veillance in the area of foreign intelligence (embodied in S. 1566).
1202 Dirksen Building

AUGUST 2

9:00 a.m.
Human Resources
Labor Subcommittee
To continue hearings on S. 1871, to increase the Federal minimum wage.
4232 Dirksen Building

9:30 a.m.
Judiciary
Antitrust and Monopoly Subcomimttee
To resume oversight hearings on the effectiveness of antitrust laws enforcement
2226 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To mark up S. 1664–1669, to amend in several regards the law as it pertains to Federal regulations of financial institutions
5302 Dirksen Building

Budget
To continue mark up of second concurrent resolution on the Congressional Budget for fiscal year 1978.
357 Russell Building

Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on S. 1792, to amend the Administrative Conference Act.
6202 Dirksen Buiding

AUGUST 3

9:00 a.m.
Human Resources
Labor Subcommittee
To continue hearings on S. 1871, to increase the Federal minimum wage.
4232 Dirksen Building

9:30 a.m.
Judiciary
Antitrust and Monopoly Subcommittee
To continue oversight hearings on the effectiveness of antitrust laws enforcement.
2226 Dirksen Building

Environment and Public Works
Resource Protection Subcommittee
To hold hearings on S. 1140, to encourage and assist states to develop improved programs for the conservation of nongame species of native fish and wildlife.
4200 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue mark up of S. 1664–1669, to amend in several regards the law as it pertains to Federal regulation of finanical institutions.
5302 Dirksen Building

Select Indian Affairs
To hold hearings on Federal Indian Domestic Assistance programs.
Room to be announced

AUGUST 4

9:00 a.m.
Human Resources
Labor Subcommittee
To continue hearings on S. 1871, to increase the Federal minimum wage.
4232 Dirksen Building

9:30 a.m.
Judiciary
Antitrust and Monopoly Subcommittee
To continue oversight hearings on the effectiveness of antitrust laws enforcement.
2226 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To mark up S. 1542, to extend to September 30, 1979, the Council on Wage and Price Stability, and S. 1724, to establish a Neighborhood Reinvestment Corporation.
5302 Dirksen Building

AUGUST 5

9:00 a.m.
Human Resources
Labor Subcommittee
To continue hearings on S. 1871, to increase the Federal minimum wage.
4232 Dirksen Building

AUGUST 23

10:00 a.m.
Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold hearings on the dimension of national debts and payments deficits, and the outlook for the future.
5302 Dirksen Building

AUGUST 24

10:00 a.m.
Banking, Housing, and Urban Affairs
International Finance Subcommittee
To continue hearings on the dimension of national debts and payments deficits, and the outlook for the future.
5302 Dirksen Building

SEPTEMBER 8

9:00 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on automatic auto crash protection devices.
511 Dirksen Building

10:00 a.m.
Select Indian Affairs
To hold hearings on the concept of creating an independent Indian Agency.
Room to be announced

SEPTEMBER 9

9:00 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on automatic auto crash protection devices.
5110 Dirksen Building

SEPTEMBER 12

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on S. 1710, proposed Federal Insurance Act of 1977.
5302 Dirksen Building

SEPTEMBER 13

9:30 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 1710, proposed Federal Insurance Act of 1977.
5302 Dirksen Building

10 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Donald L. Tucker, of Florida, to be a Member of the Civil Aeronautics Board.
5110 Dirksen Building

SEPTEMBER 14

9:30 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 1710, proposed Federal Insurance Act of 1977.
5302 Dirksen Building

SEPTEMBER 15

10:00 a.m.
Banking, Housing, and Urban Affairs
To mark up S. 1594 and H.R. 5959, to revise and extend the Renegotiation Act.
5302 Dirksen Building

SEPTEMBER 21

9:30 a.m.
Veterans' Affairs
To hold hearings on S. 364, Veterans' Administration Administrative Procedure and Judicial Review Act.
Until 1 p.m. Room to be announced

SEPTEMBER 28

10:00 a.m.
Veterans' Affairs
To receive legislative recommendations from representatives of the American Legion.
412 Russell Building

CANCELLATIONS

JULY 22

10:00 a.m.
Foreign Relations
Arms Control, Oceans, and International Environment Subcommittee
To receive testimony on the results of the recent Law of the Sea Conference.
4232 Dirksen Building

JULY 27

9:00 a.m.
Veterans' Affairs
Health and Readjustment Subcommittee
To hold oversight hearings on a study by the National Academy of Sciences on health care for American veterans.
6226 Dirksen Building

SENATE—*Thursday, July 21, 1977*

(Legislative day of Tuesday, July 19, 1977)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Reverend Canon Nelson W. Pinder, vicar of the Episcopal Church of St. John the Baptist, Orlando, Fla., offered the following prayer:

Our Father in Heaven, bless this Senate and grant that all the work done may be to the glory of Your great Name and to the benefit of all Thy people.

Give Thy wisdom and grace to all authority, that they may be examples of holiness, simplicity, and self-denial. Bless each one who works here. Take from them all pride, vanity, and self-conceit, and give them true humility. Enlighten their minds, subdue their wills, purify their hearts, and so fill them with Thy spirit and Thy love that their labor here will contribute to the unification and strengthening of our great country.

We praise You for the founders and benefactors of this Senate and pray Your blessings upon them. May we all truly trust in Thee and remain one Nation under God. Amen.

RECOGNITION OF LEADERSHIP

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Jour-

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

nal of the proceedings of yesterday, Wednesday, July 20, 1977, be approved.

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

COMMITTEE MEETINGS

Mr. ROBERT C. BYRD. Mr. President, the Human Resources Committee, in an effort to be responsive to President Carter's priority on hospital cost containment legislation, has developed a timetable which would result in reporting the legislation (S. 1391) before the August recess.

In order to meet that timetable, which is necessary in order for the Finance Committee to complete deliberations by the target October 8 adjournment date, the Subcommittee on Health and Scientific Research, headed by the Senator from Massachusetts (Mr. KENNEDY), has had to schedule a subcommittee executive session for today at 2 p.m. This time was necessitated by the schedules of the majority of the members of the subcommittee.

I therefore ask unanimous consent that that subcommittee may be authorized to meet today at 2 p.m.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. STEVENS. I do object.

The ACTING PRESIDENT pro tempore. The objection is heard.

Mr. STEVENS. It is reluctantly that I do so, but, as I am sure the majority leader knows, we have an objection from our side to a committee meeting at that time.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that any committees having jurisdiction over energy legislation, and wishing to meet today during the session of the Senate on energy legislation only, may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. STEVENS. Reluctantly, again, I must object to that. I will report back to the majority leader on that limited request. I will, however, have to define the limits of my authority.

The ACTING PRESIDENT pro tempore. Objection is heard at this time.

Mr. ROBERT C. BYRD. I must say for the record that I had not indicated to the distinguished assistant Republican leader that I was going to make that request. I had not had the opportunity to do so. So I fully understand the objection to my request he has put in.

Mr. STEVENS. I will check it out.

Mr. ROBERT C. BYRD. I thank the Senator.

(Later the following occurred:)

Mr. ROBERT C. BYRD. Mr. President, in order that the Committee on Human Resources may know that it will have the consent of the Senate to meet during the session of the Senate today, I ask unanimous consent that the Committee on Human Resources be allowed to meet during the session of the Senate today for the purpose only of concluding an important hearing on the nominations of nine Presidential appointees to positions in the executive branch.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object, is this the subject, the same matter that is the subject, of the letter of July 21 given to us this morning?

Mr. ROBERT C. BYRD. Yes, it is.

Mr. BAKER. Mr. President, I would ask the majority leader respectfully to withhold for just a moment until I can make an inquiry.

Mr. ROBERT C. BYRD. Yes, indeed. I withdraw the request temporarily.

The ACTING PRESIDENT pro tempore. The unanimous-consent request is withdrawn.

RECOGNITION OF LEADERSHIP

The ACTING PRESIDENT pro tempore. Does the assistant Republican leader seek recognition?

Mr. STEVENS. Mr. President, I ask unanimous consent that my staff assistant, Will Browning, be permitted to have access to the floor today. His name is not yet on the list.

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

Mr. STEVENS. I yield the time of the minority leader to the Senator from Pennsylvania, who wishes, as I understand it, to discuss the problem of the Johnstown flood. He is on his way over. Is there a special order?

SPECIAL ORDERS

The ACTING PRESIDENT pro tempore. The next order of business is the special order for the recognition of the distinguished Senator from North Carolina (Mr. HELMS), who is to be recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the special order of Mr. HELMS there be a brief period for the transaction of routine morning business, with statements therein limited to 10 minutes, and with no resolutions coming over under the rule.

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

Mr. STEVENS. I thank the majority leader, and I yield back the minority leader's time.

The ACTING PRESIDENT pro tempore. Under the previous order——

Mr. STEVENS. I suggest the absence of a quorum, for just a minute.

Mr. ROBERT C. BYRD. I ask unanimous consent that the time for the quorum call be taken out of the minority leader's time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. 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. HELMS. Mr. President, I ask unanimous consent that a member of my staff, Miss Sarah Simms, be accorded the privilege of the floor during the morning period.

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

Mr. HELMS. I thank the Chair.

WHO REALLY REPRESENTS THE VIEWS OF THE MAJORITY OF AMERICAN WOMEN?

Mr. HELMS. Mr. President, I think the title of my remarks today should be, "Who Really Represents the Views of the Majority of American Women?" The subtitle perhaps ought to be, "How Carefully, If At All, Does the Congress of the United States Monitor the Expenditure of the Funds Which Congress Appropriates?" I intend to address myself at some length to both of these questions in my ensuing remarks.

Mr. President, from the beginning of congressional debate on activities surrounding the International Women's Year movement, I have been opposed to Federal funding of the U.S. National Commission on International Women's Year.

As I stated in May of 1976, it was my opinion that the various organizations supporting this Commission did not represent the majority of American women. Nor did I feel that this Commission would represent the best interests of American women.

Mr. President, I make no claim to prophetic power, but in recent weeks some of my deep concerns have become reality.

Mr. President, in the past month my office has received letter after letter from concerned women all across the United States. These women have described their frustrations with and opposition to what they have witnessed at the various State women's conferences conducted under the auspices of the National Commission on International Women's Year—a Commission which received $5 million in Federal tax moneys.

I ask you, Mr. President, to bear with me as I present a rather lengthy report on activities which are being conducted before our very eyes. It is urgent that we take the time to examine carefully meetings held in the name of "justice for American women."

Despite the length of this report, it is by no means complete. When reports of events at the North Carolina IWY meeting began to reach me—about a month ago—I asked my staff to make a preliminary survey of what was happening around the country.

Mr. President, I make no pretense that the result can be considered a thorough-going investigation; it consists only of information that came to hand through inquiries limited by time and facilities.

But even so, enough information has come to light to reveal a widespread pattern and practice of discrimination by IWY and its State affiliates against

those women who do not agree with the narrow and negative ideology and partisan biases of the IWY organizers. In those few instances where a fair vote was forced upon IWY meetings, the IWY program was overwhelmingly defeated. But for the most part, the reports indicate rigged sessions, hand-picked committees, stacked registration, and little or no publicity to women at large. The IWY program to date appears to be a distortion of the intent and purpose of Federal statutes authorizing and funding IWY, and perhaps even may represent a violation of Federal law. At any rate, the IWY program represents a violation of the rights of all women who believe in the positive social and moral values of womanhood.

Today I am calling upon the appropriate committees of both the House and the Senate to investigate how these public funds are being spent and to determine whether the IWY organizers have adhered to the basic principles of fairness, balance, and equity, and to determine whether any Federal laws have been violated. If such be the case, then certainly Congress should take action to halt further spending by IWY, particularly for the proposed National IWY Conference in Houston—which now appears will be a rubberstamp, unrepresentative debacle. Moreover, action should be taken to recover Federal funds already spent from those responsible for any misuse.

Moreover, Mr. President, I am writing to the General Accounting Office today to ask for an accounting of the spending to date of the $5 million appropriated last year for the IWY, and of the IWY's adherence to the requirements set down in the appropriate statutes authorizing and funding the IWY. GAO has already studied lobbying by the National Commission and funding of the Commission by executive branch agencies previous to the 1976 appropriations, and found substantial irregularities even at that time. I believe that Congress and the American people have a right to know whether the National Commission on International Women's Year has been keeping to the ground rules in the spending of the appropriated $5 million.

Mr. President, I ask unanimous consent that my letter to Mr. Elmer B. Staats, Comptroller General of the United States, be printed in the RECORD at this point in my remarks.

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

U.S. SENATE,
Washington, D.C., July 20, 1977.

HON. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. STAATS: On July 20, 1977, in a speech delivered on the Senate floor, I cited numerous complaints which had come to my attention with regard to the fairness, balance, equity, and adherence to Federal law by the National Commission on International Women's Year—a Commission established by Executive Order in 1975 and authorized and funded with $5 million by acts of Congress in 1976.

My remarks did not represent a full-scale investigation; but in view of the material which has come to light, I believe that such an investigation is called for. Of particular concern are the areas of lobbying activities, the balance of representation on the National Commission and its state affiliates and at the state women's conferences, and an accounting of the appropriated $5 million.

In both Public Law 94–167 and Public Law 94–303, the National Commission on International Women's Year is prohibited from using appropriated funds for the purpose of lobbying activities. Nevertheless, information received seems to indicate that the intent of the National Commission is to directly influence members of legislative bodies, both State and Federal, with regard to legislation pending before or proposed to those bodies—particularly with regard to the Equal Rights Amendment to the United States Constitution.

In addition, it appears that the National Commission has violated the Federal Advisory Committee Act of 1972—in which the following conditions are stipulted:

Section 5b(2): "The membership of the advisory committee is to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee."

Section 5b(3): ". . . appropriate provisions must assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority or by any special interest."

Furthermore, numerous violations of Federal Rules and Regulations have been alleged concerning voting and financial accounting procedures. Pertinent sections include the following:

1901.12(a): "Complete financial records of grant funds including legible, itemized receipts to support all payments must be maintained by the fiscal officer or agent of the Coordinating Committee. Receipts for all expenditures made by the Coordinating Committee shall be maintained on file and certification of the existence of these receipts shall be submitted with the reports required in 1902.13(a). . . ." (Federal Register, vol. 42, no. 59)

1904.16(c): "The Nominating Committee shall prepare and present a balanced list of nominees for the State's Representatives with name, address, statement of willingness to serve and other data specified by the Commission." (Federal Register, vol. 42, no. 38)

1904.16(d): "The list of nominees shall be presented to the Coordinating Committee not less than 10 days prior to the State Meeting, and shall be made available immediately to any inquiring person or group. . . ." (Federal Register, vol. 42, no. 38)

With $5 million in Federal tax monies involved, I believe that the American public has a right to know whether the National Commission on International Women's Year has adhered to the Federal statutes governing its operations.

I therefore request that the General Accounting Office undertake an audit of the National Commission on International Women's Year to determine whether or not Federal laws have been adhered to. I am enclosing a copy of my report to assist you in your investigation.

Sincerely,

JESSE HELMS.

Mr. HELMS. On July 1, I brought to the attention of my worthy colleagues a strategy—indeed, a battle plan—which the National Organization for Women, the National Women's Political Caucus, the Lesbian Caucus, and other militant feminist groups are implementing at the individual State women's conferences. The purpose of such a plan is to prevent differing viewpoints from being given appropriate consideration.

These conferences, Mr. President, were intended to provide an open forum for women of all persuasions. Ms. Bella Abzug, now the presiding officer of the National Commission on International Women's Year, repeatedly reassured members of the House during its deliberation over Public Law 94–167 that these conferences would indeed be for all women. I quote from Ms. Abzug:

As I stated in my opening remarks, and as is the expressed purpose of this legislation, . . . we expect that the [state] meetings and the [National Women's] Conference will provide a forum for people of opposing views on [the Equal Rights Amendment, abortion legislation,] and many other issues. People who are concerned with women and their role will be welcome without regard to their views on any specific issues.

Now, Mr. President, how do we reconcile the purpose of the Monitoring and Mobile Operation Partnership Plan (MMOPP)—which I entered into the RECORD on July 1— and the above statement by Ms. Abzug? Well, the answer, of course, is that we cannot.

The closing cry of the MMOPP plan, "Never Give Your Enemy an Even Break," is characteristic of a spirit which is most offensive to those of us here and to all citizens who seek to serve the greatest democracy the world has ever known.

It is time, Mr. President, that Congress investigate the performance of the National Commission on International Women's Year. I believe that this report contains enough information to demonstrate that such an investigation is long overdue.

I. THE NORTH CAROLINA WOMEN'S CONFERENCE

Let me begin, Mr. President, by describing to you the situation in my own State of North Carolina. Concerned women from all across my State have written to voice their strong opposition to and frustration with the manner in which the women's conference held in Winston-Salem on June 17–19, 1977, was planned and conducted.

Areas of particular concern are representation of all viewpoints, availability of registration materials to all interested women, the actual planning of the conference, voting procedures employed at the conference, and lobbying activities by the IWY Commission.

An examination of these issues, Mr. President, will reveal the inequities committed in the name of "equal rights" for all women. A more fitting title for such activities would be "absolute power" for a few elitist women's groups who would dictate their desires upon the grassroots woman.

Mr. President, let us look first at the issue of representation. The Federal Advisory Committee Act of 1972—Public

Law 92–463—requires the membership of any advisory committee

to be fairly balanced in terms of the points of view represented . . .

And—

that the advice and recommendations of the advisory committee will not be inappropriately influenced . . . by any special interest. . . .

With that in mind, Mr. President, is it not somehow incongruous that the 32-member North Carolina IWY Coordinating Committee stands 31 to 1 in favor of the equal rights amendment, and that there is no representative of a pro-life group on the committee?

Mr. President, this coordinating committee was appointed in a State which has repeatedly rejected the equal rights amendment as elected legislators voted the conviction of the majority of their constituents. But, of course, we must remember that the National Commission on International Women's Year is also representative only of a well-organized feminist minority. Of its 42 members, only 1 woman represents those millions of women who oppose the ERA and abortion on demand.

Are we then witnesses, Mr. President, to a violation of a Federal law in that special interest groups do have a most decided influence upon the workings and recommendations of the North Carolina IWY Coordinating Committee?

The ramifications of this initial situation are great. Permit me, Mr. President, to turn to the issue of publicity and registration. Ms. Abzug herself uncategorically affirmed that these women's meetings would be widely publicized. I quote from Ms. Abzug:

The state meetings will be widely publicized through the media, through the press, through organizations, through community groups, so that every organization and every woman will know that in her state . . . she will have an opportunity . . . to come together with other women and say: "This is how I feel. This is how I see what has happened in this country. This is what I think should happen . . ."

Mr. President, there must be untold thousands of North Carolina women who look in disbelief at that statement. In addition to having little advance notification, the press—and particularly in Winston-Salem, the location of the Conference—attempted for several weeks prior to the Conference to obtain information from the Raleigh IWY office. Exact information was frequently not forthcoming. Television spots aired in Winston-Salem the week of the Conference—and on which IWY Coordinating Committee members were interviewed—revealed little more than a series of "I don't know's" or "We don't have that information yet."

As you can well imagine, Mr. President, this was a cause of real embarrassment to the interviewer. Can one call such a performance "informative publicity" for such an important meeting?

As I mentioned, Mr. President, I have received many letters from women who had volunteered their time and efforts to the planning of the Women's Conference, but who felt that their help was not wanted. Allow me to take just one example and go into this at some length because it is typical of many other cases.

At a January 13, 1977, planning meeting for the Conference, Mrs. Mary Pegg of Winston-Salem agreed to handle registration. She volunteered her time and efforts and was sincere in wanting to do a thorough and responsible job. At every step along the way, however, her efforts were thwarted or simply overlooked.

After the January 13 meeting, Mrs. Pegg went to the Republican Women's Club of Forsyth County and requested its help with registration. The women voted to so do and would wait for instructions.

Mrs. Pegg went to three local planning meetings in January and February. At each meeting she requested information from State coordinating committee members as to her exact duties and responsibilities, but her requests were brushed aside.

Finally, in February, she received a list of items for which she was to be responsible. Mrs. Pegg, therefore, called a meeting in March to begin the work. Her committee worked up a profile sheet for use in establishing equitable quotas should more than 2,000 women register for the conference. Mr. President, can we not understand Mrs. Pegg's dismay when she learned that the coordinating committee had rejected the profile and that one had been drawn up without the help of the registration committee?

Furthermore, Mr. President, Mrs. Pegg made repeated suggestions as to how costs could be kept down for preparing the convention packets. She was told that these ideas would be looked into.

Nevertheless, as weeks passed, there came no indication that these suggestions were followed up. Time and time again, Mrs. Pegg made the effort to secure information or begin work on her responsibilities. Time and time again she was told not to worry with that. It had already been taken care of.

Can we not well imagine, Mr. President, that Mrs. Pegg became quite concerned as to exactly who was running the show and for what purposes? On May 15, 1977, therefore, she sent in her name stating her desire to serve as a delegate to the Houston National Women's Conference. Not until 4 days before the Winston-Salem Conference did she receive word from the State coordinating committee. The decision to place her name on the official slate came only after a storm of protest from a woman quite concerned about the possible balance of viewpoints among the nominees.

A clue to the usurpation of authority finally came when Mrs. Pegg—who had been duly appointed chairman of the registration committee in February, and who had been vainly trying to fulfill that function—received a form letter dated June 6. It was signed by another person as registration chairman, and it thanked the recipient for volunteering to sit at the registration desk. At this point, Mrs. Pegg felt that her efforts had been completely frustrated, and she, therefore, indicated her intention to resign. The self-appointed clique that was determined to control the convention with an iron hand had won the day.

Such accounts of frustrated efforts are numerous, Mr. President. I have been informed that the program committee, composed of women from Greensboro and Winston-Salem, had already met three times when they received word that the Raleigh office was handling workshop arrangements and that the committee's work was not needed.

Mr. President, I have received reports that important meetings were missed by coordinating committee members. It has also been alleged that vouchers and receipts were not required before reimbursement by the Raleigh office. In general, Mr. President, it appears to have been a classic example of poor administration.

Members of the coordinating committee started arriving in Winston-Salem on June 12, and were housed in the very elegant Hyatt House. They thus had 5 days in comfortable surroundings to organize the preconvention activities.

However, Mr. President, when the opening of formal registration began at 3 p.m. on Friday, June 17, the delegates found that nothing—I repeat—nothing was ready. There were no conference packets. Workship assignments had been printed, but no one was sure who had them. Indeed, workshops had to be conducted without the necessary supplies of paper and pencils.

In short, Mr. President, the situation pointed to an inexcusable waste of taxpayers' moneys. Had not coordinating committee members been in Winston-Salem, across the street from the conference center, for 5 days?

Mr. President, let us consider even another matter. Many organizations in Winston-Salem itself—to which many women contribute and including the Winston-Salem Symphony Guild, the Southeastern Center for Contemporary Art, the Right to Life chapter, and the Winston-Salem/Forsyth County Council on the Status of Women—received no formal notification of the so-called grassroots-oriented women's conference.

It appears to me that an elitist group controlled the access to information and registration materials and that grassroots women were excluded from the planning and indeed notification processes.

Mr. President, I have received numerous other letters charging the North Carolina IWY Coordinating Committee with additional irregularities. Prominent among these charges is one dealing with the process of nominating and electing delegates to the National Women's Conference to be held in Houston, Tex., in November.

Pertinent sections of the Federal rules and regulations governing IWY State meeting organization demand the following procedures:

1904.16(c) The [State] Nominating Committee shall prepare and present a balanced

list of nominees for the state's Representatives with name, address, statement of willingness to serve and other data specified by the Commission.

1904.16(d) The list of nominees shall be presented to the Coordinating Committee not less than 10 days prior to the State Meeting, and shall be made available immediately to any inquiring person or group.

Once again, Mr. President, the reality stands in contrast to the rules. First of all can we possibly expect a stacked State coordinating committee to elect a nominating committee which would be able to prepare a balanced list of delegate nominees? Given all the other facts that have come to light concerning the planning of the Conference, would it not be naive to assume that the nominees truly represented a balanced cross section of North Carolina women?

Moreover, the list of delegate nominees was not completed until 4 days before the Conference and was not available to the public until the time of registration. Then on Saturday morning, June 18, a new list appeared entitled "Women for Women"—the result of a late Friday night caucus of feminists not pleased with several of the names on the initial list. After much confusion among the Conference participants, it was finally announced that the list from Friday was the official delegate nominee list; but the "Women for Women" list remained in circulation.

Mr. President, I live in Raleigh and have a high regard for the abilities of the women of that city. But I do find it difficult to believe that other metropolitan and rural areas apparently lack qualified women to represent their concerns. Of the 32 delegates eventually elected, 16 are from the Raleigh-Durham area alone. In addition, not one of the 32 women elected represents a Right to Life or Stop ERA group.

I suggest that such a group is not representative of the majority of North Carolina women.

In connection with the election, Mr. President, I have been informed that mistakes in voting procedures necessitated a revote. The revote was not called until after midnight Saturday and was scheduled for Sunday, June 19. Without having to point out the fact that the call for a revote was inexcusably late, I would also like to remind my colleagues that June 19 was Father's Day—a day which many of the women wanted to spend with their families.

Such a revote meant that more than half of the convention participants could not take part in the final election. Most of these women never knew that their first ballot was meaningless.

Finally, Mr. President, there is the issue of lobbying. Allow me first to refresh briefly the memory of my distinguished colleagues—or inform them, as the case may be—concerning the history of this issue.

The original legislation directing the National Commission on International Women's Year to convene a National Women's Conference had nothing in it which specifically prohibited the use of funds for lobbying purposes. Because of the great concern expressed by the constituents of many Congressmen that the IWY and its national conference would be used to lobby for ERA, abortion, and other issues, an amendment was accepted which prohibited the use of any authorized funds for lobbying activities.

Bella Abzug further attempted to reassure Congressman BAUMAN, in particular, that he—and I quote—"need not fear that this conference will be used to lobby on those issues that he is concerned about."

I commend Mr. STEIGER of Arizona, however, for his correct assessment of the inevitable outcome. He considered such an amendment a worthy exercise in statutory language and then went on to say:

I know it will be supported by the ladies. It would also be impossible of enforcement, as I am sure the Members of the House are aware. Lobbying is indeed the only result of these conferences.

A truer statement could not have been uttered. Despite the assurances of Ms. Abzug and her followers, despite the written prohibition against lobbying contained in Public Law 94–167 and in the appropriation bill, Public Law 94–303, these conferences are organized and resolutions are passed which are intended to influence State legislatures and the Congress with regard to certain issues.

Allow me to illustrate my point, Mr. President. At the North Carolina Conference, the IWY book "To Form a More Perfect Union . . . Justice for American Women" was given to every registered participant. I will simply quote some of the material found therein.

The ratification of the Equal Rights Amendment is a logical and overdue step toward our historical commitment to 'form a more perfect union' and 'establish justice.' (From the Transmittal Letter)

In another section of the book, we find the following:

Full partnership for the homemaker . . . and for the woman in the work place . . . reproductive freedom, as well as responsible choice, . . . passage of the Equal Rights Amendment—all these and many more are part of the dream. It is the duty of every citizen who cherishes the Declaration of Independence to help it come true. (Page 2)

In another section of the book, we find entire chapter entitled "ERA—Let the Record Speak". In this chapter only pro-ERA arguments and statements appear.

As if we might need further evidence to realize that equality and freedom of speech are reserved only for those who support Bella Abzug's views, let us make careful note of the following statement printed at taxpayers' expense and distributed at each State conference meeting. Once again, I quote from "To Form a More Perfect Union . . .":

A campaign to discredit the Equal Rights Amendment, which has confused the public, has been mounted by ad hoc organizations, such as Stop ERA, Happiness of Womanhood, and Operations Awake. Statements of effects on the law of the Equal Rights Amendment have been circulated. Many . . . are distortions, half truths, or outright misrepresentations. . . . It has been difficult for the press to report on the ERA because the typically short press deadlines make it all but impossible to check out Phyllis Schlafly's systematic misrepresentations. (Pages 29–30)

Now I ask you, Mr. President, does the National Commission on International Women's Year have the corner on the discernment of truth?

According to such statements, it appears that they believe so. And they are using our money to force their convictions on State legislatures and the Congress.

Turning to some of the resolutions passed at the North Carolina Conference, let us remember that these State resolutions will go on for consideration at the National Conference in Houston, and that similar resolutions from the Houston Conference will form the basis of recommendations to the President and to Congress.

With regard to gay rights, the North Carolina Women's Conference resolved that—

The FCC be directed to establish advertising and program guidelines . . . prohibiting the exclusion of . . . people representing diverse lifestyles.

With regard to the equal rights amendment:

Be it resolved that the North Carolina State Women's Meeting urge the State legislature to ratify the Equal Rights Amendment to the United States Constitution."

With regard to abortion:

Be it resolved that government funding should continue to finance abortion for all women . . . as a basic human right.

These resolutions and others, Mr. President, were passed at a meeting controlled by an elitist group of feminists who had $74,388 of Federal tax moneys at its disposal. I do not believe that such a conference is truly representative of the women of North Carolina.

II. A BRIEF HISTORY OF THE INTERNATIONAL WOMEN'S YEAR MOVEMENT IN THE UNITED STATES

Mr. President, in order to understand what is happening this summer, it will perhaps be helpful to review the history of International Women's Year activities in the United States.

Direct U.S. participation in the United Nations observance of International Women's Year began in 1972. In that year the Department of State established an informal interagency group responsible for planning the U.S. observance of International Women's Year in 1975. This group established a U.S. Center for IWY and began urging the creation of a national commission.

The Department of State also established an IWY Secretariat responsible to then Deputy Secretary Robert S. Ingersoll. The purposes of this group were:

First. To prepare materials for the U.S. delegation to the International Women's Year Conference to be held in Mexico City in 1975;

Second. To act as the staff for the national commission.

State Department personnel provided administrative services to the Secretariat and the National Commission on International Women's Year which was established by President Ford on January 9, 1975, through Executive Order 11832. The 35 Commission members from the private sector and its 4 members of Congress were supported by Sec-

retariat staff members, many of whom were on detail from other agencies.

Administrative services provided the Secretariat from the State Department included quarters and budget, personnel, and printing services. Included among the personnel services was advice from Virginia Allan, then Deputy Assistant Secretary of State and Chairman of the 1969 President's Task Force on Women's Rights and Responsibilities.

Mr. President, it is extremely important to note the composition of that first National Commission. This Commission should have been constituted in compliance with rules of the Federal Advisory Committee Act of 1972—Public Law 92-463. The following sections of that act are pertinent:

Section 5B(2): "The membership of the advisory committee [must] be fairly balanced in terms of the point of view represented and the functions to be performed by the advisory committee."

(3): ". . . appropriate provisions [must be made] to assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority or by any special interest."

It is obvious, Mr. President, that no such attempt at balanced representation was made. From the beginning the National Commission on International Women's Year has been dominated by active feminists and used to further their goals.

A sampling of the Commission membership tells the story:

MEMBERSHIP

1. Jill Ruckelshaus—Chairman—pro-ERA/abortion, member of the Advisory Committee on the National Women's Political Caucus.
2. Alan Alda—characterized in ". . . To Form A More Perfect Union . . . as an active feminist
3. Casey Eike—characterized in ". . . To Form A More Perfect Union . . ." as an active feminist
4. Elizabeth Athanasakos—member of the 1969-70 President's Task Force on Women's Rights and Responsibilities, the League of Women Voters, and a local Women's Political Caucus
5. Pat Carbine—publisher/editor-in-chief for Ms. Magazine
6. Audrey Rowe Colom—President of the National Women's Political Caucus
7. Martha Griffiths—former Congresswoman and principal supporter of ERA in the House.
8. Velma Hill—member of the American Federation of Teachers (a teacher union with ties with the AFL-CIO) and the New York Commission on the Status of Women
9. Patricia Hutar—U.S. Representative to the UN Commission on the Status of Women
10. Bella Abzug—Congresswoman from New York
11. Congresswoman Margaret Heckler—a leader in the ERA fight
12. Gerridee Wheeler—member of the National Women's Political Caucus
13. Senator Birch Bayh—a sponsor and leading advocate of ERA
14. Senator Charles Percy—active in the field of legislation for women and a delegate to the 1975 IWY Conference in Mexico City.

Mr. President, there are at least 24 active feminists out of the total 39 members. Biographies of others were not specific enough to be able to determine how many of these might have been pro-ERA. However, none have been prominent in the anti-ERA fight.

Moreover, Mr. President, we all know that an advisory committee composed of nonpaid members cannot be expected to run the day-to-day activities of the office. Because of this, it is important that the deputy coordinator in charge of policies and plans for the National Commission is Mrs. Catherine East. Mrs. East is a veteran from the Council on the Status of Women and is quite outspoken in her advocacy of ERA and abortion.

With these facts in mind, Mr. President, can it hardly be considered surprising that the following resolution was adopted at the Commission's first meeting on April 14-15, 1975?

The National Commission on the Observance of International Women's Year, as its first public action and highest priority, urges the ratification of the Equal Rights Amendment . . .

As our main commitment to the observance of International Women's Year we pledge to do all in our capacity to see that the Equal Rights Amendment is ratified at the earliest possible moment.

Such a resolution, Mr. President, definitely appears to represent the viewpoint of a special interest group and could never have been the result of a Commission of balanced points of view. To accomplish its goals the Commission already had at its disposal about $350,000 of funds and personnel—Federal tax moneys—transferred from other agencies. More funds would continue to be made available.

In addition to the passage of the above resolution, Mr. President, the Commission also established 13 work committees to examine issues important to women. An interdepartmental task force was also created within Government departments to implement IWY projects. This was in accordance with section 4 of the Executive order issued by President Ford on January 9, 1975.

Each agency of the Executive Branch shall designate at least two persons, preferably a man and a woman, to be responsible for planning and implementation of projects and programs within such departments and agencies for the domestic observance of International Women's Year.

A. THE INTERDEPARTMENTAL TASK FORCE

On August 1, 1975, the task force met for the first time and examined the World Plan of Action unanimously adopted at the U.N. Conference in Mexico City. The members of the task force were urged to begin to implement "those parts of the plan which are relevant to our stage of national development."

Such "parts", Mr. President, would call for the passage of the ERA, abortion on demand, Government funded universal child care centers as a means for the Government "to supplement the training and care that children get at home," a so-called more equitable distribution of income by means of more Government regulation, the implementation of a new international economic order, and the birth of a society created by women serving as a "powerful revolutionary social force."

Now, Mr. President, according to the World Plan of Action, it will be necessary in this emerging ideal society to reassess the "functions and roles traditionally allotted to each sex in the family and the community at large." Furthermore, the plan asserts the "necessity of a change in the traditional role of men as well as of women."

These are only some of the worldwide goals established by a Conference controlled by the most militant feminists and revolutionaries. These are only some of the plans, Mr. President—all involving increased governmental control—which would be forced upon the citizens of the United States if the National Commission, in its role as a "revolutionary social force", has its way.

Let me reiterate, Mr. President, that this elitist group of feminists and their viewpoints were being financed with Federal tax moneys.

B. THE THIRTEEN WORK COMMITTEES AND THEIR RESOLUTIONS

The 13 committees also began their work. Needless to say, Mr. President, the results could have been predicted by any astute observer of the feminist movement. The reports and resolutions of the committees and the task force form the bulk of the content of the official report of the National Commission given to President Ford.

Published in mid-1976 and funded by tax moneys, this report—To Form A More Perfect Union . . . Justice for American Women—represents only one viewpoint—that of the feminists. Millions of American women should take great offense that such a report was given to the President and to the people of the United States as a statement on the needs of all American women and as a means by which justice could be brought to "all the unliberated women."

In actuality, Mr. President, does not the entire activity of the National Commission and its use of Federal tax moneys to promulgate the interests of a particular special interest group amount to the historically controversial concept of taxation without representation? Nowhere in this report, Mr. President, is there to be found a viewpoint representative of the woman against ERA, for the life of the preborn child, against increased Federal intrusion into her life and her family's happiness, for the unhindered functioning of the free enterprise economic system, for the independent functioning of the American democratic system, and for the supremacy of our Constitution over any decree issued by the strife-torn and ineffective United Nations.

Indeed, in a strange turn of the tables, these attitudes are characterized as unpatriotic and reactionary. I quote from the report:

Full partnership for the homemaker . . . and for the woman in the work place . . ., reproductive freedom, as well as responsible choice, passage of the Equal Rights Amendment—all these and many more are part of the dream. It is the duty of every citizen who cherishes the Declaration of Independence to help it come true."

Mr. President, consider some of the verbatim resolutions presented in the report, followed by my comments on their long-range impact:

1. The IWY Commission asserts that the Federal Government should assume the major role in directing and providing for universal voluntary child development programs as a valuable service to parents, as essential to a child's best interest, and as society's obligation to avoid the cost of neglect."

Mr. President, here it is assumed that the Federal Government should be responsible for the care of preschool children. But who or what is the Federal Government? How can it have the real interest of each and every child in mind? Would not such control during the formative years of a child's development eventually serve only the interests of the State? What educational philosophy would be adhered to?

A partial answer for these questions is perhaps to be found in one of the topics discussed at a workshop on motherhood held at the Virginia Women's Conference. The subtitle ran: "How To Raise Nonsexist Children."

2. The IWY Commission recommends that the United States Commission on Civil Rights conduct its planned study of "Sex Discrimination in Physical Education and Athletics" without delay, using this study to evaluate the effectiveness of title IX (Education Amendments of 1972) in eliminating sex discrimination in physical education and athletics generally in educational institutions. Furthermore, The IWY Commission recommends that the President and Executive Branch oppose any amendments which would weaken the protections against sex discrimination in education guaranteed by title IX.

Now, Mr. President, this recommendation would require forced sex-integration in every aspect of the educational system, including elementary, secondary, and college, public and private, academic and athletic, and school social functions, regardless of whether the students and parents involved want such sex-integration. These recommendations implicitly state that one should not have any right to attend a single-sex school or participate in any single-sex functions in connection with any school or college. Any amendment which would allow exemptions from the strict mandate against sex discrimination should be repealed or rejected. This would include amendments permitting girls' sororities and boys' fraternities, mother-daughter and father-son school events, and girls' or boys' glee clubs. Mr. President, would not such a state of affairs be tragic, indeed?

3. The IWY Commission supports the series of Supreme Court decisions guaranteeing reproductive freedom to women and condemns any interference, open or subtle, with a woman's right to control her reproduction. Furthermore, the Commission recommends that all State Governments bring their abortion laws into compliance with Supreme Court decisions.

First of all, Mr. President, is there not inherent in the above recommendation an element of lobbying? Let us recall that this would be lobbying with our tax moneys. If such a recommendation is adopted by all States, every woman is given the legal right to kill her preborn child at any time.

Moreover, the Commission's recommendation that "responsible sexuality, including family life and parenthood, be offered at all levels of elementary and secondary education"—coupled with the admonition that all such programs "must take into account changing sex roles and new lifestyles" and that "teachers must recognize and accept the many differences in contemporary family structure"—means that young school boys and girls will come to accept the killing of unborn babies as freely as tonsillectomies and appendectomies.

In my opinion, Mr. President, there is even a more serious implication from the recommendation. And that involves the inherent recognition of the acceptability of homosexual lifestyles.

Mr. President, I submit that these attitudes cannot be construed as being representative of the majority of American women.

4. The IWY Commission recommends the ratification of the equal rights amendment.

Mr. President, many American women have presented arguments against the ERA. Chief among their concerns are the following: First, draft-age girls would be subject to compulsory military combat duty in wartime; second, husbands would no longer be legally obligated to provide the main financial support of their wives and children; third, homosexuals would legally be able to obtain marriage licenses and teach in the schools; and fourth, the Federal Government would have final decision-making power over marriage, divorce. and child custody.

C. FUNDING OF THE NATIONAL COMMISSION

Mr. President, the biased research for and publication of this report was being conducted with operating cash which the IWY Commission was receiving in grants from other Federal agencies. A recent GAO investigation, January 13, 1977, instigated at the request of Representative OLIN TEAGUE of Texas revealed that for fiscal years 1975 and 1976 the IWY Commission received $299,860 in transferred funds and $298,974 in personnel detailed from other Federal agencies. According to this report, $245,000 of the transferred funds were provided without proper legal authority, and one of the staff assignments, costing $21,234, was improper.

With all these resources available to the National Commission and its tremendous efforts on behalf of the ERA, it must have come as quite a surprise when both New York and New Jersey referendums defeated ERA on November 4, 1975. The Commission scrambled to enable itself to function through the 1976 legislative battles on ERA. President Ford must surely have been unaware of the actual reality of the National Commission when he extended the year of IWY to June 30, 1976, through Executive Order 11889 issued on November 25, 1975.

III. INITIAL CONGRESSIONAL ACTION ON THE IWY—PL 94-167

It is against this dramatic backdrop, Mr. President, that the legislative drama produced by then Congresswoman Bella Abzug begins to unfold with the discussion of H.R. 9924 on December 10, 1975. Let us briefly review the specifics of Ms. Abzug's bill.

H.R. 9924 contained provisions, first, to continue the National Commission on IWY; second, to direct the Commission to convene a National Women's Conference to be preceded by State and local conferences; third, to establish a permanent committee of the Conference to follow up on Conference recommendations and hold a second conference in 1985; and fourth, to authorize $10 million for the above purposes.

House debate was intense. Opponents expressed their deep concern that the conferences would result in little else but lobbying for ERA and other issues which were opposed by their constituents.

Mr. HYDE pointed out that these conferences would simply duplicate work already in existence. Every State, he pointed out, has a Commission on the Status of Women which is active in "developing, isolating, delineating, and confronting the problems that face women."

Mr. HYDE reasoned that if Ms. Abzug was serious in her statement that "this is not a bill which projects or requires the conference to project a particular point of view" but that "women will be coming to this Conference who hold opposing viewpoints on all subjects, then he—Mr. HYDE—saw more merit in working with the previously mentioned State commissions than "going through the rather ritualistic and expensive charade of a conference where polarization is unquestionably going to occur."

Would not polarization indeed be the result—even in the most ideal circumstances of mutual respect for other viewpoints—of Ms. Abzug's stated intention that, and I quote:

> The significant thing about this National Conference is that it will afford an opportunity for every kind of woman, representing every viewpoint, in every State of this Nation to make a statement of her concern.
>
> The Conference will provide a forum for people of opposing views on these and many other issues. People who are concerned with women and their role will be welcome without regard to their views on any specific issues.

Mr. President, are we so naive or so fearful of being unjustly accused as anti-women that we could fail to reason that a National Commission controlled by representatives of the most militant of feminist organizations—a Commission which had already spent and would need to continue to expend thousands of dollars to publish the unequivocally feminist-activist report "To Form A More Perfect Union," a report which speaks disparagingly of groups who oppose the pro-ERA, pro-abortion, pro-increased Federal intervention in private lives viewpoints—are we so naive as to believe that a Commission which acted as the catalyst in uniting organizations supporting the ERA under the umbrella of ERAmerica—are we so naive as to believe that such a Commission would be capable of planning and conducting State and national conferences which would not be forums for feminism and which could, indeed, provide a "meaningful setting," in Ms. Abzug's own words, for "truly [examining] the questions addressing American women"?

Mr. President, even if we ignore the composition of the National Commission and its previous track record, a disturbing theme subtly runs throughout many

of the proponents' speeches. The phrase "women with common goals" appears not infrequently in the arguments for Federal funding of a National Women's Conference. Now, Mr. President, I am not saying that there is something wrong with women of common goals wanting to come together to build a sense of unity and to strengthen their fight to achieve equality and justice. What I am saying is that the Conference was touted as one dedicated to equal representation of women with all types of viewpoints and goals. Therefore, Mr. President, I see a disturbing contradiction in the proponents' arguments.

Mr. Albert was careful to say he realized that women are not monolithic human beings, but he continued what has in actuality characterized the purported "multi-philosophical atmosphere" dictated by Federal law at the primarily federally financed women's conference. I quote:

It is necessary that we permit women with common goals to meet locally, on the State level, and on the national level to try to point out the areas where they lack the same rights that belong to their brothers in their own society.

In this statement, Mr. President, I believe that Mr. Albert clearly asserted the monolithic viewpoint and set of goals which the women's conferences were presumed to represent.

Once again, Mr. President, let me reaffirm my belief that various women's groups should be allowed to assemble and promulgate their own ideological identity, but it should not be done at the taxpayers' expense and espousing to represent all American women. As Mr. STEIGER himself said:

Women are not monolithic human beings.

But perhaps the most contradictory of all defenses given for a Federally funded series of monolithic women's conferences is that expressed by Mrs. Mink:

By keying the themes of International Women's Year and the Bicentennial, we will draw a broad cross-section of all women to attend each of the 50 state conferences. . . . We can effectively combine the goal of the IWY's "action" plan and the theme of American women, past and present. . . .

Such a statement, Mr. President, is predicated upon the acceptability of the U.N. World Plan of Action—a plan endorsed by an organization which increasingly ignores all semblance of equality and justice and rarely speaks the desires of the freedom-loving American public.

Furthermore, the philosophies of this Plan of Action and of that behind the Bicentennial celebration stand in diametric opposition to one another. The idea commemorated by the Bicentennial was independence, limited government, personal freedom; the idea espoused by the IWY is subservience to increased Federal regulation, world government, militant radicals, and a value system in which there are no absolutes. Therefore, Mr. President, a conference which truly sought to combine the themes of the IWY and the Bicentennial would be doomed to failure from the outstart. One or the other would triumph.

Mr. President, it saddens me to state that, indeed, strictly monolithic planning has assured the success of the IWY ideals. H.R. 9924 passed the House with 252 to 162 with 1 answering "present" and 19 not voting. It was amended to provide for a termination date for the Commission on March 31, 1978; to reduce the authorized funds from $10 million to $5 million; and to prohibit any authorized funds from being used for lobying activities. On December 23, 1975, Public Law 94–167 went into effect.

IV. LAWSUIT FILED AGAINST IWY COMMISSION

On April 9, 1976, a lawsuit was filed in Federal District Court in Alton, Ill., against the National IWY Commission, charging that it was violating the United States Constitution and the Federal Advisory Committee Act of 1972. Several of the complaints were as follows:

Count 6: The United States Constitution does not permit the Executive Department of the Federal Government to have any part in the proposing or ratifying of amendments to the United States Constitution. It is a violation of Article V of the Constitution for the Executive Department or for a creation thereof, such as the Defendant National Commission to work for passage of the ERA to the United States Constitution Section 9 of said Public Law 94–167 also forbids using funds authorized to it "for lobbying activities."

Count 7: Members of the Defendant National Commission and employees thereof, such as Catherine East, have appeared frequently on television, at State Legislative hearings and in public speeches across the country . . . for the purpose of urging ratification of the Equal Rights Amendment. In addition, the Defendant National Commission has adopted the "Statement of the Reproduction Freedom Committee" supporting abortion-on-demand, Federal financing of abortion facilities for all women, and opposition to any constitutional amendment that would limit abortion. Members of the Defendant are publicly supporting the Federal financing of abortion facilities for all women. Said acts of the defendant constitute "lobbying activities" forbidden by said Section 9 of Public Law 94–167.

Mr. President, the suit is still under litigation.

V. IWY RECEIVES $5 MILLION FROM CONGRESS

On April 13, 1976, Mr. President, debate began in the House on H.R. 13172, an appropriations bill containing the $5 million authorized to the National Commission by Public Law 94–167. Of great concern was the very issue of lobbying on the part of the IWY. Despite the activities of the IWY on behalf of the ERA, abortion and other issues, there were still people who actually believed or wished to believe that a National Women's Conference under the guidance of the National IWY Commission could be called for and conducted "totally separate from the ERA, from abortion, from busing, from any other controversy" that Congress might wish to consider (Mrs. HECKLER). Opponents, realizing that the money would inevitably be appropriated, amended the bill to stipulate "that none of the funds shall be used for the purpose of directly or indirectly influencing the passage or defeat of any piece of legislation before any legislative body including the ratification of any Constitutional Amendment." Mr. President, the specificity of such wording indicates the great concern and intent of the Members of the House.

Debate in the Senate on May 11, 1976, was also intense. Despite the past history of the Commission as a "controversial, special interest group engaged in political activity" which "may well be operating outside of the law"—as I noted in my remarks on the issue—H.R. 13172 was approved. The final version of the bill, worked out in conference, resulted in an apparent weakening of the antilobbying clause. The wording of Public Law 94–303 appropriates $5 million provided that "none of the funds appropriated shall be used for lobbying activities."

During House discussion on the conference report, Mr. BAUMAN, in trying to clarify the term "lobbying activities," received assurances from Mr. MAHON that the new wording "should limit" lobbying activities before Federal and State bodies. And in words which almost give the impression of a wishful hope, Mr. STEED responded:

". . . it is my opinion that it does prohibit any use of this money for lobbying. . . . We have been assured by the chairman and others involved in the work of this Commission that there will be no abuses of the use of this money in the lobbying field. Outside of having their assurance and their word for it, I do not know of anything else at this stage that we can depend on, other than the language of the bill, and that is the way they interpret it."

Public Law 94–303 went into effect June 1, 1976.

VI. PREPARATIONS FOR THE WOMEN'S CONFERENCES

It is time, Mr. President, now that the reassurances of proponents are legislative history, to begin to examine on its own merits the concept of the National Women's Conference as it unfolds at the various State conferences. Apart from its tangible history, the National Women's Conference remains an idea, an idea which perhaps the majority of American women would support if it were carried out in the spirit of true freedom and equality.

But let us return once again to the activities of the National Commission as it appointed State coordinating committees to head up the planning in the individual States. A pattern began to develop and continued into the preparation of workshop materials and debates—a pattern which clearly conflicts with Federal Advisory Committee Act provisions calling for balanced representation and safeguards against inappropriate influence exercised by any special interest. The epitome of such disregard for the principles of a democratic society is evidenced by the sworn testimony of Mrs. Catherine East before Judge Robert Morgan in Federal district court in Illinois. Mrs. East admitted that the National Organization for Women had been invited to participate in the Illinois Women's Conference, but that groups opposing ERA had been excluded "because they are not concerned with women's issues."

On March 29, 1977, President Jimmy Carter specifically directed the National Commission on International Women's Year to organize and convene a National

Women's Conference and increased the Commission to 45 members, amended to 42 members by means of Executive Order 11980. Appointed by President Carter, the Commission presently includes some of the most active and, indeed, even militant feminists:

APPOINTEES

1. Bella Abzug—Chairperson
2. Gloria Steinem—editor of Ms. magazine
3. Jean O'Leary—co-executive director of the National Gay Task Force
4. Eleanor Smeal—President of N.O.W.
5. Audrey Rowe Colom—President of the National Women's Political Caucus
6. Martha Griffiths—former Congresswoman and principal backer of ERA
7. Elizabeth Athanasakos—immediate past chair of the IWY National Commission
8. Liz Carpenter—co-chair of ERAmerica.
9. Seymour Chassler—editor of Redbook and originator of a project designed to publish pro-ERA articles in 35 magazines.
10. Ruth Clusen—President of the League of Women Voters.
11. Mary Anne Krupsak—Lieutenant Governor of New York and leader of ERA fight in 1975.

The following organizations are represented, all of which have come out in favor of ERA:

ORGANIZATIONS

1. National Women's Political Caucus.
2. American Civil Liberties Union.
3. ERAmerica.
4. National League of Women Voters.
5. National Federation of Business and Professional Women's Clubs.
6. National Organization for Women.
7. Citizens' Advisory Council on the Status of Women.
8. National Gay Task Force.
9. Church Women United.
10. American Association of University Women.
11. Women's Action Alliance.
12. Coalition of Labor Union Women.
13. Common Cause.

Of the 42 Commission members from the private sector and the four Members of Congress—Senators BAYH and PERCY, Representatives HECKLER and HOLTZMAN—only one member opposes ERA. Not one member belongs to STOP ERA, the Eagle Forum, or Right to Life—groups which represent the viewpoints of millions of American women. Is such a situation what "justice for American women" is all about?

"To Form A More Perfect Union" has already delineated the issues and chosen sides. If the national Commission is allowed to continue its plans, the recommendations from this report and additional ones from other militant groups will be passed off as the views of the majority of American women.

The question, "How representative of all women are these recommendations?" must be answered quite skeptically, Mr. President, in view of the evidence already presented. In view of the State-by-State account which follows and in view of the implementation by the highly organized feminist minority of the monitoring and mobile operation partnership plan, MMOPP, the answer to the above question becomes even more obvious.

VII. THE STATE WOMEN'S CONFERENCES: ARE THEY OPEN FORUMS?

Turning now to the evidence provided at the various State women's conferences, more pieces of the emerging puzzle begin to take shape. Reference has already been made to the situation in North Carolina. Therefore, permit me, Mr. President, to give highlights from other parts of the country.

A. CALIFORNIA

Mr. President, the California IWY Coordinating Committee received $100,000 in Federal funds for the convening of a California Women's Conference in Los Angeles on June 16–19. The following irregularities and complaints have been filed by women who attended that conference and characterized it as being controlled and conducted by militant radical groups "to promote the ratification of ERA, Federal-financed abortion on demand, Federal child development and baby-sitting services for all children, and other women's lib and gay-lesbian legislative and social goals." Mr. President, the facts are profoundly disturbing.

First. The timing of the meeting was quite inconvenient for many women in California. It was held on the weekend of school graduations and Father's Day. This kept most family oriented women from attending or caused great hardship and sacrifice for those women who chose to attend. In addition, the plenary session to vote on resolutions was held on Father's Day.

Second. Very little publicity was given to the meeting. Ads or articles in newspapers announcing the event were frequently not carried until 2 weeks before the event. Many announcements appeared after the deadline for mailing in applications to become a delegate to the National IWY Conference in Houston.

Third. Prominent church women's groups were not invited to attend nor to aid in the planning of the meeting.

Fourth. There was personal harassment and intimidation to those who did not agree with the feminist viewpoint. A literature table presenting pro-life material was stormed by a large group of lesbians.

Fifth. Registration packets of information were often incomplete. Omissions included the official slate of delegates to Houston and the convention rules.

Sixth. Workshop locations were moved without notice and confusing notices were placed on doors as to the new location of the workshop.

Seventh. In the resolution voting session on Sunday morning, those having grievances were asked by the Chair to go to another part of the building to air their complaints to a committee member. The voting procedure nevertheless continued. When points of order were presented to the Chair concerning this matter, they were ruled out of order.

Eighth. Workshops were changed, eliminated or taken over by an easily identified element which then proceeded to establish its own purposes and select its own moderator. For example, the workshop "health care for all" became the "self-help clinic." In order to vote on proposed resolutions, one had to be in attendance during the workshop discussion. The women thereby were subjected to lesbian films.

Ninth. Floor nominations for delegates to the national conference conducted at the Friday A.M. plenary session were abruptly closed after 36 nominations. After much protest, the nominations were held open for 2 more minutes. At the end of that time, floor mikes were unplugged.

Tenth. During the workshops, the MMOPP plan of stacking workshops was much in evidence. Women were directed by means of monitors and beepers as to the workshops where they were needed for a majority.

Eleventh. Voting boxes were left unattended. The marking of the ballot was done any place by any means.

Twelfth. When the voting results were announced, all 96 delegates to Houston are women who were endorsed by NOW and other feminist groups.

Thirteenth. In a workshop called "Combining Feminist Services with Politics," organized by the Center for Women's Studies and Services, literature was used which contained the following summation:

> Those of us who don't buy the current government know we can't overthrow it tomorrow. But we can begin to undermine it today. As women revolutionaries, this is part of our long haul. Why not use the system to our best advantage? Note the word "use", not "join"!

Mr. President, is there any need for comment?

B. GEORGIA

Mr. President, in Georgia, in preparation for the conference held May 6–7 in Atlanta, only 1 woman opposing ERA was appointed to the 37 member coordinating committee. Indeed, it is quite revealing that one pro-ERA committee member—after witnessing the workings of the committee—made the following remarks and remained "out of town" during the conference:

> The overall thrust of the [IWY] recommendations is to increase government (particularly federal government) involvement in all aspects of American life, to increase uniformity throughout the fifty States and the territories, to increase expenditure of public money, to increase dependency upon public institutions . . . (statment by Eliza Faschall)

In addition to extensive complaints filed by the IWY Citizens' Review Committee with regard to registration and voting irregularities, the following comments and questions demand careful consideration:

First. Keynote speaker was supposed to be "noncontroversial, one who has not made her views on ERA known publicly." This should not be Bella Abzug.

Second. Requests for second keynote speaker presenting opposing viewpoint were repeatedly made and repeatedly denied.

Third. Selection of panelists violated Federal Advisory Committee Act. Of the 100 stated workshops, only 5 presented panelists with opposing views.

Fourth. Blueprint for IWY meetings, "To Form a More Perfect Union" violates Federal Advisory Committee Act. Only one viewpoint is presented.

Fifth. Several times members of the news media were upbraided for covering the press conferences held by opponents of IWY. This is a direct attempt to sup-

press the news and the people's right to know.

Mr. President, can 300–600 people voting for the whole State of Georgia be considered as representative of all Georgia women?

C. IDAHO

The Idaho IWY Coordinating Committee received $25,000 in Federal funds for the Idaho Women's Conference held May 20–22, 1977, in Boise. Mr. President, a dissenting report was submitted by Idaho Stop ERA, Mrs. Susan Hill—chairman, and contained the following points:

First. Idaho Stop ERA, a statewide organization responsible for rescinding ERA in Idaho, was excluded from direct IWY communication and/or invitation to the conference. Other organizations were extended this courtesy as well as direct mailings to their membership.

Second. In order to provide an opportunity for those unable to attend to express their position, absentee ballots were distributed throughout the State by Idaho Stop ERA. These ballots were identical copies of the National IWY resolution questions. Duly qualified Idaho women cast 1,539 absentee ballots, individually signed and complete with address. Said absentee ballots were rejected as far as power to affect the vote on the basis of State rule No. 2–3 which requires that all voting participants be registered at the meeting. We were not allowed to register these women without paying the $5 per person charge even though these women could not be in attendance and wished only to voice their opinions via absentee ballots. This rule and action are definitely discriminatory toward women who were unable to attend, but who desired to express their opinion.

Third. Idaho women were led to believe that the IWY Conference was an effort to obtain grass roots input regarding issues affecting Idaho women. Participants attending the conference found instead highly structured workshops leading to predetermined conclusions supporting the National IWY platform.

Fourth. Further participants were asked to vote on summaries of recommendations already drafted in Washington. The predetermined recommendations clearly show that IWY is not a "grass roots action," but a nationally controlled organization operating on our tax money. Rejection of the 1,539 absentee ballots which were individually signed and addressed, is further evidence that this conference was not concerned with the viewpoints of the majority of Idaho women.

D. ILLINOIS

The Illinois Women's Conference, held June 10–12, at Normal, Ill., received $100,000 in Federal funds. Of the 59-member coordinating committee, Mr. President, only one woman opposed ERA. Registration information was freely distributed only to certain organizations. The IWY Citizens' Review Committee was forced to spend approximately $5,000 to spread registration information to women of the more traditional viewpoint.

I call to the attention of my worthy colleagues a minority report filed by Mrs. Rosemary Thomson, chairman of the IWY Citizens' Review Committee. Her comments are, in my opinion, most disturbing:

1. Times and methods for registration at the Conference fluctuated at the whim of the Illinois IWY Coordinating Committee both before and during the Conference. There was no proof of state residency required at either registration or delegate elections.

2. Workshops were stacked with 49 panelists and 16 moderators representing one viewpoint, to 1 token panelist representing the opposition. Resolutions introduced by IWY officials corresponded to those recommended by the National IWY Commission in their policy manual ". . . To Form a More Perfect Union." Rules for participation and voting established by the conference were repeatedly violated including a directive by a state legislator to bring pro-ERA delegates from another workshop into the ERA meeting after the entry deadline for voting had passed, thus assuring "enthusiastic ratification of ERA" by a slim majority in spite of reported errors in computing votes.

3. The Illinois Conference was used to indoctrinate women with the merits of the Equal Rights Amendment. Keynote speakers Bella Abzug, National IWY Chairperson; Senator Charles Percy, and Eileen M. Schaeffer, International spokesperson, all spoke in favor of ratification of ERA. No opposing viewpoint was permitted. In effect, the Federal Government, by appropriating funds, became the lobbyist for "radical, special interest," group legislation.

4. The right to express various viewpoints or to seek parliamentary information was forcibly violated by tight control over floor microphones. Tactics by IWY facilitators included unplugging, covering by hand and, at one point, breaking the microphone in half to prevent speakers from being heard. The chair refused to allow the one opposing resolution out of 130 to be voted on.

5. Finally, participants were asked to endorse a package of resolutions and were denied the opportunity to hear them read prior to the vote. Resolutions included requests for legislation to provide abortion rights, universal Federal child care, military disarmament, homosexual rights, and ratification of ERA—to name just a few.

At the end of the conference, Mr. President, 530 women walked out when it became apparent to them that their consitutional right to speak out was being repeatedly denied.

During the conference, literature was available from groups such as Common Cause, the Religious Coalition for Abortion Rights, Illinois National Organization for Women, the Illinois Women's Political Caucus, Day Care Crisis Council, Socialist Workers Party, and the Young Socialist Alliance. Furthermore, Mr. President, a film produced by the Socialist Party and shown at the Conference presented, naturally, its own special solutions to the problems of society, especially with regard to feminist issues. The film emphasized revolutionary tactics and spirit and sought to discredit free enterprise and democracy.

Other literature passed out or sold by nonprofit organizations and commercial businesses — with IWY approval — included:

"My Childbirth Coloring Book," "Growing Up Gay," "High School Women's Liberation"—with chapters on Capitalism against Socialism and the Gay Movement, "Our Bodies, Ourselves"—a rather explicit sex manual for women alone, "Demand for Day Care," emphasizing day care's opportunities to revolutionize society.

Fliers were also distributed encouraging the picketing of legislators on Father's Day to protest the ERA defeat in the Illinois State Legislature.

Finally, Mr. President, the resolutions passed included the following:

First. The military budget should be reduced; saved money should be transferred to further women's equality and people's welfare and end the arms race.

Second. The immediate ratification of the ERA is urged.

Third. Federal and State governments are to prohibit sexual—preference—discrimination in employment, housing, public accommodations, and education.

Mr. President, can we possibly consider such a conference to have been representative of a wide spectrum of philosophical viewpoints?

E. MICHIGAN

On June 10–11, 1977, the Michigan Women's Conference was held in Lansing and was funded with $99,327 of Federal tax moneys. In addition to complaints similar to other States as regard the lack of balanced representation on planning committees—only 1 woman representing the Stop ERA movement was named to the 29-member coordinating committee—and the lack of adequate publicity preceding the conference, many irregularities, Mr. President, were cited concerning the nomination of delegates to the National Women's Conference.

Mrs. Bernice Zilly, a member of the IWY planning committee and against the ERA, had received assurances that 1 hour would be granted to nominate women from the anti-ERA forces in addition to the time necessary to present the official slate and receive nominations from feminist groups. At the conference itself, however, only 1 hour total was designated to present all nominees.

Now, Mr. President, I have been told that advance notice to members of the Unity Caucus—an organization of 19 feminist groups—that all those wishing to make floor nominations would need numbers indicating speaking order, enabled these women to control the mikes for 50 minutes. Only 10 minutes, Mr. President, were left for nominating candidates with other than a feminist viewpoint. A motion to extend the nominations for an extra 15 minutes fell less than 20 votes short of the necessary two-thirds majority.

F. NEW YORK

Turning now to New York, Mr. President, we find that $100,000 of Federal funds went to the New York IWY coordinating committee for the purpose of planning the Women's Conference held in Albany on July 8–10, 1977. Attempts made by anti-ERA/pro-life groups to get information were frustrated at every turn by those in control of the meeting.

Mary Tracy, in a press release, related vividly her efforts to locate the IWY headquarters and secure registration information for her groups. Mr. President, her difficulties began as she learned that the New York office of the IWY had an

unlisted telephone number. When she made a special trip to New York, she found no listing for the IWY office on the wall directory in the building for which she had an address. Finally she learned that the IWY did share an office in the building with the National Organization for Women.

After talking with an IWY staffer, Mrs. Tracy requested applications for women in her groups and another meeting with the staffer to share the concerns of the anti-ERA/pro-life women with regard to women's issues. A second meeting was arranged, and applications were promised as soon as they were available.

On May 2, 1977, Mr. President, Mrs. Tracy and three other women made another trip to New York to meet with the IWY staff member. They were told upon arrival that they had made a mistake. The staff member was not there to see them. After waiting for an hour, the women were just about to leave when they ran into the staffer at the elevator. She belatedly agreed to meet with them.

During that meeting, Mr. President, the request for applications was repeated. Once again, the same promise to send them when ready, was given. As of the date of the press release—June 12—no applications had been received. And yet, Mr. President, just prior to the press release, Mrs. Tracy learned through a woman in charge of the Albany IWY office that 75,000 applications had already been mailed.

Furthermore, during that May 2 meeting, Mrs. Tracy was told that only those women filing a statement of destitution would be awarded scholarships to attend the meeting. Mrs. Tracy quickly noted that such a condition eliminated many homemakers who were not destitute, but on whom it would be a hardship to take household funds to pay expenses already funded by their tax money. Mrs. Tracy's conclusion:

> Members of Right of Life and Eagle Forum are being systematically excluded from the Women's Meeting in Albany, July 8–10, 1977, even if they or some of them are ready, willing and able to pay some of their expenses.

Mr. President, let us all make special note of the reply given to Mrs. Tracy's protest by the woman in charge of inviting outstanding women to the meeting. She shouted: "Get your own funds and have your own conference."

At the Albany meeting itself, Mr. President, some of the irregularities reported include:

First. The special busing of pro-ERA women from New York City to Albany for the express purpose of voting—in spite of the fact that they arrived only for Sunday and registration for voting purposes had officially ended on Saturday at 3:15 p.m.

Second. The withholding of workshop information—The locations of the 101 workshops were not listed in the program. Women with walkie-talkies were seen directing selected groups of women to the various workshops.

Third. Irregular and slow voting procedures—Only 30 voting machines had been ordered to handle the 8,000 registered voters. The ballot for delegates to Houston had 200 names listed randomly. Falsified "staff" badges were used to get special groups of women to the front of the lines, causing long waits for everyone else. After 5 hours, only 1,200 participants had voted.

Fourth. Deliberate attempt to ram resolutions through without due consideration at the Sunday plenary session—Only 4,000 copies of the resolutions had been printed; therefore, only selected women received copies. The resolutions were passed as a package and not individually. A motion to take a nose count on that ruling was ruled out of order.

Mr. President, the list could go on ad infinitum, but I believe that these items begin to present a vivid picture of the situation at Albany.

G. OHIO

A Federal grant of $100,000 was given to the Ohio IWY Coordinating Committee to help finance the Ohio Women's Conference held in Columbus on June 11–12, 1977. Of the Ohio women appointed to the coordinating committee by the National Commission, Mr. President, not one woman is publicly identified with a prolife or anti-ERA group. At a later date, however, one woman was chosen as a liaison between the philosophical groups and was eventually appointed as cochairman of the Outreach Committee.

Realizing that they had been excluded from the principal planning group, Mr. President, I am told that more than 20 prolife/anti-ERA women submitted their names to be considered as candidates on the official slate of delegates to the Houston National Women's Conference. When the official slate was announced, 52 nominees and 5 alternates represented the pro-ERA viewpoint and only 4 nominees represented the con-ERA viewpoint. Furthermore, all members of the IWY Coordinating Committee were named to the official slate.

During the conference itself, Mr. President, reports seem to indicate that the 44 workshops were carefully controlled so that profamily/anti-ERA viewpoints were excluded. If minority resolutions did gain workshop approval, they were never presented for a vote at the plenary session.

In addition, Mr. President, the following irregularities have been noted in the minority report filed by the Ohio IWY Citizens' Review Committee:

First. The profamily literature tables were placed so that their position was not an advantageous one. Many profamily participants never found the literature tables, even though they knew that they existed.

Second. Although 221 candidates were nominated, 56 being profamily nominees, when the ballots were distributed, only the official slate was presented in alphabetical order and printed on one side. The remaining candidates were listed according to nomination and their names appeared on both sides of the ballot.

Third. To accommodate 2,278 registered voters, only 12 voting booths were provided while the rest of the voters gathered around tables and exchanged names while voting. This is certainly a far cry from the secret ballot that should be preciously guarded.

Fourth. Cardboard boxes were used as ballot boxes, but women were assured that the boxes would be sealed and that ballot-tampering would be impossible. However, during voting there was no evidence of a seal and although some ballots were placed into the box through the slot, some ballots were placed in the box by lifting the top.

Fifth. In addition, ballots were not numbered; voters were not asked to sign in; and to date it has not been announced concerning the number of votes cast, the number needed for election, and the number of votes that each candidate received.

Sixth. In a conversation and letter on June 11, the IWY Citizens' Review Committee chairman was denied the request to have observers when the votes were tabulated. According to several legal opinions, this request cannot be denied a candidate, and the letter, requesting an immediate reply to this information still remains unanswered.

Seventh. At 4:30 p.m., June 12—the delegates were to be announced on June 13—one of the unsuccessful candidates entered a motion that the delegates to the National Women's Conference be instructed delegates. This motion failed.

The above motion, Mr. President, is perhaps explained by the fact that rumors had been circulating all day that the profamily delegates had won overwhelmingly. And indeed, that was true. Profamily candidates had won 45 out of the 56 delegates and all 5 alternates, indicating that the feminist concept of profamily as being minority thinking is simply not true. With a minimum of expenditure of private funds, Mr. President—approximately $1,000—the profamily women accomplished their objectives against the feminists and their $100,000 of taxpayers' money.

H. UTAH

The Utah IWY Coordinating Committee received $25,000 in Federal funds for the women's conference held June 24–25, 1977, in Salt Lake City. The following complaints have been registered by Utah women:

First. Unfair representation on the official slate for delegates to the National Women's Conference—38 pro-ERA and only 4 against.

Second. Secret registrations—IWY Committee members were allowed to register on the Thursday preceding the official opening of registration on Friday.

Third. Inadequate time allowed for floor nominations—with several thousand women expected, only 28 minutes were allotted for floor nominations to delegates for the Houston meeting.

Fourth. Lack of publicity—at least one newspaper received its first bit of "advance" publicity from the IWY on the final day of the conference.

Mr. President, if it had not been for the last minute efforts of Mormon women, Utah might have had 14 delegates going to Houston claiming to represent Utah women and yet voting for the ERA, abortion, homosexual rights, and many other items which are quite foreign to the real majority of Utah women. With an unexpected crowd of

13,000, the voice of the Utah legitimate majority was ultimately victorious. The 14 delegates elected represent the real majority opinion.

I. VIRGINIA

Mr. President, my office has received the following information with regard to the Virginia Women's Conference held in Richmond on June 10–12, 1977. The Virginia IWY Coordinating Committee received $61,061 in Federal funds to help plan and conduct the conference. Of the 39 members on the coordinating committee, there is not one who belongs to Stop ERA, Eagle Forum, or Right to Life—groups which represent many Virginia women and their concerns. However, Mr. President, the National Organization for Women, the Virginia Women's Political Caucus, the Virginia Equal Rights Amendment Ratification Council, the Woman Activist, Inc., the League of Women Voters, the American Civil Liberties Union, Catholic Women for ERA, the Virginia Commission on the Status of Women, Virginia ERA Central, and the National Black Feminist Organization are represented.

Even prior to the announcement of the 39 members, reports indicate that conservative forces were systematically excluded from the planning processes. The chairman of Virginia Stop ERA was not originally invited to attend a planning meeting held July 24, 1976. When she heard of the meeting, she immediately requested an invitation and received one on July 22, 1976. Had she not been so outspoken, only one point of view would have been represented at such an important meeting. Furthermore, her offer to serve on any committee was rejected.

Mr. President, at a February 19, 1977, meeting in Charlottesville, Va., the IWY Committee proposed a preliminary list of Virginia IWY State Coordinators. Once again, it appears that many women's groups were excluded from this aspect of the planning. On that preliminary list of 30 women, not one woman represented Stop ERA and pro-life women.

On May 29, 1977, the charade of equality continued. The chairman of Stop ERA was informed by the nominating committee that "in its efforts to maintain a balanced slate of nominees to serve as candidates for Delegate to the National Meeting in Houston, Tex.", it was necessary to exclude her name. Letter to Alyse O'Neill, chairman of Stop ERA, from Martha D. Boyle, vice chair, nominating committee, May 29, 1977.

At the conference itself, Mr. President, workshop coordinators represented the feminist viewpoint:

First, Muriel Smith—ERA workshop—member of the Virginia ERA Ratification Council.

Second. Beth Marschak—Sexual preferences in lifestyles workshop—member of the Lesbian Caucus.

Third. Nora Squyres—Women in the world-world plan of action workshop—member of the National Women's Political Caucus.

A workshop on motherhood had as its topic of discussion—"Raising nonsexist children." If it had not been for the inquiries of the chairman of the Virginia Farm Bureau's Women's Committee, the workshop on rural women would have been conducted without a representative for farm women. Furthermore, Mr. President, there was a workshop on witchcraft. This would appear to be in conflict with the rules and regulations issued March 18, 1977—Federal Register, vol. 42, No. 59. Paragraph 1903.3(d) under the "Responsibility for Agenda for State Meeting" states:

> Neither the Coordinating Committee nor the State Meeting shall include as a topic selected for the meeting subjects dealing primarily with religion, or religious institutions, organizations or activities, or women's roles in any of them.

Finally, Mr. President, according to newspaper accounts, resolutions on abortion and sexual preference were not voted on by conference participants until 10:30 p.m. on June 11, 1977. At that time, only 200 of the approximately 1,200 voting participants were present. Can the results of such an election, Mr. President, be called representative of the women attending the conference and also representative of the majority of Virginia women?

J. WISCONSIN

For the Wisconsin Women's Year Meeting held June 3–5, 1977, at Madison, the Wisconsin Coordinating Committee received $57,805 in Federal funds. According to reports, the 28-member coordinating committee, Mr. President, was dominated by women from the Governor's Commission on the Status of Women, the National Organization for Women, and the League of Women Voters.

Two members of the resolutions committee were original founders of NOW. The member in charge of workshop and resource people is the paid executive secretary of the Status of Women. In addition, the coordinating committee used the office of the Status of Women for planning the conference.

Mr. President, I submit to you the following additional complaints which have been filed:

COMPLAINTS

1. Registration was very lax. No identification was required in order to pick up packets for preregistered participants.

2. One method of providing scholarships to needy women was to fill 5 buses from Milwaukee. The scholarship consisted of the registration fee, lunch, and the bus trip. When the voting came up, there were therefore 220 additional people available at the planning committee's command.

3. The displays of books by the lesbians and the Socialist feminists were profoundly disturbing.

4. The officials deadline to submit one's papers to serve as a delegate to Houston was May 23, 1977. In spite of having adhered to the deadline, women whose names did not appear on the official list of delegates selected by the Nominating Committee of the State Coordinating Committee were required to resubmit their nomination papers on Saturday, June 4.

5. After posting, the nominating papers were tampered with. Certain organizational affiliations had been underlined in red. On others, names of the nominees had been circled.

6. At the Saturday, June 4, plenary session, N.O.W. facilitators controlled the mikes. Although questions were still pending on the floor, the meeting was adjourned without a formal motion.

7. Both of the luncheon speakers on June 4 were pro-ERA.

8. Voting procedures on resolutions at the workshops varied from workshop to workshop, and no official parliamentarians were present at the workshops.

9. The distribution of ballots for electing the delegates to the National Conference was uncontrolled. Any number of ballots could be taken by one person. The ballots contained errors in name spelling, the duplication of one name, and one column that had one more name than lines available. Voting was thereby made more difficult.

10. The ink stamp mark on one's hand to indicate that one had voted could easily be wiped off. This was demonstrated to some of the voting clerks, but nothing was done.

11. At the Sunday, June 5, plenary session there were only 300 participants remaining to vote on the resolutions. This cannot be considered as a representative vote for the women of Wisconsin.

12. As an illustration of the one-sided nature of the conference, consider the following: a Chicago Sun Times reporter thought that the conference had been funded by N.O.W.

Mr. President, in Massachusetts—whose meeting has yet to be held—$65,304 Federal moneys have been given to the coordinating committee. Complaints are already being received concerning the committee's constant changes of plans and times, resulting in a difficulty for pro-life, anti-ERA women receiving correct information promptly.

From New Jersey, receiving $72,434 for the conference held June 17–19 at Princeton University—come articles criticizing stacked workshop panels and the fact that resolutions approved in workshops—particularly a human life amendment—were never brought before the general assembly for a vote.

Mr. President, the accounts could go on and on to encompass many more States and many more complaints, including noted absences of the American flag and other patriotic signs of respect for our country. The freedom which allowed certain women's groups to be so vocal has not been shared with all women. Permit me to give one final poignant illustration of this fact. Rosemary Thomson, chairman of the IWY Citizens' Review Committee, received a call one day before the Nebraska Women's Conference from the Chairman of the IWY coordinating committee in that State. The message was short and clear: Women who do not share IWY goals should stay away and not disrupt her meeting by attempting to give their viewpoints.

Mr. President, it is Congress who financed these meetings with $5 million in Federal tax moneys collected from the broadest spectrum of people. And it is Congress, Mr. President, which must now act to halt the further funding of such clearly undemocratic and, even in some instances, anti-American conferences.

VIII. SUMMARY: AN ANALYSIS OF THE INTERNATIONAL WOMEN'S YEAR IN TERMS OF ITS OWN GOALS

In closing, Mr. President, it is perhaps not inappropriate to take a look at the

stated goals of such women's conferences contained in Public Law 94–167. Many of these goals call for an assessment of some aspect of the American woman's life and activities. The evidence presented in this report shows that these assessments are coming from an elitist group of appointed women. Therefore, let us assess this very group in terms of their own mandated goals.

A. Section 3(b)(3) "The Conference shall assess the role of women in economic, social, cultural, and political development."

Mr. President, permit me to address myself first to the Commission's economic understanding and fiscal responsibility. The American public has been taxed without representation and is the victim of a lack of fiscal integrity. Without being representative of all women, the IWY has received money from all taxpayers to promote so-called feminist goals which are offensive to many women and not a few men who are by no means "antiwomen." Money prohibited for use in lobbying purposes has been used for those very purposes. In addition, funds were received and expended without the proper legal authorization.

Mr. President, let us examine the issue of social justice. Can it be termed social justice when a group of feminists exclude their fellow women, who happen to have differing viewpoints, and ram through resolutions which do not represent the majority of women?

Consider now the Commission's political tactics. The Commission is attempting to play politics by means of a tactic—the boycott of the anti-ERA States—which could prove detrimental to many women and citizens of those States. Furthermore, the Commission's desire to set up a quota system for women in all areas of this country's life would result only in reverse discrimination and demonstrate that history has been foolishly ignored; that is, the failure of the quota system in desegregation efforts. Such a system often disregards qualification, and in this specific case, would disregard the very real needs of the male supporter of a family.

B. Section 3(B)(4) "The Conference shall assess the participation of women in efforts aimed at the development of friendly relations and cooperation among nations and to the strengthening of world peace."

Mr. President, let us examine these conferences in light of the above goal. Unfortunately, the Commission's idea of peace is a peace that must follow the birth of a new society and new international economic order created in part by women functioning as a "powerful revolutionary social force"—the World Plan of Action. From the evidence, Mr. President, must we not interpret the IWY's concept of "friendly relations" as applying only to like-minded peoples and nations and not to those who might oppose a new international economic order or the type of society advocated by the IWY?

C. Section 3(B)(5) "The Conference shall identify the barriers that prevent women from participating fully and equally in all aspects of national life, and develop recommendations for means by which such barriers can be removed."

Finally, Mr. President, I ask that we all turn a discerning eye upon the above goal and the resolutions passed at these conferences. I submit that the Commission has identified the following alleged barriers: Antiabortion laws, national defense, private enterprise, community morality standards with regard to homosexuality, the traditional roles of man and woman, and even a person's sex itself. In the media guidelines proposed by the Commission, there is a very real desire to assert that no distinction exists between man and woman. The Commission desires to eliminate references in the media to a person's sex, sexual preference, age, appearance, political affiliation, and religion. Having eliminated these so-called barriers, the Commission has stripped an individual down to the essence of his humanity—his soul. I fear, Mr. President, that the soul of a man or woman is not recognizable to the philosophy which permeates the International Women's Year movement.

I thank the Chair. If I have time remaining, I yield it back.

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

Mr. HELMS. Mr. President, the distinguished minority leader, I believe, has 10 minutes remaining.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous agreement, there is now to be a period for the transaction of routine morning business, with statements therein limited to 10 minutes.

The Senator from Pennsylvania is recognized.

