knowledge and understanding of modern planning and management concepts, systems, and practices in postsecondary education; second, to improve the quality and flow of information relevant to policy and managerial decisions in postsecondary education; and, third, to enhance the ability of planners and managers to make effective use of this information. It has made outstanding advances in all those areas.

Mr. President, I would greatly appreciate clarification and comment by the committee on the question I have raised regarding NCHEMS. As I mentioned earlier, I feel confident that it was the intent of the committee to include NCHEMS under this provision. I would like to have that point established for the record.

Mr. EAGLETON. Mr. President, as sponsor of this amendment in the committee, let me respond to Senator HART's concern.

Section 405(e)(2) was amended in committee to assure a continuing strong role for regional educational laboratories and research and development centers. The committee intends that those laboratories and centers now being supported by the National Institute of Education continue to be supported under the set-aside if their proposals have merit. During the fiscal year 1976 House Appropriations hearings on the Education Division appropriations bill, the NIE provided a list of those laboratories and centers which were being supported by NIE as follows:

Appalachian Education Laboratory, Charleston, W.Va.

Center for Educational Policy and Management, Eugene, Oreg.

Central Midwestern Regional Education Laboratory, St. Louis, Mo.

Center for the Study of Evaluation, Los Angeles, Calif.

Center for the Social Organization of Schools, Baltimore, Md.

Far West Laboratory for Education Research and Development, San Francisco, Calif.

Learning Research and Development Center, Pittsburgh, Pa.

Mid-Continent Regional Education Laboratory, Kansas City, Mo.

National Center for Higher Education Management Systems, Boulder, Colo.

Northwest Regional Education Laboratory, Portland, Oreg.

Research for Better Schools, Philadelphia, Pa.

Research and Development Center for Teacher Education, Austin, Tex.

Southwest Educational Development Laboratory, Austin, Tex.

Southwest Regional Laboratory, Los Alamitos, Calif.

Stanford Center for Research and Development in Teaching, Stanford, Calif.

Wisconsin Research and Development Center for Cognitive Learning, Madison, Wis.

The committee intends that all of the above agencies be eligible under the 25 percent set-aside, but does wish to make clear that by listing these 16 laboratories and centers the committee does not wish to preclude other institutions from eligibility if they meet the criteria in the legislation. Let me add that the list provided by NIE to the House Appropriations Committee also included the Center for Vocational Education in Columbus, Ohio. It is the committee's intent that the center continue to be eligible under the 25 percent set-aside if it does not become designated as the National Center for Vocational Education as contemplated in the House-passed vocational education bill, H.R. 12835.

Mr. HASKELL. Mr. President, the National Center for Higher Education Management Systems—NCHEMS—was established in 1971 as a national research and development laboratory to design, develop and field test planning and management information systems. Over the past 5 years, NCHEMS has achieved a high degree of credibility in all sectors of postsecondary education. More than 600 institutions have signed participation agreements with the Center. The Center has developed an extensive network of cooperative relationships with institutions, State and Federal agencies, and with consultants and task forces of experts to insure that the Center's products address high-priority concerns ultimately are useful to planners and managers.

Postsecondary education is among the most complex and diffusely organized of all enterprises and its substance, process, and environment change over time. Modern management concepts and techniques developed for business, industry, and government cannot be adapted to the unique needs of postsecondary education without extensive further research and development. These techniques are being constantly improved and therefore, the need for research and development efforts to apply them to postsecondary education will continue indefinitely into the future.

I would like, therefore, to join with Senator GARY HART in endorsing the clarification relating to the National Center for Higher Education Management Systems. I am pleased that the committee has cleared any ambiguity surrounding the intent of the National Institute of Education to continue funding of those centers in compliance with the above-referenced provisions of the law, and I am confident that the continued funding of NCHEMS will insure that our Nation's postsecondary education institutions receive the most expertise information in the areas of planning and management.

Mr. EAGLETON. Mr. President, I shall take a moment to clarify the committee's intent on section 127(1) of the bill. Section 127(1) provides for elimination as a lender of any school with an annual default rate of 15 percent or greater for 2 consecutive years. Further, the Commissioner is directed to waive the eligibility termination if he finds that termination

of the institution as a lender would present a hardship to present or prospective students or if he finds that the institution has the ability to improve loan collections within 1 year.

It is my understanding that the Commissioner cannot terminate an institution's eligibility prior to making some determination under the waiver criteria. If he finds that collections will improve or that termination of eligibility would have a negative impact on educationally disadvantaged students in an institution, he must grant a waiver. Is that also your understanding, Mr. Chairman?

Mr. PELL. That is correct. The Commissioner must make a finding as to the institution's ability to improve collections or the impact of terminating eligibility on the institution's student body *before* he can take any school out of the lending business. If he finds that either of the above two conditions exist, he must grant a waiver.

Mr. TAFT. Mr. President, Federal support of education is an investment in the future. Expenditures for education can result in increased lifetime earnings for individuals, reduce the costs of welfare, unemployment, delinquency, and crime. Payoff in these terms alone, to say nothing of the individual dignity, fulfillment, and social stability, makes our commitment to education a worthwhile and necessary investment. An excellent education can, therefore, fully serve the needs of the individual and the needs of society.

Mr. President, I rise in support of the bill before us, S. 2657, the Education Amendments of 1976, which I cosponsored as reported by the Committee on Labor and Public Welfare. This is an omnibus bill, and as we are all aware, we cannot have everything to our liking in a bill of this size. Overall it is a good and comprehensive piece of legislation, and the committee has worked long and hard to come up with a bill that it hopes is satisfactory to the various facets of the education community.

HIGHER EDUCATION

The education that can be derived from colleges or various universities is the stepping stone to many career opportunities and it exposes students to vocations that match their aptitudes and interests. Students are more likely to be productive and receive the highest personal satisfaction in a chosen profession. This increased education also enhances the versatility of people by widening their options, and reduces the risk of their possible personal stagnation, by enabling them to know how to learn to progress to other things.

The reported bill extends the Higher Education Act of 1965 through fiscal year 1982—revises existing programs and adds some new ones.

The community services program is amended to include postsecondary education in community problems such as housing, poverty, government, recreation, employment, youth opportunities, transportation, health, and land use.

Continuing education is expanded to include postsecondary education.

A new program of lifelong learning opportunities is provided for those persons who have left the traditionally sequenced education system.

Special programs and projects relating to problems of the elderly as well as the national advisory council on extension and continuing education are extended.

College library assistance and library training and research is strengthened to promote research and education of high quality throughout the United States by providing financial assistance to major research libraries.

Special assistance to strengthen developing institutions is extended unchanged.

STUDENT ASSISTANCE

The amount of the basic educational opportunity grant is increased from $1,400 to $1,800. In addition, institutions are allowed $15 per academic year for each student enrolled so the institution can provide students with information concerning such financial aid and to defray the cost of administering this program the one-half cost limitation is retained, that is, for any academic year the amount of a basic grant shall not exceed 50 per centum of the actual cost of attendance—actual per-student charges for tuition, fees, room and board—or expenses related to reasonable commuting—books, and an allowance for such other expenses as the Commissioner determines by regulation to be reasonably related to attendance at the institution at which the student is in attendance.

The State incentive grants program—SSIG—by which the Federal Government provides grants to States to assist them in providing individual grants, based on financial need, to undergraduate students to attend institutions of higher education, is amended to provide that if the non-Federal portion of the grant is less than 150 per centum of the Federal payment to a State, effective after September 30, 1976, no difference is to be made between students whether they attend an educational institution within or outside the State, thus providing for the portability of SSIG funds across State lines.

The special programs for students from disadvantaged backgrounds includes a new special focus program to assist individuals from isolated rural backgrounds and minority group individuals underrepresented in specific careers. Also, a special service learning center program is added to provide remedial, counseling, tutorial, and other services for students with special educational needs. A new program is established to provide educational outreach, guidance, counseling, information, referral, and placement services for all persons who desire them.

The veterans cost-of-instruction program—VCI—which was designed to provide incentives and support funds for colleges and universities to recruit veterans and to establish special programs and services necessary to assist veterans in readjusting to an academic setting, especially educationally disadvantaged veterans, is amended to resolve the problem of participatng institutions regarding their continued eligibility on the basis of their count of veteran students. The program is also amended to emphasize the need to insure that educationally disadvantaged veterans are fully informed of the GI bill benefits and other opportunities available to them. In addition, the VCI program must be administered by an identifiable administrative unit.

Under the guaranteed student loan program a student may borrow money from a bank, savings and loan association, credit union, or other lender, to attend either institutions of higher education or vocational schools. The Federal Government guarantees the repayment of loan principal, and subsidizes interest payment for certain borrowers based on their adjusted family income. Some of the amendments adopted to strengthen the program are as follows:

First, elimination of the defense from repayment by reason of infancy.

Second, easing of minimum repayment period of the loan when agreeable to lender and borrower.

Third, provision of lower monthly payment for two spouses who both have loans.

Fourth, encouragement of lenders to make multiple disbursements.

Fifth, mandate that any loan insured or guaranteed cannot be discharged on account of bankruptcy for a 5-year period beginning on the date of commencement of the repayment period of the loan.

Sixth, eligibility for Federal interest payments is broadened to include students with an adjusted family income level of $25,000—an adjustment from $15,000 now.

Seventh, eligible institutions shall receive $10 per academic year for each student enrolled and who is a recipient of a guaranteed loan to carry out certain administrative duties, especially the student consumer information services program established by this bill.

The work-study program which stimulates and promotes the part-time employment of students is enlarged so that students may work for Federal, State, or local public agencies. This program is also amended to mandate that work-study institutions employ work-study students to provide financial aid, counseling, and information for students.

Cooperative education, which integrates classroom experience and practical work experience and as a result satisfies the dual desire of providing income-producing jobs that at the same time extend and amplify the learning process of students, is amended to allow participating students to alternate part-time work with part-time study periods.

The direct loan program which authorizes the commissioner to help establish funds at institutions of higher education for the making of low-interest loans to needy students is amended to provide for the cancellation of loans in cases where borrowers die or become disabled. The cancellation provisions of present law for certain public services, will no longer be applicable after the date of enactment of this bill.

Effective September 30, 1976, the Education Professions Development Act is

repealed, except for the Teachers Corps. The Teachers Corps program is amended to encourage institutions to participate in teacher training in areas where there is a concentration of low-income families. The category of people who may serve under this program is broadened. The length of time that an institution may participate in a Teachers Corps program is increased from 2 to 5 years. A new program of teacher centers is authorized, as well as training of higher education personnel and grants for improvement of graduate programs of education.

The construction of academic facilities program is amended to enable the Commissioner to make loans to institutions of higher education for the purposes of reconstruction or renovation to conserve energy; enable the facilities to meet health and safety requirements imposed by the Occupational Safety and Health Act; and remove architectural barriers for the handicapped.

The graduate fellowships and assistance program is amended to broaden the range of activities authorized, emphasizing innovation and development.

The law school clinical assistance program is extended unchanged.

The program to assist the States in supporting community college program is extended at current level of funding.

VOCATIONAL EDUCATION

New discoveries in the sciences and technology occur almost daily and this knowledge requires that people be exposed to a broader educational base. Vocational education is a main tool in the ability of our society to funnel sophisticated scientific and technological advances down to our everyday uses. The Federal Government has been supporting vocational education since 1917, with the passage of the Smith-Hughes Act. As society has changed, the original act has been amended and expanded many times to reflect social and economic conditions. Vocational education needs our continuing support, to supply our citizens with the very best opportunities that can be available for them. It remains one of the firmest foundations between man and his works.

Existing law concerning Federal assistance to vocational education is extended through fiscal year 1977, then is rewritten for fiscal years 1978 through 1982. The revision calls for a State planning commission to be responsible for the development and preparation of comprehensive statewide long-range and annual plans. The membership of the State Planning Commission for Vocational Education must include:

First. A representative of the State agency having responsibility for secondary vocational education programs, designated by that agency;

Second. A representative of the State agency if such separate agency exists, having responsibility for postsecondary vocational education programs, designated by that agency;

Third. A representative of the State agency, if such separate agency exists, having responsibility for community and junior colleges, designated by that agency;

Fourth. A representative of the State agency, if such separate agency exists, having responsibility for institutions of higher education in the State, designated by that agency;

Fifth. A representative of a local board or committee;

Sixth. A representative of vocational education teachers;

Seventh. A representative of local school administrators;

Eighth. A representative of the State manpower services council.

If the State board of education membership meets the membership requirements of the State Planning Commission, then the State board may serve as the commission.

If the agencies named to the State Planning Commission certify to the commissioner of education that they have had the opportunity to participate in the making of the comprehensive statewide and annual plans, the Commissioner is required to waive the planning commission requirement and the State board is authorized to carry out the functions of the State Planning Commission.

As already required by existing law, States wishing to participate in programs under the Vocational Education Act are required to establish a State advisory council. However, the mandated membership of the council has been broadened and must provide for the following representation:

First. Are representative of, and familiar with, the vocational needs and problems of management in the State;

Second. Are representative of, and familiar with, the vocational needs and problems of labor in the State;

Third. Are representative of, and familiar with, the vocational needs and problems of agriculture in the State;

Fourth. Represent State industrial and economic development agencies;

Fifth. Are representatives of community and junior colleges;

Sixth. Are representative of other institutions of higher education, area vocational schools, technical institutes, and postsecondary agencies or institutions which provide programs of vocational or technical education and training;

Seventh. Have special knowledge, experience, or qualifications with respect to vocational education but are not involved in the administration of State or local education programs;

Eighth. Are representative of, and familiar with, public programs of vocational education and comprehensive secondary schools;

Ninth. Are representative of, and familiar with, private programs of vocational education;

Tenth. Are representative of, and familiar with, vocational guidance and counseling services;

Eleventh. Are representative of State correctional institutions;

Twelfth. Are representative of local education agencies;

Thirteenth. Are representative of a State or local public manpower agency;

Fourteenth. Represent school systems with large concentrations of persons who have special academic, social, economic, and cultural needs and of persons who have limited English-speaking ability;

Fifteenth. Are familiar with the special experiences and special problems of women and problems of sex stereotyping in vocational education;

Sixteenth. Have special knowledge, experience, or qualifications with respect to the special educational needs of physically or mentally handicaped persons;

Seventeenth. Are representative of the general public, including a person or persons representative of and knowledgeable about the poor and disadvantaged; and

Eighteenth. Are representative of vocational education students who are not qualified for membership under any of the preceding clauses of this paragraph.

In addition, the members of the State advisory council may not represent more than one of the above-specified categories. Appointments to the State advisory council must insure that there is appropriate representation of both sexes, of racial and ethnic minorities, and of the various geographic regions of the State.

States are required to submit and maintain a general application on file with the Commissioner, giving assurance that necessary methods of administration will be provided, that an office for women will be established, that standard accounting procedures will be used, that Federal funds will not be used to supplant State funds, that the State will make such reports to the Commissioner as he or she deems necessary, and that funds shall be distributed with regard to local interest. Priority is to be given to programs dealing with persons with special needs, with areas of particular need, or with innovative programs.

The Commissioner is authorized to make grants for vocational guidance and counseling services, including cooperative programs with community groups and agencies, to individuals of all ages; improving the qualifications of persons serving in vocational education programs by enrolling potential leaders in advanced study programs, that is, the training or retraining of teachers, training or retraining of guidance personnel, exchange programs, graduate study as leadership development awards, and, provide funds to institutions which carry out leadership development programs; grants to State local educational agencies, institutions of higher education, and other public and private agencies in order to develop and disseminate exemplary and innovative programs. Priority in funding is given to projects dealing with areas with high concentrations of unemployed, persons with limited English-speaking ability, physical or social handicaps, and programs to reduce sex stereotyping. After consultation with the National Advisory Council on Vocation Education, the Commissioner is authorized to make grants to develop and disseminate vocational education materials for new and changing occupations, to overcome sex bias, to coordinate Federal information output, and to train personnel in curriculum development.

The Commissioner is authorized to allot funds to each State for the compensation of students employed in approved

work-study programs. He is authorized to make grants to States to establish and operate programs of cooperative vocational education related to students' occupational and educational objectives.

The Commissioner is authorized to make grants for a limited period of time to local educational agencies to modernize facilities and equipment.

The world has changed at a careening pace over the last few years, and our educational systems have been hard put to keep up with the advances. Information made available through home economics may very well make an essential difference in our young peoples' future. To this end, funds are provided for the purpose of assisting the States to prepare males and females for homemaking, including consumer education.