Mr. HEINZ. I thank the Chair.

THE JOHNSTOWN FLOOD

Mr. HEINZ. Mr. President, I want to take a few minutes to make a report to this body on the Johnstown flood. I announced yesterday, around noon, that I was going to Johnstown and that I would survey the situation. I feel it is my responsibility to report to this body the findings and actions that have been taken by myself, the Governor of our State, and other very concerned and interested parties.

I arrived in Johnstown at close to 2:30 yesterday. I immediately met with the State and local officials—Governor Shapp of our State; the chairman of the County Commission of Cambria County, Mr. Ted Metzger; the mayor of Johnstown, Mr. Herb Phuhl; and a number of other legislators—State senators, and people from the surrounding seven counties that were also affected.

They were affected, as I think has been made clear by newspaper reports, by a storm of extraordinary virulence, torrential rains extending over an 8- or 9-hour period of at least an inch an hour. The result was tremendously powerful flash flooding.

Not only did some of the major waterways, such as the Conemaugh River at downtown Johnstown, overflow its banks and thereby flood Johnstown with, reportedly, up to 9 or 10 feet of water, rivaling the tragic experiences of the 1936 and 1889 floods, but rivulets and streams that have never flooded before erupted with such force and hit in such unexpected places that the effects were most unusual and extremely devastating. Highways were ripped up as if they had been carpet bombed. Automobiles, because of the speed with which the water hit, were stacked up two and three and four on top of each other. Telephone poles were knocked around like toothpicks. Large trucks were taken up and wrapped around buildings. It was a scene of immense devastation.

It is not confined totally to the town of Johnstown, which has a population of some 71,000 people. Many other communities, including the community of Clymer, in Indiana County, which I visited, have experienced extensive property damage. It seems that the loss of life is confined primarily to the Johnstown area, where a dam, the Laurel Valley Dam, apparently broke and inundated a township. I fear that the death toll, which is most recently reported at close to 30 or 35 people, may go far higher as they start digging out. This, obviously, means a great human tragedy. It is one that I suppose we would not have known how to prevent, in part, had we had advance warning.

The fact, though, is that homes have been damaged. There has been a tremendous amount of agricultural damage. There will be massive unemployment extending over many months. For example, Bethlehem Steel, a major steel company and employer employing some 11,000 to 12,000 people up there, is out of action. It will be out of action for quite some time.

I know of dozens of coal mines that have been flooded. These are deep mines. They must be pumped out, then they must be totally checked out by safety inspectors. I imagine a lot of retimbering will have to occur.

The most optimistic forecast is that those mines will not be back in production for 6 months. So we are looking at massive, long-term unemployment in this seven-county area.

Beside this picture of incredible devastation, what did I find to be the most serious and pressing problems?

The first problem, Mr. President, is security. Security against looting so that there is no temptation for people to break the law.

With prompt action by the National Guard and by a very tough attitude taken by the mayor of Johnstown, I think this is going to be under control, but additional National Guard troops may be necessary.

An especially severe problem is that of communications. The telephone system to Johnstown is virtually inoperative. In order to make a phone call from the airport, where one would have

thought the communications would be adequate, I had to get into a helicopter, fly to a golf course, walk up to the television station, WJAC, and only there were two or three lines still operating so I could call Washington.

On the occasion when I did call Washington, I made arrangements so that, when I returned last night, I could go directly to the White House and report my findings to the President and his deputies and the head of the Federal Disaster Assistance Administration, Tom Dunn.

I reported to them, in fact, that not only was there this severe communications problem, not only is there this severe problem with debris and damage so that roads are virtually impassable, but I reported as well that there is a subsequent flooding hazard, because many of the storm sewers are clogged and are potentially going to back up if there is another storm in the area. I regret that I have heard a report that another storm may be approaching the area.

There is also going to be a considerable housing problem. It is very difficult at this point to determine how many people are going to be forced out of their homes, but it will be in the thousands, without doubt, and that will pose a major logistical problem, because trailers will have to be moved and it will take time to do that.

Second, site preparation for temporary housing, with which we experienced considerable problems during Hurricane Agnes in 1972, particularly in the Wilkes-Barre area, has made it very difficult for us to alleviate the housing problem in the prompt way that is really called for.

I made this report to the people at the White House. I think they were very impressed to know that in addition to myself, Governor Shapp of our State and Congressman JOHN MURTHA had toured that area extensively, and that we had made arrangements to insure the regional FDAA people would be on the scene. In fact, Governor Shapp and Mr. Hahn of FDAA are at this moment, touring the seven-county area so that, as required by our 1974 Flood Control Act, there will be an on-site assessment made by FDAA, thus speeding the right kind of aid to the hard-hit areas.

The presentation was eased enormously, I must add, by a film that I was able to acquire from the local TV station, WJAC. It is a 12-minute videotape they had put together, starting around midnight, Tuesday night, stretching into late Wednesday morning, giving first-hand documentary footage of the way the flood actually hit and how it directly affected people, homes, businesses, and the communities.

There is no doubt in my mind that we are faced with a minimum of $1 billion worth of property damage. It may run much higher. It was for that reason I was enormously gratified that the Federal disaster officials and the White House staff indicated there was absolutely no doubt in their minds, having seen the film and having listened to the presentation of myself and my staff, including Susan Howland, and Cliff Shannon, who is also at this moment accompanying FDAA and State disaster teams for the formal assessment. And there is no doubt in my mind, that the President of the United States will declare this seven-county area a major disaster area before noon today. The people of Columbia, Westmoreland, Somerset, Indiana, Clearfield, Jefferson, and Bedford Counties need this help.

This is, Mr. President, absolutely necessary. We need to move the Corps of Engineers in right away to start removing the debris so that the streets are passable. We need those streets passable so we can bring in emergency generators to one of the hospitals that had its power supply knocked out.

There was another, Mercy Hospital, where two floors had to be evacuated.

We need to be able to get extra equipment into those hospitals. We need to move the Small Business Administration in, the Farmers Home Administration in. We need, obviously, to get the U.S. Department of Transportation to work with the State and local people to start repairing roads.

I saw one road, Route 219, built to interstate highway specifications—it is part of the Appalachian highway system—that had been undercut by a stream one could easily step across in normal times. Yet, half of that highway was eaten away, collapsed into a ditch. It was completed only 3 years ago.

This is just some measure of the disaster and why prompt Federal action is necessary.

I have just been handed a message, Mr. President, and I am delighted to announce that President Carter has just signed the disaster proclamation at this very moment.

I want to take this opportunity to commend President Carter and his staff and Mr. Dunne for their prompt action in making sure that the people of Pennsylvania are going to obtain the very prompt and necessary assistance that they are entitled to. It is, indeed, gratifying. I am personally delighted for the President's fast action and for the help this will mean for the people there.

The first step after a disaster declaration has been signed is for somebody to be in charge who will take charge.

The Federal coordinator that will be named, immediately, as I have been assured by Mr. Dunne of the FDAA, is the most important single person.

I do want to be sure, Mr. President, having seen some of the really grievous problems that occurred in 1972 during Agnes where we got square pegs in round holes for a while, that we do appoint somebody who has the know-how and the experience and the get-it-done mentality to make sure they do coordinate the vast number of Federal agencies, ranging from the corps to HUD so we really get this situation under control. I hope we will be able to deliver on the promise of this disaster declaration with force, compassion and urgency.

The ACTING PRESIDENT pro tempore. The time of the Senator from Pennsylvania has expired.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, 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.)

APPROVAL OF BILL

A message from the President of the United States announced that on July 21, 1977, he approved and signed the following bill:

S. 1468. An act to amend the Federal Energy Administration for the 1978 fiscal year, duration of authorities under such Act, to authorize appropriations for the Federal Energy Administrataion for the 1978 fiscal year, and for other purposes.

MESSAGE FROM THE HOUSE

At 6:43 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its clerks, announced that:

The House disagrees to the amendments of the Senate to the bill (H.R. 7933) making appropriations for the Department of Defense for the fiscal year ending September 30, 1978, 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.

The House insists upon its amendment to the bill (S. 1019) to authorize appropriations for fiscal year 1978 for certain maritime programs of the Department of Commerce, and for other purposes, disagreed to by the Senate; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. MURPHY of New York, Mr. BIAGGI, Mr. METCALFE, Mr. ZEFERETTI, Ms. MIKULSKI, Mr. RUPPE, and Mr. MCCLOSKEY were appointed managers of the conference on the part of the House.

The House agrees to the report of the committee of conference on the disagreeing votes of the Houses on the amendment of the Senate to the bill (H.R. 6714) to amend the Foreign Assistance Act of 1961 to authorize development assistance programs for fiscal year 1978, to amend the Agricultural Trade Development and Assistance Act of 1954 to make certain changes in the authorities of that Act, and for other purposes.

The House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6884) to amend the Foreign Assistance Act of 1961 to authorize international security assistance programs for fiscal year 1978, to amend the Arms Export Control Act to make certain changes in the authorities of that Act, and for other purposes.

ENROLLED BILLS SIGNED

The SPEAKER has signed the following enrolled bills:

S. 1474. An act to authorize certain construction at military installations, and for other purposes.

H.R. 4975. An act to amend the Public Health Service Act to extend through the fiscal year ending September 30, 1978, the assistance programs for health services research; health statistics; comprehensive public health services; hypertension programs; migrant health; community health centers; medical libraries; cancer control programs; the National Cancer Institute; heart, blood vessel, lung, and blood disease prevention and control programs; the National Heart, Lung, and Blood Institute; National Research Service Awards; population research and voluntary family planning programs; sudden infant death syndrome; hemophilia; national health planning and development; and health resources development; to amend the Community Mental Health Centers Act to extend it through the fiscal year ending September 30, 1978; to extend the assistance programs for home health services; and for other purposes.

H.R. 4746. An act to extend certain authorities of the Secretary of the Interior with respect to water resources research and saline water conversion programs, and for other purposes.

H.R. 7557. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1978, and for other purposes.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

EC–1703. A letter from the Chairman of the Indian Claims Commission transmitting, pursuant to law, Docket No. 364, Ottawa-Chippewa Tribe of Michigan, Plaintiff, v. the United States of America, Defendant (with accompanying papers); to the Committee on Appropriations.

EC–1704. A letter from the Assistant Secretary of Defense transmitting, pursuant to law, a report on transfers of amounts appropriated to the Department of Defense totalling $57,532,000; to the Committee on Appropriations.

EC–1705. A letter from the Acting Secretary of the Interstate Commerce Commission transmitting, pursuant to law, notice that the Commission is unable to render a final decision in Docket No. 36491, Wheat, Oklahoma and Kansas to Texas Gulf Ports, within the initially-specified seven month period; to the Committee on Commerce, Science, and Transportation.

EC–1706. A letter from the Vice President for Government Affairs of the National Railroad Passenger Corporation (AMTRAK) transmitting, pursuant to law, a report on itemized revenues and expenses for the month of March, 1977 (with an accompanying report); to the Committee on Commerce, Science, and Transportation.

EC–1707. A letter from the Vice President for Government Affairs of the National Railroad Passenger Corporation (AMTRAK) transmitting, pursuant to law, a report on the average number of passengers and on-time performance for each train for the month of April, 1977 (with an accompanying report); to the Committee on Commerce, Science, and Transportation.

EC–1708. A letter from the administrator of the Federal Energy Administration transmitting, pursuant to law, a report on the economic impact of energy actions (with an accompanying report); to the Committee on Energy and Natural Resources.

EC–1709. A letter from the Administrator of the Federal Energy Administration transmitting, pursuant to law, a report on sales of refined petroleum products for the month of March, 1977 (with an accompanying report); to the Committee on Energy and Natural Resources.

EC–1710. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Anti-recession Assistance is Helping But Distribution Formula Needs Reassessment" (GGD–77–76) (with an accompanying report); to the Committee on Environment and Public Works.

EC–1711. A letter from the Secretary of Commerce transmitting a draft of proposed legislation to amend the Act of June 18, 1934, regarding the submission by the Foreign-Trade Zones Board of annual reports to Congress (with accompanying papers); to the Committee on Finance.

EC–1712. A letter from the Secretary of Health, Education, and Welfare transmitting, pursuant to law, a supplemental report on the Child Support Enforcement program through September 30, 1976 (with an accompanying report); to the Committee on Finance.

EC–1713. A letter from the Deputy Director of the Office of Management and Budget, Executive Office of the President transmitting, pursuant to law, a follow-up report on the recommendations of the National Advisory Council on Vocational Education (with an accompanying report); to the Committee on Governmental Affairs.

EC–1714. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Examination of Financial Statements of the Pennsylvania Avenue Development Corporation for Fiscal Year ended June 30, 1975, and the 15-Month period ended September 30, 1976" (FOD–77–4(a)) (with an accompanying report); to the Committee on Governmental Affairs.

EC–1715. A letter from the Director of the Community Services Administration transmitting a draft of proposed legislation to extend for three additional years the authorization of Titles I, II, III–B, VI, VII and IX contained in the Economic Opportunity Act of 1964, as amended, and for other purposes (with accompanying papers); to the Committee on Human Resources.

EC–1716. A letter from the Attorney General of the United States transmitting a draft of proposed legislation to remove the limitation on payments for Consultant services in the Community Relations Service (with accompanying papers); to the Committee on the Judiciary.

EC–1717. A letter from the Attorney General of the United States transmitting a draft of proposed legislation to establish fees for services performed by United States Marshals (with accompanying papers); to the Committee on the Judiciary.

EC–1718. A letter from the Commissioner of the Immigration and Naturalization Service, Department of Justice transmitting, pursuant to law, copies of orders entered in 903 cases in which the authority contained in Section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of such aliens (with accompanying papers); to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOLE, from the Committee on Agriculture, Nutrition, and Forestry:

With amendments:

H.R. 2521. An act to provide for the mandatory inspection of domesticated rabbits slaughtered for human food, and for other purposes (Rept. No. 95–355).

By Mr. STONE, from the Committee on Agriculture, Nutrition, and Forestry:

Without amendment:

S. 91. A bill to amend section 8e of the Agricultural Adjustment Act of 1933, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, to subject imported tomatoes to restrictions comparable to those applicable to domestic tomatoes (Rept. No. 95–356).

By Mr. ROBERT C. BYRD (for Mr. EASTLAND), from the Committee on the Judiciary:

Without amendment:

S. 1765. A bill for the relief of the Federal Life and Casualty Company of Battle Creek, Michigan (Rept. No. 95–357).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

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

Barry P. Bosworth, of Maryland, to be Director of the Council on Wage and Price Stability.

(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.)

By Mr. ROBERT C. BYRD, from the Committee on the Judiciary:

Hubert T. Taylor, of West Virginia, to be U.S. marshal for the northern district of West Virginia.

(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.)

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. NELSON:

S. 1902. A bill to amend the Social Security Act and the Internal Revenue Code of 1954 to strengthen the financing of the social security system, to reduce the effect of wage and price fluctuation on the system's benefit structure, and to eliminate from that system gender-based distinctions; to the Committee on Finance.

By Mr. JACKSON (for himself, Mr. ANDERSON, Mr. KENNEDY, Mr. METZENBAUM, Mr. HART, and Mr. SCHWEIKER):

S. 1903. A bill to amend chapter 55 of title 10, United States Code, to authorize the use of health maintenance organizations in providing health care under such chapter, and for other purposes; to the Committee on Armed Services.

By Mr. BARTLETT:

S. 1904. A bill to amend the Customs Administrative Act of 1938 to prohibit the Secretary of the Treasury from extending the privilege of admission free of duty without entry of their baggage and effects to high officials of the United States Government; to the Committee on Finance.

By Mr. DOLE (for himself, Mr. JAVITS, and Mr. STAFFORD):

S. 1905. A bill to authorize Federal assistance to private, profitmaking agencies and

organizations under title II of the Rehabilitation Act of 1973; to the Committee on Human Resources.

By Mr. CRANSTON:

S. 1906. A bill to establish the Channel Islands and Santa Monica Mountains National Park and Seashore in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WILLIAMS:

S. 1907. A bill to amend the Social Security Act to provide medicare benefits for individuals who require total parenteral nutrition (TPN) as a result of intestinal surgery; to the Committee on Finance.

By Mr. WALLOP (for himself and Mr. HANSEN):

S. 1908. A bill to provide for the transfer and conveyance of the silver service of the United States Ship *Wyoming* to the Wyoming State Museum, and for other purposes; to the Committee on Armed Services.

By Mr. ROTH:

S.J. Res. 76. A joint resolution proposing an amendment to the Constitution of the United States with respect to the reconfirmation of Federal judges after a term of ten years; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

(Statements in connection with the above introduced bills and joint resolutions are printed at the conclusion of Senate proceedings today.)

ADDITIONAL COSPONSORS

S. 256

At the request of Mr. PEARSON, the Senator from Utah (Mr. GARN) was added as a cosponsor of S. 256, the Natural Gas Act Amendments of 1977.

S. 708

At the request of Mr. CLARK, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 708, to amend title XVIII of the Social Security Act.

S. 818

At the request of Mr. WILLIAMS, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of S. 818, to end the use of steel-jaw leg-hold traps.

S. 991

At the request of Mr. RIBICOFF, the Senator from Montana (Mr. METCALF) and the Senator from Minnesota (Mr. ANDERSON) were added as cosponsors of S. 991, to establish a separate Department of Education.

S. 1014

At the request of Mr. DOMENICI, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 1014, to amend the Internal Revenue Code.

S. 1264

At the request of Mr. CHILES, the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 1264, the Federal Acquisition Act of 1977.

S. 1393

At the request of Mr. BAYH, the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Michigan (Mr. RIEGLE) were added as cosponsors of S. 1393, to authorize actions by the Attorney General to redress deprivations of constitutional and other federally protected rights of institutionalized persons.

S. 1526

At the request of Mr. BARTLETT, the Senator from Hawaii (Mr. MATSUNAGA) and the Senator from Pennsylvania (Mr. HEINZ) were added as cosponsors of S. 1526, to establish an Associate Administrator for Women's Business Enterprise.

S. 1675

At the request of Mr. HATHAWAY, the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 1675, the Social Security Amendments of 1977.

S. 1769

At the request of Mr. CHURCH, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 1769, to amend title II of the Social Security Act.

S. 1829

At the request of Mr. JOHNSTON, the Senator from South Dakota (Mr. ABOUREZK) was added as a cosponsor of S. 1829, to create the Jean Lafitte National Historical Park.

S. 1854

At the request of Mr. TALMADGE, the Senator from Iowa (Mr. CULVER) was added as a cosponsor of S. 1854, to provide emergency assistance to producers suffering losses due to disastrous drought conditions in 1977.

S. 1866

At the request of Mr. INOUYE, the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 1866, to amend section 222 of the Communications Act of 1934, as amended.

S. 1872

At the request of Mr. CHURCH, the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 1872, to provide price support for sugar.

S. 1899

At the request of Mr. JAVITS, the Senator from South Dakota (Mr. ABOUREZK), the Senator from Minnesota (Mr. ANDERSON), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 1899, the veterans tuition equalizer bill.

SENATE RESOLUTION 219

At the request of Mr. ROTH, the Senator from Maine (Mr. HATHAWAY), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Vermont (Mr. LEAHY), and the Senator from Hawaii (Mr. MATSUNAGA) were added as cosponsors of Senate Resolution 219, to establish in the Senate a senior citizen internship program.

SENATE CONCURRENT RESOLUTION 38

At the request of Mr. DOLE, the Senator from Wyoming (Mr. WALLOP) and the Senator from Oklahoma (Mr. BARTLETT) were added as cosponsors of Senate Concurrent Resolution 38, disapproving Presidential action regarding the sugar industry.

AMENDMENT NO. 499

Mr. STEVENS. Mr. President, I ask unanimous consent that my colleague from Kansas (Mr. DOLE) be added as a cosponsor to my amendment No. 499 to H.R. 7933, making appropriations for the Department of Defense for the fiscal year ending September 30, 1978. This amendment, which restores full funding to our military commissaries, passed the Senate on July 19, 1977.

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

AMENDMENT NO. 520

Mr. METZENBAUM. Mr. President, the distinguished Senator from Indiana, Senator BAYH, was a cosponsor, and active supporter of amendment No. 520 to H.R. 7933, the Defense appropriations bill. The amendment, which Senator CHAFEE and I introduced, requires a complete accounting of Defense Department funds which flow to subcontractors.

I listed Senator BAYH as a cosponsor in my spoken remarks on July 19, but his name was mistakenly not included in the RECORD. I ask unanimous consent that the permanent RECORD show that Senator BAYH was an original cosponsor of amendment 520, which was adopted by voice vote.

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

NOTICES OF HEARINGS

LOBBYING REFORM ACT

Mr. RIBICOFF. Mr. President, I am pleased to announce that on August 2, 1977, the Senate Governmental Affairs Committee will hold a hearing on S. 1785, the Lobbying Reform Act of 1977. The witnesses for that hearing will be: Senator KENNEDY, Senator CLARK, and Senator STAFFORD; Congressman DON EDWARDS; Patricia Wald, Department of Justice; Robert Keller, General Accounting Office.

The hearing will begin at 10 a.m. in room 3302 Dirksen Senate Office Building. Additional hearings on lobbying reform will be held in the near future.

TRUST AGREEMENT OF BERTRAM LANCE

Mr. RIBICOFF. Mr. President, I wish to announce that the Committee on Governmental Affairs will meet on Friday, July 22, 1977, at 10 a.m., in room 3302, to consider the request for a modification of the trust agreement of Bertram Lance.

ADDITIONAL STATEMENTS

(Additional statements are printed at the conclusion of Senate proceedings today.)

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

BLACK LUNG BENEFITS REVENUE ACT OF 1977

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of S. 1538, which will be stated by title.

The legislative clerk read as follows:

A bill (S. 1538) to amend title IV of the Federal Coal Mine and Safety Act to improve the black lung benefits program estab-

lished thereunder, to impose an excise tax on the sale or use of coal, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Finance with amendments.

The ACTING PRESIDENT pro tempore. Time for debate on this bill is limited to 2 hours, to be equally divided between and controlled by the Senator from West Virginia (Mr. RANDOLPH) and the Senator from New York (Mr. JAVITS), with 1 hour on any amendment in the first degree—except an amendment by Mr. CHAFEE, on which there shall be 1 hour, and an amendment by Mr. JAVITS, on which there shall be 2 hours, with 30 minutes on any amendment in the second degree, with 20 minutes on any debatable motion, appeal, or point of order, and with the vote on final passage to occur before the Senate completes its business for today.

Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, but first I ask unanimous consent that the time not be charged against anybody.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I have discussed with the distinguished minority leader a proposed unanimous-consent request which I think is absolutely necessary in the light of conversations that have been had with the distinguished manager of the black lung bill, Mr. RANDOLPH; with the distinguished ranking minority member of the committee, Mr. JAVITS; with the distinguished chairman of the committee, Mr. WILLIAMS, and with other Members, in order that we may avoid what otherwise could become a constitutional question. We do not want any constitutional question to endanger the black lung bill. We do not want the Senate to have to do its work twice.

By way of explanation as to why we have the black lung bill up today, may I say that I have urged Members of the other body to get the black lung bill over here as soon as they possibly could; but for reasons that I am sure are good, they have been unable to do that to date.

In yesterday's Washington Post, I noticed a story which caused me to feel that the black lung bill was in trouble in the House. Consequently, I felt constrained to move forward with the bill today, particularly in view of the fact that we do not have anything else we can do today. We do not have available to us on the calendar any other work we can do which is not subject to a 3-day rule or subject to a budget waiver or some other restriction.

Discussing the matter with the distinguished minority leader, we felt under the circumstances we had to go forward with this bill today. Having laid it down and gotten a request to complete it today, then I was reminded by Senator RANDOLPH of the constitutional question about which he wrote some days ago in a letter to Mr. PERKINS on the other side of the Hill, and he was kind enough to send me a copy of that legislation.

The minority leader is fully in accord with me that because of these reasons a unanimous-consent agreement is going to be necessary to avoid the constitutional question and in order to avoid the Senate's having to do its work twice.

So the request is as follows:

I ask unanimous consent that the agreement on S. 1538, the black lung bill be modified so that instead of final passage of the bill before the Senate completes its business today, after third reading of the bill it be returned to the Calendar and the majority leader shall be powered to have the Senate resume its consideration at any time—when I say any time, of course, I am going to consult with the minority leader and the manager of the bill and the ranking member, the latter two of whom will have to manage the bill—without further debate or motions thereon in order.

Mr. President, I further ask unanimous consent that when the Senate receives a black lung bill from the House, it be placed on the Calendar, the majority leader be empowered to have the Senate consider it at any time—with the same consultations—and that no amendment or motion relative thereo be in order other than a motion to strike all after the enacting clause and insert in lieu thereof the text of S. 1538 as amended by the Senate, with no debate in order with respect to the House bill or the substitute therefor.

Mr. BAKER. Mr. President, reserving the right to object—and I will not object—the distinguished majority leader and I discussed this matter, and I have, in turn, discussed it with representatives of the distinguished senior Senator from New York, who is the ranking member of the committee and has a deep interest in this subject.

I think the agreement is satisfactory, and I am prepared in a moment to agree to its being entered.

I think, Mr. President, it is important to proceed with this matter. Notwithstanding this difficulty. We have to try to accommodate this disagreement, because the black lung bill is a matter of such consequence and importance to the people of my area, my State, my region of the country, that I think it is important to proceed as promptly as possible.

So I express my appreciation to the distinguished majority leader and the chairman of the committee, to Senator RANDOLPH and to Senator JAVITS, for putting us in a position to act with promptness on the Senate side even though we have to make extraordinary and unusual arrangements to provide for it.

This agreement has been cleared with the distinguished Senator from New York, and I do not object to it.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. RANDOLPH. Reserving the right to object—and I shall not object—I think the procedure as initiated by the majority leader, and in agreement with the minority leader, both Members of the Senate who not only in their leadership capacities but also as Senators who are intensely interested in the subject matter and know the reasons why as quickly as possible we should come to grips once again with the amendment to the law which originally passed in 1969, is, I think, a fair and also satisfactory manner in which we can proceed at this time and be ready for later action.

We are conscious of and, of course, the request made by the able majority leader, Mr. ROBERT C. BYRD, indicates we are attempting to work with the House of Representatives in this matter. We recognize the work that has been done there as well as the work, of course, which has been done here.

This has not been a so-called side issue within the Committee on Human Resources. This has been a very main concern of many of us in the committee.

So I commend the leader of our majority party and the leader of the minority party in this effort. There is no majority and minority, really. We are partners in doing something which I believe is very important. While I am commending the role of the majority leader in this effort, I vividly recall his participation in the development of the black lung benefits program in 1969. Senator BYRD and I together authored the Senate provisions which ultimately became title IV of the Federal Coal Mine Health and Safety Act. I appreciated his efforts then, just as I appreciate them now.

I want to state at this time, and I want to be very clearly understood, that one of the difficulties I think we must find a way to overcome—and it is not for us to do it—to hopefully, through the proper modus operandi within the United Mine Workers Union, to have the disastrous strikes that are wildcat in nature and not approved by the union itself, be minimized so that the production of coal so necessary to our energy supply reserve, and that situation be hopefully remedied as quickly as possible.

The American people have a right to expect that that be done. I think that the majority of coal miners want to be on the job rather than away from their work.

I have no further comment and I thank the majority leader.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and the modification of the unanimous-consent agreement propounded by the Senator from West Virginia is agreed to, and rule XII is waived.

Mr. ROBERT C. BYRD. Well, rule XII does not have to be waived, because we are not passing a bill.

The ACTING PRESIDENT pro tempore. The Parliamentarian informs me that when an agreement upon which rule XII had to be waived is modified it has to be again waived.

Mr. ROBERT C. BYRD. The Chair is correct.

Mr. RANDOLPH. Mr. President, because of the unanimous-consent request

which has been granted by the action of the majority leader in concert with the agreement of the minority leader, I ask unanimous consent to have printed in the RECORD a copy of a letter that I addressed to the Honorable CARL PERKINS, the chairman of the Committee on Education and Labor of the House of Representatives, dated July 13. A copy of that letter was sent to the able majority leader, Senator ROBERT C. BYRD. I ask unanimous consent also that a copy of a letter from Representative PERKINS to our majority leader under date of July 20 be printed in the RECORD.

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

WASHINGTON, D.C.,
July 13, 1977.

Hon. CARL D. PERKINS,
Chairman, Committee on Education and Labor, House of Representatives, U.S. Senate, Washington, D.C.

DEAR CARL: Pursuant to your telephone call of yesterday requesting my thoughts on how the House and Senate might proceed in the development of black lung reform legislation, following are my views on this matter.

The Senate Human Resources Committee favorably reported S.1538 on May 16, 1977. It is quite similar to the bill reported last year. Yesterday, July 12 the Senate Finance Committee filed its report on the bill. In general, Finance adds a separate title to the bill to contain the tax provisions (1 percent ad valorem), the trust fund, the so-called Hansen amendment which permits coal companies to set up, with protections, tax-free black lung benefit trusts, and a not-directly germane Nelson provision relating to NIOSH.

The Senate Finance Committee takes very seriously (and broadly) the provision of Article I, Section 7 of the Constitution which requires revenue raising measures to originate in the House. The only ways to meet the Constitution problem, in the absence of House action on H.R. 4544, are: (1) pass S. 1538 and tack it on to a House-passed tariff bill, or (2) pass S. 1533 and sit on it until the House acts.

The first course is risky because Ways and Means would in all likelihood express serious concerns; a germaneness issue could be raised; and that Committee could demand hearings on the legislation, which would result in delays that would eliminate any hope of congressional action this year.

The second alternative is perhaps just as risky, for those who oppose the legislation could attack the bill on constitutional grounds, asserting that Senate passage is Senate action within the meaning of Article I, Section 7. In addition, we could be faced with the specter of having the Senate consider black lung legislation twice: once as described above, and again when the House bill comes over.

As a result of these knotty problems it is apparent to me that the House must act first and act quickly if we are to get the bill to the President this year. Only a little over three (3) weeks remain before the August recess, and September is going to be filled with appropriations and energy measures.

Carl, these are my candid observations in this matter. It seems to me that you must proceed quickly. I have talked with Bob Byrd about this, and am providing him a copy of this letter, not only because of his responsibility for moving legislation in the Senate, but also because of his intense interest in this subject.

With hope for success in our mutual efforts, I am,
Truly,

JENNINGS RANDOLPH.

WASHINGTON, D.C.,
July 20, 1977.

Hon. ROBERT C. BYRD,
Majority Leader, U.S. Senate, Washington, D.C.

DEAR BOB: With further reference to our conversation regarding the Black Lung Benefits Reform Act, I have obtained assurances from the House leadership which will enable us to move in the House next week on H.R. 4544.

In line with our understanding, it would be appreciated if you would continue to hold the Senate bill until the House has acted.

With warm regards,
Sincerely,

CARL D. PERKINS,
Chairman.

ORDER FOR NO VOTES BEFORE 12:30 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, I have cleared this with the distinguished manager of the bill. I ask unanimous consent that, if any rollcall votes are ordered that might otherwise occur before 12:30 p.m. today, they not occur before 12:30 p.m. so as to prevent interruption of committees and conference committees. They are very busy.

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

Mr. BAKER. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on the Chafee amendment at this time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CHAFEE. 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 ACTING PRESIDENT pro tempore. Who yields time? The Senator from West Virginia.

Mr. RANDOLPH. I yield myself such time as I may desire. I ask unanimous consent that during the consideration of S. 1538, the following staff be granted the privilege of the floor: Robert Humphreys, Michael Goldberg, and Louise Ringwalt.

I also ask unanimous consent in addition to those names that Mark McConaghy, Lawrence Brown, and Richard Ruge be accorded the same privileges.

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

Mr. RANDOLPH. Mr. President, I make a point of order of no quorum.

The ACTING PRESIDENT pro tempore. On your time?

Mr. RANDOLPH. On our time, yes.

The ACTING PRESIDENT pro tempore. The clerk will call the roll on the time of the Senator from West Virginia.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. RANDOLPH. Mr. President, it is my privilege to bring before the Senate a long-awaited measure, S. 1538, the Black Lung Benefits Reform Act of 1977.

With other members of the Committee on Human Resources of the Senate I have attempted since March 1976, to bring a black lung reform bill into this forum for debate and hopeful passage.

Last year repeated delays resulted in the postponement of H.R. 10760 until, perhaps I can use the word literally, the 11th hour; the 94th Congress adjourned without considering this needed reform legislation.

This legislation has the strong support of the majority leader, my able colleague from West Virginia (Mr. ROBERT C. BYRD), and, hopefully, Senators on both sides of the aisle.

Earlier in connection with the unanimous-consent request, I indicated that I did not think in terms of majority-minority in this matter but, hopefully, a partnership which might permit us, frankly challenge us, to enact helpful well-reasoned legislation.

We have moved in the 95th Congress with relatively prompt dispatch in this matter. We know that the House of Representatives is expected to act soon on its bill, H.R. 4544. And I am certain Congress will be able to present a black lung reform bill to the President prior to the adjournment of the first session of the 95th Congress.

I speak very earnestly to my colleagues when I say that they, as well as I, are aware that our Committee on Human Resources reported favorably S. 1538 as an original bill on May 16, 1977, and that action was taken by unanimous-consent agreement to refer the measure to the Committee on Finance of the Senate for review of tax and trust fund provisions. That committee reported S. 1538 with amendments to the text of the bill on July 12, 1977.

I am gratified that in the Chamber is the articulate and able Senator from New York, and I use those words not as pleasantries, but in a way that expresses my appreciation always to him. We are not always in agreement on matters, but his knowledge and perception bring to our committee and to this subject matter the very best of thought. So, Senator JAVITS is a very active person in connection with what we have done in the committee and what hopefully we can determine in the Senate today.

When the Finance Committee made its revision, it brings to our attention that S. 1538 now consists of two titles, title I, the Black Lung Benefits Reform Act of 1977, which includes except for the Black Lung Disability Fund, all the substantive provisions that were reported by our Committee on Human Resources.

Then, there is title II, the Black Lung Benefits Revenue Act of 1977, which contains the trust fund provisions, a 1-percent ad valorem tax on coal, the authorization of coal operator trusts for future liability for black lung benefit payments under Federal or State programs, and a provision that relates to access by the National Institute for Occupational Safety and Health to mailing addresses of persons exposed to occupational health hazards.

In addition, it is important to note that the Committee on Finance modified one provision of the original bill. That provision is section 424(f), which authorizes the Secretary of Labor to enter into agreements with coal operators to provide what amounts to last resort insurance.

I believe the modifications, to which I shall address myself later, are acceptable to the members of our Committee on Human Resources.

Mr. President, title IV of the Federal Coal Mine Health and Safety Act of 1969, I think, has been both a blessing and perhaps a curse—a blessing because hundreds of thousands of deserving beneficiaries have received and continue to receive compensation income through this worthwhile Federal program. It is also perhaps a curse, because thousands of claimants who have been denied benefits, and thousands of others who have waited for years for their claims to be decided, are not yet brought into the benefits under the original act and the later amendments.

The program has really been harsh to many who have made their claims, submitted the claims and, through administrative or what I call legal quirks—I am not saying maneuvering—they have been determined to be ineligible for benefits.

These and other reasons are compelling, in my thinking, for the enactment of this program of reform legislation. Widows who know to a certainty—there is no dispute about it—that their husbands were totally disabled by black lung, but are barred from receiving benefits, because they have no medical evidence to substantiate their claim, are one group. A second group: Miners who are told they are disabled, and whose chest X-rays are interpreted as positive for pneumoconiosis, but who are denied benefits because the rereaders of the X-rays hired by the Labor Department disagree with the original X-ray interpretation.

Third are those widows whose claims are clearly valid, who would receive benefits except for the passage of time since the miner husband's death.

Then there is a fourth group, that of miners who are ill, but are faced with the dilemma of whether to continue working or whether to stop their labor and file a black lung claim, perhaps taking a chance on the probability of approval of such claims sometime out there in the future.

Finally, there are all the black lung claimants who must wait an average of 630 days for their claims to be processed, I remind my colleagues, only to have such claims, in 97 percent of the cases approved by the Labor Department, controverted by the responsible coal company.

Mr. President, these are some of the reasons that have brought our committee to the point of bringing this measure before the Senate. We have been in the process, always hopefully, of reasoned improvement of this legislative history, through the enactment in 1969 and 1972—passage of that act made necessary, because there is the pulmonary and respiratory disease situation that has been added, of course, in the consideration of approval of the claim, to the X-ray finding itself.

This was a step forward, because the social security system had not taken into account the pulmonary and respiratory ailments, which are very marked in connection with those who labor in the coal mines of this country.

A black lung benefit program has certainly—and I underscore this—worked well and favorably for many; but for many other persons it has been something which causes sleepless nights. Using the language in a metaphorical sense, it has been a quagmire, in some instances, because of the frustrations and the disappointments that have occurred.

S. 1538 will not solve all the problems nor fulfill the wishes of every claimant for black lung benefits. It is, however, expected to, and I think will, necessarily result in dramatic improvement in the program. It is urgently needed, and it can give a certain degree of economic security to thousands of disabled miners, widows, and children, who are now, we believe, denied the benefits of this program.

For the information of my colleagues who are not conversant with the terrible occupational disease which is referred to commonly as black lung—the correct medical term is pneumoconiosis—and for those of my colleagues who are familiar with the destructiveness, the toll which follows, I think it is important that we, to a degree, understand that we have not been able to move as quickly with the modifications in the law, with the changes in interpretation which cause us, hopefully, to act; and for that reason I think it is important that there be in the RECORD a description which I shall briefly give of title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended—popularly known, as I have earlier mentioned, as the Black Lung Benefits Act.

Title IV provides benefits for miners totally disabled by pneumoconiosis, and for their eligible survivors, including the widows, the children, the dependent parents, and siblings.

A miner with pneumoconiosis who worked 10 or more years in the mines is presumed to have contracted the pneumoconiosis in that coal mine employment.

A miner with complicated pneumoconiosis is irrebuttably presumed to be totally disabled. A diseased miner who worked 10 or more years in the mines and died from what I have mentioned, a respiratory disease, is presumed to have died due to pneumoconiosis. A miner with 15 or more years in an underground coal mine or in a surface mine with comparable dust conditions, whose chest X-ray is negative for complicated pneumoconiosis, and who has or had a totally disabling respiratory or pulmonary impairment, which I also mentioned earlier, is presumed to be totally disabled due to pneumoconiosis.

Title IV consists of two separate benefit programs, part B and part C. Part B is administered by the Secretary of Health, Education, and Welfare, a Federal program under which successful claimants who filed on or before June 30, 1973, are entitled to the payment for benefits by the Federal Government for life or for as long as they retain their eligibility or continue it.

Part C is administered by a State workers' compensation agency meeting minimum standards, or by the Secretary of Labor where such standards are not met.

No States as yet met the minimum requirements. The responsible coal operators, and there are many such responsible coal operators, pay the benefits as in traditional workers' compensation programs. Under the law, the coal industry is liable for claims filed after June 30, 1973, for payment on or after January 1, 1974.

The Department of Labor is responsible for paying benefits when the responsible operator cannot be determined, which is the case currently in approximately 75 percent of the approved claims.

The law as amended in 1972, which mentioned previously, terminates employer liability for claims after December 30, 1981.

The 1972 amendments resulted from the inadequacies and the inequities of the law and its administration, as I have earlier indicated. I have reemphasized these points at this juncture. A greater percentage of claims was allowed under part B, as a consequence of the 1972 amendments, and certain injustices were rectified. Yet, as I earlier said, many problems continue to plague the fair administration of the program.

More importantly, these problems translate into this frustration, this delay, this perpetual hardship in many cases, for thousands of disabled coal miners and the widows of those who died producing this vital energy resource for America, who are looking, and properly so, to a just conclusion of the earlier law and the amendments, including the bill pending before us, for affirmative action.

Mr. President, at this point I am going to outline the form and meaning of the provisions contained in the pending bill. For the most part, I will confine my remarks to title I. Because they are so closely interrelated, I will also touch on the provisions of title II, anticipating that the very able chairman of the Committee on Finance (Mr. LONG) subsequently will treat this subject matter at greater length.

Section 102 of the bill amends these definitions: "pneumoconiosis," "miner," and "total disability."

Under current law, pneumoconiosis is defined as "a chronic dust disease of the lung arising out of coal mine employment."

Our bill adds to this definition to include the related complications of the disease, and respiratory and plumonary impairment arising from coal mine employment.

Mr. President, these additions that I have been mentioning substantially mirror the administrative practices, particularly that of the Social Security Administration. I think it is important to incorporate in the law the concept that

pneumoconiosis, as it exists among coal miners, is not an easily identifiable condition, but may be a joining of conditions, which, together, result in the total disability of the miner. A chest X-ray may not conclusively demonstrate the existence of moderate or severe coal workers' pneumoconiosis, but the miner may well be totally disabled by work-related respiratory or pulmonary impairments. I have stressed that which we brought into being in the amendments of 1972.

The term "miner" is redefined to include workers who process and transport coal, self-employed miners, coal mine construction workers are also included, but only to the extent that they worked in conditions substantially similar to conditions in underground mines. Railroad, trucking, bargeline, and coke oven workers are not included in the definition.

"Total disability" is listed as a definition, which I think is fair, but the term is substantive as well as descriptive. S. 1538 propounds several important changes in the law which will affect eligibility for benefits. First, it authorizes the Secretary of Labor to establish medical criteria for determining total disability in coal mines under part C. Currently the Social Security Administration imposes on the Department of Labor its own standards, which are considerably more restrictive than the standards it uses for part B claimants. Second, the bill provides that a miner's employment in a mine at the time of death may not be used as conclusive evidence that the miner was not totally disabled. In the past, miners, frankly, have literally worked themselves to death. Because such miners were working when they died, their widows have not been able to show they were totally disabled. In like manner, the bill also provides that a miner whose work circumstances have changed to indicate reduced ability to perform his usual coal mine work may not be conclusively presumed to be totally disabled.

Section 103 of the bill eliminates in the part B benefit program the offset, or reduction, of black lung benefits in cases in which the beneficiary is receiving State workers' compensation for injuries other than pneumoconiosis. Part C of title IV now has this limitation on the offsetting of benefits; this section conforms part B to part C. If a State award is made for black lung, then the Federal black lung payment should be reduced. The bill does not disturb that principle.

Section 104 prohibits the payment of benefits to working miners, except those conclusively presumed to be totally disabled under section 411(c)(3) of the act, but the provision allows miners to file claims while still working, to have their claims determined, and to receive benefits if their coal mine work terminates within a year after a final determination of eligibility for benefits.

The next section, section 105, contains three important provisions. First, the appropriate Secretary—HEW for part B, and Labor for part C—is required to accept the interpretation of an X-ray submitted by the claimant if certain conditions are met. The interpreting physician must be a board certified or board eligible radiologist· the person administering the X-ray must be a radiologist or qualified radiologic technologist or technician; and the X-ray must be of a quality sufficient to demonstrate the presence of pneumoconiosis. We are taking away the question mark and trying to be very explicit. Further, the Secretary need not accept the interpretation if he has reason to believe the claim is fraudulent. Finally, the Secretary of Labor may by regulation establish standards for the administration of chest X-rays.

Notwithstanding these what I consider to be formidable safeguards, there was substantial sentiment expressed by members of the Human Resources Committee and the Finance Committee that this provision eliminates quality control and ties the hands of the Secretary to the extent that a "bad" interpretation could not be overturned. As a result, presumably, undeserving claims might be allowed. In my opinion—and I believe I have studied this issue more carefully than perhaps any other member of this body—this position is founded on a misunderstanding of the value of the X-ray as a diagnostic tool, on its proper weight as evidence in a black lung determination, and on the relative importance of the X-ray re-reads. I intend to discuss this issue in considerable depth later on, and I intend to show that the provision in the bill relating to X-ray interpretation is sound, appropriate, and necessary.

How much time, now, Mr. President, has been consumed?

The PRESIDING OFFICER (Mr. GLENN). Twenty minutes remain to the Senator.

Mr. RANDOLPH. A second provision of section 105 eases the difficulty encountered by widows in attempting to substantiate claims where medical evidence of the miner's condition is scanty or nonexistent. A survivor's claim is to be approved in cases of no medical evidence or if such evidence is inclusive, when other evidence in the record, including affidavits, taken as a whole establishes that the miner was totally disabled due to pneumoconiosis when he died, or that his death was due to pneumoconiosis.

The provision restates and strengthens the existing law, which has heretofore been largely ignored. Section 411(c)(4) states that—

> In the case of a living miner, a wife's affidavit may not be used by itself to establish the presumption.

For purposes of this 15-year rebuttal presumption therefore it was, and remains the intent of Congress that a widow's affidavit may be used by itself to establish that presumption. The provision in the bill affirms that affidavits are sufficient to establish a claim for benefits in many cases.

The committee further intends that, henceforth, claims examiners must go behind the cause of death listed on a death certificate. Prior to enactment of the 1969 act there was little reason for the coalfield doctor or coroner to diagnose a miner's illness, or certify the cause of death, as anything other than the immediate cause of death—"heart attack" or "heart failure" are most commonly listed, but such terms do not tell much about the underlying causes of the miner's expiration, the cause of the complications of the miner's employment which have led to pneumoconiosis.

Finally, section 105 of S. 1538 requires that each miner claimant be given an opportunity to undergo a complete pulmonary evaluation. In the past, physical examinations often have not included arterial blood gas testing, either because such tests are too expensive, or the facilities for the tests are not readily available. Yet, in many cases the inability of the lungs to transfer oxygen to the blood stream is the major cause of disability.

Each section of the bill is important, but I will not detail more of the matters that will be placed, perhaps by me, as a part of the RECORD.

In the interest of time I will discuss only two others before moving to title II of S. 1538.

Section 107, entitled "Miscellaneous," is a catchall section which includes a number of vital provisions. One of these would provide an entitlement to benefits to the eligible survivor of a miner who was employed for 25 years or more in a coal mine prior to June 30, 1971, if such miner died prior to the date of enactment of the 1977 bill. This entitlement is not automatic; it is a presumption that can be rebutted by establishing that the miner was not partially or totally disabled when he died. Further, such survivors are to provide, on request of the Secretary, any available evidence concerning the miner's physical condition at the time of death.

Current law requires that a claim by a miner be filed within 3 years after the discovery of total disability due to pneumoconiosis, or the date of the miner's death. With respect to a claim filed on the basis of section 411(c)(4)—the 15-year rebuttable presumption—such claim, in the case of a living miner, must be filed within 3 years of last exposed employment in a mine; in the case of a survivor's claim, that must be filed within 15 years from the date of last exposed employment. This provision has resulted in unnecessary and unintended hardship for many claimants, particularly widows of long standing. In all too many cases, the only bar to the approval of a claim has been the passing of time. This artificial and heartless barrier must be removed.

Another provision of section 107 eliminates the termination of payment of part C claims which under existing law is to occur on December 30, 1981. This has the effect of making the program permanent.

The section also makes the amendments of the bill to part B applicable to part C, and eliminates the June 30, 1971, last-date-of-employment cutoff applicable to part C claims filed on the basis of section 411(c)(4).

Other provisions in this section are discussed in the report of the Committee on Human Resources.

Finally, Mr. President, section 110 provides for the expedited processing of

claims previously denied under part B or part C. The denied claimant is to be contacted by the Secretary of Labor, is to be provided a simple postcard type form on which the claimant is to indicate whether he or she wishes to have the claim reviewed, and an affirmative indication will constitute the filing of a new claim. Additional evidence to support a claim may be taken where necessary. Benefits previously denied claimants whose claims are approved following review are to be awarded retroactively. For part B denied claimants, benefits are to be paid as of January 1, 1974. For section 415 and part C claimants, benefits are to be paid as of January 1, 1974, or the date the original claim was filed, whichever is later.

Mr. President, as we think of title II of the bill, that title, as Senator JAVITS knows, is a matter for consideration of the Committee on Finance.

At the outset, I want to express my appreciation to the chairman of that committee (Mr. LONG). We have talked about this matter many times. Also, to the chairman of the Subcommittee on Taxation and Debt Management (Mr. HARRY F. BYRD, JR.), who is knowledgeable on the problem. And to other members of the committee who have been working to expedite the consideration of this important matter.

The Committee on Finance has, with the assistance of the Joint Committee on Taxation, and with its usual high level of professionalism, made a substantial contribution to the development of S. 1538, and there has been a substantial contribution from that section of the Senate to the development of S. 1538.

Although the committee has placed the Black Lung Disability Fund in title II of the bill, there have been no substantial modifications of the fund provisions as compared to the bill originally reported by the Committee on Human Resources.

The tax now contained in the bill is a 1 percent ad valorem tax on all coal other than lignite. This approach simplifies the tax mechanism and, as I understand it, raises essentially the same amount of revenue as the taxes proposed in the original bill. I support this change.

The Finance Committee also modified the "last resort insurance" provision adopted by the Human Resources Committee to provide a number of guidelines for the operation of a fund for the purpose by the Secretary of Labor. I have no objection to this change.

Section 204 of the bill incorporates the substance of the so-called Hansen amendment—the Senator from Wyoming—which amends section 501(c) of the Internal Revenue Code to exempt from taxation trusts established for liability for the payment of black lung benefits. On this matter, I defer to members of the Finance Committee and the Treasury Department for their feeling.

An amendment offered by the Senator from Wisconsin (Mr. NELSON) was incorporated as section 205 of this bill. This provision authorizes the Internal Revenue Service to disclose to the National Institute for Occupational Safety and Health the mailing addresses of persons exposed or who have been exposed to occupational hazards. I mentioned that earlier. Although this provision reaches persons in addition to those in coal mine employment, it is a necessary provision. I support it.

Mr. President, there is one action taken by the Committee on Finance to which I state a strong objection. The tax on coal is limited in duration to 5 years—from October 1, 1977, to September 30, 1982. This limitation, in my conviction, would be manifested in one of two results: either the payment of benefits to disabled miners and survivors would terminate after September 1982 or the Federal Government would again pick up the tab for such benefits. I think either result would be untenable.

In my view—I express this very strongly—it is inappropriate. In a measure, I think it is unkind to provide benefits on which beneficiaries come to rely for support and then subsequently to take them away. It is also wrong, I think, to saddle the Federal Government with it—to saddle the general taxpaying public with this responsibility.

That is one of the principal reasons for the development of this legislation, because it is widely acknowledged that there is a need to shift the burden of black lung disability payments to where it properly belongs at this time, and that is on the coal operators and the coal consumers. As we consider S. 1538, I shall propose an amendment to strike the time limitation on the tax.

Mr. President, the black lung benefits program has had the support of Congress and the President of the United States since 1969. I have said that we came here again in 1972 and amended the law to make it more equitable and just. There are further serious problems which were unanticipated at that time. when the earlier amendments were developed.

This legislation. with that originating in the House of Representatives. has been under consideration for some time, as I indicated earlier. It is legislation reflecting some of the earlier problems in the program, and we have studied them since 1973. We have had the benefit of oversight of the black lung program during the past 5 years. In the course of the last Congress—the 94th and the current one, the 95th—I think we have perfected, in a well-reasoned way, the measure now pending before the Senate. Its general approach is that all parties can and should accept a measure that will aid thousands of people who need help. Some of them need the help desperately—the old and disabled miners, their widows, children of those who have given their lives to produce America's most substantial and vital energy resource.

I trust that the Members of the Senate will consider S. 1538 as a measure deserving of their consideration and of their support.

Mr. President, how much time have I used of the 1 hour?

The PRESIDING OFFICER. The Senator has used 55 minutes and has 5 minutes remaining.

Mr. RANDOLPH. I reserve the remainder of my time.

(The following proceedings occurred during Mr. RANDOLPH's opening statement and are printed at this point by unanimous consent:)

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

Mr. RANDOLPH. Yes; I am very gratified to have this interruption by the able Senator from Alabama.

Mr. SPARKMAN. Relief for the black lung disease came into existence and sometime after that we added the red lung disease. Is that still carried? That is for iron ore mines.

Mr. RANDOLPH. This does not touch any problem except the coal mining industry. It does not go into the other matters.

Mr. SPARKMAN. Has any consideration been given to that? It was added.

Mr. RANDOLPH. No, it was not. The bill provides for a study of all these related problems.

Mr. SPARKMAN. I am not talking about just in recent years.

Mr. RANDOLPH. I remember, of course, the problem.of silicosis. That was back in the early 1930's. In the House we had a very extensive program. Hopefully, it did some good in meeting that problem.

Mr. SPARKMAN. I feel quite certain that red lung was added.

Mr. RANDOLPH. To the Coal Mine Health and Safety Act?

Mr. SPARKMAN. It was made a part of the same act. At least, that is my information.

Mr. RANDOLPH. I believe my colleague perhaps is not wrong, but I can only say I have no knowledge of it being included in the 1969 or 1972 act.

Mr. SPARKMAN. No. It was much earlier than that. Would the Senator have his staff check into the iron ore situation? It was called red lung. Black lung came first and then I know we did something about the red lung. I wish the Senator would check into the problem of red lung that the miners of iron ore became subjected to. I would appreciate it if he would have some checking done on that.

Mr. RANDOLPH. I am reminded that the Senator introduced a bill of some type on this subject. I am not familiar with it, but I will check it out. The staff will go into the situation.

Mr. SPARKMAN. I did introduce a bill and I thought it was added. This was some time ago, some years ago. If the chairman would have his staff check into that, I would like to know just what the present situation is.

Mr. RANDOLPH. I have been handed a copy of the Senator's bill, S. 1041. That was introduced this year.

Mr. SPARKMAN. Was it introduced as a bill or as an amendment?

Mr. RANDOLPH. As a bill. It would be, of course, to amend the black lung benefits provision of this law of 1969, which I have mentioned. Did the Senator have an earlier bill, other than the one introduced in the 95th Congress?

Mr. SPARKMAN. I believe so. I would have to do some checking back myself. It does not matter about that. I do hope consideration will be given to this. I would be very glad if it might be added as an amendment to the present bill.

Mr. RANDOLPH. I am recalling now that in view of the legislation introduced by the Senator, for himself and Senator ALLEN, that we did include in the legislation the study of these other types of diseases which might come from a different type of mining, and concerning, of course, silicosis in the iron mines.

Mr. SPARKMAN. I believe the miners just call it red lung.

Mr. RANDOLPH. Just as we call pneumoconiosis black lung.

Mr. SPARKMAN. Yes.

I thank the Senator.

Mr. RANDOLPH. I thank the Senator for his comment. I am hopeful that we can do as he has indicated, perhaps give more prompt attention to this matter. I shall also talk with the Members of the House.

I am reminded also, that it is contemplated by the chairman of our Committee on Human Resources that workers' compensation standards legislation will include such a disease as red lung.

Mr. SPARKMAN. I certainly appreciate that.

Mr. RANDOLPH. I appreciate the opportunity to discuss this matter with the distinguished Senator from Alabama. I commend the Senator for his concern.

Mr. SPARKMAN. I thank the Senator very much.

(This concludes proceedings which occurred earlier.)

Mr. ROBERT C. BYRD. Mr. President, today we have the opportunity to readdress ourselves to a task begun back in 1969 and assure just compensation to our old and sick miners who have been afflicted by the dread black lung disease. Since our first efforts to address this subject over 7 years ago, we have learned much about both the diagnosis and prognosis of this disease. We have discovered that in too many cases those who should have received benefits all too often did not receive them or received them only after long and costly efforts. Despite our attempt to make the working conditions of miners safer, we still have thousands of miners who contract black lung as a result of their occupation. This legislation attempts to offer some degree of recompense for the harm they have suffered in order that the rest of us may benefit from this energy source.

During our discussion of the Mine Safety Act last month I indicated that we must assure adequate protection for our most precious resource, that is, the miner. That same responsibility rests with us today. We must recognize that one of the costs which we must bear in order to enjoy our energy-oriented lifestyle is the social cost we owe to those who make such a lifestyle possible.

Mr. President, no one has been more in the forefront in the fight for black-lung benefits than my able colleague, Senator RANDOLPH. As a matter of fact, no one has been in the forefront as much as he, in my opinion. Once again he has shown his extraordinary leadership in this area.

The bill is not without controversy. It is obvious that it will be thoroughly debated and perhaps amended. This, of course, is the proper way to resolve whatever differences we may have. But as we begin the debate, let us keep in mind our goal, that is, to provide just compensation—and it must be just—to those miners who have sacrificed for all of us and for the Nation.

Mr. JAVITS. I yield myself 10 minutes.

Mr. President, the Senator from West Virginia has been a strong and effective advocate of this legislation. He has outlined the details of the legislation and the arguments for it. I should like to deal, then, with the reservations which I have about this bill and with where they fit into the public policy of the country.

For one, Mr. President, let us understand that black lung is not the only difficult industrial disease. We have asbestosis and many other diseases which result from different types of employment. They include textile workers, asbestos workers, iron workers, painters, and many others.

Our workers' compensation laws and our occupational health and safety laws either are not sufficiently adequate to cover these diseases or have not yet caught up with the sophistication which modern medicine has with respect to detecting these diseases.

Occupational diseases are inadequately unrecompensed, in substance. Black lung is the one exception, which, due to the vigor of the advocacy of those who are interested, especially from coal-mining areas, has resulted in this being selected out as a special industrial disease for this unique Federal compensatory treatment.

I do not object to that. I only point it out because it is critically important, as you can only carry this type of discrimination so far.

The second problem is the price tag, which is extremely high. For this one industrial disease, the U.S. Government already has spent $5 billion, and the program has been in effect since 1970.

Notwithstanding the tax features in this bill—which I strongly favor, but it is the first time we have done it—the prediction is for a shortfall, the difference between what the tax on coal will raise and what is required to finance these various benefits.

To show the size of the obligation which is involved here, I point out that there are now pending in the way of claims under this bill something in the area of 600,000 claims. Those facts are found at page 3 of the committee report. There are 562,000 claimants under part B and 110,000 claimants under part C. That totals 672,000 claimants. How many coal miners are there—working coal miners? 180,000.

So what we have done is literally to have tried to deal, at a big cost to the United States—roughly $1 billion a year—with one occupational disease accumulating the experience of all of those going back for one or two generations.

Now, this is very rarely realized when we discuss black lung. Senator RANDOLPH, with his customary eloquence, has pointed out the need and the difficulty of these workers. But there are needs and difficulties of millions of workers, not just the coal mine workers. The coal mine workers have been selected out for unique treatment and a unique amount of payment by the Federal Government.

An effort is being made in this bill to relieve the Federal Government of that burden by passing it on to the consumer because what is added to the cost of coal is going to be paid by the consumer.

In that regard, Mr. President, I would like to make this clear: I mentioned a minute ago two programs, part B and part C. Part B is paid for exclusively by the Federal Government and covers black lung claimants who have sought payment of their claims on or before June 30, 1973. Part C is black lung claimants who sought payment of their claims after June 30, 1973.

As to part B the Federal Government pays the whole tab out of general revenues. As to part C, it has the power to recover if it can discover the responsible coal mine operator for whom the particular miner worked. Right now the U.S. Government has paid over 97 percent of the claims because those against whom it is claiming over have contested the claims. So, for practical purposes the Government has paid the whole bill.

There are no workers' compensation laws which are sufficient to warrant approval of the Department of Labor, which would displace the Federal program, and the effort by the Federal Government to collect from those operators who would be liable to the miner have been largely unsuccessful. In the meantime, these claims are paid by the Federal Government. The industry is contesting 97 percent of the claims which were filed after June 30, 1973. Up to now, the entire program has been costing nearly $1 billion a year.

The 1-percent ad valorem tax which is contained in this bill, Mr. President, is insufficient to pay future costs. The reason it is insufficient is found at page 7 of the report of the Committee on Finance which dealt with the matter of taxation under this bill, within its jurisdiction. And, it will be noted that the tax, to wit, the 1 percent, which would raise the funds needed to pay the bill for black lung claimants only if two aspects of the black lung bill before us are eliminated. These are: first, the prohibition against reinterpreting X-rays; and, second, the presumption of eligibility after 25 years' work.

The prohibition against reinterpreting X-rays is a particularly egregious part of this bill, which I violently opposed in the committee, and which I sought to strike and was defeated by a divided vote of 6–5. That involves the right of the Federal Government to have the X-ray of the miners' lungs reexamined by a Federal Government expert in order to validate this aspect of a miner's claim. This bill prohibits—I emphasize that, prohibits—that reexamination, an unheard of stultification of justice at a high cost to the taxpayers of the United States.

My colleague and member of the minority of the Committee on Human Resources, Senator CHAFEE, of Rhode Island, will move the same amendment I moved in committee in that regard very shortly, and I hope very much the Senate will sustain that.

Now, if the Senate sustains the amendment it will represent, over the 5-year

period for which the tax is levied, a cut in the bill's cost of roughly $250 million.

I know of no one who is going to move with respect to the 25-year presumption. That is described also, if Members wish to identify it, at page 2 of the report of the Committee on Human Resources, which reads as follows:

A survivor is entitled to benefits if the miner died on or before the date of enactment of the bill, and worked 25 years in mine employment prior to June 30, 1971, unless it is established that the miner was not partially or totally disabled due to pneumoconiosis.

In short, Mr. President, I made that deal. The bill was very much tougher on presumptions before I worked that deal out with Senator RANDOLPH and, hence, I do not wish to call into question my own agreement, and I hope no other Member will.

So the assumption of the Committee on Finance that that item would be excluded is not going to happen, and that is a pretty big cost. That involves $176 million over the 5-year period. So we know that unless the Chafee amendment carries—and I have joined in that amendment with Senator CHAFEE as a cosponsor—there will be a minimum shortfall of $176 million in the tax, and it may come to more than that.

I point out to my colleagues that there is nothing in the Senate bill that calls for an appropriation out of general revenues to make up for that shortfall. It simply is silent on the subject. I can only hope that the House bill looks after it, and it is now known we do not intend to take final action on this matter until the House has passed its bill. So I call to the House's attention, if they go for the 1-percent ad valorem tax, that there has to be a provision which will provide for financing as to any shortfall. Otherwise this will be a bridge too short, by 1 yard or 100 yards, we do not know, depending on what disposition is made of these assumptions of the Committee on Finance, and what disposition is made of the Chafee amendment to which I have just referred.

Mr. President, otherwise, aside from the matters which I have discussed, the bill liberalizes the program pretty much along the lines which we have passed on two previous occasions, and I have no doubt will pass again. But I believe that what this bill highlights very markedly and sensationally is the problem we have in dealing with this kind of an industrial disease in one industry while leaving all other industries uncovered, relatively speaking, because the workers' compensation laws and occupational health and safety law just do not adequately cover occupational diseases.

I appreciate the work which was done by the Committee on Finance. I see Senator LONG is in the Chamber. I wish to reiterate what I have just argued, Senator LONG, so that you may hear it: There were two assumptions upon which your committee based the tax, one of which may be realized by an amendment which Senator CHAFEE and I are proposing, to wit, reexamination of X-rays—that is $250 million over the 5 years. But the other one, the 25-year presumption that a miner had black lung because he worked in the mines for 25 years, I do not think is going to be realized because I worked out that arrangement myself with Senator RANDOLPH in order to deal with a much worse automatic entitlement provision.

So I will not challenge it, and I hope no other Member does because when one works something out, as you and I well know, you had better leave it alone.

Mr. LONG. Mr. President, if the Senator will yield at that point, I applaud the Senator as one who, when he makes a commitment, keeps it. He is that kind of a man, and we all admire him for it.

But I am sure he realizes that not everybody made that commitment.

Mr. JAVITS. That is correct.

Mr. LONG. A lot of other Senators did not make the commitment.

From my point of view I find it very difficult to conclude that a man had black lung just because he worked around a mine for 25 years, when you can find all kinds of evidence to the contrary. He might not have it at all. In other words, there are some people who worked in mines or worked near mines, in situations where they did not have this exposure to the same type of air pollution that causes black lung.

If they do not have it, for the life of me I do not see why we ought to presume somebody had black lung unless we have some medical evidence that he had it.

Mr. JAVITS. In mitigation, may I point out the reasons why I worked this out, and I think it is a fair solution. As finally drafted we only apply this provision to the survivors of such miners after their death, so that the plea of my colleague from West Virginia respecting widows and orphans is a justified one.

Mr. LONG. Mr. President, if the Senator will yield at that point, after his death why not do an autopsy and then you know whether he had the black lung? You do not need to leave it to doubt then. Do an autopsy and find out.

Mr. JAVITS. The other aspect of the provision contained here is that it is a presumption that may be rebutted by the Secretary of Labor with adequate evidence. That may be difficult to obtain, and as the Senator knows autopsies require the consent of the family of the person who is going to be autopsied.

Mr. LONG. The pain is no longer there when a person is a corpse. By my beliefs, the spirit has departed. The person does not feel any pain when the person gets to be a corpse. From my point of view they can do all the autopsies they want on me after my spirit has departed. The family has the body. They have the body right there. So they have the evidence to prove that the man had the black lung or did not have the black lung. All they have to do is just produce the evidence which can be the basis of an autopsy and if the autopsy said a person had the black lung we should pay it.

It seems to me it is exactly the same principle as we were discussing with regard to the X-ray. Someone will go to a family doctor, who represents all these people, is fond of the clients and very much on their side, taking an X-ray. Then someone representing the union will say: "If the family doctor says he looked at that X-ray and he said a person had black lung, that is all there is to it. No one else can look at it."

It is awfully easy to win a debate if the other side is not going to be able to see the evidence or even argue about the evidence. If we put that principle throughout this Government, I think it would give a totally impossible situation. I am glad the Senator sees that. But is not the principle the same? The family has the evidence. There is the corpse. If he has the black lung, the autopsy would show it. How can you contend that when you have the evidence to prove the person had the black lung they should presume it without taking a look at the evidence?

Mr. JAVITS. There are two problems with that. One is that in the arrangement that I worked out with Senator RANDOLPH this applies only to those who had 25 years or more in the coal mines prior to June 30, 1971. So a good many of those are beyond autopsies.

The second point is that, of course, there are many people in our country who for religious reasons or sentimental reasons will not allow a member of their family to be subject to an autopsy.

I did, however, work out with Senator RANDOLPH the following: The presumption may be rebutted because the bill says that eligible survivors shall, upon request by the Secretary, furnish such evidence as is available with respect to the health of the miner at the time of his death.

Again, I repeat to the Senator, it was a much tougher provision before I got it worked out. But I raise it only because it is highlighted in the Finance Committee report as having a substantial price tag over 5 years.

I yield myself 5 additional minutes.

May I say to the Senator that I hope the Senator will prayerfully consider whether or not he should or should not amend that section. I hope he does not for the reasons I have stated, but I think in our debate we have brought out the pros and cons of why I worked it out with Senator RANDOLPH as I did.

Mr. President, I believe I have explained to the Senate that, as is my duty as the ranking member of the minority and I have done it throughout the black lung legislation, it is my job to see that the Senate is fully informed and that what should be contested is contested.

There will be, as far as I know, two amendments. First is the amendment in which I joined with Senator CHAFEE on the rereading of the X-rays, and I hope very much the Senate approves that. Just common due process and justice holds that the Federal Government should have a right to reread these X-rays.

Second, the other amendment that I will have will be to eliminate the fact that this program would, for the first time, operate without any termination point.

The tax has a termination point, which Senator RANDOLPH may move to strike, to wit, September 30, 1982. On the

other hand, if the termination point is removed by the motion of Senator RANDOLPH, then I think it should still follow that we should review this program because it has a shortfall in terms of the amount the tax it raises as against the projected benefit costs. We certainly should review it at the end of 5 years. That amendment will come along in due course. In the meantime, I have outlined to the Senate the issues of cost, and again I do not begrudge anything to the coal miners. God knows, it is a tough enough occupation and a dangerous enough occupation. I only bemoan the fact that we have not caught up with treating others who suffer just as much the way we are treating the coal miners.

Mr. RANDOLPH. Mr. President, will my able colleague yield?

Mr. JAVITS. I yield.

Mr. RANDOLPH. I make this observation. He speaks of other workers who have problems of impairment of their health because of their employment, and that is true. Yet I would remind the Senate, and the Senator from New York, of course, was a part of our programing, in 1969, even though we were thinking in terms of a national bill for occupational health and safety, we realized that it was a matter of priority to bring the Coal Mine Health and Safety Act into being, and so this was done in 1969. Then in 1970, we passed the national Occupational Safety and Health Act with application to other types of employment, not that we did not need to do, as the Senator has indicated, in other occupations or work programs but there was the priority considered very carefully at that time and in 1969, as I have indicated, the coal mining problem was addressed and then 1 year later with the passage of the Occupational Safety and Health Act we gave our attention as a Senate and a Congress to the problems of other industry and employment therein.

Mr. JAVITS. Mr. President, may I reply by saying that I did not agree or subscribe to the theory of a preference for the coal miner. But I put it on the basis of not begrudging justice if it can only be highly partial to those whom it benefits while we must await the full measure of justice to those who are not so benefited. That is the way I felt about this bill.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HUDDLESTON. Mr. President, will the manager of the bill yield me 2 minutes?

Mr. RANDOLPH. I yield to the able Senator from Kentucky (Mr. HUDDLESTON), the 2 minutes he has requested.

Mr. HUDDLESTON. I thank the Senator.

I shall respond to the allegation made by the distinguished Senator from Louisiana relative to the rereading of the X-rays.

The bill provides, if I understand it correctly, that if the question of fraud enters into the picture, the Government does, of course, have the opportunity to correct that. It requires also that if the quality of the X-ray itself is not sufficient then the Government can go behind that picture.

The suggestion seems to be that we are not able to trust a physician if he is a local physician, even though he may be just as qualified as a Government physician. As a matter of fact, the bill requires that he be qualified; that he be either certified by the board as a competent radiologist or eligible for certification.

Why should we assume that we can trust a Government radiologist, no better qualified, just because he happens to be on the Government payroll? This has been one of the very serious problems with the black lung program—one that has caused great delay in approving applications, and one that has denied benefits to many people who are entitled to them.

I think we ought to bear in mind that we are not asking that carte blanche authority be given to the local physician. He has to be certified. He has to have an X-ray that is of sufficient quality to justify the reading that he makes; and if there is any evidence of fraud at all, of course, proper measures can be taken.

Mr. RANDOLPH. Mr. President, I appreciate the comments of the Senator from Kentucky, because it is important that what he says be understood by all Members of the Senate. I stressed that in my formal statement on the provisions of the bill. The Senator's stressing of the aspects of fraud and competence is very important to the consideration of this bill.

The PRESIDING OFFICER. Who yields time?

UP AMENDMENT NO. 693

Mr. CHAFEE. Mr. President, I have 1 hour, I believe, on my amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. CHAFEE. I would like to take 15 minutes of that time, Mr. President.

Before starting, I ask unanimous consent that Don Zimmerman and John Rother of Senator JAVITS' staff, and Lee Verstandig and Nancy Barrow of my staff, be accorded the privilege of the floor.

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

Amendments are not in order until the committee amendments have been disposed of.

Mr. CHAFEE. Mr. President, I ask unanimous consent that it be in order to consider my amendment at this time.

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

The clerk will state the amendment.

The second assistant legislative clerk proceeded to read the amendment.

Mr. CHAFEE. 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:

Beginning on page 5, line 13, strike out through line 11 on page 6.

On page 6, line 12, strike "(b)" and substitute "Sec. 105.".

Mr. CHAFEE. Mr. President, I think it would be well if we started at around zero to examine this unique provision in the bill that comes before us today.

We are dealing with the matter of black lung disease. Under the law as it presently exists, a physician in the community where the miner resides makes an examination of the X-ray and sends it in to Washington, D.C. with his comments, saying that black lung disease exists.

It then comes to the Government, with its readers—and these are called B-readers; they are experienced, trained lung X-ray readers, they are not generalists, they are people who have gone through a special course at Johns Hopkins University to read lung X-rays.

I might say reading X-rays is a particular science, and it is particular for whatever section of the body a man is reading X-rays for. A man who is an expert at reading X-rays for the head, skull, or the limbs is not necessarily an expert at reading X-rays for the chest.

Under present circumstances, the X-ray comes in and the Government B-reader examines it. He can make a determination whether he concurs with the finding made in the local community, or whether he does not.

I might point out that the Government reader does not always find that there is no black lung disease there. As a matter of fact, according to the latest study, made in 1975, some 18 percent of the cases were upgraded. In other words, they found the existence of a more serious case of black lung than was previously thought to exist, or, for instance, they may have found black lung where none was previously found. So the Government, in these 18 percent of the cases, found more.

Furthermore, Mr. President, in some 40 percent of the cases, the Government expert readers detected unforeseen, unrecognized diseases, which accrued to the benefit of the miner in giving him warning, perhaps, of some other disability. They detected, for example, lung cancer, tuberculosis, and emphysema.

What is proposed in this bill, I think we will all agree is an extraordinary provision. What is proposed here? That now the local reader of the X-ray—and it is true he must be a qualified—let us get the exact language—he must be a qualified radiographic technologist or technician. He is a local boy, a local man; he sends in his X-rays, Mr. President, and says there is black lung disease, and there is no way that the Federal Government can have another reading.

Why, this is an open door to the Treasury. It is amazing that they do not just send it in and say, "Send us the check." The Government has no chance to read it and say, "Yes, there is" or "No, there is not."

The distinguished Senator from Kentucky has observed that this would not apply in cases of fraud. But fraud means that when you are sending in an X-ray for miner X, it is really an X-ray of miner Y. It does not really go into the definition of whether or not there is black lung disease there.

The local doctor—and I must say I admire the distinguished Senator from Kentucky when he says that we are overly-suspicious to assume that a physician could, perhaps, not be right; but many physicians are not always right. I suggest that lawyers are not always right, and doctors are not always right, and maybe even Senators are not always right—although I seriously doubt that.

[Laughter.]

I yield to the distinguished floor manager of the bill.

Mr. RANDOLPH. And that is why——

Mr. CHAFEE. On his time.

Mr. RANDOLPH. Yes. That is why I say, with all respect, that I want this amendment defeated, because I think the Senator from Rhode Island is wrong.

Mr. CHAFEE. Well, that may be. That is what makes the world go around.

Mr. President, I really, in a way, have to admire people with a lot of brass. I mean, they find an opening and they drive a truck through it. Begrudgingly enough, you have to hand it to them. To come in with a provision like this is really something. The Government has no defenses whatsoever.

Sitting up here in the gallery we have taxpayers of the United States, and we are saying to them, "You are not entitled to be represented in this instance." The only person who has a say is the examiner of the X-ray down in the local community. The man from Wheeling, W. Va., sends in the X-ray and says: "Black lung is here," and, by golly, they can send along a self-addressed envelope with the message: "Please send us our check." It is amazing that they have not put in a provision that they can request a blank check and say: "Let us fill in the amount."

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. CHAFEE. Yes.

Mr. LONG. In a different sort of situation, I had a dear friend who went to a well-known, well-thought-of doctor, a man who was president of the medical society in the State capital, Baton Rouge, a very dear friend of his and a respected member of the medical fraternity, both before and afterward.

This friend of mine went to see this very good doctor, good man, highly thought of in every respect, and the doctor diagnosed his complaint as being diverticulitis.

Later on he went down to the Ochsner Foundation in New Orleans, and those people said, "This looks like cancer to us."

Then they asked would the doctor in Baton Rouge send them the X-rays that he had taken. He insisted that his diagnosis was right, that the man had diverticulitis.

They said, after examining the X-rays, "In our opinion the man has cancer, and better get the growth out of his intestine or he is going to die in short order." They performed an operation, and found the man had cancer, just as they had suspected.

Under this provision, those more qualified experts in the field would not even have the right to say, "That is a good picture" or "That is a clear picture."

Well, why not let them tell the rest of it: Yes, that is a clear picture and what the picture says is that the man does not have black lung, he has cancer, which is an entirely different disease. Rather than treat him for black lung, he ought to remove the lung for cancer.

To me, that makes no sense at all, to say that somebody could take a look at an X-ray and say, "Yes, it is a clear X-ray," and not proceed to say what the X-ray says, that the man has cancer, not black lung at all.

Mr. CHAFEE. Mr. President, I would like to discuss briefly with the floor manager of the bill how we are going to proceed. As I understand, there will be no votes before 12:30. That does not necessarily mean that there will be no vote, but no votes before 12:30.

The PRESIDING OFFICER. No rollcall votes.

Mr. RANDOLPH. Except on the Senator's amendment.

Mr. CHAFEE. No, no rollcall votes. The yeas and nays have been ordered on my amendment.

Mr. RANDOLPH. I am sorry. I might have been moving around at the time of the request of Senator BYRD.

What is the situation as to the first rollcall vote?

The PRESIDING OFFICER. The order is that there be no record rollcall votes before 12:30.

Mr. CHAFEE. So, the way I envision it is that, any time after 12:30, I could call up and ask for a vote on my amendment. I guess there are no other amendments on the desk, are there?

The PRESIDING OFFICER. There are other printed amendments that have not been called up yet, and there are committee amendments to be disposed of, also.

Mr. CHAFEE. Perhaps I should just proceed on the remainder of my time. How much time do I have? I said 15 minutes.

The PRESIDING OFFICER. The Senator has used 9 minutes. He has 6 minutes remaining.

Mr. CHAFEE. Mr. President, there is a problem that was mentioned by the distinguished Senator from Kentucky, in his brief remarks, and the distinguished Senator from West Virginia. That is the problem of delay. We have a real problem here and I think we all acknowledge it.

Under the current system, the X-ray comes in and there is a long delay between the reading of it and the payments. First, let me briefly ask, is it all on the Government's side? Not at all. The way it works now, Mr. President, is that the X-ray comes in from the field. Accompanying it is a statement by the local physician. The Government B-reader then reads it.

Let us assume that the B-reader finds no black lung disease. Does that end the situation; the big bad Government has had its say and the miner is denied his compensation? Not at all.

It then goes to an administrative law judge. He is a third party. He then can call in more expert witnesses, ask for further X-rays. The claimant can present expert testimony. Then a decision is made.

Now, let us say, Mr. President, that the administrative law judge decides in favor of the Government. Does the miner lose? No, sir, he does not lose. He has a chance of an appeal to the so-called Benefits Review Board.

The complaint is this, Mr. President, that all of this takes a long time and, in some instances, has taken over 600 days. That is nearly 2 years. That is wrong. I agree that is wrong. The manager of the bill agrees that that is wrong. I suppose the Senator from Kentucky undoubtedly agrees that that is wrong.

But what is the solution? Is the solution to throw open the gates to the Treasury and say, "Come in and help yourself; no delay, no waiting; six chairs"? Not at all. The solution is to improve the administrative process. If we in the U.S. Senate, the Congress of the United States, cannot improve that process, then we ought to throw up our hands in despair.

There are different ways we can improve the process. For example, we can have the reader, this B-reader, down in the local communities. Another example is to have more B-readers.

The present man in the Labor Department, Donald Elisburg, Assistant Secretary of Employment Standards, has testified that he is going to improve this process. I think we ought to watch over his shoulder and see that it is speeded up. If it is not, that is our prerogative, to get on his back and get him going.

The solution, Mr. President, is not to say that there is a delay therefore, let us deprive the Government of any defenses it might have.

Mr. President, I point out another interesting provision of this act. Oddly enough, it deprives the Government of its defenses, but it does not deprive the owner of the mine of his defenses. In those instances where there is a known mineowner who employed the claimant, and the claimant comes in for his claim, in that case, there can be a rereading, a second reading, under this act, to protect the owner of the mine. To me, it is incongruous and I just do not understand it, that we are depriving the Government of a defense that we are not depriving the owner of the mine of. I suppose that, under the U.S. Constitution, we could not deprive the owner of the mine of that defense, but we are going much farther in protecting the owners of the mine than we are the U.S. Government and the taxpayers of the United States.

Mr. President, I supported this overall bill, but this amendment or this provision in the bill just went too far. I think, as the able Senator from New York previously pointed out, we are doing for this group of citizens of the United States, mainly mineworkers—and, by the way, the classification of a mineworker is very, very broad. It does not go quite so far as to include anyone who has ever seen a mine, but it goes pretty far: working around a mine.

So we are treating this group in a special way.

Mr. RANDOLPH. Will the Senator yield at that point?

Mr. CHAFEE. Yes.

Mr. RANDOLPH. It is not just going around the mine, but we specifically say where the dust conditions would be of the same category. We make it very plain.

Mr. CHAFEE. Yes. So we are treating this special group of citizens of the United States in a very special way. The taxpayers of the United States are treating these miners, this group—never mind textile workers, never mind people who work around other dangerous substances like asbestos—they are treating this special group in a very special way. We support it; but let us not throw open the doors of the Treasury and say, "Come on in and help yourselves," on the basis of one local doctor's reading.

Mr. HUDDLESTON. Will the Senator yield on that point?

Mr. CHAFEE. Yes.