Students need to have their sights raised in accord with their potential, and to identify themselves with the diverse occupational possibilities open to them and with the preparation programs required. To achieve this goal, the reported bill creates a new and expanded program to develop and conduct career education and career development programs.

To improve the professional qualifications of guidance counselors, a new program of guidance and counseling is created providing training for supervisory and technical personnel having responsibilities for guidance and counseling.

Mr. President, education is the tool to a better life. We bear no greater responsibility in a selfgoverning society than that of educating our citizenry. I commend the distinguished chairman of the Education Subcommittee (Mr. PELL) and the ranking minority member (Mr. BEALL) for the careful work and many significant improvements the bill brings to higher education.

Mr. JACKSON. Mr. President, I wish to commend the Senator from Rhode Island and his subcommittee for including in their education amendments bill, S. 2657, an extension of the authorization for the International Education Act—IEA. The act expresses the determination of the Federal Government to assist in the development of the educational resources necessary to meet our national need for increased knowledge and understanding of foreign states, peoples, and cultures. I am particularly pleased to note that IEA is authorized to provide specific assistance to centers of advanced foreign affairs research.

Mr. President, it is urgent that, at this time, we promote the search for imaginative, thoughtful, and innovative ideas and insights in the field of foreign affairs and national security. This Nation's safety can be jeopardized and creative opportunities for promoting international peace and stability missed should the quality of the centers producing new knowledge deteriorate, and a shortage of highly trained specialists in foreign areas and languages develop. First-rate specialists representing a variety of viewpoints are indispensable to inform the deliberations of the executive and legislative branches of the Federal Government in the fields of foreign affairs and national security policy.

Yet the centers of advanced foreign affairs study throughout the country are in trouble. Until recently, the advanced foreign studies function was supported very largely by private foundations—notably the Ford, Carnegie, and Rockefeller Foundations. This support generally took the form of aid to research centers, both those that are university affiliated—e.g. the Russian Institute at Columbia University, the Latin American Studies Center at the University of Florida, the Near Eastern Studies Center at Princeton University, and the Comparative and Foreign Studies Institute at the University of Washington—and those that are non-university-related such as the Brookings Institution and the Hudson Institute. Private philanthropy, however, has changed its priorities and largely pulled away from the support of foreign affairs research centers. Inflation has taken a tremendous toll. In the decade from 1969 to 1970 alone, the Ford Foundation committed over $242 million to the field, an average of $22 million per year. Since then, commitments have declined sharply, and, by 1978, the Ford Foundation expects to be spending only $3 to $4 million a year in this area. Almost none of these funds will go to institutions of higher learning.

The impact of these declining commitments has had serious effects on advanced research centers. For example, the Center for Chinese Studies at the University of Michigan received over $2 million from the Ford Foundation between 1961 and 1975, but now receives nothing, and has found no satisfactory alternative source of funding. The Russian Research Center at Harvard University has gone from an annual budget of $300,000 in the late 1950's to about $100,000 and is assured of only $50,000 in 1976–77. Yale's Southeast Asia Program has been eliminated completely.

In university-associated centers around the country, important library acquisitions have been reduced; fewer faculty have been given released time from teaching to conduct frontier research on the intentions and behaviors of other nations and of international organizations; specialized support staff for translation and for library coding have been let go; fewer post-doctoral visitors have been funded from other colleges and universities and from other lands.

Parent institutions, predominantly universities, have not found it possible to fill the gap left by the decline in foundation support. Meanwhile, the National Defense Education Act, which provides funds for training in international education under its title VI, is expressly barred from supporting foreign studies research.

For this reason, I am greatly encouraged that Senator PELL's subcommittee has included in S. 2657 an authorization of funds which includes assistance to American centers of advanced foreign policy studies. This is a constructive move in the direction of maintaining and enriching the base of knowledge essential to the wise development of national policy—by the executive branch and by the Congress.

Mr. BURDICK. Mr. President, I would like to engage in a short colloquy with Senator KENNEDY, who, I understand, is the author of the Teacher Corps amendments contained in S. 2657.

Mr. President, I think the amendments to the Teacher Corps program contained in this bill are good ones, and I want to commend Senators KENNEDY and PELL for their work on this fine program. There is one section, however, which I believe should be clarified now so that the legislative intent of the law is absolutely clear to those who will administer the program.

Section 513(f) directs the Commissioner of Education to establish procedures designed to assure a ratio in the Teacher Corps of five teachers who are employed by a local educational agency at the time of their enrollment to one individual who has not been so employed.

Mr. KENNEDY. Yes, we believe the in-service trend should be balanced with an effort to recruit new teachers in urban and rural poverty areas, especially teachers who will reflect the backgrounds of the students they will be teaching.

Mr. BURDICK. This ratio is to be a national one rather than one imposed on each project, is that correct?

Mr. KENNEDY. Yes, that is the intent of the law. This is a national ratio. Some projects may train experienced teachers primarily; others may have a lower ratio and put a greater emphasis on training new teachers. The language permits variation as long as the overall ratio is maintained.

Mr. BURDICK. The language refers to individuals who have not previously been teachers. As I understand it, these individuals may be undergraduate students, as long as they fulfill the program's goals of training new minority teachers to meet the specific needs of such groups as American Indians, migrants, and bilingual children where there is still a shortage of teachers and so long as they continue to meet the Teacher Corps' upper division standards.

Mr. KENNEDY. Yes; that is correct. This language allows undergraduates from minority backgrounds to participate as full Teacher Corps interns and receive the full stipend payable to such interns.

Mr. BURDICK. I thank the distinguished Senator for his clarification of this matter. At the University of North Dakota, we have an outstanding Teacher Corps program which has put a special emphasis on training new American Indian teachers—who are badly needed nationwide. As a rule these Indian students are undergraduates, but they are older than the average students and often have families. Thus, they need the stipend available to full interns. These Indian Teacher Corps interns receive a bachelor of science degree through the program and have been returning in high numbers to teach on or near Indian reservations. They become active members of the Indian communities and provide new and innovative teaching methods to students who have historically been severely overlooked and disadvantaged. In this situation, I believe it makes sense to allow the Teacher Corps to include undergraduates

as Teacher Corps interns, and so I appreciate the opportunity to make it clear that this will be permitted under the provisions of this bill. This is the understanding of the manager of the bill; is it not?

Mr. PELL. Yes; I fully concur with the intent expressed here by the Senators from North Dakota and Massachusetts. The 5-to-1 ratio is for the program as a whole, not for each individual project, and undergraduate such as those described by Senator BURDICK may be included in the program as full interns.

Mr. BURDICK. I thank the distinguished Senator.

Mr. BEALL. Mr. President, as a cosponsor, I recommend and urge the Senate to pass S. 2657, the Education Amendments of 1976.

Before discussing the bill's substantive features, I want to congratulate Chairman PELL for his leadership and legislative skill in bringing this measure to the Senate with the unanimous support of the committee. Since I have become the ranking minority member of the Education Subcommittee, I have enjoyed the opportunity to work with the chairman. He has been fair and helpful to all committee members, and I am grateful to have had the opportunity to work with him in shaping education legislation.

Also, I wish to particularly note the excellent staff work of majority counsel, Jean Frohlicher, and Greg Fusco of the minority. I believe this is the first major education legislation they have directed, and their work was outstanding and augurs well for education legislation and education generally. I am certain that I speak for the entire minority when I congratulate them for a job well done.

S. 2657 is an omnibus education bill. While important changes and initiatives are included, the bill basically builds on the 1972 Higher Education Act and the 1968 Vocational Education Act. In effect, we endorse the essential soundness of the overall direction and program concepts charted by these two landmark acts. This is not to say, no new initiatives are included; they are. But the essential and core elements of these acts are endorsed and extended.

Now, I would like to discuss the bill's provisions.

The higher education provisions, which are found in title I of S. 2657, are extended through 1982, and include the following:

First, the bill amends the community services provision of the Higher Education Act of 1965, as amended, by extending the existing program and by authorizing a new program of continuing education and lifetime learning.

Mr. President, I had the pleasure of serving on the National Commission on Postsecondary Education, which issued its report in 1972. Some of the trends and developments in education, which now are beginning to have major influence and impact on both society and our education system, the Commission saw unfolding. The Commission called for us to broaden our vision from the narrow and traditional higher education to what it termed postsecondary education. The Commission saw continuing education increasingly becoming a perpetual or lifelong proposition for everyone, and particularly for the various professions. Many of the professions are offering, and some are requiring, continuing education programs to make certain their members stay abreast of developments in their field. Nontraditional approaches and greater utilization of technology are likely. The continuing education concept is consistent with the Commission's report and the needs of society.

LIBRARY SUPPORT

The committee extends the college library resources and the college library training program of the Higher Education Act. This program provides basic grants to college libraries, provides training support and library demonstration projects.

I am particularly pleased that the Major Research Libraries Assistance Act of 1976, which I introduced as S. 3244, was adopted as an amendment to this legislation by the committee. This proposal would amend part C of title II of the Higher Education Act by authorizing the Commissioner of Education to make grants for library resources to public or private nonprofit institutions which serve as major research libraries.

Based on a recommendation of the Carnegie Council on Policy Studies in Higher Education, this amendment has wide support among education and research groups, including the American Library Association, the Association of Research Libraries, the American Association of University Professors, the American Council on Education, and the National Board on Graduate Education.

Research libraries are collectively a single national resource of recorded knowledge, central to higher education and necessary to the research which expands our horizons and improves our lives. These libraries today are finding it difficult to continue to acquire all the materials scholars and researchers require. They are also finding it more and more difficult to find room for, organize for use, and make available all the manuscripts, photographs, recordings, films, and memorabilia that constitute the record of our times.

Take a close look at the many excellent and fascinating Bicentennial displays here in Washington and all across the country which bring our Nation's history alive and help us to know ourselves better. The fine print under many of the documents, pictures, and artifacts in these displays shows that they come from the fine research collections and archives in all parts of the country. I would hope that 100 and 200 years from now we would be able to display as complete a record of our Nation's history as I have seen in this Bicentennial Year.

Preserving our Nation's heritage is one of the important functions of research libraries which must be continued, and which deserves our support. My amendment is a modest attempt to help these libraries, providing an authorization of $10 million for fiscal year 1977, $15 million for fiscal year 1978, and $20 million for each of the following 4 fiscal years.

All types of libraries which serve as major research libraries would be eligible—academic, public, and State libraries, and nonprofit independent research libraries. Libraries receiving grants should meet State, regional or national research needs. In addition, this amendment requires regional and institutional balance in the distribution of grant awards, and will benefit libraries in all parts of the country. Besides the direct benefits to those institutions receiving grants, other libraries in every State will benefit indirectly from this amendment.

First, a library receiving a grant for resources under the new title II–C would not be eligible to receive a title II–A basic grant, and thus the other academic libraries in each State would receive a larger basic grant. Second, all libraries which must provide access to research materials for their users would benefit from the strengthening of major research libraries so that they can continue to make their holdings available to other libraries.

Both the direct and indirect benefits are mentioned over and over again in the many letters of support for this amendment from libraries across the country. The number of small 2- and 4-year colleges expressing strong support for this proposal is truly impressive, and confirms my belief that research libraries are indeed a national resource. I ask unanimous consent, Mr. President, that a sample of comments from these letters be inserted in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BEALL. This program recognizes that the major research libraries are regional and national resources. They are vital for research and scholarship and they increasingly are the hub of growing interlibrary lending. With total resources in excess of 200 volumes, they obviously loan more than they borrow from small libraries. Thus, they serve and reach far beyond their own clients. While inflation has hit all segments of society, and particularly the service sector, costs in the library field have increased rapidly with the result that major research libraries have found it difficult to purchase books, materials, and required periodicals. Inflation is running 15 to 20 percent for books and journals with the highest increases occurring in the hard sciences.

Yet, the budgets for research libraries is going down. This is resulting from fuel bills—Maryland University lost $50,000 alone as a result of fuel costs—and also because of general budgetary problems. In my State, two libraries— Maryland University and Johns Hopkins University—have experienced actual dollar reductions. If such reductions continue, these regional resources face both quantity and quality problems.

Thus, Mr. President, this new program is designed to make certain that research libraries will maintain their quality and continue to serve as the

repository of accumulated knowledge and learning and a mecca for students and researchers of the region and Nation.

Mr. President, I urge my colleagues to support this amendment so that all Americans will benefit from the improved research capability of major research libraries. These libraries are an essential element in higher education and research in every part of the country, and must be enabled to continue to keep up with the increase in recorded knowledge and the increased cost of acquiring and maintaining that knowledge.

DEVELOPING INSTITUTIONS

S. 2657 extends title III of the Higher Education Act at the level of $120 million yearly. Of this sum, approximately three-fourths is earmarked for 4-year institutions. Many black institutions have been aided under this title.

While these institutions, as well as other institutions in the respective States, are not segregated and are—or are becoming—integrated, such institutions, for a variety of reasons—proximity to students, costs, choice—still serve a high proportion of minority students. While good progress has been made in educational opportunity for minority and other students, the task is not completed. Therefore, this provision helps to encourage developing institutions to continue such evolution and to improve their quality, and to attract all students.

STUDENT AID

Student assistance programs are at the heart of Federal support for postsecondary education. And the centerpiece of the student assistance program are the Basic Opportunity Grants—BOGs, BOGs, as they are called, originated with Chairman PELL and were enacted in 1972. I was pleased to support BOGs then, and strongly endorsed the extension of this program in this bill. This fall will mark the first time that all four classes—freshman through senior—will be eligible. It is estimated that 1.3 million students will receive such grants. Access to postsecondary education, not just traditional higher education, has been enhanced by this program. At a time when so much of the news is bad news, and the impression is often conveyed that the Nation's continued quest for enlarged and equal opportunity for all citizens is not continuing, more needs to be written about BOGs. For, BOGs alone shows the quest continues.

The committee, in general, made no basic changes in the program. I considered a proposal which would have allowed a student, at his or her option, to elect to receive a higher percentage grant for the freshman year, with either a straight or increasing percentage reduction in the subsequent 3 years. Such a proposal, I felt, would expand access, be more equitable to students who attended only for a year or two, and reduce default rates. However, I was persuaded by the chairman, at least for the first extension of BOGs, that we should now add administrative complexities to the program. In addition, there were BOG amendments advanced by public and private colleges and their associations. For the same reasons, the committee elected not to adopt any of those recommendations.

CAMPUS-BASED ASSISTANCE PROGRAMS

S. 2657 extends the Supplemental Educational Opportunity Grants—SEOG's—essentially unchanged. The private schools advanced a proposal which in effect would have changed this program to make the goal of access primarily the function of BOG's, and refocus SEOG's on choice. This would have enabled SEOG's particularly to aid higher cost institutions. While not adopted, this and other proposals, I am certain, will be continually examined by our subcommittee. Although financial need is a criterion, SEOG's income limitations are not as restricted as BOG's, and institutions have more flexibility to determine those in need.

The reported bill also extends the popular and successful work-study program. This program has enabled many students to earn their way through college and at the same time receive job experience. While I do not feel the postsecondary community has been as imaginative as it could have been with respect to job opportunities, the program is still an excellent one. The committee included an amendment to encourage the use of students as counselors for assistance programs. The bill also makes clear—which I always felt was the case—that work-study students could be employed by Government and public agencies.

STATE STUDENT INCENTIVE GRANTS

This was another one of those imaginative programs that was part of the 1972 Act. Authored by Senator JAVITS with my strong support, this program was designed to encourage the development and expansion of State scholarship programs. All the States are now participating in this program and in fiscal year 1976, 176,000 students from low- and middle-income families were assisted by the program.

The committee, in order to encourage States' guaranteed student loan programs, adopted a bonus allotment under the State student incentive grant program. When appropriations for this program exceed $50 million, one-half of the excess appropriations up to $200 million will go to States with their own guaranteed loan program, and the other half under the regular formula. For appropriations over $200 million, all will go to States with their own programs. For 1976–77, Maryland received $765,154 in Federal funds which will be matched by State funds.

GUARANTEED LOAN PROGRAM

Mr. President, under this program, the Federal Government guarantees student loans made by private lending institutions. In addition, for certain borrowers, the interest rate is subsidized. This is one program that is critical to middle-income Americans. Certainly, we have a responsibility to see that middle-income Americans have access at least to the loan markets. College costs are skyrocketing, and this—combined with the inflation and other economic difficulties, including fewer youth jobs—has resulted in parents and students of middle-income Americans being squeezed and, frankly, having increasing difficulties in meeting tuition and other education costs.