Mr. HUDDLESTON. The Senator is concerned about using taxpayers' money to this large extent on the basis of one competent, qualified physician's judgment. It is not unlike what we are doing now with hundreds of millions of dollars of the taxpayers' money in the medicaid and medicare programs throughout the country.

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. CHAFEE. I yield myself 5 more.

Mr. HUDDLESTON. The Federal Government does not review all those decisions made by physicians to determine whether or not payment is justified. Why impose that penalty on the black lung sufferers?

Mr. CHAFEE. May I say in response, there are all kinds of review of medicare and medicaid programs. There are utilization review committees; there are all kinds of reviews. As we all know, however, one of the great problems with these programs is the scandals that have developed because there is inadequate review. It seems to me that the Senator is citing not only a situation that is not quite as described, because there are checks, but, furthermore, the very programs that are in trouble because there are not adequate checks.

Finally, Mr. President, I point this out: This provision in this act is not supported by the administration. The administration came in and contested, spoke against this. I read the language of Mr. Elisburg:

> We feel it is appropriate for the Government to provide for medical experts to read X-rays and X ventilatory tracings, even if other medical personnel have already interpreted them. The Government role in assuring validity and consistency in interpretation is basic to the integrity and equity of the program and must be continued.

Mr. President, let me just say finally, I have supported this bill. I have great admiration for the sponsor of the bill because, personally, I serve on two committees under his distinguished leadership.

It always amazes me, when somebody has something that is pretty good, why they overreach. To me, this is one bridge too far. It just stretches the credulity and, I believe, the good judgment of the Senate, if we go this far.

That is why I have supported the amendment that has been proposed.

The PRESIDING OFFICER (Mr. HUDDLESTON). Who yields time?

Mr. RANDOLPH. Mr. President, has the amendment been offered?

The PRESIDING OFFICER. Yes, the amendment is pending.

Mr. RANDOLPH. Then the time is controlled on the amendment?

The PRESIDING OFFICER. That is correct.

Mr. RANDOLPH. And that is 30 minutes to the proponents of the amendment?

The PRESIDING OFFICER (Mr. NELSON). The Senator from West Virginia has 30 minutes on the amendment.

Mr. RANDOLPH. Mr. President, I yield such time as I may desire.

I wish to call attention to a letter that has been sent by Senator CHAFEE to all Members of the Senate. I presume they have the letter and I have in recent minutes been able to look at its language.

I know that he, of course, feels very strongly on this matter. With good humor, however, I am sorry he is shocked because I do not want any shock waves running through our colleagues in connection with this debate.

Senator CHAFEE has described the amendment he proposes, but, with due respect to my colleague, whom I admire and esteem, I must indicate that the Senator from Rhode Island, I believe, is not completely informed of the effect of section 105(a) as contained in the bill.

First, the letter asserts that the Department of Labor will be denied the opportunity to reread X-rays.

Now, this is not the case. The Department is not precluded from rereading X-rays, but the Secretary is precluded from interposing an additional opinion as to the existence or stage of advancement of pneumoconiosis under certain conditions.

That is quite a difference from what has been stated.

The letter also indicates, and I quote:

> Once an X-ray is filed and disability is claimed, benefits are paid.

Mr. President, for the sake of so many disabled miners, I only wish that statement were true. I state unequivocally that it is not true, as I have tried earlier to point out in my opening statement, and this is the very heart of section 105(a).

The X-ray is an imperfect tool. It cannot be used, save in cases of complicated pneumoconiosis, to be the sole determinant of eligibility.

I quote from a document submitted to the Department of Labor by a respected pulmonary specialist, Dr. Donald Rasmussen.

As I make this quotation, I would like the Senator to listen, and I know he will carefully, to Dr. Rasmussen's words.

> Chest films of good quality should be obtained on all applicants primarily to exclude imperfections, malignant or other diseases, or conditions of the lungs or thorax. There is little or no reason for the elaborate system of multiple readers.

I underscore what he said by repeating that there is little or no reason for the elaborate ssytem of multiple rereaders, since the presence or absence of pneumoconiosis per se is pertinent only in cases who have worked less than 15 years in the coal industry.

Then he says something that I think is very valid:

> Even in these cases there is no relationship between the X-ray findings and the presence or absence of impaired function.

I agree that the executive branch must be able to reread X-rays for the purpose of discovering disease. That is a proper function in an illness. But that is not the issue here, as I see it, in the amendment.

The issue, I think, is whether rereaders hired by the Government should be allowed to second-guess the coalfield radiologist who is much more knowledgeable about the individual miner—and I stress that very much as we discuss the subject of the matter of rereaders.

In connection with the Senator's amendment, I think the rereading of X-rays by the so-called B or expert readers hired on a consulting basis by the Department of Labor and by the Social Security Administration has been bitterly opposed by miner claimants and their union.

We have been assured that the B-reader is better qualified to determine the presence of pneumoconiosis and its stage of advancement than the coalfield doctor, whether or not he is a radiologist. Yet the B-reader can interpret only what is presented to him. He has but one X-ray to review for the most part—a two-dimensional and imperfect representation of the condition of the miner.

American College of Radiology representatives acknowledge that the X-ray is a useful test, but that it is only a fragment of the whole body of evidence that should be considered. Dr. Russell Morgan of Johns Hopkins University, which administers the B-reader testing program, agrees that, to be properly read, X-rays should be of good quality, and further that there should be both an AP, or anterior-posterior, film and a lateral, or side-view film.

In the light of the admitted imperfection of the X-ray as a determinant of impairment due to pneumoconiosis, greater reliance should be placed on the assessments of those who are familiar with the conditions of disabled coal miners and who deal with their health problems on a regular basis—the coal field doctors.

To limit the re-reading of X-rays, as this committee did in last year's reported bill and as it is recommended in the pending bill, is not an adverse reflection on the capabilities of B readers, nor does it cast aspersions on the X-ray as a useful tool in medical diagnosis.

It is, however, intended to support the proposition that the X-ray is not a definition tool, and that the initial reader is more competent to judge impairment and disability in the whole man than is the reviewing reader.

One recent study found that, on comparing British and American readers—all of the American readers in this study were those regulatory used by the Social Security Administration in their determination of eligibility for claims—Amer-

ican readers agreed with British readers as seldom as 45 percent of the time and among each other as seldom as 48 percent of the time. After noting the disturbing results of this study, the researcher quipped, "Clearly, coal workers pneumoconiosis, like beauty, is in the eye of the beholder."

It is important, in order to avoid misconceptions about the value of the X-ray, to be aware of the fact that a chest X-ray does not relate to lung disability. It can. but sometimes does not, identify coal workers' pneumoconiosis. It does not identify other disabling lung diseases associated with underground coal mining. In 1972, these limitations on the value of the X-ray were recognized, and the policy with respect to their use was modified. Nevertheless, both Social Security and the Department of Labor have continued to place undue reliance on the X-ray in the determination of black lung claims. The Committee on Human Resources has been told that fully 60 percent of the X-rays initially interpreted as positive for pneumoconiosis have been re-read by department contract radiologists as negative.

As a matter of policy, Mr. President, we should not sanction a "battle of the experts" in this area. Black lung victims and their widows have been the only casualties of this battle in the past. As we strongly urged in 1972, the disabled miner and the widow must be given the benefit of any doubt surrounding their disability. X-ray interpretation in this field is not an exact science. Medical knowledge to determine to what extent coal mining relates to disability in a specific miner is woefully inadequate. Again, it is the miner who suffers as a result of this defiiciency.

Mr. President, I think all Senators understand that I am very earnest in my opposition to this amendment. I recognize, of course, that there are those who feel otherwise, and certainly Senator CHAFEE and Senator JAVITS, who cosponsor the amendment, feel otherwise. I think it would be wrong for the Senate to accept the amendment. Its acceptance would be severely detrimental to the disabled miners and widows. It would sanction the existing practice, which even those who are engaged in it acknowledge is not determinative and is far from perfect.

Mr. President, how much time do I have remaining on the amendment?

The PRESIDING OFFICER. The Senator from West Virginia has 16 minutes remaining.

Mr. RANDOLPH. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

If no time is yielded, it will be charged equally to both sides.

Mr. CHAFEE. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Rhode Island has 12 minutes.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair for his indulgence. I suggest the absence of a quorum with the time being charged to both sides on the bill.

The PRESIDING OFFICER (Mr. NELSON). Without objection, it is so ordered and 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 FOR VOTE ON CHAFEE AMENDMENT AT 2 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on the amendment by Mr. CHAFEE occur at 2 p.m. today.

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

UP AMENDMENT NO. 694

Mr. ALLEN. Mr. Presdent, I send to the desk an amendment introduced on behalf of myself and my distinguished senior colleague, Mr. SPARKMAN, and I ask that it be stated.

The PRESIDING OFFICER. Does the Senator seek unanimous consent?

Mr. ALLEN. Yes, I ask unanimous consent.

The PRESIDING OFFICER. There is an amendment pending.

Mr. ALLEN. I ask unanimous consent that this amendment might be considered at this time.

Mr. JAVITS. What is the unanimous-consent request?

The PRESIDING OFFICER. The Senator from Alabama asked unanimous consent that the amendment he sent to the desk be considered at this time. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Is the pending amendment temporarily set aside?

The PRESIDING OFFICER. It is temporarily set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama (Mr. ALLEN), for himself and Mr. SPARKMAN, proposes unprinted amendment No. 694.

Mr. ALLEN. 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:

Add new section to bill as follows:

That section 401 of the Federal Coal Mine Health and Safety Act of 1969 is amended by inserting the subsection designation "(a)" after "401." and by adding at the end thereof the following new subsection:

"(b) Congress finds and declares that there are a significant number of iron miners living today who are totally disabled due to pneumoconiosis or silicosis arising out of employment in one or more of the Nation's iron mines; that there are a number of survivors of such miners whose deaths were due to these diseases; and that few States provide benefits for death or disability due to these diseases to such miners or their surviving dependents. It is, therefore, the purpose of this title to provide benefits, in cooperation with the States, to iron miners who are totally disabled due to pneumoconiosis or silicosis and to the surviving dependents of miners whose death was due to such diseases; and to assure that in the future adequate benefits are provided to iron miners and their dependents in the event of their death or total disability due to pneumoconiosis or silicosis.".

SEC. 2. (a) Section 402(b) of the Federal Coal Mine Health and Safety Act of 1969 is amended to read as follows:

"(b) The term 'pneumoconiosis or silicosis' means a chronic dust disease of the lung arising out of employment in a coal or iron mine.".

(b) Section 402(d) of such Act is amended by striking "underground coal" and substituting "coal or iron".

SEC. 3. Parts B and C of title V of the Federal Coal Mine Health and Safety Act of 1969 are amended by inserting "or silicosis" after "to pneumoconiosis" each time it appears and by inserting "and silicosis" after "for pneumoconiosis" each time it appears.

SEC. 4. (a) Section 411(c)(2) of the Federal Coal Mine Health and Safety Act of 1969 is amended by striking out "underground coal" and inserting in lieu thereof "coal or iron".

(b) Section 422(a) of such Act is amended by striking "and underground coal" and inserting in lieu thereof "a coal or iron".

(c) Section 422(1)(1) of such Act is amended by striking out "coal".

Mr. ALLEN. Mr. President, this amendment offered by Mr. SPARKMAN and myself has the very same provisions as S. 1041, which we introduced on March 18, 1977. What it does is to make the same provisions for iron ore miners who develop silicosis that are made for coal miners who develop pneumoconiosis.

We have given a great deal of attention to the plight of coal miners, but practically no attention to iron ore miners who suffer a disease just as debilitating.

Senator SPARKMAN and I have had this bill and other bills introduced here in the Senate and, thus far, there has been no hearing on our bills.

The purpose of this amendment is to call attention to this situation which seems to work a hardship on the iron ore miners, and the purpose of the amendment is to put the iron ore miners on the same basis as the coal miners. Senator SPARKMAN and I have supported all of the black lung legislation, and we support the bill under consideration, but we just feel that with so many iron ore miners suffering from silicosis, which is just as injurious and just as deadly as the pneumoconiosis, we feel that it is unfair to neglect any longer the plight of the iron ore miners.

We have literally thousands of employees in the iron ore mines in Alabama who have been or may yet become afflicted with silicosis. We would like for some similar provision to be made for the iron ore miners that is being made for the coal miners. We would hope that they would be treated on the very same basis. We hope that the chairman of the committee, the manager of the bill, and the ranking minority member of the committee, are willing to accept this amendment.

I yield to my distinguished colleague, Mr. SPARKMAN.

Mr. SPARKMAN. I thank my colleague.

Mr. President, I might say I had an exchange with the chairman who is handling this bill earlier with reference to that, and I told him that we do have this

trouble there and it is called red lung to distinguish it from black lung.

Mr. ALLEN. Yes.

Mr. SPARKMAN. But they undergo exactly the same conditions, and I have had assurance from the chairman that it will be studied. In fact he tells me there are several different categories that are going to be studied and this is included among them.

Mr. ALLEN. I am sure my distinguished colleague would agree with the legal axiom that "Justice delayed is justice denied." So we are hopeful that some action can be taken on this in the very near future.

Mr. SPARKMAN. Of course, I wish to see it, also. I had a colloquy with the chairman a short time ago, and he did assure me that it was undergoing study, was included in several categories, and a study is provided for in the bill.

Mr. RANDOLPH. Mr. President, will the able Senator from Alabama yield at this point?

Mr. ALLEN. Yes, I am delighted to yield to the distinguished chairman.

Mr. RANDOLPH. The concern of the two Senators from Alabama on this subject, as indicated in their introduction of the bill, which had been presented during the 95th Congress and on previous occasions in one form or another, is certainly proof positive of their desire that the occupational disease study of red lung or other diseases that are associated with types of mining be matters of consideration in the Human Resources Committee and that we attempt to cope with these problems as expeditiously as possible.

We felt at this time as we were amending the original Coal Mine Health and Safety Act of 1969, which was amended in 1972, in this legislation, amending those earlier acts of 1969 and 1972, we do just the job here in connection with the coal mining problem. We think this will conclude the problems which have been very complex in connection with the payment of claimants. But we have felt the necessity and in fact we have recognized the arguments that are being made here, and in the legislation on page 25 of the pending bill we have a section entitled "Occupational Disease Study." I ask unanimous consent at this point that language be printed in the RECORD.

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

OCCUPATIONAL DISEASE STUDY

SEC. 112. (a) The Secretary of Labor, in cooperation with the Director of the National Institute for Occupational Safety and Health, shall conduct a study of all occupationally related pulmonary and respiratory diseases, including the extent and severity of such diseases in the United States. Such study shall further include analyses of (1) any etiologic, symptomatologic, and pathologic factors which are similar to such factors in coal workers' pneumoconiosis and its sequelae; (2) the adequacy of current workers' compensation programs in compensating persons with such diseases; and (3) the status and adequacy of Federal health and safety laws and regulations relating to the industries with which such diseases are associated.

(b) The study required by subsection (a) of this section shall be completed and a report thereon submitted to the President and the appropriate committees of the Congress within eighteen months after the date of enactment of this Act.

Mr. RANDOLPH. We are saying that we will cooperate through the Secretary of Labor with the Director of the National Institute for Occupational Health and Safety, and that there shall be a study of all occupationally related pulmonary and respiratory diseases, including the extent and the severity of those diseases.

I will not state what that study would do, but it would be very thorough and very detailed.

We will look into the adequacy of current workers' compensation programs in connection with those persons with such diseases.

And we will look into the status of the laws that are now upon the books relating to the industries and the diseases which come from working within those businesses or industries.

We ask that the report be submitted to the President and to the appropriate committees, and we have allowed 18 months for the completion of that work and report to the President and to Congress.

I hope that, in this instance, fully recognizing the intent which is proper of the Senator from Alabama, the amendment not be a matter of vote because, in the purpose we are with the Senator, but having recognized it and knowing that we are coming to it, I trust that we can be given the opportunity to take care of it at a later time.

I remember standing in the well of the Chamber in 1965 when we brought up the Appalachian Regional Commission program, which now, of course, embraces 12 parts of States and the State of West Virginia as a whole. At that time there were Members very properly saying, "What about the other sections of the country that have these common problems?" I recognized them, and I pledged in the well of the Chamber that we would produce legislation for those other areas of the country.

I want to say that we kept that pledge, and now there are seven areas of the country and the Appalachian Commission, eight in all, where these programs have been rebuilding, where there is the thrust of common problems to areas of this country. This has been a matter that was not unduly delayed, but we had been studying the subject for 2 years. We were ready to act on the Appalachian problem, and then it took further study to get ready so that we could act properly on these other areas of the country. We did it, and it is somewhat a similar situation, as I see it, in connection with the request being made, and I leave it to the good judgment, of course, of my colleagues as to pressing the amendment. Or, with the assurance from the manager of this bill, we will be having this study and it will only take 18 months and the report will come then as to what we believe should be done.

Mr. ALLEN. I thank the distinguished Senator.

He is certainly well recognized for his fairness and his compassion. I call his attention to the situation that Senator SPARKMAN and I find ourselves in with our constituency that possibly we would have a coal miner in Birmingham living next door to an iron ore miner, both suffering from similar diseases caused under the same circumstances but in different mines.

The coal miner having black lung receives compensation, which is fair and which we approve of, but his neighbor, because he works in an iron ore mine, receives no compensation. We are pleased that the chairman has a study underway, and we are hopeful that that will show the necessity of enacting legislation in other fields as well as the field of black lung.

We would like to ask the distinguished chairman if it would be his purpose and his thought to wait until the study has been completed before we have a hearing before the committee. Would the Senator give us an indication if possibly we might have a hearing prior to the completion of this 18-month study.

Mr. RANDOLPH. The Senator is very persuasive, of course. Why does he not just trust the Senator who is now speaking to move these matters, with which he is very understandably concerned, as quickly as possible?

Mr. ALLEN. We certainly have full confidence in the distinguished Senator from West Virginia. We will accede to his request. Certainly we will be delighted——

Mr RANDOLPH. I think it is possible we could have what the Senator is requesting, but we would rather not be committed.

Mr. ALLEN. I would like to have an expression also from the distinguished Senator from New York on that point.

Mr. JAVITS. Certainly, Mr. President, I concur with the distinguished Senator from West Virginia as to the timetable question. I know of the great esteem with which we all hold him; I think his confidence is well trusted by the Senator from Alabama.

For those Senators who were not in the Chamber, they will recall or see in the RECORD that I called attention to that very problem. There is a problem of red lung for ironworkers, a problem of brown lung for textile workers, and a problem of white lung for talc miners.

The NIASH, the research agency of the National Institute of Safety and Health, is conversant with these matters. We have had some hearings already, and I am confident that within a reasonable time, a proximate time, we can afford a hearing to the ironworkers.

Senators may be interested to know that I am working very hard with Senator WILLIAMS, with the cooperation of Senator RANDOLPH, on workmen's compensation. We had the finding of a commission about 3 years ago that one deficiency in workmen's compensation was the failure to take account of these lingering diseases, which often take years to develop, but when they do develop are lethal in their character.

I shall persevere in that effort. There will be a bill introduced in September, I hope, by Senator WILLIAMS and myself, joined with others, to extend the workmen's compensation coverage to include those diseases, including the red lung which I have mentioned here. I hope we will have an opportunity to have the Senators from Alabama give us the facts and details on those things before then, whether in the hearings or outside them. But I can assure both Senators I am passionately devoted to their cause, and I am confident we will get abreast of them. I believe they feel as I do, that the coal miners' situation having been so bad, we do not begrudge them their relief, but we wish to bring the others up to the same kind of justice; and I pledge to both Senators to make every effort, with hearings, bills, and everything it takes to accomplish it.

Mr. ALLEN. Mr. President, I thank the distinguished managers of the bill. I believe the offering of this amendment has been highly productive, in that it has focused attention on the plight of other miners and other industrial workers who do contract these diseases in the performance of their duties.

The assurances that we have been given by the chairman of the committee and the ranking minority member are most reassuring, and we are hopeful that we can make progress in this area at an early date.

With these splendid assurances, for which are grateful, we ask that we be allowed to withdraw the amendment.

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

Mr. ALLEN. I yield.

Mr. SPARKMAN. We appreciate the assurances given to us both by the Senator from West Virginia, with whom I had an exchange several months ago, and by the Senator from New York (Mr. JAVITS).

I might say that if the subcommittee to which he refers, or the full committee, has a hearing at some time in the near future, we would like an opportunity to appear as spectators.

Mr. ALLEN. Again I thank the distinguished Senator from West Virginia.

Mr. RANDOLPH. I am very conscious of the concern of the Senators from Alabama. It is a concern which is shared by the members of our committee, as indicated by Senator JAVITS, and earlier by me, in reference to remarks we made in colloquy with Senator SPARKMAN and now with Senator ALLEN.

The PRESIDING OFFICER (Mr. STONE). Does the Senator from Alabama withdraw his amendment?

Mr. ALLEN. I do withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

UP AMENDMENT NO. 695

Mr. RANDOLPH. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the consideration of the amendment submitted at this time?

Mr. JAVITS. And temporarily displacing the Chafee amendment?

The PRESIDING OFFICER. Temporarily displacing the committee amendment and the amendment by the Senator from Rhode Island (Mr. CHAFEE). Is there objection? Without objection, it is so ordered. The Clerk will state the amendment.

The second assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. RANDOLPH) proposes an unprinted amendment numbered 695:

On page 33, beginning on line 18, strike out "and before October 1, 1982.".

Mr. RANDOLPH. Mr. President, the report of the Committee on Finance states that the tax on coal imposed pursuant to section 202 of the bill is to terminate on September 30, 1982, and by implication, the trust fund.

The report, however, does not disclose why the tax is to be imposed for this limited 5-year period. I can appreciate that Finance Committee members might feel that a tax should not be imposed on a permanent basis if the level of benefits, over time, will be steadily reduced; for the following reasons, I judge it imperative to establish the tax with no termination date.

As in part B of the black lung benefits program, and as with other disability compensation programs, benefit payments are made for the duration of the disability. If the tax is terminated, then the program is also terminated. It follows that benefits, too, will be terminated. It is not fair or appropriate to provide benefits for 5 years and suddenly cut them off.

Proponents of a "sunset" tax provision may suggest that State workers' compensation programs will pick up the benefits after the Federal program is terminated. This is, I respectfully suggest, wishful thinking. It is not realistic to expect States to assume millions of dollars of liability voluntarily.

The alternative, I submit, is equally unacceptable. If the tax terminates, the benefits will have to be paid out of general revenues. If this is what is contemplated, it is merely a continuation of the existing system, only the situation is worse. With the reform provisions of S. 1538, and with the assumption by the trust fund of considerable liability which under existing law attaches to individual coal operators, the amount of general revenues required will be far greater than is currently the case.

One of the major reasons for the development of S. 1538 was to transfer the burden of paying black lung benefits from the Federal Government to the coal industry, where, we believe that burden belongs. If the tax is terminated after 5 years, this sound policy will be entirely nullified.

Mr. President, I oppose the termination of the tax on coal, and I ask that my amendment be approved.

Mr. JAVITS. Mr. President, first, to regularize the procedure, and I hope that my colleague from West Virginia will agree, I ask unanimous consent that the committee amendments, those made by the Committee on Finance, may be considered en bloc and treated as original text for the purpose of further amendment.

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

Mr. JAVITS. Mr. President, the reason that the Committee on Finance limits the operation of the tax is twofold. First, they want to take another look at this program if they are going to continue a tax that is going to produce, over 5 years, what they estimate as almost a billion dollars—$930 million.

Second, this tax that is to be levied will not pay for all of the part C claims. It falls short, and they say it falls short, unless two assumptions are made: one, that there will be a strikeout of the provision in the bill relating to the reinterpretation of X-rays; and, two, that there be an elimination from the bill of the presumption of eligibility after 25 years of work.

Between them, these provisions account for about $426 million of anticipated expenditure over the next 5 years, so the amount of the shortfall is going to be evident when there is final action on this bill. Hence, the Committee on Finance wants to take another look at it.

Mr. President, I shall move, as soon as this amendment is laid aside temporarily, to put a terminal date in the bill in respect of the financing of new claims roughly contemporaneous with the date the Finance Committee has set to terminate the collection of the tax.

I believe that it is high time that there be an end to this drain on the Federal Treasury for the benefit of one particular set of victims. We have just heard from the Senators from Alabama of another set, and there are many more sets than that, equally deserving. So, Mr. President, the action of the Senate on this amendment, which Senator RANDOLPH, with his customary fairness, has interposed before mine so that the Senate could act on that first, becomes critically important. I hope very much that the Senate will reject that amendment and leave the terminal date for the tax in the bill.

ORDER FOR NO ROLLCALL VOTES BEFORE 2 P.M. TODAY

The PRESIDING OFFICER. There is an amendment pending.

Mr. JAVITS. Mr. President, I ask unanimous consent that the amendment of Senator RANDOLPH may be temporarily laid aside.

Mr. RANDOLPH. I shall not object, but I wish to make this request, and it may already have been done: that no rollcall votes occur before 2 p.m.

The PRESIDING OFFICER. There has not been a unanimous-consent request or order barring votes before 2 p.m. There has been a consent agreement to vote on the amendment by the Senator from Rhode Island (Mr. CHAFEE) at 2 o'clock.

Mr. RANDOLPH. I make that unanimous-consent request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from New York that

the amendment of the Senator from West Virginia be laid aside?

Without objection, it is so ordered.

AMENDMENT NO. 530

Mr. JAVITS. I call up amendment No. 530.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New York (Mr. JAVITS) proposes amendment No. 530.

On page 20, lines 5 through 9, strike section 7(g) and redesignate the succeeding subsections accordingly, and, at the end of title I, add a new section as follows:

"PROGRAM TERMINATION

"SEC. 116. No new claims for benefits under this part shall be accepted after December 31, 1982.".

Mr. JAVITS. Mr. President, this bill has no terminal date. The Act which it amends had a terminal date of 1981 for any new claims to be filed. I do not want to inhibit the recognition of claims filed up to December 31, 1982, but I do not want new claims to occur thereafter with no tax to cover them. Obviously, that is what is going to happen unless Senator RANDOLPH'S amendment is carried. Even if it is carried, I would still insist on my amendment, for the same reason that the Senate fixed a 1981 date in the bill as it stands today.

This is a very expensive program. We already see, even under the Finance Committee tax, that there is going to be a shortfall to meet the terms of the bill which we have to finance. All our arguments about economy go out the window unless we have a time when we can review this bill in order to stem the flow of Federal funds into it.

Mr. President, we have distributed to every Member a letter outlining the case, which I really think is irrefutable, for ending this program so that Congress may review it by January 1, 1983. If the amendment of Senator RANDOLPH to the Finance Committee's part of this bill fails to carry and the trust fund, based upon the tax rate, only operates until the end of 1982, it seems to me irrefutable that there has to be a terminal date for the substantive part of the bill itself. If, on the other hand, the Randolph amendment should carry, we still have to have a terminal date, because the tax falls short of paying the amount which will be required to be paid due to the provisions relating to the rereading of X-rays and to the 25-year presumption for deceased miners whose employment terminates before 1971. Therefore, we should have an opportunity to review the shortfall and determine whether or not we wish to continue or modify the program.

For all of those reasons, Mr. President, I believe that this amendment is an appropriate one and should be carried.

Mr. President, I ask unanimous consent that the letter addressed to my colleagues, describing in detail the situation that demands a terminal date on the substantive aspect of the bill may be printed in the RECORD as part of my remarks.

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

U.S. SENATE,
Washington, D.C., July 21, 1977.

DEAR COLLEAGUE: When the bill to amend the Black Lung Benefits Program (S. 1538) is considered by the Senate today, I will propose an amendment to delete the provision which, for the first time, would make this program a permanent Federal responsibility. Instead, my amendment will authorize the Department of Labor to continue to accept new benefit claims for five more years through December 31, 1982. The amendment will retain the Congressional intent expressed in the original 1969 Act, and reaffirmed in the 1972 amendments, that this temporary Federal benefits program should last only until State workers' compensation systems provide coverage of coal miners who are disabled by black lung disease.

Under current law, all benefits under the Department of Labor program will cease, and no new claims will be accepted, after 1981. Under the amendment, all beneficiaries who qualified prior to that date will continue to receive benefits, and only new claims after January 1, 1983 would have to look to the applicable State workers' compensation agency. This will allow the States time to improve their workers' compensation programs and also will require Congressional review of the Black Lung program within five years.

Under the bill, the Congress will have to review the financing mechanism of the Black Lung Benefits Program within five years in any event. This is because, as reported by the Finance Committee, upon referral from the Human Resources Committee, the one percent ad valorem tax on the sale of coal to be used to pay most future benefit costs out of a new trust fund will be levied only through September 30, 1982, and no provision is made to resume general revenue financing thereafter.

In fact, as stated on page 7 of the Finance Committee report, the tax "revenue is likely to be insufficient, by almost $300 million, to meet the expected obligations of the trust fund for the next 5 years." Accordingly, my amendment terminating new claims after 1982 coincides with the exhaustion of the trust fund's financing under the terms of this bill itself.

It is also important to know why the States have not already assumed complete responsibility for black lung compensation claims and how other provisions in this bill deal with this previously unresolved issue. Under current law, the Secretary of Labor as to Black Lung is authorized to certify State workers' compensation programs that meet certain criteria. The Federal program is not applicable with respect to claims filed by residents of certified States. But, to date no States have seriously attempted to get Federal certification.

The major impediment to certification, which this bill overcomes, has been the understandable unwillingness of the States to assume retroactive liability for the thousands of claims of coal miners who contracted black lung disease before the State laws were amended to provide black lung coverage as a compensable disability. Two features of this bill resolve this problem. First, a trust fund is created to finance past and current claims. Second, as I proposed to the Human Resources Committee, the bill (in Sec. 102 (c)(2)) explicitly relieves any State applying for approval from retroactive liability by providing that no benefits would be required where the miner's last coal mine employment terminated prior to the Secretary of Labor's certification of the State law.

Equitable and adequate compensation of victims of occupational disease requires continued improvement of State workers compensation systems, not the perpetuation for decades to come of stop gap Federal compensation programs like Black Lung. Making the Black Lung program permanent will inevitably invite increased demands for comparable Federal compensation programs for other categories of employees disabled by occupational diseases—textile workers, asbestos workers, iron workers and many others—who can legitimately complain that the Federal Government has discriminated against them by singling out only one group of workers for special treatment. That is the purpose of the amendment I have proposed, to which I urge you to lend your support.

With best wishes,

Sincerely,

JACOB K. JAVITS.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum and that it not be charged to either side.

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

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. 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 have consulted Senator RANDOLPH'S staff, and and it is based upon that consultation that I make the following unanimous-consent request:

I ask unanimous consent that, in lieu of any time remaining on the Chafee amendment, there may be 10 minutes before the vote on the Chafee amendment, to commence at 2 o'clock, for further debate on the Chafee amendment, the time to be equally divided—5 minutes to the proponent of the amendment, 5 minutes to the opponents—the vote to occur upon the completion of that debate.

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

Mr. JAVITS. Mr. President, I ask unanimous consent that with respect to the Randolph amendment pending at the desk, there also be a comparable 10-minute debate—5 minutes to the proponent, 5 minutes to the opponents—the debate to commence immediately after the vote on the Chafee amendment has been completed, and that second debate to be followed by a vote after its completion.

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

Mr. JAVITS. Mr. President, I ask unanimous consent for the same arrangement exactly on my own amendment, which follows the Randolph amendment.

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

Mr. JAVITS. Mr. President, I again ask unanimous consent that I may call for a quorum without the time being charged to either side.

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

Mr. JAVITS. 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. 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.

RECESS UNTIL 2:00 P.M.

Mr. JAVITS. Mr. President, I move that the Senate stand in recess until 2:00 p.m.

The motion was agreed to, and at 1:31 p.m., the Senate recessed until 2:00 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. MUSKIE).

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I ask unanimous consent that Martin Franks, of my staff, be accorded the privilege of the floor during debate and votes for the rest of this afternoon.

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

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Are there 10 minutes for debate now on the amendment of the Senator from Rhode Island, which is pending?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Five minutes to a side?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Mr. President, I suggest that the Senator utilize his time.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

UP AMENDMENT NO. 693

Mr. CHAFEE. Mr. President, this amendment was discussed, to some degree, this forenoon. I might explain to the Members present the gist of it.

The current law is that when an X-ray comes in from the coal mine area, indicating that a miner has black lung disease, it then goes to a section in the Department of Labor where the Government has an opportunity to read the X-ray again. This is read by what is known as a B reader. These men are specially trained, having gone through the course at Johns Hopkins University. They are specially trained, not just to read X-rays, but to read X-rays of the lungs.

ORDER OF PROCEDURE

Mr. JAVITS. Mr. President, will the Senator yield for a moment?

Mr. CHAFEE. Yes.

Mr. JAVITS. Mr. President, I ask unanimous consent that it may be in order to ask for the yeas and nays on the Javits amendment at this time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. JAVITS. 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, I ask unanimous consent that it may be in order to ask for the yeas and nays on the Randolph amendment at this time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. JAVITS. 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.

UP AMENDMENT NO. 693

Mr. CHAFEE. In the event that the Government reader should determine that, based on his reading, there cannot be a determination of black lung disease, the situation does not end, Mr. President. Instead, the claimant has a right to appeal to an administrative law judge. The administrative law judge can call in expert witnesses, can ask for further X-rays, can seek whatever additional information he needs in connection with the reading of that X-ray.

Let us take a step further, Mr. President. Let us assume that the administrative law judge determines that the claimant, based on this X-ray, does not have a case. That does not end it. It then goes to the Benefits Review Board.

The principal reason, I believe, Mr. President, that this is a most extraordinary change in the law is that the change in the law proposed in this amendment is that the Government has no reading of the X-ray. The X-ray comes in from the coal mine area, with a statement by the reader there, the local doctor, who examines it and determines that there is black lung disease. That settles that point. The Government has no chance to read the X-ray. We are thereby depriving the Government of its opportunity to determine that, in the Government's view, there is no claim. It seems to me that that is a most extraordinary deprivation of the Government's right to protect the taxpayers of this Nation.

I further point out, Mr. President, that oftentimes, when the Government gets the X-ray under the present situation, it upgrades the award. In other words, it determines that the black lung disease is more serious than the original reader had expected.

There is a further protection for the claimant in that, in 40 percent of the cases that were examined in 1975 under a study, the Government's second reader found that there was previously undetected evidence of lung cancer, tuberculosis, and emphysema. What my amendment does is go back to the situation where we are now. In other words, it protects the Government's right to have a second reading and changes the proposed law, which would eliminate the right of the Government, the taxpayers of this Nation, the citizens of this Nation, to have its second reading made prior to any benefit being paid.

Mr. JAVITS. Will the Senator yield?

Mr. CHAFEE. Yes.

Mr. JAVITS. Mr. President, I support this amendment. I think it is inconceivable that the Government should not have that right. I moved it in the committee. It was defeated by a very narrow vote. I hope very much that it carries in the Senate.

Mr. CANNON. Mr. President, I ask unanimous consent that William Kroger of my staff may have the privilege of the floor during debate and vote on this measure.

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

Mr. CHAFEE. I further point out that this amendment was defeated in the committee, 6 to 5. The amendment is supported by the administration, as the Assistant Secretary for Employment Standards stated in his letter.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. RANDOLPH. I yield myself the remainder of the time. Is that 5 minutes on the majority side?

The PRESIDING OFFICER. The Senator is correct.

Mr. RANDOLPH. Mr. President, I have discussed this very thoroughly during debate earlier today. I really regret—and we cannot, I am sure, have it otherwise—that Members of the Senate were not present. So often, we find ourselves coming in and voting on a subject which is rather complex, such as this subject. I know that Senator CHAFEE and the manager of this bill went into this subject very thoroughly.

I submit that Dr. Donald Rasmussen is a man who understands this problem. I am afraid that Mr. CHAFEE, the able Senator from Rhode Island, really does not understand the importance that I attach to the position I hold of, frankly, defeating this amendment.

Dr. Rasmussen said:

> Chest films of good quality should be obtained on all applicants, primarily to exclude infectious, malignant or other diseases or conditions of the lungs or thorax. There is little or no reason for the elaborate system of multiple readers, since the presence or absence of pneumoconiosis per se is pertinent only in cases who have worked less than 15 years in the coal industry.

Then he said:

> Even in these cases, there is no relationship between the X-ray findings and the presence or absence of impaired function.

Mr. President, the Labor Department admits that, in the vast majority of the cases, X-ray rereading results in the reversal of positive findings of pneumoconiosis. The GAO, in its recent report on the administration of the black lung program, points out that the rereading of X-rays results in significant delays in claims processing. The provision in the committee bill gives the Secretary adequate means of assuring the quality of the X-ray. The rereading prohibition applies only if all the factors are present: that the X-ray was taken by a qualified technician; that the original interpretation was made by a certified radiologist or a radiologist who is eligible for certification by the Board of Radiologists; that the X-ray is of sufficient quality to show pneumoconiosis; that there is no evidence of fraud.

I agree that the executive branch must be able to reread X-rays for the purpose of discovering illness.

This is not the issue in the vote here on the amendment. The issue, as I have

indicated earlier today, is whether rereaders hired by the Government should be allowed to second-guess the coal field radiologist, the man who is there where the mining is taking place, who is far more knowledgeable about the individual miner.

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

The PRESIDING OFFICER. All time having been yielded back or having expired, the question is on agreeing to the amendment of the Senator from Rhode Island. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arizona (Mr. DECONCINI), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Minnesota (Mr. HUMPHREY), are necessarily absent.

I further announce that the Senator from South Carolina (Mr. HOLLINGS), the Senator from Mississippi (Mr. EASTLAND), and the Senator from Mississippi (Mr. STENNIS), are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), would vote "nay."

Mr. STEVENS. I announce that the Senator from Idaho (Mr. MCCLURE), the Senator from South Carolina (Mr. THURMOND), and the Senator from North Dakota (Mr. YOUNG), are necessarily absent.

I also announce that the Senator from Maryland (Mr. MATHIAS), is absent on official business.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND), would vote "yea."

The result was announced—yeas 41, nays 49, as follows:

[Rollcall Vote No. 311 Leg.]

YEAS—41

Bartlett	Glenn	Morgan
Bellmon	Goldwater	Muskie
Brooke	Gravel	Nelson
Bumpers	Griffin	Packwood
Byrd, Harry F., Jr.	Hansen	Proxmire
	Hatch	Roth
Case	Hathaway	Schmitt
Chafee	Hayakawa	Scott
Chiles	Helms	Stafford
Curtis	Javits	Stevens
Danforth	Laxalt	Talmadge
Dole	Leahy	Tower
Domenici	Long	Wallop
Garn	Lugar	Zorinsky

NAYS—49

Abourezk	Hart	Nunn
Allen	Haskell	Pearson
Anderson	Hatfield	Pell
Baker	Heinz	Percy
Bayh	Huddleston	Randolph
Bentsen	Inouye	Ribicoff
Biden	Jackson	Riegle
Burdick	Johnston	Sarbanes
Byrd, Robert C.	Kennedy	Sasser
Cannon	Magnuson	Schweiker
Church	Matsunaga	Sparkman
Clark	McGovern	Stevenson
Cranston	McIntyre	Stone
Culver	Melcher	Weicker
Durkin	Metcalf	Williams
Eagleton	Metzenbaum	
Ford	Moynihan	

NOT VOTING—10

DeConcini	Mathias	Thurmond
Eastland	McClellan	Young
Hollings	McClure	
Humphrey	Stennis	

So Mr. CHAFEE's amendment was rejected.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HUDDLESTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 695

The PRESIDING OFFICER. The question recurs on amendment No. 695, offered by the senior Senator from West Virginia (Mr. RANDOLPH).

The Senate will be in order. The Senate will not proceed until the Senate is in order. Senators will clear the aisle and clear the well and will continue their conversations in the cloakroom.

On this amendment there will be 10 minutes of debate, to be equally divided between the sponsor of the amendment and the Senator from New York (Mr. JAVITS).

Who yields time?

Mr. RANDOLPH. Mr. President, a question: What is the status of the pending amendment? Has there been debate on this amendment in any degree?

The PRESIDING OFFICER. The Chair understands that there has been debate—a few minutes less than 10 minutes.

Mr. RANDOLPH. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator is recognized.

Mr. RANDOLPH. Mr. President, it has been asserted by the Senator from New York in reference to the report of the Committee on Finance that a substantial shortfall in revenues in relation to benefits will result from passage of this bill. That assertion is based on a series of cost and revenue assumptions. The sources are the Joint Committee on Internal Revenue Taxation and the Department of Labor staff.

On the other side of the question the Congressional Budget Office, directed by Dr. Alice Rivlin, has determined in a July 11 cost estimate that the shortfall of revenues will be only in the amount of $35 million over a period of 5 years, or $7 million a year.

Our bill, in fact, requires the trustees of the fund to report on the condition of the fund and to recommend to Congress any requirement for changes in the tax. This is to be done annually. Thus there is no need, as I see it, for a termination date on the tax.

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

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I yield 3 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LONG. Mr. President, I would think we could all agree that much remains to be seen about what the cost of this program is going to be. For example, the Senate just gave its approval to a rather controversial provision in the bill which says that the Government does not have the right to have its experts pass judgment on what those X-rays show. So if someone goes to his family doctor and the family doctor says he has black lung disease, the Government cannot have one of its specialists testify what, in his judgment, that X-ray shows.

The Department of Labor, of course, opposed the Committee on Human Resources on that item and, frankly, those of us on the Committee on Finance were inclined to feel that it is not how you ought to do business, where the Government is precluded from having its witnesses testify on behalf on the Government's position.

But that was the judgment of the Senate and, I dare say, most Senators, I do not think, had the opportunity to fully appraise themselves of what the problem here was that will raise the cost of the program.

We also have a problem here with regard to the presumption created by the bill that a person who worked in the mines for 25 years is presumed to have black lung, for the benefit of his widow or his heirs.

From the point of view of most of us, when a person is dead why can you not have an autopsy and see if he has black lung? Well, we are not going to have the right to have the autopsy. We are going to presume he has black lung because he worked in a mine for 25 years.

These things are going to increase the cost of the program. The view of the Committee on Finance and the view of the Senator from New York (Mr. JAVITS), is, that being the case, we ought to provide a tax to pay for this matter for 5 years, and then after 5 years we ought to take another look at it and see what it is costing and have a chance to pass judgment on what our program should be.

I heard the argument of the Senator from West Virginia, and I suppose I cannot quarrel with his views, he representing coal miners, and they ought to have everything that can be recommended. But I would think, in view of the fact that the costs of this matter may wind up being a great deal more than anybody anticipates, where the costs wind up being anywhere from 2 to 10 times what anybody estimated they would wind up being, it would seem we ought not to be so liberal and we should be cautious. We should wind up with this being the cost for 5 years, and then we should take another look at it.

I would like to ask is this an amendment offered by the Senator from West Virginia or is it the Committee on Finance amendment we would be voting on?

The PRESIDING OFFICER (Mr. CHILES). The amendment offered by the Senator from West Virginia.

Mr. LONG. Then I hope the Senate will not agree to the amendment.

Mr. JAVITS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. Mr. President, it seems to me if anything is open and shut, this is it. Here is a time limitation on a tax, an ad valorem tax, which is going to be passed on to the consumer, and we ought to have a time limitation to review what we are spending.

This program has cost the Government $1 billion a year. Now future costs are going to be transferred to the coal

consumer. Do we just want that program to go on forever without implementing it into workers' compensation or requiring some other evidence of responsibility? I almost cannot understand ourselves if that is the way we feel.

Now, we have a limitation of 1981 in the present act. This is not of meaning to me; it is of meaning to our country and to the consumers of coal. We have a limitation of 1981. We are willing to push that up to 1983. Not to review this program at all, not to take another look at the tax when the time expires in 5 years, seems absolutely beyond me, especially as the estimates of money will fall short, whether it is $35 million or $400 million, they are going to fall short. Therefore, we should end them at a given time.

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

Mr. JAVITS. I yield.

Mr. LONG. Basically what this amounts to is that we have here a $1 billion tax to finance what by any standard is an exceedingly generous program and, frankly, there are going to be situations where we are going to pay a lot more than anybody ever dreamed of for some cases which, to say the least, will be controversial.

Now, the view of the Committee on Finance and the view of the Senator from New York in this matter is that we ought to take another look at it in 5 years' time and see what it is going to cost.

Mr. JAVITS. That is the course of basic responsibility, and I see that as the point of view of the Committee on Finance, and I argue to sustain the position of the Committee on Finance.

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

Mr. JAVITS. I yield.

Mr. CURTIS. I just want to add my support to the position of the Senator from New York and my distinguished chairman, Senator Long.

There are many unknowns in this bill. It is a new tax. It came to us on an excise tax basis. We effected a change. We think it will work out equitably, but it is a new program so far as this tax arrangement is concerned, and I would feel much better if it had a termination date so that another Congress could look at it.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. JAVITS. I yield 2 minutes on the bill.

Mr. RANDOLPH. Mr. President, I would remind my able chairman of the Committee on Finance, Mr. LONG, that the surface mining bill provides a tax for 15 years. Now, that is a fact. How can you reason or how can the members reason that we should do any less for those persons in a bill that is people-oriented, very frankly. I recognize that. The miner and the program, as I see it, need a continuity, and that is why I take the position that I do.

I understand in part the reasoning, but I cannot, of course, agree with the situation as stated by those, including the Senator from Louisiana, who want a so-called termination date of this type.

Mr. JAVITS. I yield a minute to the Senator from Colorado.

Mr. HART. Mr. President, first of all, if we apply a sunset principle to this tax, then I think we should do so in all tax subsidies on an experimental basis just to see how it works, just to be fair.

Second, under the present program 90 percent of the miners in Colorado are having trouble getting their benefits because they are delayed and the applications are stacked up, and the presumption is they do not have black lung until they prove they do.

I think the medical evidence is quite to the contrary. I think the presumption should be on those who say they do not have black lung to prove they do not. I think the presumption should operate in favor of the person who has been under the ground for 25 years. That is what I take it the purpose of the Senator's proposal is, and I think we should support him.

Mr. JAVITS. Mr. President, I yield myself 1 minute to reply.

The difficulty is we picked out one industrial illness, and we favored it. If we were doing it across the board, I would be sympathetic with my colleague. I am the last person who is going to stand against some form of compensation. I have made fair treatment of workers my whole life's work.

I feel, having picked it out specially, we have really gone pretty much overboard with it and at least we should have some review process.

We have this amendment relating to the tax, and then we have my own amendment relating to the new claims after 1982. We have to get it back into the State workers' compensation system or at least do it for the others who are similarily affected at one and the same time.

For those reasons, I hope very much the Senate will reject the amendment.

I yield the floor.

Mr. RANDOLPH. Mr. President, I say to the Senator from New York that if the tax is terminated then the program, as I have said earlier today, is also terminated. It follows that benefits also will be terminated.

I do not believe that it is fair or appropriate to provide benefits for 5 years and then, frankly, very suddenly cut them off.

Mr. JAVITS. In answer to that, I believe that we should stop taking new claims after the end of 1983 and review this whole program. This is an element in that determination which I believe is a prudent one for the Senate in view of the way this program has rolled up the costs at the same time that it has been restricted to one industrial illness. I am very sympathetic to it. But we have to have some controls and some restraints.

Mr. RANDOLPH. Mr. President, will my able colleague yield again?

Mr. JAVITS. I yield.

Mr. RANDOLPH. I have said earlier today that the alternative which I have indicated I think is equally bad. If the tax terminates, the benefits will have to be paid out of the general revenues, as the Senator has just said.

If this is what is contemplated, it is merely a continuation of the existing system. Only I think it is making the system worse.

I hope that we realize that one of the major reasons for the development of this bill was to transfer the burden of paying black lung benefits from the Federal Government to the coal industry.

I also wish to add, with the permission of my colleague——

Mr. JAVITS. Of course.

Mr. RANDOLPH (continuing). That in this legislation we require that the trust fund report on the condition of the fund, and then we recommend to Congress any requirement for changes in the tax, and I remind Senators that this is done on an annual basis.

Thus, I repeat. I think it is unwise to have the termination date as the opponents believe on the tax itself.

Mr. JAVITS. Mr. President, I think it is time to end the debate on this.

Mr. LONG. Mr. President, will the Senator yield a minute?

Mr. JAVITS. I yield.

Mr. LONG. Mr. President, there are two things in here we should take a look at. Both of them have to do with people who might not have black lung at all.

The Senate just went along with the proposition that the Government is to be denied the right to let those Government witnesses testify what those X-rays mean. So, if the Government is not permitted to call its witnesses you might say the doctor for the claimant has the first, last, and only say on what that X-ray means. So that just sets the stage, and the Labor Department itself that is very friendly toward labor and sympathetic toward labor recommends against that.

The Senate went along with this proposition that the Government witnesses cannot testify for the Government. That is No. 1.

No. 2, in this bill we have also a presumption that if a person worked in the mines 25 years he had black lung even though the person is dead. You have the body right there and an autopsy could very well prove that he does not have black lung. The Labor Department is against that also.

I note that we may find that we have a great deal more cost in this program than we ever anticipated.

In view of the Finance Committee having to worry about where all the money is going to come from to pay for this, I say let us provide the $1 billion tax to pay for it for roughly 5 years but then let us take a look to see if we can really afford all this generosity.

Clearly we are going to be paying black lung benefits to a great number of people who do not have black lung. How far do we wish to go with it?

So the suggestion of the Finance Committee is to put the tax on to pay for it for 5 years and then give ourselves the right to take a look at it 5 years from now to see if we wish to be that generous.

Obviously all those who have black lung wish us to continue the benefits. However, as to those who do not have black lung, should we not have another look at this thing 5 years from now? In

that case, the judgment of the Finance Committee majority, as was the judgment of the Senator from New York, who served on the Human Resources Committee, was that in that event we should take a look at it after 5 years to see how the costs are comparing to the estimates.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. JAVITS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired.

The question occurs on agreeing to the amendment of the Senator from West Virginia. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Arkansas (Mr. MCCLELLAN) are necessarily absent.

I further announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Mississippi (Mr. STENNIS), and the Senator from South Carolina (Mr. HOLLINGS) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "yea."

Mr. STEVENS. I announce that the Senator from Idaho (Mr. MCCLURE) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I also announce that the Senator from Maryland (Mr. MATHIAS) is absent on official business.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "nay."

The result was announced—yeas 47, nays 45, as follows:

[Rollcall Vote No. 312 Leg.]

YEAS—47

Abourezk	Glenn	Metzenbaum
Anderson	Gravel	Morgan
Baker	Hart	Pell
Bayh	Haskell	Percy
Biden	Hatfield	Proxmire
Bumpers	Hathaway	Randolph
Byrd, Robert C.	Heinz	Ribicoff
Cannon	Huddleston	Riegle
Case	Inouye	Sarbanes
Clark	Jackson	Sasser
Cranston	Kennedy	Schweiker
Culver	Matsunaga	Stevenson
DeConcini	McGovern	Stone
Durkin	McIntyre	Weicker
Eagleton	Melcher	Williams
Ford	Metcalf	

NAYS—45

Allen	Goldwater	Nunn
Bartlett	Griffin	Packwood
Bellmon	Hansen	Pearson
Bentsen	Hatch	Roth
Brooke	Hayakawa	Schmitt
Burdick	Helms	Scott
Byrd, Harry F., Jr.	Javits	Sparkman
	Johnston	Stafford
Chafee	Laxalt	Stevens
Chiles	Leahy	Talmadge
Church	Long	Tower
Curtis	Lugar	Wallop
Danforth	Magnuson	Young
Dole	Moynihan	Zorinsky
Domenici	Muskie	
Garn	Nelson	

NOT VOTING—8

Eastland	Mathias	Stennis
Hollings	McClellan	Thurmond
Humphrey	McClure	

So Mr. RANDOLPH'S amendment was agreed to.

The PRESIDING OFFICER. There will now be 10 minutes of debate before the vote on the Javits amendment.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. JAVITS. I would like Members to stay here to listen to this debate. I believe one of the things we have suffered from is the fact that Members do not hear the debate. They come in and vote and, on the exhortation of a friend, vote yea or nay as the case may be. I hope very much they will just stay for 10 minutes and attend to their duty and vote their conscience.

This amendment coming up is the most important vote of all.

Now I will yield.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, the President wants to swear in certain nominees before 5 p.m. today. I ask unanimous consent to proceed for not to exceed 2 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations of the calendar.

Mr. BAKER. Mr. President, I rise only to advise my friend, the majority leader, that we have cleared on the Executive Calendar items on the first and second page, which I understand he is going to present to the Senate for confirmation at this time. We have no objection to proceeding.

Mr. ROBERT C. BYRD. Mr. President, I thank the minority leader.

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

The PRESIDING OFFICER. The nominations will be stated.

DEPARTMENT OF JUSTICE

The second assistant legislative clerk read the nomination of James J. Gillespie, of Washington, to be U.S. attorney for the Eastern District of Washington.

The PRESIDING OFFICER (Mr. DECONCINI). Without objection, the nomination is considered and confirmed.

THE JUDICIARY

The second assistant legislative clerk read the nomination of Edward L. Filippine, of Missouri, to be U.S. district judge for the Eastern District of Missouri.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF JUSTICE

The second assistant legislative clerk read the nomination of Joseph F. Dolan, of Colorado, to be U.S. attorney for the District of Colorado.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The second assistant legislative clerk read the nomination of Charles E. Graves, of Wyoming, to be U.S. attorney for the District of Wyoming.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF DEFENSE

The second assistant legislative clerk read the nomination of Hans Michael Mark, of California, to be Under Secretary of the Air Force.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The second assistant legislative clerk read the nomination of Walter Barber LaBerge, of Virginia, to be Under Secretary of the Army.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The second assistant legislative clerk read the nomination of Antonia Handler Chayes, of Massachusetts, to be an Assistant Secretary of the Air Force.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. AIR FORCE, U.S. ARMY, U.S. NAVY—NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, NAVY, AND MARINE CORPS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the remaining nominations, all of which have been cleared on both sides of the aisle as indicated by the distinguished minority leader, be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, they are considered and confirmed en bloc.

(All nominations considered and confirmed today are printed at the conclusion of the Senate proceedings.)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to move to reconsider the votes by which all the nominations were confirmed.

The PRESIDING OFFICER. Without objection, the motion is in order.

Mr. ROBERT C. BYRD. Mr. President, I make that motion.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

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

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from New York.

BLACK LUNG BENEFITS ACT OF 1977

The Senate continued with the consideration of S. 1538.

AMENDMENT NO. 530

Mr. JAVITS. Mr. President, I will confine my remarks to 5 minutes. Unless there is a compelling reason, I will not yield any more than 5 minutes in opposition, so we should vote in 10 minutes.

Mr. President, this amendment proposes to put a termination date for new claims on this whole bill, and every argument which has been made on both sides of the question leads up to this conclusion: This is a discriminatory law which this bill would perpetuate indefinitely, and we need to give ourselves 5 years in which to try to include other occupational diseases somewhere, whether in this or any other statute. This is certainly a reason for placing a termination date.

If the amount raised by the tax, now without a termination date, falls short materially, not $35 million but $400 million or more, then we should certainly have another look at the whole program as to new claims.

We have had a termination date in the law, 1981. When that question came before the committee previously objection to retaining that termination date in this law was voiced. I am proposing now that it be 1983.

Mr. President, will all respect for my colleagues who favor this bill, they are really pushing it too far. This has no right to be a permanent program of the United States. Many people may benefit from it. A lot of people in my community would benefit if we give some special reward to those who have been unemployed for a year. There are plenty of those. Or some other special class could be singled out for favored treatment.

Now, Mr. President, there are equities, but I think they are more than fully satisfied by what we are doing. Now we are levying a tax on the public, roughly $1 billion in this 5-year period. Mr. President, it seems to me that we certainly ought to review the bidding at the end of 5 years in respect to any new claims which are then to be filed. I hope very much that we will not defy reason in this matter and that we at least will continue the policy we, ourselves, inaugurated, of not creating a permanent program.

We have had a cap, a termination date. Let us continue to have a date. That, it seems to me, is the only fair way in which to proceed in this matter. I have recommended to the Senate by this amendment that December 31, 1983, is a more than adequate time to see what ought to be done about this program; should we continue it, work it out by State workmen's compensation reform, or take some other direction. But to just build in the United States a permanent program for one occupational disease cannot be justified by any standard of justice or reason to the consumers or the taxpayers of the United States.

I hope very much that we will act decisively at least on this, the final amendment which will tell the whole story as to whether we intend to be provident about this matter. This black lung legislation was originally estimated to cost, at the most, $300 million. It now costs $1 billion a year.

Members may raise their eyebrows at me arguing about economy, but I am not arguing about economy. I am arguing about justice and prudence; justice to others who are subject to occupational disease and prudence in terms of the personal responsibility for dealing with the peoples' money.

I had hoped very much that Senator RANDOLPH would accept this amendment. But I hope that the Senate will sustain at least this amendment, for reasons of justice and prudence if no other.

Mr. GRAVEL. Will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAVEL. Who has time so I may speak?

The PRESIDING OFFICER. The Senator from West Virginia has 5 minutes.

Mr. RANDOLPH. I yield 3 minutes to the distinguished Senator from Alaska.

Mr. GRAVEL. I was one of the persons who were not here for the debate and got bits and pieces of it, as normally happens when we come to the floor. As I understand it, this is a tax on coal. Is that the case?

Mr. JAVITS. That is correct.

Mr. GRAVEL. In my rudimentary knowledge, if we are taxing coal and the mining of coal creates a health hazard to the people who mine, it would seem proper to me that the element of society that consumes the coal should bear the cost of that health hazard that is created in mining the coal.

Is that an improper deduction, in the Senator's thinking, of what should be the case as we clear the accounts in our society?

Mr. JAVITS. My answer is decidedly yes, in this case, because there are just as great equities for the miners of iron and the miners of talc and the knitters of the textiles as there are for coal miners. The coal miners happen to be first at the trough. That is OK. I am not arguing against that, and I am going to vote for this bill. But I do not believe we ought to shut off all these other equities by having no terminal date at all when we can take another look at this thing and see what is just for others as well.

Mr. GRAVEL. There is probably something in this bill that I am not acquainted with that shuts off people who mine iron or mine other products. I do not know what that would be. But the fact that we move affirmatively to set the accounts straight in our society, from an economic point of view, on a health hazard from black lung should not preclude us from coming back and setting the account straight on iron ore and setting the account straight on any mining activity that creates a health hazard for those people who pursue that way of life.

When we diffuse this health hazard into the total tax base, we indirectly subsidize that kind of activity. Maybe we want to do that. But I think it is better for society to recognize where the costs are and pay them there. That is what we do environmentally, when we make the steel mills clean up the dirty water, and the chemical plants clean up the dirty water. We put more cost on selling their chemicals and selling their steel. That is part of the pollution. Black lung is a human pollution.

As I understood it when I voted for the amendment of the Senator from West Virginia, I was committing myself to vote to pay for the cost of black lung where it should be paid for, on a pound of coal. So if I consume a pound of coal and somebody has black lung as a result of it, I am paying enough to pay for that cost, which is a real cost. We have been walking away from these costs.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. GRAVEL. I think I have made the point I wanted to make. I thank my colleague.

Mr. RANDOLPH. Mr. President, how much time do I have?

The PRESIDING OFFICER. Two minutes.

Mr. RANDOLPH. Mr. President, the amendment now being considered was considered very carefully in our Committee on Human Resources. The proposal of Senator JAVITS was defeated by a vote of 7 to 4. There was, I think, a full discussion of that amendment.

Certainly, my colleague and friend has preserved his right to offer the amendment here. I strongly believe that the amendment should be defeated, just as it was earlier defeated in the committee.

No one can offer assurance that there will be no compensable black lung cases 5 years hence. Pneumoconiosis is a progressive disease. A miner who is not disabled today may well be totally disabled 5 or 10 years from now. This is possible even if the miner terminates his coal mine employment today.

While there is reason to hope that workmen's compensation programs will fully cover black lung and other occupational diseases, that date, that millennium, has not yet arrived. There is no ironclad assurance that the situation can or will change within 5 years. There is no justification for allowing the program to terminate, even for new claims. If miners continue to be disabled by pneumoconiosis, as the able Senator of Alaska (Mr. GRAVEL) said, from their coal mine employment, they should be compensated, no matter what that year of compensation is.

I yield back my time.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment of the Senator from New York. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Minnesota (Mr. HUMPHREY), the Senator from Arkansas (Mr. MCCLELLAN) are necessarily absent.

I further announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Mississippi (Mr. STENNIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Louisiana

(Mr. LONG) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), would vote "nay."

Mr. STEVENS. I announce that the Senator from Idaho (Mr. MCCLURE) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I also announce that the Senator from Maryland (Mr. MATHIAS), is absent on official business.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND), would vote "yea."

The result was announced—yeas 42, nays 49, as follows:

[Rollcall Vote No. 313 Leg.]

YEAS—42

Allen	Goldwater	Pearson
Bartlett	Griffin	Percy
Bellmon	Hansen	Roth
Bentsen	Hatch	Schmitt
Biden	Hayakawa	Scott
Brooke	Helms	Stafford
Byrd, Harry F., Jr.	Javits	Stevens
	Laxalt	Stone
Chafee	Leahy	Tower
Chiles	Lugar	Wallop
Curtis	McIntyre	Weicker
Danforth	Muskie	Young
Dole	Nelson	Zorinsky
Domenici	Nunn	
Garn	Packwood	

NAYS—49

Abourezk	Glenn	Metzenbaum
Anderson	Gravel	Morgan
Baker	Hart	Moynihan
Bayh	Haskell	Pell
Bumpers	Hatfield	Proxmire
Burdick	Hathaway	Randolph
Byrd, Robert C.	Heinz	Ribicoff
Cannon	Huddleston	Riegle
Case	Inouye	Sarbanes
Church	Jackson	Sasser
Clark	Johnston	Schweiker
Cranston	Kennedy	Sparkman
Culver	Magnuson	Stevenson
DeConcini	Matsunaga	Talmadge
Durkin	McGovern	Williams
Eagleton	Melcher	
Ford	Metcalf	

NOT VOTING—9

Eastland	Long	McClure
Hollings	Mathias	Stennis
Humphrey	McClellan	Thurmond

So Mr. JAVITS' amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. RANDOLPH. Mr. President, I state this for the information of Senators: We know of only one amendment that is to be offered. I hope that Senator JAVITS and I can be in agreement as to the amendment to be offered by the able Senator from Kentucky (Mr. FORD).

UP AMENDMENT NO. 696

Mr. FORD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. FORD) proposes an unprinted amendment numbered 696:

On page 24, line 21, strike the quotation marks.

On page 24, insert between lines 21 and 22 the following:

"(d) any individual whose claim for benefits under this title is denied shall receive from the Secretary a written statement of the reasons for denial of such claim, and a summary of the administrative hearing record, or, upon good cause shown, a copy of the transcript thereof.

Mr. FORD. Mr. President, I commend the leadership and the distinguished floor manager, Senator RANDOLPH, for recognizing the need to bring this measure up for the consideration of the full Senate.

As an elected representative of the country's leading coal-producing State, I have very strong emotions about this issue, and I can assure my colleagues of the extreme importance of this legislation to thousands of miners who are suffering from black lung and attendant illnesses.

These men and their families have, for far too long, suffered from the inadequacies of a program that neither understands nor satisfactorily addresses their medical condition, and there should be no doubt among any of us here today that reforms in our present black lung benefits program are needed, and, in fact, long overdue.

Mr. President, it is a fact that if you work in the mines long enough, 9 chances out of 10 are that you will contract black lung. Medical evidence shows beyond a doubt there is an overwhelming probability that lung disease is a risk that goes with working in the mines.

It is becoming increasingly evident that dust standards in the mines are not being met and miners are still subjected to the daily risks of contracting black lung. Naturally, our obligatioin is to do all we can to prevent unhealthy and unsafe working conditions, and it is hoped that the mine safety legislation that this body approved earlier this year will result in significant improvements in miners' working conditions. Until we succeed in this goal, however, we have an obligation to insure satisfactory compensation for the risks inherent in this vocation, which is so very essential to helping this country meet its present and future energy needs.

Certainly, part of the problems associated with the black lung benefits program are compounded by internal administrative procedures in the Department of Labor. However, under the new administration I have been encouraged by a change in attitude accompanied by a sincere desire to take a close look at how the program can be improved through changes in administrative procedures.

In fact, last month at my request the new Assistant Secretary of Labor, Donald Elisburg, sent several of the top officials involved with administering the black lung benefits program to Kentucky to meet with concerned groups and individuals and see firsthand the problems which are being experienced by those who are intended to be the beneficiaries of this program. These officials spent 2 days in eastern Kentucky and now have a better understanding of the many frustrations experienced by those miners and their survivors who apply for black-lung benefits.

I am confident that as a result of this visit a reevaluation of the Department's administrative procedures will be made, and I feel certain that improvements will be implemented.

To further improve the program's administration—and quite possibly reduce the ever-growing number of court challenges of claim denials—I am offering an amendment to this bill which would require the Secretary of Labor to provide to a denied claimant specific reasons for the denial. In addition, my amendment would also require that the claimant be provided with a (see amends) his claim determination, without the necessity of court action.

I urge this amendment's inclusion as part of this bill.

Finally, Mr. President, I point out that while no piece of legislation can ever satisfy all segments of society, this bill represents more than a reasonable compromise in relation to providing benefits due individuals who contract black lung and in its cost to society. Most important, it is the best hope—the only hope—for remedying the many shortcomings and inequities of the present law at this time.

Mr. President, I understand that the leadership on both sides have agreed to this amendment.

I yield back the remainder of my time.

Mr. JAVITS. Mr. President, we have worked out this amendment with Senator FORD, and I am perfectly agreeable to take it to conference.

Mr. RANDOLPH. Mr. President, the Senator from New York (Mr. JAVITS) is correct. We have worked with the Senator from Kentucky (Mr. FORD) on the proposed amendment. It is acceptable to us.

We do know that black lung claimants currently are not told the specific, detailed reasons for the denial of their claims. Thus, often they have little to go on to determine whether or not they would desire to appeal the denial. This amendment would permit the claimant, as we understand, to have the reasons for his denial. It would provide him an opportunity to review the full record of his case, without the necessity of going to court.

Mr. FORD. The Senator is correct. This amendment, it is hoped, will cut down on the backlog of claims in the courts and will help expedite matters.

This body has added a number of judges to eastern Kentucky in order to help eliminate the backlog, and I believe this will be a step in the right direction.

Mr. RANDOLPH. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 697

Mr. GRIFFIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Michigan (Mr. GRIFFIN) proposes an unprinted amendment No. 697:

On page 6, line 11, at the end of section 105(a), which precludes the Government from even questioning an X-ray determination by a certified radiologist, change the period to a semicolon and insert the following:

"Provided, however, That this section shall be effective when and if the Commissioner of Internal Revenue determines and proclaims that it is no longer necessary to examine and audit the income tax return of any taxpayer whose return is certified to by a certified public accountant."

Mr. GRIFFIN. Mr. President, this is a simple amendment which should be supported. There was logic in the Chafee amendment, which would have given the Government merely the right to question the evidence upon which a determination of black lung was based.

If the language in the bill is left to stand, as is, this would be the first situation I am aware of, after 20 years of service in Congress, in which the Government would be absolutely barred from even looking at the evidence in cases where the taxpayers will have to foot the bill. Consumers and taxpayers of this country will be required to pay out billions of dollars under this legislation, and they have a right to assurance that those who benefit really do have black lung.

I have offered this amendment, with tongue in cheek, as a way of giving my colleagues another opportunity to vote on the Chafee proposal. I hope that six or seven of them may now realize the mistake of their earlier vote.

I am submitting this amendment, and I will ask for the yeas and nays, which I do now——

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GRIFFIN. I want to be sure that Senators really knew what they were doing when they voted earlier.

I believe it would be just as illogical and as irrational to say that the Commissioner of Internal Revenue should never question or examine the tax return of any taxpayer whose return is certified to by a certified public accountant. It seems to me that it is the same principle.

Of course, it would be a cold day in hell before the Commissioner of Internal Revenue would ever issue a proclamation like the one described in the amendment. Obviously, I do not want this particular provision in the bill to become effective, and it will not become effective if my amendment is adopted.

I ask for a vote, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. RANDOLPH. Mr. President, there is no time needed. I think the matter, regardless of whether men knew what they were voting on in the prior amendments, they certainly have the opportunity here to vote again. I believe in the theory of fairness, and my position has been made known on the Chafee amendment, and there is no need to restructure the situation from the standpoint of the Senator now speaking.

It is agreeable with me if it is desired to have a rollcall, so let us proceed.

Mr. GRIFFIN. I yield back the time.

Mr. RANDOLPH. Of course, as we were against the Chafee amendment, which was defeated, we, of course, are against the amendment now offered.

Mr. GRIFFIN. Let me say again that anyone who does not want the language in the bill to become effective, of course, should vote for this amendment.

Mr. RANDOLPH. I yield back my time.

The PRESIDING OFFICER. All time yielded back? The question is on agreeing to the amendment of the Senator from Michigan. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Arkansas (Mr. MCCLELLAN) are necessarily absent.

I further announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Mississippi (Mr. STENNIS), the Senator from Louisiana (Mr. LONG), and the Senator from South Carolina (Mr. HOLLINGS) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "nay."

Mr. STEVENS. I announce that the Senator from Idaho (Mr. MCCLURE), the Senator from New Mexico (Mr. SCHMITT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I also announce that the Senator from Maryland (Mr. MATHIAS) is absent on official business.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "nay."

The result was announced—yeas 22, nays 68, as follows:

[Rollcall Vote No. 314 Leg.]

YEAS—22

Bartlett	Goldwater	Roth
Bellmon	Griffin	Scott
Chafee	Hansen	Stevens
Curtis	Hatch	Tower
Danforth	Hayakawa	Young
Dole	Helms	Zorinsky
Domenici	Laxalt	
Garn	Lugar	

NAYS—68

Abourezk	Ford	Moynihan
Allen	Glenn	Muskie
Anderson	Gravel	Nelson
Baker	Hart	Nunn
Bayh	Haskell	Packwood
Bentsen	Hatfield	Pearson
Biden	Hathaway	Pell
Brooke	Heinz	Percy
Bumpers	Huddleston	Proxmire
Burdick	Inouye	Randolph
Byrd, Harry F., Jr.	Jackson	Ribicoff
	Javits	Riegle
Byrd, Robert C.	Johnston	Sarbanes
Cannon	Kennedy	Sasser
Case	Leahy	Schweiker
Chiles	Magnuson	Sparkman
Church	Matsunaga	Stafford
Clark	McGovern	Stevenson
Cranston	McIntyre	Stone
Culver	Melcher	Talmadge
DeConcini	Metcalf	Wallop
Durkin	Metzenbaum	Weicker
Eagleton	Morgan	Williams

NOT VOTING—10

Eastland	Mathias	Stennis
Hollings	McClellan	Thurmond
Humphrey	McClure	
Long	Schmitt	

So Mr. GRIFFIN's amendment was rejected.

The PRESIDING OFFICER. Is there further amendment to be proposed?

Several Senators addressed the Chair.

Mr. JAVITS. Mr. President, how much time do I have remaining on the bill?

The PRESIDING OFFICER. The Senator has 29 minutes remaining.

Mr. JAVITS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the role.

The legislative clerk proceeded to call the role.

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. RANDOLPH. Mr. President, let us have order, please, in the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

UP AMENDMENT NO. 698

Mr. CHAFEE. Mr. President, I send to the desk an unprinted amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Rhode Island (Mr. CHAFEE) proposes an unprinted amendment numbered 698:

On page 5, line 16, insert after the word "that" the following:

"In the case of a miner who was employed in one or more coal mines for 25 or more years, and where there is other evidence of pulmonary or respiratory impairment."

Mr. CHAFEE. Mr. President, this amendment provides that there be no requirement of a second reading, of any reading of the X-ray by the Government official, in the case of any miner who has worked in the mines for 25 years or more and has other evidence of pulmonary problems.

In other words, what we are doing, Mr. President, is saying that in that category there can be no reading of the X-ray by the Federal Government.

However, in the other cases, where a miner has worked less than 25 years, then the Government is permitted to read the X-ray, and that, of course, as Senators know, is the situation that exists now. This proposal would partially eliminate the Government's rights.

Mr. President, I would just like to say this: No one here who would support this amendment, particularly the Senator from Rhode Island, objects to any miner receiving what he should receive. But we do object to the Federal Government having no protection whatsoever. This proposal would permit the Federal Government to read the X-ray in other cases, and if there is objection, if there are problems, if we do not see what the local doctor sees, then it can go through the regular appeal process.

I might say this, Mr. President: One of the great objections to having the Government read the X-ray is the delay, and the claim that this takes a long time. Maybe it does. But the solution to that, Mr. President, is not to eliminate all the safeguards that the Government has, but to approach the problem from another direction: Have more so-called B readers. Have more readers, and speed up the process in other innumerable ways. As a matter of fact, Mr. Elisberg, who is the Assistant Secretary for Em-

ployment Standards, has testified that he wants to speed up the process, and we think that is right.

Mr. President, this is a very understandable amendment. It is, as Senators know, similar to the amendment we voted on earlier today, but it eliminates, that is, it does not pertain to, those miners who have been in the mines for 25 years or more. There is no second reading on their X-rays, no challenge by the Government except in those extraordinary cases of fraud, or where a certified radiologist did not submit the X-ray. For the others, it provides the Government, which is making the payments, some protection by providing for this second reading.

Mr. President, I do not really understand how this amendment can be seriously opposed. I would be delighted to hear the counterarguments. I think we can set aside the argument on 600 days, and all that contention that they make on all the other approaches.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield for a question?

Mr. CHAFEE. I yield to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. As I understand the amendment of the Senator from Rhode Island, it represents a compromise between his original amendment and the committee bill?

Mr. CHAFEE. That is right. I look upon it as a compromise. The floor manager of the bill, of course, will have to speak for himself; but this amendment provides that as to those miners with 25 years in the mines, their X-rays cannot be rejected, but for the others, their X-rays can be reread, and then there are the challenge procedures that the Senate has provided.

I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I preferred the Senator's original amendment which would have allowed the Government to examine X-rays in any case, whenever there is a question—and that was the intent of the amendment I offered, as well. However, since neither the Senator's original amendment nor my amendment was adopted, I shall certainly vote now for this amendment offered by the Senator from Rhode Island. I hope the Senate will come to its senses and adopt it.

Mr. CHAFEE. I thank the Senator from Michigan.

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

Mr. CHAFEE. I yield.

Mr. GARN. I certainly strongly support the amendment of the Senator from Rhode Island. There have been a lot of issues that have come before this body since I have been here, and on first reading of this amendment, I could not imagine how anyone cannot be for it.

In the committee bill, we make a presumption that all doctors are honest. If that were true, if we knew every doctor would look at the X-rays honestly, there would be no objection. But, my goodness, looking at the medicare and medicaid scandals that have gone on recently, with doctors making a half million dollars a year right here in Washington for illegally filling out medicare and medicaid forms, it seems to be absolutely and totally unreasonable to assume that all of the situations would be properly certified by a doctor.

Certainly to be able to have a medical expert of the Government look at those X-rays seems entirely reasonable to me. I wish there were more Senators here. I wonder how many Senators knew exactly what they were voting for on the last amendment. We have an empty Chamber as usual. But I would hope that at least to a certain extent, we could protect the taxpayers of this country from fraud, and that is all we are talking about.

I certainly have no objection to anyone getting benefits to which he is medically and legally entitled. But there is no corner on honesty among M.D.'s, CPA's, attorneys, or otherwise. Unfortunately, in any line of endeavor, there are some people who are not honest. Most CPA's would submit only honest tax returns. Unfortunately, there are some who would not, and the Internal Revenue Service has a right to audit returns. It seems to me we can make an assumption that some doctors would not make an honest analysis and diagnosis of a case, and those cases the Government doctors ought to have a right to check into.

I support the amendment.

Mr. FORD. Mr. President, who has control of the time?

Mr. CHAFEE. Mr. President, since I have control of the time in support of the amendment, assuming the Senator from Kentucky will speak in support of it, I yield him 1 minute.

Mr. FORD. No; if the Senator from West Virginia will yield 1 minute, I would like to answer the Senator from Utah.

Mr. RANDOLPH. Mr. President, I yield the Senator from Kentucky 2 minutes.

Mr. FORD. Mr. President, the Senator from Utah made the assumption that all the doctors for the Government were honest. That is his assumption. He assumed that all doctors on the other end were dishonest. The Senator is saying they are all dishonest down in your home town and my home town, but that those doctors employed by the Federal Government are totally honest. I want the Senator to know that I object to his assumption.

Mr. GARN. I am not assuming by any means that all private doctors are dishonest, Governor. I certainly do not believe that. I would suppose that the proportion in the Government or in the private sector would be about the same, just like the proportion of mayors or Governors.

I do not think it makes too much difference, what kind of training we have had. But the point I want to make is what happens to this is neither one is the final one if there is a dispute. It goes to an administrative decision, but maybe the lawyers have the same problem. I do not know.

The PRESIDING OFFICER. Who yields time?

Mr. SCOTT. Will the Senator yield briefly?

Mr. CHAFEE. I yield 2 minutes.

Mr. SCOTT. I just want to pose a question. Would there be anything that would prevent a miner from shopping around for a physician who would approve his claim? If he went to one and received a reading that was unfavorable, could he go to another one to get a reading and keep shopping until he received a reading which would prove his claim? If somebody needs a physician's certificate in order to take sick leave, his private physician will give him a certificate. I would address my question to the Senator from Rhode Island, asking if he can comment on that.

Mr. CHAFEE. In answer to the question, there is nothing in the bill which would prevent a claimant from going to any doctor or a series of doctors to seek the opinion that he would approve of. When he gets whatever opinion he seeks, he then sends it in with the X-rays to the Federal Government.

Under the system as proposed, that ends it. The Government cannot check that X-ray unless, of course, there is a fraud, a fraud situation, as I mentioned earlier this morning, where an X-ray in theory is for miner X where actually it is for miner Y, or something of that nature. But as to the determination of the reading of the X-ray, that cannot be challenged by the Government.

Mr. SCOTT. I would say to the distinguished Senator that I intend to support his amendment. I did support his other amendment. I represent coal miners and have a lot of sympathy for miners who do obtain black lung. I heard one of our colleagues refer to this as a ripoff. If it should pass in its present form, I think that would be a good terminology to use. I would think it would be a ripoff of the Government to permit any such thing, any such potential for fraud, to be enacted into law. I cannot support a bill which would do anything like that.

I appreciate the Senator yielding.

Mr. CHAFEE. Mr. President, there is another point I would like to make. We are talking about a trust fund. I think the key point is that we should do everything we can to protect the trust fund for the legitimate claimants. Under the predictions which have been made, unless something is done this trust fund will fall short of the necessary funds by some $300 million. I believe we have all had experience is seeing trust funds run short of money. This amendment I have proposed would save that trust fund some $250 million. In other words, it would see that the money went to the legitimate claimants, the claimants who really require it, rather than having it go to claimants who, in fact, present no valid cases.

I feel this is not imposing a restriction on miners. I believe anybody who votes for the amendment I have proposed is striking a blow for the legitimate claimants. I urge Members of the Senate to support what I believe to be a very sensible amendment which does so much for those who really require the funds.

Mr. RANDOLPH. Mr. President, I rise in opposition to the amendment. I want it understood in good humor that I admire the persistence of my friend from Rhode Island. If he cannot approach his objective by one route, he will attempt to approach it by another. That certainly is

his prerogative, and he speaks, of course, always with persuasiveness.

The trouble with the amendment now pending is that my opposition to his prior amendment, which was defeated, I now have because this is not an amendment which changes the concept in the amendment which earlier was defeated. The concept is just the same now as in the earlier amendment.

Mention has been made by the able Senator from Virginia (Mr. HARRY F. BYRD) that this is a compromise amendment. It is not a compromise amendment. It continues what the Senator, understandably, is attempting to do.

I have a high regard, of course, for both Senators from Virginia. Senator SCOTT has indicated that he would be unable to support this legislation without the Chafee amendment in it. That is my understanding.

Mr. SCOTT. The Senator is correct.

Mr. RANDOLPH. And he has indicated that he could not support the bill because, in a sense, it is a ripoff. I want to be very careful in my language.

Mr. SCOTT. Let me ask the distinguished Senator from West Virginia the same question asked of the Senator from Rhode Island: would it be possible for a claimant to shop around from physician to physician until he found one who would approve his claim? Would there be a prohibition against his going to more than one physician?

It just seems to me that if that is true, it is a ripoff. I do not hesitate to use this phrase. It did not originate with me. It was said in private conversation by another Member, a colleague of ours. I agree with him.