Middle Americans, although often abused and frequently forgotten, remain the backbone of this Nation. That is why I joined Senator MONDALE, the chairman, and others in raising the student interest subsidy from the 1965 level of $15,000 to $25,000. Students from families with income levels above that limit remain eligible for the guaranteed loans, but do not receive a subsidy. The Consumer Price Index increased by 65 per cent since 1965. This increase, which I still feel is too low, at least restores the number eligible, which has been reducing yearly, as inflation has pushed individual incomes into higher brackets.

Mr. President, in fiscal year 1976, 891,000 students received new loan guarantees, bringing the total number who have benefitted to over eight million. The cumulative loan volume is in excess of $8 billion.

While the guaranteed loan program is successful, the Congress and the administration are aware that the student default rate and other fraud and abuse are "cancers" to the program which must be addressed and removed if the program is to remain healthy.

The committee incorporated a number of provisions of my bill, S. 1229, to—

First, remove infancy as a defense from repayment for student borrower;

Second, encourage lending institutions to make multiple disbursements to minimize default if students fail to complete programs; and

Third, prohibit students from utilizing bankruptcy to wipe out their loans.

Mr. President, the need for this last provision can be best illustrated by a case from Little Rock, Ark. In this instance, a legal aid lawyer and his wife utilized the Federal bankruptcy laws to avoid paying some $18,382 in student loans. Although this couple had combined earnings of $19,500, they successfully claimed bankruptcy. This was possible because bankruptcy proceedings only require the listing of earnings for the 2-year period prior to filing. Being students during such period, this couple had no earnings, and Uncle Sam was left holding the bag and paying the bill.

Insignificant funds are not involved here. Almost $3.7 million was paid to lenders under the Federal guaranteed loan programs for students who entered bankruptcy in fiscal year 1975. In addition, almost $4.5 million was claimed in the same period but was not paid lenders by June 30, 1975. Also, another $1.6 million was paid under reinsurance agreements with the various State agencies.

All this added up to a 60-percent increase over payments for bankruptcy over the previous year. And, since the inception of both programs, over $17 million has been paid on behalf of student borrowers who are in bankruptcy. The committee by adopting the provisions of S. 1229 with respect to bankruptcy disallowing a student from using the defense of bankruptcy for a 5-year period

will save the taxpayers money and prevent the abuses, such as the Arkansas case. Further, the committee included a provision terminating an instittuion's eligibility as a lender, if such institution default rate is too high.

Mr. President, S. 1229 also adopted a number of other provisions to improve the loan program by—

First, allowing lower monthly payments when both husband and wife have been student borrowers; and

Second, easing minimum loan repayment period when agreeable to both student-borrower and lender.

In addition, the committee added an additional "grace period" for repayment when student-borrower, upon graduation, is unable to find a job.

Let me also take a moment to express appreciation for the excellent work contributed by the Government Operations Committee under the leadership of Senators NUNN and PERCY, which along with our Labor and Public Welfare Committee's examination and action will significantly reduce the abuses in the loan programs.

Thus, while we are supportive of this guaranteed loan program, we are determined to put an end to this massive loss of public funds whether caused by student borrowing, poor administration or whatever the reason.

Mr. President, one final word, the guaranteed loan program is a voluntary program. Its success depends on the voluntary participation of lending institutions. We have received reports that administrative delays and uncertainties are discouraging, causing cutbacks, or leading to the dropping out of the program altogether. Congressman GUDE introduced H.R. 12703 and I introduced S. 3246, a companion bill on the Senate side. These bills simply would require HEW to make payments of money due and owing to lending institutions "within 30 days * * * after receipt of itemized voucher."

The committee has included a number of provisions addressing these problems—provisions to improve the fairness and timeliness of rate determinations and additional staffing for OE to administer the student aid programs. Further, since the introduction of S. 3246, improvements in payments have occurred. The committee contemplates not only that such improvements be continued, but also improved upon.

TITLE VI

The committee included an amendment advanced by me at the behest of Georgetown University. This would enable the Secretary to use title VI funds for construction of facilities for model intercultural programs to integrate substantive knowledge and language proficiency. It is not our intent that such funds come from existing programs, but that Georgetown secure an additional appropriations under title VI for this purpose.

EDUCATION ADMINISTRATION

Mr. President, the bill eliminates the position of Assistant Secretary for Education and upgrades education within the Department. The 1972 Education Amendments created the position of Assistant Secretary for Education. I did not believe that it made sense then, and experience has confirmed my initial feelings. The Commissioner of Education has the authority for education programs. A separate spokesman, which is about what the Assistant Secretary position amounted to, is both unnecessary, confusing, and administratively unsound. I support this change.

NATIONAL INSTITUTE OF EDUCATION

The committee extends the NIE for 7 years, and incorporates the provisions of S. 1498—which I introduced—providing additional clarity and focus to the Institute's mission, and establishes the following priorities:

First. Improvement in student achievement in the basic educational skills, including reading and mathematics;

Second. Overcoming problems of finance, productivity, and management in educational institutions;

Third. Improving the ability of schools to meet their responsibilities to provide equal educational opportunities for students of limited English-speaking ability, women, and students who are socially, economically, or educationally disadvantaged;

Fourth. Preparation of youth and adults for entering and progressing in careers; and

Fifth. Improved dissemination of the results of, and knowledge gained from, educational research and development including assistance to educational agencies and institutions in the application of such results and knowledge.

As one who has been deeply interested in the reading problem—a problem which is receiving increased attention in the Nation—I am delighted that this is listed as a top priority of NIE.

The committee also earmarked 25 percent of NIE appropriations for the regional educational laboratories and research and development centers. It should be made clear that this direction is not meant to interfere with the mandate of the conference committee in the Education Amendments of 1974, when we directed the establishment of a reading lab or center. NIE is in the process of implementing that mandate, and I, for one, could not support any action that interfered with or excluded the reading center—which, incidentally, NIE will be naming soon.

NIE has not been without its growing pains. But education is too important. and notwithstanding the fact that we have been at it for a long time, there remain many mysteries with respect to learning and the learning processes. Education is a $119 billion industry, one of the largest in the Nation. It is most appropriate that the Federal Government support research in education. Education has always occupied a central and priority position in our Nation and has been a major contributor to our economic growth and opportunity. The new NIE Director, Harold L. Hodgkinson, seems to have provided the needed direction. Congress must provide the support and also have some patience. If both are forthcoming, I believe dividends and directions will be forthcoming from NIE.

VOCATIONAL EDUCATION

Mr. President, the committee devoted considerable time to the vocational education provisions. This was not only because a number of difficult problems surfaced, but also the committee feels strongly that this is one of the most important of the Nation's education programs.

This is not to say that the 1963 and 1968 Vocational Education Acts were not successful. They were, and the reported bill essentially endorses the direction and program under those Acts. There is little question that Federal vocational education funds contributed to an extraordinary growth of both quantity and quality of vocational education programs.

From 1963 to 1974, total expenditures for vocational education increased by more than a thousand percent, exceeding $3 billion in 1974. While Federal funds during this period increased 354 percent, reaching $468 million in 1974, the Federal share of total vocational education spending continues to decrease, dropping from 34.4 percent in 1965 to 13.6 percent in 1974. State and local governments continue to overmatch Federal funds. In 1973, the States spent over $5 dollars for every Federal dollar. My State of Maryland expended $7 for every Federal dollar.

During this same 1965–74 period, enrollment in vocational education programs increased 151 percent, from 5.4 million to 13.6 million.

In addition, the 1968 act attempted to focus on various special needs categories, such as, the handicapped and disadvantaged. At that time it was found that only 2 percent of the Federal funds were going to special needs populations. The 1968 act provides a set-aside and other incentives to increase the amount of funds allocated to special needs. As a result. in 1974, over 30 percent of the total Federal funds were channeled to the special needs categories. The hearing and the GAO report did raise the issue of the State matching of special needs categories, for whereas overall matching of Federal vocational education funds by States is over 5 to 1, States only match disadvantaged 2 to 1, and handicapped, 1 to 1. Maryland State plan in 1975 indicated that the State was reaching only 2,800 of some 10,000 handicapped students at the secondary level. In view of the need for special needs categories, there has been disappointment over the failure of Federal funds to stimulate a greater response by State and local government.