Mr. RANDOLPH. I would not want to inadvertently use a word someone else had used and the Senator is repeating. Now since the Senator is perhaps glad to have a joint authorship of the word, if I understand it, I would like to make reference to the question the Senator has asked.

Mr. SCOTT. Could the Senator respond to the question? I would appreciate it.

Mr. RANDOLPH. I will do so.

In the bill, on page 5, is section 105, evidence required to establish claim. I will read a portion of that language:

> The Secretary shall accept a board certified or board eligible radiologist's interpretation of a chest roentgenogram which is of a quality sufficient to demonstrate the presence of pneumoconiosis submitted in support of a claim for benefits under this title if such roentgenogram has been taken by a radiologist or qualified radiologic technologist or technician, except where the Secretary has reason to believe that the claim has been fraudulently represented.

I hope that language, at least in degree, is somewhat an answer to the concern of my friend, who does look into these matters very, very carefully.

Mr. SCOTT. If the Senator will yield briefly, let me say I am sure the distinguished Senator from West Virginia does not want to be the author of legislation which could reasonably be used in a fraudulent manner. Yet the portion he has just read does not indicate anything that would prohibit a miner wanting to get affirmative relief from shopping from physician to physician until he obtained one who would permit him to receive black lung benefits.

(Mr. HARRY F. BYRD, JR. assumed the chair.)

Mr. SCOTT. I know I am not using the technical language that the distinguished Senator referred to, because I, too, would stumble over a few of these words that they are using. We are talking about physicians with a specialty and we are talking about miners that, in popular terminology, get black lung disease. Just as anyone might shop around to find an expert witness that would testify in favor of his claim, I see nothing that would prevent a miner from shopping until he got an affirmative opinion.

I appreciate the Senator's indulgence.

Mr. RANDOLPH. Mr. President, I do not look upon it as an indulgence. I am here, of course, to try to understand the position of those who oppose the position or positions that I take.

I must say that even the American Medical Association has suggested that persons go from one physician to another. I do not call it shopping around to have one physician and to check with another physician. I do not think that is a shopping-around process. I think that that is an intelligent way for a person to act, back home or somewhere else, or in Washington, D.C., who is troubled by a feeling that he just wants to know what another doctor might say.

I do not think it is trying to receive a favorable report from someone. I think it is an effort to feel a certain security or a certain, let us say, positive feeling by the person who is ill that he is having the best advice possible. That is the theory on which I have mentioned the matter in reference to shopping around.

I have a very great affection for the Senator from Utah (Mr. GARN). I listened very carefully to him as he spoke this afternoon. I have patterned my life, I hope, on believing that, in whatever profession, there are more good people than bad people in that profession. I know that is his thinking. If we go on the theory that there are more people that are dishonest than there are people who are honest, the Founding Fathers of this country were wrong, and now, when we begin the third century, we shall be working on a premise that I think could cause a deterioration of the Nation. Even at such times as now, although there are differences between us, I have great faith in the American people as a whole.

I hope—and I do not want to imply that he said anything other than what I am saying. I just want to stress that I am positive, I am not negative. I believe that, in this program to help the miners of the United States of America, frankly, we are dealing not so much in statistics; we are dealing in the lives of people. It is a people program. I think that, sometimes, we may forget, looking at the expenditure of money, whether it comes from the Federal Government or some fund or is paid by a tax on coal or comes from the mine operators themselves, that this program, in the long look, will be an indication that the Congress of the United States—beginning in 1969, carrying through with amendments in 1972, and now, with the further, hoped-for passage of this act—will have brought about an investment in a belief that we have. In the inherent fairness and justice of the Congress and the Government of the people of the United States of America, we believe that, when there is a proved case by those who have fueled the Nation and have provided us with a mobility that we enjoy, when those persons have valid claims, they will be honored and not be delayed for a year or 2 years.

Mr. GARN. Will the Senator yield?

Mr. RANDOLPH. Yes, I shall yield in just a moment.

If I wanted to be shocked at some amendment, as Senator CHAFEE was shocked, and used the word in his letter—frankly, I have great fondness for the Senator from Michigan (Mr. GRIFFIN) but that is an amendment that I think deserved exactly the vote it got. There were only 22 votes in this body for the amendment and 68 against it. It was in no wise a matter of partisanship. It was in no wise because Members were not on the floor. Members have been here during the afternoon, going and coming. That, to me, was an amendment that had, frankly, not the substance that I think an amendment should have. I do not think the result was one that was helter-skelter. I think the Members knew exactly how they were voting when they voted, 68 against the amendment and only 22 for it.

I do not think we can attribute any lack of knowledge to the membership when it votes on these amendments. I hope that this further amendment by Senator CHAFEE will not prevail.

I want to add that an X-ray does not establish eligibility for benefits. The claimant must still prove his case. We must remember that. The Government can still, in any case, dispute the miner's claim of the disability for which he is to be awarded compensation.

Mr. GRIFFIN. Will the Senator yield to me, since he used my name?

Mr. RANDOLPH. Yes, and I used it, I hope, in a very acceptable way.

Mr. GRIFFIN. I want to say that I cannot argue with the Senator. There was a very solid vote against the amendment. I thought that Senators did not understand what they were doing when they voted on the first amendment by the Senator from Rhode Island.

Mr. RANDOLPH. I know that.

Mr. GRIFFIN. I wanted to give them another chance, because the effect of my amendment was intended to be the same as the first Chafee amendment; in other words, the language of the bill would not have gone into effect. I am very disappointed, and, naturally, I think a majority of my colleagues were wrong.

Let me ask a question of the distinguished chairman. Am I correct in my assumption that the mine union has a lot to do with the processing of many claims by union members for black lung?

Mr. RANDOLPH. I know of no action, frankly, direct or indirect, that the union has in connection with the processing of a black lung claim.

Mr. GRIFFIN. Does the union have clinics in which their doctors examine the claimants?

Mr. RANDOLPH. Yes.

Mr. GRIFFIN. They certainly have something to do with it, then, do they not?

Mr. RANDOLPH. There are, of course, hospitals. There have been miners' hospitals.

Mr. GRIFFIN. Are there union-run clinics?

Mr. RANDOLPH. There have been from time to time.

Mr. GRIFFIN. Do they employ their own doctors?

Mr. RANDOLPH. There are some, yes. There are some. I do not see, though, that this has anything to do with it.

Mr. GRIFFIN. I just want to ask the Senator if he feels, then, with regard to a worker who happens to be nonunion, in a small mine, somewhere far removed, is the Senator satisfied and assured that such an individual is going to get the same treatment under this law as would be the case of a union miner who would go to a union clinic and be examined by a union doctor?

Mr. RANDOLPH. Yes, he will.

Mr. GRIFFIN. I thank the Senator very much.

Mr. RANDOLPH. I could point to the Senator from Kentucky on that situation. I expect there are more nonunion miners in the State of Kentucky than in any other State. I have conferred with Senator FORD, but I hope he would agree with me.

Mr. GRIFFIN. Of course, the certificate of any doctor, including an unpaid doctor in a union clinic, once he determined the X-ray showed black lung, that could not be questioned by the Government under this bill as submitted by the distinguished Senator from West Virginia, is that correct, unless it proved wrong?

Mr. RANDOLPH. I have to come back to the X-rays. I have said it over and over, it is a small part of the program. That is why we came in 1972 to amend the original act. We came with the pulmonary and respiratory disease program as proof of the black lung condition, the disease which has struck down literally—I am hesitant to use figures—but hundreds of thousands of persons have contracted black lung in the mining of coal.

Very frankly, I say that if there is any error to be made, I will make it on behalf of the person rather on the dollar involved.

Mr. GRIFFIN. What is the average benefit of the person who receives benefit under the black lung law?

Mr. RANDOLPH. $205 to $410.

Mr. GRIFFIN. Is the Senator talking about a month or a year?

Mr. RANDOLPH. A month.

Mr. GRIFFIN. What does that translate into, $4,000 a year?

Mr. RANDOLPH. Fifty percent of the GS–2 on total disability.

Mr. GRIFFIN. And that would be, of course, in addition to social security?

Mr. RANDOLPH. It could be, if he had social security.

Mr. GRIFFIN. I mean, there is no setoff?

Mr. RANDOLPH. No, there is not, not under part B. There is an offset under part C, the program we are considering.

Mr. GRIFFIN. I thank the Senator very much.

Mr. RANDOLPH. I thank my colleague.

Mr. GARN. Will the Senator from West Virginia yield?

Mr. RANDOLPH. Yes.

Mr. GARN. I wish to clarify one point. The Senator said he would like to make a positive assumption most people in the professions were honest. I did not want my remarks misinterpreted. I thought I said the same thing. The vast majority of doctors—I say the vast majority, not just the majority—are honest, but I think we would be naive if we did not recognize some are not.

The only point I tried to make before is that there will be some who would certify, just like when abortions were illegal there were some doctors who would do illegal abortions.

I do not think it is a matter of doctor shopping. I think it would be that miners would learn which doctors would be willing to certify they had it.

That is the only reason I think we ought to have a check at Government level.

I agree with the distinguished Senator that the vast majority are honest and would not be participating in that.

Mr. HATCH. Will my colleague from West Virgina yield?

Mr. RANDOLPH. Yes, in just a moment.

I believe Senator CHAFEE has 18 minutes. I believe I have 7 minutes. I am trying just to think in terms of perhaps Senator CHAFEE giving his time, if he would.

I do not say that I have been too generous. I have been delighted to yield.

Mr. CHAFEE. I will do that.

Does the Senator want to continue now and I will give him time later?

Mr. RANDOLPH. No, he may continue.

The PRESIDING OFFICER. The Chair states that the Senator from Rhode Island has 18 minutes, the Senator from West Virginia has 7.

Mr. CHAFEE. This is on my time.

Mr. HATCH. Would my distinguished colleague from West Virginia give me his attention?

Mr. CHAFEE. Mr. President, I wonder if we could interrupt a minute, I would like to ask for the yeas and nays on this.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CHAFEE. I thank the Chair.

Mr. HATCH. If my dear friend from West Virginia will consider a couple of comments I have to make, I have for many years fought for working people. I have tried all kinds of FELA cases in the railroad business. I think this is setting a very dangerous precedent. Because I have tried cases on the plaintiff's side, I have tried cases on the defendant's side. I think it would be a safe estimate to say I have been involved in thousands of cases—not tried, but I have been involved in thousands, have tried hundred.

I can say now, the railroad companies have railroad clinics, and this is a dangerous precedent because that could just as easily swing around to the point where those clinics will make final determinations with regard to injuries in the railroad business, which is a very dangerous business.

Also, I think anybody that thinks that union doctors or railroad doctors do not find what they want to find—and I am not necessarily calling them dishonest—but they are there to find certain things and certain conclusions.

It is like in the automobile negligence business.

I have seen a lot of defense doctors come in with the same reports in every case against the injured plaintiff and I have seen a lot of plaintiffs' doctors come in with reports that are just as much for the plaintiffs as the defendants' doctors were for the defendants.

Frankly, it did not take long for either side to find out where they were, who they were, and how they could get the very best benefits and, in essence, shop for medical help.

I think it really is absurd to not allow the Government to do this and to ask the taxpayers of this Nation to foot the bill.

I agree, it is a bill I support. I want the distinguished Senator, my friend from West Virginia, to know I support it, because I realize the effect of pneumoconiosis and the dangerous work these men do in the mines, and I think it is important work for this country.

But I think it is a dangerous thing and a very bad thing. And I think it is an absurd thing to expect the taxpayers of this country to pay all of these benefits without having at least the privilege of doublechecking on any roentgenologist's report and reading the X-rays.

My experience has been that for the most part, roentgenologists are accurate doctors. For the most part, they do a good job. But I have also seen instances where we have had wide disparities between two roentgenologists, both of whom were decent and honorable and wonderful doctors.

I think in those situations the Government ought to have the benefit of the doubt of at least looking at them. I want to protect the men, too. But my goodness, I can guarantee that if this particular amendment is not granted—and I would have prevented it in the original form also because it would have been fairer to the taxpayers and to all concerned if it is not granted—then we will find every case that is brought is going to be automatically granted, because what is there to check medically other than the X-rays in pneumoconiosis?

I think that may be an oversimplification, but the fact of the matter is that it is the most crucial aspect of the examination and of the whole matter.

I would like my distinguished friend, my dear friend from West Virginia, to really consider accepting this particular amendment because it is a compromise, one I think a lot of us feel should not have been compromised, and I think a reasonable compromise at that, and one

that really is not going to hurt anybody and does protect the taxpayers, at least to a degree.

This is going to cost millions and millions of unnecessary dollars and the taxpayers will know, they are going to know it is costing them, and unnecessarily.

Mr. SCOTT. Will the Senator yield?

Mr. HATCH. Certainly.

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. SCOTT. One minute.

Mr. CHAFEE. Yes.

Mr. SCOTT. I appreciate the Senator from Rhode Island yielding.

But the Senator from Utah has referred to his experience as a trial lawyer.

Is it not a fact that one can generally get an expert witness to testify to his point of view—if I could have the attention of my colleague from Utah——

Mr. HATCH. I am sorry.

Mr. SCOTT. The Senator has referred to his experience as a trial attorney. Is it not a fact that in the field of expert witnesses, generally, you can get an expert witness who will testify to the point of view of the individual who is paying his fee?

As I recall, the Supreme Court, in a decision involving expert witnesses in land appraisal cases, made a statement to the effect that it was common knowledge that a land appraiser, a professional appraiser, did color his opinion to fit the views of the person who was paying his fee. Is there not a danger in being able to shop around? I use the phrase "shop around" advisedly, because I think that is what would be done. Does the Senator from Utah share this thought?

Mr. HATCH. I agree with the distinguished Senator from Virginia. I prefer to believe that most medical practitioners are honest and decent men, trying to do a good job. But it does not take too long for either side to find a doctor who is going to come through for them on every issue, and there are those in every major metropolitan area in this country.

I think the Senator has hit upon a very good point.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CHAFEE. Mr. President, I ask the floor manager of the bill a question.

I have trouble understanding why we are departing from the existing system. The best I can understand it is that there is too much delay. There are 300 days; there are 600 days. If that is so, I say to the distinguished Senator from West Virginia, let us tackle that problem. Let us get in more readers. Let us feed the system. Let us have these so-called B-readers out in the community.

I have great difficulty understanding why the solution should be to deprive the Government of its possible defense. I reiterate that when we are depriving the Government of its defense, we really are depriving the other miners of their defense; because this trust fund is going to have only x dollars in it, and the drain upon the fund is anticipated to be x plus $300 million. So unless we guard the fund cautiously and see that it goes to the people who are deserving, the fund will be disappearing, and the people who are really entitled to it will not get their benefits.

If that is the thrust, to cut down delay, why are there not other ways to approach this, rather than eliminating this step?

(Mr. ZORINSKY assumed the chair.)

Mr. RANDOLPH. I will be delighted to comply with the request, and we will do it on my time.

How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator from West Virginia has 7 minutes remaining.

Mr. RANDOLPH. How much time does my colleague have?

The PRESIDING OFFICER. Eleven minutes.

Mr. RANDOLPH. Then, I guess I had better withdraw my generosity. [Laughter.]

Mr. CHAFEE. I yield 2 minutes.

Mr. RANDOLPH. I thought it was the reverse.

I say to my colleague from Utah that fraud occurs. I am sure it occurs. An unscrupulous doctor can even send in an X-ray which shows complicated pneumoconiosis and the B-reader can readily agree, of course, with the first interpretation. We know that.

However, I say to the Senators who are in the Chamber that that is not the only problem. Sixty percent of X-rays originally read as positive are being reread as negative. Let us see about that situation. Sixty percent originally read as positive and reread, under the type of program the Senator wants of rereading, as negative.

I must repeat, very quietly but earnestly: I say that the coalfield radiologist knows the miner and his condition. The "B" reader, the rereader, does not. I do not say the facts side completely on either the coal field radiologist or competely on the rereader. But the balance will be with the radiologist in the field.

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

Mr. RANDOLPH. I yield.

Mr. CHAFEE. We are on my time, are we not?

Mr. RANDOLPH. I will yield on my time. I am a generous man.

Mr. HATCH. The only question, I say, is this: I venture to make the prediction that if this bill is passed in its present form, everyone will be found to have pneumoconiosis, or almost everyone.

If 60 percent have been questioned and found negative rather than positive, perhaps there are some legitimate reasons for that.

That is all I think Senator CHAFEE's amendment is requesting: let us at least not bar the Government from making out its own case. If the Government is abusing that or if there is a time factor here, let us amend the bill to take care of that. Let us not take away and change the whole system of law in this country simply because we want to protect the men.

I believe this is a reasonable amendment. It is a dangerous precedent if we pass this bill in its present form, and in the end the men are going to be hurt, because the trust fund will go faster. We either will have to increase the trust fund or, in the end, many men in other industries, who presently could be taken serious advantage of, could be hurt because we have tried to make an exception in this industry. I think that is basically wrong.

Mr. RANDOLPH. I do not understand this to be a precedent. Of course, there is always the innovative, the creative, the resourceful approach to any problem.

In 1942, I offered the constitutional amendment to give 18-, 19-, and 20-year-old youth the opportunity and responsibility to participate with the ballot. It happened in 1971, when my resolution was passed.

We had no support in 1942 for an innovative, creative, and proper approach to the problem, no support whatever in the hearing. Practically no one was present, only one member of the committee. But in 1971, its time had come. Ninety-four Senators joined in that legislation which I proposed for the constitutional amendment.

That is not to say that this is on all fours, but I am only saying that I do not get excited because we have something unusual here. We have it because black lung is a highly unusual disease. It is attached to coal mining, as my friend knows. That is why we have special attention for it, a special program.

Just this thought, and I hope it will not be misunderstood: a transplant specialist said, "I must perform an operation immediately. What hearts have I available?"

He was told by his aides that he had the heart of a beautiful young woman, the heart of a celebrated athlete, and the heart of a banker. He said, "Give me the heart of the banker."

The operation was performed, apparently successfully.

A few days later, the aide said to him, "Why did you use the heart of the banker?"

"Well," he said, "that's understandable. It had never been used." [Laughter.]

I did not tell that story simply to interrupt what might be the continuity of debate. I think it is very important for us to realize that everyone—the banker, the doctor, the Member of the Senate, the miner, the storekeeper; I could run the list—are all part of America, and they all fit together. It is a good America. It has shortcomings; mistakes and errors are being committed. But there will be no error today if this measure is passed without the amendment of my able friend from Rhode Island.

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

Mr. JAVITS. I yield the Senator 2 minutes on the bill.

Mr. GRIFFIN. Mr. President, it strikes me that if 60 percent of the cases in which the Government examines the X-rays result in rejection by the Government of the claim, that is mighty strong and powerful evidence that there are at least some claims in there that are not valid.

The distinguished chairman indicated that he did not see this as a precedent. Well, I do see it as a precedent, and that is one of the reasons why I am so concerned. It is not that I lack compassion for coal miners. I understand and share the deep feeling the chairman has.

But it would be ridiculous, and certainly not in the public interest, if the Commissioner of Internal Revenue were to say, "We will never examine any tax return that it is certified by a certified public accountant."

I think it would be equally ridiculous if the Commissioner of Social Security were to say, "We are going to grant disability benefits under social security to anybody who can get a certificate from a doctor saying he is disabled." The Government would not be in a position to examine or question the certification.

I find it necessary to ask the Senator from West Virginia whether he has thought about that, and what would be his position if an amendment were offered here in the Senate to give a social security claimant the same kind of a right as he is giving to those who are making claims under this particular act? I wonder if the Senator from West Virginia heard the question?

I asked the question because he says he does not see any precedent here. I am concerned that it does establish a precedent.

I wonder what the Senator's position would be if a Senator came in with an amendment providing the same kind of a guarantee to any claimant who is seeking disability benefits under social security? He shops around and finds a physician who will say he is disabled. I can foresee such an amendment here in the not too distant future arguing, "If that is good enough for coal miners it ought to be good enough for people who want social security disability benefits."

I wonder what the position of the Senator from West Virginia would be?

Mr. RANDOLPH. I would give it a sympathetic hearing.

Mr. GRIFFIN. In other words, this would be a precedent.

Mr. RANDOLPH. I do not understand precedent. The way I discussed it black lung was a highly unusual occupational disease, and I say we take extraordinary, perhaps, if you want to use that, means to compensate those who have that disease.

Mr. GRIFFIN. Well, being disabled is highly unusual and unfortunate for any individual, whether he is a coal miner or not.

Mr. RANDOLPH. I doubt if that is a statement my friend would like to stand on.

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

Mr. RANDOLPH. Yes, I yield.

Mr. FORD. I am not as articulate as other Senators, and I do not have the ability to paint the word picture I would like to paint, but I want to bring up a point, and I have not been in court and argued a thousand cases. I am not a good lawyer because I am not a lawyer. Probably if I were, I would not be a good one. But the point that is being made in opposition to the committee here is that the X-ray is the only thing. The X-ray is not the only thing, so I would like for you to think of the other items that this miner has to comply with in order to secure his claim.

We are asking for one item, and one item only, to help. We have backlogs of going to court. Where do the 60 percent go? I think the lawyers who are arguing against this over there are trying to help lawyers in eastern Kentucky get more cases, because if the Government denies 60 percent of the claims then we go to court.

What I have been trying to do, and the amendment was accepted, was so we might help expedite these claims that are turned down.

So I would suggest to the Senators on the other side that we are losing the total picture of what we are trying to do here and zeroing in on one little item and, of course, you can ask questions of any Senator here he cannot answer. That is simple. All you have to do is ask a question, think up something, dream up something.

But the point here is, we are trying to help people, and the X-ray is not the sole question we are involved in this afternoon.

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

Mr. JAVITS. Mr. President, I yield myself 2 minutes.

Mr. President, I support this amendment. I am a lawyer, and I do sit on the other side, but I will yield to no one in this Chamber as to my ardent defense of the rights of labor for three decades. So, with respect, sir, I will speak.

I think due process is the essence of the American system, and whether you deny it in one little thing or you deny it in a big thing, a denial of due process runs contrary to the American system.

These people are going to go to court anyhow, and there are plenty of other procedural things that can be raised. Any able lawyer will find you 50 not just this 1. But I feel very uncomfortable in the presence of an effort to cut around the due process of law to which every American, whether it is a corporation or whether it be an individual, is entitled. Always there is that adage "There but for the grace of God go I."

It sounds right to those who advocate this position in this matter. Tomorrow it may prove very, very wrong, indeed, because it puts us on a path of cutting around what is the process of proof, and probative proof, which, in my judgment, is very unwise.

The Nation will not collapse if this is legislated into this bill. But let us remember it was put into this bill in order to produce claims. That is why it is here. It is not here for any other reason but to produce more claims, to make it easier to approve claims, and I do not think that is the purpose of this statute.

The purpose of this statute is to do justice to people who are hurt, not just to produce claims and, therefore, I believe the amendment should be adopted.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. I take exception to the distinguished Senator from Kentucky. The reason I stood and recited some of the experiences I have had as an attorney is because I fought for these people. I fought for the railroad workers in our society who are in just as dangerous a profession as the miners, and I have great sympathy for and I am going to support this bill.

But the precedent it is setting, if it passes in its present form without at least some amendment like this, is a bad precedent, and that is the point. Over the long run, the people of this country are not going to like it because it is wrong.

I would like to just aline myself with the remarks of the distinguished ranking member of the Committee on Human Resources, Senator JAVITS. I think he has hit the nail right on the head, as usual, in a very cogent and very well-reasoned way, and I think it basically sums up the position. I appreciate his remarks.

Mr. CHAFEE. Mr President, just one contribution here. The suggestion was that under the present system if a claim is denied, then you go into the courts. Now, that is not quite accurate. Under the present system it goes to a so-called administrative law judge, a single person, not shrouded, not circled, with all the normal laws that apply to a court proceeding.

Further testimony can come in, further X-rays, and then if the claimant loses before this administrative law judge it then goes to the so-called Benefits Review Board.

I think everyone in this Chamber and everyone interested in this act believes there should be greater speed than presently exists. There are many ways of achieving greater speed than throwing out the baby with the bath water as we are doing here today.

Mr. President, I yield the remainder of my time.

Mr. RANDOLPH addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has 1 minute.

Mr. RANDOLPH. Mr. President, due process is not really the issue, as I understand it. Due process is wholly preserved through the hearing process in this bill.

The argument of the Senator from New York would seemingly apply in any situation where we have a presumption. I hope the amendment offered by the Senator from Rhode Island will not be approved by the Senate, and I think the action earlier taken is an indication of our feeling within this body.

I, of course, recognize always the conviction and the votes of the Members of this body as we come to face our decision on this matter.

I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. HANSEN. Mr. President, regular order.

Mr. CRANSTON. I announce that the Senator from Minnesota (Mr. HUMPHREY), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Louisiana (Mr. JOHNSTON) are necessarily absent.

I further anonunce that the Senator from South Carolina (Mr. HOLLINGS), the Senator from Louisiana (Mr. LONG), and the Senators from Mississippi (Mr. EASTLAND and Mr. STENNIS) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "nay."

Mr. STEVENS. I announce that the Senator from Idaho (Mr. MCCLURE) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I also announce that the Senator from Maryland (Mr. MATHIAS) is absent on official business.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "yea."

The result was announced—yeas 48, nays 42, as follows:

[Rollcall Vote No. 315 Leg.]

YEAS—48

Allen	Garn	Nunn
Bartlett	Glenn	Packwood
Bellmon	Goldwater	Pearson
Bentsen	Gravel	Proxmire
Brooke	Griffin	Roth
Bumpers	Hansen	Schmitt
Burdick	Hatch	Scott
Byrd, Harry F., Jr.	Hathaway	Sparkman
	Hayakawa	Stafford
Case	Helms	Stevens
Chafee	Javits	Talmadge
Chiles	Laxalt	Tower
Church	Leahy	Wallop
Curtis	Lugar	Young
Danforth	McIntyre	Zorinsky
Dole	Muskie	
Domenici	Nelson	

NAYS—42

Abourezk	Hart	Morgan
Anderson	Haskell	Moynihan
Baker	Hatfield	Pell
Bayh	Heinz	Percy
Biden	Huddleston	Randolph
Byrd, Robert C.	Inouye	Ribicoff
Cannon	Jackson	Riegle
Clark	Kennedy	Sarbanes
Cranston	Magnuson	Sasser
Culver	Matsunaga	Schweiker
DeConcini	McGovern	Stevenson
Durkin	Melcher	Stone
Eagleton	Metcalf	Weicker
Ford	Metzenbaum	Williams

NOT VOTING—10

Eastland	Long	Stennis
Hollings	Mathias	Thurmond
Humphrey	McClellan	
Johnston	McClure	

So Mr. CHAFEE'S amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, as far as I know there are no further amendments.

The PRESIDING OFFICER (Mr. CULVER). The Senator will please suspend for a moment. The Senate is not in order. The Senate will be in order.

The Senator from New York may proceed.

Mr. JAVITS. Mr. President, as far as I know we have no further amendments on this side.

UP AMENDMENT NO. 699

Mr. RANDOLPH. Mr. President, there are certain technical amendments that come from the Finance Committee, and in the absence of Senator LONG, who of necessity is unable to be here at this time, I present these amendments in his behalf. They are, as I say, technical and clarifying amendments, and Senator JAVITS and I have agreed that it is proper to have them included.

The PRESIDING OFFICER. The clerk will state the amendments.

The second assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. RANDOLPH) for Senator LONG, proposes an unprinted amendment numbered 699.

The amendment is as follows:

On page 34, line 7, strike out "Amendments" and insert in lieu thereof "Amendment".

On page 35, line 10, strike out "subsection (d) of this subsection" and insert in lieu thereof the following: "subsection (a) of section 424 of the Federal Coal Mine Health and Safety Act of 1969".

On page 36, line 2, strike out "subsection (e)" and insert in lieu thereof the following: "subsection (b) of section 424 of the Federal Coal Mine Health and Safety Act of 1969".

On page 37, line 7, strike out "(b) Operation Liability" and insert in lieu thereof the following: "(d) Payments from Fund".

On page 37, line 23, strike out "and".

On page 38, line 10, after "subsection (b) (2)" insert the following: "of section 203 of the Black Lung Benefits Revenue Act of 1977."

On page 40, line 1, strike out "section 424 (e)" and insert in lieu thereof the following: "section 424(b)".

On page 40, line 5, strike out "section 424 (e)(2)" and insert in lieu thereof the following: "section 424(b)(2)".

On page 41, line 7, strike out "Secretary" and insert in lieu thereof the following: "Secretary of Labor".

On page 42, line 3, strike out "(c)" and insert in lieu thereof "(e)".

On page 42, lines 3 and 4, strike out "amendment made by subsection (a)" and insert in lieu thereof the following: "amendments made by subsections (a), (b), and (c)".

On page 42, line 5, strike out "(b)" and insert in lieu thereof the following: "(d)".

On page 42, line 6, strike out "until" and insert in lieu thereof the following: "before".

On page 44, lines 9 through 11, strike out "section 424 of the Federal Coal Mine Health and Safety Act of 1969" and insert in lieu thereof the following: "section 203 of the Black Lung Benefits Revenue Act of 1977".

On page 47, line 18, strike out "Claims" and insert in lieu thereof the following: "Claim".

On page 48, line 4, insert a comma after "Expenditures".

On page 54, line 16, strike out "(G)" and insert in lieu thereof the following: "(H)".

On page 54, line 20, strike out "(E)" and insert in lieu thereof the following: "(F)".

On page 55, line 1, strike out "(D)" and insert in lieu thereof the following: "(E)".

On page 55, line 3, strike out "(F), and (G)" and insert in lieu thereof the following: "(G), and (H)".

On page 55, line 10, strike out "(D)" and insert in lieu thereof the following: "(E)".

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. RANDOLPH. I also ask unanimous consent to have printed in the RECORD the Congressional Budget Office cost estimates.

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

CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., July 11, 1977.

Hon. RUSSELL LONG,
Chairman, Committee on Finance, U.S. Senate, Washington, D.C.

DEAR SENATOR LONG: In response to a request from the staff of your Committee, the following represents our most recent estimate of the total trust fund costs, including current law, in S. 1538 ($ in millions):

1978	213.1
1979	274.2
1980	338.3
1981	158.0
1982	163.2
5-year total	1,146.8

The above numbers differ slightly from those submitted by the Department of Labor in their recent reestimate submitted to your Committee. In recent discussions with the Labor Department, we have been able to reconcile the differences in our respective cost estimates of this bill for all but one provision: the costs of Section 2(c) relating to the application of medical standards to determine total disability.

CBO's original estimate for this Section was based upon data provided to us by the Department of Labor. More recent information that they have compiled would, according to them, significantly increase the approval rate for claims filed. Since CBO had no independent means of estimating the number of claims that would be affected by this Section, we cannot dispute this reestimate prepared by the Labor Department as it relates to Part C claims. However, included in their estimate are an additional 7,250 claims denied under Part B which would, in their opinion, be approved as a result of this provision. Some of these claims were already included in our estimate in Section 4, the removal of the current employment bar. The rest of these claims are assumed to be primarily individuals who were denied under Part B because of filing after June 1973. We assume that approximately 2,100 of these miners are already counted under the Section 4 provision and, of the remainder, we would project that only half as many claims would actually now be eligible. Thus, CBO would estimate an additional 2,500 approvals of Part B claims under Section 2(c). Based upon this reduction in the Labor Department's projected number of approvals from 7,250 to 2,500, the following represents our estimate of the costs of this Section ($ in millions):

1978	81.2
1979	151.8
1980	210.6
1981	91.1
1982	95.8
5-year total	630.5

We hope this information will be helpful to you and would be pleased to be of further assistance to you in this matter.

Sincerely,

ALICE M. RIVLIN,
Director.

CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., July 11, 1977.

Hon. RUSSELL B. LONG,
Chairman, Committee on Finance,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974,

the Congressional Budget Office has prepared the attached cost estimate for S. 1538, the Black Lung Benefits Revenue Act of 1977.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

ALICE M. RIVLIN,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 1538 (Finance Committee)

2. Bill title: Black Lung Benefits Revenue Act of 1977

3. Purpose of bill: S. 1538 was originally reported by the Committee on Human Resources (S. Rept. 95–209) on May 16, 1977. That bill provided for modification in the eligibility criteria of the Black Lung Benefits program by reducing and clarifying some of the evidentiary requirements for entitlement, thus expanding the number of potential beneficiary to this program. The bill also made all of these new beneficiaries eligible under the Department of Labor (Part C) program and created a trust fund to pay all claims under Part C except where a responsible mine operator can be identified. The Finance Committee version of S. 1538 creates, through a one percent ad valorem tax on all coal (except lignite), a mechanism to raise funds to support the trust fund. Under current law, benefits paid under Part C are financed through general revenues.

4. Cost estimate: ($ in millions)

Fiscal year:	*Total receipts*
1978	137.7
1979	169.0
1980	185.8
1981	204.3
1982	224.7

5. Basis for estimate: Revenues were calculated using data from the Joint Tax Committee on projected 1977–1982 tonnage for anthracite, bituminous, and sub-bituminous coal and the price per ton for each type of coal over the same period. Because of the effective date of October 10, 1977 as mandated in the bill, revenues in Fiscal Year 1978 reflect only 11⅔ months of collections. Further, a one month lag in collecting revenues was also assumed. Lastly, because data was provided on a calendar year basis, it was assumed that equal amounts would be collected in each month during the calendar year and collections for four months of the previous fiscal year and eight months of the current year were added to calculate revenues. Four months from the previous fiscal year was used (as opposed to the three in the fiscal year) in order to take into account the one month lag in collections.

Total receipts collected over the five year period would be $921.5 million. Total trust fund liabilities are calculated to be $1,146.8 million or $225.3 milion more than revenues. However, the trust fund liabilities include $145.0 million in Part C liability under current law and a $45.2 million payback of prior claims from the trust fund to general revenues. Thus, the total new appropriations needed to support the trust fund will be $35.1 million over the five year period.

6. Estimate comparison: Not Applicable.

7. Previous CBO estimate: None.

8. Estimate prepared by: Jeffrey Merrill (225–7766).

9. Estimate approved by: C. Muckols, for James L. Blum, Assistant Director for Budget Analysis.

Mr. RANDOLPH. Mr. President, under the unanimous——

The PRESIDING OFFICER. Will the Senator please suspend? The Senate is not in order.

The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, under the unanimous-consent agreement which was proposed by the able majority leader and agreed to by the minority leader, who has worked in partnership on this legislation, we would not be voting on the final passage of this measure, going to third reading, as we understand, but the House, presumably, will vote on next Tuesday. There is this matter of a constitutional problem.

I understand from the leader that we feel the unanimous-consent agreement preserves the position of the Senate and preserves the position of the House. We will not vote but wait until the House takes action. Is that correct?

Mr. ROBERT C. BYRD. The Senator is correct. The Senate will proceed to third reading and then the measure will be left on the Calendar.

Mr. RANDOLPH. Returned to the Calendar for the moment, yes.

Mr. HARRY F. BYRD, JR. Will the Senator yield for a question?

Mr. RANDOLPH. I yield.

Mr. HARRY F. BYRD, JR. Is the understanding of the Senator from Virginia correct that if and when the House acts affirmatively on similar legislation and that is reported to the Senate, then a vote will be taken on the Senate bill and not the House bill?

Mr. RANDOLPH. The able Senator from Virginia is correct.

Mr. HARRY F. BYRD, JR. I shall support the Senate proposal, but I wanted to be clear as to whether it was a Senate bill or a House bill on which we would be voting.

Mr. RANDOLPH. The Senate measure. I thank my friend for the inquiry.

Mr. HASKELL. Mr. President, I want to voice my strong support for S. 1538, the Black Lung Benefits Reform Act of 1977. In so doing I also want to commend the distinguished senator from West Virginia, Mr. RANDOLPH, for his dedication in guiding this important legislation through the Human Resources Committee, and the distinguished majority leader for his commitment to bringing this bill to the floor as expeditiously as possible. Both have performed an invaluable service, and I deeply hope that the House of Representatives can now be persuaded to act quickly so that these badly needed and long delayed changes in the black lung benefits program can at last become law.

The ravages of black lung disease are all too well known to the coal miners of this Nation who perform a physically demanding task in surroundings that are nearly always dangerous and often debilitating and deadly. Hundreds of thousands of coal miners have been disabled as a result of this incurable and irreversible disease. In testimony before the Labor and Public Welfare Committee last year I noted that among the some 10,000 active and retired miners in my own State of Colorado, almost 1,300 black lung claims were being processed in 1976.

The evidence is overwhelming that various debilitating degrees of black lung disease afflict the vast number of miners after numerous years in the mines.

We have taken belated steps to make mines safer and cleaner. We must now take the steps necessary to insure that those who have suffered from past inattention to these problems are dealt with fairly and compassionately.

In the 94th Congress I introduced S. 3183, with the cosponsorship of 21 of my colleagues, to remedy many of the ills which have been found to exist in the present black lung benefits program. We were nearly able to secure enactment of that legislation into law, but failed in the closing hectic days of the 94th Congress.

I am deeply gratified that the substance of my previous legislation has been incorporated into original legislation reported this year by the Committee on Human Resources, and that we are acting on this legislation in adequate time to secure House passage and finally see these needed reforms become law.

The Black Lung Benefits Reform Act of 1977 is responsible legislation, containing adequate safeguards against potential abuse. It is neither a "give-away," nor a "boondoggle" for coal miners. It is rather a major step toward securing elemental justice for those who have suffered from society's inattention to coal mine safety.

I urge my colleagues to support this important and badly needed legislation.

Mr. HART. Mr. President, I would like to express my strong support for S. 1538, which will amend title IV of the Federal Coal Mine Health and Safety Act to improve the black lung benefits program.

Mr. President, prior to the 20th century, most Americans lived and worked in agricultural communities. During the industrial revolution, however, more and more people gravitated to the cities to work in factories. Initially, concerns for worker safety, wages, hours and compensation benefits were ignored. However, as the public began to demand safe and equitable working conditions, the Federal Government moved to help protect workers in a variety of different ways.

In 1908, Federal workers first received compensation for job-related injuries. Since that time, government involvement in the workplace has resulted in provisions of workmen's compensation insurance; unemployment insurance; social security retirement benefits; as well as the assurance of a relatively safe working environment in many industries. In general, we have made considerable progress in protecting worker health and safety. However, many reforms are still needed, and in terms of individuals, none are now more in need of assistance than those who work in the coal mines.

As oil and gas supplies diminish, our country will become even more dependent on coal as a basic energy resource. Our annual consumption of coal is extracted by less than two-tenths of 1 percent of the American work force—about 180,000 miners.

These miners work in conditions that most of us would not tolerate, risking their lives to keep this country running and to earn a living for themselves. We have all heard of gruesome incidents where mine walls collapse; critical mine safety equipment fails; explosions occur

from accumulations of methane gas and coal dust; and so forth. And yet even when "safer" conditions prevail, a miner is constantly surrounded by a cloud of coal and rock dust. If a miner works in this dust for a period of years, the odds are almost absolute that he will suffer the respiratory impairment known as black lung disease or coal workers' pneumoconiosis. Pneumoconiosis is a progressive disease—once a minor has it, his health begins to deteriorate.

To date, some 500,000 victims of pneumoconiosis are receiving benefits under the black lung program established by title IV of the Federal Coal Mine Health and Safety Act. Approximately $5 billion in benefits have been distributed since the program began in 1970.

However, while the program has benefited many individuals, a large number of miners have had claims denied. S. 1538 will remove certain eligibility restrictions and expedite claims for the victims of black lung disease and their survivors. Moreover, this legislation will assure that coal mine operators will at least assume substantial financial responsibility for the black lung program. In sum, the bill will go a long way toward eliminating some of the difficulties encountered by thousands of disabled miners and their widows in their efforts to obtain what are well deserved compensation.

Mr. CURTIS. Mr. President, S. 1538, the Black Lung Benefits Reform Act of 1977, was referred to the Committee on Finance after having been reported by the Committee on Human Resources. Because the bill, as reported by that committee, establishes a coal tax and trust fund to finance the black lung benefits program, the bill was referred to the Committee on Finance.

Under the present law and under S. 1538, as reported by the Committee on Human Resources, a part of the cost of black lung benefits is charged directly against the former employer of the beneficiary when liability can be established under certain statutory criteria. Where this is not possible, the present law provides for the costs of benefits to be financed out of Federal general revenues. The Human Resources Committee bill would impose an excise tax on the producer's sale of coal, at a rate determined by the coal's British thermal unit (Btu) value. Revenues from this tax would be automatically appropriated to a trust fund, which would pay benefits in cases where there is no "responsible operator" and with respect to all claims in which the miner's last coal mine employment was before January 1, 1970.

The Committee on Finance has modified the excise tax and trust fund provisions of the bill, converting the tax into a tax on coal—other than lignite—at the rate of 1 percent of the price for which it is sold, and terminating the tax and trust fund provisions after 5 years. In addition, the Finance Committee has added provisions amending the tax status of operators' self-insurance trusts.

Mr. President, I have two serious reservations with the bill as reported by the Committee on Human Resources:

The first change would prohibit the Department of Labor from challenging the intrepretation of an X-ray submitted by a claimant in support of the claim if read by a Board-eligible or Board-certified radiologist.

The second change in S. 1538 would create a presumption of eligibility for survivors of miners who worked for 25 years or more in coal mining prior to June 30, 1971 and who die on or before the date of enactment of the bill. Benefits would be payable to such survivors unless the Department of Labor establishes that the miner, at the time of his death, was neither totally disabled nor partially disabled from black lung disease. This provision has an estimated average annual cost of $35 million over the next 5 years.

I am hopeful that changes, especially the later, which converts the program to a pension plan, will be deleted by my colleagues.

Mr. MUSKIE. Mr. President, S. 1538, the Black Lung Benefits Reform Act of 1977, has an admirable goal—to place the burden for compensating miners disabled by pneumoconiosis, or black lung disease, on the coal industry rather than the taxpayer. Since 1969, almost the entire burden of black lung compensation has rested with the general fund of the Treasury, which will have paid out a total of $5.6 billion in black lung benefits by the end of this fiscal year. Under S. 1538, while the general funds would continue to pay benefits to those who applied prior to June 30, 1973, benefits to those applying after that date, where the Department of Labor is unable to identify a single operator responsible for the working conditions which caused black lung, would be paid from a newly established trust fund financed through an excise tax assessed against coal operators. Through this mechanism, then, much of the financial responsibility for black lung benefits would be assumed by the coal industry.

The Human Resources Committee, in its section 302(b) allocation of budget authority and outlays among its programs, found room to allocate $306 million in budget authority and $137 million in outlays for this legislation. The new costs added by S. 1538 are $149 million in budget authority and outlays.

Thus, the bill is consistent with the committee's budget authority allocation, but it does exceed the outlay assumptions slightly. Thus this bill, when viewed alone, can be accommodated by the 1978 First Budget Resolution except for the small outlay increase.

However, Mr. President, I must point out that First Budget Resolution also assumed savings due to legislation in other programs in the income security function of the budget. These savings were assumed to occur in programs under the jurisdiction of the Finance Committee and were expected to total $50 million in budget authority and $827 million in outlays. Both Presidents Ford and Carter recommended such savings in their fiscal 1978 budgets. The Finance Committee in its March 15 letter to the Budget Committee, suggested that most of these savings be assumed in the budget resolution, and the Finance Committee assumed all these savings in its section 302(b) allocation under the First Budget Resolution. Nonetheless, to date no action has been taken on legislation to achieve these savings in either the House or the Senate.

It goes without saying that without these savings the targets for the income security function will be breached, even if the black lung bill or other legislation is not enacted. As chairman of the Budget Commitee, we are bound to attempt to enforce the spending targets of the congressional budget.

Therefore, if the Finance Committee is unable to take prompt action to bring about the savings assumed in the first budget resolution, we must make an effort to achieve those savings on the floor of the Senate by amending the next appropriate legislation.

I shall not attempt to attach my savings amendment to the black lung bill now before us, because the savings would be achieved in programs unrelated to the black lung benefits program, and because the black lung bill was initiated by the Human Resources Committee and not the Finance Committee. However, I understand that the Finance Committee will soon report H.R. 7200, a bill pertaining to various programs under the Social Security Act. If the savings suggested by the Finance Committee are not contained in that measure, I, along with other Senators, shall sponsor an amendment to H.R. 7200 which would achieve those savings.

We understand that the Finance Committee has had a heavy schedule of legislation this year. But the savings suggested by the Finance Committee and assumed in the first budget resolution have not been achieved. We must do all in our power to achieve these savings in order to maintain the fiscal discipline of the congressional budget and see that the budget policy we adopted in May is not thwarted.

In regard to S. 1538, the bill before us today, I will vote for this bill to improve the financing of black lung benefit payments. However, I do plan to support amendments to eliminate certain benefit liberalizations contained in this bill in order to assist the Congress in living within its budget. I urge my colleagues to consider carefully these amendments in the context of the huge budget deficit we face for fiscal year 1978 and vote to live within our budget so that a larger 1978 deficit will not be necessary.

Mr. CLARK. Mr. President, the passage of S. 1538, the Black Lung Benefits Reform Act of 1977, would significantly improve the administration of the black lung benefits program. I strongly support this legislation so that we can provide relief to tens of thousands of former coal miners and their dependents and restore integrity to the program.

Among the major provisions are:

First, the financial burden of the program will be shifted from the Government to the coal industry. The cost of claims prior to January 1, 1970, will be financed by an excise tax on coal;

Second, chest X-rays must be accepted as evidence, as long as they are of good quality and are taken and interpreted by qualified persons;

Third, affidavits shall be accepted as evidence where no medical evidence exists or where it is insufficient;

Fourth, the term "total disability" is broadened to permit benefits for those who were employed as miners at the time of death;

Fifth, a survivor is entitled to automatic benefits if the miner worked 25 years in mine employment prior to June 30, 1971; and

Sixth, prompt consideration of claims and appeals will be required.

These and other provisions of S. 1538 would do much to streamline the black lung benefits program and make it more responsive to the needs of miners, their dependents, and their survivors.

Last year, my staff calculated that, on the average, claimants in Iowa waited 2 years and 2 months before their claims were processed. Some of my constituents have been waiting 3 or 4 years, with no word about whether their claims have been approved.

The letter below, which I ask unanimous consent be printed in the RECORD, is representative of the type of correspondence I receive from Iowans regarding the black lung program. Mrs. Louis Valentine of Mystic, Iowa, writes:

I and many of us have been very frustrated by the constant delays, denials, appealing over and over, test after tests and hearings year after year.

The time has come for Congress to relieve these individuals and their families of their financial strain, their disillusionment, and their frustration. I urge my colleagues to approve S. 1538.

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

MYSTIC, IOWA, *May 11, 1976.*

Hon. DICK CLARK,
U.S. Senator of Iowa,
Washington, D.C.

DEAR SIR: In reply to your letter of May 6, 1976, I beg of you to try your utmost to get my husband, (Louie Valentine S.S. No. XXXX XXXX .Black Lung Benefit Claims passed, as I need help now.

My husband, after working in the underground coal mines for 32 years, and undergoing nearly six years of tests, trips and hearings, even though his own Doctor, E. A. Larsen, M.D. testified that Louie Valentine had to quit work in the mines in 1944 because of Miners Lung and respiratory conditions, despite this was denied his claim. Even then my husband worked in the coal fields, hauling coal until the age of 68 (for 24 years now).

After spending over 50 years in the coal fields, I think that he or any man well deserves the Black Lung Benefits without test after test and Hearings at the age of 77 years, which is be-meaning and confusing to people of that age, as if they were asking for something they did not deserve.

Now my husband suffered a stroke on March 17, 1976, was entered in the St. Joseph's Hospital and from there had to be taken to the "Golden Age Manor" as I can not possibly take care of him, my own health being very poor, as I suffer from Atherosclerosis and had open heart surgery in April 1, 1975.

We truly need the Black Lung Benefits now, and Louie Valentine filed his claim on January 20, 1971, being denied, he kept appealing his claim to date.

I talked to Ms. Lois B. Schaefer, Claims Examiner from the U.S. Department of Labor and she did have all the records and reports which the Social Security office of Ottumwa was to forward to Ms. Schaefer at once. (I personally called them to send all records of when Louie first filed for Black Lung). To date I have heard no more and I do pray that she has gotten these records by now and with your help that we will now receive the Black Lung Benefits my husband so richly deserves.

I and many of us have been very frustrated by the constant delays, denials, appealing over and over, test after tests and hearings year after year, when I know this is a legitimate claim and feel that surely action will be taken now, under the new bill H.R. 10760 approved by the House of Representatives and co-sponsored Bill S. 3183 which you approve and you will give us prompt consideration.

I thank you for your interest and any help you can and will give us to hasten the action on our appeal for the Black Lung benefit claim filed by Louie Valentine.

Sincerely,

MRS. LOUIE VALENTINE.

Mr. HUDDLESTON. Mr. President, as the Nation looks to coal to pull us through the energy shortage, we must be constantly aware of the high price of that coal in terms of the health, and often the lives, of our miners. If a miner escapes a roof fall, an explosion, or one of the many other types of accidents all too prevalent in the mines, he still faces a near guarantee of lung and breathing impairments caused by coal workers' pneumoconiosis—a progressive irreversible, and seriously debilitating disease caused by the inhalation of coal mine dust. According to medical authorities, in many cases respiratory damage is present after only 1 year underground; in at least 52 percent of all underground miners there is X-ray evidence of pneumoconiosis after 11 years; and at least 88 percent of the coal miners who have served in the mines for 15 years or more can successfully establish under present criteria that they suffer from black lung.

Ideally, we should clean up the mines and end the cause of the disease. We are making progress in that direction and, with strict enforcement of the law, eradication of new black lung cases should be accomplished. But, in the meantime, the very least we can do for the victims of this insidious disease is to try to assure them of some compensation for their hardship and suffering.

In 1969, the Congress enacted a program to compensate miners disabled by black lung and the families of miners killed by it. Clearly, that program has had its successes—monthly payments ranging to a maximum of $410.80 are going to over 500,000 miners or their families. But, unfortunately, the record is full of cases of inexcusable delays in processing claims, seemingly endless and expensive appeals, and denials which at times appear inexplicable. And, each and every one of these cases means that some disabled miner and his family are suffering severe and unnecessary hardship.

The bill before us today is designed to correct some of the deficiencies in the black lung program and bring some relief from the bureaucratic redtape, delays, and outright inequities which have become so closely identified with the current system.

First, as reported, it eliminates the 1981 termination date of the current black lung law, leaving no doubt that we fully intend to permanently honor our commitment to our disabled miners.

At long last, the responsibility for financing the program is put where it belongs—on the coal mine employers, and not on the Federal Government.

It amends the terms "pneumoconiosis" and "miner" to assure that all respiratory and pulmonary impairments arising out of coal mine employment, and all coal workers exposed to these impairments, are compensable.

It eliminates unnecessarily strict time limits under present law which often have prevented the consideration of claims on their merits.

It ends the terrible practice of forcing a miner to leave his job, and gamble with his family's future, before he can file a black lung claim and receive a determination of eligibility.

The rereading of X-rays, which have resulted in so many delays and so many denials, is ended.

Survivor's claims are facilitated.

Field offices to assist claimants in filing and expediting their claims are authorized, and both HEW and the Department of Labor are required to provide information and assistance to potential beneficiaries.

Claimants who have had their claims denied under the old program will be able to have their claims reviewed under a simple refiling procedure.

And, a permanent $10 million annual authorization is provided for black lung clinical facilities.

Mr. President, disabled miners and their widows should not face an uphill battle to secure benefits which they deserve and for which they have paid so dearly. This bill is in no way a giveaway, but it should at least give claimants their rightful opportunity to have their claims decided equitably and quickly.

Mr. WILLIAMS. Mr. President, coal workers' pneumoconiosis, or black lung disease is a truly dreadful disease. It is a progressive, irreversible respiratory ailment which robs its victims of vitality and energy by making it increasingly difficult for them to obtain oxygen from the air they breathe. Eventually, it robs its victims of life itself.

Anyone who has seen the ravages of this disease, the agony of its victims, cannot help but be touched by the terrible suffering it causes to miners and their families. The sight of active miners used to the most physical of work, who are unable to even walk without great suffering is truly a pathetic picture.

Black lung disease is perhaps a truly classical occupational disease. It is caused by one thing, and one thing only; the inhalation, over a period of time, of coal dust.

In 1969, when we passed the Federal Coal Mine Health and Safety Act, we set upon a course to eliminate the scourge of black lung. We were to have made our

mines less dusty, and by doing so, we were to have eliminated the risk that a miner would get black lung disease.

We know now, that to a large extent, we have been unsuccessful in doing this. As a result, the problem of black lung is still with us. And it will be with us for years to come.

That is why, Mr. President, it is imperative that we reform the black lung program.

That program has, since its inception, been fraught with administrative and statutory problems which have rendered it a hollow promise to hundreds of thousands of our Nations' miners and their families. Under the current program, the victims of this dreadful disease are made to wrestle futilely with a faceless bureaucracy and with Byzantine procedures while their lives slowly ebb away.

This bill corrects many of the injustices which have developed in the administration of the black lung program. It streamlines the procedures by which the black lung program is administered, and eases the burden of establishing a claim. These burdens have frustrated eligible and deserving claimants in the past.

We must streamline procedures, because they are currently out of control. The Labor Department's own internal task force reported that in fiscal year 1976, processing time for claims within the Department had increased to an average of 630 days. The General Accounting Office, in its recent report to the Committee on Human Resources, indicated that there are more than 50,000 claims backlogged in the Department of Labor. Nearly one-third of these have been there for more than 2 years.

We must also ease the unfair burden of proof which the program currently places on claimants. Through fiscal year 1976, the Labor Department had received more than 92,000 black lung claims. It had approved only 3,233 claims. In addition to the complex administrative procedures currently in force, a reason for this low claim approval rate is that often it is all but impossible for legitimate claimants to establish their eligibility. Medical evidence is often imprecise and difficult to evaluate. Symptoms can be confusing. Often, and especially so in cases of older miners, doctors are not sufficiently skilled in diagnosing black lung. In many cases the illness or death of a miner due to black lung has been attributed to some other cause. Then, when the miner's widow went to file her claim, she had insufficient medical evidence to establish her eligibility.

And yet, we know that black lung has been, and continues to be a serious problem in our coal industry. A study done by the National Institute of Occupational Safety and Health indicates that, based on autopsies, more than 90 percent of the deceased miners studied had the disease.

This bill would ease some of the burdens on claimants and would also eliminate many of the administrative bottlenecks. It would require the Secretary of Labor to establish effective medical criteria. It would recognize the continuing prevalence of the disease among our Nation's coal miners. It would eliminate unfair statutes of limitations which work to the disadvantage of those claimants who are most in need.

Finally, Mr. President, this bill would shift the cost of this program to the coal industry. In 1969, when the Congress established the black lung program, we intended that the industry would pay benefits for claims filed after 1974. So far, this has not been the case. Very few of these claims have been allowed. Fewer still have been assigned to responsible operators. The operators have contested more than 90 percent of the claims which were issued to them. The rest are still being paid by the Government.

This bill established a trust fund, funded by a tax on coal, which will pay the claims which are now being paid by the Government, but which we intended to be paid by the industry.

This is an important step toward encouraging the industry to finally clean up our mines.

And, we must clean up our mines. The President of the United States has sent up his energy proposals. They rely on increased production and use of coal as an energy source. Mr. President, if we are to increase our coal production, it cannot be at the cost of the health, well-being, and the very lives of our Nation's miners. We must eliminate the scourge of black lung, and we must fairly and adequately compensate the victims of this dreaded disease.

This bill is a giant stride toward the accomplishment of both of these goals. I urge the Senate to pass this bill, and to keep the promise we made to our coal miners in 1969.

Mr. HATCH. Mr. President, I intend to support the final passage of S. 1538, the Black Lung Benefits Reform Act of 1977.

I do so as a part of my concern for the working people in our country and the thousands of Utah coal miners who have courageously labored in our Nation's coal mines at great personal risk to themselves and their dependents. I believe we are in a new era of concern for the welfare of America's coal miners by virtue of the passage of the Federal Coal Mine Health and Safety Act of 1969 and my concern is continuing.

Since passage of that act, many constructive improvements have been made in the miners' inherently hazardous work environment, although the coal miners of America are not yet as safe and healthful as we would wish them to be. We in Congress and the coal mine industry are working toward this goal.

Until we have reached the stage where mine operations have made the work environment as safe as can be achieved, it is our obligation to insure that victims of black lung disease and their survivors are fairly and timely compensated for disabling pneumoconiosis. This bill is a continuing link in support of the chain of events triggered by the enactment of the Federal Coal Mine Safety and Health Act.

Title IV of that act provides a mechanism for compensating miners totally disabled due to black lung, or pneumoconiosis, the dependents of such miners, and the eligible survivors of such miners. Part B is administered by the Social Security Administration for claims filed from the date of enactment of the act—December 30, 1969—through June 30, 1973. Beneficiaries are paid from the general funds of the Treasury for life. Some 375,000 claims, out of about 550,000 filed, have been approved, and 180,000 have been denied. Current appropriations for part B are about $850 million.

Part C is administered by the Department of Labor for claims filed after June 30, 1973. Beneficiaries are to be paid, according to the statute, by responsible coal operators through State workers' compensation systems which meet benefit standards set by the Secretary of Labor. Where there is no responsible operator, the Department of Labor pays the claim.

Out of approximately 109,000 claims filed, 4,100 have been approved and 56,000 have been denied. The remaining 49,000 undecided claims form the backlog resulting in large part from an average claim processing time of 630 days. Of the claims approved, coal operators are paying only 200; the industry is controverting 97 percent of the claims for which a responsible operator has been identified by the Secretary of Labor.

Because of the few claims being paid by mine operators, a Federal Government-administered trust is created which is designed to shift part C benefits payments to the coal industry as originally intended by Congress in the 1972 amendments to the Coal Act.

In fact the industry has gone on record as commending the trust fund and tax amendments made by the Senate Finance Committee as a constructive approach toward financing black lung liability under part C. In fairness, however, I must say that it opposes some of the other provisions of the bill.

I am somewhat disturbed by the provision which allows widows an automatic entitlement to benefits based solely on years of coal mine employment. Current law provides no compensation on this basis. While I am opposed to the precedent here, I believe that my concern is overriden in this case because of the extreme difficulty widows experience in providing medical evidence to support a claim, and due to the pervasive financial hardship of most coal miners' widows.

In summary, Mr. President, while I am not totally happy with all aspects of the bill, I believe that on balance it is a fair and constructive approach to compensating those gallant miners who have sacrified their health and become totally disabled in consideration of the Nation's demanding energy needs.

Mr. HEINZ. Mr. President, last year the Congress failed to enact a black lung reform bill, despite the fact that there are over 51,000 pending claims filed by miners who have risked their health and lives to provide all of us with much needed energy resources.

I have been a strong supporter of black lung reform legislation because I am aware of the very real problems encountered by thousands of old and

disabled miners and their families in their efforts to obtain what they believe are their well deserved benefits. My office receives hundreds of requests by miners to help them with the bureaucratic tangles that they must cope with in order to achieve benefits. Unfortunately, in our efforts to provide assistance to those who suffer from black lung disease, we have created mechanism which often results in frustration and denial of benefits for many deserving miners.

If this Nation ever expects to increase production of its vast coal resources, we must assure that we will have the manpower to mine and move our coal. As long as people think that mining is a job that dooms people to ill health with improper care and no economic security, we cannot recruit the manpower we need.

So the future demands that we develop reasonable assurance of security for those who risk their health to help this country achieve energy independence. Without a workable black lung program the incentive for coal mine manpower will be reduced and our goals of increasing coal production will be delayed.

Today we will consider the Black Lung Benefits Reform Act of 1977, a bill designed to eliminate some of the delays in the present system and create a funding mechanism that will finance the benefits program. The bill also creates field offices to assist black lung benefits claimants with their claim filing and processing in the areas where they live. As the Committee on Human Resources points out, we now know that the number of disabled miners far exceeds earlier estimates. Currently, there are about 562,000 claims on file under part B of the program, which includes those who filed on or before June 30, 1973 and are entitled to the payment of benefits for life or as long as they remain eligible. There are also over 110,000 claims on file under part C which was designed to be administered by State workers' compensation agencies meeting minimum standards, or by the Secretary of Labor where such standards were not met. Unfortunately, no States have yet been able to meet the minimum requirements and as a result the Department of Labor has administered the entire part C program.

This evidence clearly demonstrates an overwhelming need for changes to be made in the existing program and I urge my colleagues to join me in voting in favor of S. 1538.

(This concludes additional statements submitted.)

Mr. ROBERT C. BYRD. Third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments to be proposed, the question is on the engrossment and the third reading of the bill.

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

The PRESIDING OFFICER. Under the order, the bill will be returned to the calendar.

The Senator from West Virginia.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider Calendar No. 3 on the Calendar of Treaties.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, there is no objection on this side.

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

TREATY WITH MEXICO ON THE EXECUTION OF PENAL SENTENCES

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Calender No. 3, Executive D, 95th Congress, First Session. Treaty with Mexico on the Execution of penal Sentences, reported favorably, with a declaration.

The Senate, as in Committee of the Whole, proceeded to consider the following treaty, which was read the second time:

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES ON THE EXECUTION OF PENAL SENTENCES

The United States of America and the United Mexican States, desiring to render mutual assistance in combatting crime insofar as the effects of such crime extend beyond their borders and to provide better administration of justice by adopting methods furthering the offender's social rehabilitation, have resolved to conclude a Treaty on the execution of penal sentences and, to that end, have named their plenipotentiaries Joseph John Jova, Ambassador Extraordinary and Plenipotentiary by the President of the United States of America and Alfonso Garcia Robles, Secretary of Foreign Relations by the President of the United Mexican States,

Who, having exchanged their full powers and having found them in proper and due form, have agreed on the following Articles:

ARTICLE I

(1) Sentences imposed in the United Mexican States on nationals of the United States of America may be served in penal institutions or subject to the supervision of the authorities of the United States of America in accordance with the provisions of this Treaty.

(2) Sentences imposed in the United States of America on nationals of the United Mexican States may be served in penal institutions or subject to the supervision of the authorities of the United Mexican States in accordance with the provisions of this Treaty.

ARTICLE II

This Treaty shall apply only subject to the following conditions:

(1) That the offense for which the offender was convicted and sentenced is one which would also be generally punishable as a crime in the Receiving State, provided, however, that this condition shall not be interpreted so as to require that the crimes described in the laws of the two States be identical in such matters not affecting the character of the crimes such as the quantity of property or money taken or possessed or the presence of interstate commerce.

(2) That the offender must be a national of the Receiving State.

(3) That the offender not be a domiciliary of the Transferring State.

(4) That the offense not be a political offense within the meaning of the Treaty of Extradition of 1899 between the parties, nor an offense under the immigration or the purely military laws of a party.

(5) That at least six months of the offender's sentence remains to be served at the time of petition; and

(6) That no proceeding by way of appeal or of collateral attack upon the offender's conviction or sentence be pending in the Transferring State and that the prescribed time for appeal of the offender's conviction or sentence has expired.

ARTICLE III

Each State shall designate an authority to perform the functions provided in this Treaty.

ARTICLE IV

(1) Every transfer under the Treaty shall be commenced by the Authority of the Transferring State. Nothing in this Treaty shall prevent an offender from submitting a request to the Transferring State for consideration of his transfer.

(2) If the Authority of the Transferring State finds the transfer of an offender appropriate, and if the offender gives his express consent for his transfer, said Authority shall transmit a request for transfer, through diplomatic channels, to the Authority of the Receiving State.

(3) If the Authority of the Receiving State approves the request, it shall promptly so inform the Transferring State and shall initiate the necessary procedures to effect the transfer of the offender. If it does not approve the request, it shall so notify promptly the Authority of the Transferring State.

(4) In deciding upon the transfer of an offender the Authority of each Party shall bear in mind all factors bearing upon the probability that the transfer will contribute to the social rehabilitation of the offender, including the nature and severity of his offense and his previous criminal record, if any, his medical condition, the strength of his connections by residence, presence in the territory, family relations and otherwise to the social life of the Transferring State and the Receiving State.

(5) If the offender was sentenced by the courts of a state of one of the Parties, the approval of the authorities of that state, as well as that of the Federal Authority, shall be required. The Federal Authority of the Receiving State shall, however, be responsible for the custody of the transferred offender.

(6) No offender shall be transferred unless either the sentence which he is serving has a specified duration, or such a duration has subsequently been fixed by the appropriate administrative authorities.

(7) The Transferring State shall furnish the Receiving State a statement showing the offense of which the offender was convicted, the duration of the sentence, the length of time already served by the prisoner and any credits to which the offender is entitled, such as, but not limited to, work done, good behavior or pretrial confinement. Such statement shall be translated into the language of the Receiving State and duly authenticated. The Transferring State shall also furnish the Receiving State a certified copy of the sentence handed down by the competent judicial authority and any modifications thereof. It shall also furnish additional information that might be useful to the Authority of the Receiving State in determining the treatment of the convict with a view to his social rehabilitation.

(8) If the Receiving State considers that the documents supplied by the Transferring State do not enable it to implement this Treaty, it may request additional information.

(9) Each Party shall take the necessary legislative measures and, where required, shall establish adequate procedures, to give for the purposes of this Treaty, legal effect, within its territory to sentences pronounced by courts of the other Party.

ARTICLE V

(1) Delivery of the offender by the authorities of the Transferring State to those of the Receiving State shall occur at a place agreed upon by both parties. The Transferring State shall afford an opportunity to the Receiving State, if it so desires, to verify, prior to the transfer, that the offender's consent to the transfer is given voluntarily and with full knowledge of the consequences thereof, through the officer designated by the laws of the Receiving State.

(2) Except as otherwise provided in this Treaty, the completion of a transferred offender's sentence shall be carried out according to the laws and procedures of the Receiving State, including the application of any provisions for reduction of the term of confinement by parole, conditional release or otherwise. The Transferring State shall, however, retain the power to pardon or grant amnesty to the offender and the Receiving State shall, upon being advised of such pardon or amnesty release the offender.

(3) No sentence of confinement shall be enforced by the Receiving State in such a way as to extend its duration beyond the date at which it would have terminated according to the sentence of the court of the Transferring State.

(4) The Receiving State shall not be entitled to any reimbursement for the expenses incurred by it in the completion of the offender's sentence.

(5) The Authorities of each party shall, every six months, exchange reports indicating the status of confinement of all offenders transferred under this Treaty, including in particular the parole or release of any offender. Either Party may, at any time, request a special report on the status of the execution of an individual sentence.

(6) The fact that an offender has been transferred under the provisions of this Treaty shall not prejudice his civil rights in the Receiving State in any way beyond those ways in which the fact of his conviction in the Transferring State by itself effects such prejudice under the laws of the Receiving State or any State thereof.

ARTICLE VI

The Transferring State shall have exclusive jurisdiction over any proceedings, regardless of their form, intended to challenge, modify or set aside sentences handed down by its courts. The Receiving State shall, upon being advised by the Transferring State of action affecting the sentence, take the appropriate action in accordance with such advice.

ARTICLE VII

An offender delivered for execution of a sentence under this Treaty may not be detained, tried or sentenced in the Receiving State for the same offense upon which the sentence to be executed is based. For purposes of this Article, the Receiving State will not prosecute for any offense the prosecution of which would have been barred under the law of that State, if the sentence had been imposed by one of its courts, federal or state.

ARTICLE VIII

(1) This Treaty may also be applicable to persons subject to supervision or other measures under the laws of one of the Parties relating to youthful offenders. The Parties shall, in accordance with their laws, agree to the type of treatment to be accorded such individuals upon transfer. Consent for the transfer shall be obtained from the legally authorized person.

(2) By special agreement between the Parties, persons accused of an offense but determined to be of unsound mental condition may be transferred for care in institutions in the country of nationality.

(3) Nothing in this Treaty shall be interpreted to limit the ability which the Parties may have, independent of the present Treaty, to grant or accept the transfer of youthful or other offenders.

ARTICLE IX

For the purposes of this Treaty—

(1) "Transferring State" means the party from which the offender is to be transferred.

(2) "Receiving State" means the party to which the offender is to be transferred; and

(3) "Offender" means a person who, in the territory of one of the parties, has been convicted of a crime and sentenced either to imprisonment or to a term of probation, parole, suspended sentence, or any other form of supervision or conditional sentence without confinement.

(4) A "domiciliary" means a person who has been present in the territory of one of the parties for at least five years with an intent to remain premanently therein.

ARTICLE X

(1) This Treaty is subject to ratification. The exchange of ratifications shall take place in Washington.

(2) This Treaty shall enter into force thirty days after the exchange of ratifications and shall remain in force for three years.

(3) Should neither contracting party have notified the other ninety days before the three-year period mentioned in the preceding paragraph has expired of its intention to let the Treaty terminate, the Treaty shall remain in force for another three years, and so on every three years.

Done at Mexico City in duplicate, this twenty-fifth day of November, one thousand nine hundred seventy-six, in the English and Spanish languages, each text of which shall be equally authentic.

The PRESIDING OFFICER. Without objection, the treaty will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will state.

The assistant legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty between the United States of America and the United Mexican States on the Execution of Penal Sentences which was signed in Mexico City on November 25, 1976 (Ex. D, 95–1), subject to the following declaration:

That the United States Government declares that it will not deposit its instrument of ratification until after the implementing legislation referred to in article IV has been enacted.

Mr. ROBERT C. BYRD. Mr. President, there is a 4-hour limitation on this treaty, but I am advised by the very distinguished chairman of the Foreign Relations Committee (Mr. SPARKMAN) that in his judgment it will not require over an hour. I am sure the distinguished minority leader would like to say something on this point because he and I have also discussed the matter.

Mr. BAKER. Mr. President, I have inquired of Members on this side, and it seems to me that while there are speakers who wish to address themselves to this treaty, it will not take a long time, and certainly not the full 4 hours. We are agreeable to proceeding to its consideration at this time. I would estimate that it will take much less time.

Mr. ROBERT C. BYRD. Mr. President, I wonder if I could ask the minority leader whether or not, so that Senators may be able to plan for dinner at home, the time could be reduced to 1 hour.

Mr. JAVITS. Mr. President, reserving the right to object, I happen to think 1 hour is too short. I was going to ask the majority leader a question.

We have a conference report which really should come up. It has passed the House by an overwhelming vote. It is the Youth Employment Act. As far as I know, it has no opposition or controversy here. I think we can finish it in minutes, if we can take it up first, or, if the Senator wishes me to, I am willing to wait until after the Mexican treaty discussion. I just ask the Senator in order to determine what I ought to do about this matter.

Mr. ROBERT C. BYRD. I will be glad to respond to the distinguished Senator from New York. We are attempting to find the manager of the conference report on this side of the aisle. I would be very glad to take it up following the vote on the Mexican treaty. I understand there will not be a vote necessitated on the conference report. Am I correct?

Mr. JAVITS. That is what I assume. Senator BELLMON and Senator DOMENICI are both present.

Mr. DOMENICI. I want 5 minutes to exchange views about it with the distinguished Senator from New York, but I do not insist on a yea and nay vote.

Mr. BELLMON. I would like to have 2 minutes.

Mr. JAVITS. Mr. President, could we agree on a half-hour debate on the conference report after the disposition of the Mexican treaty? Is that agreeable to the leader?

As to the 1-hour limitation on the treaty, I would want about 5 minutes. It sounds all right to me.

I will say this to both leaders: This was a very controverted hearing. Grave questions of constitutionality were raised. I only submit that to them, not that I want more time but in the interest of the dignity of the Senate if they feel they want to limit it to 1 hour, I will certainly not object. I give the Senator that information.

Mr. BAKER. Reserving the right to object, I have checked with the distinguished Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan, who is on the Foreign Relations Committee, and with Senator TOWER, who has expressed a very serious interest in this matter. All of them are agreeable to a 1-hour limitation on the treaty.

Mr. GOLDWATER. Five minutes is all I need.

Mr. LUGAR. I would like to have 5 minutes, also.

Mr. BAKER. I believe we can cover it in 1 hour. I would not object to a unanimous-consent request for 1 hour.

Mr. ROBERT C. BYRD. I thank the distinguished minority leader and all Senators who have participated in the colloquy.

TIME-LIMITATION AGREEMENT—TREATY

I ask unanimous consent that the unanimous-consent request on the treaty to be changed to provide that 1 hour instead of 4 hours be the limitation.

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

TIME LIMITATION AGREEMENT—CONFERENCE REPORT ON H.R. 6138

Mr. BAKER. Mr. President, I advise the majority leader that I believe that, on this side, we are probably in a position to offer a unanimous-consent agreement for a time limitation on the youth employment conference report if he wishes to do that now.

Mr. ROBERT C. BYRD. Very well.

Mr. President, I ask unanimous consent that, on the youth employment conference report, H.R. 6138, there be a time limitation of not to exceed 30 minutes, to be equally divided between Mr. NELSON and Mr. JAVITS.

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

Mr. ROBERT C. BYRD. Mr. President, I make that request as in legislative session.

Mr. BAKER. Mr. President, I direct one further question to the distinguished majority leader. We have ordered the yeas and nays now on the ratification vote on this treaty. We have a time limitation on the youth employment conference report. It appears to me that there will be only one more rollcall vote and that no rollcall will be asked on the conference report. Will the majority leader give us his views in that respect?

Mr. ROBERT C. BYRD. I am under the same impression. However, I am not sure that we can assure Members of that until we find out from Mr. JAVITS and Mr. NELSON. I think the Senator is correct, but before we can assure him, I think I should like to ascertain from my manager if that is his feeling.

Mr. BAKER. I thank the majority leader.

Mr. ROBERT C. BYRD. Before the vote on the treaty, I am sure we can assure Members one way or the other.

Mr. BAKER. I thank the majority leader.

Mr. ROBERT C. BYRD subsequently said: Mr. President, earlier there was a colloquy between the distinguished minority leader and myself with respect to the possibility of a vote on the conference report on youth employment. I have checked on my side. The manager of the conference report on my side has indicated he would not expect a rollcall vote. Therefore, I would be willing to state for the information of the Senate that the rollcall vote on the treaty will be the last rollcall vote today.

TREATY WITH MEXICO

Mr. BAKER. Mr. President, might I inquire of the majority leader if it might not be appropriate to ask for the yeas and nays on ratification?

Mr. ROBERT C. BYRD. We should have the yeas and nays on ratification of the treaty.

Mr. BAKER. 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. SPARKMAN. Mr. President, the Committee on Foreign Relations has examined thoroughly the treaty with Mexico on the execution of penal sentences and as a result of this examination recommends that the Senate give its advice and consent to the ratification of this treaty. The Senate, on July 19, by a vote of 95 to 0, gave its advice and consent to a similar treaty with Canada.

The purpose of this treaty is to achieve the effective social rehabilitation of Americans presently in Mexican jails and Mexicans in U.S. jails. Individuals incarcerated in a foreign jail face overwhelming obstacles to rehabilitation and re-entry into society upon their release. In the case of Mexico and the United States, these prisoners have to deal with language barriers in addition to such problems as distance from family and inability to participate in work release, parole and counseling programs.

The United States has a definite interest in the rehabilitation of its citizens held in Mexican jails since eventually most of these individuals will return to the United States. The majority of the Americans in Mexico are young, first offenders who deserve the best possible chance for rehabilitation. These young men and women will come back to the United States, and it would only add to our problems and theirs if they were released into society as hardened criminals or without the ability to find employment. The United States would also be able to deal with its citizens with its own parole laws.

Another worthwhile benefit that will result from the ratification of the treaty will be a lessening of the friction in our bilateral relations that has resulted from incarceration of so many of each nation's citizens in the prisons of the other. This friction has been heightened by numerous news accounts about the plight of Americans imprisoned in Mexico. We have all heard from our constituents or from newspaper accounts about the conditions in Mexican jails and the charges that have been made about the Mexican criminal justice system by Americans who have become involved in that system. Although the Mexican Government has taken commendable steps to improve these conditions, these actions will not solve the problem of rehabilitation addressed by the treaty.

Since the treaty involves new legal concepts for the United States, the committee carefully examined the constitutional and legal questions arising from the transfer of individuals to U.S. prisons to serve out Mexican sentences. The committee determined that a strong case for the constitutionality of the treaty and the legislation necessary to implement it could be made. The committee solicited the opinions of a number of legal scholars, and all these opinions indicated that the treaty was constitutionally defensible. The Committee on the Judiciary, during its consideration of the implementing legislation, has taken additional steps to bring the transfer program into line with our constitutional system and to protect the rights of the prisoners to be transferred.

The committee recommends that the Senate give its advice and consent with a declaration that the instrument of ratification not be deposited until the implementing legislation has been enacted. This will prevent a situation in which we have a valid treaty, but no means of executing the transfer process. This declaration will also avoid raising the hopes of Americans imprisoned in Mexico and then destroying their morale should the implementing legislation not be enacted promptly.

I ask unanimous consent that an article-by-article analysis of the treaty be printed in the RECORD along with the committee statement of comment on the treaty.

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

COMMITTEE COMMENTS

Individuals imprisoned in a foreign nation face large obstacles to rehabilitation: language barriers; distance from family; differences in culture; inability to participate in educational, work-release or counseling programs; and difficulty in receiving parole. Parolees also have problems, such as securing suitable employment in a foreign nation, once they are paroled. The transfer of these prisoners or parolees to their home countries to finish out their sentences or to receive parole would greatly increase the prisoners' chances of making a successful reentry into society. Taking the case of Mexico, for example, most of the U.S. prisoners in jail there are young Americans who are first-time offenders. Their ability to readjust would undoubtably be enhanced if they could participate in job training, counseling and other programs available in penal institutions in the United States.

Since most of the prisoners will eventually return to their home countries after completing their sentences all three nations have an interest in the penal conditions of their citizens incarcerated abroad. The Treaties would also have a beneficial effect in reducing the tension between the United States and Mexico and the United States and Canada arising from the imprisonment of each others' citizens.

These Treaties involve concepts and legal issues new to the criminal justice system of the United States. The Committee recognizes that legitimate constitutional issues are raised by these treaties and the implementing legislation. The ultimate test of constitutionality may, of course, come before the Supreme Court of the United States. But the Committee has carefully considered these issues and has concluded that a case for the constitutionality of the Treaties can be made.

All the legal opinions received by the Committee concur in the constitutionality of the treaties. Under the terms of the Treaties, collateral attacks on the sentences of the foreign nations can only be made in the courts of that nation. These provisions would have the effect of denying to an American citizen who is transferred to the United States an opportunity to petition for a writ of *habeas corpus* for the purpose of challenging the validity of his Mexican or Canadian sentence or conviction. The Committee has determined that any constitutional questions involved in this preclusion of a writ of *habeas corpus* can be resolved by a valid waiver made at the time of the prisoners' consent to transfer. If the consent is to constitute a waiver, then the prisoner must be made fully aware of the consequences of his consent and the attendant waiver. The Committee understands that procedures will be established under the implementing legislation to provide full coun-

seling, legal assistance and information to prisoners eligible for transfer. The families of prisoners, to the extent possible, should be informed of these conditions and of the status of their family member.

In considering the question of waiver, the Committee notes that the prisoner in a foreign jail would not have access to the courts of the United States to attack his conviction or sentence. It is only upon transfer to the jurisdiction of the United States that a transferee could claim any access to U.S. courts. As a practical matter, the prisoner is thus not waiving a right held prior to transfer. It would place the United States in a paradoxical posture to insist that the writ of *habeas corpus* be available to transferees to contest the judgments of foreign courts when the result would be that the Americans would remain in foreign jails with no access to the courts of the United States for any purpose dealing with their confinement.

Although the implementation of the transfers will benefit several hundreds of Americans imprisoned in Mexico and Canada, the Treaties should not be viewed as a final solution to the problems of all U.S. citizens imprisoned in those countries. Some will not be eligible for transfer and others will not become eligible until they have been convicted, received definite sentences, and appealed these convictions and sentences. Therefore, the Committee feels that the Government of the United States should continue to assist fully those prisoners not transferred. Particularly important are improved consular services, including more consular offices where needed, and insistence, through appropriate diplomatic channels, on respect for the rights of the accused. These steps should not be confined to the two nations with which we have negotiated these treaties, but should be taken in all countries where significant numbers of Americans have been arrested and imprisoned.

The purposes of these Treaties are worthwhile. Their provisions are in accord with the Constitution. Their subject matter is within the area appropriate for a Treaty. Accordingly, the Committee on Foreign Relations recommends that the Senate give its advice and consent to their ratification.

SECTION-BY-SECTION ANALYSIS OF THE TREATY WITH MEXICO ON THE EXECUTION OF PENAL SENTENCES

PREAMBLE

The Mexican treaty to transfer offenders to their native country to finish their sentences has for its purpose the goal of rendering mutual assistance to combat international crime, to provide better administration of justice and to further the social rehabilitation of offenders.