Finally, there was substantial growth in postsecondary vocational education programs. Enrollment in programs in this sector increased 660 percent, from 207,000 in 1965 to 1.6 million in 1974. In Maryland, postsecondary vocational education experienced a growth of approximately 130 percent in the 1971 to 1974 period. Vocational education programs

comprised 32 percent of the total community college enrollment in 1973 in Maryland.

The vocational education provisions of S. 2657 seek to—

First. Improve the planning process and involve the active and wide participation of the interested parties in the development of the long-range and annual vocational education plans developed by the State board;

Second. Assure attention to special populations—handicapped, disadvantaged, and persons with limited English-speaking ability, and to areas having high concentration of youth unemployment and school dropouts;

Third. Strengthen vocational guidance and counseling;

Fourth. Provide training and retraining opportunities for vocational education teachers and authorize grants to outstanding individuals for leadership development in vocational education;

Fifth. Encourage innovation through support of exemplary programs and projects and for curriculum development for new and changing occupations;

Sixth. Continue strong support for essential work-study and cooperative education programs;

Seventh. Authorize emergency renovation and remodeling assistance for vocational education facilities in rural and urban areas;

Eighth. Create an office for women in the respective States to address problems of sex stereotyping and sex discrimination;

Ninth. Provide for a special evaluation of vocational education patterned after the GAO evaluation, which was helpful to the committee;

Tenth. Promote vocational education research at both the Federal and State levels; and

Eleventh. Simplify application procedure so as to reduce paperwork.

VOCATIONAL PLANNING

Mr. President, there is little question that more and better State planning is needed. State plans which the committee examined, although including considerable statistics, in general have no real discussion of priorities, such as what to do about the large dropout problem and high youth unemployment rates and how to best respond to the needs of the handicapped or the disadvantaged. Few discuss problems or barriers, if any, preventing their responding appropriately.

In short, State plans generally were compliance, rather than planning, documents. They were interesting and contain some useful data, but they were not as helpful as they should be in examining and evaluating overall priorities or pointing to new directions.

Planning inadequacies and funding allocation among various levels led the committee to require the creation of a new State Planning Commission for Vocational Education. For reasons, which I will spell out later, I do not feel we need another layer of bureaucracy.

While there is disagreement over mechanisms to address these problems, there is no agreement over the necessity for improvements.

In addition to the controversial planning commission provision, the bill includes numerous provisions by—

First. Requiring the development of long-range (4 to 6 years) and annual plans which shall set forth vocational and manpower goals. In developing such long-range plans, a State would be required to access—the manpower needs and how such needs square with enrollments; existing facilities and institutions and the most effective means of utilizing such resources; and the needs of special populations. Also, the bill requires coordination of vocational and manpower efforts;

Second. Encouraging the involvement of various participants—secondary education, postsecondary education, Advisory Councils, local communities—in the process;

Third. Mandating that priority programs and areas be addressed;

Fourth. Strengthening the Advisory Council's role in planning and evaluation; and

Fifth. Assuring better evaluation at both the Federal and state levels.

SPECIAL NEEDS

The committee bill incorporates a number of provisions to assure greater attention to priority areas and to priority populations with special needs. This includes the establishment of a series of national priority programs with a specific, minimum reservation of the State's basic grants as follows:

First, 10 percent of the funds to pay 60 percent of the cost for handicapped persons;

Second, 15 percent for academic and economically disadvantaged students; and

Third, 15 percent for postsecondary education.

To make certain that States make special efforts in these priority areas, States would be required to match Federal dollars at the rate of two State dollars for every three Federal dollars.

VOCATIONAL GUIDANCE

There is a need for improved guidance and counseling. The bill's provisions provide Federal funds to support existing efforts and to develop new guidance and counseling efforts. States desiring to participate under this program would include in their annual plan how they plan to allocate such funds among eligible recipients.

While I believe that schools and guidance counselors overall have done a good job, given the client-counselor ratio with which they work, with respect to college-bound students, I believe more and improved efforts are required for the now college-bound students. One use of such funds, which I have advocated, could be the naming of a community guidance and job placement officer whose responsibilities would be—

To work with guidance personnel in the county schools to make certain they are knowledgeable about job markets and that they pay attention to the needs of vocational students and become as involved in job placement for such students as they have traditionally done with college-bound students;

To serve as a liaison officer with the community—including industry, unions, State employment offices, manpower programs, and community colleges;

To understand the job needs of the community and region, and to encourage work-study slots in the community; and

To improve follow-up and placement activities.

This certainly would be a good use to which a school district could elect to use these funds.

TEACHER AND LEADERSHIP TRAINING

Under these sections, a program for the training of vocational education personnel is authorized. While such training includes training and retraining of experienced teachers, it also seeks to attract individuals who have the necessary technical and skill training, but who lack the educational requirements. This would enable school districts to utilize such individuals and enable such individuals to secure some teacher training.

Also, the bill authorizes leadership development grants to outstanding individuals with the potential of leadership in this field.

INNOVATION

S. 2657 authorizes the Commissioner to make grants for exemplary programs and projects. Fifty percent of the funds allocated under this part would be reserved for the Commissioner; the other 50 percent would be to the States for grants and contracts pursuant to the State's annual plan.

Specific priorities are delineated for the Commissioner's funds, although the committee makes it clear that he could add additional priorities to the list. They include—

First, high quality programs for urban and rural areas;

Second, guidance and placement centers;

Third, cooperative programs with education and manpower agencies; and

Fourth, programs for individuals with limited English-speaking ability.

While the States obviously can use their innovation funds for the national priorities, they have discretion, in addition, to select their own priorities.

It should be emphasized that funding under this innovation should be coordinated with the State plans.

There are two further aspects of the innovative projects that merit mentioning. First, since the provision is designed to encourage exemplary or innovative projects, the bill makes it clear that support for innovation projects will be for only 3 years. In certain circumstances of national significance, an additional year could be excluded. This hopefully will encourage innovative projects which are realistic, and that successful programs will be incorporated into the regular school program. Often such projects are unrealistic and little thought is given to the fate of the program when the Federal funds terminate.

The second part of the innovation section provides assistance for curriculum development in new and changing occupations.

WORK-STUDY PROGRAMS

These are some of the most important and popular programs in the act. The work-study and cooperative programs are both extended. Under the former, students who need the earnings are provided work opportunities. Under the cooperative education program, the students alternate periods in the classroom with work on the job.

Today's students for the most part are in need of work opportunities. Many of today's youth no longer have even household chores. We simply must find ways of wedding the world of education and the world of work. This is particularly true for vocational students. I believe work experiences are important for two reasons. First, there is the recognized value of work, and, secondly, students, generally, want to end their isolation from the adult world, and experience and see the relevant real world. Work-study and cooperative education programs make sense for students, schools and society.

EMERGENCY AID

Mr. President, the committee heard testimony with respect to the plight of big cities, and the condition of facilities therein. For example, the Council of the Great Cities schools survey showed a dire need for upgrading urban facilities. This survey revealed one of two buildings in three major cities, including Baltimore, was built before World War II. The National Advisory Council on Vocational Education urged a "crash funding" for urban facilities.

The Committee provides a 4-year emergency program to remodel and renovate vocational facilities. However, the committee also made rural areas eligible. The Commissioner would be required to rank applicants on the basis of "need" and then fund such projects at the Federal share of 75 percent.

CONSUMER AND HOMEMAKING

The bill extends the consumer and homemaking provisions. Many changes have been, and are, taking place in society, but the importance of the home and homemaking remains. The Federal share of expenditures for consumer and homemaking is 50 percent.

VOCATIONAL RESEARCH

This section authorizes funds for grants and contracts for research. As in the innovation area, 50 percent would go to the Commissioner and 50 percent would be distributed to the States.

SPECIAL EDUCATION

Mr. President, the committee adopted an amendment offered by me calling for an in-depth evaluation, patterned after the GAO study which has been most helpful and certainly far surpassed other evaluations, of at least five States. States would be classified either as urban or rural, and at least one State from each classification would be selected. Each State evaluated will have an opportunity to comment prior to the submission of the evaluation to the Congress. In addition, those states not evaluated would be expected to comment on the applicability of the funding to them.