Article I

The first section of Article I gives authority for sentences imposed on U.S. nationals by Mexican courts to be served in the United States. The second section provides the same authority as it relates to sentences of Mexican nationals imposed by U.S. courts.

Article II

This article imposes six conditions for a transfer as authorized in Article I:

(1) The crime must be one punishable under the laws of both states. The crime need not be identical in matters not affecting the character of the crime.

(2) The offender must be a national of the Receiving State and,

(3) Not a domiciliary of the Transferring State.

(4) The offense is not a political crime or an offense of the purely military or immigration laws of the parties.

(5) At least six months remain on the offender's sentence, and

(6) No appeal or other proceeding affecting the sentence be pending in the Transferring Nation and the time for appeal has expired.

Article III

This article states that each State designate an authority to perform the functions provided in the treaty.

Article IV

Section 1 provides that transfer shall be initiated by the Transferring State, but also allows the prisoner to petition the Transferring State.

Section 2 provides that if the prisoner expressly consents, the request for transfer will be forwarded through diplomatic channels.

Section 3 establishes procedures for the acceptance of the request for transfer by the Receiving State.

Section 4 sets up the criteria to be used in determining the suitability of the transfer. The basic question is how will the social rehabilitation of the prisoner be best served.

Section 5 stipulates that if the offense involved was a state crime under the laws of either nation, the permission of the individual state is required before transfer.

Section 6 requires that the sentence of the transferee be a definite one.

Section 7 details the information to be supplied by the Transferring State to the Receiving State.

Section 8 allows the Receiving State to request additional information that may be required.

Section 9 requires the adoption of the necessary implementing legislation.

Article V

Section 1 provides that the place of exchange shall be mutually agreed upon. It also follows a Receiving State to verify the validity of a prisoner's consent.

Section 2 states the sentence shall be carried out according to the laws of the Receiving State, including those dealing with parole and reduction of sentence. Reserves to the Transferring State the power to grant amnesty or pardon.

Section 3 prevents a Receiving State from extending the sentence beyond time set by Transferring State.

Section 4 prevents reimbursement to Receiving State for costs of incarceration.

Section 5 provides for exchange of reports on transferred prisoners every six months.

Section 6 protects a transferred prisoner from the loss of any civil rights that would not have occurred as a result of his conviction in the Transferring State.

Article VI

This article gives to the Transferring State exclusive jurisdiction over any appeal or any other proceeding intending to challenge the sentences imposed by its courts. If a sentence is set aside or otherwise modified, the Transferring State will notify the Receiving State so it may take appropriate action.

Article VII

This article protects a transferred prisoner from double jeopardy, or in other words from being tried for the same offense in the Receiving State.

Article VIII

This article provides that youthful offenders and those determined to be mentally unsound may also be exchanged.

Article IX

This article gives definitions of terms used in the treaty.

Article X

This article sets Washington as the place of exchange of ratifications and sets the term of the treaty at three years. The treaty will automatically be renewed for additional three-year periods unless either Party gives notice 90 days prior to the termination of such a three-year period.

Mr. SPARKMAN. Mr. President, I have sent word to Senator CASE, who, I understand, is still down in the Committee on Foreign Relations. I hope he will be here momentarily.

Mr. GRIFFIN. Mr. President, the minority leader has asked me to take charge of the time on this side. If the Senator from New Jersey (Mr. CASE) comes in, I shall immediately defer to him. In the meantime, maybe I can get recognition and use some of the time on this side.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. I thank the Chair.

Mr. President, I voted to report this treaty out of the Committee on Foreign Relations. I did so with a good deal of concern and reluctance, because I think there are serious constitutional questions involved. But I did vote that way and I shall vote now in the Senate for the resolution of ratification because it contains this language:

That the United States Government declares that it will not deposit its instrument of ratification until after the implementing legislation referred to in article IV has been enacted.

In other words, we are not taking a final action here. We are approving it, but our Government will not actually deposit the instrument of ratification until after certain legislation required to implement the treaty is enacted. The legislation in question will be considered by the Committee on the Judiciary, which is particularly equipped to examine further these constitutional questions.

The Committee on Foreign Relations was concerned about these matters. Constitutional experts were examined and testified. While I must admit that some of these questions still trouble me, I think that the Foreign Relations Committee has done a good job. It makes sense now to take this step and allow the Committee on the Judiciary to go further into the constitutional problems.

I submitted some individual views to the Foreign Relations Committee's report on this treaty analyzing the constitutional issues as I see them. Rather than ask the Senate to listen to my discussion at this late hour, I ask unanimous consent, Mr. President, that my views be printed in the RECORD at this point.

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

CONSTITUTIONALITY OF THE TREATY WITH MEXICO ON THE EXECUTION OF PENAL SENTENCES

INDIVIDUAL VIEWS OF U.S. SENATOR ROBERT P. GRIFFIN

The Committee has considered certain constitutional issues associated with the Treaty with Mexico on the execution of penal sentences. In particular, Article VI of the Treaty, which purports to deny American courts jurisdiction to review the sentences of American transferees, was closely examined. The Committee heard testimony from a number of constitutional law experts, including Professor Herbert Wechsler of the Columbia Law School. All concluded that the Treaty is constitutionally defensible. I respect the opinions of such experts but I continue to be concerned.

There is little doubt that American prisoners who are transferred from Mexican prisons will attempt, in our courts, to challenge the constitutionality of their convictions. The Treaty purports to forbid Ameri-

can courts from entering such challenges. Thus, the crucial questions are, first, whether an individual has a colorable due process claim to attack the constitutionality of his Mexican conviction, and second, whether he can validly consent or waive this claim.

It may be argued that imprisoning American transferees raises no constitutional questions but is merely a conflicts of law situation. Because the offender's trial and alleged denial of constitutional rights occurred in a foreign country through the sole conduct of foreign authorities, the United States' judiciary has no jurisdiction to entertain suits brought on foreign judgments. Therefore, it can be argued, the role of this country under the Treaty is merely to assume custody over the offender. This assertion, however, entirely ignores the historic fundamental principle that before an accused may be imprisoned in this country he must be afforded a trial which comports with basic fairness. This principle is embodied in the Fifth Amendment's guarantee of due process of law.

Thus, it can be argued that the Treaty, by denying the prisoner's right to challenge the reliability of his conviction, presents a cognizable due process violation. As Professor Alan Swan of the University of Miami Law School stated: "Certainly, if our system imprisons people wholly on the strength of a foreign proceeding without any intervening trial according to constitutional standards, it would be anomalous indeed if 'fairness and decency' in those proceedings was a matter to which our constitution was indifferent."[1]

It must be emphasized, however, that the prisoner should have a colorable due process claim only when the alleged deprivation impinges upon the reliability of the truth-finding function. When the alleged misconduct involves an invasion of individual integrity, there is no persuasive reason to permit the prisoner to collaterally attack the Mexican judgment. This situation will most frequently arise when a prisoner challenges, under American constitutional standards, the propriety of a Mexican search and seizure. It is well recognized that the primary purpose underlying our exclusionary rule is to deter police misconduct. When American officers neither conduct nor in any way participate in the transgression, it would be difficult to perceive what purpose would be advanced by refusing to recognize the validity of the Mexican judgment. Certainly, excluding evidence seized by Mexican officers would not deter those officers from conducting similar searches in the future. In such a case, ordinarily, the prisoner's guilt is not really in question. Under such circumstances, American courts should refuse to recognize the asserted validity of such a claim.

Thus, as stated by the authors of a Harvard Law Review Note, so long as the reliability of the truth-finding function is the only issue, "(t)he Treaty's prohibition of collateral review of Mexican convictions appears to be unconstitutional unless each prisoner waives all access to such review as a condition of his transfer."[2] Under controlling Supreme Court authority, in order to have a valid waiver, there must be "an intentional relinquishment or abandonment of a known right or privilege" that was made "voluntarily after proper advice and with full understanding of the consequences."[3] Hence, the crucial question that is presented here is whether the prisoner's consent not to assert his due process rights can be deemed voluntary, considering the conditions of his Mexican imprisonment. Or, phrased in different terms, are the conditions prevailing in Mexican prisons so unbearable that any consent or waiver given in such circumstances is inherently involuntary?

In confronting this question, it is useful to draw upon the plea-bargain negotiation process in our criminal justice system. In pleading guilty, the defendant waives various constitutional rights, including such guarantees as the right to a speedy trial, to confront adverse witnesses, and to trial by an impartial jury. At the same time, however, the accused gains a substantial benefit, namely, the possibility of a reduced sentence or other tangible benefit relating directly to the conditions of his confinement (e.g., incarceration in a medium rather than maximum security institution). This aspect of the plea bargaining process was recognized by the Supreme Court in *Brady* v. *United States*.[4]

At first glance, the Treaty with Mexico comports with this waiver-benefit analysis. In return for foregoing any claims challenging the constitutionality of his Mexican conviction, the transferee gains the benefit of serving his sentence in this country. There is one critical distinction, however, which separates this situation from the plea-bargaining process. In determining whether to plead guilty, the accused is faced with two viable alternatives, namely, whether to stand trial with the attending constitutional safeguards, or to acknowledge his guilt with the possibility of a more lenient sentence. The prisoner in Mexico, however, is denied such freedom of choice. His alternatives are incarceration in this country or continued confinement in Mexico. The alternative of remaining in Mexico is so unattractive to most prisoners that in reality these individuals are left with but one choice—incarceration in this country. To deprive an individual of his right to challenge his Mexican conviction under such circumstances conflicts with fundamental notions of fairness.

Some commentators contend that this deficiency may be overcome by surrounding the consent or waiver process with various procedural safeguards which include a hearing before a United States Magistrate, right to counsel, and that the proceedings be recorded.[5] It is difficult to perceive, however, how the implementation of these procedures will render the consent or waiver voluntary. In fact, such discussion obscures the crucial issue. If the consent or waiver is deemed inherently involuntary, then it is invalid no matter what procedures are employed.

Thus, I believe the Treaty raises grave constitutional concerns. It is important that the Judiciary Committee, to which the implementing legislation has been referred, will carefully consider these issues. It is well to keep in mind that if the Treaty subsequently should be declared unconstitutional by the courts, our relations with Mexico, and the treatment of American prisoners there, could be significantly worsened.

Mr. GRIFFIN. I do think it should be noted that, although perhaps to a lesser degree, these issues also apply with respect to the prisoner exchange treaty with Canada. As far as I am concerned, it is unfortunate that we have rather routinely approved a similar treaty with Canada while we seem to be focusing in more detail on the treaty with Mexico.

The terms are quite similar. Many of the same questions are involved, although it is true that the legal system of Canada is more similar to ours and there would be less likelihood that these questions would be raised with respect to Americans held in Canadian prisons.

The key problem is that in these treaties we agree to deny American citizens who are transferred to American prisons the right to raise questions about their guilt. They must waive any right to appeal their conviction under this treaty in order to receive the benefit of it.

We have all heard stories about prison conditions in Mexico. And if even some of these accounts are accurate, I think we must ask ourselves whether a waiver would be a truly voluntary act, or whether the conditions of imprisonment in Mexico make such a waiver inherently coercive.

This is the kind of question that concerns me.

No one could take issue with the desirability of bringing Americans held in Mexican prisons back to the United States. But I would certainly hope that this could be done without compromising too many civil rights of the people involved.

As I have said before, I hope the Judiciary Committee will take more time and will examine in more detail the fundamental constitutional questions that are raised by this treaty.

I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I do not propose to speak long on this.

I think it is a good treaty. I think it will accomplish what it intends to accomplish.

Mr. President, as one who has lived his entire life on the Mexican border, I would just like to say that in Mexico we find a little different approach than we have in this country to law and order.

The Mexicans do not treat drug abuse lightly, and I would say that many of our American nationals who are incarcerated in Mexico have been incarcerated for drug abuse.

The Mexican Government does not treat automobile accidents or automobile violations lightly, while we do. And some of our Americans have been arrested for violations there.

But one area that we in Arizona have had quite a bit of a problem with has been the question of airplanes belonging to citizens, not only of our State, but other States—I think at one time there were over 180 involved—being held by the Mexican Government for supposed violations that Americans find it very difficult to understand.

I will say that if we enforced our aviation rules the same way the Mexican Government enforces them, we probably would have fewer accidents and, certainly, would have fewer missing aircraft.

I do not want to oppose this treaty in any way. I will not, because I want to vote for it. But I do not want the impression left that because we saw fit to pass this treaty in cooperation, I must say, with the Government of Mexico, that we in any way are condemning Mexico.

I have had occasion, many occasions, to try to intercede on behalf of Arizon-

[1] Statement by Alan C. Swan before the Committee on Foreign Relations, U.S. Senate, at 10 (June 16, 1977).

[2] Note. Constitutional Problems in the Execution of Penal Sentences. The Mexican-American Prisoner Transfer Treaty, 90 Harvard Law Review 1500, 1526 (1977).

[3] *Johnson* v. *Zerbst*, 304 U.S. 458, 464 (1938).

[4] 397 U.S. 742, 756 (1970).

[5] See, e.g., Note, 90 Harvard Law Review at 1523–26.

ians and others in jail in Mexico. I found, in the majority of the cases, the person involved had every right to be in jail.

Mr. President, I want to defend Mexico, if that defense is necessary, and not have this made out like we have a bunch of people, U.S. citizens, in jail in Mexico because of some capricious action on the part of the Mexican officials.

When you are arrested in Mexico, you are arrested, and there is no way of any hanky-panky in getting out. You serve the term. As I indicated, the offense for which most people are in jail in Mexico, those people from other countries, are offenses which I think the Mexican Government had every right to be concerned with.

I thank the Chair. That is all I have to say.

The PRESIDING OFFICER. Who yields time?

The Senator from Indiana.

Mr. LUGAR. I thank the Senator.

Mr. President, four Members of this body, the Senator from Texas (Mr. BENTSEN), the Senator from North Carolina (Mr. MORGAN), the Senator from Utah (Mr. GARN), and I were the senatorial delegation for the 17th Interparliamentary Conference recently held in Mexico in which this was a subject of great concern to our counterparts in the senate of Mexico and to a President of Mexico.

As we know, the initiative for this treaty came from the Government of Mexico, and reports of the Foreign Relations Committee, in fact, reflect the thought that Secretary Kissinger found the idea congenial and began to approach the idea here, and to proceed to ratification in Mexico in the latter part of December, last year.

Our delegation was asked with some pointedness by the Mexican delegation why we had not proceeded.

Clearly, from the standpoint of the Government of Mexico, the protest with regard to our 600 or more prisoners has been a source of embarrassment. The Mexicans who met with us in the 17th Interparliamentary Conference mentioned that they, as Mexican legislators, have taken considerable action to alleviate some of the conditions which we have complained against.

Clearly, the item of greatest concern for us in this body is a compassionate concern for Americans who are incarcerated there in Mexico presently. Many of them are, in fact, a product of the crackdown on drug enforcement that our Government impelled, and the Mexicans were very successful and very helpful in this respect.

The Mexicans have pointed out that their social services budgets, their budgets of local governments, are not as extensive as ours.

It is customary, for example, for prisoners in Mexican jails to be supported frequently by their families with clothing, food, and other support, as opposed to the support of prisoners in jails in our country.

However, clearly to alleviate this difficulty which has arisen in the relationships between our countries, the Mexicans have proceeded, through the previous President of Mexico, Echeverria, to move this treaty.

I support the treaty with all the potential reservations that the distinguished Senator from Michigan has mentioned, and which I think have been acknowledged freely by the committee in its consideration and have been given considerable due in the report of this bill.

There are potential problems, but constitutional lawyers have offered substantial testimony that these should not overcome support of the treaty.

I suspect, taking the worst case, even if constitutional points were raised that provided immediate freedom or freedom after various court appeals to some Americans involved in this, I still would be prepared to support the treaty, not only because of what I think is a sense of justice in regard to the Americans involved but also with regard to our relationships with the Government of Mexico.

I am simply impressed, after the 17th parliamentary meeting, that this entire area is one that offers a demonstration of good faith on the part of this body; that, in fact, very considerable concessions have been made by the Mexicans in proposing it and implementing it rapidly; but that they are looking to us for equal interest and equal timeliness of our activity.

For all those reasons, I encourage very substantial and enthusiastic support by this body and then very thoughtful concern about the implementing legislation, which is still to come down the trail.

These elements of that implementing legislation will be important for the reasons that the Senators have pointed out. We are working through the rocks and shoals of potentially difficult constitutional territory, and the situation is a grave one. However, having said that, I hope we will proceed to the ratification, and it will be a pleasure to support this treaty.

Mr. GRIFFIN. Mr. President, I yield 5 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I support the ratification of these treaties, and I believe that the legal and constitutional questions are answered in the committee report.

I carefully considered the legal opinions on the issue of constitutionality, and I believe they are weighty enough to deserve ratification of the treaty. The two constitutional questions involved are these:

First, what is the authority of the United States to imprison an individual not convicted of a crime against the United States?

Second, can we preclude a transferred prisoner from using the writ of habeas corpus in order to test his incarceration?

On the first issue, we have excellent legal testimony which equates this with a judgment of a foreign court to which we give due faith and credit. It is felt that this extends this practice to foreign criminal judgments under the proposed treaties. When I say "treaties," I mean the treaty with Mexico and Canada.

As to the habeas corpus argument, it is felt that there can be a valid waiver of constitutional rights, and the treaty calls for such a waiver by any prisoner transferred.

Mr. President, the things I should like to be emphasized are these: First, at my insistence—and I am delighted that I did insist—the committee made it clear that we are acting in complete good faith in this matter in recommending the ratification of these treaties and that we had every reason to believe that the issues were settled and that we should ratify the treaties but that, naturally, we could not predict what the courts would do.

We asked our Mexican colleagues who were entering into this treaty with us to understand that we are acting in complete good faith; that we had done everything we could to sustain in good faith the commitments undertaken by the treaty; and that if our courts took some other action, we were laying on the table all the considerations that motivated us, so that there might be no question with the Government of Mexico that we had done all we could to see the treaties enforced exactly as agreed to.

Second, it is a fact that not all U.S. prisoners will be transferred under these treaties. Some will not be eligible for transfer. Others will not become eligible until they have been convicted and received definite sentences—perhaps appeal the conviction and the sentence—because this applies only to prisoners serving a term.

There was tremendous complaint—and I have to run into it personally in Mexico and out of Mexico—from families in my State. We had testimony to the effect that conditions were really quite inhuman; that various nefarious practices were exercised upon Americans—extortion and other impositions.

Hence, the committee wrote a letter to the President of the United States urging that representation should be made to the Government of Mexico on this subject as to those prisoners who remain in Mexican hands; and, second, that an adequate number of consular officers should be appointed so that these cases might be followed through—the visits to prisoners, the situation inquired into and so forth.

Mr. President, knowing the Mexican situation as I do, I considered that representation to the President as being almost equal in importance to the ratification of the treaty. I know, from the character of my colleagues on the committee and from my own determination in the matter, that we will follow through and do all we humanly can to see that this treaty is carried out in good faith as to some several hundred U.S. citizens who are imprisoned there, but also that these very serious conditions which have been so bitterly complained about are alleviated by our own action in having the necessary consular officers and by the most urgent representations to the Government of Mexico.

I urge and recommend the Senate to ratify the treaty.

Mr. GRIFFIN. Mr. President, Senator TOWER has remarks to deliver in this matter, and he wants to be called to the floor. If there are no other speakers, perhaps we can have a brief quorum call and give him a chance.

Mr. SPARKMAN. I suggest that we have a quorum call and get word to him in the meantime.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged to 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. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. TOWER. Mr. President, I laud the objectives and purposes of the treaty with Mexico. There is no question but there are a number of American citizens languishing in Mexican jails who are there as a result of legally judicial processes that we consider alien in this country, possessed of a system based on Anglo-Saxon theories of law and right, and we place a high premium on due process of law.

I think it is far better for these Americans to have the kind of treatment we have come to expect as a minimum standard in the penal institutions of the United States rather than those of Mexico which are, of course, markedly different, to say the least, from our own.

I think there are a number of us who have some concerns about the treaty from the standpoint of its impact on the Bill of Rights and the provisions for due process that are contained therein.

I do not think any of us wants to be a party to ratifying a document which is tantamount to a waiver of those rights. These questions have been raised by a number of outstanding constitutional lawyers in this country.

I intend to vote for this treaty out of humane considerations.

I still have lodged in my own mind some concerns about the impact on the Constitution insofar as it applies to due process of law, and I hope the Senate will be very careful in framing the implementing legislation for this treaty, and that due attention will be paid to the constitutional implications.

Of course, I reserve the right that I possess as a Senator to review very closely the provisions of that implementing legislation, and to vote either positively or negatively on it, depending on the manner in which the constitutional questions are met.

Therefore, Mr. President, I will support the ratification of this treaty.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SPARKMAN. Mr. President, let me say to the Senator from Texas that we have done our best to make this, shall I say, airtight, and I would like to just read a brief statement here that tells some of the things we have done to protect the rights of American citizens in Mexico, and those who may be transferred to the United States.

Mr. TOWER. May I say to my distinread a brief statement here that tells guished friend from Alabama before he reads that statement that I am aware it is the abrogation of rights as they are understood and applied here in the United States that prompted us to seek this treaty in the first place, and that I do understand that. What our citizens have been subjected to there is certainly not due process by our standards.

Mr. SPARKMAN. That is correct, and we have recognized that fact. Let me just read this brief statement I was going to read.

Should the United States insist that we cannot approve this treaty since it involves a limited relinquishment of the right to petition for a writ of habeas corpus, we would be in fact denying Americans imprisoned in Mexico other important rights under our system. A transferred prisoner could contest the validity of his conviction and sentence only in a Mexican court, but he could petition for a writ of habeas corpus on any other ground concerning his continued imprisonment in the United States. Our failure to approve this treaty would mean that the prisoners would remain in Mexico with no access to our courts for a writ and with none of the benefits of the laws of the United States, such as our parole system. This treaty does not take away a right presently held by an American in a Mexican prison, but it does allow them the greater protection of our laws and an improved chance successfully to re-enter society.

Mr. TOWER. I understand what the Senator from Alabama is saying, and I think his remarks are certainly not inconsonant with what my own views are.

As I say, I do support the treaty. I just want to make sure that, once having made the exchange, Americans do not fall short of access to due process when they get back to this country as a result of the treaty arrangements we have made with Mexico, and that is my only concern.

I fully understand they cannot expect due process by our standards where they are now. I want to make sure they can expect it once they get home.

Mr. SPARKMAN. I tried to make that clear. I say that the treaty will put them under the protection of the laws of the United States when they get back here, and it will give them an opportunity to apply for any rights to which they may be entitled, including parole.

I certainly think their opportunity will be greatly enhanced if this treaty is ratified.

Mr. TOWER. I concur with my distinguished friend from Alabama.

I have never spent any time in a Mexican jail myself, but I have friends who have, and they tell me that they did not exactly relish the experience of some of them which they have had when they had the opportunity to spend time in both Mexican jails and Texas jails, and they find the Texas jails far superior in terms of the cuisine, the quarters, and all of the other accommodations that go along with it.

Mr. SPARKMAN. Well, it does give them an opportunity to reestablish themselves in this country. They will have the benefit of parole, for instance, and other rights to which they might be entitled under our laws. We have tried to make certain that we have given them every protection we can.

Does the Senator wish to yield to anyone?

Mr. GRIFFIN. I believe we are ready. The Senator from Texas wishes the floor.

Mr. SPARKMAN. I yield to the Senator from Texas.

Mr. BENTSEN. Mr. President, will the Senator yield 5 minutes? I would like to say to my colleague from Texas I was born and reared along the Mexican border, and I have had those calls at midnight from friends who were on the other side in one of those jails, and in getting them released I found it a very expensive process.

Mr. President, this May I was privileged to serve as chairman of the Senate delegation to the 17th Mexico-United States Interparliamentary Conference. I came away from our meetings in Hermosillo, Sonora, deeply impressed by the importance of this Prisoner Exchange Treaty as an issue in Mexican-American bilateral relations.

The presence of some 600 American citizens in Mexican prisons, most of them on drug-related charges, has been a sore point between Mexico and the United States for several years, and the source of much unfavorable publicity directed at the Mexican Government.

In an honest effort to redress this situation, while at the same time preserving the integrity of the judicial process, Mexico and the United States have negotiated an innovative, precedent-setting prisoner exchange agreement. This treaty was ratified by the Mexican Government in December, and I can report from firsthand experience that our counterparts in the Mexican Legislature are anxiously awaiting Senate action.

As a Senator from a State that shares an extensive border with Mexico, a State that is home to many of the 600 American citizens presently incarcerated in Mexican facilities, I am also acutely aware of the anguish, the problems and the desperation these young people and their families have lived with for years.

I must assume that being in prison, even in the best circumstances, is a frightening and degrading experience. But to be held for long periods in a foreign country, far from home, friends and family; to subsist in an environment with different customs, language, a different criminal code and procedures, must be doubly disheartening and frustrating.

While in Mexico this spring we were shown a film in which many of the American prisoners stated their desire to return home and begin to rebuild their shattered lives. The prisoners urged prompt Senate ratification of the prisoner exchange treaty, and one could not help but sympathize with their situation.

Today the Senate has an opportunity to help remove a major political issue in Mexican-American relations and to temper justice with mercy. I think we must

assume that most of the American citizens held in Mexican prisons are guilty of some criminal offense—in many cases the odious offense of trafficking in narcotics. And I recognize that there are those who will say, "Let them rot. They deserve what they are getting."

I cannot accept this view. Few of these young people, most of them in their mid-twenties, have made a life or career of crime. They can still be rehabilitated, and their prospects for rehabilitation can be improved by allowing them the opportunity to return to this country where they will be subject to our judicial procedures.

These people deserve to be punished; they have been punished, and many will continue to be punished in American facilities. A vote in favor of the Prisoner Exchange Treaty is not a vote in favor of amnesty for drug offenders. Rather, it is a vote in favor of permitting American citizens, most of whom are guilty of a criminal offense, to return to this country and be punished in accordance with our laws.

The Prisoner Exchange Treaty with Mexico is a creative response to difficult international situation; it raises some novel issues in international law. Nevertheless, the basic legal issues are identical to those contained in a companion agreement with Canada, a treaty that recently received the unanimous approval of the Senate.

I urge the same prompt and strong support for the Mexican treaty.

I thank the distinguished chairman for moving on this piece of legislation.

Mr. SPARKMAN. May I say I appreciate greatly the remarks of the Senator from Texas.

Let me say that, in the testimony before the committee dealing with this problem, we had some pitiful stories, as the Senator related, and the witnesses had some terrible experiences with their loved ones in the Mexican jails and the conditions that were reported there. We had some very fine testimony. Naturally, it was concerned testimony, as it rightfully should be.

But I think the big thing is that this provides a method for many of them to be repatriated, shall I say, and rehabilitated and to have the benefit of American laws that they could not get in Mexico, such as the parole system, as I mentioned.

By the way, let me say that just within the last day or two we ratified a similar treaty with Canada.

Mr. BENTSEN. By unanimous vote too?

Mr. SPARKMAN. What is that?

Mr. BENTSEN. By unanimous vote?

Mr. SPARKMAN. That is correct.

I think it would be a great thing, and I hope that the Senate can ratify this treaty with a unanimous vote as it did the Canadian treaty.

I thank the Senator from Texas. Does the Senator from Michigan have any additional remarks?

Mr. GRIFFIN. No.

Mr. SPARKMAN. I have no additional requests for time, Mr. President.

Mr. CHURCH. Mr. President, the treatment of U.S. citizens imprisoned in Mexico has become a major issue in the normally amicable relations between our two countries. The pending treaty with Mexico on the execution of penal sentences represents a new approach in dealing with a situation in which mainly young Americans find themselves imprisoned, rightly or wrongly, for long periods of time, where their treatment is often harsh and sometimes brutal.

During the course of the hearings on the treaty, the Foreign Relations Committee was disturbed by the reports it received from former prisoners in Mexico and the families of prisoners still there regarding such abuse. These witnesses told of torture, extortion, and a denial of basic rights.

For example, a letter has come to me from a young man whose parents live in Idaho. It gives an account of how he and his wife were arrested, how he pleaded guilty, under coercion, with the understanding that if he did so, his wife would be released. After his wife was released, he undertook to renounce the declaration that he had made in order to secure his wife's return to the United States.

He sets out the facts as he claims they occurred, which constitute a case of entrapment. He has not been charged nor tried. Yet he has been held in prison for months in violation of the laws of Mexico. Riots have occurred in the prison where the Americans have been singled out, beaten, and brutally treated.

If the facts are as he relates them, he would not be in jail at all in the United States. I hope, through ratification of this treaty, we may secure the cooperation of Mexican authtorities in cases of this kind.

But beyond the treaty, the Foreign Relations Committee believes that our diplomatic representatives abroad should take additional action to protect U.S. citizens, not only in Mexico but in Bolivia and other countries where numbers of Americans are being held in prison. That is why I suggested language in the Foreign Relations Authorization Act which was approved by the committee expressing the sense of the Senate that the Secretary of State "shall make every effort to seek the early release of American citizens unjustifiably held in foreign jails, and that he shall direct the appropriate consular officers to redouble their efforts for the protection and welfare of imprisoned American citizens abroad." The amendment also directs the Secretary of State to "report to the Committee on Foreign Relations annually on the number of American citizens in foreign jails, the charges against them, and what measures have been taken to assist these individuals."

Mr. President, it is my hope that the Senate will ratify this treaty and that the enabling legislation it calls for will soon be enacted into law.

Mr. BAYH. Mr. President, the treaty with Mexico on the execution of penal sentences represents a somewhat unique and, I believe, beneficial development in American diplomacy. The treaty would allow citizens of our country and Mexico who have been convicted of crimes in a foreign jurisdiction to serve their prison sentences in their home country. This procedure should assist in the rehabilitative efforts of confined individuals and relieve the special hardships which confinement abroad imposes.

The very uniqueness of this treaty and the Canadian treaty ratified earlier this week, however, raises a number of difficult constitutional issues which, as chairman of the Subcommittee on the Constitution, I feel deserve particular attention. I am pleased to note that a considerable portion of the hearings on the treaty conducted by the Foreign Relations Committee as well as the hearings on the implementing legislation held by Senator BIDEN'S Penitentiaries Subcommittee, was devoted to a review of these constitutional concerns.

Much of the attention engendered by this treaty and legislation has been focused on the several hundred Americans currently serving sentences in Mexico. I hope that our legislative process can work expeditiously to return these citizens to America. At the same time, however, our concern for human rights both at home and abroad requires us to seek methods by which the procedures established by the legislation are consistent with the constitutional values we espouse. We must do our best to see that neither our constitutional fabric nor the rights of returning Americans will be damaged by the process which we will develop to implement the provisions of the exchange treaty.

The constitutional issues presented by this treaty arise from the simple, but essential, fact that our criminal justice system in America differs from many of those found in other countries. Mexico, for example, operates on a civil law system, while much of our procedural and substantive law arises out of the traditions and developments of the common law as interpreted in light of our Bill of Rights. One of the essential questions presented by this treaty therefore, is whether the American Government can confine persons in this country based on a conviction secured in a foreign country through procedures that may not have been consistent with American notions of due process.

Obviously, this presents a difficult question; one that can be disposed of at this point with absolute certainty only by either abandoning this project and leaving our citizens in foreign jails or by insisting that foreign prosecutions of Americans be conducted under procedures consistent with our view of due process. Neither of these alternatives is viable or realistic.

I believe one of the best methods for resolving these issues in a manner consistent with our constitutional heritage is to insure that Americans currently in foreign jails who wish to return to the United States do so voluntarily and with a clear and intelligent understanding of the consequences of this decision. The choice of returning to America or staying in a foreign jurisdiction is an important one for these prisoners and we must do all we can to insure that it is an informed choice, made without coercion or intimidation. Establishing procedures to facilitate an informed choice will, I believe, go a long way toward resolving

some of the constitutional issues presented by this unique treaty.

I believe, therefore, that the implementing legislation for this treaty must establish clear procedures to determine if an American serving a sentence in a foreign prison is making the decision to return voluntarily and with an awareness of the consequences to such a choice. The right to counsel in these proceedings is especially helpful and I hope that this right will be stringently observed. Additionally, it might be helpful to have the person designated to verify the consent of an American desiring a transfer to be an attorney in order to insure that the prisoner will be able to have any questions about the consequences of his or her transfer answered in full. I know that Senator BIDEN's hearings have considered these matters and I have presented the subcommittee with my views on them.

I also wish to compliment the Mexican Government on the recently announced decision to forego imprisonment of Americans for simple possession of small amounts of marihuana. This new policy should help avoid in the future some of the problems which the treaty and implementing legislation are designed to alleviate.

Obviously, we are embarking on a course which raises constitutional questions of first impression. Some of them are unanswered and will have to await a definitive solution until such time as they are addressed by our courts. Nevertheless, the need for this treaty is apparent and its foundation in the humanitarian spirit of this country is firm. I look forward to an expeditious return of these citizens to the United States.

I ask unanimous consent that if Senator CASE, who is the ranking minority member on the committee, desires to make an insertion in the RECORD it be admitted.

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

Mr. BAKER. Mr. President, I might advise the distinguished manager of the bill that I talked to Senator CASE a moment ago. He is occupied in an important conference with the Foreign Relations Committee.

Mr. SPARKMAN. I know. I should be there myself.

Mr. BAKER. And he indicated that he did not have any further requirement for time now and was willing for us to go ahead on passage of this resolution this afternoon.

Mr. ROBERT C. BYRD. Has all time been yielded back?

Mr. SPARKMAN. Anyone else?

Mr. President, I yield back such time as I have.

Mr. GRIFFIN. I yield back the time I have remaining.

The PRESIDING OFFICER. The first question is on agreeing to the declaration of the resolution of ratification.

The declaration to the resolution of ratification was agreed to as follows:

That the United States Government declares that it will not deposit its instrument of ratification until after the implementing legislation referred to in Article IV has been enacted.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification on Executive D, 95th Congress, first session, treaty with Mexico on the execution of penal sentences. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. ABOUREZK), and the Senator from Louisiana (Mr. JOHNSTON) are necessarily absent.

I further announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Louisiana (Mr. LONG), and the Senator from Mississippi (Mr. STENNIS) are absent on official business.

Mr. STEVENS. I announce that the Senator from Idaho (Mr. MCCLURE), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I also announce that the Senator from Maryland (Mr. MATHIAS) is absent on official business.

I further announce that, if present and and voting, the Senator from South Carolina (Mr. THURMOND) would vote "yea."

The yeas and nays resulted—yeas 90, nays 0, as follows:

[Rollcall Vote No. 316 Ex.]

YEAS—90

Allen	Glenn	Muskie
Anderson	Goldwater	Nelson
Baker	Gravel	Nunn
Bartlett	Griffin	Packwood
Bayh	Hansen	Pearson
Bellmon	Hart	Pell
Bentsen	Haskell	Percy
Biden	Hatch	Proxmire
Brooke	Hatfield	Randolph
Bumpers	Hathaway	Ribicoff
Burdick	Hayakawa	Riegle
Byrd, Harry F., Jr.	Heinz	Roth
	Helms	Sarbanes
Byrd, Robert C.	Huddleston	Sasser
Cannon	Humphrey	Schmitt
Case	Inouye	Schweiker
Chafee	Jackson	Scott
Chiles	Javits	Sparkman
Church	Kennedy	Stafford
Clark	Laxalt	Stevens
Cranston	Leahy	Stevenson
Culver	Lugar	Stone
Curtis	Magnuson	Talmadge
Danforth	Matsunaga	Tower
DeConcini	McGovern	Wallop
Dole	McIntyre	Weicker
Domenici	Melcher	Williams
Durkin	Metcalf	Young
Eagleton	Metzenbaum	Zorinsky
Ford	Morgan	
Garn	Moynihan	

NAYS—0

NOT VOTING—10

Abourezk	Long	Stennis
Eastland	Mathias	Thurmond
Hollings	McClellan	
Johnston	McClure	

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution of ratification was agreed to.

Mr. SPARKMAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, there is a nomination reported earlier today, which has been cleared on both sides of the aisle. While the Senate is in executive session, I ask unanimous consent that the 1-day rule be waived and that the Senate proceed to the immediate consideration of the nomination.

Mr. BAKER. Mr. President, reserving the right to object, and I will not object, the matter has been cleared and I am happy to report to the majority leader there is no objection to proceeding to the consideration and confirmation of this nomination.

Mr. ROBERT C. BYRD. I thank the distinguished minority leader.

The PRESIDING OFFICER. The nomination will be stated.

DEPARTMENT OF JUSTICE

The second assistant legislative clerk read the nomination of Hubert T. Taylor, of West Virginia, to be U.S. marshal for the northern district of West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I have been asked by my senior colleague to request unanimous consent to waive the 1-day rule. I thank the minority leader for agreeing to that waiver. I yield now to my distinguished senior colleague Mr. RANDOLPH.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, I thank the very able majority leader. I express appreciation also to the distinguished minority leader. This position that Hubert Taylor of Martinsburg, W. Va., will be called upon to fill is that of U.S. marshall for the northern district of West Virginia. The position of U.S. marshal is in all of our States, a very important law enforcement assignment.

I have felt for many years that we need to give very careful attention—those of us who are in the Senate—to any endorsement of a candidate for such a position, and to the approval procedure once the nomination has been forwarded from the President to the Senate. This nomination has worked its way through the Justice Department, the White House, and the Judiciary Committee. And now it is before the Senate.

I have known Hubert Taylor for more than 25 years. He is, as I have noted, a native of Martinsburg, W. Va., in the eastern panhandle of our State.

I know that Senator BYRD and I have an obligation always to support those candidates who we believe will discharge their duties in an effective and responsible manner. In this regard, it should be stressed that Hubert Taylor has had 19 years of Federal law enforcement experience, including an assignment to the White House Police detail as a member of the U.S. Secret Service. He has worked in private industry as well as in Government, as a law enforcement officer.

It is my desire to indicate that he is a gentleman of character, a man of citizenship responsibility, and an individual who is industrious, personable, and very qualified for the important duties which he will assume as U.S. marshal.

I know that the Federal judge for the northern district of West Virginia, the Honorable Robert E. Maxwell, of Elkins, W. Va.—a man in whom Senator BYRD and I have great trust—wants always to have a marshal, as well as deputy marshals, who will serve with him in the best interests of the people of that district. Hubert Taylor meets this test.

I thank my colleague for giving me the opportunity to speak these words in behalf of the nominee for U.S. marshal for the northern district of West Virginia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. ROBERT C. BYRD. Mr. President, I join my distinguished colleague in the words that he has stated.

I move to reconsider the vote by which the nomination was confirmed.

Mr. RANDOLPH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RANDOLPH. I ask unanimous consent that the President be notified of the confirmation of this nomination.

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

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume legislative session.

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

YOUTH EMPLOYMENT—CONFERENCE REPORT

Mr. NELSON. Mr. President, I submit a report of the committee of conference on H.R. 6138 and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. WILLIAMS). The report will be stated.

The 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. 6138) to provide employment and training opportunities for youth, having met, after full and free conference, have agreed to recommend and do recommend 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 House proceedings of the RECORD of July 19, 1977.)

Mr. NELSON. Mr. President, I ask unanimous consent that the following professional staff members of the Committee on Human Resources have the privileges of the Senate floor during the consideration of the conference report on H.R. 6138, the Youth Employment and Demonstration Projects Act of 1977: Richard Johnson, Scott Ginsburg, Martin Jensen, Jim O'Connell, and Babette Polzer.

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

Mr. NELSON. Mr. President, the conference agreement on the Youth Employment and Demonstration Projects Act of 1977 was signed unanimously by all the conferees on the part of both the Senate and the House of Representatives. The conference report passed the House of Representatives on July 19, by a vote of 356 to 58.

The Senate version of this legislation passed the Senate on May 26 by a vote of 80 to 3.

The conference agreement embodies the principal elements of the bill that the Senate passed, and also includes several significant elements contained in the House-passed bill. The conference agreement contains four major youth employment programs:

Title I of the bill establishes a Young Adult Conservation Corps, to provide work for unemployed youths in the Nation's parks and forests, by adding a new title III to the Comprehensive Employment and Training Act—CETA—with a 3-year authorization of such sums as may be necessary through fiscal year 1980 for such title.

Title II of the bill amends CETA by adding at the end of title III thereof a new part C, entitled "Youth Employment Demonstration Programs," with a 1-year authorization of appropriations through fiscal year 1978. This new part C contains three subparts: Subpart 1 authorizes "Youth Incentive Entitlement Pilot Projects" to test the efficacy of guaranteeing part-time work for youths who return to or remain in school. Subpart 2 authorizes "Youth Community Conservation and Improvement Projects" to provide work on rehabilitation of public facilities and low-income housing and on local conservation projects. Subpart 3 authorizes "Youth Employment and Training Programs" to provide a broad variety of employment and training opportunities for youths in local communities throughout the Nation.

President Carter's economic recovery program sent to Congress on January 31 of this year included budget requests totaling $1.5 billion for the programs authorized by this legislation, to be spent through the end of fiscal year 1978.

Of this total, $1 billion has already been appropriated by the Economic Stimulus Appropriations Act (Public Law 95-29). The administration will obligate these funds soon after the signing of this legislation. The remaining $500 million which the President has requested for the youth employment program will be considered by the Appropriations Committee in a supplemental appropriations bill for fiscal year 1978.

The administration estimates that the funds appropriated to carry out the purposes of this legislation will support 200,000 employment and training opportunities for youths. Of the total, $350 million will be made available for carrying out the Young Adult Conservation Corps, supporting approximately 35,000 enrollees in the Corps under the new title VIII of CETA added by this legislation. The remaining $1,150,000,000 budgeted for the purposes of this legislation would support about 165,000 employment and training opportunities throughout the Nation under the programs authorized in the new part C of title III.

YOUNG ADULT CONSERVATION CORPS

The conference agreement establishes a Young Adult Conservation Corps, to provide useful work to unemployed youths from ages 16 to 23—inclusive—in our parks and forests. The Corps is open to all unemployed youths, whether economically disadvantaged or not.

The conference agreement authorizes the appropriation of such sums as may be necessary for each of fiscal years 1978 through 1980 for carrying out the Young Adult Conservation Corps under the new title VIII of the Comprehensive Employment and Training Act—CETA.

The Corps would be administered by the Secretary of Labor, who would enter into interagency agreements with the Secretaries of the Interior and Agriculture. The day-to-day operation of Corps projects—the work to be done on the projects and the centers where the youths would reside and be based—would be under the control of the Departments of the Interior and Agriculture. The Secretary of Labor would refer eligible youths who wish to enroll in the Corps to the Secretaries of the Interior and Agriculture, who would make the final selection of the youths to be enrolled in the Corps. The maximum enrollment period will be 12 months for each youth—or three or fewer periods which total 12 months.

The conferees accepted the provision of the Senate bill providing that, in referring candidates for enrollment in the Corps, the Secretary of Labor shall undertake to assure that an equitable proportion of candidates shall be referred from each State. However, the House conferees insisted upon deleting the provision that no less than one-half of 1 percent be referred from each State, and that provision is not in the conference agreement.

While most of the Young Adult Conservation Corps projects will be carried out in national parks and forests, the conference agreement reserves 30 percent of the funds for the Young Adult Conservation Corps to be made available for projects to be carried out by States and local agencies. The conference agreement provides that such funds be allocated to each State on the basis of youth population within that State.

While the activities of enrollees in the Young Adult Conservation Corps are primarily focused upon work on public lands, Corps members could be used in emergency situations on private lands for such purposes as fighting forest fires and other natural disasters when failure to do so endangers public lands in the area.

The Senate prevailed in the conference deliberations in its position that the Department of Labor will serve as the "umbrella" agency for the Young Adult Conservation Corps. The Senate bill and the conference agreement are in accord with the President's proposal in this respect.

The conferees have made clear, in the joint explanatory statement, the intent of the conferees that the two land man-

agement agencies, the Departments of the Interior and Agriculture, have the responsibility for the day-to-day operation of the program. In addition, the conferees emphasize that, as provided in the conference agreement, these agencies will participate in the development of the pool of candidates to be referred for enrollment in the Corps and that the Secretaries of the Interior and Agriculture have the responsibility for final selection of any candidates referred by the Department of Labor. The transfer of funds provision is intended to insure that the Departments of the Interior and Agriculture will have the necessary funds readily available for prompt implementation of this program. The conferees expect that the funds appropriated for the purposes of this program which are necessary to carry out the Interior and Agriculture Departments' responsibilities will be transferred to those Departments expeditiously.

Section 802 of the new title VIII specifically provides that the Young Adult Conservation Corps program is to be administered through interagency agreements between the Secretary of Labor and the Secretaries of the Interior and Agriculture. The interagency agreements will cover all aspects of the administration of the program, consistent with the delineation of responsibilities spelled out in the legislation. The interagency agreement will therefore set forth the procedures to be used in the development of lists of candidates for referral to the Secretaries of the Interior and Agriculture. Although the bill does require that the list of referrals only come from the Secretary of Labor, the process for making up that list and referral of candidates should be made pursuant to interagency agreement. This would also include the specific qualifications for youths eligible for placement in the Young Adult Conservation Corps. The Secretary of Labor would carry out his responsibilities for referring youths as provided in the interagency agreements; and, likewise, the Secretaries of the Interior and Agriculture would carry out their responsibilities with respect to the location of centers and employment conditions on the projects in accord with the interagency agreements.

YOUTH EMPLOYMENT DEMONSTRATION PROGRAMS

Title II of the conference agreement amends title III of CETA by adding a new part C which establishes youth employment and training programs authorized in the Senate and House versions of this legislation—other than the Young Adult Conservation Corps.

The new part C is entitled "Youth Employment Demonstration Programs." The purpose of the new part is to establish a variety of employment, training, and demonstration programs to explore methods of dealing with the structural unemployment problems of the Nation's youth.

Subpart 1 of the new part C creates a program called "Youth Incentive Entitlement Pilot Projects." A limited number of pilot projects will be funded for the purpose of demonstrating the efficacy of guaranteeing employment opportunities to youths who resume or maintain attendance in a secondary school or a high school equivalency program. Economically disadvantaged youths between the ages of 16 and 19—inclusive will be eligible for part-time work during the school year and full-time work during vacation periods. These pilot projects were authorized in the House bill, which earmarked 25 percent of the part C funds for such projects. Under the conference agreement, youth incentive entitlement pilot projects will receive 15 percent of the part C funds.

Subpart 2 of the new title III–C authorizes "Youth Community Conservation and Improvement Projects," the Stafford-Randolph proposal contained in the Senate bill. Unemployed youths between ages 16 and 19—inclusive—would be provided work opportunities on community improvement projects in the rehabilitation or improvement of public facilities, repair to low-income housing—including weatherization and other energy conservation techniques, and conservation, maintenance, or restoration of natural resources on non-Federal public lands. All unemployed youth, whether economically disadvantaged or not, would be eligible to participate on work projects under this subpart.

The conferees accepted the community improvement program without any substantial change. The Senate bill had authorized such sums as may be necessary for this program, but the conferees decided to earmark 15 percent of the part C funds for the community improvement programs.

Under subpart 2, funds are to be allocated to the statewide level in such a manner that 75 percent of such funds are allocated on the basis of the relative numbers of unemployed persons within each State as compared to all States, with no State receiving less than one-half of 1 percent of the funds so allocated.

Project applications would be submitted to each prime sponsor by public and private nonprofit agencies within the prime sponsor's area. Project application's approved by the prime sponsor would be submitted to the Secretary of Labor, who would select project applications for approval within the total funding level allocated for use within each State.

The remaining 25 percent of the funds under subpart 2 would be available as the Secretary deems appropriate, except that not less than 2 percent would be used for Native American youth projects and 2 percent for projects for migrant and seasonal farmworker youths.

Subpart 3 of the new part C provides financial assistance for programs for a variety of employment opportunities and appropriate training and supportive services for eligible participants. It is the purpose of this subpart to enable local communities to develop programs designed to make a significant long-term impact on the structural unemployment problems of youths, to enhance the job prospects and career opportunities of young persons. The goal of such programs is to enable participants to secure unsubsidized employment in the public and private sectors of the economy.

Unemployed and underemployed youths from ages 16 to 21—inclusive—are eligible to participate in such programs, as well as in-school youths ages 14 and 15, to the extent authorized by regulations issued by the Secretary of Labor. Youths are not eligible if they are members of households whose family income exceeds 85 percent of the lower living standard income level.

The Bureau of Labor Statistics lower living standard budget for a family of four is $10,000, so the eligibility level of 85 percent of the lower living standard budget means that a youth who is a member of a family of four persons could participate if family income does not exceed $8,500. The conference agreement is a compromise between the eligibility level specified in the Senate bill of 70 percent of the lower living standard budget, and the eligibility level specified in the House bill of 100 percent of the lower living standard income level.

The Secretary may provide by regulation for participation in certain supportive services of persons who do not meet the income eligibility requirement. In addition, the conferees accepted a provision in the House bill allowing 10 percent of the funds available for subpart 3 to be used for programs which include youths of all economic backgrounds, without regard to family income.

Under subpart 3, 75 percent of the funds available for this subpart would be made available for CETA prime sponsors, with the remainder made available to the Governor for special statewide services, Native American programs, migrant programs, and the Secretary's discretionary projects.

The funds made available to prime sponsors will be allocated among prime sponsors by a formula based 37.5 percent on relative numbers of unemployed persons, 37.5 percent on relative numbers of unemployed persons residing in areas of substantial unemployment—6½ percent or higher unemployment rates, and 25 percent on the number of persons in low-income families. The House conferees insisted upon deleting the provision of the Senate bill which provided that not less than one-half of 1 percent of such funds be allocated to each State, and that provision is not in the conference agreement.

The conference agreement includes provisions to assure that services for youths in the regular training programs under title I of CETA will not be reduced, because of assistance available under subpart 3. Any modification in the plan for the use of title I funds will be approved by the Secretary of Labor, who would base his action upon a determination in each case that there is no reduction of regular training opportunities for youths, because of the new funds available under this subpart.

The conferees accepted the provisions in the Senate bill providing that each prime sponsor establish a youth council under the prime sponsor's CETA plan-

ning council. The council would consist of representatives of educational agencies, business and labor, agencies serving youth, and youths themselves. It would be responsible for planning and review of activities under both subparts 2 and 3, and for making recommendations to the prime sponsor's planning council with respect to youth employment and training activities.

The conferees accepted the Senate bill's provision requiring that the Secretary and prime sponsors give special consideration to community-based organizations which have demonstrated effectiveness in the delivery of employment and training services, such as Opportunities Industrialization Centers, the National Urban League, SER-Jobs for Progress, Mainstream, Community Action Agencies, union-related organizations, employer-related nonprofit organizations, and other similar organizations. This requirement applies both to the prime sponsor's use of allocated funds, and the Secretary's use of discretionary funds. This provision was sponsored by Senator SCHWEIKER.

Under the conference agreement, not less than 22 percent of each prime sponsor's allocation is to be used to carry out arrangements to serve in-school youths pursuant to joint agreements entered into by the prime sponsor and a local educational agency or agencies. Under this provision—sponsored by Senators JAVITS and HUMPHREY—employment opportunities and other training and supportive services are to be provided to eligible participants enrolled in a program leading to a secondary school diploma, a junior or community college degree, or a technical or trade school certificate of completion.

Out of the funds available for subpart 3, the conference agreement provides for several special funding set-asides.

The conference agreement provides that an amount equal to 5 percent of the amount available for part C shall be made available to Governors for special statewide services, including employment and training opportunities for eligible youths who are under the supervision of the State—such as those in correctional programs—as well as for other model programs involving coordination among various agencies within the State.

The conference agreement also provides that an amount equal to not less than 2 percent of the funds available for part C shall be made available for programs for Native American eligible youths; and an amount equal to not less than 2 percent of the funds available for part C shall be made available for programs for eligible youths in migrant and seasonal farmworker families.

The remainder of the funds under subpart 3 is available for the Secretary's discretionary projects. With these funds, the Secretary of Labor is authorized to make arrangements—either directly or by contractual arrangements with prime sponsors, public agencies, and private organizations—to carry out innovative and experimental programs to test new approaches for dealing with youth unemployment problems.

The conference agreement retains the Senate requirement that the Secretary of Labor consult with the Secretaries of Commerce; of Health, Education, and Welfare; of Housing and Urban Development; and of Agriculture; and the Directors of the ACTION Agency and the Community Services Administration. The Secretary's discretionary funds may be transferred to other Federal departments and agencies to enable them to carry out functions delegated to them by the Secretary of Labor.

The conferees accepted the Senate bill's provisions, sponsored by Senators JAVITS and HUMPHREY, providing that the National Occupational Information Coordinating Committee give special attention to the problems of unemployed youths, by such means as working to develop State occupational information systems, to make job information more accessible to local schools. The conference agreement also retains the Senate bill's provisions providing that the Secretary of Labor transfer between $3 and $5 million annually from his discretionary funds to enable the National Occupational Information Coordinating Committee to carry out its functions under this legislation.

The conference agreement provides that, in carrying out youth employment programs under the new part C, appropriate efforts are to be made to develop new and restructured occupations and job classifications. Both the Senate and House bills contained such language. In addition, the Senate-passed bill contained an amendment introduced by Senator DOMENICI designed to make applicable to jobs for youths the "prevailing rates of pay for occupations and job classifications of individuals employed by the same employer," instead of prevailing rates of pay "in similar occupations."

The conference agreement retains Senator DOMENICI's language, and further clarifies the procedures to be used by the Secretary of Labor in determining appropriate rates of pay for youths to be employed in jobs supported under this legislation.

The conference agreement provides that youths shall be paid no less than the applicable Federal or State minimum wage. Nevertheless, if a young person is hired to fill an existing occupation or job classification, the prevailing wage for that occupation or job classification would apply. But if the prime sponsor, the employer, and the labor organization representing employees engaged in similar work in the same area have entered into an agreement to pay a lower wage for the job to be filled by a youth, then the wage would be that specified in the agreement.

However, as I pointed out, the conferees expect prime sponsors to make appropriate efforts to create new and different or restructured jobs for eligible youths. The conference agreement provides that, whenever an existing job is reclassified or restructured, youths employed in such jobs shall be paid not less than the applicable minimum wage; if a labor organization represents employees engaged in similar work in the same area, such youths shall be paid at the rates specified in an agreement entered into by the appropriate prime sponsor, the employer, or the labor organization with respect to such reclassified or restructured jobs. If no agreement is reached within 30 days of the initiation of the agreement procedure, the labor organization, prime sponsor, or employer may petition the Secretary of Labor, who shall establish appropriate wages for the reclassified or restructured positions, taking into account wages paid by the same employer to persons engaged in similar work.

In the case of "new or different" job classifications or occupations, the Federal or State minimum wage would apply, but any dispute as to whether a job is actually new or different from an existing, restructured, or reclassified job could be submitted to the Secretary of Labor for a decision within 30 days. If the Secretary finds that the job is not new or different, the provisions relating to existing, restructured, or reclassified jobs would apply.

The aim of these provisions is, therefore, to assure that if a youth is employed in an existing job, with respect to which there is a prevailing rate of pay, that will continue to apply to any individual filling that position. While a mere change in the title of an existing job would be the kind of action which could be appealed to the Secretary of Labor, the creation of new and different jobs for youths to be employed under this legislation would be subject only to the applicable minimum wage law.

The special veterans provisions contained in the Senate bill were accepted by the conferees. The conference agreement provides for the Secretary of Labor to take appropriate steps for the increased participation, in CETA public service employment programs and job training, of qualified disabled veterans and Vietnam-era veterans who are under 35 years old.

Under the conference agreement, individual prime sponsors would develop local goals for veterans' participation in public service employment programs, taking into account the number of qualified eligible veterans and the number of qualified persons in other significant segments of the population in the area served by such prime sponsors. In addition, the conference agreement provides that appropriate veterans organizations or groups be invited to serve as temporary members of prime sponsors' planning councils, State manpower services councils, and the National Commission for Manpower Policy.

The conference agreement retains the Senate bill's provisions requiring that, in using public service employment funds under titles II and VI of CETA, prime sponsors shall give special consideration, in filling elementary and secondary school teaching positions, to unemployed persons with previous teaching experience who are certified by the State.

NEED FOR YOUTH EMPLOYMENT LEGISLATION

Mr. President, the need for this youth employment legislation is compelling. The unemployment rate for youths 16

to 24 years old is 14 percent—twice the rate for the labor force as a whole. In fact, youths 16 to 24 years old account for close to half of all the unemployed persons in the Nation.

Even when general economic conditions improve, the structural unemployment problems facing youths entering the labor force do not significantly improve.

The chronic youth unemployment problem is the reason that this legislation is so important. It will provide financial resources for testing a variety of programs to help youths move out of the ranks of the unemployed and into useful employment in our Nation's communities.

Many members of this body made important contributions to this legislation.

Senator JAVITS, the ranking minority member of both the full Human Resources Committee and the Subcommittee on Employment, Poverty, and Migratory Labor, sponsored several important provisions in the legislation, and as always worked closely with the majority of the committee on all aspects of the legislation.

Senator HUMPHREY joined with Senator JAVITS in sponsoring provisions in the legislation designed to strengthen in-school youth programs and occupational information systems.

Senator JACKSON was the sponsor of the Young Adult Conservation Corps, to provide year-round work in the Nation's parks and forests for unemployed youths ages 16 to 23.

Senators STAFFORD and RANDOLPH authored the youth community and conservation improvement program, to provide work for unemployed youths, ages 16 to 19, in improving and rehabilitating community facilities and conserving natural resources on non-Federal public lands in urban and rural communities.

Senators CRANSTON and KENNEDY proposed several provisions which were originally contained in the Youth Intiatives Act of 1977 (S. 20) which they introduced on January 10 of this year.

Senator SCHWEIKER sponsored the provisions requiring that, in carrying out youth employment and training programs, special consideration be given to community-based organizations of demonstrated effectiveness.

The broad bipartisan basis for this youth employment legislation is demonstrated by the fact that one of the bills on which the legislation was based is the Youth Employment Act (S. 503), introduced by Senators MCCLURE, BELLMON, DOMENICI, BAKER, DANFORTH, GARN, HANSEN, HATCH, HAYAKAWA, JAVITS, LAXALT, LUGAR, SCHMITT, STEVENS, and WALLOP on January 28 of this year.

Mr. President, this legislation, which was requested by President Carter in his March 9 message on youth employment, was supported and developed in both the Senate and House of Representatives by Republicans and Democrats, by conservatives and liberals. I know of no piece of legislation with broader support than that contained in this conference agreement, which is designed to provide the legislative base for the beginning of a concentrated attack upon youth unemployment in this Nation.

The legislation combines the very best features of the Civilian Conservation Corps—CCC—program of the 1930's, putting youths to work on useful conservation projects in both national and State parks and forests, with education and training programs leading to better employment opportunities for young people as they pursue their adult careers.

Mr. President, I yield the floor.

Mr. JAVITS. Mr. President, I am pleased today to join my colleague from Wisconsin, (Mr. NELSON), the distinguished chairman of the Senate Employment Subcommittee, in urging the Senate to approve the conference report on the youth employment bill.

The youth unemployment problem continues to be one of the more vexing we face in this country. While the national unemployment rate moved down in May to 6.9 percent of the labor force, the unemployment rate of youths aged 16 to 24 remains around 15 percent, because almost half of the total unemployed—3.2 million out of 6.7 million—are youth in this age group. And in some areas of our country, especially in the central cities, nonwhite youth unemployment approaches the shocking rate of 50 percent.

The bill the House-Senate conferees have agreed to will establish programs which will begin to relieve the disproportionate burden of joblessness borne by our young people by creating up to 200,000 job and training slots at a 2-year cost of $1.5 billion. Basically, the conferees have agreed upon the following legislative principles, to wit:

One, that youth employment programs need to be targeted at low income youths and at high unemployment areas of our country;

Two, that linkages need to be established between education and work, in order to improve the transition of youths from school to employment;

Three, that work experience programs must include a significant component of training, counseling, guidance, and so forth in order to upgrade the long run employability of youth. Short-term "make work" approaches are not only futile but are wasteful of taxpayers' money and demeaning to the youth participants themselves.

Four, that innovative and experimental programs and projects must be tested in order to demonstrate which employment and training programs offer the best hope for removing the competitive disadvantages that often characterize the labor market experience of young people.

As Senator NELSON has explained, the agreed upon bill includes several imaginative and innovative ideas based upon these four underlying principles.

The bill would authorize a Young Adult Conservation Corps, which would involve up to 35,000 youths 16 to 23 years old from all States in conservation and maintenance jobs in Federal and non-Federal parks and forests. The Corps is to be administered by the Secretary of Labor, through interagency agreements with the Secretaries of the Interior and Agriculture. The conferees have agreed upon an appropriation recommendation of $350 million for the period ending September 30, 1978, for the Conservation Corps.

Second, the conferees agreed to the youth incentive entitlement program contained in the House bill and proposed initially by Congressman SARASIN of Connecticut, the ranking Republican on the Employment Opportunities Subcommittee. This program of pilot demonstration projects, described in subpart 1 of part C, would guarantee part-time jobs to poor youths who attend school. The so-called Sarasin program will test among other concepts the proposition that youths can be encouraged to remain in school and complete their studies if they are given the opportunity to have gainful employment. An appropriation of $172 million has been contemplated for this new program which will operate in approximately 20 prime sponsor areas selected by the Secretary of Labor.

Third, and to accentuate the importance the conferees accorded to programs to facilitate the transition of youth from school to work, the bill includes provisions authored by myself and Senator HUMPHREY which were contained originally in our youth bill—S. 170—and in our amendment to the President's youth bill. These would require the 442 or so prime sponsors in the United States to set aside 22 percent of the subpart 3 funds allocated to them by formula in order to operate programs for in-school youth. These provisions break important new ground by requiring every CETA prime sponsor for the first time to operate in-school youth programs jointly with local education agencies.

I hasten to add that this is not intended to be a categorical program, because prime sponsors and local education agencies are free to agree to undertake any one of a combination of the employment, training, or supportive services enumerated in section 342. I should emphasize the understanding of the conferees, however, that these programs are to be administered jointly by prime sponsors and local education agencies and are to be undertaken pursuant to agreements between them which describe in detail the programs to be operated. If the prime sponsor local government and the education agency or agencies in its jurisdiction are unable to reach agreement in respect of the programs to be undertaken, the earmarked 22 percent set aside cannot be expended.

In order to clarify one point regarding the size of the set-aside, I might add that the dollar amount contemplated by the conferees is the same as in the Senate bill—approximately $135 million. The percentage has been raised to 22 percent, from the 15 percent contained in the Senate bill, because of the structural change agreed to by the conferees. Jointly administered in-school youth programs are now included as 22 percent of the amounts allocated to prime sponsors in subpart 3 of the new part C amendment to title III, in contrast with their inclusion in the Senate bill as 15 percent of the total part C funds. In both the conference agreement and the Senate

bill, therefore, 22 percent of the total amounts allocated to prime sponsors is to be utilized for jointly administered programs for inschool youth.

This program is intended to bring work study or cooperative education, as well as a host of other important programs and services to low-income, inschool youth through the establishment of collaborative processes between local manpower agencies and local education agencies.

Fully one-third of the 16- to 24-year-old labor force and over half of the 16- to 19-year-old labor force is enrolled in school, and Congress intends for this cohort to receive top priority in being served.

It is my hope, and I am sure that of Senator HUMPHREY as well, that prime sponsors and local education agencies will work closely with one another in the design, development, and operation of programs of work experience, training, counseling, vocational exploration, career education, and so forth, for inschool youths. Up to the present, competition between prime sponsors and local education agencies has been the rule, while cooperation has been the exception. There is a need to nudge these two competing systems closer together, so that the inschool youth labor force can be served in a more efficient and sensible manner.

As the Senate report stressed,

> The Committee believes it is essential that cooperation take place between prime sponsors and local education agencies in providing employment opportunities and training and supportive services for youths enrolled in school. In the absence of such linkages, inschool youths may continue to be served by two separate and competing delivery systems, which bifurcate their labor market experience at a critical stage of their transition between school and work.

We in the Senate will be watching closely to see how this program evolves in the coming months and expect prime sponsors and local education agencies in the public interest to put aside any jurisdictional rivalries they may have in operating these programs.

The set-aside concept, which has been coauthored by Senator HUMPHREY and myself, can begin to improve the entire process of transition from school to work by strengthening the linkages between education and employment through such programs as those which are designed to familiarize youths with the labor markets they are about to enter. Indeed, this concept has been endorsed by the Government's own manpower advisory body, the National Commission for Manpower Policy, which stated in its October 1976 report, "A range of policy and program thrusts are possible for improving the transition process from school to work which involve both the education system and the labor market. New linked approaches appear necessary between the schools and the labor market agencies including CETA." This is precisely what we had in mind when initially we proposed the set-aside provision, and we are so pleased that Congress, in its wisdom, has seen fit to ratify it.

Time and time again, it is said that we need to build better bridges between the world of education and the world of work if we are to eradicate the shocking problem of structural unemployment and underemployment in our country. Congress is now about to enact a bill which provides the authority to begin construction of those bridges. I am counting on our Nation's prime sponsors and local education agencies to work together to build those bridges from both sides; indeed, the futures of a generation of American youths may well depend upon their collaboration.

Mr. President, two recent publications are suggestive of the salutary effects of strengthening the linkages between education and work. The first is an excellent publication of the U.S. Government Printing Office developed for the Office of Manpower, HEW, by Urban Management Consultants of San Francisco, Inc. It is entitled "Education and CETA" and I ask unanimous consent to have printed in the RECORD at the end of my statement a few brief excerpts. I found the publication to be useful particularly for its analysis of coordination agreements between prime sponsors and local education agencies.

The second is a publication of the Work in America Institute, in New York, and describes the success of high school work-study programs undertaken by the Continental Illinois Bank of Chicago. I ask unanimous consent to have this article printed in today's RECORD at the end of my statement.

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

(See exhibit 1.)

Mr. JAVITS. A fourth element contained in the conference agreement is the so-called "Stafford Program," proposed by the distinguished Senator from Vermont (Mr. STAFFORD). This program of community conservation and improvement projects will involve the employment of some 20,000 16-to-19-year-olds in small community rehabilitation programs. When the public works bill was on the floor early this year, it contained a title II youth employment program similar in most respects to subpart 2 of this bill. Senator STAFFORD, Senator RANDOLPH, and other cosponsors stayed their hands, as it were, and agreed to strip the bill of that title because they wanted to give the Human Resources Committee a chance to consider the program. I am so pleased the full Senate and the House conferees have seen the great merit of this program and I commend the Senator from Vermont (Mr. STAFFORD) and the Senator from West Virginia (Mr. RANDOLPH) for their wisdom in developing it.

In the Youth Employment and Demonstration Projects Act of 1977, we have provided for greater targeting than has been achieved heretofore. We have done this in two ways, to wit: (1), at low-income youths, by limiting participation in the subpart 3 programs to youths from families who earn less than 85 percent of the lower living standard budget and, (2), at high unemployment areas, by distributing 37½ percent of the subpart 3 allocated funds to areas of substantial unemployment. This should help us focus what are really very tiny amounts, in relation to the magnitude of the youth unemployment problem, at the individuals and areas of greatest need.

In respect of the wage provisions, which were the subject of considerable debate in this body, I believe the conference agreement contains provisions which all can agree to. As our colleagues will recall, we faced a dilemma in this bill: Either we provide for prevailing wages for the job classifications in which youths were employed—and thereby perhaps unduly limit the number of positions that could be made available with the sums contemplated—or we provide less than the prevailing wage—and thereby perhaps displace existing civil servants or impede the rehire of employees on layoff. Some thought that the language in the Senate bill which allowed below-prevailing rates of pay for "restructured" jobs, was likely to cause far too much displacement of adult workers, since the question of "Who decides?" was not spelled out and, therefore, jobs could be called "restructured" rather unilaterally.

Similarly, the Senate bill language mandating the prevailing wage "for similar occupations," was thought by some to be far too broad, since really anything can be made similar, so the creativity in respect of the job opportunities provided for youths would be reduced.

For this reason the Senate adopted an amendment proposed by Senator DOMENICI and others which basically placed the Secretary of Labor in the position of making the determination as to whether youths were placed in jobs for which the prevailing rate of pay was required.

This principle of secretarial determination was accepted by House conferees when I proposed it be made a part of the language proposed by Mr. QUIE, the ranking Republican on the Education and Labor Committee. The conference agreement provides, therefore, first, that youths be paid the prevailing wage when they are placed in existing jobs, unless a union makes an agreement respecting the below-prevailing rates of pay; and, second, that youths placed in restructured jobs receive the wage stipulated in an agreement between the union and the employer, except that if no agreement is reached after 30 days, the union, the prime sponsor or the employer can petition the Secretary of Labor to make a determination as to the appropriate wages which are to be paid youths in the restructured positions.

Furthermore, the conference agreement permits youths to be paid the minimum wage or higher if they are placed into new jobs. If a dispute arises as to whether the jobs are truly "new," the union may petition the Secretary of Labor to determine whether or not the jobs are "new." If he determines they are, the wage stands. If he determines they are not new, the agreement procedure for restructured jobs goes into effect.

Mr. President, I believe Senate and House conferees have brought back to their respective bodies an acceptable conference agreement. We need to begin as soon as possible to implement all the innovative and imaginative programs

provided for in this bill. I urge my colleagues in the Senate to approve this conference report so we can get on with the job of improving the opportunities for those who are, at one and the same time, our most precious national treasure and our future; our youth.

EXHIBIT 1

EDUCATION AND CETA

FIND OPPORTUNITIES

This guide offers insights into an approach designed to help you find attractive opportunities to work together with CETA. This approach consists of the following steps:

Acquiring knowledge about CETA;

Assessing your program's own needs or unmet objectives;

Analyzing areas of commonality where CETA might fit your program's needs;

Discovering possible opportunities to coordinate with CETA;

Weighing the costs and benefits of coordination; and, if applicable,

Negotiating and implementing a joint project.

The chapters in this guide follow this approach.

WHY COORDINATE WITH CETA?

Adult education, vocational education and CETA programs are intended to serve highly complementary purposes. Each is directed toward preparing individuals with the appropriate basic knowledge, skills and awareness needed to cope in the world of work. Vocational education is further concerned, as is CETA, with providing job-related training, and securing and retaining permanent employment consistent with an individual's capabilities, capacities and interest. Adult education includes this within the broader scope of providing opportunities for undereducated adults to acquire skills and information needed to become more employable, productive, and responsible citizens and to assist such persons to improve their problem-solving and decision-making skills.

Education and CETA programs serve overlapping target groups. Common constituents include adults and youth who are unemployed, underemployed, or economically disadvantaged. Adult education and vocational education programs demonstrate complementary strengths with CETA in several service delivery areas, particularly formal instruction and training. Furthermore, adult education, vocational education and CETA programs currently face a number of program issues which affect and are affected by coordination. Ideally, through coordination, each program can better meet its objectives, avoid duplication of services or participants, capitalize on program strengths, and address program concerns. A discussion of each of these areas appears in Chapter 2.

THE IMPORTANCE OF LEADERSHIP

Interprogram coordination represents a significant challenge to the management skills of program leadership. First, coordination initiatives imply change, and organizations typically do not change comfortably without the exercise of leadership. Second, coordination initiatives with the potential for substantial gains almost always involve substantial risk; some in the organization may perceive this risk as being intolerably high. If both education and CETA leadership prepare properly, however, experience has shown that the risks associated with contemplated coordination arrangements can be identified early and openly discussed. Where the risks are acceptable to both education and CETA leadership, there remains a third challenge: gaining consensus among the counterpart staffs in acknowledging the risk, taking steps to reduce it, and viewing the residual risk as acceptable in relation to potential advantages.

Open and unequivocal commitment of the leadership of all agencies or programs is absolutely essential for the success of any coordination strategy.

The opportunities, problems and issues of interprogram coordination as they are identified and discussed in this guide are framed as leadership concerns. The approach proposed for searching out mutually appealing coordination arrangements assumes from the outset that the focus is on ways to preserve agency strengths, to improve agency performance, to enhance agency services, and to keep exposure to risk within tolerable limits. Of course, these are also primary concerns of CETA leadership.

THE FEDERAL ROLE

Adult education, vocational education, and CETA programs all receive Federal dollars. Even though agency autonomy in each program is high, Federal support can enhance coordination initiatives. In certain cases, Federal officials can be of value in removing obstacles to success, such as the granting of formal waivers or informal approval of a use of funds. Early assessment of the potential benefits and/or problems that the Federal sector can bring to the effort will enable deliberate actions to take advantage of the benefits and minimize the problems.

The HEW Regional Director's manpower coordination unit, headed by the Regional Manpower Coordinator, exists for just the purpose of assisting state and local program operators and CETA Prime Sponsors to work together more effectively. This staff has in recent months conducted detailed analyses of the operation of HEW programs in each state and is accordingly well-versed on the basic issues.

The Regional Manpower Coordinator will not attempt to deal with individual program issues, which are properly the responsibility of state and national agencies, Prime Sponsors, or the Department of Labor, but will be available to assist where requested with the analysis, design or implementation of coordination opportunities.

REDUCING THE RISKS

Each potential coordination arrangement will include certain risks as a part of its design. These risks are real and cannot be ignored in developing a successful agreement to implement the arrangement. The illustrative coordination arrangements in Chapter 3 specify major risks likely to be perceived by adult education, vocational education and CETA staffs, and the actions that could be taken to reduce each risk. Similar analysis by education administrators for other coordination options will generate similar indications of likely risk areas.

Early identification of potential risks can assist in making a final decision whether to proceed. It can also identify immediate actions that can be taken to reduce the risk. Once the arrangement is underway, however, the most significant risks will develop: those operating problems which may cause failure through lack of communication or absence of mutual agreement. A thorough written operating agreement (about which more later) will do much to prevent these occurrences. Identified risks can be addressed in the agreement and specific actions to prevent their occurrence laid out.

The benefits of coordination must be as clearly perceived by CETA as they are by the education program. If either organization does not believe that it will gain, the proposal will fail.

The more individuals actively involved in negotiating a coordination agreement, the higher is the probability that progress will break down before agreement is reached.

Early support of individuals in key decision-making capacities can make the process easier but it is essential that the merits of the proposal be argued convincingly while risks are presented in proper perspective.

Resistance to change will occur within both the education and the Prime Sponsor's organizations, but realistic strategies can be developed to overcome it. Habit, tradition, and fear for one's role in a new system are powerful deterrents to cooperation. If you anticipate them, you can deal with them on an individual-by-individual basis. If you ignore them, the resistance can gather momentum and severely compromise the goals of the proposal.

When planning to implement a coordination proposal, be as realistic as possible about what can be controlled or influenced and what is beyond current agency capability or capacity.

At this point, discussions with a counterpart in the other organization can begin with realistic chance of success. Initial discussions seldom result in immediate agreement, though. The individual with whom you are dealing will need time for internal assessment of the benefits and risks from his/her perspective. Therefore, it is important in first discussions to:

Introduce the proposal logically and as simply as possible, stressing the benefits to both agencies and to both agencies' clients;

Minimize premature discussions of organizational implications, budgets, authority, or other issues that involve "turf";

Try to view the initial reactions of the counterpart from that program's perspective. Remember a person is not convinced merely because his/her objectives have been silenced.

If the initial discussions are successful, there should be basic agreement as to the value of proceeding further. The first step therein should be the development of specific, mutually agreeable, realistic results for the project. In determining what is realistic, both education and CETA staff should together:

Review all original expectations for the project and modify them as necessary to be satisfactory to each organization;

Agree on the specific results that are expected from the coordination proposed; when this is achieved, put them in writing;

Exchange frank views on what constraints and obstacles to the proposal exist from the point of view of each agency, based on both internal and external analyses.

Once there is agreement on the results that both parties expect and the issues each thinks will arise as those results are pursued, it is necessary to design the operating details of the project and to record them in a written agreement. Developing the project plan is critical in one very special way—it is the initial test as to whether or not both programs can work together toward a common purpose.

Key officials of the agencies involved should agree on:

Specific actions/decisions that must take place prior to the signing of an agreement. This should include items such as procedural waivers, legal opinions, authority to enter into financial arrangements, broad organizational requirements, etc.

Specific individuals or other agencies that will need to be involved. These should be those individuals in a position to approve the specific actions or decisions listed above.

Strategy and timing for involving key individuals, particularly the Chief Elected Official, if required, or other highly placed individuals. Plans should include identification of issues that should be resolved prior to soliciting support and identification of arguments that will be most persuasive in gaining their support.

A schedule for completing the agreement. This should detail the schedule on which each action item or decision should take place and should specify individuals responsible for accomplishing each item.

NEGOTIATING A WRITTEN OPERATING AGREEMENT

Two steps remain in putting the coordination arrangement into operation:

Finalizing a written agreement that will specify the way coordination will take place;

Working together to carry out elements of the plan.

Both steps will probably move forward concurrently. In many cases the agreement will not (and need not) be a formal *contract* between agencies. Rather, the written agreement serves as a document which ensures that all staff participants in the project, particularly those who were not a part of its development, understand the results to be achieved and the various assignments that will ensure their accomplishment.

Note: An unwritten agreement is not an agreement at all—it is an understanding and understandings are easily misinterpreted as time goes by. If programs have something worth doing together, then it is worth taking the time to record the details properly. Everyone will have invested far too much time and energy by the time actual coordination activities are scheduled to start to base success on memories, impressions, or prior perceptions of what was agreed.

A written operating agreement is very different from a legal enabling agreement between the agencies. Because, in the eyes of many, detailed "agreements" are synonymous with contracts, they are frequently avoided as unnecessary or restrictive. In other cases, agencies sign agreements establishing the legal basis for coordinating but omit the necessary detailed description of how that coordination will take place. In either case, the result is usually confusion and misunderstanding at the operating level, requiring considerable time to discuss what was supposed to happen and in what way. In fact, absence of a written operating agreement can cause coordination to begin wrong or too late, dooming it from the start. It only takes limited experiences of this nature before both parties are ready to concede that it is easier to work alone.

Although they may vary widely in format and language, all good agreements state, at a minimum:

1. Precisely what is to be accomplished between the two parties (purpose, reason for coordinating).
2. The situations in which the agreement will apply.
3. A summary of the agency activities that are affected by coordination and the way in which these activities will be expected to serve the coordination project.
4. Who, in each organization, is responsible for the specific activities listed.
5. What will constitute service standards, response time, etc.
6. Administrative procedures (reporting procedures, supervision, etc.).
7. How and how often service standards will be reviewed.
8. Modification procedures.
9. Financial arrangements.

An agreement that covers the above items leaves little room for debate on what was intended, what was supposed to occur, when it was supposed to occur, or who was responsible. Although it is more difficult to agree on that kind of detail than it is to wait and "work things out" once coordination begins, your work in putting together a good agreement will be more than offset by the strengthened, predictable nature of the results.

An example of a complete operating agreement is included as Appendix I.

WORKING TOWARD SUCCESS

Once the coordination arrangement is underway, the challenge to all participants is keeping the initiative moving forward despite whatever obstacles may arise. If major obstacles have been anticipated the task will be easier, but under no circumstances will a new and different experience such as this be easy. Offered below are some tips on keeping the initiative on track.

1. Expect problems and budget enough time (both calendar time and person-hours) to deal with them. Even the most thorough planning cannot account for all contingencies.

2. When lack of progress in any one specific area threatens the undertaking, review the original agreement on benefits, particularly those accruing to clients, and the agreement to date, emphasizing where the ability to resolve issues has already been demonstrated.

3. Keep in mind that individuals in both organizations have the same kinds of concerns (political, personalities, regulations) and that both must decide how and with what speed to deal with internal issues.

4. If unable to resolve an issue that is critical to the success of coordination, don't move ahead until it is resolved (see item 1 above). There is almost never a reason to expect that resolution will become easier in the future.

5. Don't let individuals involved in implementing a coordination strategy get so involved in the process of accomplishing it that they forget why they wanted it in the first place.

6. Plan the work with a view toward conflicting or competing time requirements. If, for instance, the major activity in preparing for coordination must occur simultaneously with final preparation of the yearly program plan or an agency reorganization chances are coordination will come in second—and last.

7. Once it has been decided that coordination will in fact take place, internal staff of both programs should be thoroughly oriented on what this means for them and what will be expected of them. If staff is involved at the proper time, they are likely to have more of an interest in and commitment to the success of the effort.

EVALUATING THE PROCESS AND PROJECT RESULTS

If agencies agree to proceed on a coordinated approach to service delivery, they should make certain that both agencies profit from the experience and, if successful or not, learn why.

To gain this knowledge, which will be very valuable in designing future activities, evaluation of the results of the arrangement and the processes that took place will be needed. It is clear that whatever form the evaluation takes (simple or complex, formal or informal, quantitative or qualitative) the written operating agreement will provide the basic record of what the coordination effort set out to do. From this, any intentional or unintentional deviations can be measured and analyzed.

APPENDIX I

ILLUSTRATIVE AGREEMENT [1]

The following agreement is an adaptation of an actual agreement which illustrates the principles set forth in Chapter 4. The agreement relates to the cooperative situation described in Case No. 11: *Providing Work Experience and Youth Employment to School Dropouts.*

[1] With minor editing changes this agreement is one which was signed in August 1975, by the Minnesota Urban Comprehensive Employment and Training Consortium and the Suburban Hennepin County Area Vocational Schools, District 287 (supported by the Distributive Education Clubs of America and the Division of Vocational-Technical Education, Minnesota State Department of Education).

I. PURPOSE

Because increasing emphasis is to be given in the State of _____ to targeting Federally-supported vocational education for employment and for training of young people, particularly high school dropouts between the age of 16 and 21, and further because those persons are a significant segment of the unemployed, under-employed and/or economically disadvantaged population of _____, the _____ Department of Vocational Education and the _____ in District ____ in which _____ and _____ agree to cooperate in the provision of services to individuals eligible for assistance under both the Comprehensive Employment and Training Act of 1973, and the Vocational Educational Education Act of 1973, as amended, according to the terms and conditions which follow.

II. EXPECTED RESULTS

The parties hereto contemplate service as specified herein to approximately one hundred and twenty-five (125) individuals over a twelve month period commencing on the date this agreement is last signed. Enrollment will be on a quarterly basis.

Projected accomplishments are that:

At a minimum, 75 are anticipated to be placed on a job (60 per cent of total enrollees);

With close cooperation among all the available resources an estimated 85 to 100 enrollees will be placed in a job before the funding year is out (70–80 percent);

The percentage of enrollees placed in unsubsidized employment 90 days after entrance into employment is anticipated to be 70–80 percent as above;

The average wage over the funding year in unsubsidized employment is anticipated to be approximately $2.50 to $3.25 per hour for all enrollees.

Because the program is experimental in nature the parties agree to exercise flexibility as appropriate to changing conditions and as indicated upon review of experience. Problems will be discussed as encountered and addressed rapidly.

The participating agencies expect this joint activity to accomplish the following:

Significantly increase the number of school dropouts served and found employment for by the CETA Prime Sponsor.

GED classes along with pre-GED work, if necessary, to be conducted by the local vocational technical school at least twice a week.

The 70,001 *Individual Instructional Program* designed to teach pre-employment counseling (job application, good grooming etc.) through sales techniques. It is completely individualized so as to give maximum flexibility to the client and the coordinator.

Supervised Youth Activities Program. A DECA 70,001 Chapter will be formed to participate in the local, state, regional and national DECA competitive activities. This structured program is designed to teach vocational skills while providing a strong motivational tool for developing personal achievement and self-confidence in the client. In addition, a wide variety of civic, social and leadership development activities will be conducted by the Chapter members.

Liaison established with all community support services to meet the needs of the clients.

Liaison established to the entire range of educational opportunities offered by the community.

Public relations activities designed to build community support, particularly that of the business groups for the client's activities will be ongoing. A local advisory committee will be established to assist the District in this endeavor.

Provide immediate full time employment/supervised on-the-job training, related occupational and academic instruction and a

program of supervised, civic, vocational and other sound activities for the participants.

Provide the enrollee with both the capacity and the opportunity for a productive career in the field of retail sales and distribution.

III. THIS AGREEMENT WILL APPLY IN THE FOLLOWING SITUATIONS

Where a Voc Ed and/or CETA counselor agree that services to a specific youth, who has dropped out of school and been out of school six months, will be of benefit to that individual.

Where appropriate authorities of each participating agency agree on the desirability of shared funding of a service to clients of both agencies.

Where individuals contact both agencies on their own initiative and are found to be eligible to participate in the project.

IV. SERVICE TO BE PROVIDED

The vocational technical school, with assistance from Distributive Education Clubs of America's advisory committee, will provide CETA Prime Sponsor cliens:

On-the-job training in the field of retail sales and distribution. 100 placements will be effected on a 52-week basis and employees (CETA clients) will be paid directly by the employers with no subsidies by the CETA Prime Sponsor.

On-the-job and after work job counseling by a trained coordinator in the discipline area.

V. SPECIFIC RESPONSIBILITIES WITHIN EACH PARTICIPATING AGENCY

Intake interviewers in both vocational education and CETA will be responsible for flagging youth potentially eligible for these programs and reporting such information to the appropriate counselor or caseload manager within 2 days.

Once the individual is enrolled in the program he/she will be the responsibility of the vocational technical school until the course of the program is completed.

It will be the responsibility of the CETA Prime Sponsor to conduct follow-up evaluations at regularly scheduled times (3 months, 6 months and 1 year) after placements.

VII. ORGANIZATION AND ADMINISTRATION

Program Organization:

The basic plan to be used for managing and operating the program is as follows:

Staffing:

The project manager and program coordinator duties are included in the addendum. A secretary is employed to maintain necessary records, provide clerical assistance to staff and enrollees and act as a receptionist. Program coordinators will be paid up to $15,000 annually, the program manager up to $4,800 annually (20% of the time), and the secretary up to $8,000 annually.

The project manager will devote 20% of his time to the program in order to minimize administrative costs. This time is felt sufficient due to the National Task Force, National 70,001 staff, State Department of Education staff, and District central office staff involvement. The four program coordinators will devote full time to the program. One of the four will serve as department chairman. The program manager and coordinators will be vocationally certified according to the State Board of Education criteria.

Administration:

Supervision and service personnel activity in each agency will follow policies and procedures established for that agency.

All status changes, completions, placements, terminations or interruptions in service will be reported by the local vocational agency responsible for the activity to the CETA agency within 5 days.

Each agency will be responsible for costs of services provided directly or by subcontract in carrying out their portion of the youth employment program. Any limitation on costs to either agency must be specified at the time the service plan is negotiated. Additional services or extension of services not included in the original youth services plan will be negotiated by the appropriate agencies and must be mutually agreed upon.

Internal Monitoring System:

In order to identify and correct problems plus strengthen the program's effectiveness, an internal monitoring system will be established. In addition to the District administrative office staff, a local program advisory committee will be formed consisting of business, labor and concerned agency representatives. This committee will meet no less than four times yearly to review and advise program direction, services and results. In addition, the existing six district-wide marketing and distribution advisory committees will be involved. A form of an internal/external monitoring system will be the State Department of Education staff plus the National 70,001 Task Force.

VII. DEFINITIONS AND SERVICE STANDARDS

Enrollee:

This means an individual of either sex who meets the requirements set forth below and who is selected by the local education agency and the CETA Prime Sponsor to participate in its program and who, in fact, does join and enroll in such program, regardless of the length of time such individual remains in the program. The parameters for those people to be included in such a program are those who need such skills and motivation.

Participation in the Program:

This shall mean that any enrollee is considered to be participating so long as he or she:

a. receives assistance in his or her on-the-job training;

b. participates in any phase of the instructional program offered.

Graduate:

This shall mean the individual who has successfully completed, as defined by the local education agency, the program in which such individual was enrolled.

Graduation from the Project:

This shall mean when one or more of the following has been achieved:

a. when the immediate supervisor, coordinator and enrollee agree that the enrollee is a valued member of that firm and has achieved the necessary skills and attitudes to make him or her a desirable employee;

b. substantial promotion within his or her company, as defined by the coordinator and immediate supervisor;

c. entrance into a Management Training Program, designed to lead to substantial promotion, available at the enrollee's place of employment;

d. entrance into any of the military services of the United States.

State:

This shall mean the state or territory in which the Agency is located.

Coordinator:

This shall mean an individual who by reason of education, training or other experience or ability is deemed by the Agency to be a coordinator, and who shall work either part-time or full time and have major responsibility for the program.

Immediate Supervisor:

This shall mean the individual responsible for a project enrollee at his or her place of employment.

Month:

For the purposes of this agreement, if an enrollee has participated in the program for fifteen days or more, he or she shall be considered as having participated in the program for one month.

Services:

Services delivered must be precisely as specified in the plan.

Timing:

The date for the commencement of the program is from ------ to ------ (a date one year later).

The average enrollee should complete the program in 6 months to one year after entrance into the program.

Reports or status of activities will be provided the CETA Prime Sponsor according to the following schedule:

The Monthly Enrollment and Termination Report will be submitted no later than ten (10) working days after the close of each reporting month.

The Monthly Summary of Participant Characteristics will be submitted no later than ten (10) working days after the close of each reporting month.

The Monthly Enrollment and Expenditures Report will be submitted no later than three (3) working days after the close of each reporting month.

The Monthly Report of Cash Transactions, Monthly Invoice and Detailed Statement of Costs (Form C–100) will be submitted no later than five (5) working days after the close of each reporting month.

An Intake Form (Number 02) will be submitted for each new enrollee no later than Monday following the close of the reporting month.

A Termination Notice (Number 03) will be submitted on each terminated client no later than Monday following the close of the reporting week.

A Client Status Change Notice (Form Number 04) will be submitted weekly on all clients who transfer into other Consortium CETA-funded activities, no later than Monday following the close of the reporting week.

The reports cited above are to be submitted in weekly batches with a transmittal document (Form Number 01).

A Sub-Grant Close Out Package will be submitted no later than sixty days following the termination date of this Agreement.

VIII. REVIEW OF STANDARDS

Individual client progress will be jointly reviewed by Voc Ed and CETA staff at 1 month intervals.

Termination data (placement, dropout, completions) will be reviewed jointly at 3 month intervals.

Youth services plans and associated costs may be modified by mutual agreement by both the local education agency and the CETA Prime Sponsor.

Program changes which require budgetary modifications in excess of twenty (20) percent of any line item contained in the Sub-Grantee's On-the-Job Training Program budget must be approved in writing by the Prime Sponsor.

This Agreement may be terminated by either party hereto by written notice to the other given at least thirty (30) days prior to the date of desired termination. In the event of such termination, no further reimbursements by the Prime Sponsor shall be due except for past-due obligations hereunder.

The Prime Sponsor reserves the right to reopen negotiations within thirty (30) days following the execution of the Sub-Grant for the purpose of negotiating program performance standards.

IX. FINANCIAL ARRANGEMENTS

The CETA Prime Sponsor shall reimburse the Sub-Grantee for the Sub-Grantee's On-the-Job Training Program upon receipt of a monthly itemized invoice from the Sub-Grantee specifying the costs incurred by the Sub-Grantee for the operation and administration of the program during the previous month. Such itemized monthly invoices shall be due and payable by the Consortium to the Sub-Grantee at intervals specified in the invoice provided; however, the Consortium shall not reimburse the Sub-Grantee for any costs incurred by the Sub-Grantee which are not in accordance with the Sub-Grantee's

program planning summary and budget information summary.

The Sub-Grantee shall certify in writing to the Prime Sponsor a statement of fiscal responsibility which shall:

1. designate the title of an atuhorized officer or agent of the Sub-Grantee who shall be responsible for the proper accounting and management of the On-the-Job Training Program funds received by the Sub-Grantee from the Consortium; and

2. designate a special account for the deposit of training funds received by the Sub-Grantee from the Prime Sponsor in instances where the Sub-Grantee is not a governmental unit.

[From World of Work Report, June 1977]

CONTINENTAL BANK, YOUNG WORKERS MARK SUCCESS OF WORK-STUDY PLAN

Continental Illinois Bank in Chicago has just completed a very positive evaluation of its last three years' experience in employing about 500 youths, age 16 to 21, in a halftime split between school and work.

The bank found that young, permanent part-time employees, when compared to two control groups (other employees in the same age categories, and other employees in the same salary grades), showed these results:

The work-study employees had a higher retention rate, as compared to regular hires, both full-time and part-time.

The work-study employees were somewhat superior in job performance ratings, again compared to full-time and part-time regular hires.

The cooperative education employees also had better attendance rates.

For those in the cooperative education program who later transferred to full-time work at the bank, the costs per hire were somewhat lower than for regular "off-the-street" hires.

Owen C. Johnson, Vice President of Personnel for Continental, says the bank has concluded that "this system also benefits the company by permitting a close look at these cooperative education employees before they were hired fulltime. On their part, the employees had a much better knowledge of our company's methods and working environment, and also a much clearer idea of what kinds of full-time jobs to aim for."

Mr. Johnson feels that work-study programs, involving high school and college students, are not nearly large enough compared to the need for them. He asserts that cooperative education programs might be considerably expanded if employers would create more parttime positions, and if school systems would give higher priority to these programs. To do so, Mr. Johnson feels that the schools would have to become more flexible organizationally.

About 9,000 Chicago public school students take part in a variety of cooperative education programs; this is only about 2% of all the students. Continental Bank is employing 140 students this year, and is thus the largest employer of those in the Office Occupations category of work-study programs.

Mr. Johnson, together with other personnel managers, is urging the Chicago Board of Education to promote more flexible class schedules in the schools. The aim is to enable more students to work mornings and go to school in the afternoon. At present, over 90 percent of the high school students come to work at the bank after morning classes. If a second shift of students could be developed, two students could share one full-time job, and many more students could be hired.

Brenda Russell, a Continental personnel officer who coordinates the program, states that work-study "allows business to share in the development of the student. These youths become better performers when they shift to full-time because they don't have the same adjustment problems. They have a remarkably better absentee rate than young regular hires, and while they are here, they perform better. So we win all three ways."

Kery McIntosh, a 17-year-old high school senior who works half-time at Continental as a typist, says that "I am a step ahead in seeing if I like the business world. Sometimes, I feel older than the kids at school. I work in personnel here, and am thinking of going to college to train in personnel work."

Rick Simonton, another 17-year-old senior in the personnel department, says that "work attitudes are most important—like not turning down any new assignment, and feeling that you can do it."

The Continental Bank's experience with work-study employees is contrasted with a study entitled "Business Views Education in Chicago," which was commissioned by Chicago United and published in the May 1975 issue of Phi Delta Kappan. The study reported on a survey of 20 chief personnel managers of 17 Chicago United companies. It found that:

When asked to estimate the proportion of high school graduates interviewed who are ready for employment with their present educational background, only three respondents felt more than 40 percent were ready. Six said that less than 20 percent of the graduates were ready, and nine said that 20 percent to 40 percent were ready. Two gave no response.

Two strong work-study recommendations from the report were that:

1. The schools must provide children with basic skills: reading, writing, spelling, speaking, listening, and computing.

2. The schools must introduce children to the world of work, so they have reasonable exposure to a variety of career options, and know the amount and kind of training and education needed to reach a career goal. Many businesses are already participating in some form of career education, and are willing to do more.

Mr. JAVITS. Mr. President, I strongly commend this conference report to the Senate, and express my gratitude to the majority leader and to the minority leader for facilitating its consideration tonight. We ascertain that there was no opposition to this action. It carried by an overwhelming vote in the other body, and it is to be remembered that this particular measure was worked out as almost an example of cooperation between the Senate and the Executive.

We had differences of opinion, but they were resolved.

Second, it is not too usual that the handiwork of individual members is so clearly evident, Mr. President, as it is in this particular measure. It is really broken into fairly identifiable parts.

The first part relates to the young Adult Conservation Corps, which bears, essentially, the stamp of the Senator from Washington (Mr. JACKSON). He worked with Congressman MEEDS in the other body.

It sets up a Young Adult Conservation Corps which will involve 35,000 youths, 16 to 23 years of age. The Corps will be administered by the Secretary of Labor. The conferees have agreed on $350 million for the period ending September 30, 1978.

I must say parenthetically that I heard so many observations in my native city of New York last weekend, where we have had this catastrophe of looting and burning, in which people literally prayed for such an agency as the one I have described.

It is not happy for us that we are limited to 35,000 youths. I think an agency like this could probably stand 350,000—and they could stand it, too, and it would make a major difference in the social climate of our country.

The second measure which is encompassed in this conference report relates to a very fine initiative by Congressman SARASIN of Connecticut, endorsed by the House. This seeks a series of pilot plant operation with a guarantee of part-time jobs to poor youths who attend school in order to test, among other concepts, the proposition that youths can be encouraged to remain in school and complete their studies. if given the opportunity to have gainful employment.

The $72 million is contemplated for this new program and we hope to try it out in 20 cities and some 440 prime sponsor areas.

The third program is one which Senator HUMPHREY and I had the honor to author. It seeks to facilitate the transition of youth from school to work.

We now find a great deal of the unemployment is attributable to the fact that youth does not have work experience, and such simple things as getting up in the morning, how to brush their teeth, dress and get on the bus and report for work on time, seem to be things people have to learn.

Our ideas were contained originally in S. 170. We implemented our ideas into the aggregate youth bill upon which we agreed with the administration. This measure requires the 442 prime sponsors in the United States to set aside 22 percent of the funds allocated to them by formula under a particular aspect, subpart 3 of this bill, essentially for in-school youth.

The estimate is that there will be about $135 million which will be attributable to that particular setaside.

I would like to pay tribute to our beloved colleague, Senator HUBERT HUMPHREY, who stoutly fought for this concept and coauthored it with me and helped very much to bring it into being.

The fourth element of our program constitutes a very gifted element, introduced by our colleague from Vermont (Mr. STAFFORD). This program, especially designed for 16- to 19-year-olds, concentrates on small community rehabilitation, that is, area and physical rehabilitation programs.

It will provide employment, it is fully funded for 20,000 and comes out of the public works bill which was on the floor earlier this year and contained a youth employment program similar in many respects to the one which is incorporated in the conference report.

I would like to pay a great tribute to Senator STAFFORD and to his associate, Senator RANDOLPH, and their cosponsors, who held up the opportunity to get enacted their particular part of the public works bill because all of us felt, who were deeply interested, that there would be preempted the opportunity to get a comprehensive youth employment bill, and they relied upon us to see that their part of it was ruled into the youth employment bill, as indeed it was.

It is a splendid program and both men demonstrated a splendid degree of cooperation with the Senate and with their colleagues in bringing it into being.

Mr. President, I am going to include everything I had to say in the record without repeating it here. But I would like now to pay a tribute to three others of my colleagues on the Republican side of the aisle, Senator BELLMON, Senator DOMENICI, and Senator MCCLURE, who in the most enlightened way, worked with us to bring in their concepts.

They had been the author of a very gifted, progressive youth employment bill themselves, and they worked with us intimately and closely in working out our agreements with the executive department. They worked amendments into the bill and finally came through the committee stage and on the flood.

Each of them deserve the highest praise and the highest public thanks for their role in this total effort which I herewith extend.

Mr. President, I believe this is really a criterion for the way in which a legislature should work, in and of itself, and with the executive.

I highly commend the conference report to the approval of the Senate.

I yield such time as the Senator may require.

Mr. WILLIAMS. Mr. President, it is a pleasure to join my colleagues on the Human Resources Committee in urging adoption of the conference report on H.R. 6138, the Youth Employment and Demonstration Projects Act of 1977.

This comprehensive and far-reaching legislation is the product of extraordinary cooperation between Congress and the Carter administration, between the Senate and the House of Representatives, and between majority and minority Members of both bodies.

We owe a particular debt of gratitude to the Senator from Wisconsin (Mr. NELSON), chairman of the Subcommittee on Employment, Poverty and Migratory Labor, and to the Senator from New York (Mr. JAVITS), the ranking minority member of the subcommittee, for their tireless efforts and adroit management of this bill.

The result, Mr. President, is an amalgam of programs for helping American young people develop the skills and the experience that can lead them to a satisfying place in the nation's work force.

The bill draws upon the proven blueprints of the past, as well as ideas for the future. A mainstay of this legislation is the modern equivalent of the Civilian Conservation Corps of the 1930's, giving jobless youth the opportunity to work at reducing the backlog of conservation work in the Nation's parks and forests.

The National Young Adult Conservation Corps, created by title I of the bill, provides unemployed youth from every segment of society the opportunity to know the exhilaration of building the physical foundation of tomorrow's land, water, and transportation resources. Participants will be gaining valuable experience in such fields as forestry, wildlife management, recreation development, and combating natural disasters in wilderness areas.

Careers and new commitments to conservation are founded on such experience. Both are indispensable to the Nation's future.

Mr. President, the dimensions of the predicament in which jobless youth find themselves cannot be underestimated. The number of unemployed teenagers has increased dramatically over the last decade to the level of 18 percent of the unemployed work force—nearly three times the rate for unemployed adults. Their lack of experience and skills, combined with an unprecedented increase of youth entering the job market, has precluded a meaningful job for them under current economic conditions. The programs in this bill are specifically designed to strike at the roots of the structural disadvantage among youth—their lack of skills and experience when looking for their first full-time job.

Youth unemployment is not a simple problem, and the bill does not propose a simple answer. It authorizes the Secretary of Labor to implement a variety of innovative employment programs and demonstration projects to determine the most effective design for relieving youth unemployment using limited Federal assistance.

The bill is a multifaceted manpower effort that mobilizes the resources of local communities, States, and Federal agencies. The Secretary of Labor is the coordinating arm of the entire youth manpower effort under this act.

The Young Adult Conservation Corps program would become a new title VIII under CETA, and would have a 3-year authorization. As a year-round program, the Corps will be administered by the Secretaries of Agriculture and the Interior through interagency agreements with the Secretary of Labor.

The national YACC program contains important provisions for State and local funding to allow work on non-Federal public lands and waters. Thirty percent of the program funds are reserved for grants to the States.

The balance of the act is devoted to testing a wide variety of employment and demonstration programs. They include youth incentive entitlement pilot projects, youth community conservation and improvement projects, and youth employment and training programs. These will comprise a new part C under title III of CETA.

Youth incentive entitlements would, in areas selected for pilot programs, guarantee a 20-hour work week during normal school sessions and full-time jobs during the summer, encouraging youth to stay in school. In a time when private employers expect a measure of experience and competence in prospective employees, these graduates will be able to approach employers with both a diploma and job experience.

Youth community conservation and improvement projects offer full-time employment to jobless youth, who have finished school, in locally developed projects near their homes. It enables communities to join forces with their unemployed young people to rehabilitate housing and public facilities, upgrade neighborhoods, and begin the long struggle to weatherize and repair energy wasting structures. This kind of incentive-oriented work based on community self-help will put tangible results up front for both youth and the community.

Mr. President, these local conservation and improvement projects can be of special value if funds to support them can be distributed down to the neighborhood level. There is a strong suggestion of this in the report of the Committee on Human Resources with respect to these community conservation and improvement projects. Our report said:

> The program encourages broad community participation which is vital in the development of good projects. Any private or public nonprofit group, including private citizens' voluntary groups, can participate and submit project applications. Needs for community or neighborhood improvements cut across a wide spectrum of community affairs and interests, and community groups must be encouraged to develop programs.

In administration of subpart 2 projects, it may prove difficult to target the funds to specific neighborhoods where they can be of immense value. The application procedure, involving local governments, prime sponsors, and the Secretary of Labor, will undoubtedly seem awesome and forbidding in the eyes of many local neighborhood groups, both voluntary and otherwise. Throughout the consideration of this bill, the committee and the conferees recognized this potential problem, and because of it, the bill provides very broad discretion for the Secretary of Labor in utilizing his discretionary funds under subpart 2.

The Secretary of Labor should be—and will be, I am sure—alert to other avenues for channeling funds to the neighborhood groups and associations. For example, the Office of Neighborhood Voluntary Associations and Consumer Protection of the Department of Housing and Urban Development has exceptional resources for mustering the neighborhood organizations that have deep commitments to community development and restoration.

In formulating programs to be funded with his subpart 2 discretionary funds, the Secretary of Labor should explore with this HUD office and other similar officers in Federal agencies with strong contacts in the neighborhoods the possibility of funding projects under their auspices.

Employment and training programs under subpart 3 of the act are designed to have a significant impact on high unemployment among youth, through locally planned and administered programs. Twenty-two percent of the employment and training funds will be used in programs jointly planned by CETA prime sponsors and local education agencies. Their purpose will be to provide not only work and training, but basic job-related services such as counseling, occupational information, and placement. The counseling and training services will be career oriented, and based upon the continued development of labor

market information that is comprehensive and reliable.

Funds for these employment and training programs are distributed under a formula that targets additional funds to areas where joblessness is worst and youth have greater difficulty finding work. The bill targets 37.5 percent of the subpart 3 authorization to areas which suffer substantial unemployment; 37.5 percent is allocated on the basis of numbers of unemployed, and 25 percent is allocated on the basis of the number of low-income families within each State. As a result, States like New Jersey will have additional resources to overcome the disadvantage of a severe job shortage.

Mr. President, I am particularly pleased that the House of Representatives has accepted the recommendations of our committee that special consideration should be given both to exceptionally disadvantaged youth and to community-based organizations that have a long history of proven effectiveness in skill development, job development, and placement.

The bill earmarks a portion of the funds to be spent only to help Native Americans, including Hawaiian natives, and members of migrant and seasonal farmworker families.

The bill also provides for making greater use of the inadequately tapped resources of community-based organizations across the Nation. Organizations such as Opportunities Industrialization Centers—OIC—the Urban League, community action agencies, Jobs for Progress—SER—and recruitment and training program have, over the past decade, demonstrated their effectiveness in working with youth.

These agencies operate in the heart of the ghettos and barrios of the inner city, the hollows of Appalachia, and the rural pockets of poverty and despair. They are an accepted institution in these areas of great need and have an uncommon degree of communication with those young people most in need of help. They are a ready resource for utilization by Governors, mayors, and county officials as they develop their programs to deliver services to youth in their communities.

Mr. President, the wage provisions of H.R. 6138 were developed specifically for these programs. These provisions recognize the need for new and different kinds of jobs and job classifications for the unskilled and inexperienced among the young people who will seek out the opportunities created by this legislation.

In general, youth participants in any of the bill's activities are guaranteed the applicable Federal or State minimum wage, except when they are placed in jobs that threaten the employment of workers in similar jobs. It is not the purpose of this bill to reduce unemployment among youth by creating unemployment among older workers

To avoid such displacement, youth employed in similar jobs with the same employer would be paid the prevailing rate for that occupation or job classification, unless the CETA prime sponsor, the employer, and the labor organization that represents employees doing similar work in the same area reach an agreement to pay another wage. Where new jobs have been created for youth, or existing jobs have been restructured, and no prevailing rate of pay can be identified, the Secretary of Labor is empowered to settle disputes that cannot be resolved by prime sponsors, employers and labor organizations at the local level.

By building in such flexibility, Mr. President, I believe we have minimized the likelihood that wage levels will interfere with the general purposes of this legislation. At the same time, we will avoid the kind of low-paying jobs that neither culminate in a carrer nor motivate young people to strengthen their attachment to the work force.

Mr. President, the future well-being of this country will be undergirded by the innovative programs we are beginning. These programs and what they generate will be a means to break the bottleneck of high unemployment.

Since last October, 2.2 million Americans found work, yet over seven million Americans still remain jobless. Youth unemployment has been the center of unyielding joblessness. Last month, youth unemployment bounced back up seven-tenths of 1 percent to 18.6 percent, a level just two-tenths below that recorded in early 1976. Black teenage unemployment remains at a tragically high 40 percent.

We have come to a crossroads on the question of youth unemployment and have found a new determination to transform the problem into a force upon which this Nation can base its hope for improved economic health.

The bill presents an enormous challenge to Congress and seems to be a way of testing our national pride—whether we intend to give young people who are without opportunity a chance to make their mark on the American heritage.

Few legislative proposals have reflected, as realistically as this one, a human need so evident on every street corner and in every rural community across the country. Youths might now be able to gain new opportunities to fulfill their aspirations in meaningful jobs.

I am pleased to have been part of this legislative effort. It signals our reluctance to mortgage the future for a foreshortened present. And it demonstrates our commitment to the right of every able American, who wants a job, to contribute his labor and achieve his goals.

I strongly urge my colleagues to support this first significant step in that direction.

Mr. STAFFORD. Mr. President, I appreciate the Senator yielding.

I rise simply to state that, of course, I am in support of the conference report.

I appreciate the gracious words of the senior Senator from New York and I want to say how much I have appreciated all of his help in getting the part of the bill Senator RANDOLPH and I offered through the Senate and through the conference.

Mr. President, I join the distinguished ranking minority member of the committee in what he said about our colleagues who have participated in the formulation of this legislation.

Mr. President, I was privileged to serve as a conferee for the Senate on this important legislation, and I support the conference agreement. The final bill includes proposals from both the House and Senate measures and represents a strong step forward in meeting the serious employment problems affecting the youth of this country.

The extremely high rates of unemployment prevailing among young people is recognized as a serious national problem, requiring a specific, tailored strategy to deal with the situation. A commitment was made by the Congress and the administration early in the session to develop a comprehensive youth employment program. That commitment has been honored.

The Manpower Subcommittee, under Senator NELSON's leadership, held hearings and reported legislation which passed the Senate in May. The House Committee on Labor and Education also gave very early consideration to a youth employment measure, permitting us to go to conference in June. The conferees met in a spirit of cooperation to enact a program this year. I commend the House and Senate Members of the conference for their work.

The conference agreement includes sections from both the Senate-passed measure and the House bill. The youth incentive entitlement program, introduced by Congressman SARASIN and one of the principal new approaches in the House bill, is part of the final legislation. The section authorizes an experimental program to test an entitlement concept in meeting employment and training needs of youth.

The inschool program, authored by Senator JAVITS, is included in the conference agreement. The inschool program will strengthen linkages between educational institutions and manpower activities.

The conferees also adopted the community improvement program as authorized in the Senate bill. This program is patterned on a proposal introduced earlier this year by Senator RANDOLPH and myself.

Each of these proposals brings a different perspective to youth employment problems and I am pleased they all could be included in the conference report. In the coming months, each of these ideas can be tested and evaluated as we develop employment policies for young people.

The principal value of the legislation is its innovative character. It breaks new ground and moves into new areas, expanding our understanding of youth employment problems and the way we deal with them. I view this bill—as I know the other conferees do—as a means to implement and test new ideas and new ways of serving the needs of young people. This is particularly true under the community improvement program. In implementing the authority, the Secretary should encourage and reward the new ideas and new approaches. The framework of the program places the responsibility and authority with the Secretary.

The programs authorized in this bill are not a substitute, or a new funding source, for ongoing youth manpower programs. In fact, I do not know of any existing program which has as its primary objective the creation of jobs for teenagers, ages 16 through 18, on community improvement projects. To realize the full potential of this legislation, the Secretary must seek to insure, as far as possible, that there is no substitution of the activities authorized in this bill for other ongoing youth efforts.

I am pleased the conference report includes the community improvement program. Throughout discussions and deliberations on this legislation, there have been three ideas which have remained consistent: The idea that this program is to provide jobs for young persons who are in need of initial employment experience; the idea that these jobs will be created on projects which serve the community in a tangible, constructive way; and the idea that the initiative for meeting the needs of these young people should be in the hands of local citizens who best know their needs and aspirations. The conference agreement is identical to the Senate measure, maintaining this approach as a separate, identifiable program.

Strong participation of local groups is necessary if we are to focus on community needs. Although the program is included as part of the Comprehensive Employment and Training Act, it is not a traditional CETA program. It is designed to use the in-place mechanism of CETA to facilitate the handling of applications and avoid creating a new Federal bureaucracy but it is not simply a pass through of funds to local CETA sponsors. The program is designed to create jobs on community improvement projects and extends beyond the traditional manpower training efforts. The community or neighborhood improvements cut across a wide spectrum of community affairs and interests and community groups are encouraged to bring programs forward. I anticipate that most of the projects will be designed and carried out by those local groups even though the applications will pass through the CETA mechanism.

I am glad the conferees retained the flexibility for funding of equipment and supplies as provided in the Senate bill. As noted in the conference report, the Secretary of Labor will monitor the use of funds for this purpose. Exercising judgment and commonsense, the Secretary of Labor can avoid abuses of the authority while assuring adequate funding of worthwhile projects.

I consider the flexibility in funding for materials and supplies a crucial part of the program. We have no experience with this type of program and need to be able to conduct a full, fair test of the concept. The jobs are there, they only need to be identified and organized. Young people, like their elders, have little respect for make-work, makeshift activities which result from too little preparation and too little funding for needed materials. The problems should not arise under this program.

During the conference, concern was expressed that these funds, without some limit, could be used to fund expensive machinery. This program is not designed for communities to subsidize their heavy equipment needs. I believe there are sufficient restraints in the bill, including the Secretary's oversight, to avoid abuses.

Discretionary funds are made available for the Secretary so he may explore new ideas and further the purposes of the community improvement program. The Secretary should seek to reward worthwhile projects, or projects which are national in scope or cut across jurisdictional lines. The Secretary may also use these funds to initiate proposals and develop the linkages and relationship between groups and institutions which will assure a sound program, one that charts new areas. While the Secretary can determine the mechanism to use, it is the intent of the conferees that the discretionary authority is not simply another way to distribute funds but, as far as possible, a means to do something extra in this program. Effort should be made to focus these funds—rather than spreading them too thinly—so that meaningful, measurable projects can be undertaken.

The administration has been committed to the development of youth employment legislation and has been instrumental in the progress of the legislation. I am hopeful the administration will implement these new programs in an innovative manner and with a strong commitment to their success.

It is important that the administration move ahead as quickly as possible so the new programs can get underway by the end of the year. This is only a 2-year bill, through fiscal year 1978, and we need to gain as much experience as possible with the new programs in order to evaluate them. I understand the young adult conservation corps program will be operating this summer. This speedy action is commendable. I hope the other new programs will also be given the attention needed to get them started this year.

Mr. President, I endorse the intent and direction of the youth employment bill. I think it is good legislation, responding to a serious need and I urge its adoption by the Senate.

Mr. JAVITS. I thank my colleague and I yield such time as the Senator may desire.

Mr. DOMENICI. I thank the distinguished Senator from New York.

Mr. President, the passage of the Youth Employment and Demonstration Projects Act is an event of great importance. The managers of the bill, my esteemed colleague from Wisconsin, Senator NELSON and the distinguished Senator from New York, Mr. JAVITS, for whom I have great respect and admiration, are to be congratulated for producing this fine piece of legislation. Congress has acted quickly and decisively to ameliorate the problems of the youth of this Nation. While this act will not serve all of the 4 million unemployed youths, it is a sizable step toward solving the youth unemployment problem.

With the exception of the portion of the act which creates the Youth Conservation Corps, the act is authorized for only 1 year. This fact should not be misinterpreted as a limited commitment on the part of the Congress. There is widespread support for youth employment legislation, and I am certain that this support will continue until the problem is eliminated. The 1-year authorization will allow for a year of experience under the program so that improvements can be made. The committee was wise to structure this new initiative in such a manner.

I spent last week in New Mexico meeting and talking with constituent groups. In Albuquerque, I met with business and civic leaders and city and educational officials to encourage their participation in this act. All were very excited at the prospect of Federal support to address the pressing problem of youth employment. I would like to pass on two of their major areas of concerns.

I am convinced that if the youth employment program is to be successful that the private sector must be heavily involved. While representatives of the private sector in New Mexico were anxious to cooperate with CETA prime sponsors, they were disappointed that flexibility for private sector involvement is limited. I believe before this act is reauthorized next year, that we in Congress should look for more and better ways to bring the private sector into the program in order to combine local initiative, private sector investment and Federal support.

Another concern centered on the eligibility criteria for participation in the program. The youth employment and training funds which flow by formula to CETA prime sponsors are to be used primarily for youths from poor families. While any unemployed youth is eligible for certain educational and supportive services under the act, actual jobs created under subsection (a) (1) and (2) of section 342 are limited to those who meet the poverty criteria. My constituents in New Mexico objected to this provision pointing out that youth unemployment is a problem for middle class youth as well as those whose families meet the poverty criteria.

I note in the conference report the adoption of a House provision which allows 10 percent of the funds to be used for any unemployed youths regardless of family income. I am pleased that this provision is part of the final bill. I intend to devote further study to the nature of the youth unemployment problem and the needs of middle class youth before next year's reauthorization.

Another issue of concern to me is the need for prime sponsors to cooperate with all other Federal, State, and local agencies which either offer similar services or serve the same clientele. I note in the conference report that the conferees expect that the Secretary of Labor will consider using funds for demonstration projects which coordinate the delivery of manpower and social services. It is my hope that the Secretary of Labor will give priority to such projects.

I would like to take this opportunity to point out the progress that the Albuquerque prime sponsor has made in coordinating services with the local and State education agencies and with the

employment services. I am proud of OCETA, the Albuquerque/Bernalillo consortium for their efforts in this regard. I am impressed with OCETA for everything from their automated data system which is one of the finest in the country to the administrative arrangements which promote sensitive responses to the needs of the area's unemployed. Visiting the Albuquerque/Bernalillo prime sponsor gives me confidence in the entire CETA system nationwide.

There is one final issue in this Youth Employment Act that I feel compelled to mention. The debate over the prevailing wage provision which took place when the bill was before the Senate on May 26, is only a prelude I believe to debate over the same issue in regard to welfare reform. The final bill does contain the compromise language that jobs created should be restructured and thus not subject to the prevailing wage provision. I still believe very strongly that jobs created under this act and any jobs created under welfare reform should be subject only to minimum wage requirements and not to prevailing wage rates.

I would like to reiterate my support for this bill and to promise my continued attention to authorization and budgetary support for youth legislation.

Mr. President, I join Senator STAFFORD in thanking Senator JAVITS for the leadership he exhibited in bringing together with others, but primarily from our side, through his effort, the diverse views and approaches into one youth bill. I believe that but for this effort, we would have had numerous bills before us, and there would be little chance that we would have set ourselves on the path on which this bill sets us, which is a concerted and specific effort in connection with the problems of youth employment.

I should like to share two observations with the Senator from New York and ask him to comment.

The first comment is this, and I ask the Senator whether he agrees: We have only a 1-year bill here, as I understand it, and it is nonetheless a bill with substantial resources, all concentrated at youth—a first, as I understand it, in terms of a concerted youth effort; and certainly when you consider that it is a first, it has a rather tremendous commitment by Congress in terms of resources which have been followed up by an appropriation.

Does the Senator agree with those observations to this point?

Mr. JAVITS. I thoroughly agree.

First, the bill is exclusively targeted at low-income youth and targeted at high unemployment areas of the country.

Second, it links education and work, which is really a breakthrough concept.

Third, it emphasizes and implements the concept of work experience.

Fourth, it makes room for experimental programs. It is really a breakthrough.

Mr. DOMENICI. The Senator is well aware of my two areas of concern. The reason I make the point that this is a 1-year bill is that I have received assurance from a number of Senators on the committee that we really are going to use the year to evaluate and consider other approaches as we move into a permanent and lasting bill.

In that regard, I want to share with the Senator two areas that disturb me.

The first is best explained this way: In my home city of Albuquerque, I believe we have almost an exemplary agency. In fact, historically, the record will reflect that the notion of CETA came from Albuquerque's efforts to pool our previous employment programs, employment training programs. At a public hearing, those who are running the program indicated one very serious area of concern, and it was that many of the people who need help do not come from poor families as defined by our guidelines. There was a genuine concern as to why we had not done more and whether we understood their concern.

I understand that in this bill we have adopted a provision that will permit 10 percent to be used by agencies such as that in my home city for youth who are not from the poverty level, and that we will be looking collectively and as committees at what the adequacy of this 10 percent is and what kind of problems remain to be solved that we do not address for the middle-income youth, who also have a serious problem.

Does the Senator have any observations and thoughts to share with me on that subject?

Mr. JAVITS. I thought the concept of 10 percent was a very gifted beginning. I consider it a beginning. I consider it subject to evaluation.

We are trying to make fine Americans here. If it proves that the admixture of Americans of a somewhat higher economic level will give us better Americans than the 90 percent who are under that level and some greater proportion will do it, I will be all for it and quite ready to be convinced.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I think there was a half hour on the conference report.

The PRESIDING OFFICER. The other side has 14½ minutes remaining.

Mr. JAVITS. I know of no opposition. I wonder whether the majority leader might give us some of that time.

Mr. ROBERT C. BYRD. Yes, indeed. I will be delighted to yield whatever time the Senator desires. I yield it to the minority leader, and he may yield it.

Mr. BAKER. I yield to the Senator from New York such time as he requires.

Mr. DOMENICI. Mr. President, I ask unanimous consent to have printed in the RECORD the statement I made before business and civic leaders and government officials at Albuquerque, N. Mex., on July 5, 1977.

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

STATEMENT OF SENATOR PETE V. DOMENICI

Ladies and Gentlemen, the purpose of this meeting is to discuss the serious and severe problem we have in these United States with Youth Unemployment.

One-half of all unemployed persons in this country who are seeking work are youths aged 16–24. *One-half of the unemployed.* This figure is particularly startling given the fact that youths make up only one-fourth of the labor force.

The youth employment rate is high compared to historical rates in the United States, and it is high compared to youth unemployment in most other industrial nations.

Four million youths walk the streets of this country looking for work. Twenty-thousand of these young people live in New Mexico. Between 6 and 7 thousand unemployed youths who are seeking work live in the Albuquerque area. For these youths, prolonged periods of unemployment result in lost opportunities to develop skills and work habits. Unemployment is literally endangering the future of many of our young people.

The lifetime implications for these youths, many of whom have never worked, is not only a serious problem for the individuals concerned, but is a societal problem as well. There is growing concern among those who have studied the problem that many of those youths who are cut off from the labor market through unemployment will go through the teenage and young adult period without making the necessary transition from school to work. Those youths who emerge from this period as adults with no employment history and few marketable job skills may carry their unemployment into their middle years. These youths then represent a potential loss to society of great magnitude. Not only will their productivity and their contribution be lost to society, but continued unemployment poses a drain on the resources of the society as well.

Another serious aspect of the problem which cannot be overlooked is the relationship between those who are unemployed and those who commit crimes. For every 1 percent increase in unemployment, there is a 4 percent increase in the number of persons sent to prisons. An estimated 45–50 percent of all persons entering prison were not regularly employed in the year preceding incarceration. It is obvious that our soaring crime statistics are partially a result of increased unemployment.

The magnitude of the youth unemployment problem makes it imperative that we act quickly and decisively. The nature of the problem is such that a solution depends on concerted action by both the private and public sectors. Early in this legislative session, in January, I introduced a bill along with Senator McClure of Idaho, Senator Bellmon of Oklahoma, and Senator Javits of New York, and 11 other co-sponsors, which recognized that the youth unemployment problem is national in scope but depends on local labor markets for solution. My bill, The Youth Employment Act, funneled funds through the decentralized CETA program. As you know, CETA, The Comprehensive Employment and Training Act, provides comprehensive manpower services including training and counseling programs, work experience, and actual public service jobs. My youth bill provided for additional authority and funding for CETA prime sponsors to address the needs of youth.

A critical component of this bill was that it provided incentives for private sector involvement. It is my strong belief that labor market problems must be solved in the market place.

Several other youth bills were introduced in the Senate which sought to address the problem through various delivery systems. As you know, introduction of a bill in Congress may represent weeks and months of study. This was the case for my bill as well as for most of the others. However, introduction is only a first step toward passage.

Because the Congress has now passed a youth bill, which was reported out of conference on June 22, I think you may be interested in some of the behind-the-scenes

work and negotiation which led toward passage.

While several senators had become convinced that youth unemployment was a serious problem, many other Senators were unaware of the severity of youth unemployment. Education of the Senate on this issue was an early order of business. Because of the variety of approaches, the youth bills were referred to three different committees. Senator Jackson's bill, which I will describe later in more detail, sought to create a national youth conservation corps, and was referred to the Committee on Energy and Natural Resources, a committee on which I serve. Senator Stafford's bill, which will also be described later, provided jobs for youths in public works projects, and was referred to the Public Works Committee, another committee on which I serve. My own bill and four others were referred to the Human Resources Committee. In addition, the issue was considered in detail in the Budget Committee on which I serve also, since it is up to the Budget Committee to include in its budget targets money to fund all legislation. Funding for a new youth employment program was included in the Budget Resolution ceiling. The fact that youth bills were before three different authorizing committees as well as the Budget Committee, hastened the education process. Many more senators became involved in the issue, and it became apparent by late February that three bills, one from each committee, were headed for passage.

I now found myself in a very interesting situation. As one of the leading advocates of youth legislation serving on 2 of the 3 committees, with my own bill receiving favorable treatment from the third committee, I was very pleased at the progress we had made in a very short time. However, from my vantage point on several of the committees, I became concerned that we needed to establish a comprehensive youth policy that would embody several of the suggested approaches.

Negotiations were begun between the Budget Committee and the three authorizing committees to consider the bills in relation to each other. Up until this time, the White House had not shown particular interest in the youth unemployment problem, and the President did not include a bill aimed specifically at youth in his economic stimulus proposal. When it became apparent that the Senate was intent on passage of youth legislation, the President asked Congress to delay action on any of the bills until he could prepare an administration position on youth unemployment. The Senate agreed and negotiations began between the President and the committees involved. The White House Domestic Council and the Department of Labor took several of the Senate bills, including my own, and combined them into one bill. The President then sent his bill, which was an amalgam of several Senate bills, to the Congress.

The Human Resources Committee in the Senate and the Education and Labor Committee in the House of Representatives, held hearings on the bill in March. Although a portion of the Administration's program was modeled after my bill, I was not totally happy with it and felt it was necessary to testify before the Committee and to work with Senators on the Committee. I was particularly concerned that while my bill and the Humphrey-Javits bill had both made provision for public school involvement and for services to in-school youth, the Administration's bill addressed neither of these areas.

The formula for distribution of funds was also a problem. In addition to actual numbers of unemployed, I favored a factor in the formula tied to the unemployment rate. This will benefit New Mexico where the actual number of unemployed persons is smaller than many states but the percent of unemployed is relatively high. Fortunately, the Committee incorporated these and other suggestions.

All of the bills introduced in the Senate provided that youths who were placed in actual jobs under the various programs would be paid the minimum wage of $2.30 an hour. The bill the Administration sent to Congress raised the amount to be paid to the prevailing wage rate, which as you know, is often much higher than the minimum wage. This position endangered the workability of the entire bill. It would have meant that a youth who had never worked would be paid higher than minimum wages while employed in a job created to give him entry level experience. This would have lowered considerably the number of youths to be served and would have resulted in a wage push inflationary spiral. I offered an amendment on the floor and was able to modify the prevailing wage provision so that prime sponsors are directed to create restructured, re-classified jobs for youths to which prevailing wage rates do not apply.

The Senate bill was passed in early June, as was a slightly different House version. The conference ironed out the differences between the two bills, and the Youth Employment and Training Act of 1977 now awaits the President's signature. The bill is not perfect, as one might expect of a bill that combines several different approaches, but it is an important and significant piece of legislation.

The Act adds a new title VIII to the CETA legislation and also amends Title III of CETA. While the legislation authorizes such sums as are necessary to carry out the program, the Budget Committee has allowed in its budget resolution for $2.0 billion which could be appropriated for youth.

The Appropriations Committee has already appropriated $1.0 billion for this purpose, and the funds will be distributed as soon as the bill is signed into law. While I expect additional funds to be appropriated later, as I describe the bill and the amounts available for each part, I will be referring to the billion which has already been appropriated and will be available immediately.

FEDERAL APPROACHES

Young Adult Conservation Corps

Several provisions of the bill are national in scope. The National Young Adult Conservation Corps, originally proposed by Senator Jackson, is authorized for three years and will become a new Title VIII of CETA. The program will provide work for unemployed youths in the nation's parks and forests. The corps would be administered by the Secretary of Labor through interagency agreements with the Secretaries of Interior and Agriculture. $350 million of the $1 billion is set aside for this purpose. $245 million will be used for projects on Federal lands and the remaining $105 million will be available for projects on public lands which are under State and Local jurisdiction. Any unit of general local government, any public agency or any private non-profit agency which has been in existence for at least two years will be eligible to compete for these grants which will provide jobs for youth in conservation and maintenance of public parks and forests.

The 35,000 youths who will be served in the program will be referred to the Secretary of Labor by CETA prime sponsors, and to be eligible for the program, a youth must be between the ages of 16 and 23 and be unemployed. In-school youth will not be considered for this program, and each job will last for only one year.

I expect New Mexico to benefit from this program in three ways. First, many New Mexico youths will be eligible to be served in the program. Second, because of the large amount of Federal land in New Mexico, I expect the Federal government will establish one or more of its conservation projects here. I am also hopeful that New Mexico will be successful in competing for part of the $105 million for state or local projects. In order to enhance our chances in this competition, I recommend that local and state officials work jointly on a proposal or that they propose projects which complement each other so that each project can be endorsed by both levels of government.

Public Works

"The Youth Community Conservation and Improvement Project" is a provision modeled after a bill originally introduced by Senator Stafford of Vermont which I cosponsored. Approximately 20,000 youths aged 16–19 will be put to work on the rehabilitation or improvement of public facilities, including weatherization. Prime sponsors may apply to the Secretary of Labor for such grants and 97.5 million dollars is available nationally. Prime sponsors will compete for these monies but at least one-half of a percent of the total is guaranteed for each state. New Mexico's minimum guarantee will be $480,000. I hope we can get more than this minimum allotment.

Pilot projects

Representative Sarasin, a Republican in the House of Representatives, authored the "Youth Innovative Demonstration Projects Program". Prime sponsors can compete for $97.5 million under this program also. In-school youths from disadvantaged families are eligible for service in this program.

An additional amount of close to $100 million will be available for special projects under discretionary grants provided by the Secretary of Labor to prime sponsors.

The total amount available then for all competitive programs is approximately $400 million. I would like to see New Mexico get several million dollars of those funds.

State and local programs

I've saved the provision of the legislation most important to you, the state and local programs section for last. This component of the bill is modeled after the bill which I introduced and the Humphrey-Javits bill. This program will provide for comprehensive manpower services for youth to be administered by state and local governments through the CETA prime sponsors. The bill authorizes a broad variety of program approaches similar to those already provided for adults under CETA, including work experience and appropriate training and services such as outreach, counseling, occupational information, institutional and on-the-job training, and transportation and other supportive services. It also requires that in-school programs be carried out by agreement between the prime sponsors and the local education agencies. Fifteen percent of the funds under the program are set aside for in-school youth.

This program also requires youth councils under the prime sponsor planning council. The membership for this council includes adults who work with youths and youth themselves. The provision for the council and youth participation, which also was in my original bill, is important, I believe, to the planning process.

Funding

Of the $1 billion dollars already appropriated for youth, $373 million will go by formula to CETA prime sponsors for state and local programs. (The additional appropriation expected for youth will be directed primarily at this component. If $500 million additional dollars are appropriated for youth $288 million additional will go to state and local programs for a total of $661 million.)

New Mexico's share according to the formula, will depend on the final appropriated level. Of the $1 billion already appropriated, the Albuquerque prime sponsor will receive approximately $700,000. The New Mexico bal-

ance of state prime sponsor will receive approximately $1.4 million for a state total of $2.1 million. Obviously, this amount would increase significantly if additional funds are appropriated. (These are unofficial figures worked out by my staff without the aid of the Department of Labor computers.)

Private sector involvement

While the provision for private sector involvement in this program is not as strong as in my original bill, there is authorization for private sector participation in the program. Job sampling, including vocational exploration in the private sector and on-the-job training in the private sector are permissable activities under this program. The prime sponsor can also work with the private sector in job development and direct job placement and can provide supportive services for youths placed in private sector jobs.

It is my belief that the answer to the youth unemployment problem lies in the private sector. Let me give you an example that illustrates this point.

Let's say for the sake of discussion that over the next year, the Albuquerque prime sponsor receives a total of $1.4 million. Now, if the prime sponsor chose to take the entire grant award and create public service jobs, only 175 youths could be served per year. At the end of the year, new youths would be placed in the jobs and those youths turned out of the jobs would be back on the streets again, looking for work.

On the other hand, let's assume that the Albuquerque prime sponsor decides on a more creative approach working in cooperation with business, industry, schools, and non-profit organizations. If each of these groups, recognizing not only an immediate benefit, but the long-term necessity of driving down the high youth unemployment rate, will make a commitment to get involved, will make an investment of time and money, then we can eliminate this problem. The prime sponsor can provide the organization, the money to get started, and supported services. Instead of serving 175 of Albuquerque's 6–7 thousand unemployed youth, I believe this year we can serve as many as a thousand or more of these youths, a 600-percent increase.

We have large and small business and large and small industry represented in this room. If each one of you will look at your own operation, I am sure you can come up with a way to help. Are you working one or more employees a considerable amount of overtime? A part-time job at the minimum wage will cost you less than time and a half for overtime, and you'll be providing an opportunity for an unemployed person. Call Robert Sanchez over here who is in charge of the Albuquerque youth project, and he'll help you structure a part-time job and place a youth in it. If the youth needs supportive service, the Albuquerque prime sponsor can provide that also.

The economy is improving and your business should improve with it. Do you foresee that you will be able to add one or ten or one hundred new jobs in the next year? Then take on the responsibility now for training those people. You provide part-time or full-time on-the-job training. You bear the training costs and the prime sponsor will pay a stipend to you. Or do it just the opposite—you contract with the prime sponsor who will pay for training costs and you pay a wage to the youth.

I see school administrators here who can certainly help by providing outreach. Get some of these kids back in school, and then provide meaningful relevant training that will help them get jobs. We need to coordinate CETA and vocational education programs as well. I could go on with examples, but the creative approach that meets your situation needs to come from you. If each of you will consider what you can do, if you'll work with each other and with the prime sponsor, then the combination of local initiative, private sector investment and Federal support will solve this pressing problem.

I believe we can do it, and I want Albuquerque and New Mexico to demonstrate to the nation that it can be done. The investment that we make now will save much greater costs in the future. The youth of New Mexico, our youth, are counting on you.

Mr. DOMENICI. I yield the floor at this time. I thank the Senator.

Mr. JAVITS. I thank my colleague.

I yield to Senator BELLMON.

Mr. BELLMON. I thank the distinguished Senator from New York.

I congratulate the Senator from New York and Senator NELSON for the work that went into this measure and for the very innovative approaches they are taking to one of the most serious problems we have in our country.

Those of us who are involved in this matter are interested in targeting a program to evaluate unemployment among the young people of the country, the group most affected, and I believe this conference report reflects as good an approach to that problem as could possibly be made.

Mr. President, I am happy to vote today for final passage of the Youth Employment and Demonstration Projects Act of 1977. I am particularly pleased that the conference did accept Senate provisions for providing programs for in-school youth through cooperation with local education agencies. In May, at the time this bill was before the Senate, I referred the managers of the bill to a bill to provide jobs in rural areas which I introduced in a prior session. Both Senator NELSON, the distinguished chairman of the Employment and Poverty Subcommittee and Senator JAVITS, the distinguished ranking minority member assured me that on-the-job training under part C could be carried out in rural areas on farms and ranches. It was also pointed out that jobs could be provided in rural areas under part B for rehabilitation and repair or weatherization of housing.

Mr. President, I mention this discussion because I believe that the CETA system has become very urban in its outlook. By providing jobs primarily in urban areas, prime sponsors actually are encouraging migration of youth from rural areas to the city. I do not believe this is desirable. The percent of rural youth who are unemployed is high. It has been well established that the youth unemployment problem is as severe in rural areas as in cities. Yet, I fear that most jobs and training programs provided by prime sponsors will focus on the city. Most county, consortia, and balance-of-State prime sponsors serve rural as well as urban areas. I want to urge these prime sponsors to plan programs for these rural areas. There are many jobs that youth can do in smaller communities and farms and ranches. I urge prime sponsors to work with rural employers in order to provide training, on-the-job training, and jobs as their legislation contemplates.

Mr. President, I particularly call attention to the fact that the legislation as finally approved by both the House and the Senate does make provision for providing jobs for young people in rural areas.

The problem of youth employment is often thought of as being primarily a problem of the urban centers, but the fact is that in many cases that problem begins in rural areas, where young people simply cannot find employment; therefore, they move into the cities, where they become a major problem. However, if we were able to alleviate the difficulties in the rural areas, that outmigration never would occur in the first place.

So I am very appreciative of the fact that the conference report does make possible the use of CETA by prime sponsors and other groups in small communities where many opportunities exist and where many of the problems have their origin. I believe sincerely that this is one of the better features of the bill.

I again express my appreciation to both the author and the ranking minority member for having incorporated this provision in the legislation. I am sure it will prove to be one of the better features of the bill.

Mr. JAVITS. I thank my colleague very much for his very kind statement. I completely endorse and validate everything he said about his own participation in it.

I yield to the Senator from Pennsylvania.

Mr. SCHWEIKER. Mr. President, I support the conference report on the Youth Employment and Demonstration Projects Act of 1977 and would like to comment in particular on the agreement of the conferees with regard to the role of community-based organizations in the delivery of employment and training services under this bill.

As passed by the Senate, S. 1242 required the Secretary of Labor and prime sponsors to give special consideration to community-based organizations in carrying our certain programs under part C of the bill. I am very pleased that the House conferees recede to the Senate position on this matter, with only a minor amendment.

Under the conference agreement, programs receiving assistance under paragraph (1) of subsection 343 are required to give special consideration to community-based organizations which have demonstrated effectiveness in the delivery of employment and training services, such as opportunities industrialization centers, the national urban league, SER-jobs for progress, mainstream, community action agencies, union-related organizations, employer-related nonprofit organizations, and other similar organizations, in providing employment, training, and supportive services authorized under section 342.

In addition, under section 348, the Secretary and prime sponsors, as the case may be, are required to give special consideration to community-based organizations in carrying out innovative and experimental programs.

Mr. President, I believe these provisions should insure an active and prominent role for community-based organizations in the delivery of comprehensive employment and training services to

youths. Although many prime sponsors currently utilize community-based organizations in carrying our programs under other titles of CETA, these new provisions require sponsors and the Secretary to give special consideration to these groups under subpart 3 of the new part C of title III.

I believe prime sponsors and the Secretary should observe this requirement diligently and should note that it is deliberately stronger than current law with respect to the role of community-based organizations in the delivery of manpower services. In this light, I expect that the Secretary and prime sponsors will provide an increased role for community-based organizations in the delivery of employment and training services to youths.

I ask the distinguished Senator from New York (Mr. JAVITS) if he shares my interpretation of the conference agreement and agrees with my assessment of the impact of these new provisions?

Mr. JAVITS. Mr. President, I certainly share the fundamental thrust of what the Senator has said, and I would like, if I could, to put it in my own words as follows: The Senator recognizes that our need in this colloquy is to give specific definition and emphasis to the words "special consideration." That was the rubric which we decided on.

Now, "special consideration" means a strong impact—I think those were the words the Senator used—it means a very open door. It means a case for the community-based organization as a right to require consideration of what it has to offer in these particular youth employment activities, and a good reason why what the community-based organization is offering is rejected if the prime sponsor finds that it needs to be rejected. In other words, we had to avoid priority because that is a straitjacket.

But we certainly wanted the spirit of priority incorporated. So unless there was a good reason, unless there was some other competing way to do it which was demonstrably better, it was our desire to see that the community-based organization was given the opportunity to render the services it was capable of rendering.

I would like to point out when we adopted CETA in October of 1976, the report language relating to title VI said the following:

> The conferees expect prime sponsors to provide a substantial portion of the project funds to nonprofit agencies.

At that time we had nothing in the law that said that. Now we have in the law the requirement for special considerations to community-based agencies, and that is why I have given those words the strong definition which I just have to the Senate.

In short, I want to repeat that, we expect that community-based agencies will be favored unless there is demonstrably a better way.

Our purpose is to see that their services are the services which are used, and that, I think, fully expresses, and I developed the words "special consideration" myself, as Senator SCHWEIKER has noted, in the committee as a way of trying to reconcile the views of those who, like Senator SCHWEIKER, fought hard for priority, and those who could not quite go the priority route.

Senator SCHWEIKER himself realized that we had a problem. It was too much of a straitjacket. So we went as far as we could. But in my judgment the spirit is that community-based organizations shall be used, and they shall be the ones whose services are employed unless there is a demonstrably better way.

Mr. SCHWEIKER. I certainly appreciate very much the remarks of the distinguished Senator from New York. I think he has very ably and very articulately expressed the intent and my understanding of what we are trying to do.

Those provisions, as he mentioned, are an outgrowth of an amendment I offered in committee to add as an additional title to the bill a revised version of S. 175, the Opportunities Industrialization Centers Skills Training and National Community Based Organizations Job Creation Employment Act of 1977.

As was indicated, Senator JAVITS played a very key role in arriving at a resolution of this issue with the "special consideration" language. I find this a very good approach to resolving this situation.

I certainly want to pay tribute to him for his support and help.

In addition I would like to thank the distinguished chairman of our full committee, Senator WILLIAMS of New Jersey, for his help and support in this effort, and also the chairman of the subcommittee, the Senator from Wisconsin (Mr. NELSON). I thank the Senator very much.

Mr. JAVITS. I thank my colleague very much.

Mr. President, we are about to close on this report. I would like to pay a special tribute and give public thanks and appreciation to Senator STAFFORD's assistant, Judy Parente; to the young woman who worked closely with Senators BELLMON, DOMENICI, and MCCLURE, Letitia Chambers; to my own assistant, Jim O'Connell, who has rendered a herculean service here; and in respect of the OIC, and the special consideration privilege of the law to which Senator SCHWEIKER has referred, to Ned Kelly, his assistant.

Mr. President, I move the approval of the conference report. I yield back my time.

ADDITIONAL STATEMENTS SUBMITTED

Mr. KENNEDY. Mr. President, today's final passage of the Youth Employment Act begins a comprehensive effort to deal with chronic unemployment among our Nation's young people. This bill will provide hope to the over 3 million young Americans who have been dealt the cruel blow of joblessness.

The bill establishes a National Youth Adult Conservation Corps to put youth to work in our parks and forests. Others will be hired for community improvement projects, such as renovating low-income housing and weatherizing homes. Most important, the bill provides funds for programs, many to be coordinated with local schools, to give youth the training and skills necessary to get and keep full-time jobs. These programs will facilitate that difficult transition between the classroom and the workplace. They will also encourage our young people to stay in school.

The legislation was designed to provide the Secretary of Labor with considerable discretionary funds. The Secretary must be willing to use these funds to explore new concepts, new techniques of dealing with youth unemployment. These include outreach programs, OJT, vocational counseling, skill training, and job sampling.

I wholeheartedly support provisions in the bill which will encourage cooperation between local prime sponsors and educational institutions. Senators HUMPHREY and JAVITS must be commended for incorporating this concept into the bill. Indeed, this type of cooperation is absolutely essential if we are to provide youth with the skills needed to secure meaningful, long-term employment.

I am also pleased that the legislation recognizes the important role of community-based organizations. Many of these organizations, including opportunities industrialization centers, OIC, the National Urban League, SER-Jobs for Progress, and Mainstream, have been highly successful in local employment and training activities. The Secretary is directed by the legislation to give special consideration to these groups in order to insure an active and prominent role for community-based organizations.

Mr. President, $1.5 billion will be spent on this program, a program which represents a major commitment to our Nation's youth. I want to commend the distinguished Senator from Wisconsin and the committee for their quick action on this legislation, and I urge my colleagues to join me in support of this vital program.

Mr. HUMPHREY. Mr. President, the Senate's favorable action on the Youth Employment and Demonstration Projects Act of 1977 today provides a ray of hope for the more than 3 million unemployed youth of America. The passage of this landmark legislation represents the first step in the development of a comprehensive effort to break the vicious cycle that denies jobs to youth because they lack job skills or job experience. This bill represents a major new commitment by Government to provide young people with the help they need to enter the job market and it is representative of this Government's dedication to meeting the needs of youth.

This bill is an extremely timely piece of legislation that has been developed through the close cooperation of the administration with the Congress. I am pleased to have been a cosponsor of the Youth Employment and Training Act, the Senate version of the bill, and to have worked in developing some of that bill's key provisions. Many of its provisions were adopted from the Comprehensive Youth Employment Act of 1977, S. 170, which I introduced with Senator JAVITS earlier this year. I hope that the effort put into this bill by the administration and by many of us in Congress indicates continuing cooperation between

Congress and the administration toward eradicating unemployment.

It is now clear that not all segments of our society are benefiting from the general economic recovery. This fact is most clearly supported by youth unemployment. The plague of unemployment continues to strike the hardest at our youth, destroying their hopes, creating disillusionment, and breeding disenchantment. In May of this year, the unemployment rate among teenagers 16 to 19 years old was 17.9 percent while the unemployment rate for adults 25 years and older was 4.8 percent. The rate for people 20 to 24 years old, many of whom have family responsibilities, is now 10.7 percent. The unemployment rate now stands at 38.7 percent for black teenagers and it approaches an appalling 60 percent in some of our central cities. Almost half of all unemployed Americans are under the age of 25. That has been true every month this year.

It is a crime and a national shame that so many of our youths are wasting their time, energy, and resources when there are so many national needs that have to be met. It is a tragic waste of one of our Nation's most valuable resources. It is clear that the most direct and rapid way of alleviating youth unemployment is through specifically targeted youth employment programs. Economic recovery alone will not provide enough job opportunities to satisfy the nearly 3.2 million youths who want jobs, who want to be productive, who want to earn a living, who want a fighting chance, but who are turned away at the door by potential employers.

The Youth Employment and Demonstrations Projects Act specifically addresses itself to the structural unemployment problems confronting youth. The Young Adult Conservation Corps and the youth community conservation and improvements projects created by the bill will provide unemployed youth with the opportunity to become productive wage-earning members of society. It will provide them with an opportunity that they would otherwise never have had. The jobs they will have will not be make-work jobs. They will be jobs which teach them a skill and work habits—jobs like range management improvement, erosion control, recreation development, rehabilitating public facilities, and repairing low-income housing.

The youth employment and training program set up by the bill will supplement the other provisions of the bill by insuring a long-term attack on the structural unemployment problems of youth. They will reenforce the bill's other programs by providing such services as counseling, activities promoting the education to work transition, bilingual, and other important support services.

I am particularly pleased the bill provides that a significant portion of the funds allocated to each prime sponsor are to be used for in-school youth programs. Under part C, subpart 3, Minnesota will receive $6 million, of which $1.3 million will be for in-school programs. It is critical that youths who are still in school have the same access to jobs and training as youths who are out of school and the bill now insures that will happen. Of course, given the size of the problem, this program is extremely modest.

Yet, Mr. President, the enactment of this legislation will provide innumerable benefits to unemployed youth. I strongly support it and I am pleased to have taken an active role in developing it.

Mr. CRANSTON. Mr. President, I rise in support of the conference report on H.R. 6138, the "Youth Employment and Demonstration Projects Act of 1977", which was agreed to in conference on June 16 and which the House passed on Tuesday by a 356 to 58 vote. This bill adds a new title VIII and a new part C of title III to the Comprehensive Employment and Training Act of 1973 (CETA), as amended, to provide job and job training opportunities for young people. This legislation, which is based on a proposal submitted by the administration on April 6, represents the basis for undertaking a long overdue, major effort to deal with the problems of youth in the labor market. This conference agreement is the result of a carefully worked out compromise between the House-passed bill, H.R. 6138, the "Youth Employment and Innovative Demonstration Projects Act of 1977," and the provisions of S. 1242, the "Youth Employment and Training Act of 1977", as passed by the Senate on May 26.

Mr. President, on January 10, joined by Senator KENNEDY, I introduced S. 20, the "Youth Initiatives Act of 1977." That bill, which is designed to stimulate the creation of employment opportunities for youth in the public and private sectors would establish a national youth service program and an opportunities in private enterprise program. Through these initiatives young people would be provided with meaningful work experience, an appropriate income, and opportunities to develop a better knowledge of their career interests and aptitudes, further their education and training, and develop their employment skills for entrance into the labor market.

As S. 1242 was considered by the Senate, I worked closely in the Subcommittee on Employment, Poverty, and Migratory Labor and in the Committe on Human Resources to blend into the proposal a number of critical elements of S. 20 which I believe are important to include in any initiative which attempts to meet the needs of youth.

At this time, Mr. President, I would like to discuss briefly those elements which were accepted in conference and have been interwoven into this legislation.

YOUNG ADULT CONSERVATION CORPS

Mr. President, title I of the conference bill adds a new title VIII to CETA for the establishment of a Young Adult Conservation Corps—YACC. This program would provide useful work for unemployed youths—ages 16 to 23—on projects on Federal and non-Federal public lands and waters. It is authorized through fiscal year 1980.

The bill provides, as did the Senate-passed version, that the Secretary of Labor will administer the Corps through interagency agreements with the Secretaries of Agriculture and the Interior. The Secretary of Labor would be responsible for making arrangements to refer candidates for enrollment in the Corps from the public employment service, CETA prime sponsors, and other appropriate agencies, including the Departments of the Interior and Agriculture. The Secretaries of Agriculture and the Interior would be responsible for management of the Corps' centers on public lands and waters under their respective jurisdictions.

Importantly, Mr. President, the bill contains a 30-percent earmarking for State and local programs and special projects on State and local parks and forests. This is based on a provision which was included in the Senate bill, at my request, for not less than 30 percent of the title I funds to be provided for such State and local projects; the House-passed bill contained only an authorization—limited to not more than 30 percent—of the title I funds for these projects.

This earmarking for State and local programs could be utilized for such initiatives as are underway in California, Michigan, and Wisconsin. For example, California is operating a very innovative and exciting program, designed by Gov. Gerry Brown, the California Conservation Corps—the CCC—which provides residential employment and training opportunities for young people on State lands. This earmarking will provide additional resources for ongoing and future initiatives along these lines, avoid duplication, and promote coordination of efforts among Federal, State, and local authorities.

YOUTH EMPLOYMENT DEMONSTRATION PROGRAMS

Title II of the bill, Mr. President, adds a new part C to title III of CETA, authorizing a variety of employment, training, and demonstration programs through fiscal year 1978 to explore methods of dealing with the structural unemployment problems of the Nation's youth.

The new part C contains three subparts, as follows:

Subpart 1. "Youth Incentive Entitlement Pilot Projects"—to demonstrate the efficacy of guaranteeing part-time employment to economically disadvantaged youth who are between the ages of 16 and 19, inclusive, who resume or maintain enrollment in programs of secondary education.

Subpart 2. "Community Conservation and Improvement Employment Projects"—to establish employment opportunities for young people, aged 16 to 19, inclusive, on labor-intensive community improvement projects which have lasting and beneficial community impact such as rehabilitation of housing, weatherization, neighborhood improvements, and conservation or restoration of natural resources on public lands.

Subpart 3. "Youth Employment and Training Programs"—to establish comprehensive youth employment and training programs under which a variety of employment and training opportunities would be carried out to meet the needs of young persons ages 16 to 21, inclusive—and, as the Secretary may authorize, youths 14 and 15 years of age.

Mr. President, the bulk of opportunities available under this legislation is in

subpart 3. These opportunities would include meaningful work experience, as well as training and support services for youth such as outreach, counseling, occupational information, transportation, and placement assistance. These opportunities, as well as other opportunities available under the new part C, would be channeled through the prime sponsor system already in place under CETA.

There are a number of particular items related to subpart 3 of which I would like to make special note.

INCOME LIMITATIONS

First, Mr. President, while employment opportunities under the new title VIII and subpart 2 of title III–C are open to youths of all economic backgrounds, and opportunities under subpart (C)(1) are restricted to economically disadvantaged youth, employment opportunities under subpart (C)(3) are targeted on those youths who are members of families whose family income does not exceed 85 percent of the BLS lower living standard budget—about $8,500 for an urban family of four on a national average. However, the conferees accepted a provision, which I had revised in the Senate-passed bill, from the administration's version, that allows certain limited participation, as authorized by the Secretary, of noneconomically disadvantaged young people in otherwise ongoing support and training activities such as those noted above. Additionally, the conference agreement contains a House-passed provision which allows prime sponsors to use up to 10 percent of their funds for work experience and employment opportunities for noneconomically disadvantaged kids. The conferees did not intend that these funds would be used to establish segregated programs for youths from families with greater economic resources, but rather envisioned "mixing" youths from all economic backgrounds in employment programs conducted under this subpart.

I believe that these are crucial elements since, while our major emphasis should be on those who are most in need of services—and will be as a result of the income targeting provisions—we must also be cognizant of the fact that the phenomenon of youth unemployment is not restricted to just those who are poor. In reality, the structure of our labor market makes it difficult for any youth—regardless of his or her economic resources—to find a meaningful job.

YOUTH COUNCILS

Second, Mr. President, the conferees accepted a provision which is based on a provision contained in my bill, S. 20, as well as drawing on concepts in a provision contained in S. 170, the "Comprehensive Youth Employment Act of 1977," introduced by Senators JAVITS and HUMPHREY and others and contained in an amendment (No. 184) which they offered to S. 1242 in the Senate.

This provision requires that prime sponsors establish youth councils which are to function as subcouncils of the prime sponsors' planning council established under title I of CETA. These youth councils are to be responsible for planning and reviewing activities under subparts 2 and 3 of title III–C, and making recommendations with respect to these programs to the full planning council.

Each youth council would be composed of representatives of local educational agencies, vocational education advisory councils, postsecondary institutions, businesses, unions, the public employment service, local government and nongovernment agencies, and organizations which are involved in meeting the special needs of youth, the community, the prime sponsors' planning council, and most importantly, youths themselves.

Mr. President, I believe that it is not possible to overstate the importance of having representation by reasonable numbers of young persons on the council. This membership by youths will insure their input into the planning of activities designed to benefit them and their peers. This contribution to the advisory council is fundamental to meeting the needs of youth in an effective, comprehensive manner that will assist in attempting to assure that programs are truly responsive to their needs.

STATE ROLE

Third, Mr. President, is the provision in the conference bill which is based on a suggestion I made along with other members of the Senate and House Committees for a set-aside for the States under subpart 3. The conference agreement provides that 5 percent of the total funds available under title III–C be made available to the Governors for such statewide services—or about $57.5 million based on a $1.5 billion appropriation.

These funds are to be used for special statewide youth services, such as joint projects to coordinate efforts of State services, special programs to meet the special needs of the youth population, such as youths in fostercare programs or young criminal offenders, and special model employment and training programs. I am hopeful that this provision for a State role will enhance the quality of services afforded youth and complement and supplement the programs of prime sponsors within the individual States.

TARGETING SERVICES ON YOUTH IN SPECIAL NEED

Fourth, Mr. President, the conference agreement contains my amendment to require that efforts be made to insure that youths participating in activities under subparts 2 and 3 shall be youths who are experiencing severe handicaps in obtaining employment. This includes youth who lack credentials—such as a high school diploma—or who require substantial basic and remedial skill development in order to compete more effectively in the labor market. In addition, these categories of youth could include women and minorities, those who are veterans of military service, offenders, those with handicaps, and those who have dependents, as well as those with other special needs.

Mr. President, with respect to these categories of individuals who would benefit from involvement in job opportunities, I would like to make specific mention of young veterans. Historically, this group suffers disproportionately high rates of joblessness, much of which has been theoretically accounted for by the fact that these individuals enter the labor force for the first time at an older age than high school graduates, and very often, while having obtained considerable skills training in the service, find such skills inapplicable to civilian jobs. The rate of unemployment for young male veterans aged 20 through 24 in the first quarter of 1977 was 16.5 percent, while the rate for male nonveterans of the same age group was 10.8 percent. The June rate for 20- through 24-year-old veterans was 18.1 percent as compared to 8.9 percent for comparable nonveterans.

Undoubtedly, Mr. President, the kind of training and employment opportunities under these programs would be invaluable to these young veterans, as well as to those individuals who have not spent time in the service.

Later in this statement, Mr. President, I will describe section 305 of the bill which deals with veterans participation in CETA as a whole, and which would apply with equal force to the new youth programs.

Mr. President, this severe-hardships targeting provision is based on my belief that programs established under this or any other youth employment and training authority should be tailored to meet the special needs of those groups of young people who are least likely to receive services under other programs. We need to avoid the "most bang for the money" approach that results in "creaming" the target population—placing those young persons that would find it relatively easy —as compared with their most disadvantaged peers—to compete in the labor market. Even though it is vital that we equip all youths with adequate skills to make an effective transition from the world of education to the world of work, we need to make sure that the more difficult cases, as well as the easy ones, are provided service. This provision attempts to insure that those most in need are involved in efforts carried out under these programs.

COUNSELING AND PLACEMENT SERVICES

Fifth, Mr. President, is the provision in the bill that requires that in all activities conducted under the new part C of title III there be provision for appropriate counseling and placement services designed to facilitate the transition of youth from participation in these activities to permanent jobs in the public or private sector or to further education or training programs which would improve the quality of their lives. In addition, under subpart 3, youths are to be provided appropriate job skills and be given necessary basic education and training. Procedures are to be established in order to document the competencies derived from the individual's participation in the program.

Mr. President, these provisions, too, incorporated from the Senate bill, derive from S. 20, I believe that young persons who participate in these new programs must gain something more than just the experience of 1 year of wages and work. It is imperative that youths be better off in terms of their job potential after

participating in these programs than they were before, and these provisions are an attempt to insure, through counseling, placement, and job development services, that these youths obtain substantially greater and more lasting assistance.

Mr. President, the bill as reported from committee contains a "such sums" authorization through fiscal year 1978. The Economic Stimulus Appropriations Act—Public Law 95–29—which was signed by the President on May 13, contains an appropriation of $1 billion for youth employment initiatives. This means that as soon as this authorizing legislation is enacted these efforts can get underway and we can begin immediately to provide job and job training opportunities to young people. It is anticipated that at least another $500 million will be made available through fiscal year 1978.

Mr. President, this is just the beginning—but one of the most important beginnings we have had in years in the area of youth employment and one that represents a true spirit of commitment to solving the problem. I will be working closely with the administration and the Congress as we begin to implement this legislation and as we develop more than a 1-year program and to make any expansion, extension, or modification of these provisions necessary to insure the full success of our efforts to provide jobs for as many young people as we possibly can.

VETERANS PROVISIONS

Mr. President, as I indicated, I would like to make special note of the provisions of section 305 of this bill, which relate to employment and training opportunities for veterans.

The need for these provisions are underlined by the continuing disproportionately high rates of Vietnam-era veteran unemployment. During June, and for each of the 2 previous months, rates of unemployment for Vietnam-era veterans were higher in every single age category, as well as overall, than rates for comparable categories of nonveterans. For instance, the rate for Vietnam-era veterans ages 30 through 34 in June was 4.5 percent; for nonveterans of the same age, the rate was 4.0 percent. Veterans aged 25 through 29 suffered an unemployment rate of 7.1 percent; nonveterans had a 6.3 percent rate of unemployment. As I stated earlier, in describing the targetting provision for youth employment and training programs under subparts 2 and 3 the statistics are particularly outrageous in the case of young veterans ages 20 through 24: 18.1 percent. For nonveterans in that age group the rate was 8.9 percent.

On January 27, following his swearing in, Secretary of Labor Marshall announced the administration's commitment to make the plight of the jobless disabled and Vietnam-era veterans a high priority. At that time, the administration unveiled a three-part program designed to help bring these veterans back into the mainstream of America's economic life.

The first part of the administration's proposal is Project HIRE—Help through Industry Retraining and Employment. This program is designed to enlist the Nation's largest corporations to make private-sector job and training opportunities available to disabled and Vietnam-era veterans. The "kick-off" of this long awaited program took place at the White House on June 14. The administration anticipates that 92,000 new jobs for veterans will be created over the life of this program through fiscal year 1978.

Second, the President's program established the disabled veterans outreach program whereby outreach units staffed by disabled Vietnam-era veterans, would be established within employment service offices around the country. These temporary paraprofessionals are to concentrate on identifying disabled veterans in need of services and bringing them into the mainstream of the labor market through jobs, job training, and related services to which they are entitled. This program is to provide 2,000 jobs for disabled veterans outreach workers, and over the 18 months life of the program is expected to place over 40,000 other disabled veterans.

Mr. President, thus far, this initiative has enjoyed considerable success and has been favorably received across the country. I ask unanimous consent that a letter which I recently received from Martin R. Glick, director of the employment development department of the State of California, outlining the success of the program there, be printed at this point in the RECORD.

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

EMPLOYMENT DEVELOPMENT DEPARTMENT,
Sacramento, Calif., June 7, 1977.

Hon. ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CRANSTON: I thought you might like to see the attached update of the Disabled Veteran Outbreak Program in California. We are very pleased with the early results. Thanks for your support of this effort.

Regards,

MARTIN R. GLICK, *Director.*

DISABLED VETERANS OUTREACH PROGRAM—DVOP

California was allocated 172 DVOP positions on February 28, 1977 with instructions to hire Viet Nam Era veterans by July 1, 1977. The first DVOP participant was hired on April 1, 1977 and a total of 169 were hired as of April 12, 1977. These individuals immediately received training and orientation to the functions of the Employment Development Department and were providing direct services to veterans by May 15, 1977. The following is a breakdown of the individual characteristics of those hired with regards to veteran status, sex and ethnic background: 165 Disabled Vietnam Era Veterans; 4 Vietnam Era Veterans; 166 Males; 3 Females; 92 Caucasians 41 Blacks; 28 Spanish; 5 Native American; and 3 Asian.