The vocational education title also includes a special energy education section authored by Senator RANDOLPH; special grants to overcome sex discrimination; and an extension of the bilingual vocational training program.

CAREER EDUCATION

Title V establishes an expanded career education program. Also, the Commissioner would be required to collect and disseminate information on career education.

GUIDANCE AND COUNSELING

Part B creates a new program of guidance and counseling.

Grants under this part may be awarded for institutions, workshops, and seminars to improve counseling and the professionals involved in this important field. Also, this part allows the Commissioner to make grants to States to assist them in implementing and coordinating new and existing guidance and counseling programs.

Mr. President, from my discussion, it is obvious that S. 2657 is critical to American education. In view of its importance, it is imperative that this measure be enacted this year. We have worked too long and hard on this bill to allow this session to close without S. 2657 becoming law. This measure, in short, is "must" legislation, and I hope the Senate will take early and favorable action, and that the conference committee will be able to resolve the differences so that the measure may become law.

EXHIBIT 1

COMMENTS FROM ACADEMIC LIBRARIANS ON AID TO MAJOR RESEARCH LIBRARIES AMENDMENT (TITLE II–C)

California: (specialized college)—Our library would benefit both directly and indirectly. Directly, because the proposal would free more funds for title II–A (college library resources) basic grants, for which this library is eligible, and indirectly, because it would help to maintain the quality of the large research libraries. Serious researchers at smaller institutions such as ours depend heavily on the resources of the major library collections for their specialized needs.

Georgia: (public university)—Research libraries have been hard put to maintain their collections and services in the past several years in the face of crippling inflation and static (or decreasing) funding. Our library, as an example, has had to expend for serials subscriptions approximately 90 percent of its resources funds in FY 1976. In FY 1968 the percent spent for serial subscriptions was about 60 percent. The 1968 ratio is a healthy one. The 1976 ratio reveals a sick library. Each of the major research libraries of the state is suffering from bibliographic malnutrition. We are trying to cooperate and stretch resources but are finding the growing demands by the research community harder and harder to meet.

Illinois: (private college)—Last year about one third of the college's students and most of the faculty used some form of interlibrary loan. Scores of others visited the Newberry and Crerar libraries, the libraries of Northwestern and the University of Chicago. Our programs benefit directly from the riches of these collections. The young people of Illinois and of other states who study here benefit directly from these strong libraries. These institutions have been hit hard by the depression in higher education and by inflation. Quality already has deteriorated and further loss of effectiveness can be seen if no support is forthcoming.

Maryland: (public community college)—Because of reduced materials budgets and inflated materials costs libraries must develop better means of sharing resources. In, order to share collections with smaller libraries, major research libraries need to at least maintain their level of acquisitions. The proposed amendment to the revised HEA, S. 2657, by assisting them in so doing, will improve the resources available to the entire academic library community.

Massachusetts: (private college)—We wish to add our endorsement to the proposed amendment. We see the value and the effects of the daily contributions being made by our large research libraries. As a small, private, liberal arts college library, we are often the beneficiary of the expertise and resources of this type of institution, especially in the area of interlibrary lending. It seems only just that these support systems for smaller libraries be, in turn, supported by federal funds for the procurement of the necessary resources to service the varied users beyond their primary clientele.

New Mexico: (private university)—Because we cannot acquire research materials, we must rely on larger research libraries to supply these materials. If these research libraries are funded to help maintain and strengthen their collections and to assist them in making their holdings available to other libraries whose users have need for research materials, then we, as a small academic library, are benefitting from this funding through interlibrary loan of these research materials.

North Dakota: (public university)—Though the State Board of Higher Education through the Legislature has worked valiantly to increase support for academic libraries, we are still far short of adequate resources to meet the needs of our graduate students and research personnel. The interlibrary loan activity here has doubled, tripled and quadrupled within the last few years, attesting to the fact that this library is an indispensable resource to the state and region.

Ohio: (private college)—This amendment would serve the interest of our college by enriching the resources of the large libraries from which we borrow hundreds of volumes every year. The research needs of our faculty and students would often go ill served without the help we receive from these great libraries. It is not too much to say that the welfare of our country is also dependent upon the strength of these institutions and the completeness and currency of the information they make available to the scholarly world. Research libraries make research possible. If they are weak, they cannot support first-rate research. In a world as complex and dangerous as ours we cannot afford second-rate research.

Oregon: (public community college)—I am interested in this amendment, for it is mandatory that large research libraries get more funds for resources and for sharing those resources by loaning to smaller libraries. The cost of interlibrary lending is forcing many large research libraries to consider no lending to users beyond their own clientele or to consider charging for that lending. I feel that we in smaller towns and

cities and in small libraries must have access to the materials located in larger libraries.

Tennessee: (public university)—Our library serves as a state resource for the state. All residents of the state have access through interlibrary borrowing to our collections here. We serve as a central repository of recorded knowledge for the entire state and are central to all levels of Tennessee higher education. In addition, through the sharing of our collections with libraries in other states whose collections we in turn share, the entire nation as well as Tennessee will benefit from the II–C amendment.

Vermont: (private college)—The intent of this legislation is to provide special funding for a small group of large research libraries which really constitutes a national resource and should receive national support. It is imperative to the development of scholarship and the national interest that the collections and services of these libraries be maintained. Much of the material each receives is unique in this country and, unfortunately, this is the very type of material which may no longer be purchased because of attrition of funds.

Virginia: (public community college)—Data from a state survey of interlibrary loan patterns indicate that the research needs of scholars and industry are served without regard to state boundaries yet recent financial stringencies in state budgeting and rapid increases in quantity and costs of library materials are causing reduction in growth of the research collections which are basic to the Nation's research effort.

Wisconsin: (private college)—It is obvious that the bibliographic foundation of the nation's research libraries must not be allowed to deteriorate, and yet it is. Exceptionally rapid increases in cost of library materials and financial stringency have forced many leading research libraries to cut back on purchases of materials and even to reduce the number of hours the libraries are open. Erosion of a source of such strength to the nation must be stopped. As one of the small academic libraries in the state of Wisconsin and so dependent on the resources of the research libraries, it is chilling to consider the effects of either limited access or access to limited resources.

Mr. DOMENICI. Mr. President, I want to compliment the Education Subcommittee for its extensive work on the complex and far-reaching legislation before us today. Particularly, I want to thank the chairman and the other members of the subcommittee for including certain provisions I believe are important contributions to the present law.

Early last year, I conducted two education seminars in New Mexico to discuss education issues with many university officials, financial officers, and students. As a result of these highly productive meetings, I introduced several amendments to the higher education legislation, several of which I am pleased to note are similar to those included in the bill, S. 2657.

For example, the provision to expand the work-study program by allowing Federal, State, or local agencies to act as cooperating employers was suggested by the New Mexico educators. Such cooperation between public agencies and the universities should assist students studying certain subjects such as in health-related areas, forestry, or many diverse fields. The work-study program has probably been the best received program of Federal student assistance, both from the students' and the institutions' viewpoints. I am sure we would agree that the "earn-learn" philosophy brings about many more benefits than students earning a salary simply to defray their college expenses. Certainly expanding the work opportunities to include public agencies will enhance this particular student aid program as well as indicating a strong government endorsement.

Besides this change in the work-study program, I would like to endorse a firm $15,000 to $25,000 provision to increase the family income eligibility under the guaranteed student loan program, to prohibit students from declaring bankruptcy after securing their education with GSL moneys, and to allow title VII construction funds to be used for renovation of existing facilities for energy conservation. These provisions are also similar to those amendments which I introduced last October on behalf of the New Mexico educators and students.

Mr. President, there will be many amendments to S. 2657 offered today prior to the passage of the bill. I only wish to indicate my support at this time for those provisions of the bill which I believe to be particularly reflective of the views of my New Mexican constituency, and I urge my colleagues' serious consideration on their behalf.

The PRESIDING OFFICER. The Senate will be in order. Will the Senators kindly clear the aisles.

ORDER FOR A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS AND RESUMING CONSIDERATION OF S. 2657 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders are recognized on tomorrow there be a period for the transaction of routine morning business not to extend beyond the hour of 9:20 a.m. and with statements limited therein to 2 minutes each; and that at the conclusion of routine morning business tomorrow the Senate resume consideration of the unfinished business, S. 2657.