California was subsequently allocated 36 additional DVOP positions to be hired starting June 1, 1977. The Department will hire the newly allocated positions plus the remaining 3 positions of the initial allocation prior to June 30, 1977. On or before that date we will have 208 DVOP participants working on the veteran outreach program.

During the month of April the DVOP participants placed 286 veterans in jobs, referred 139 to training openings which resulted in 42 entering training programs, and developed 365 job openings. The program has been very helpful in highlighting the department's services in local communities. Articles such as the one in the Orange County edition of the Los Angeles Times with the caption "Hunt Staged for Disabled Vietnam Era Veterans", described the program and highlighted the role of the department in meeting the employment needs in the community.

One disabled veteran was hired just at the time the local veteran employment representative was hospitalized. The newly hired participant, a native American and the student body president of an Indian Community College, took over the promotion of "Hire a Veteran Week". As a result of his endeavors he was able to find jobs for 10 Vietnam Era Veterans, 3 were disabled veterans. He also placed 2 other veterans in jobs.

In another community we were able to hire a Vietnam disabled veteran who had worked at a community college as a veterans service representative. This veteran has done a tremendous job in gaining the confidence and cooperation of employers in the area. Some of these employers had not previously used the department's employment services. This same individual, on a number of occasions, has talked to unemployment insurance claimants while they were in the office, found some of them jobs and motivated others to take a more active part in looking for work.

My initial impression is that we have been able to select a group of outstanding Vietnam Era veterans as DVOP participants. I feel confident that in the months ahead we will be able to appoint many of these participants to regular civil service positions in the department.

Mr. CRANSTON. Mr. President, this excellent report about progress in California under this innovative and promising program is most encouraging, and I am eagerly awaiting important gains for seriously disabled service-connected veterans in the job market when this program has been fully operational for 6 months or so.

Mr. President, the third element of the President's proposal is the provision of increased opportunities for disabled and young Vietnam-era veterans in public service jobs under CETA. The President proposed that, in filling new public service job opportunities under titles II and VI of CETA, there be established a national goal that 35 percent of all new CETA PSE hires be veterans, and submitted legislation to provide a hiring preference for young and service-connected disabled veterans. The preference concept was rejected by the House in its consideration of the 1-year CETA extension legislation.

In response to this action by the House and in close cooperation with the other members of the Committee on Human Resources and the administration, I worked out with the administration a substitute for its preference proposal. This substitute provisions was passed by the Senate as part of the youth employment legislation on May 26.

As accepted by the conference, this provision directs the Secretary of Labor to take appropriate steps to increase the participation of certain veterans in CETA job and job training opportunities. These veterans are defined as those men and women who served during the

Vietnam-era who are under 35 years of age and those veterans with 30 percent or more service-connected disabilities arising out of any period of service—regardless of age. As passed by the Senate, the amendment was targeted on disabled veterans and Vietnam-era veterans under the age of 27. In conference, an amendment offered by Congressman WEISS of New York—which I supported—was accepted increasing the age of eligible Vietnam-era veterans to those under 35.

The provision specifically includes two steps that the Secretary will take to serve the employment needs of these veterans. This list, however, is not inclusive and any steps which the Secretary determines are appropriate may be implemented, such as those required by present law which were spelled out in the Senate provision.

The two steps included in the provision are:

First, the development by the individual prime sponsors of local goals for the participation of these veterans in their P.S.E. programs. These goals would be keyed to the needs of veterans and other significant segments of unemployed persons within the individual areas served by the prime sponsors. Clearly, this provision does not provide a statutory preference about which many reservations have been expressed. It is designed to provide ample latitude and flexibility—without hamstringing prime sponsors or others involved in the delivery of job and job training opportunities—while at the same time giving the Secretary a clear mandate to serve the needs of especially hard-hit groups of unemployed veterans.

Second, the invitation to representatives of veteran groups and organizations to serve as temporary members of the prime sponsors planning councils, the State manpower service councils, and the National Commission for Manpower Policy established under CETA. Presently, there is nothing to preclude the representation on these entities by veterans and in the case of some prime sponsors they are already onboard. This is an attempt, however, to give visibility to and make the prime sponsors aware of the needs of veterans.

Mr. President, the provision also requires that the Secretary report to the Congress within 60 days of enactment on the funds and personnel he has made available for carrying out these efforts.

In carrying out these and all other employment efforts related to veterans, the Secretary is directed to consult and cooperate with the Administrator of the Veterans' Administration in order to better meet the needs of veterans.

The conferees deleted, as redundant, the provision which required the Secretary, in carrying out these provisions, to consult with the Deputy Assistant Secretary of Labor for Veterans' Employment—DAS—but noted that since the DAS is by law the principal adviser to the Secretary on all matters relating to veterans' employment, this would be a matter of routine procedure with respect to this or any other provision of law affecting veterans.

This post of the DAS was created by Public Law 94–502, the Vietnam-Era Veterans Education and Employment Assistance Act of 1976, which was enacted last year. The first Deputy Assistant Secretary, Roland Mora, is expected to be confirmed shortly. He has appeared for confirmation hearings before the Senate Human Resources and Veterans' Affairs Committees. I am hopeful that he will play an active role in the implementation of this provision.

Mr. President, as I indicated, the conference agreement did not retain references in the Senate-passed bill to steps which the Secretary should take in carrying out existing statutory programs to serve the employment needs of veterans. These provisions included:

First. The full implementation of the Secretary's responsibilities with respect to the conduct of a public information and outreach program to maximize employment opportunities for veterans. This is already required under Public Law 93–567.

Second. The full implementation of the Secretary's responsibilities under title 38 of the United States Code relating to job counseling, training, and placement services for veterans, mandatory listing, veterans' reemployment rights, and other provisions relating to veterans' employment.

Third. The full utilization of the provisions within existing CETA law which define certain groups of veterans as significant segments of the population and require "special consideration" for veterans of Indochina and Korea service. These provisions have been in CETA since its enactment in 1973.

However, Mr. President, it is not intended that these current provisions of the law should not be complied with or utilized as a means of meeting the needs of these veterans. Hence, the conferees noted, at page 48 of the conference report Joint Statement (H. Rept. No. 95–456), that "such provisions of the law have not been adequately carried out in the past."

Indeed, the weight of the evidence is that these provisions have been poorly enforced and laxly implemented by prior administrations. The Senate Human Resources Committee report on the 1-year CETA extension (S. Rept. No. 95–174) to which this provision was initially attached—contains a 7-page discussion of the failure in the implementation of these laws already on the books to improve significantly the plight of the jobless veteran.

And, Mr. President, while it has been suggested that veterans are being served adequately under CETA, the statistics do not bear this out.

For instance, using fiscal year 1976 unemployment data for the purposes of comparison with the most recent CETA participation figures, the rate of unemployment for Vietnam-era veterans was 8.7 percent—up from the fiscal year 1975 rate of 7.5 percent. For younger veterans, those aged 20 through 24, the fiscal year 1976 rate was 18.9 percent in fiscal year 1976—up from the fiscal year 1975 rate of 15.7 percent by more than three percentage points, and more than twice the fiscal year 1974 rate of 9 percent. And the unemployment rates for young minority group veterans are nothing less than tragic—29.9 percent of young black and other minority group veterans were unemployed in fiscal year 1976.

Statistics are not collected on disabled veterans or on handicapped persons, but it is a fact that there are more than 197,800 service-connected disabled veterans who served during the Vietnam-era alone who are rated at 30 percent or more disabled, and more than the 986,000 with 30-percent-or-more service-connected disabilities from all conflicts.

Turning to the participation rates, Mr. President, the inadequacy of efforts to meet the needs of veterans—especially in light of these high rates of unemployment—become quickly apparent.

Under titles II and VI, "special Vietnam-era veterans," recently discharged veterans, and service-connected veterans are required to receive "special consideration."

However, under titles I, II, and VI, Mr. President, in each case and overall, the record for special Vietnam-era veterans—those who served in Indochina or Korea during the Vietnam era—was worse in fiscal year 1976 than it was in fiscal year 1975. While the unemployment rates rose, their enrollment rates declined. Overall, 5.3 percent of those enrolled in these three CETA titles in fiscal year 1976 were special Vietnam-era veterans.

During fiscal year 1976, the Department of Defense advised that there were 2,741,014 enlisted persons who fell into the category of "recently discharged veterans"—those who have been out of the service for less than 48 months. Out of this "pool," only 71,595 individuals were enrolled in any of the three titles of CETA—constituting less than 3 percent of the total enrollments. In fiscal year 1976, only 10,425 disabled veterans were enrolled in any CETA program. This was only four-tenths of 1 percent of the total enrollments.

Mr. President, we cannot afford to be satisfied with this—which is only an example of the poor performance record—and continue to have these laws inadequately carried out. In this regard, I want to make special note of the language which appears at page 48 of the conference report, as follows:

> The conferees expect that such provisions will be fully enforced and implemented by the Secretary in attempting to meet the employment needs of veterans. The conferees believe that the interests of Vietnam-era veterans would be served by improving the coordination of CETA services with existing readjustment and other veterans benefit programs such as those authorized under title 38, U.S.C. Accordingly, the conferees expect the Secretary to provide the necessary technical assistance and other resources needed to improve prime sponsors' awareness of existing veterans programs, to utilize more effectively current CETA services for veterans, and to increase prime sponsors' understanding of the unique readjustment problems of Vietnam-era veterans.

The conferees also accepted an amendment which requires the Secretary of Labor to take all reasonable precautions

to insure that, in preparing reports on the client characteristics of CETA participants, veterans are not counted more than once. In the past, the statistics have been questionable since a service-connected, recently separated, Vietnam combat veteran could appear in three categories—making the participation rate for veterans appear to be higher than what it is in reality.

Mr. President, I think it is unforgiveable that veterans who bore the brunt of the most unpopular war this country has ever known and those who still bear the scars of battle, are precisely those persons who bear and have borne the brunt of most of the heaviest unemployment rates in the labor market.

Mr. President, the need for this provision is clear. The statistics and the performance record both require the enactment of a greater statutory mandate in this area. It is time for those of us in the Congress to renew our commitment to serve those who have served, and I am hopeful that the implementation of this new provision, and the response to the mandate to fully carry out the existing law conclusion will be prompt and forceful.

Mr. President, in closing, I would like to pay tribute to the members and staff of the Senate Human Resources Committee and the House Education and Labor Committee for the Cooperation, dedication, and hard work that has resulted in this legislation. In particular, I want to express my appreciation to Senators NELSON and JAVITS and Congressmen HAWKINS, PERKINS, QUIE, and WEISS and their staffs for their outstanding efforts in developing this legislation.

In addition, on what is for myself and my staff a sad note, I'd like to express my sincere and deepest appreciation to Dick Johnson who will today be leaving his position as counsel to the Senate Subcommittee on Employment, Poverty, and Migratory Labor. His assistance to me and my staff over the past years has been invaluable. His expertise and ability are unsurpassed in the employment and training and poverty areas. His performance has been of the highest professional caliber.

We will miss Dick greatly, but I want to extend my best wishes to him in all his future endeavors. And we are delighted that he will be continuing to work closely with us in the very important new responsibilities he will be undertaking at the Labor Department in the welfare reform and employment programs. This conference report is a fine tribute to him, and we look forward to his help from downtown when we take up youth employment legislation next year.

Mr. President, I am hopeful that this legislation will be just the beginning and that it will provide us with the basics and the experience necessary to make a full-fledged national commitment to youth a reality before the end of the 1970's. I urge the Senate to take favorable action on this legislation.

(Conclusion of additional statements submitted.)

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. I thank the Chair.

Mr. BAKER. Mr. President, will the Senator yield to me just for a brief moment just so I can take this opportunity to express my appreciation to the Senator from New York for his handling of this measure at this time, this late in the evening, and to the other Senators on this side who participated.

Mr. JAVITS. I thank the Senator.

Mr. BAKER. I thank the Senator.

Mr. ROBERT C. BYRD. I thank the distinguished minority leader. I would like to add my compliments to those of the distinguished minority leader, which have been tendered to the distinguished Senator from New York (Mr. JAVITS), and the same to the Senator on this side of the aisle, Mr. NELSON.

Mr. JAVITS. Mr. President, I think GAYLORD NELSON is one of our real stars here, and he showed it in the way he handled it.

Mr. ROBERT C BYRD. He is something; he is a remarkable man.

Mr. JAVITS. Mr. President, as I walked out the door I realized that I had not said anything about the father of all, Senator WILLIAMS of New Jersey, the occupant of the chair. His chairmanship and my partnership with him have been one of the great joys of my service, and the tact and freedom which he gives those who work with him, including Senator NELSON and myself, are an enviable example to every committee chairman, and he showed it superbly in this very matter of the youth employment bill.

I thank my colleague.

Mr. ROBERT C. BYRD. I thank the Senator. Mr. President, a word fitly spoken is like apples of gold in pictures of silver. I share the distinguished Senator of New York's views with respect to the present occupant of the chair, Mr. WILLIAMS.

RICHARD E. JOHNSON

Mr. NELSON. Mr. President, I wish to make a brief statement, particularly while the chairman of the Committee on Human Resources is in the chair, the senior Senator from New Jersey.

Mr. President, today I want to take a moment of the Senate's time to pay tribute to Richard E. Johnson.

Since 1969, Dick has served as counsel to the Senate Subcommittee on Employment, Poverty, and Migratory Labor. He will soon be leaving Capitol Hill to assume a position in the Labor Department. When he leaves, he will be taking with him our friendship, as well as our gratitude for having served the Senate brilliantly and diligently for over 8 years.

During this time, Dick has been the primary staff person responsible for a wide array of legislation, including the Economic Opportunity Act Amendments of 1969, 1972, and 1974, the Legal Services Corporation Act, the Comprehensive Employment and Training Act of 1973, the Emergency Jobs and Unemployment Assistance Act of 1974, and the Youth Employment and Demonstration Projects Act of 1977.

Dick has not received, nor sought, credit for these enactments, but those of us who have worked closely with him know that he has played a vital role in the passage of these major pieces of social legislation.

Throughout the years, first in the Office of General Counsel, Department of Health, Education, and Welfare, then in the Office of Legislation, U.S. Office of Education, at the Subcommittee on Poverty, and now at the Department of Labor, Dick has devoted his energy and talents to help this Nation's poor and underprivileged. And his work has made a difference. The litany of legislation he has helped develop is witness to that.

Dick Johnson is one of those rare individuals whose commitment, judgment, and counsel could always be depended upon to help guide us in the most difficult of times toward the right solutions. His presence shall be missed, but we are indeed fortunate to have had the opportunity to be associated with him.

To our friend and colleague, Richard E. Johnson, goes our sincere appreciation for a job well done. We extend to him, his wife, Carol, and their three children—Mark, Scott, and Susan—our prayers and wishes for a happy future.

Mr. JAVITS. Mr. President, I, too, would like to pay tribute to Dick Johnson. When one is a public servant, one does not often realize that those professional staff members in the minority and majority counsel positions, themselves, serve the people and require not only a degree of expertise, but a conscience and a sense of responsibility which is almost equivalent to our own. Though they are employees of the Senate, they are very much an element of what we are able to do for the people.

I have often pointed to my professional staff members, and said, "There are my brains." I am not notoriously known to be stupid myself, but, nonetheless, I have felt that way because of the unbelievable dedication and hard work, beyond what anybody ever imagines—weekends, Sundays, nights—given unstintingly. The giving of themselves to us for what we need to know and have crammed into our heads in unbelievably short time, we owe to the Dick Johnsons of the Senate. I wish to pay him my tribute.

Mr. NELSON. Let me say to the distinguished Senator from New York that everyone who has worked with Dick Johnson in the executive branch before he came here, those who recommended that he come to our subcommittee, and those of us on both sides of the aisle who have worked with him, have all been tremendously impressed by his dedication, his great intelligence, his great thoughtfulness, and his great competence.

Having said that, I think that, really, the most important thing to be said

about Dick Johnson is that he is a man of absolute integrity. On those occasions when a member of the minority would inquire of me whether the particular provision that they were interested in was adequately covered in the bill as drafted, and I assured them, without qualification, that it was, they would then ask, "What does Dick Johnson think?"

I would say, "Well, he says it is adequately covered," and the Member of the minority would say, "That is good enough for me."

Mr. JAVITS. I thank the Senator for putting so eloquently what I was trying to say. That is the same thing we have found of him. I am delighted to join in the wonderful tribute which my colleague from Wisconsin has paid to his own assistant.

AUTHORIZATION FOR A STAFF INVESTIGATOR TO APPEAR AND TESTIFY

Mr. ROBERT C. BYRD. Mr. President, I send to the desk, at the request of Mr. JACKSON, a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 227) to authorize a staff investigator of the Senate Permanent Subcommittee on Investigations of the Committee on Governmental Affairs to appear and testify.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the resolution be dispensed with.

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

Mr. JACKSON. I report today a resolution to permit a staff investigator of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs to testify at a pretrial hearing.

By letter of July 8, 1977, the office of the U.S. attorney, central district of California, requested that the subcommittee make Mr. John Walsh, a staff investigator, available in California to appear and testify at a pretrial hearing scheduled for July 25, 1977, in the matter of *United States* v. *Elko, et al.* (CR 77–739–ALS). Mr. Walsh will be testifying about matters developed in the course of his investigation into the Federal guaranteed student loan program pertaining to the transactions of certain individuals, which transactions are pertinent to a seven-count indictment in the central district of California against these individuals.

Pursuant to rule XXX of the Standing Rules of the Senate, and the privileges of the Senate, such testimony is prohibited without a resolution of the Senate.

Accordingly I report the following resolution, approved by the Committee on Governmental Affairs, and ask that the resolution be adopted.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 227), together with the preamble, is as follows:

Whereas the United States Attorney for the Central District of California has formally requested in writing, by letter dated July 8, 1977, that John J. Walsh, a staff investigator of the Senate Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to appear and testify at a pretrial hearing in the matter of *United States* v. *Elko, et al.* (CR 77–739–ALS);

Whereas the subject matter of the testimony pertains to information obtained by Mr. Walsh in the course of his employment as a staff investigator for the Senate Permanent Subcommittee on Investigations; and

Whereas by the privileges of the Senate of the United States and by rule XXX of the Standing Rules of the Senate, no information secured by staff employees of the Senate pursuant to their official duties may be revealed without the consent of the Senate: Therefore, be it

Resolved, That John J. Walsh, a staff investigator of the Permanent Subcommittee on Investigations, be authorized to appear and testify at a pretrial hearing in the matter of *United States* v. *Elko, et al.* (CR 77–739–ALS).

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to William D. Keller, United States Attorney, Central District of California, 312 North Spring Street, Los Angeles, California 90012, attention: David R. Hinden.

AUTHORIZATION TO MAKE TECHNICAL AND CLERICAL CORRECTIONS—S. 701

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 701.

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

ORDER FOR THE CONSIDERATION OF S. 1613 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, there is a measure on the calendar which I would like to call up tomorrow, and I ask unanimous consent that, following the recognition of the two leaders, on tomorrow, if there are no orders for the recognition of Senators—and I am informed there are none—that the Senate then proceed to the consideration of calendar order No. 318, S. 1613, a bill to improve access to the Federal Courts by enlarging the civil and criminal jurisdiction of U.S. magistrates, and for other purposes.

Mr. BAKER. Mr. President, reserving the right to object, I would only say to the majority leader this matter has been cleared on this side for consideration tomorrow, and we have no objection to its consideration in that way.

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

TIME-LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a time limitation on S. 1613 of 1 hour to be equally divided between Mr. DECONCINI and Mr. THURMOND; that there be a time limitation on any amendment, debatable motion or appeal or point of order, if such is submitted to the Senate for its decision or if discussion is entertained by the Chair thereon, of 20 minutes to be equally divided, and that the agreement be in the usual form.

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

ORDER FOR RECESS UNTIL 11 A.M. TOMMORROW

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

The PRESIDING OFFICER. Without objection, it is ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, I guess about all I can say at the moment is that on tomorrow the Senate will convene at 11 a.m. and following the two leaders or their designees under the standing order the Senate will take up S. 1613 under a time agreement. As far as I know, there is likely to be a rollcall vote on passage of that measure.

Following the disposition of that measure, I am not at the moment in a position to state what will occur. But I can say I think with certitude that the Senate will not be in late tomorrow and that there will not be late votes tomorrow. And on that point, I think I can say that because of the fact on next Monday and Tuesday the Senate will be debating the public financing bill during both days, there will not be late sessions on Monday and Tuesday, and there will not be late votes on Monday and Tuesday.

Mr. BAKER. Mr. President, I thank the distinguished majority leader for that information which I am sure will be most helpful to Senators in arranging their schedules.

Mr. President, I expect that next week will be a busy week, that there will be much debate, but I am especially pleased the majority leader made that prediction for us.

Mr. ROBERT C. BYRD. I thank the able minority leader.

RECESS UNTIL 11 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 recess until the hour of 11 a.m. tomorrow morning.

The motion was agreed to; and at 7:22 p.m. the Senate recessed until tomorrow, Friday, July 22, 1977, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate July 21, 1977:

AMBASSADOR

Peter R. Rosenblatt, of New York, for the rank of Ambassador during the tenure of his service as Personal Representative of the President to conduct negotiations on the future political status of the Trust Territory of the Pacific Islands.

DEPARTMENT OF STATE

The following-named Foreign Service officer for promotion from class 4 to class 3:

Edward P. Djerejian, of Maryland.

For appointment as a Foreign Service officer of class 5, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

James Irvin Gadsden, of South Carolina.

For promotion from Foreign Service officers of class 7 to class 6:

Bernard Alter, of Colorado.
William G. Black, of Arkansas.
Kenneth C. Brill, of California.
Bruce G. Burton, of New York.
George M. Caldwell, of Virginia.
Thomas L. Chittick, of Indiana.
Joseph M. Chudzik, of New Jersey.
Jo Ann Hardee Collinge, of Florida.
Maryke Cramerus, of Texas.
Kenneth B. Davis, of Maryland.
Bohdan Dmytrewycz, of Ohio.
James J. Egan, of California.
Robert Bruce Ehrnman, of New Jersey.
Leslie Ann Gerson, of California.
Anne M. Hackett, of California.
Jerzy J. Hauptmann, of Virginia.
Kevin F. Herbert, of New York.
David E. T. Jensen, of Wisconsin.
J. Douglas Koelemay, of South Carolina.
Daniel Charles Kurtzer, of New York.
Marisa R. Lino, of Oregon.
Peter Vincent Londono, of Colorado.
William C. McCahill, Jr., of Massachusetts.
Daniel J. McDade, of California.
Edward McGaffigan, Jr., of Massachusetts.
William W. Millan, of Virginia.
John Holmes Miller, of California.
Thomas Joel Miller, of Illinois.
Jerry K. Mitchell, of Illinois.
Thomas J. Morgan, of California.
Leigh A. Morse, of Minnesota.
Edward B. O'Donnell, Jr., of Tennessee.
Thomas F. Opila, of Virginia.
Jack P. Orlando, of New York.
John Anthony Parker, of California.
W. Robert Pearson, of California.
William E. Primosch, of the District of Columbia.
Peter A. Quandt, of New York.
David E. Randolph, of Arizona.
Michael E. Ranneberger, of Maryland.
Sheldon J. Rapoport, of Connecticut.
Eleanore McGroarty Raven, of California.
Robert Thomas Raymer, of California.
Joseph P. Richardson, of South Carolina.
R. Ross Rodgers, of Washington.
Deborah Ruth Schwartz, of Maryland.
Nicholas A. Sherwood, of Maryland.
Mary C. Shoemaker, of Virginia.
Donald E. Stader, Jr., of Pennsylvania.
Russell J. Sveda, of New York.
Stephen H. Thompson, of Arizona.
David Goforth Wagner, of Pennsylvania.
Neal A. Waldrop III, of Michigan.
Richard G. Watkins, of Ohio.
Gary Williams, of Florida.
Richard C. Wood, of Illinois.
Henry C. Zimerowski, of Massachusetts.

For promotion from a Foreign Service information officer of class 7 to class 6:

Alice C. LeMaistre, of Alabama.

For appointment as a Foreign Service officer of class 6, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

Allan Vincent Ellsbury, of Wyoming.

For promotion from Foreign Service officers of class 8 to class 7:

Gary Roy Alexander, of California.
Lewis R. Atherton, of the District of Columbia.
Bruce Allan Brown, of New York.
William E. Craft, Jr., of Connecticut.
Thomas C. Ferguson, of Michigan.
Sandra Jean Gust, of Wisconsin.
Carolyn I. Heskin, of North Dakota.
Kenneth R. Jernigan, Jr., of Tennessee.
Marianne Matuzic Kunkel, of New York.
Michael Ben Libenson, of Pennsylvania.
G. Nicholas Mauger III, of Arizona.
Robin Ritterhoff McKeon, of the District of Columbia.
Patricia A. McMahon, of Maryland.
Edward Joseph Michal, of Colorado.
James F. Moriarty, of Massachusetts.
Allen E. Nugent, of New Jersey.
Howard T. Perlow, of Virginia.
Lawrence George Rossin, of California.
Jerel Keith Sandvick, of California.
Curtis A. Stone, of Washington.
James Webb Swigert, of Vermont.
David Dale Trechter, of California.
Janet L. Van Every, of Washington.
Steven J. White, of Georgia.
Mark W. Willis, of Massachusetts.
Joseph Charles Wilson IV, of Washington.

For appointment as Foreign Service officers of class 7, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Angelo Maria Codevilla, of California.
Paul Brennan Daley, of New York.
Dattan Scott Dattan, of Florida.
Brian VanStone Evans, of Virginia.
Michael J. Gavin, of California.
Barbara J. Griffiths, of the District of Columbia.
Dennis Patrick Halpin, of Illinois.
L. Bradley Hittle, of Washington.
Stephen Paul Hoffmann, of Indiana.
James Franklin Jeffrey, of Virginia.
Edward David Keeton, of Connecticut.
Steven G. Leach, of Illinois.
Deborah Lyn Linde, of Connecticut.
Jeffrey John Lunstead, of Pennsylvania.
John R. Nay, of Michigan.
Michael Eleazar Parmly, of Florida.
Charles S. Shapiro, of Georgia.
Trevor Andrew Snellgrove, of Alabama.
David Michael Stockwell, of Texas.
Robert Earl Sorenson, of Ohio.
Christopher White Webster, of Maryland.
David Alan Weisz, of Maryland.
C. David Welch, of Massachusetts.
Prescott Pabst Wurlitzer, of Wisconson.

For appointment as Foreign Service information officers of class 7, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Stephen L. Akers, of Connecticut.
Kathleen Brucatti, of Massachusetts.
Peter DeShazo, of Wisconsin.
Thomas J. Delaney, of New York.
Cynthia Lee Grissom, of Michigan.
William L. Harwood, of Illinois.
Michael McCarry, of Illinois.
William G. Murphy, of Michigan.
Stephen R. Rounds, of New Hampshire.
Dale Mary Silva, of Massachusetts.
Gary D. Smith, of California.
Lorraine Toly, of Washington.
Sydnee L. Tyson, of California.

For appointment as Foreign Service officers of class 8, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

John Charles Boehm, Jr., of Texas.
Lawrence James Goodrich, of Michigan.
Laurie A. Johnston, of Virginia.
Robert C. LaMont, of California.

For appointment as Foreign Service information officers of class 8, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Marianne Craven, of Vermont.
Robert A. Hershman, of Ohio.

Foreign Service reserve officers to be Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Demetrios C. Assuras, of Virginia.
Leonard K. Barrett, of Maryland.
John B. Beck, of Washington.
Robert A. Bryan, Jr., of Virginia.
Luis G. Chirichigno, of Texas.
James L. Corrigan, of the District of Columbia.
Walter I. Floyd, Jr., of Virginia.
James W. Gamble, of Virginia.
McGregor Gray, Jr., of Maryland.
George K. Hall, Jr., of Arizona.
John P. Horgan, of Florida.
Russell F. King, of California.
N. Richard Kinsman, of New York.
Frank M. Knott, of Virginia.
Michael V. Kostiw, of Virginia.
Robert Marrero, of Maryland.
Judith M. Mudd, of the District of Columbia.
James C. Newman, of Florida.
Kenneth M. Sapp, of Florida.
Robert Wayne Spruell, of Virginia.
Rex S. Wilson, of Virginia.

Foreign Service reserve officers to be Secretaries in the Diplomatic Service of the United States of America:

Edward E. Heiser, of New York.
Clifton G. Metzner, Jr., of Maryland.

Foreign Service staff officer to be a Consular Officer of the United States of America:

Stephanie A. Smith, of Florida.

IN THE ARMY

The following-named officers for promotion in the Army of the United States, under the provisions of title 10, United States Code, section 3442 and 3447.

ARMY PROMOTION LIST

To be lieutenant colonel

Abney, Robert O., xxx-xx-xxxx
Abolins, Ints, xxx-xx-xxxx
Acklins, James M., xxx-xx-xxxx
Adams, Bobby R., xxx-xx-xxxx
Adams, Charles L., xxx-xx-xxxx
Adams, Charles W., xxx-xx-xxxx
Adams, David W., xxx-xx-xxxx
Adams, Melvin M., xxx-xx-xxxx
Adderly, David L., xxx-xx-xxxx
Ailinger, Lawrence, xxx-xx-xxxx
Akagi, Hart M., XXXX
Albertella, Raymond, xxx-xx-xxxx
Alexander, Joe L., xxx-xx-xxxx
Alexander, Le Ester, xxx-xx-xxxx
Alix, Richard R., xxx-xx-xxxx
Allen, Carl R., xxx-xx-xxxx
Allen, Harold F., xxx-xx-xxxx
Allen, Michael B., xxx-xx-xxxx
Allen, Ralph L., xxx-xx-xxxx
Amaker, Harold T., xxx-xx-xxxx
Anckaitis, William, xxx-xx-xxxx
Andersen, Martin, Jr., xxx-xx-xxxx
Anderson, Jerome F., xxx-xx-xxxx
Anderson, Raymond L., xxx-xx-xxxx
Andrae, Raymond R., xxx-xx-xxxx
Andre, David J., xxx-xx-xxxx
Andrews, Darlington, xxx-xx-xxxx
Andrews, Eugene S., xxx-xx-xxxx
Andrews, Roger C., xxx-xx-xxxx
Andrews, Roger L., xxx-xx-xxxx
Andrews, Russell W., xxx-xx-xxxx
Armstrong, David A., xxx-xx-xxxx
Arnold, Edward D., xxx-xx-xxxx
Arnold, Preston, T., xxx-xx-xxxx
Arnold, Stanley D., xxx-xx-xxxx
Arrington, Robert D., xxx-xx-xxxx
Arts, Arnold M., xxx-xx-xxxx
Ashton, Guthrie H., xxx-xx-xxxx
Askins, William M., xxx-xx-xxxx
Austin, James L., xxx-xx-xxxx
Axelson, Gordon S., xxx-xx-xxxx
Bacon, Douglass P., xxx-xx-xxxx
Badzinski, Richard, xxx-xx-xxxx
Baggett, Fred K., xxx-xx-xxxx
Bailey, Robert N., xxx-xx-xxxx
Bailey, Williard E., xxx-xx-xxxx
Baker, John D., xxx-xx-xxxx
Baker, Richard C., xxx-xx-xxxx
Baker, Ronald L., xxx-xx-xxxx
Ball, Eldon K., xxx-xx-xxxx
Ballantyne, Nathaniel, xxx-xx-xxxx
Baltes, Paul A., xxx-xx-xxxx
Banks, Gary G., xxx-xx-xxxx
Barham, Thomas B., xxx-xx-xxxx
Barnes, Darvin E., xxx-xx-xxxx
Barnes, Michael V., xxx-xx-xxxx

Barnett, Richard D., xxx-xx-xxxx.
Barrett, Thomas P., xxx-xx-xxxx.
Barron, William M., xxx-xx-xxxx.
Bartay, Tandy E., xxx-xx-xxxx.
Bartelme, Michael J., xxx-xx-xxxx.
Bates, Thomas J., xxx-xx-xxxx.
Battey, Bruce T., xxx-xx-xxxx.
Baumann, Philipe F., xxx-xx-xxxx.
Beach, Dwight W., xxx-xx-xxxx.
Beal, Richard H., xxx-xx-xxxx.
Beale, Thomas L., xxx-xx-xxxx.
Beardslee, Harold M., xxx-xx-xxxx.
Beatty, Norman E., xxx-xx-xxxx.
Beauchamp, Ramar K., xxx-xx-xxxx.
Becker, Robert A., xxx-xx-xxxx.
Bee, Arlen E., xxx-xx-xxxx.
Behnke, Arthur R., xxx-xx-xxxx.
Belcher, Bill G., xxx-xx-xxxx.
Bender, Charles D., xxx-xx-xxxx.
Benka, Daniel L., xxx-xx-xxxx.
Bennett, Walter D., xxx-xx-xxxx.
Benson, Frederick W., xxx-xx-xxxx.
Berg, James M., xxx-xx-xxxx.
Berry, Roy C., xxx-xx-xxxx.
Bethea, Edwin A., xxx-xx-xxxx.
Bickert, Dale J., xxx-xx-xxxx.
Biddinger, Dennis C., xxx-xx-xxxx.
Biggs, Henry D., xxx-xx-xxxx.
Bila, Ronald V., xxx-xx-xxxx.
Bird, William W., xxx-xx-xxxx.
Bitler, William D., xxx-xx-xxxx.
Black, Richard A., xxx-xx-xxxx.
Blackwell, Philip A., xxx-xx-xxxx.
Blackwood, Jerry D., xxx-xx-xxxx.
Blakey, Joe B., xxx-xx-xxxx.
Blankenship, John D., xxx-xx-xxxx.
Blase, James W., xxx-xx-xxxx.
Blundell, James D., xxx-xx-xxxx.
Bobbitt, Joseph R., xxx-xx-xxxx.
Boberek, Frank M., xxx-xx-xxxx.
Bohannon, William H., xxx-xx-xxxx.
Bond, Richard R., xxx-xx-xxxx.
Bone, David M., xxx-xx-xxxx.
Bonebrake, Oren V., xxx-xx-xxxx.
Boone, Howard E., xxx-xx-xxxx.
Boose, Donald W., xxx-xx-xxxx.
Borden, Lee W., xxx-xx-xxxx.
Born, Howard P., xxx-xx-xxxx.
Borriceno, Nicholas, xxx-xx-xxxx.
Bosserman, Richard, xxx-xx-xxxx.
Bowe, Matthew A., xxx-xx-xxxx.
Bowen, Fred W., xxx-xx-xxxx.
Bowers, George W., xxx-xx-xxxx.
Bowker, Lewis W., xxx-xx-xxxx.
Bowman, Patrick A., xxx-xx-xxxx.
Bowman, William R., xxx-xx-xxxx.
Bowring, Louis T., xxx-xx-xxxx.
Boyd, Thomas C., xxx-xx-xxxx.
Boyd, Wayne C., xxx-xx-xxxx.
Boyer, Ernest F., xxx-xx-xxxx.
Bradham, John R., xxx-xx-xxxx.
Bradley, David B., xxx-xx-xxxx.
Bramlett, David A., xxx-xx-xxxx.
Brant, Arthur S., xxx-xx-xxxx.
Brantner, Carter H., xxx-xx-xxxx.
Bray, Harold F., xxx-xx-xxxx.
Brewer, Charles R., xxx-xx-xxxx.
Briggs, David S., xxx-xx-xxxx.
Brinkley, Jimmie T., xxx-xx-xxxx.
Bristol, Donald F., xxx-xx-xxxx.
Broderick, Edward S., xxx-xx-xxxx.
Brokovich, Michael, xxx-xx-xxxx.
Brooks, Billy T., xxx-xx-xxxx.
Brooks, Joseph H., xxx-xx-xxxx.
Brooks, Lawrence D., xxx-xx-xxxx.
Brown, Arthur S., xxx-xx-xxxx.
Brown, Billy C., xxx-xx-xxxx.
Brown, David R., xxx-xx-xxxx.
Brown, Gary L., xxx-xx-xxxx.
Brown, Harvey E., xxx-xx-xxxx.
Brown, Henry T., xxx-xx-xxxx.
Brown, James L., xxx-xx-xxxx.
Brown, John L., xxx-xx-xxxx.
Brown, Kenneth N., xxx-xx-xxxx.
Brown, Richard L., xxx-xx-xxxx.
Brown, Robert L., xxx-xx-xxxx.
Brown, Robert W., xxx-xx-xxxx.
Brown, Thomas M., xxx-xx-xxxx.
Bruce, Gene D., xxx-xx-xxxx.
Brunton, Oliver D., xxx-xx-xxxx.
Bryan, Joe S., xxx-xx-xxxx.
Bryce, Ronald H., xxx-xx-xxxx.
Bryson, Edward B., xxx-xx-xxxx.
Bukowski, Edward F., xxx-xx-xxxx.
Bungay, David J., xxx-xx-xxxx.
Burdick, Mario A., xxx-xx-xxxx.
Burke, Edward J., xxx-xx-xxxx.
Burke, Millard, xxx-xx-xxxx.
Burkett, Jimmy D., xxx-xx-xxxx.
Burnham, Donald D., xxx-xx-xxxx.
Burr, Ralph R., xxx-xx-xxxx.
Bush, William E., xxx-xx-xxxx.
Bushong, James T., xxx-xx-xxxx.
Butzer, Charles B., xxx-xx-xxxx.
Byrne, William F., xxx-xx-xxxx.
Calhoun, William R., xxx-xx-xxxx.
Call, William A., xxx-xx-xxxx.
Callahan, James E., xxx-xx-xxxx.
Callison, James C., xxx-xx-xxxx.
Cameron, Vaughn W., xxx-xx-xxxx.
Campbell, David B., xxx-xx-xxxx.
Campbell, John H., xxx-xx-xxxx.
Campbell, Paul M., xxx-xx-xxxx.
Campbell, William H., xxx-xx-xxxx.
Campbell, Winton G., xxx-xx-xxxx.
Canary, Patrick L., xxx-xx-xxxx.
Canatsey, John D., xxx-xx-xxxx.
Canyock, John G., xxx-xx-xxxx.
Carey, Richard A., xxx-xx-xxxx.
Caristo, Frederic J., xxx-xx-xxxx.
Carlson, James R., xxx-xx-xxxx.
Carnes, George P., xxx-xx-xxxx.
Carpenter, Harold D., xxx-xx-xxxx.
Carroll, Dennis J., xxx-xx-xxxx.
Carter, James E., xxx-xx-xxxx.
Carter, James R., xxx-xx-xxxx.
Carter, William G., xxx-xx-xxxx.
Caruso, James R., xxx-xx-xxxx.
Case, Melvin E., xxx-xx-xxxx.
Cassady, John R., xxx-xx-xxxx.
Cassidy, Edwin C., xxx-xx-xxxx.
Causer, Wilburn R., xxx-xx-xxxx.
Cauthen, William A., xxx-xx-xxxx.
Cavanaugh, Edward W., xxx-xx-xxxx.
Cavedo, John R., xxx-xx-xxxx.
Chandler, Charles E., xxx-xx-xxxx.
Chaplin, Robert, III, xxx-xx-xxxx.
Chapman, Richard G., xxx-xx-xxxx.
Charbonneau, Ronald, xxx-xx-xxxx.
Charlesworth, Russel, xxx-xx-xxxx.
Chewning, Ward M., xxx-xx-xxxx.
Chilcoat, Richard A., xxx-xx-xxxx.
Childree, William C., xxx-xx-xxxx.
Chiodo, Eugene J., xxx-xx-xxxx.
Chomko, John, xxx-xx-xxxx.
Christensen, Christ, XXXX
Christenson, Robert,
Christie, David C., xxx-xx-xxxx.
Chrobak, Walter J., xxx-xx-xxxx.
Chura, Howard J., xxx-xx-xxxx.
Cizmadia, Joseph, xxx-xx-xxxx.
Clark, Louis R., xxx-xx-xxxx.
Clark, Paul C., Jr., xxx-xx-xxxx.
Clayton, Gary R., xxx-xx-xxxx.
Clements, Lawrence, xxx-xx-xxxx.
Clewell, Robert L., xxx-xx-xxxx.
Clune, James M., xxx-xx-xxxx.
Coffman, Charles O., xxx-xx-xxxx.
Cogan, Larry C., xxx-xx-xxxx.
Colan, Albert R., xxx-xx-xxxx.
Cole, David L., xxx-xx-xxxx.
Coles, Louis E., xxx-xx-xxxx.
Collins, George G., xxx-xx-xxxx.
Collins, Robert F., xxx-xx-xxxx.
Concha, Richard E., xxx-xx-xxxx.
Cone, Kenneth A., xxx-xx-xxxx.
Conn, Joseph E., xxx-xx-xxxx.
Conner, Victor S., xxx-xx-xxxx.
Conners, David C., xxx-xx-xxxx.
Connolly, John F., xxx-xx-xxxx.
Cooper, Walter A., xxx-xx-xxxx.
Corbett, John E., xxx-xx-xxxx.
Corcoran, Edward A., xxx-xx-xxxx.
Corder, Joseph W., xxx-xx-xxxx.
Cornell, Judith D., xxx-xx-xxxx.
Cornine, Lance R., xxx-xx-xxxx.
Costain, Phillip A., xxx-xx-xxxx.
Costello, Daniel S., xxx-xx-xxxx.
Cote, Albert H., xxx-xx-xxxx.
Couch, Jacob B., xxx-xx-xxxx.
Couch, John L., xxx-xx-xxxx.
Cowles, James H., xxx-xx-xxxx.
Cox, Dallas L., xxx-xx-xxxx.
Cox, Troy D., xxx-xx-xxxx.
Coy, Dale E., xxx-xx-xxxx.
Coyne, Robert C., xxx-xx-xxxx.
Craig, Richard P., xxx-xx-xxxx.
Crawford, Raymon E., xxx-xx-xxxx.
Creeden, Cornelius, xxx-xx-xxxx.
Crockett, James R., xxx-xx-xxxx.
Crockett, William R., xxx-xx-xxxx.
Cronhimer, John F., xxx-xx-xxxx.
Crow, Stuart J., xxx-xx-xxxx.
Crowell, Arthur N., xxx-xx-xxxx.
Cummings, John W., xxx-xx-xxxx.
Curren, Grindley C., xxx-xx-xxxx.
Currie, John H., xxx-xx-xxxx.
Curtis, Myron F., xxx-xx-xxxx.
Dahlke, Milton M., xxx-xx-xxxx.
Dahlquist, Gordon W., xxx-xx-xxxx.
Daily, James I., xxx-xx-xxxx.
Daley, Richard W., xxx-xx-xxxx.
Dalziel, Dean A., xxx-xx-xxxx.
Damewood, John H., xxx-xx-xxxx.
Daniel, Eugene L., xxx-xx-xxxx.
Dann, Thomas C., xxx-xx-xxxx.
Darcy, Richard E., xxx-xx-xxxx.
Dargle, John W., xxx-xx-xxxx.
Date, Kenneth K., xxx-xx-xxxx.
Daugherty, James R., xxx-xx-xxxx.
Daugherty, William, xxx-xx-xxxx.
Davis, James A., xxx-xx-xxxx.
Davis, Richard E., xxx-xx-xxxx.
Davis, Robert S., xxx-xx-xxxx.
Daws, Robert N., xxx-xx-xxxx.
Deason Robert L., xxx-xx-xxxx.
Debauche, Gary A., xxx-xx-xxxx.
Deeds, Richard T., xxx-xx-xxxx.
Demarco, Francis H., xxx-xx-xxxx.
Demchsak, John G., xxx-xx-xxxx.
Desapri, Donald A., xxx-xx-xxxx.
Detrio, Richard T., xxx-xx-xxxx.
Devore, Matthew, xxx-xx-xxxx.
Dewey, Victor O., xxx-xx-xxxx.
Dinger, Timothy S., xxx-xx-xxxx.
Dingwall, Bennett T., xxx-xx-xxxx.
Dinniman, James I., xxx-xx-xxxx.
Dittamo, Hector T., xxx-xx-xxxx.
Dodd, Geraldl R., xxx-xx-xxxx.
Dolson, Kenneth R., xxx-xx-xxxx.
Domasinsky, Charles, xxx-xx-xxxx.
Damask, Jerome H., xxx-xx-xxxx.
Dominquez, Rodolfo, xxx-xx-xxxx.
Donahue, Philip P., xxx-xx-xxxx.
Dondlinger, Jerome, xxx-xx-xxxx.
Donovan, Charles F., xxx-xx-xxxx.
Dooley, James C., xxx-xx-xxxx.
Dorr, Guy E., xxx-xx-xxxx.
Dorsey, James D., xxx-xx-xxxx.
Doughman, David A., xxx-xx-xxxx.
Douglas, Robert E., xxx-xx-xxxx.
Douglass, Robert E., xxx-xx-xxxx.
Drexler, Michael M., xxx-xx-xxxx.
Driskill, Joe G., xxx-xx-xxxx.
Drolet, Robert A., xxx-xx-xxxx.
Duberstein, George, xxx-xx-xxxx.
Dumas, Edwin H., xxx-xx-xxxx.
Dunmyer, James W., xxx-xx-xxxx.
Dunnington, Joseph, xxx-xx-xxxx.
Dupuy, Trevor N., xxx-xx-xxxx.
Dupwe, Robert L., xxx-xx-xxxx.
Durbin, Harlin N., xxx-xx-xxxx.
Dutcher, James A., xxx-xx-xxxx.
Dye, Preston C., xxx-xx-xxxx.
Eames, Robert F., xxx-xx-xxxx.
Earle, Richard H., xxx-xx-xxxx.
Early, Gerald W., xxx-xx-xxxx.
Edgar, William F., xxx-xx-xxxx.
Edmonds, Warren B., xxx-xx-xxxx.
Edwards, David L., xxx-xx-xxxx.
Edwards, Thomas B., xxx-xx-xxxx.
Edwards, William W., xxx-xx-xxxx.
Ellerson, John C., xxx-xx-xxxx.
Elliott, David R., xxx-xx-xxxx.
Ellis, Ronan I., xxx-xx-xxxx.
Elrod, Thomas W., xxx-xx-xxxx.
Englund, Douglas M., xxx-xx-xxxx.
Erickson, James W., xxx-xx-xxxx.
Erickson, Richard, xxx-xx-xxxx.
Ervin, James R., xxx-xx-xxxx.

Erway, Douglas K., xxx-xx-xxxx.
Esposito, Curtis V., xxx-xx-xxxx.
Esposito, Xavier A., xxx-xx-xxxx.
Estes, Glen A., xxx-xx-xxxx.
Eubank, Gerald T., xxx-xx-xxxx.
Evans, Charles E., xxx-xx-xxxx.
Evans, John G., xxx-xx-xxxx.
Evans, Joseph A., xxx-xx-xxxx.
Even, Donald G., xxx-xx-xxxx.
Everly, Julian R., xxx-xx-xxxx.
Evert, Gerdotto, xxx-xx-xxxx.
Fairbrother, Elwood, xxx-xx-xxxx.
Fairris, Marion T., xxx-xx-xxxx.
Fajardo, Wallace A., xxx-xx-xxxx.
Faley, Thomas E., xxx-xx-xxxx.
Falk, Warren L., xxx-xx-xxxx.
Fang, Donald R., xxx-xx-xxxx.
Fargo, James C., xxx-xx-xxxx.
Farmer, Michael B., xxx-xx-xxxx.
Farris, James L., xxx-xx-xxxx.
Faxon, Robert M., xxx-xx-xxxx.
Felton, Richard O., xxx-xx-xxxx.
Ferguson, Harry F., xxx-xx-xxxx.
Ferguson, William C., xxx-xx-xxxx.
Fernandez, Walter E., xxx-xx-xxxx.
Fesmire, John A., xxx-xx-xxxx.
Ficalora, Paul B., xxx-xx-xxxx.
Ficke, Robert G., xxx-xx-xxxx.
Fielding, John F., xxx-xx-xxxx.
Finch, Vernon D., xxx-xx-xxxx.
Fincher, Hubert T., xxx-xx-xxxx.
Firestone, Dennis E., xxx-xx-xxxx.
Fischer, William F., xxx-xx-xxxx.
Fish, Robert W., xxx-xx-xxxx.
Fishburne, Elliott, xxx-xx-xxxx.
Fisher, Charles L., xxx-xx-xxxx.
Fisher, Edward C., xxx-xx-xxxx.
Fisher, William R., xxx-xx-xxxx.
Fitzgerald, Benedict, xxx-xx-xxxx.
Flack, Gary L., xxxx.
Flanagan, William J., xxx-xx-xxxx.
Flannigan, Robert A., xxx-xx-xxxx.
Fleming, Andrew P., xxx-xx-xxxx.
Flores, Jose M., xxx-xx-xxxx.
Floyd, Jimmie, Jr., xxx-xx-xxxx.
Foley, James G., xxx-xx-xxxx.
Foley, Paul P., xxx-xx-xxxx.
Foley, William J., xxx-xx-xxxx.
Foltz, John F., xxx-xx-xxxx.
Fonner, David W., xxx-xx-xxxx.
Forcier, David N., xxx-xx-xxxx.
Ford, Jimmie S., xxx-xx-xxxx.
Ford, Randall L., xxx-xx-xxxx.
Fortunato, Edward T., xxx-xx-xxxx.
Foss, Ardeen R., xxx-xx-xxxx.
Fossum, Raymond O., xxx-xx-xxxx.
Foster, Charles B., xxx-xx-xxxx.
Fowler, Orville E., xxx-xx-xxxx.
Fragner, Ronald D., xxx-xx-xxxx.
Franck, John L., xxx-xx-xxxx.
Franke, Roger W., xxx-xx-xxxx.
Franklin, Robert B., xxx-xx-xxxx.
Franks, Clifton R., xxx-xx-xxxx.
Fraser, Harry L., xxx-xx-xxxx.
Frederick, Robert E., xxx-xx-xxxx.
Fredrick, Gilbert H., xxx-xx-xxxx.
Freeman, Kenneth S., xxx-xx-xxxx.
Freihube, Garry R., xxx-xx-xxxx.
French, George D., xxx-xx-xxxx.
Fricchione, Francis, xxx-xx-xxxx.
Friend, Peter K., xxx-xx-xxxx.
Fulton, Charles F., xxx-xx-xxxx.
Gabriel, Dale C., xxx-xx-xxxx.
Gaither, Thomas D., xxx-xx-xxxx.
Gannon, David L., xxx-xx-xxxx.
Garcia, Alfonso E., xxx-xx-xxxx.
Gardner, Arthur R., xxx-xx-xxxx.
Gardner, Gary M., xxx-xx-xxxx.
Gardner, Paul B., xxx-xx-xxxx.
Garner, Darrell E., xxx-xx-xxxx.
Garner, Gerald G., xxx-xx-xxxx.
Garner, Jay M., xxx-xx-xxxx.
Garrett, Mickey, xxx-xx-xxxx.
Garrett, Robert P., xxx-xx-xxxx.
Garven, Jack T., xxx-xx-xxxx.
Garvin, David B., xxx-xx-xxxx.
Garvin, Richard F., xxx-xx-xxxx.
Gaudelli, John J., xxx-xx-xxxx.
Gaugh, Robert C., xxx-xx-xxxx.
Gayer, Barry F., xxx-xx-xxxx.
Genetti, Albert J., xxx-xx-xxxx.
George, Graham W., Jr., xxx-xx-xxxx.
Georges, Thomas N., xxx-xx-xxxx.
Gerhard, Carl S., xxx-xx-xxxx.
Geurin, John A., xxx-xx-xxxx.
Giese, Paul A., xxx-xx-xxxx.
Gifford, Ronald M., xxx-xx-xxxx.
Gilbert, Johnnie R., xxx-xx-xxxx.
Gillam, William A., xxx-xx-xxxx.
Gillette, Gary A., xxx-xx-xxxx.
Gilligan, Richard M., xxx-xx-xxxx.
Gilmore, Gary B., xxx-xx-xxxx.
Ginsburg, Norman I., xxx-xx-xxxx.
Girardi, Alfred F., xxx-xx-xxxx.
Givens, Aaron Jr., xxx-xx-xxxx.
Gleim, Albert F., xxx-xx-xxxx.
Gleisner, James W., xxx-xx-xxxx.
Glidden, Ronald C., xxx-xx-xxxx.
Glosson, Clyde W., xxx-xx-xxxx.
Goldfarb, Richard M, xxx-xx-xxxx.
Goodbary, Robert A., xxx-xx-xxxx.
Gooden, William J., xxx-xx-xxxx.
Goodwin, Warden W., xxx-xx-xxxx.
Gordon, Raymond, xxx-xx-xxxx.
Gordon, Richard M., xxx-xx-xxxx.
Gorman, Thomas, xxx-xx-xxxx.
Gors, Kenwood J., xxx-xx-xxxx.
Graham, James D., xxx-xx-xxxx.
Grahn, Norman D. xxx-xx-xxxx.
Gramzow, Richard H., xxx-xx-xxxx.
Graves, Hardy L., xxx-xx-xxxx.
Gray, William T., xxx-xx-xxxx.
Green, Gary A., xxx-xx-xxxx.
Green, Roger W., xxx-xx-xxxx.
Greene, Hubert D., xxx-xx-xxxx.
Green, Willie D., xxx-xx-xxxx.
Greenwell, Bernard, xxx-xx-xxxx.
Gregg, William R., xxx-xx-xxxx.
Grett, Stanley E., xxx-xx-xxxx.
Grev, Ellsworth C., xxx-xx-xxxx.
Grier, Tommy F., xxx-xx-xxxx.
Griffin, Thomas J., xxx-xx-xxxx.
Grimshaw, John M., xxx-xx-xxxx.
Grossman, Robert F., xxx-xx-xxxx.
Groves, William C., xxx-xx-xxxx.
Guiberson, Ronald M., xxx-xx-xxxx.
Haas, Robert T., xxx-xx-xxxx.
Habblett, John S., xxx-xx-xxxx.
Hagerty, Neil M., xxx-xx-xxxx.
Hahn, Wade E., xxx-xx-xxxx.
Hakola, John A., xxx-xx-xxxx.
Hakola, Roger J., xxx-xx-xxxx.
Halbritter, Frederick, xxx-xx-xxxx.
Hale, William R., xxx-xx-xxxx.
Hall, Thomas F., xxx-xx-xxxx.
Hall, William A., xxx-xx-xxxx.
Hamilton, Edward A., xxx-xx-xxxx.
Hamilton, Rufus L., xxx-xx-xxxx.
Hampton, Don H., xxx-xx-xxxx.
Hanna, Glendon E., xxx-xx-xxxx.
Hannan, William T., xxx-xx-xxxx.
Hansen, Wilburn P., xxx-xx-xxxx.
Hanson, Morris F., xxx-xx-xxxx.
Harada, Franklin Y., xxx-xx-xxxx.
Hardy, Leonard D., xxx-xx-xxxx.
Harrell, Richard F., xxx-xx-xxxx.
Harrington, Arnold, xxx-xx-xxxx.
Harrington, James S., xxx-xx-xxxx.
Harrington, Laurence, xxx-xx-xxxx.
Harris, Donald W., xxx-xx-xxxx.
Harris, William D., xxx-xx-xxxx.
Harrison, David A., xxx-xx-xxxx.
Harrison, James M., xxx-xx-xxxx.
Harrison, Willard E., xxx-xx-xxxx.
Hartman, Clarence B. xxx-xx-xxxx.
Haslemann, Walter, xxx-xx-xxxx.
Hasse, Leonard, Jr., xxx-xx-xxxx.
Hatch, George S., xxx-xx-xxxx.
Hawley, Gary D., xxx-xx-xxxx.
Hayes, Ralph L., xxx-xx-xxxx.
Hayes, Robert L., xxx-xx-xxxx.
Haynes, Frank, xxx-xx-xxxx.
Hedrick, John A., xxx-xx-xxxx.
Heiden, Elden W., xxx-xx-xxxx.
Heldstab, John C., xxx-xx-xxxx.
Helms, Joel A., xxx-xx-xxxx.
Heme, Walter L., xxx-xx-xxxx.
Henderson, Frank F., xxx-xx-xxxx.
Henry, James J., xxx-xx-xxxx.
Henry, Noah W., xxx-xx-xxxx.
Henry, William A., xxx-xx-xxxx.
Johnson, Ben A., xxx-xx-xxxx.
Hensel, Mark C., xxx-xx-xxxx.
Henson, Roy D., xxx-xx-xxxx.
Henson, William R., xxx-xx-xxxx.
Hern, Jay R., xxx-xx-xxxx.
Hertel, Guy S., xxx-xx-xxxx.
Hertel, Herbert C., xxx-xx-xxxx.
Hertweck, Wolfgang, xxx-xx-xxxx.
Hervey, Albert E., xxx-xx-xxxx.
Hickey, John J., xxx-xx-xxxx.
Hicklin, William L., xxx-xx-xxxx.
Hickok, Philip J., xxx-xx-xxxx.
Hicks, Bobby R., xxx-xx-xxxx.
Higginbotham, James, xxx-xx-xxxx.
Higginbotham, Reginald, xxx-xx-xxxx.
Higgins, John J., xxx-xx-xxxx.
Higgins, Paul R., xxx-xx-xxxx.
Higinbotham, Lewis, xxx-xx-xxxx.
Hildebrandt, John E., xxx-xx-xxxx.
Hill, Howard D., xxx-xx-xxxx.
Hillyard, Frederick, xxx-xx-xxxx.
Hilton, Roger T., xxx-xx-xxxx.
Hinds, Paul T., xxx-xx-xxxx.
Hineman, Phillip D., xxx-xx-xxxx.
Hipp, Gerald T., xxx-xx-xxxx.
Hirotsu, James M., xxx-xx-xxxx.
Hirtle, Robert L., xxx-xx-xxxx.
Hitch, James K., xxx-xx-xxxx.
Hite, Donald R., xxx-xx-xxxx.
Hite, Ronald V., xxx-xx-xxxx.
Hix, William M., xxx-xx-xxxx.
Hobson, Alan D., xxx-xx-xxxx.
Hocking, John W., xxx-xx-xxxx.
Hodder, Clinton A., xxx-xx-xxxx.
Hodsdon, Dennis K., xxx-xx-xxxx.
Hoffman, James R., xxx-xx-xxxx.
Holcomb, Cecil B., xxx-xx-xxxx.
Holcomb, Cornelius, xxx-xx-xxxx.
Holder, Joe E., xxx-xx-xxxx.
Holland, James R., xxx-xx-xxxx.
Holland, Kenneth J., xxx-xx-xxxx.
Holland, Robert L., xxx-xx-xxxx.
Hollis, Glenn D., xxx-xx-xxxx.
Holman, Clarence L., xxx-xx-xxxx.
Holman, Robert E., xxx-xx-xxxx.
Holmes, Allan J., xxx-xx-xxxx.
Holmes, Larry L., xxx-xx-xxxx.
Honaker, Errol K., xxx-xx-xxxx.
Hooper, Donald M., xxx-xx-xxxx.
Horton, Chapin, xxx-xx-xxxx.
Horton, John B., xxx-xx-xxxx.
Howard, Earl J., xxx-xx-xxxx.
Howard, John W., xxx-xx-xxxx.
Howard, Ronald G., xxx-xx-xxxx.
Howes, Ralph C., xxx-xx-xxxx.
Hubard, John B., xxx-xx-xxxx.
Hubbard, Harvey H., xxx-xx-xxxx.
Hueman, Thomas P., xxx-xx-xxxx.
Hughes, Billie L., xxx-xx-xxxx.
Hughes, William M., xxx-xx-xxxx.
Humphries, James F., xxx-xx-xxxx.
Hunt, George E., xxx-xx-xxxx.
Hunt, John W., xxx-xx-xxxx.
Hunter, William W., xxx-xx-xxxx.
Hurst, Curtis C., xxx-xx-xxxx.
Hurst, Lawrence, xxx-xx-xxxx.
Huser, Herbert C., xxx-xx-xxxx.
Hutsell, Howard H., xxx-xx-xxxx.
Hutzenbiler, Floyd, xxx-xx-xxxx.
Hyatt, Harold S., xxx-xx-xxxx.
Hyde, Clinton O., xxx-xx-xxxx.
Ingalsbe, Duane G., xxx-xx-xxxx.
Ingleright, George, xxx-xx-xxxx.
Ireland, Lewis R., xxx-xx-xxxx.
Irving, Robert J., xxx-xx-xxxx.
Isaacson, Harold G., xxx-xx-xxxx.
Isenberg, David L., xxx-xx-xxxx.
Izzard, William A., xxx-xx-xxxx.
Jablonsky, David, xxx-xx-xxxx.
Jackson, Charles W., xxx-xx-xxxx.
Jackson, Jerry E., xxx-xx-xxxx.
Jackson, Robert R., xxx-xx-xxxx.
Jacobs, Willie S., xxx-xx-xxxx.
Jaffe, Lawrence C., xxx-xx-xxxx.
James, Henry L., xxx-xx-xxxx.
James, Paul E., xxx-xx-xxxx.
James, Richard A., xxx-xx-xxxx.
Jellett, James M., xxx-xx-xxxx.
Jellison, Robert J., xxx-xx-xxxx.
Jemison, Paul O., xxx-xx-xxxx.
Jenkins, John D., xxx-xx-xxxx.
Jewell, James C., xxx-xx-xxxx.

Johnson, Ben A., xxx-xx-xxxx
Johnson, Cal D., xxx-xx-xxxx
Johnson, Charlton G., xxx-xx-xxxx
Johnson, Harry B., xxx-xx-xxxx
Johnson, Joe S., xxx-xx-xxxx
Johnson, Robert L., xxx-xx-xxxx
Johnson, Ronald L., xxx-xx-xxxx
Johnson, Roy S., xxx-xx-xxxx
Johnson, Wallace, xxx-xx-xxxx
Johnson, William P., xxx-xx-xxxx
Jolly, Morris F., xxx-xx-xxxx
Jones, Bobby A., xxx-xx-xxxx
Jones, Boyd A., xxx-xx-xxxx
Jones, Jesse F., xxx-xx-xxxx
Jones, Leonard M. Jr., xxx-xx-xxxx
Jones, Leroy E., xxx-xx-xxxx
Jones, Matthew J., xxx-xx-xxxx
Jones, Paul M., xxx-xx-xxxx
Jones, Richard G., xxx-xx-xxxx
Joplin, Paul L., xxx-xx-xxxx
Jordan, Carl M., xxx-xx-xxxx
Jorgensen, John F., xxx-xx-xxxx
Juliano, Anthony J., xxx-xx-xxxx
Kalanges, James G., xxx-xx-xxxx
Kallam, Luther P., xxx-xx-xxxx
Karlseng, Robert C., xxx-xx-xxxx
Karrer, Donald, xxx-xx-xxxx
Karrer, Robert J., xxx-xx-xxxx
Kauffman, Lewis E., xxx-xx-xxxx
Keaney, John P., xxx-xx-xxxx
Kearns, James T., xxx-xx-xxxx
Keating, Michael D., xxx-xx-xxxx
Keenan, Robert E., xxx-xx-xxxx
Keller, Charles H., xxx-xx-xxxx
Kellerhals, Paul W., xxx-xx-xxxx
Kelley, Edward M., xxx-xx-xxxx
Kelly, Edward F., xxx-xx-xxxx
Kelly, Edward W., xxx-xx-xxxx
Kelly, Gerald L., xxx-xx-xxxx
Kelly, John J., xxx-xx-xxxx
Kelly, John J., xxx-xx-xxxx
Kelly, Larry G., xxx-xx-xxxx
Kelly, Patrick O., xxx-xx-xxxx
Kelly, Robert R., xxx-xx-xxxx
Kempster, John E., xxx-xx-xxxx
Kendall, John L., xxx-xx-xxxx
Kent, Richard S., xxx-xx-xxxx
Kenyon, Lawrence R., xxx-xx-xxxx
Keough, Francis P., xxx-xx-xxxx
Kerr, Joseph P., xxx-xx-xxxx
Kerscher, Thomas E., xxx-xx-xxxx
Keyes, August L., xxx-xx-xxxx
Kidd, David D., xxx-xx-xxxx
Kilkenny, John M., xxx-xx-xxxx
Kinard, William H., xxx-xx-xxxx
Kincaid, James G., xxx-xx-xxxx
Kincheloe, Samuel E., xxx-xx-xxxx
King, Burnell, XXXX
Kinkead, Alfred W., xxx
Kinsey, Charles H., xxx-xx-xxxx
Kirby, John J., xxx-xx-xxxx
Kirkpatrick, Donovan, xxx-xx-xxxx
Kirschenbauer, George, xxx-xx-xxxx
Kish, Joseph P., xxx-xx-xxxx
Knapp, William A., xxx-xx-xxxx
Knight, Robert C., xxx-xx-xxxx
Knudsen, Jerald G., xxx-xx-xxxx
Kofoet, Rudolph L., xxx-xx-xxxx
Kohler, Johann R., xxx-xx-xxxx
Koike, Kazuo, xxx-xx-xxxx
Kolch, Marvin J., xxx-xx-xxxx
Kosco, William G., xxx-xx-xxxx
Kostelnik, Leonard, xxx-xx-xxxx
Koszewski, Stephen, xxx-xx-xxxx
Kowalewski, Anthony, xxx-xx-xxxx
Krause, Robert G., xxx-xx-xxxx
Krebs, Philip C., xxx-xx-xxxx
Krivorchuk, Nickita, xxx-xx-xxxx
Krizman, Ronald A., xxx-xx-xxxx
Kuhl, Herbert D., xxx-xx-xxxx
Kunhart, Thomas J. xxx-xx-xxxx
Kunkel, Donald H., xxx-xx-xxxx
Kuster, Bernard A., xxx-xx-xxxx
Kuypers, John C., xxx-xx-xxxx
Kwieciak, Stanley J., xxx-xx-xxxx
Lacy, William A., xxx-xx-xxxx
Lagattuta, Nichols, xxx-xx-xxxx
Laidlaw, Stephen R., xxx-xx-xxxx
Lair, Don L., xxx-xx-xxxx
Lake, Richard E., xxx-xx-xxxx
Lakey, William E., xxx-xx-xxxx
Lamb, James D., xxx-xx-xxxx
Landis, George A., xxx-xx-xxxx
Landis, Harry L., xxx-xx-xxxx
Landrum, Benson F., xxx-xx-xxxx
Lane, Duane M., xxx-xx-xxxx
Lane, Joseph H., xxx-xx-xxxx
Lane, Ronald L., xxx-xx-xxxx
Lang, Walter P., xxx-xx-xxxx
Langley, Dennis S., xxx-xx-xxxx
Langley, Larry L., xxx-xx-xxxx
Langley, Samuel H., xxx-xx-xxxx
Lanham, Clifford W., xxx-xx-xxxx
Lankford, Carson W., xxx-xx-xxxx
Larens, James M., xxx-xx-xxxx
Larkins, John G., xxx-xx-xxxx
Laroque, Fred R., xxx-xx-xxxx
Larsen, Arnold L., xxx-xx-xxxx
Larson, James W., xxx-xx-xxxx
Larson, Jeffrey A., xxx-xx-xxxx
Larson, Kermit E., xxx-xx-xxxx
Larue, Lowell G., xxx-xx-xxxx
Laska, James N., xxx-xx-xxxx
Laski, Paul E., xxx-xx-xxxx
Lathem, Larry B., xxx-xx-xxxx
Lawson, Herbert L., xxx-xx-xxxx
Lay, Bobbie D., xxx-xx-xxxx
Leavitt, James S., xxx-xx-xxxx
Leblanc, Dieudonne, xxx-xx-xxxx
Ledford, Larry G., xxx-xx-xxxx
Lee, Edward, Jr., xxx-xx-xxxx
Lee, Gary R., xxx-xx-xxxx
Lee, Roger C., xxx-xx-xxxx
Lehowicz, Larry G., xxx-xx-xxxx
Leinen, Robert D., xxx-xx-xxxx
Leister, Ancil D., xxx-xx-xxxx
Lenhart, Michael E., xxx-xx-xxxx
Lester, Rodney D., xxx-xx-xxxx
Lewis, Bernard I., xxx-xx-xxxx
Liepis, William J., xxx-xx-xxxx
Liles, Robert D., xxx-xx-xxxx
Lillard, Larry D., xxx-xx-xxxx
Lilley, Robert J., xxx-xx-xxxx
Lillvik, Carl V., xxx-xx-xxxx
Limbaugh, George E., xxx-xx-xxxx
Lindsey, David H., xxx-xx-xxxx
Lindsey, James L., xxx-xx-xxxx
Linnen, James R., xxx-xx-xxxx
Lippincott, William, xxx-xx-xxxx
Livengood, Delmer H., xxx-xx-xxxx
Lobingier, John H., xxx-xx-xxxx
Lockwood, Charles J., xxx-xx-xxxx
Lockwood, Robert S., xxx-xx-xxxx
Lofton, Hoyt D., xxx-xx-xxxx
Loftus, James S., xxx-xx-xxxx
Logan, David W., xxx-xx-xxxx
Logan, James A., xxx-xx-xxxx
London, Leroy, Jr., xxx-xx-xxxx
Loomis, Richard B., xxx-xx-xxxx
Lovgren, Arthur A., xxx-xx-xxxx
Lovings, Wade B., xxx-xx-xxxx
Lowrance, Jerry M., xxx-xx-xxxx
Lucas, James G., xxx-xx-xxxx
Lucente, Raphael, Jr., xxx-xx-xxxx
Lundy, James I., xxx-xx-xxxx
Lunsetter, Wayne B., xxx-xx-xxxx
Luster, Stephen, xxx-xx-xxxx
Lyle, James M., xxx-xx-xxxx
Lynch, Harold D., xxx-xx-xxxx
Lyons, Thomas M., xxx-xx-xxxx
Mabry, Richard M., xxx-xx-xxxx
Mack, Oscar C., xxx-xx-xxxx
Mackenzie, Thomas S., xxx-xx-xxxx
Mackinnon, William, xxx-xx-xxxx
Macmurdy, William L., xxx-xx-xxxx
Maguire, Roger F., xxx-xx-xxxx
Maharrey, James B., xxx-xx-xxxx
Maier, Nelson H., xxx-xx-xxxx
Maitland, Tyrone G., xxx-xx-xxxx
Maksimowski, Richard, xxx-xx-xxxx
Malik, James J., Jr., xxx-xx-xxxx
Malley, James H., xxx-xx-xxxx
Malone, Edward C., xxx-xx-xxxx
Maloney, John W., xxx-xx-xxxx
Manley, John R., xxx-xx-xxxx
Manley, Willis L., xxx-xx-xxxx
Manning, Robert, Jr., xxx-xx-xxxx
Manupella, Richard, xxx-xx-xxxx
Manzi, Joseph F., xxx-xx-xxxx
Marangola, Joseph C., xxx-xx-xxxx
Marcus, Franklin R., xxx-xx-xxxx
Marr, Francis C., xxx-xx-xxxx
Martin, Bernard M., xxx-xx-xxxx
Martin, James H., xxx-xx-xxxx
Martin, James R., xxx-xx-xxxx
Martin, Thomas S., xxx-xx-xxxx
Marx, Robert D., xxx-xx-xxxx
Mason, Lloyd D., xxx-xx-xxxx
Mason, Ralph A., xxx-xx-xxxx
Massey, Donnivan L., xxx-xx-xxxx
Massey, George M., xxx-xx-xxxx
Matsuda, Clarence G., xxx-xx-xxxx
Mattei, William C., xxx-xx-xxxx
Matteson, Stephen C., xxx-xx-xxxx
Matthews, Daryl B., xxx-xx-xxxx
Maxwell, Norman V., xxx-xx-xxxx
Maybury, Robert D., xxx-xx-xxxx
Mayo, Richard E., xxx-xx-xxxx
McAnaw, John P., xxx-xx-xxxx
McAndrews, Thomas A., xxx-xx-xxxx
McBroom, Billy W., xxx-xx-xxxx
McCain, William T., xxx-xx-xxxx
McCassey, Everett S., xxx-xx-xxxx
McCoid, Frederick E., xxx-xx-xxxx
McConico, Wilbur E., xxx-xx-xxxx
McConnell, John J., xxx-xx-xxxx
McCormick, Michael, xxx-xx-xxxx
McCoy, James B., xxx-xx-xxxx
McCurdy, John D., xxx-xx-xxxx
McDaniel, Richard A., xxx-xx-xxxx
McDevitt, James J., xxx-xx-xxxx
McDonald, Ted A., xxx-xx-xxxx
McElroy, Roger L., xxx-xx-xxxx
McEnany, Brian R., xxx-xx-xxxx
McFerron, Darrel A., xxx-xx-xxxx
McGarry, Andrew T., xxx-xx-xxxx
McGeachy, Clinton B., xxx-xx-xxxx
McGregor, William L., xxx-xx-xxxx
McIlroy, Bartholomew, xxx-xx-xxxx
McKay, James F., xxx-xx-xxxx
McKeithan, Clifford, xxx-xx-xxxx
McKinney, John B., xxx-xx-xxxx
McKinney, Paul D., xxx-xx-xxxx
McLaughlin, David R., xxx-xx-xxxx
McLaughlin, Robert, xxx-xx-xxxx
McLaughlin, William, xxx-xx-xxxx
McLemore, Oran F., xxx-xx-xxxx
McLeod, Ronald M., xxx-xx-xxxx
McManners, John A., xxx-xx-xxxx
McNealy, John R., xxx-xx-xxxx
Meade, David C., xxx-xx-xxxx
Mears, Douglas T., xxx-xx-xxxx
Meeth, Harry III, xxx-xx-xxxx
Mehigan, Denis M., xxx-xx-xxxx
Meisel, Bernard F., xxx-xx-xxxx
Mengel, Larry L., xxx-xx-xxxx
Mennie, Thomas L., xxx-xx-xxxx
Merritt, Gordon L., xxx-xx-xxxx
Meshinsky, Edward, xxx-xx-xxxx
Meyers, Frederick F., xxx-xx-xxxx
Michael, Marcus E., xxx-xx-xxxx
Middaugh, Thomas R., xxx-xx-xxxx
Mikkelson, David W., xxx-xx-xxxx
Milam, Michael M., xxx-xx-xxxx
Miles, Donald F., xxx-xx-xxxx
Milford, Thomas L., xxx-xx-xxxx
Miller, Charles A., xxx-xx-xxxx
Miller, Frank D., xxx-xx-xxxx
Miller, John D., xxx-xx-xxxx
Miller, Kenneth A., xxx-xx-xxxx
Miller, Robert A., xxx-xx-xxxx
Miller, Robert B., xxx-xx-xxxx
Miller, Ward A., xxx-xx-xxxx
Miller, William A., xxx-xx-xxxx
Miller, William H., xxx-xx-xxxx
Millerlile, William, xxx-xx-xxxx
Milliner, James E., xxx-xx-xxxx
Mills, Jon R., xxx-xx-xxxx
Mills, William G., xxx-xx-xxxx
Milton, David A., xxx-xx-xxxx
Minson, David C., xxx-xx-xxxx
Mitchell, Walter G., xxx-xx-xxxx
Mitts, Edwin S., xxx-xx-xxxx
Montagne, Ernest R., xxx-xx-xxxx
Montgomery, William, xxx-xx-xxxx
Mooney, Lowell T., xxx-xx-xxxx
Moore, James L., xxx-xx-xxxx
Moore, Jan R., xxx-xx-xxxx
Moore, Jimmy R., xxx-xx-xxxx
Moore, Robert A., xxx-xx-xxxx

Moore, William F., xxx-xx-xxxx.
Moorhead, Michael M., xxx-xx-xxxx.
Morai, Edward C., xxx-xx-xxxx.
Moran, Frank A., xxx-xx-xxxx.
Mordeaux, Corry, xxx-xx-xxxx.
Morgan, Douglas W., xxx-xx-xxxx.
Morin, Carl R., xxx-xx-xxxx.
Morlock, Glenn W., xxx-xx-xxxx.
Morris, James L., xxx-xx-xxxx.
Morrison, Carlos S., xxx-xx-xxxx.
Morrison, William O., xxx-xx-xxxx.
Morrissey, Patrick, xxx-xx-xxxx.
Moseman, James F., xxx-xx-xxxx.
Moss, Robert D., xxx-xx-xxxx.
Mott, William H., xxx-xx-xxxx.
Mount, Jimmy D., xxx-xx-xxxx.
Muir, James I., xxx-xx-xxxx.
Mullins, Cager W., xxx-xx-xxxx.
Mundt, David L., xxx-xx-xxxx.
Munguia, Arthur A., xxx-xx-xxxx.
Munsch, Robert C., xxx-xx-xxxx.
Murdoch, Robert V., xxx-xx-xxxx.
Murphy, Paul T., xxx-xx-xxxx.
Murray, Thomas E., xxx-xx-xxxx.
Myatt, John E., xxx-xx-xxxx.
Nagel, Robert A., xxx-xx-xxxx.
Najjar, Alphonse L., xxx-xx-xxxx.
Napier, Joseph S., xxx-xx-xxxx.
Nason, Charles P., xxx-xx-xxxx.
Nau, John F., xxx-xx-xxxx.
Nealon, Edgar L., xxx-xx-xxxx.
Neck, David A., xxx-xx-xxxx.
Nelson, George W., xxx-xx-xxxx.
Netzloff, Edwin A., xxx-xx-xxxx.
Neuwien, Reginald A., xxx-xx-xxxx.
Newell, Thomas K., xxx-xx-xxxx.
Newman, Ralph E., xxx-xx-xxxx.
Newman, William F., xxx-xx-xxxx.
Newton, Anthony H., xxx-xx-xxxx.
Nichols, Robert A., xxx-xx-xxxx.
Nicolai, Larry D., xxx-xx-xxxx.
Nielsen, Donald A., xxx-xx-xxxx.
Nieuwboer, Harry W., xxx-xx-xxxx.
Nixon, Paul E., xxx-xx-xxxx.
Noble, John A., xxx-xx-xxxx.
Nolen, William R., xxx-xx-xxxx.
Northrop, Edward D., xxx-xx-xxxx.
Norton, James A., xxx-xx-xxxx.
Norwood, Marvin P., xxx-xx-xxxx.
Novotny, John L., xxx-xx-xxxx.
Noyes, James L., xxx-xx-xxxx.
Nunnelee, Joseph D., xxx-xx-xxxx.
Nutt, Merwyn L., xxx-xx-xxxx.
O'Brien, James J., xxx-xx-xxxx.
O'Brien, Lawrence W., xxx-xx-xxxx.
O'Brien, Michael T., xxx-xx-xxxx.
O'Connor, Dennis L., xxx-xx-xxxx.
O'Connor, Paul M., xxx-xx-xxxx.
O'Dea, Lawrence P., xxx-xx-xxxx.
O'Donnell, Paul L., xxx-xx-xxxx.
O'Donnell, Robert M., xxx-xx-xxxx.
Ohta, Thomas K., xxx-xx-xxxx.
O'Keefe, John J., xxx-xx-xxxx.
Oliver, Council W., xxx-xx-xxxx.
Olsen, Floyd W., xxx-xx-xxxx.
Olson, John W., xxx-xx-xxxx.
Olson, Raymond S., xxx-xx-xxxx.
Oneal, John W., xxx-xx-xxxx.
Oneill, Stephen E., xxx-xx-xxxx.
Oppenheim, James P., xxx-xx-xxxx.
Orell, Seth R., xxx-xx-xxxx.
Ostenberg, Thomas F., xxx-xx-xxxx.
Ostertag, William J., xxx-xx-xxxx.
Otjen, John P., xxx-xx-xxxx.
Oualline, Charles E., xxx-xx-xxxx.
Outlaw, Joe E., xxx-xx-xxxx.
Overby, Glen A., xxx-xx-xxxx.
Overby, John L., xxx-xx-xxxx.
Owings, Douglas L., xxx-xx-xxxx.
Palmer, Charles S., xxx-xx-xxxx.
Paris, William F., xxx-xx-xxxx.
Parish, James R., xxx-xx-xxxx.
Parowski, Paul R., xxx-xx-xxxx.
Parrish, David H., xxx-xx-xxxx.
Parsons, Al D., xxx-xx-xxxx.
Parsons, Wayland D., xxx-xx-xxxx.
Patterson, Wallace, xxx-xx-xxxx.
Pattison, William C., xxx-xx-xxxx.
Paul, Leroy W., xxx-xx-xxxx.
Paxton, Gary L., xxx-xx-xxxx.
Pearson, Thomas D., xxx-xx-xxxx.
Pederson, James D., xxx-xx-xxxx.
Pedone, Peter J., xxx-xx-xxxx.
Peiper, Richard W., xxx-xx-xxxx.
Pellegrino, Joseph, xxx-xx-xxxx.
Perdew, Eldon L., xxx-xx-xxxx.
Perino, George H., xxx-xx-xxxx.
Perrine, Charles H., xxx-xx-xxxx.
Perry, Stephen M., xxx-xx-xxxx.
Peters, Frederick, xxx-xx-xxxx.
Peters, Frederick J., xxx-xx-xxxx.
Peterson, James C., xxx-xx-xxxx.
Petrolino, Joseph A., xxx-xx-xxxx.
Petty, Bruce E., xxx-xx-xxxx.
Peyton, Mark T., xxx-xx-xxxx.
Phillips, David E., xxx-xx-xxxx.
Piche, Ronald J., xxx-xx-xxxx.
Pitcher, Rudolph A., xxx-xx-xxxx.
Place, Darman C., xxx-xx-xxxx.
Ply, Homer C., xxx-xx-xxxx.
Plymale, Charles F., xxx-xx-xxxx.
Poff, Gary L., xxx-xx-xxxx.
Poinier, David N., xxx-xx-xxxx.
Pond, Herbert D., xxx-xx-xxxx.
Pons, Philip E., xxx-xx-xxxx.
Ponzillo, Mark, Jr., xxx-xx-xxxx.
Poole, George E., xxx-xx-xxxx.
Pope, John L., xxx-xx-xxxx.
Posey, Larry O., xxx-xx-xxxx.
Poshard, Robert J., xxx-xx-xxxx.
Potter, Clifton A., xxx-xx-xxxx.
Powe, Marc B., xxx-xx-xxxx.
Powers, Jimmy E., xxx-xx-xxxx.
Poynter, William D., xxx-xx-xxxx.
Pray, David E., xxx-xx-xxxx.
Pribnow, Richard M., xxx-xx-xxxx.
Price, Carl N., xxx-xx-xxxx.
Price, Donald A., xxx-xx-xxxx.
Price, John L., xxx-xx-xxxx.
Prickett, Thomas R., xxx-xx-xxxx.
Propp, Carl R., xxx-xx-xxxx.
Prow, William F., xxx-xx-xxxx.
Pryor, Ralph W., xxx-xx-xxxx.
Quandt, Donald L., xxx-xx-xxxx.
Quattromani, Anthony, xxx-xx-xxxx.
Queeney, Richard K., xxx-xx-xxxx.
Quirk, Gerald L., xxx-xx-xxxx.
Ralston, Maurice H., xxx-xx-xxxx.
Ramage, Gary F., xxx-xx-xxxx.
Rankin, George D., xxx-xx-xxxx.
Ray, Ernst R., xxx-xx-xxxx.
Ray, Ronald E., xxx-xx-xxxx.
Rea, Billy C., xxx-xx-xxxx.
Reavill, Jackson C., xxx-xx-xxxx.
Redmond, Robert A., xxx-xx-xxxx.
Reese, George W., xxx-xx-xxxx.
Reid, Tilden R., xxx-xx-xxxx.
Remener, Lawrence J., xxxx.
Renaud, Kenneth L., xxx-xx-xxxx.
Reynolds, James E., xxx-xx-xxxx.
Reynolds, Robert S., xxx-xx-xxxx.
Reynolds, Roy G., xxx-xx-xxxx.
Reynolds, William J., xxx-xx-xxxx.
Rhinehart, Harry J., xxx-xx-xxxx.
Richardson, Johnny, xxx-xx-xxxx.
Richardson, Joseph, xxx-xx-xxxx.
Richardson, Lawrence, xxx-xx-xxxx.
Richardson, Obrene, xxx-xx-xxxx.
Richter, Edwwin L., xxx-xx-xxxx.
Rider, Frank W., xxx-xx-xxxx.
Ridge, John H., xxx-xx-xxxx.
Riggs, David K., xxx-xx-xxxx.
Riley, Patrick E., xxx-xx-xxxx.
Rimbey, Charles F., xxx-xx-xxxx.
Rinella, Donald E., xxx-xx-xxxx.
Ringham, Lee O., xxx-xx-xxxx.
Ringle, Elmer C., xxx-xx-xxxx.
Riordan, Richard G., xxx-xx-xxxx.
Ritchie, Richard H., xxx-xx-xxxx.
Ritenour, Thomas J., xxx-xx-xxxx.
Ritterspach, Frederick, xxx-xx-xxxx.
Roberts, Alfred H., xxx-xx-xxxx.
Roberts, Gary E., xxx-xx-xxxx.
Roberts, James T., xxx-xx-xxxx.
Roberts, William S., xxx-xx-xxxx.
Robertson, William, xxx-xx-xxxx.
Robinson, Karl W., xxx-xx-xxxx.
Roderick, Gary L., xxx-xx-xxxx.
Rodgers, Roland F., xxx-xx-xxxx.
Rodriquez, Jose R., xxx-xx-xxxx.
Rogers, Douglas H., xxx-xx-xxxx.
Rogers, John B., xxx-xx-xxxx.
Roller, Barry J., xxx-xx-xxxx.
Roof, William R., xxx-xx-xxxx.
Roper, Emil M., xxx-xx-xxxx.
Rosen, Herbert R., xxx-xx-xxxx.
Rosengrant, Larue R., xxx-xx-xxxx.
Ross, William R., xxx-xx-xxxx.
Rowe, Dorsey E., xxx-xx-xxxx.
Rowe, William J., xxx-xx-xxxx.
Royer, Aaron M., xxx-xx-xxxx.
Rubery, Daniel J., xxx-xx-xxxx.
Ruggerio, Dominic W., xxx-xx-xxxx.
Rupp, Melvin C., xxx-xx-xxxx.
Rush, Gene W., xxx-xx-xxxx.
Rusk, James E., xxx-xx-xxxx.
Russell, Eugene N., xxx-xx-xxxx.
Rutz, Stephen F., xxx-xx-xxxx.
Ryan, Roger M., xxx-xx-xxxx.
Saari, Donald R., xxx-xx-xxxx.
Salvitti, Joseph M., xxx-xx-xxxx.
Samas, Frank R., xxx-xx-xxxx.
Sampson, Jon L., xxx-xx-xxxx.
Sanders, David J., xxx-xx-xxxx.
Sans, John A., xxx-xx-xxxx.
Saville, Duane E., xxx-xx-xxxx.
Saxon, Rufus C., xxx-xx-xxxx.
Saxton, Michael L., xxx-xx-xxxx.
Sayers, Larry L., xxx-xx-xxxx.
Schaible, Dennis J., xxx-xx-xxxx.
Scharpf, Francis R., xxx-xx-xxxx.
Scherr, William A., xxx-xx-xxxx.
Schmidt, Marlin E., xxx-xx-xxxx.
Schmitz, James W., xxx-xx-xxxx.
Schneider, Robert H., xxx-xx-xxxx.
Schneider, William, xxx-xx-xxxx.
Schofield, Dale W., xxx-xx-xxxx.
Schray, Conrad E., xxx-xx-xxxx.
Schroeder, James M., xxx-xx-xxxx.
Schumacher, William, xxx-xx-xxxx.
Scott, Ernest K., xxx-xx-xxxx.
Scott, Roosevelt, Jr., xxx-xx-xxxx.
Seamon, Frederic W., xxx-xx-xxxx.
Seibert, Gunter P., xxx-xx-xxxx.
Seifert, Richard F., xxx-xx-xxxx.
Seigman, James E., xxx-xx-xxxx.
Seligman, Norman L., xxx-xx-xxxx.
Sellers, Mitchel W., xxx-xx-xxxx.
Serratt, Jerry W., xxx-xx-xxxx.
Sessoms, William R., xxx-xx-xxxx.
Sexton, Charles D., xxx-xx-xxxx.
Sharp, Raymond D., xxx-xx-xxxx.
Shaw, Charles L., xxx-xx-xxxx.
Shaw, Stanley, L., xxx-xx-xxxx.
Shearer, Cyrus N., xxx-xx-xxxx.
Sheetz, Mitchael L., xxx-xx-xxxx.
Sheffield, Roger V., xxx-xx-xxxx.
Shellabarger, Dan G., xxx-xx-xxxx.
Shelley, Foy O., xxx-xx-xxxx.
Shelton, Henry H., xxx-xx-xxxx.
Shelton, William H., xxx-xx-xxxx.
Sheridan, John T., xxx-xx-xxxx.
Shires, Charles D., xxx-xx-xxxx.
Shirley, Bobby G., xxx-xx-xxxx.
Shlenker, Lenard L., xxx-xx-xxxx.
Sholly, David J., xxx-xx-xxxx.
Shope, Walter R., xxx-xx-xxxx.
Short, Albert V., xxx-xx-xxxx.
Sikorski, Robert J., xxx-xx-xxxx.
Simoneaux, Joseph A., xxx-xx-xxxx.
Simpkins, Dale L., xxx-xx-xxxx.
Simpson, William N., xxx-xx-xxxx.
Sims, Thomas L., xxx-xx-xxxx.
Skarupa, Ronald A., xxx-xx-xxxx.
Skidmore, David D., xxx-xx-xxxx.
Slack, Duane A., xxx-xx-xxxx.
Slater, Duane L., xxx-xx-xxxx.
Slayton, A. G., xxx-xx-xxxx.
Sloan, John N., xxx-xx-xxxx.
Smart, Eric E., xxx-xx-xxxx.
Smith, Carlton H., xxx-xx-xxxx.
Smith, Charles F., xxx-xx-xxxx.
Smith, Charles R., xxx-xx-xxxx.
Smith, Clay R. Jr., xxx-xx-xxxx.
Smith, David B., xxx-xx-xxxx.
Smith, Emmett W., xxx-xx-xxxx.
Smith, Harry V., xxx-xx-xxxx.
Smith, James A., xxx-xx-xxxx.
Smith, James K., xxx-xx-xxxx.
Smith, Lonnie S., xxx-xx-xxxx.