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

ORDER OF BUSINESS FOR MONDAY, AUGUST 30, 1976

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, after the two leaders have been recognized under the standing order, it be in order for the leadership to call up either H.R. 13372, the New River bill, or S. 3084, the Export Administration Act.

The PRESIDING OFFICER. The Chair would state there is an order for recognition on Monday after the two leaders have been recognized. The senior Senator from Virginia has been recognized under the order.

Mr. ROBERT C. BYRD. I thank the Chair.

Then I ask unanimous consent that following the consummation of that order or any other orders for Senators that may be entered in the meantime, it be in order for the leadership to call up either the New River bill or the Export Administration Act.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER MAKING TIME-LIMITATION AGREEMENT APPLICABLE TO S. 3037 AND S. 2710

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time limitations applicable to Calendar Order 827, S. 3037, the Federal Water Pollution Control Act, apply as well to S. 2710, an act dealing with the amendments to the Federal Water Pollution Act. It is my understanding that the Public Works Committee may use the latter bill rather than S. 3037 for its vehicle.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER REFERRING H.R. 13955 TO COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. ROBERT C. BYRD. Mr. President, H.R. 13955, a bill to provide for amendments of the Bretton Woods Agreements Act has been reported from the Committee on Foreign Relations as of August 10. By request of Mr. Proxmire—and I understand the request has been cleared on both sides—I ask unanimous consent that that bill may have a 30-day referral to the Committee on Banking, Housing and Urban Affairs.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

DR. STANLEY M. WAGNER

Mr. HASKELL. Mr. President, I wish to express my thanks to Dr. Edward Elson, Chaplain of the Senate, for extending an invitation to a distinguished rabbi from the State of Colorado. Dr. Stanley M. Wagner, spiritual leader of the Beth Ha Medrosh Hagodol Congregation, is also professor of Judaic studies and director of the Center For Judaic Studies at the University of Denver, and serves as Jewish chaplain for the Denver Police Department and Colorado State Patrol.

Dr. Wagner has just returned from a 2-week visit to the Soviet Union where he spent a great deal of time with many

members of the Jewish communities of Leningrad, Kiev, and Moscow. He shared with me some of his findings concerning the tragic condition of Russian Jewry—facts which belie the reports of the leaders of the U.S.S.R. that "all is well" for these unfortunate people.

Despite the agreements reached at Helsinki, to which Russia was a signator, and notwithstanding the Kremlin's statements about the rights of national groups within the Soviet Union, Rabbi Wagner has brought with him evidence of the harassment of Jewis in Russia who have applied for visas for Israel to be reunited with their families and proof of the cultural annihilation being perpetrated by Soviet officials against the Jewish community.

I wish to remind this distinguished body that the American people are not prepared to ignore the plight of the persecuted Jews in Russia. We must be willing, despite our desire for détente, to call the Soviet Union to task for infractions of international agreements.

If Russia can unashamedly proclaim to the world that its treatment of Russian Jewry does not violate the principles and ideals of the United Nations Commission on Human Rights and the Helsinki accord—a contention which Dr. Wagner and others are prepared to show is outrageously incorrect—then shall we not be wary of their promises and statements in all other areas?

I am pleased that Rabbi Wagner shared his findings with me, and through me, with the Senate. He is prepared to meet with any Senator or staff member to discuss the most current information on the tragic circumstances confronting Russian Jewry which he collected during his recent visit to the Soviet Union.

I would conclude by saying that since America is regarded the world over as a champion of freedom and human dignity, we must do everything in our power to persuade the U.S.S.R. to permit Soviet Jewry to freely emigrate to Israel and to desist from intimidating those who apply for visas for this purpose. We cannot close our eyes to this denial of elemental human rights.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, tomorrow the Senate will convene at 9 a.m. After the two leaders or their designees have been recognized under the standing order, there will be a period for the transaction of routine morning business with statements limited therein to 2 minutes each for a period not to extend beyond the hour of 9:20 a.m.

Upon the conclusion of routine morning business, the Senate will resume consideration of the unfinished business. The pending question at that time will be the adoption of the amendment offered by Mr. PEARSON for Mr. DOLE on which there is a 10-minute time limitation.

At the expiration of that time, and not before 9:30 a.m., the yeas and nays will occur, they having already been ordered.

Upon the disposition of the Pearson-Dole amendment, the Senate will proceed to the consideration of two McClure amendments on which there is a time agreement in the aggregate of 40 minutes, and with rollcall votes thereon to occur back to back.

Upon the disposition of the two McClure amendments, the Senate will proceed to the consideration of the Bellmon amendment on which there is a 20-minute time limitation, and there will be a rollcall vote upon that amendment.

All rollcall votes tomorrow in relation to the unfinished business, motions and amendments in regard thereto, will be limited to 10 minutes each under the order previously entered. So there will be rollcall votes tomorrow, several in number, the first to occur at no earlier than 9:30 a.m.

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

Mr. ROBERT C. BYRD. Yes.

Mr. GRIFFIN. I understand the limits of time, but I wonder if we should provide that the first rollcall at 9:30 be 10 minutes or should it be 15 minutes?

Mr. ROBERT C. BYRD. I think that is a good idea.

Mr. GRIFFIN. I think we can try to notify Senators, but I think they will expect the first rollcall of the day will be 15 minutes.

Mr. ROBERT C. BYRD. I agree.

ORDER FOR FIRST ROLLCALL VOTE OF 15 MINUTES

Mr. President, I ask unanimous consent that the first rollcall vote—it will come early enough—be limited to 15 minutes, rather than 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR RECESS ON TOMORROW TO MONDAY, AUGUST 30, 1976 AT 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate, when it completes its business tomorrow, stand in recess until the hour of 9 a.m. on Monday.

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

ADJOURNMENT TO 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 9 o'clock tomorrow morning.

The motion was agreed to; and at 8:16 p.m., the Senate adjourned until tomorrow, Friday, August 27, 1976, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate August 26, 1976:

DEPARTMENT OF STATE

Ralph E. Becker, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Honduras.

Davis Eugene Bostor, of Ohio, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Guatemala.

Francois M. Dickman, of Wyoming, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Arab Emirates.

INTERNATIONAL ATOMIC ENERGY AGENCY

The following-named persons to be the Representative and Alternate Representatives of the United States of America to the Twentieth Session of the General Conference of the International Atomic Energy Agency:

Representative: Robert C. Seamans, Jr., of Massachusetts.

Alternate Representatives: Frederick Irving, of Rhode Island; Richard T. Kennedy, of the District of Columbia; Myron B. Kratzer, of Maryland; Edward A. Mason, of Massachusetts; Nelson F. Sievering, Jr., of Maryland; Galen L. Stone, of the District of Columbia; Gerald F. Tape, of Maryland.

DEPARTMENT OF DEFENSE

John J. Bennett, of Virginia, to be an Assistant Secretary of the Navy, vice Jack L. Bowers, resigning.

IN THE JUDICIARY

Kenneth K. Hall, of West Virginia, to be U.S. circuit judge for the fourth circuit, vice John A. Field, Jr., retired.

John T. Copenhaver, Jr., of West Virginia, to be U.S. district judge for the southern district of West Virginia, vice Kenneth K. Hall.

Howard G. Munson, of New York, to be U.S. district judge for the northern district of New York, vice Edmund Port, retired.

Vincent L. Broderick, of New York, to be U.S. district judge for the southern district of New York, vice Harold R. Tyler, Jr., resigned.

DEPARTMENT OF JUSTICE

Thomas A. Grace, Jr., of Louisiana, to be U.S. marshal for the middle district of Louisiana for the term of 4 years (reappointment).

Everett R. Langford, of Oregon, to be U.S. marshal for the district of Oregon for the term of 4 years (reappointment).

CONFIRMATIONS

Executive nominations confirmed by the Senate August 26, 1976:

DEPARTMENT OF JUSTICE

Donald I. Baker, of New York, to be an Assistant Attorney General.

William C. Smitherman, or Arizona, to be U.S. attorney for the district of Arizona for the term of 4 years.

U.S. PAROLE COMMISSION

Dorothy Parker, of Virginia, to be a Commissioner of the U.S. Parole Commission for the term of 6 years.

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

THE JUDICIARY.

Marion J. Callister, of Idaho, to be U.S. district judge for the district of Idaho.