Smith, Randolph L., xxx-xx-xxxx
Smith, Samuel W., xxx-xx-xxxx
Smith, William L., xxx-xx-xxxx
Sneed, Thomas A., xxx-xx-xxxx
Snipes, Grover E., xxx-xx-xxxx
Snover, Raife E., xxx-xx-xxxx
Snuffer, Garner D., xxx-xx-xxxx
Snyder, Charles R., xxx-xx-xxxx
Spangler, David R., xxx-xx-xxxx
Speaker, Theodore A., xxx-xx-xxxx
Spencer, James J., xxx-xx-xxxx
Spencer, John J., xxx-xx-xxxx
Spencer, Thomas A., xxx-xx-xxxx
Spencer, Wilbur P., xxx-xx-xxxx
Spoonemore, Bobby B., xxx-xx-xxxx
Spradling, Eldon H., xxx-xx-xxxx
Sprague, Harold E., xxx-xx-xxxx
Stack, Robert C., xxx-xx-xxxx
Stafne, James A., xxx-xx-xxxx
Stahlman, John W., xxx-xx-xxxx
Stallings, Betty J., xxx-xx-xxxx
Stanley, Warner D., xxx-xx-xxxx
Stansberry, Walter, xxx-xx-xxxx
Starbird. Edward A., xxx-xx-xxxx
Statum, Herman C., xxx-xx-xxxx
Steed; Emil E., xxx-xx-xxxx
Steele, Samuel L., xxx-xx-xxxx
Stehling, Joseph M., xxx-xx-xxxx
Stephanovitch, Sava, xxx-xx-xxxx
Stephens, Donald B., xxx-xx-xxxx
Stephens, Robert L., xxx-xx-xxxx
Stetzinger, John E., xxx-xx-xxxx
Stevens, Dale M., xxx-xx-xxxx
Stevens, Pat M. IV, xxx-xx-xxxx
Stevenson, Hugh T., xxx-xx-xxxx
Stevenson, Robert J., xxx-xx-xxxx
Stewart, Alan F., xxx-xx-xxxx
Stewart, Alan P., xxx-xx-xxxx
Stewart, Asa E., xxx-xx-xxxx
Stewart, Michael A., xxx-xx-xxxx
Stewart, Phillip R., xxx-xx-xxxx
Stewart, Thomas H., xxx-xx-xxxx
Stewart, Thomas L., xxx-xx-xxxx
Stieglitz, Gilbert, xxx-xx-xxxx
Stiehl, Gustav H., xxx-xx-xxxx
Stober, Robert L., xxx-xx-xxxx
Stokes, Oliver C., xxx-xx-xxxx
Stong, Todd D., xxx-xx-xxxx
St Peter, Norman L., xxx-xx-xxxx
Street, Donald R., xxx-xx-xxxx
Strickland, David S., xxx-xx-xxxx
Striler, Raymond J., xxx-xx-xxxx
Stryjewski, Robert, xxx-xx-xxxx
Sughrue, Lawrence T., xxx-xx-xxxx
Sullivan, Milton L., xxx-xx-xxxx
Sundstrom, Carl F., xxx-xx-xxxx
Sutherland, Ian D., xxx-xx-xxxx
Sweet, George B., xxx-xx-xxxx
Swift, William D., xxx-xx-xxxx
Swing, Walter M., xxx-xx-xxxx
Szwarckop, Joseph D., xxx-xx-xxxx
Szydlo, Robert B., xxx-xx-xxxx
Szymczak, Robert W., xxx-xx-xxxx
Tallman, Harold S., xxx-xx-xxxx
Talmadge, Roger S., xxx-xx-xxxx
Taylor, Dell W., xxx-xx-xxxx
Taylor, John L., xxx-xx-xxxx
Taylor, Kenneth D., xxx-xx-xxxx
Taylor, Robert B., xxx-xx-xxxx
Teich, Harry C., xxx-xx-xxxx
Telenko, George J., xxx-xx-xxxx
Telfair, William D., xxx-xx-xxxx
Tempton, Willie A., xxx-xx-xxxx
Terrell, Douglas R., xxx-xx-xxxx
Terrell, Richard H., xxx-xx-xxxx
Theisen, David J., xxx-xx-xxxx
Thomas, Erle W., xxx-xx-xxxx
Thomas, Everett R., xxx-xx-xxxx
Thomas,John K., xxx-xx-xxxx
Thomas, John T., xxx-xx-xxxx
Thomas, Richard A., xxx-xx-xxxx
Thomas, Robert B., xxx-xx-xxxx
Thomas, Robert J., xxx-xx-xxxx
Thomas, Stanley E., xxx-xx-xxxx
Thompson, Owen R., xxx-xx-xxxx
Thompson, Robert A., xxx-xx-xxxx
Thompson, Robert W., xxx-xx-xxxx
Thompson, Stanley E., xxx-xx-xxxx
Thomson, John M., xxx-xx-xxxx
Thrasher, Carl D., xxx-xx-xxxx
Thrasher, Robert H., xxx-xx-xxxx
Tindall, James E., xxx-xx-xxxx
Tinsman, Robert B., xxx-xx-xxxx
Tippins, Gerald M., xxx-xx-xxxx
Tipton, James D., xxx-xx-xxxx
Tomlinson, Gene B., xxx-xx-xxxx
Torell, John P., xxx-xx-xxxx
Torres, Peter B., xxx-xx-xxxx
Toth, Joseph A., xxx-xx-xxxx
Towler, Horace J., xxx-xx-xxxx
Trainor, Francis E., xxx-xx-xxxx
Trammell, Johnny C., xxx-xx-xxxx
Trbovich,Tyrone M., xxx-xx-xxxx
Treadwell, David O., xxx-xx-xxxx
Trombley, Thomas H., xxx-xx-xxxx
Tryon, Michael A., xxx-xx-xxxx
Tucker, Billy D., xxx-xx-xxxx
Tucker, James E., xxx-xx-xxxx
Tumelson, Ronald A., xxx-xx-xxxx
Tumminello, Albert, xxx-xx-xxxx
Turcotte, Gerald V., xxx-xx-xxxx
Turley, James M., xxx-xx-xxxx
Turner, Harvey E., xxx-xx-xxxx
Tutor, Chester D., xxx-xx-xxxx
Ulrich, Charles H., xxx-xx-xxxx
Vachon, Raymond F., xxx-xx-xxxx
Vannes, Clayton L., xxx-xx-xxxx
Vanorden, James T., xxx-xx-xxxx
Varela, Louis Jr., xxx-xx-xxxx
Varnado, Charles B., xxx-xx-xxxx
Vasey, Dennis P., xxx-xx-xxxx
Vaughan, Bernard W., xxx-xx-xxxx
Veal, Monte R., xxx-xx-xxxx
Vejar, Ray J., xxx-xx-xxxx
Velezis, James A., xxx-xx-xxxx
Villarreal, Hector, xxx-xx-xxxx
Volta, Donald H., xxx-xx-xxxx
Vonhoene, John P., xxx-xx-xxxx
Vozka, David, xxx-xx-xxxx
Wagner, David W., xxx-xx-xxxx
Wagner, William J., xxx-xx-xxxx
Walden, John W., xxx-xx-xxxx
Walgren, William E., xxx-xx-xxxx
Walker, Gerald S., xxx-xx-xxxx
Walker, John A., xxx-xx-xxxx
Walker, John B., xxx-xx-xxxx
Walker, Neal R., xxx-xx-xxxx
Walker, Thomas M., xxx-xx-xxxx
Wall, Jerry K., xxx-xx-xxxx
Wallace, Kenneth M., xxx-xx-xxxx
Wallace, Roy V., xxx-xx-xxxx
Wallenborn, Frederick, xxx-xx-xxxx
Walter, Dennis I., xxx-xx-xxxx
Walters, Anderson H., xxx-xx-xxxx
Walters, David L., xxx-xx-xxxx
Walton, Bradford L., xxx-xx-xxxx
Wargo, Peter M., xxx-xx-xxxx
Warren, Robert J., xxx-xx-xxxx
Wasaff, Samuel K., xxx-xx-xxxx
Washburn, Curtis J., xxx-xx-xxxx
Washington, Thomas, xxx-xx-xxxx
Wasielewski, Joseph, xxx-xx-xxxx
Wass, De Czege H., xxx-xx-xxxx
Watkins, Leo F., xxx-xx-xxxx
Watts, Pitt M., xxx-xx-xxxx
Waynick, William C., xxx-xx-xxxx
Webb, James T., xxx-xx-xxxx
Webb, Quentin R., xxx-xx-xxxx
Weber, Howard F., xxx-xx-xxxx
Weigand, Gerald L., xxx-xx-xxxx
Weigand, Robert W., xxx-xx-xxxx
Weiss, Stephen R., xxx-xx-xxxx
Weisz, Paul J., xxx-xx-xxxx
Weitzel, Kenneth P., xxx-xx-xxxx
Wertz, Paul F., xxx-xx-xxxx
West, Kenneth M., xxx-xx-xxxx
Westbrook, James P., xxx-xx-xxxx
Wharton, Richard R., xxx-xx-xxxx
Wharton, Richard W., xxx-xx-xxxx
Whipple, William B., xxx-xx-xxxx
Whitaker, Bobby V., xxx-xx-xxxx
Whitaker, Chester J., xxx-xx-xxxx
White, David E., xxx-xx-xxxx
White, Howard J., xxx-xx-xxxx
Whitley, Lee R., xxx-xx-xxxx
Whitmore, Stanley E., xxx-xx-xxxx
Whitworth, William, xxx-xx-xxxx
Wigger, Lones W., xxx-xx-xxxx
Wilcox, John G., xxx-xx-xxxx
Wilder, John D., xxx-xx-xxxx
Wilhelm, Alfred D., xxx-xx-xxxx
Wilkins, George H., xxx-xx-xxxx
Willard, William B., xxx-xx-xxxx
Williams, Buford M., xxx-xx-xxxx
Williams, Donald L., xxx-xx-xxxx
Williams, John C., xxx-xx-xxxx
Williams, Robert T., xxx-xx-xxxx
Williams, Terrell R., xxx-xx-xxxx
Williams, Wade J., xxx-xx-xxxx
Williams, Warren B., xxx-xx-xxxx
Williamson, John G., xxx-xx-xxxx
Willis, Deral E., xxx-xx-xxxx
Willis, Mary C., xxx-xx-xxxx
Willis, Wayne D., xxx-xx-xxxx
Willis, William M., xxx-xx-xxxx
Wills, Edward L., xxx-xx-xxxx
Wilson, Dan M., xxx-xx-xxxx
Wilson, Edward E., xxx-xx-xxxx
Wilson, Lee B., xxx-xx-xxxx
Wilson, Ronald D., xxx-xx-xxxx
Wilson, Roy W., xxx-xx-xxxx
Windom, David L., xxx-xx-xxxx
Withers, Bruce A., xxx-xx-xxxx
Withers, Geoffrey D., xxx-xx-xxxx
Wolf, Robert L., xxx-xx-xxxx
Wood, Smythe J., xxx-xx-xxxx
Woodbury, Paul W., xxx-xx-xxxx
Woods, Sanderson A., xxx-xx-xxxx
Woodward, James K., xxx-xx-xxxx
Word, Larry E., xxx-xx-xxxx
Wright, James A., xxx-xx-xxxx
Wright, Wayne W., xxx-xx-xxxx
Wykle, Kenneth R., xxx-xx-xxxx
Yamashita, Ted K., xxx-xx-xxxx
Yankoupe, Roger F., xxx-xx-xxxx
Yates, Carl W., xxx-xx-xxxx
Yates, Walter H., xxx-xx-xxxx
Yearout, Robert D., xxx-xx-xxxx
York, Steven W., xxx-xx-xxxx
Young, Alvin D., xxx-xx-xxxx
Young, Frank R., xxx-xx-xxxx
Young, Robert A., xxx-xx-xxxx
Young, Thomas F., xxx-xx-xxxx
Youngblood, David T., xxx-xx-xxxx
Zachar, Frank, xxx-xx-xxxx
Zeamer, Aaron C., xxx-xx-xxxx
Zelez, Gordon N., xxx-xx-xxxx
Zenker, Ernest G., xxx-xx-xxxx
Zetterberg, Robert, xxx-xx-xxxx
Zike, John E., xxx-xx-xxxx
Zimmerman, Guy G., xxx-xx-xxxx
Zmuida, Paul T., XXXX
Zugel, Raymond J., xxx-xx-xxxx
Zwicker, Gary L., xxx-xx-xxxx

CHAPLAIN CORPS

To be lieutenant colonel

Acker, Raymond A., xxx-xx-xxxx
Anderson, Joseph K., xxx-xx-xxxx
Autry, Jerry D., xxx-xx-xxxx
Beeson, Donald C., xxx-xx-xxxx
Bindner, Charles J., xxx-xx-xxxx
Breland, Don C., xxx-xx-xxxx
Bykowski, Norbert H., xxx-xx-xxxx
Carmichael, Galvin, xxx-xx-xxxx
Carter, William T., xxx-xx-xxxx
Chance, Ernest L., xxx-xx-xxxx
Confroy, Thomas J., xxx-xx-xxxx
Conroy, Charles A., xxx-xx-xxxx
Craig, James M., xxx-xx-xxxx
Davis, Donald R., xxx-xx-xxxx
Dawson, Donald R., xxx-xx-xxxx
Dombrowski, Robert, xxx-xx-xxxx
Dyba, Anthony, xxx-xx-xxxx
Ellsworth, Arnold T., xxx-xx-xxxx
Gardner, Elijah H., xxx-xx-xxxx
Harbour, William D., xxx-xx-xxxx
Hunt, Henry L., xxx-xx-xxxx
Ivey, Billy F., xxx-xx-xxxx
Johnson, Howard W., xxx-xx-xxxx
Jones, Emlyn H., xxx-xx-xxxx
Kent, David W., xxx-xx-xxxx
Keutzer, Walter J., xxx-xx-xxxx
King, Wayne C., xxx-xx-xxxx
Lamb, Eugene V., xxx-xx-xxxx
Magruder, Joseph W., xxx-xx-xxxx
Maness, Tracy A., xxx-xx-xxxx
McCormick, Joseph D., xxx-xx-xxxx
Miller, Thomas L., xxx-xx-xxxx
Nass, Bernard F., xxx-xx-xxxx
Nygaard, Spencer M., xxx-xx-xxxx
Peterson, David P., xxx-xx-xxxx

Rakestraw, John A., xxx-xx-xxxx.
Roberts, Archie T., xxx-xx-xxxx.
Rogers, Malcolm W., xxx-xx-xxxx.
Schmidt, Ardon O., xxx-xx-xxxx.
Schneider, Harold D., xxx-xx-xxxx.
Schumacher, John W., xxx-xx-xxxx.
Shackelford, Edgar, xxx-xx-xxxx.
Shea, Donald W., xxx-xx-xxxx.
Smith, William T., xxx-xx-xxxx.
Steffey, Chester R., xxx-xx-xxxx.
Stock, Joseph E., xxx-xx-xxxx.
Webb, Arthur M., xxx-xx-xxxx.
White, Donald E., xxx-xx-xxxx.
Williams, David W., xxx-xx-xxxx.
Wolcott, Charles H., xxx-xx-xxxx.

JUDGE ADVOCATE GENERAL CORPS

To be lieutenant colonel

Aldinger, Robert R., xxx-xx-xxxx.
Armstrong, Henry J., xxx-xx-xxxx.
Beans, Harry C., xxx-xx-xxxx.
Berry, Robert H., xxx-xx-xxxx.
Brookshire, Robert, xxx-xx-xxxx.
Carroll, Bartlett J., xxx-xx-xxxx.
Craig, David B., xxx-xx-xxxx.
Cundick, Ronald P., xxx-xx-xxxx.
Deka, David J., xxx-xx-xxxx.
Franks, Mitchell D., xxx-xx-xxxx.
Herkenhoff, Walter, xxx-xx-xxxx.
Kieffer, Joseph S., xxx-xx-xxxx.
McHardy, John A., xxx-xx-xxxx.
McNeill, Robert H., xxx-xx-xxxx.
Nydegger, Neil K., xxx-xx-xxxx.

MEDICAL SERVICE CORPS

To be lieutenant colonel

Alba, Ricardo, xxx-xx-xxxx.
Amos, William H., xxx-xx-xxxx.
Arkinson, Thomas E., xxx-xx-xxxx.
Augsburger, Wilson, xxx-xx-xxxx.
Baldwin, Kenneth, xxx-xx-xxxx.
Barbour, Martin W., xxx-xx-xxxx.
Bell, George T., xxx-xx-xxxx.
Bellinger, Henry R., xxx-xx-xxxx.
Beman, Charles E., xxx-xx-xxxx.
Bennett, Winston R., xxx-xx-xxxx.
Berry, Walter L., xxx-xx-xxxx.
Betasso, Joseph J., xxx-xx-xxxx.
Biggs, Barry L., xxx-xx-xxxx.
Bowen, Gail O., xxx-xx-xxxx.
Cammarata, Frank A., xxx-xx-xxxx.
Candelaria, John J., xxx-xx-xxxx.
Casey, Thomas D., xxx-xx-xxxx.
Childers, Leon W., xxx-xx-xxxx.
Clark, Jerald D., xxx-xx-xxxx.
Cloke, Robert R., xxx-xx-xxxx.
Colbert, Bill N., xxx-xx-xxxx.
Collins, Robert P., xxx-xx-xxxx.
Colvin, John D., xxx-xx-xxxx.
Conner, Johnny L., xxx-xx-xxxx.
Craft, Jimmie L., xxx-xx-xxxx.
Deck, Howard R., xxx-xx-xxxx.
Dorsey, Philip L., xxx-xx-xxxx.
Gayagas, Edwin J., xxx-xx-xxxx.
Gilliam, Frank H., xxx-xx-xxxx.
Gordon, Thomas J., xxx-xx-xxxx.
Grimes, Thomas F., xxx-xx-xxxx.
Hacker, Helmut F., xxx-xx-xxxx.
Halvorson, Gerald W., xxx-xx-xxxx.
Hammond, George E., xxx-xx-xxxx.
Harrington, Jack O., xxx-xx-xxxx.
Hausler, George W., xxx-xx-xxxx.
Hays, Walter R., xxx-xx-xxxx.
Heimendinger, Richard, xxx-xx-xxxx.
Herber, William E., xxx-xx-xxxx.
Hilliard, Robert W., xxx-xx-xxxx.
Hood, Ronald N., xxx-xx-xxxx.
Hunsaker, Ronald T., xxx-xx-xxxx.
Iber, Peter K., xxx-xx-xxxx.
Johnson, Michael L., xxx-xx-xxxx.
Johnson, Reginald D., xxx-xx-xxxx.
Judy, Richard B., xxx-xx-xxxx.
Kearns, James R., xxx-xx-xxxx.
Kishimoto, Richard, xxx-xx-xxxx.
Kovach, Frank J., xxx-xx-xxxx.
Kullbom, Merrill C., xxx-xx-xxxx.
Lacey, Donald A., xxx-xx-xxxx.
Laible, James P., xxx-xx-xxxx.
Lelesch, John H., xxx-xx-xxxx.
Loucks, James R., xxx-xx-xxxx.
Lynch, James N., xxx-xx-xxxx.
Lynch, Jeffrey G., xxx-xx-xxxx.
Martin, Mathis G., xxx-xx-xxxx.
McEntire, Ferd W., xxx-xx-xxxx.
McGarry, Joseph J., xxx-xx-xxxx.
McKinster, Lowell, xxx-xx-xxxx.
McNeill, Douglas W., xxx-xx-xxxx.
Meade, William C., xxx-xx-xxxx.
Montgomery, Gordon, xxx-xx-xxxx.
Myles, Donald A., xxx-xx-xxxx.
Newberry, Willis M., xxx-xx-xxxx.
Norris, Lawrence J., xxx-xx-xxxx.
Obarr, Billy J., xxx-xx-xxxx.
Oppenneer, Keith D., xxx-xx-xxxx.
Palmer, William W., xxx-xx-xxxx.
Parsons, Ray E., xxx-xx-xxxx.
Pedersen, Carl E., xxx-xx-xxxx.
Pinson, Robert H., xxx-xx-xxxx.
Reinert, John F., xxx-xx-xxxx.
Rexrode, Robert W., xxx-xx-xxxx.
Robinson, Jack M., xxx-xx-xxxx.
Rose, Robert D., xxx-xx-xxxx.
Rose, Walter E., xxx-xx-xxxx.
Rosenbleeth, Milton, xxx-xx-xxxx.
Roussin, Robert D., xxx-xx-xxxx.
Rowlette, Lemuel A., xxx-xx-xxxx.
Sawyer, James R., xxx-xx-xxxx.
Schiefer, Bernard A., xxx-xx-xxxx.
Severson, Joel S., xxx-xx-xxxx.
Shannon, Sam, Jr., xxx-xx-xxxx.
Shelton, Edward J., xxx-xx-xxxx.
Silverstein, Herman, xxx-xx-xxxx.
Smart, William F., xxx-xx-xxxx.
Soberg, David A., xxx-xx-xxxx.
Soule, James L., xxx-xx-xxxx.
Strachan, Richard J., xxx-xx-xxxx.
Stutz, Douglas R., xxx-xx-xxxx.
Svoboda, Benjamin D., xxxx
Thomas, Charles E., xxx-xx-xxxx.
Thompson, Dale L., xxx-xx-xxxx.
Thompson, Sarah V., xxx-xx-xxxx.
Thornton, Joseph A., xxx-xx-xxxx.
Trick, George J., xxx-xx-xxxx.
Truscott, James J., xxx-xx-xxxx.
Turner, Milton E., xxx-xx-xxxx.
Wade, Douglas E., xxx-xx-xxxx.
Walker, James O., xxx-xx-xxxx.
Waters, Henry J., xxx-xx-xxxx.
Weiss, James W., xxx-xx-xxxx.
Whitehouse, Roy L., xxx-xx-xxxx.
Williams, Jewel L., xxx-xx-xxxx.
Wilt, Chester F., xxx-xx-xxxx.
Woods, Lawrence R., xxx-xx-xxxx.
Yoder, William G., xxx-xx-xxxx.

ARMY MEDICAL SPECIALISTS CORPS

To be lieutenant colonel

Braswell, Leroy J., xxx-xx-xxxx.
French, William C., xxx-xx-xxxx.
Gilbert, Bobby L., xxx-xx-xxxx.
Haley, Donald L., xxx-xx-xxxx.
Lewis, Gerald H., xxx-xx-xxxx.
Lopez, Sarah D., xxx-xx-xxxx.
Lott, Merjoery P., xxx-xx-xxxx.
Miller, Sharon L., xxx-xx-xxxx.
Ong, Harry M., xxx-xx-xxxx.
Richard, Ida, xxx-xx-xxxx.
Sudduth, Dora M., xxx-xx-xxxx.
Swanson, John A., xxx-xx-xxxx.

VETERINARY CORPS

To be lieutenant colonel

Brown, John L., xxx-xx-xxxx.
Ervin, John T., xxx-xx-xxxx.
Goldsboro, Jerome A., xxx-xx-xxxx.
Hall, Robert D., xxx-xx-xxxx.
Lupton, Harold W., xxx-xx-xxxx.
McSweeney, Richard, xxx-xx-xxxx.
Mellick, Paul W., xxx-xx-xxxx.
Montrey, Richard D., xxx-xx-xxxx.
Peace, Theopolis, xxx-xx-xxxx.

ARMY NURSE CORPS

To be lieutenant colonel

Ashjian, Ann N., xxx-xx-xxxx.
Brice, Betty, xxx-xx-xxxx.
Cherrington, Raymond, xxx-xx-xxxx.
Clutter, Leanna M., xxx-xx-xxxx.
Coggin, Laura J., xxx-xx-xxxx.
Cohen, Marsha H., xxx-xx-xxxx.
Crowell, Harold R., xxx-xx-xxxx.
Croy, Gail, xxx-xx-xxxx.
Cusick, Judith M., xxx-xx-xxxx.
Dunphy, William J., xxx-xx-xxxx.
Ferington, Felicitus E., xxx-xx-xxxx.
Finn, Elizabeth P., xxx-xx-xxxx.
Flechaagosto, Maria, xxx-xx-xxxx.
Foley, Mary D., xxx-xx-xxxx.
Gabbert, Kenneth K., xxx-xx-xxxx.
Gensler, Ivonna B., xxx-xx-xxxx.
Gibbons, Jack E., xxx-xx-xxxx.
Golden, Raymond L., xxx-xx-xxxx.
Goldsmith, Marie L., xxx-xx-xxxx.
Gordon, Jacqueline, xxx-xx-xxxx.
Gortner, A. Elizabeth, xxx-xx-xxxx.
Grubb, Melvin W., xxx-xx-xxxx.
Guynn, Horace W., xxx-xx-xxxx.
Jorgenson, Shirley, xxx-xx-xxxx.
Kral, Thomas E., xxx-xx-xxxx.
Kuhn, Patricia A., xxx-xx-xxxx.
Land, Margaret A., xxx-xx-xxxx.
Lary, Maurice H., xxx-xx-xxxx.
Massimono, Joseph J., xxx-xx-xxxx.
McDunnah, Carlyle D., xxx-xx-xxxx.
McKinney, Janet L., xxx-xx-xxxx.
McQuail, Claire M., xxx-xx-xxxx.
Nooney, Nancy N., xxx-xx-xxxx.
O'Neil, Marie R., xxx-xx-xxxx.
Palmer, Monica B., xxx-xx-xxxx.
Scoville, Beverly V., xxx-xx-xxxx.
Snell, Frank W., xxx-xx-xxxx.
Snyder, Helen R., xxx-xx-xxxx.
Strieper, Gerard E., xxx-xx-xxxx.
Sylvester, Marilyn, xxx-xx-xxxx.
Umphenour, Jo H., xxx-xx-xxxx.
Washington, Lawrence, xxx-xx-xxxx.
Wonpat, Jacqueline, xxx-xx-xxxx.

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

Alonzo Lowry McDonald, Jr., of Connecticut, to be a Deputy Special Representative for Trade Negotiations, with the rank of Ambassador, vice William N. Walker.

IN THE NAVY

The following-named Air Force cadets to be permanent ensigns in the line of the U.S. Navy, subject to the qualifications therefor as provided by law:

Joseph M. Carwile.
Thomas J. Beauclair.
John T. Gwynn.

The following-named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to the qualifications therefor as provided by law:

Monecia R. Enos
Charles W. Mallory
Richard H. Payne
John B. Rafto
Thomas D. Samford IV

The following-named Navy enlisted scientific education program candidate to be a permanent ensign in the line or staff corps of the Navy, subject to the qualifications therefor as provided by law:

Michael A. Shaw.

The following-named temporary chief warrant officer to be appointed a permanent chief warrant officer, W–2, in the U.S. Navy, subject to the qualifications therefor as provided by law:

*CWO2 James R. Roles, U.S. Navy.

The following-named (chief warrant officer (retired)) to be reappointed from the temporary disability retired list as a permanent chief warrant officer, W–4, in the U.S. Navy, subject to the qualifications therefor as provided by law:

CWO4 William C. Hollingsworth, U.S. Navy (retired).

The following-named temporary chief warrant officer to be appointed a lieutenant (junior grade) in the U.S. Navy, for limited duty, for temporary service, in the classifi-

*Appointment sent out ad interim (during the recess of the Senate) May 28–June 5, 1977.

cation indicated, subject to the qualifications therefor as provided by law:

*CWO2 James R. Roles, U.S. Navy Avionics.

The following-named enlisted candidate to be appointed a chief warrant officer, W–2, in the U.S. Navy, for temporary service, subject to the qualifications therefor as provided by law:

*HMCM Gayle H. Damstrom, U.S. Navy.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 21, 1977:

DEPARTMENT OF JUSTICE

James J. Gillespie, of Washington, to be U.S. attorney for the eastern district of Washington for the term of 4 years.

Joseph F. Dolan, of Colorado, to be U.S. attorney for the district of Colorado for the term of 4 years.

Charles E. Graves, of Wyoming, to be U.S. attorney for district of Wyoming for the term of 4 years.

Hubert T. Taylor, of West Virginia, to be U.S. marshal for the northern district of West Virginia for the term of 4 years.

DEPARTMENT OF DEFENSE

Hans Michael Mark, of California, to be Under Secretary of the Air Force.

Walter Barber LaBerge, of Virginia, to be Under Secretary of the Army.

Antonia Handler Chayes, of Massachusetts, to be Assistant Secretary of the Air Force.

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

Edward L. Filippine, of Missouri, to be U.S. district judge for the eastern district of Missouri.

IN THE AIR FORCE

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Charles A. Gabriel, xxx-xx-xxxx xxx-...FR (brigadier general, Regular Air Force), U.S. Air Force.

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of chapters 35, 831, and 837, title 10, United States Code:

To be major general

Brig. Gen. Robert E. Buechler, xxx-xx-xxxx xxx-...GG, Air National Guard of the United States

To be brigadier general

Col. Ervin H. Bucher, xxx-xx-xxxx FG, Air National Guard of the United States

Col. James E. Darst, Jr. xxx-xx-xxxx FG, Air National Guard of the United States

Col. Donald W. Forney, xxx-xx-xxxx FG, Air National Guard of the United States

Col. Orlando Llenza, xxx-xx-xxxx FG, Air National Guard of the United States

Col. Ralph A. Skowron, xxx-xx-xxxx FG, Air National Guard of the United States

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be general

Lt. Gen., Sam Sims Walker, xxx-xx-xxxx, Army of the United States (major general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Thomas Howard Tackaberry, xxx-xx-xxxx U.S. Army.

The following-named officers for appointment in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general

Maj. Gen. Richard H. Thompson, xxx-xx-x... xxx-... Army of the United States (colonel, U.S. Army).

Maj. Gen. William E. Eicher, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Richard L. Harris, xxx-xx-xxxx, Army of the United States (colonel U.S. Army).

Brig. Gen. James G. Boatner, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Lt. Gen. Edward C. Meyer, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. William R. Richardson, xxx-xx-x... xxx-... Army of the United States (colonel, U.S. Army).

Brig. Gen. Edward A. Partain, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Roscoe Robinson, Jr., xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Maj. Gen. Alexander M. Weyand, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Maj. Gen. Robert G. Yerks, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. James M. Rockwell, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Albert B. Akers, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Ernest D. Peixotto, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Morris J. Brady xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Wesley E. Peel, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Benjamin L. Harrison, xxx-xx-xxxx xxx-x... Army of the United States (colonel, U.S. Army).

Brig. Gen. Donald E. Rosenblum, xxx-xx-xxxx xxx-x... Army of the United States (colonel U.S. Army).

Maj. Gen. Charles C. Rogers, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Paul S. Williams, Jr., xxx-xx-xx... xxx-... Army of the United States (colonel, U.S. Army).

Maj. Gen. Richard E. Cavazos, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. John N. Brandenburg, xxx-xx-x... xxx-x... Army of the United States (colonel, U.S. Army).

Maj. Gen. Oscar C. Decker, Jr., xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. John K. Stoner, Jr., xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Maj. Gen. Emmett W. Bowers, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. William I. Rolya, xxx-xx-xxxx, Army of the United States (colonel, U.S. Army).

Brig. Gen. Story C. Stevens, xxxx Army of the United States (colonel, U.S. Army).

Brig. Gen. Sampson H. Bass, Jr., xxx-xx-x... xxx-... Army of the United States (colonel, U.S. Army).

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Frank Ambler Camm (age 55), xxx-xx-xxxx Army of the United States (major general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. John Royster Thurman, III, xxx-... xxx-xx-x..., U.S. Army).

IN THE NAVY

Adm. David H. Bagley, U.S. Navy (age 56), for appointment to the grade of admiral on the retired list, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. Shannon D. Cramer, Jr., U.S. Navy (age 55), for appointment to the grade of vice admiral on the retired list pursuant to the provisions of title 10, United States Code, section 5233.

IN THE AIR FORCE

Air Force nominations beginning Maj. Gene A. Budig, to be lieutenant colonel, and ending Maj. Patricia A. Chalcraft, to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 11, 1977.

IN THE NAVY

Navy nominations beginning Timothy M. Aspery, to be ensign, and ending John R. Dooley, to be commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 23, 1977.

IN THE MARINE CORPS

Marine Corps nominations beginning Vincent P. Andaloro, to be colonel, and ending Frank W. Ziegler, Jr., to be colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 11, 1977.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

(Statements in connection with bills and joint resolutions introduced today are as follows:)

By Mr. NELSON:

S. 1902. A bill to amend the Social Security Act and the Internal Revenue Code of 1954 to strengthen the financing of the social security system, to reduce the effect of wage and price fluctuation on the system's benefit structure, and to eliminate from that system gender-based distinctions; to the Committee on Finance.

SOCIAL SECURITY FINANCING

Mr. NELSON. Mr. President, today I am introducing President Carter's proposal to restore the financial soundness of the social security system. Secretary of Health, Education, and Welfare Joseph Califano requested that I introduce this bill on behalf of the administration.

On May 9, 1977, President Carter sent a message to Congress containing a number of proposals to solve the financing problems of the social security system.

This legislation—the "Social Security Financing, Benefit Indexing, and Equal Rights Amendments of 1977"—embodies the President's legislative package.

Right now, the social security trust funds are not in balance. Expenditures from the social security trust funds outpace the amount of income to them.

There are, in fact, two shortfalls in the cash benefits programs: a short-term deficit caused by recent economic conditions—excessive unemployment and high inflation—and a long-term deficit caused by changing economic and demographic projections used for the actuarial estimates and by an unintended over-adjustment for inflation approved by Congress in 1972.

According to the 1977 social security trustees report, income to the old age and survivors trust fund and to the disability insurance trust fund is inadequate to meet future benefits. When the reserves in these trust funds run out, there will not be adequate amounts of income to these trust funds to meet obligations to beneficiaries. The reserves in the old age and survivors insurance program will be depleted by 1983, and the disability insurance reserve will be exhausted by 1979.

Expressed another way, $83 billion in additional funds are needed by 1982 to maintain the present social security program on an actuarially sound basis.

These immediate financial shortfalls are compounded by the projected long-term deficits. In the 75-year period ending in 2051, the long-run average deficit for the cash benefits programs is estimated at 8.2 percent of taxable payroll. This is equivalent to $66 billion a year if based on 1977 constant dollars.

Mr. President, the social security system touches the lives of virtually every American family. Presently 33 million Americans receive social security benefits, and some 107 million Americans pay taxes to support the trust funds. It is imperative that Congress take swift action to restore public confidence in the social security system—support that has been shaken by reports of mounting deficits.

The social security system cannot afford to have the American people, who are contributing or have contributed their hard-earned dollars every payday, question the soundness of the program. The social security system cannot afford to have millions of older Americans and disabled persons worry about whether their monthly checks will arrive on time and in the amounts to which they are entitled. The social security system cannot afford to have American workers doubt whether they and their families can depend upon receiving social security benefits when they retire, become disabled, or die leaving dependents.

The administration's legislative program is a comprehensive package of proposals that deals with the immediate financing problems, as well as with the long-term deficits, confronting the social security system. It is a plan that goes to the very heart of the problems threatening the future stability of one of this Nation's most important and enduring institutions. This legislation would restore the financial soundness of the social security system by:

Instituting a counter-cyclical system of financing from general revenues which would replace the social security taxes that are lost when the national unemployment rate exceeds 6 percent.

Removing the ceiling on the amount of an individual's wage or salary on which the employer pays social security taxes. The wage base would be increased in three annual steps beginning in 1979.

Restoring the basic old age, survivors and disability insurance—OASDI—social security tax that is paid by the self-employed to the traditional rate of 1½ times the tax on employees.

Making shifts in funds among the Hospital Insurance and OASDI trust funds.

Imposing increases in the amount of wage or salary on which an employee must pay social security tax. The increase would be $600 in each of 4 future years, 1979, 1981, 1983, and 1985.

Changing the test of whether an individual may claim social security benefits as a dependent, in conformity with recent Supreme Court decisions requiring men and women to be treated equally.

Correcting the excessive adjustment for inflation which was inadvertently applied to future social security benefits.

Advancing to 1985 one-quarter of the 1 percent increase in the OASDI tax which is currently scheduled to go into effect in 2011 and advancing the remaining three-quarters of 1 percent to 1990.

Of these various proposals, two are of particular significance: Using general revenues to help finance the social security trust funds during periods of excessive unemployment and removing the ceiling on the amount of an individual's wage or salary on which the employer pays social security taxes. These two proposals, more so than any of the others, would establish landmarks in the social security law if adopted by Congress.

Until this time, general revenues have not generally been used to finance the social security cash benefits programs, nor the hospital insurance program. And the wage base upon which employers pay social security payroll taxes thus far has been equal to the wage base upon which workers contribute their share of the payroll tax. This legislation would modify the traditional method of financing the social security benefits programs.

Mr. President, the social security system has been the subject of a great deal of debate over the past few years. Some people have questioned the effectiveness of the social security programs in satisfying the needs of our population, while others have concentrated on both the immediate and long-term financial problems of maintaining the programs now in effect. But these two issues cannot be discussed alone, one without the other, because each is a crucial part of the problem as well as the solution. A discussion of financing the social security trust funds is inextricably linked to a discussion of the adequacy and amount of benefits to be provided.

The administration's bill has comprehensively addressed each of these issues, and it would make the following assurances to the American people:

Revenues taken into the social security trust funds would exceed expenditures from them beginning in 1978.

The exhaustion of the disability insurance trust fund, which would otherwise occur in 1979, would be prevented.

The depletion of the OASDI trust fund, which would otherwise occur in 1983, would be prevented.

There would be no immediate tax rate increases—beyond those already written into the law—on an employee's wages.

The threat of impairing economic recovery this year and next would be averted by postponing any form of increased social security tax until 1979.

Adequate balances in the trust funds would be achieved by 1982.

The social security program would be placed in full actuarial balance through the beginning of the next century.

The remaining deficit facing the social security system in the next century would be manageable so as not to place an inordinate burden on future generations.

Benefit payments to retired persons, disabled workers, and dependents would be safeguarded from any threat of reductions or late payments.

The Senate Finance Subcommittee on Social Security, of which I am chairman, thus far has held 5 days of hearings on the President's social security package. Administration witnesses, including the Secretary of Health, Education, and Welfare and the Commissioner of Social Security, have presented testimony to the subcommittee, and witnesses representing a wide diversity of interests—business, labor, the insurance industry, small businesses, social security experts, State and local governments, and public interest groups—also have testified. Additional hearings may be necessary to complete consideration of the administration's refinancing plan.

One thing is very certain. No matter what mechanism is used to compensate for the social security deficits, any proposal or set of proposals which impose new taxes or change the status quo inevitably will be extremely controversial. The administration has proposed a plan that will assure that the social security trust funds will not go bankrupt. Those who oppose the program, or who seek modification of it, bear the responsibility of meeting the objectives sought by President Carter.

Action should be taken this year to assure American workers and beneficiaries of a secure and solvent system, which can be relied upon to meet its obligations now as well as in the future. As chairman of the Senate Finance Subcommittee on Social Security, it is my intention to move forward on a bill this year.

The legislation I am introducing today is organized into three titles:

Title I of the bill—the Social Security Financing Amendments of 1977—increases the income to the trust funds over the short- and long-term.

Title II of the bill—the Social Security Benefit Indexing Amendments of 1977—stabilizes the rates at which social security benefits replace income that is lost because of retirement, death, or disability.

Title III of the bill—the Social Security Equal Rights Amendments of 1977—eliminates gender-based distinctions from title II of the Social Security Act.

Mr. President, the Department of Health, Education, and Welfare has prepared a sectional analysis of this legislation, and I ask unanimous consent that this summary be printed in the RECORD.

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

SECTIONAL SUMMARY OF SOCIAL SECURITY FINANCING, BENEFIT INDEXING, AND EQUAL RIGHTS AMENDMENTS OF 1977

SHORT TITLE OF DRAFT BILL

Section 1 of the draft bill would provide the short title of the bill—the "Social Security Financing, Benefit Indexing, and Equal Rights Amendments of 1977."

TITLE I—PROVISIONS TO IMPROVE THE FINANCING OF THE OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS

SHORT TITLE OF TITLE I

Section 101 of the draft bill would provide the short title I—the "Social Security Financing Amendments of 1977".

CONSTRUCTION FROM THE GENERAL FUND OF THE TREASURY OF THE SOCIAL SECURITY TRUST FUNDS FOR YEARS OF EXCEPTIONALLY HIGH UNEMPLOYMENT

Section 102 of the bill would amend section 201 of the Social Security Act to provide for compensating the social security trust funds for social security tax receipts lost as a result of unemployment rates in excess of 6 percent.

The new subsection 201(j) would provide that on or before July 1 of each calendar year immediately succeeding a calendar year in which the average rate of unemployment has exceeded 6 percent, the Secretary of the Treasury would transfer to the Old-Age and Survivors Insurance, Disability Insurance, and Hospital Insurance Trust Funds an amount equal to three times the amounts appropriated and/or deposited in the three funds in the preceding calendar year, multiplied by the number of whole one-tenth percentage points, divided by one thousand, by which the average rate of unemployment exceeded 6 percent in the preceding calendar year. (The multiplier is derived from what is known in economic theory as "Okun's law," which relates each percentage point increase in unemployment to a 3 percent decrease in the gross national product.)

The amounts so transferred would be apportioned among the trust funds in the same proportions as the amounts appropriated to and deposited in the trust funds in that preceding the new subsection would be deemed effective on January 1, 1976. Transfers that would have been made in calendar years 1976 or 1977 are to be made in three equal installments, the first within 30 days after enactment, the second by June 30, 1979, and the third by June 30, 1980. No transfers could be made under the subsection with respect to unemployment for any calendar year after 1982 (i.e., no transfer could be made after 1983).

APPLICATION OF EMPLOYER EXCISE TAX TO WAGES IN EXCESS OF CONTRIBUTION AND BENEFIT BASE

Section 103 of the bill would amend section 230(c) of the Act, and sections 3111(a), 3111(b), 3121(a), and 3221(a) of the Internal Revenue Code gradually to impose the employer portion of the Federal Insurance Contributions Act tax on the entire compensation of employees in covered employment (including employment covered by the railroad retirement acts). For these purposes, the taxable earnings base would be increased to $23,400 and $37,500 with respect to remuneration paid during calendar years 1979 and 1980, respectively, and would be removed as a limit, with respect to employer contributions in regard to annual compensation of their employees, for years after 1980.

INCREASE IN CONTRIBUTION AND BENEFIT BASE FOR EMPLOYEES

Section 104 of the bill would increase the current $16,500 contribution and benefit base for employees, above what it would otherwise be after automatic increases expected in future years under current law, by $600 in each of the four calendar years 1979, 1981, 1983, and 1985.

ADVANCE OF PLANNED EMPLOYMENT TAX INCREASE; INCREASE IN SELF-EMPLOYMENT TAX; REALLOCATION AMONG TRUST FUNDS

Section 105 would amend current law as follows:

OASDI tax rates for employees and employers (sections 3101(a) and 3111(a) of the Internal Revenue Code of 1954):

[Percent]

	Current rate	New rate
1977	4.95	4.95
1978–80	4.95	5.05
1981–84	4.95	5.15
1985–89	4.95	5.40
1990–2010	4.95	6.15
2011 and after	5.95	6.15

Hospital insurance tax rates for employees, employers, and the self-employed (sections 3101(b), 3111(b), and 1401(b) of the Internal Revenue Code of 1954):

[Percent]

	Current rate	New rate
1977	0.90	0.90
1978–80	1.10	1.00
1981–85	1.35	1.15
1986 and after	1.50	1.30

OASDI tax rates for the self-employed (section 1401(a) of the Internal Revenue Code of 1954):

[Percent]

	Current rate	New rate
1977	7.00	7.00
1978	7.00	7.10
1979–80	7.00	7.60
1981–84	7.00	7.70
1985–89	7.00	8.10
1990 and after	7.00	9.20

Allocation of wage tax rate to Disability Insurance Trust Fund (section 201(b)(1) of the Social Security Act).

[Percent]

	Current allocation	New allocation
1977	1.15	1.15
1978–80	1.20	1.50
1981–82	1.30	1.60
1983–85	1.30	1.70
1986–89	1.40	1.85
1990–2010	1.40	2.30
2011 and after	1.70	2.30

Allocation of self-employment tax rate to Disability Insurance Trust Fund (section 201(b)(2) of the Social Security Act).

[Percent]

	Current allocation	New allocation
1977	0.815	0.815
1978	0.850	1.055
1979–80	0.850	1.130
1981–82	0.920	1.200
1983–85	0.920	1.270
1986–89	0.990	1.390
1990–2010	0.990	1.720
2011 and after	1.000	1.720

TITLE II—STABILIZATION OF INCOME REPLACEMENT RATES IN THE OLD-AGE AND DISABILITY INSURANCE PROGRAMS

SHORT TITLE OF TITLE II

Section 201 of the draft bill provides for it to be cited as the "Social Security Benefit Indexing Amendments of 1977".

COMPUTATION OF PRIMARY INSURANCE AMOUNT

Section 202(a) of the bill would amend section 215(a) of the Social Security Act as follows:

Section 215(a)(1) of the Act, as so amended, would establish the formula for computing the primary insurance amount of individuals (described in section 215(a)(3)) to whom the amended section applies. Here is the formula:

Subparagraph (A) of Section 215(a)(1) would set the primary insurance amount (hereinafter "PIA") as the sum of three amounts: 94 percent, 34 percent, and 16 percent of different portions of an insured individual's "average indexed monthly earnings" or AIME.

Subparagraph (B)(i) would establish these AIME portions for 1979: The first portion (to which the 94 percent applies) would be $180; the second portion (to which the 34 percent applies) would be the next $895 of AIME; and the third portion would be the remainder of the individual's AIME.

Subparagraph (B)(ii) would index these 1979 AIME portions to subsequent year increases in the national average wage. This indexing would be accomplished by multiplying the 1979 AIME portions, set out in subparagraph (B)(i), by a fraction whose numerator is the national average wage for the second calendar year preceding the calendar year for which the determination is made, and whose denominator is the national average wage for calendar year 1977. (The final amount would be rounded, by subparagraph (B)(iii), to the nearest $5.00.)

Subparagraph (b)(iv) would specify that the AIME portions to be used in determining an individual's PIA are those established under subparagraph (B) for use in the year in which the individual initially becomes entitled to an old-age insurance benefit, or (if earlier) becomes disabled or dies. In all cases that year, as provided by subparagraph (B)(ii)(I), that year will be the second calendar year preceding the calendar year for which the determination is made.

Subparagraph (C) would establish minimum PIA's. In substance, these are to be the minimums of current law, *i.e.*, $9.00 multiplied by the individual's years of coverage in excess of 10 (the present section 215(a)(3)), and the current minimum benefit amount increased to $120.60 in anticipation of cost-of-living increases to 1979. This latter minimum, like its present-law counterpart, would be subject to adjustment by changes in the Consumer Price Index. The subparagraph's definition of "years of coverage" for purposes of the $9.00 minimum is that of existing law.

Subparagraph (D) would direct the Secretary to publish in the Federal Register, on or before November 1 of each calendar year after 1978, the PIA computational formula (to be applied to AIME, established by subsection (b), infra, for indexing wages) that is to be effective for the following year, and the average wages on which it is based. With the initial publication of that information, the Secretary would also publish all average wage data for years after 1950

Section 215(a)(2) conforms to the new section 215 structure a portion of current section 215(a), applicable to certain disability beneficiaries, but with modifications. In substance, current law provides that an individual entitled to a disability insurance benefit prior to his death, his entitlement to old-age insurance benefits, or his attainment of age 65, continues after any of those

events to retain the PIA used to determine his disability benefit or, if greater than that PIA, the special minimum PIA (which, in the future, would be computed under the previously described paragraph (1)(C)(i)(III)). As modified, the provision would convert a disability beneficiary's PIA into a PIA for OASI purposes if the beneficiary had been entitled to disability benefits for any of the 12 months before the month of his OASI entitlement, DI reentitlement, or death. The converted PIA would be increased by intervening cost-of-living increases. Also, with respect to all disability cases, an individual's disability PIA would be established as the minimum PIA that would be determined with respect to the individual's future entitlement to old-age insurance benefits, disability insurance benefits based upon a new period of disability, or death.

Section 215(a)(3) would establish the categories of individuals to whom the new PIA computation applies, as follows:

Subparagraph (A)(i) of section 215(a)(3) would apply the new computation to every insured individual who was not eligible for an old-age insurance benefit (as the term "eligible" is defined in subparagraph (B), infra) prior to January 1979 and who in that month or thereafter becomes eligible for that benefit, a disability benefit, or dies.

Subparagraph (A)(ii), read in conjunction with paragraph (4)(A), would make clear that the new computation applies to an individual who had been eligible for disability insurance benefits during a disability period that had closed at least 12 months prior to the earlier of the individual's eligibility for an insurance benefit or death, after 1978.

Subparagraph (B) of section 215(a)(3) defines the meaning of the term "eligible" as used in this title. An individual would be deemed to be "eligible" for a benefit if he would be entitled to the benefit but for his failure to file an application for it. In the case of a disability benefit, an individual so deemed eligible for it is also deemed eligible for it during the disability waiting period established by section 223(c)(2), that is, from the onset of the disability (as described in section 216(i)(2)(C)).

Section 215(a)(4) would carve out, from the categories made eligible for the new PIA computation by section 215(a)(3), the the groups to whom the new computation does not apply. These are as follows:

Subparagraph (A) of section 215(a)(4) would exclude individuals who were eligible for or entitled to disability insurance benefits prior to 1979, unless, prior to their death, or their becoming entitled to old-age insurance benefits or a renewed disability benefit, there intervenes a 12-month period during which they were not entitled to disability insurance benefits.

Subparagraph (B) would exclude individuals who would be subject to the new computation by virtue of becoming first eligible for old-age insurance benefits after 1978 and before 1984, but whose PIA would be greater if computed under pre-existing (i.e., current) law. This comparison—between what an individual's PIA would be under wage-indexing and what it would be under current law—would be made by comparing a trial wage-indexed computation with a trial computation that uses the table of benefits in section 215(a) immediately prior to the effective date of these amendments, i.e., December 1978. For these purposes the 1978 table would not be updated by cost-of-living increases that occur from 1979 up to the first year of eligibility or death, and earnings could not be used in and after the first year of eligibility. In addition, the special present law computation involving earnings before 1951 would be used for individuals who become eligible or die after 1978 if a higher PIA would result.

Section 215(a)(5) would preserve the current section 215(a) for application to individuals to whom the new computation does not apply. For this purpose, the table for determining PIA's and maximum family benefits contained in the section will continue to be revised to reflect cost-of-living and earnings base increases after 1978.

Section 202(b) of the bill would amend section 215(b) of the Social Security Act as follows:

Section 215(b) would establish the formula for computing the individual's average indexed monthly earnings or AIME. Here is the computation:

Paragraph (1) of section 215(b) would establish the AIME as the total of the individual's covered wages and self-employment income credited to his benefit computation years, divided by the number of months in those years. These wages and income would first be adjusted, however, to current wage levels, as described in paragraph (3), infra.

Paragraph (2)(A) would, like the current section 215(b)(2)(A), provide that the number of an individual's benefit computation years shall equal the number of "elapsed years", reduced by five. An individual may never have less than two benefit computation years.

Paragraph (2)(B)(i) would, like the current section 215(b)(2)(B), define "benefit computation years" to mean those "computation base years", equal in number to the years determined under the preceding subparagraph, for which the total of the individual's wages and self-employment income is the largest. For the purposes of making this determination, however, wages and self-employment income would be adjusted to current wage levels, as described in paragraph (3), infra.

Paragraph (2)(B)(ii) would define "computation base years" substantially as it is defined by the current section 215(b)(2)(C), modified, however, to take into account the new PIA computational method. Computation base years would, as in present law, be calendar years after 1950 and prior to the year in which the individual becomes entitled to old-age insurance benefits or the year following the year of his death (excluding calendar years entirely included in a disability period).

Paragraph (2)(B)(iii) would re-enact the current section 215(b)(3) definition of "elapsed years", i.e., the number of calendar years after 1950 (or, if later, the year in which the individual attained age 21) and before the year in which the individual died, or if it occurred after 1960, the year in which he attained age 62. The term would continue to exclude any calendar year any part of which is included in a disability period.

Paragraph (3) of section 215(b) would establish the formula for indexing covered wages and self-employment income. Here is the formula:

Subparagraph (A) of paragraph (3) would deem those earnings, for each of an individual's benefit computation years, to be equal to the product of those earnings for that year multiplied by a wage-indexing fraction. That fraction consists of a numerator that is the national average wage for the second calendar year (after 1976) preceding the earliest of the year of the individual's initial entitlement to old-age insurance benefits, initial eligibility for disability insurance benefits, or death; and a denominator that is the national average wage in the benefit computation year being indexed.

Subparagraph (B) would exclude from wage-indexing any earnings credited to a benefit computation year that occurs after the second calendar year referred to in the preceding subparagraph, or that becomes a benefit computation year by virtue of a recomputation. Only the actual earnings in these years would be included in the AIME computation.

Paragraph (4) of subsection 215(b) would preserve the current law provisions applicable to determining average monthly wage for purposes of computing the PIA of individuals to whom wage-indexing is not applicable. However, because an individual to whom wage-indexing is not applicable because of the guarantee provision (section 215(a)(4)(B), supra) would be entitled only to a PIA computed on the basis of the table under section 215(a) as in effect in December 1978, without the benefit of cost-of-living increases that occurred after that date and prior to the year in which the individual attains age 62, the paragraph redefines computation base years as including only years prior to initial eligibility for old-age insurance benefits.

Section 202(c) of the bill would amend section 215(c) of the Act, which deals with PIA computations under prior provisions of the tables now in the law, so as to continue to apply to individuals not eligible for wage-indexing.

Section 202(d) of the bill would wholly revise section 215(d) of the Act, which deals with PIA computations (so-called "empirical old-start" cases) under prior provisions of law. Current law, enacted in 1967, was designed to allow computers to figure out old-start computations for workers who reached age 21 before 1937. The bill would establish an empirical old-start computation for individuals who reached age 21 after 1937 and before 1951.

Essentially, instead of applying the current method of allocating wages established by section 215(d)(1)(B), the wages of such an individual would be allocated equally to each of the years elapsing after the year in which the individual attains age 21 and prior to the earlier of 1951 or the year of the individual's death. No more than $42,000 could be credited during the period.

The individual's PIA would be 40 percent of the first $50 of average monthly wages plus 10 percent of the next $200, increased one percent for each "increment year". Increment years would be equal to a number (not more than 14 nor less than 4) obtained by dividing the total of the individual's earnings credited from 1937 through 1950, by $1,650. This formula is intended to approximate the level of PIA's obtained under the current old-start provisions.

Section 202(e) of the bill would make conforming changes in section 215(e) of the Act, which pertains to exclusion for PIA computational purposes of amounts earned in excess of the contribution and benefit base.

Section 202(f) of the bill would amend section 215(f) of the Act, which deals with recomputations, as follows:

Paragraph (2)(A) of section 215(f) would restate the current recomputation rule under the wage-indexed system: an individual who has wages or self-employment income for a year after 1978 for any part of which he is entitled to old-age or disability insurance benefits will receive a recomputation, subject to the other requirements of the subsection. The addition of entitlement to disability insurance benefits as the basis for a recomputation is new.

Paragraph (2)(B) would provided that the formula to be applied to recomputations will be, in the case of individuals who were not eligible for old-age or disability insurance benefits prior to 1979, the formula in effect for the initial computation of their PIA. That is, increases (on account of indexing) in the AIME portions to which the percentages established by subsection (a)(1)(A) (described supra) apply, that occurred between the time of the individual's initial eligibility for benefits and his recomputation, are disregarded.

Paragraph (2)(C) would restate the current-law rule that the recomputation year is treated as the last year of the individual's computation base years.

Paragraph (2)(D) would restate the current-law rule that makes a recomputation with respect to any year effective beginning with benefits for January of the following year or, in death cases, benefits beginning with the month of death.

Paragraph (3) of current law which is executed, would be repealed.

Paragraph (4), which now provides that a recomputation is effective only if it results in a higher PIA, would be amended to conform to the new structure.

Paragraph (7) would be added to preserve the application of current recomputational law to individuals who become entitled to benefits after December 1978, but under current law (i.e., individual's eligible for benefits prior to 1979 and guarantee cases under new section 215(a)(4)(B)) for a PIA computed under section 215(a) as in effect in December 1978. For guarantee cases, however, the individual's earning in the year of initial eligibility for old-age insurance benefits, or succeeding years, would be disregarded.

Section 202(g) of the bill would amend section 215(i) of the Act, dealing with cost-of-living increases, as follows:

Paragraph (2)(A)(ii) of section 215(i) would be amended primarily to conform to the new benefit structure. The paragraph would preserve the application of the Consumer Price Index to PIA's and family benefits whether computed under wage-indexing or pre-existing law. As under current law, the minimum PIA now contained in section 215(a)(3) and which would be contained in new section 215(a)(1)(C)(i)(III) (described *supra*) would not be indexed.

Paragraph (2)(A) would be further amended to add a new clause (iii) to provide that individuals are to receive any cost-of-living increases in their PIA's provided in the year in which they become eligible for old-age insurance or disability insurance benefits or, if earlier, died. (In subsequent years, cost-of-living increases would be provided in accordance with paragraph (2)(A)(ii).)

Paragraph (2)(D) would be amended to retain cost-of-living indexing for the current-law minimum benefit contained in the present section 215(a) benefit table, and which would be contained in paragraph (1)(C)(II) of the restructured section 215(a) (described *supra*). With respect to other individuals this amendment, read in conjunction with a new paragraph (4), would "decouple" the PIA computation used for individuals coming on to the benefit rolls from the computation of benefits payable to those individuals, resulting from cost-of-living increases, after they are in benefit status, except for individuals who are eligible for benefits prior to 1979 and who become entitled or die thereafter, and guarantee provision cases.

Paragraph (4) would preserve the applicability of section 215(i), as now in effect, to section 215(a), as now in effect. In other words, the table contained in section 215(a) in December 1978 would continue to be adjusted by cost-of-living increases, and would reflect earnings base increases. The adjusted tables would continue to be published in the Federal Register for use in the case of individuals whose PIA is computed after December 1978 under pre-existing law.

MAXIMUM BENEFITS

Section 203(a) of the bill would amend section 203(a) of the Act as follows:

Section 203(a) of the Act, as so amended, would establish the formula for computing the maximum benefit to which individuals may be entitled for any month in respect of the PIA of an insured individual. Here is the formula:

Paragraph (1) of section 203(a) would set the maximum benefit as the sum (rounded to the next higher multiple of $0.10) of four amounts: 150 percent, 275 percent, 130 percent, and 175 percent of different portions of an insured individual's PIA.

Paragraph (2)(A) would establish these PIA portions for 1979: The first portion (to which the 150 percent applies) would be $245; the second portion (to which the 275 percent applies) would be the next $95; the third portion (to which the 130 percent applies) would be the next $115; and the fourth portion would be the remainder of the individual's PIA.

Paragraph (2)(B) would index these 1979 PIA portions to subsequent year increases in the national average wage. This indexing would be accomplished by multiplying the 1979 PIA portions, set out in paragraph (2)(A), by the same fraction used to index the AIME portions under subparagraph (B)(i) of section 215(a)(1), described *supra*. Amounts would be rounded to the nearest $5.00.

Paragraph (2)(C) would direct the Secretary to publish in the Federal Register on or before November 1 of each calendar year after 1978, the maximum benefit formula that is to be effective for the following year.

Paragraph (3)(A) would restate section 203(a)(1) of current law, pertaining to the application of the maximum benefit to individuals entitled to child's benefits on the basis of earnings of more than one worker, except in one respect. Whereas the total benefits in those cases may not now be reduced for any month below the smaller of two amounts, one of which is "the last figure in column V of the table appearing in section 215(a)", the new paragraph would substitute for that amount, in the case where it is based upon the PIA's of wage-indexed insured individuals, an amount equal to the product of 1.75 and the PIA that would be computed under the new section 215(a)(1) for that month with respect to AIME's equal to one-twelfth of the highest contribution and benefit base determined for that year under section 230.

Sections 203(b) through 203(f) would make conforming changes in the remainder of section 203(a) of the Act and would eliminate matter held by the courts to discriminate against illegitimate children in violation of the Constitution. Section 203(g) of the bill would add a new paragraph (6) to section 203(a). The paragraph would preserve the current section 203(a) in effect with respect to insured individuals to whom wage's indexing does not apply. Also, in the case of benefits payable on account of two or more PIA's, where at least one PIA was computed under the wage-indexed system and one was computed under pre-1978 law, the maximum benefit based on those PIA's would be the product of 1.75 and a PIA computed under the wage-indexed system using an AIME equal to one-twelfth of the highest contribution and benefit base determined for the year under section 230.

Section 203(g) of the bill would also add a new paragraph (7) to section 203(a) which (subject to the new paragraph (6)) would preserve the applicabilty of section 203(a), as in effect in December 1978, to primary insurance amounts computed under the tables that will be published under section 215(a), as then in effect. However in guaranteed provision cases, the family maximum will be governed by the amended section 203(a).

CONFORMING CHANGES

Section 204 of the bill contains numerous conforming changes to various sections of title II of the Act and to section 1839(c)(3)(B) relating to the computation of the SMI monthly premium rate. Subsection (d) of this section of the bill would establish a new category of beneficiaries for hospital insurance benefits under part A of title XVIII: individuals who would meet all current criteria for eligibility except for the filing of an application for title II benefits. The purpose of this category is to permit individuals who are not actually retired to file for Medicare entitlement only without thereby fixing the benefit computation years subject to wage-indexing in the computation of their AIME.

EFFECTIVE DATE PROVISIONS

Section 205 of the bill would make the bill, with one exception, effective with respect to monthly benefits and lump-sum death payments under title II of the Social Security Act payable for months after December 1978. The exception is the amendment to section 215(d), allowing the use of the empirical method to determine a PIA based on earnings before 1951 for those who attained age 22 between 1937 and 1951. This section, section 202(d), is effective for monthly benefits for those eligible or who die after 1977.

TITLE III—ELIMINATION OF GENDER-BASED DIFFERENCES IN STATUTORY PROVISIONS OF THE OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM

SHORT TITLE

Section 301 of the draft bill would provide the short title of the title—the "Social Security Equal Rights Amendments of 1977".

BENEFITS FOR DIVORCED MEN

Section 302 of the draft bill would provide social security benefits to aged divorced husbands and aged or disabled surviving divorced husbands of covered female workers. Currently, benefits are provided to aged divorced wives and aged or disabled surviving divorced wives but benefits are not provided for identically situated men.

REMARRIAGE OF SURVIVING SPOUSE BEFORE AGE 60

Section 303 of the draft bill would make the remarriage rule for widowers the same as it now is for widows. Currently, widows and widowers who remarry before age 60 are treated differently with respect to their eligibility for benefits based on their deceased spouses' earnings. A woman may qualify for benefits as a surviving spouse even though she has remarried, so long as she is not married at the time she applies for benefits. A man, on the other hand, currently loses forever his eligibility as a surviving spouse of a covered female worker if he remarries before age 60.

ILLEGITIMATE CHILDREN

Section 304 of the draft bill would modify the rules applicable to benefits for illegitimate children so that such children will be eligible for benefits based on their mothers' earnings as they are currently for benefits based on their fathers' earnings. In general, the determination of one's status as a parent or child for purposes of the social security program is based upon the interstate succession laws of the State in which the insured individual is domiciled. However, an illegitimate child may be eligible for benefits based upon a man's earnings, without regard to the appropriate State interstate laws, if, among other things, the man has been decreed by a court to be the father of the child, or the man is shown by evidence satisfactory to the Secretary to be the father of the child. These provisions do not currently apply when an illegitimate child claims a benefit based upon his mother's earnings.

TRANSITIONAL INSURED STATUS

Section 305 of the draft bill would apply to husbands and widowers certain social security eligibility provisions which currently apply to wives and widows. Under current law, certain workers who attained age 72 before 1969 are eligible for social security benefits based upon fewer quarters of coverage than would ordinarily be re-

quired. Wives and widows of eligible male workers who reached 72 prior to 1969 also are eligible for benefits under this provision, but husbands and widowers of eligible female workers are not. The amendment which would be made by section 305 would extend "transitional insured status" to such husbands and widowers.

EQUALIZATION OF BENEFITS UNDER SECTION 228

Section 306 of the draft bill would amend the section of the Social Security Act which authorizes benefits for certain uninsured individuals who attained the age of 72 prior to 1972. In order for a couple to receive payments under this section, both spouses must have attained age 72 prior to 1972. However, even though each spouse must meet the same eligibility requirements he or she would have to meet if not married, once the eligibility of each is determined, the couple is treated as if the husband were the retired worker and the wife were the dependent. The amount of the special payment for the couple is not divided equally between husband and wife. Rather, the payment, which comes largely from general revenues, is allocated so that the husband is paid two-thirds of it and the wife is paid one-third. Section 306 of the draft bill would require that the payment be divided evenly.

FATHER'S INSURANCE BENEFITS

Section 307 of the draft bill would provide social security benefits to a father who has in his care an entitled child of his retired, disabled, or deceased wife (or deceased former wife). Currently under the statute, a mother who has in her care a child of such a spouse receives a benefit for both herself and her child based upon the earnings of her husband. As a result of a Supreme Court decision in *Weinberger* v. *Wiesenfeld*, 420 U.S. 636 (1975), a similar situated widowed father can qualify for father's benefits based on his deceased wife's earnings. Benefits are not provided for the husband of a retired or disabled worker (or the surviving divorced husband of a deceased worker) who has an entitled child in his care. Section 307 would amend the statute to conform to the *Wiesenfeld* decision, and would provide benefits for a husband or surviving divorced father with an entitled child in his care.

EFFECT OF MARRIAGE ON CHILDHOOD DISABILITY BENEFICIARY

Section 308 of the draft bill would terminate the benefits of a childhood disability beneficiary, regardless of his sex, when his spouse is no longer eligible for benefits as a childhood disability beneficiary or disabled worker beneficiary. A childhood disability beneficiary is a person with a severe disability that began before age 22 who is entitled to benefits as the son or daughter of an insured worker who is entitled to social security benefits (or who has died). In general, the social security law provides for termination of dependent's or dependent survivor's benefits at the time of marriage, since it is presumed that the dependency situation necessitating the benefits no longer exists. An exception is made when one social security beneficiary marries another, since it cannot be presumed that either one is able to support the other. Thus, in general, when a childhood disability beneficiary marries another social security beneficiary, none of the benefits are terminated by reason of the marriage. However, when a childhood disability beneficiary is married to another childhood disability beneficiary or to a disabled worker beneficiary, and the spouse of the childhood disability beneficiary has his benefits terminated because he recovers or engages in substantial work, the continued eligibility of the childhood disability beneficiary depends upon his sex. A woman's childhood disability benefits end when her husband's disability benefits end. However, a man's childhood disability benefits are not terminated when his wife's disability benefits end. The amendments made by section 408 would be effective with respect to terminations of benefits of childhood disability or disabled worker beneficiaries occurring after the month of enactment.

EFFECT OF MARRIAGE ON DEPENDENTS' OR DEPENDENT SURVIVORS' BENEFITS

Section 309 of the draft bill would terminate social security payments to an individual, regardless of his sex, who is receiving dependents' or dependent survivors' benefits, when his spouse is no longer eligible for childhood disability benefits or benefits as a disabled worker. Currently, in general, if a childhood disability or disabled worker beneficiary marries a person getting certain kinds of social security dependent or survivor benefits, the benefits of each individual continue. If the disabled beneficiary is a male and he recovers or engages in substantial work and his benefits are terminated, his wife's benefits also end. If, however, the disabled beneficiary is a woman, her husband's benefits are not terminated when her benefits are. The amendments made by section 309 would be effective with respect to terminations of benefits of childhood disability or disabled worker beneficiaries occurring after the month of enactment.

TREATMENT OF SELF-EMPLOYMENT INCOME IN COMMUNITY PROPERTY STATES

Section 310 of the draft bill would permit self-employment income of a married couple in a community property State to be credited for social security purposes to the spouse who exercises the greater management and control over the trade or business. Currently, in community property States, all income from a business owned or operated by a married couple is deemed, for purposes of social security, to be the husband's, unless the wife exercises substantially all management and control. In all other States, such self-employment income is credited to the spouse who owns or is predominantly active in the business. The amendment made by section 309 would be effective with respect to taxable years beginning after the month of enactment.

CREDIT FOR CERTAIN MILITARY SERVICE

Section 311 of the draft bill would apply to widowers a provision of the social security law which currently permits a widow, under certain circumstances, to waive the right to a civil service survivor's annuity and receive credit (not otherwise possible) for military service prior to 1957 for purposes of determining eligibility for, or the amount of, social security survivors' benefits.

REVISED TEST FOR DEPENDENT'S BENEFITS

Section 312 of the draft bill would modify the test currently provided by the Social Security Act to determine whether a man was dependent upon his wife. The statute requires that to be dependent a man must have received at least one-half his support from his wife at the time the event occurred which gave rise to the entitlement to benefits. In the case of a woman, the statute provides no test; rather, a woman is presumed dependent upon her spouse. This gender-based distinction in determining one's eligibility for dependents' benefits was held to be unconstitutional in *Califano* v. *Goldfarb* (March 2, 1977). The modified test which would be established by section 312 would be applicable to both wives and husbands, widows and widowers, and mothers and fathers. Under the test which would be required by section 312, to be deemed a dependent, either spouse would have to show that his income, for the three years preceding the event giving rise to social security eligibility, was less than that of his spouse. The amendments by section 312 would be effective with repect to benefits for months after the month of enactment. However, the new dependency test provided by the section would not apply to a person who is entitled (or who, upon application, would have been entitled) to wife's, husband's, widow's, widower's, mother's, or father's benefits for the month of enactment until such time as he is not entitled to any such benefits. Standards for determining eligibility for dependents and survivors benefits under the Railroad Retirement Act will not be modified by this amendment.

CONFORMING AMENDMENTS

Section 313 of the draft bill would make a number of conforming changes in provisions of title II of the Social Security Act which are required on account of the substantive changes which would be made by the preceding sections of title III of the draft bill.

EFFECTIVE DATE

Section 314 of the draft bill would provide that the amendments made by sections 302, 303, 304, 305, 306, 307, 311, and 313 of the draft bill would be effective with respect to benefits under title II of the Social Security Act for months after the month of enactment of the draft bill.

By Mr. JACKSON (for himself, Mr. ANDERSON, Mr. KENNEDY, Mr. METZENBAUM, Mr. HART, and Mr. SCHWEIKER):

S. 1903. A bill to amend chapter 55 of title 10, United States Code, to authorize the use of health maintenance organizations in providing health care under such chapter, and for other purposes; to the Committee on Armed Services.

HMO OPTION FOR CHAMPUS BENEFICIARIES

Mr. JACKSON. Mr. President, today I am introducing legislation to revise the civilian health and medical program for the uniformed services—CHAMPUS—by authorizing the Secretary of Defense, after consultation with the Secretary of Health, Education, and Welfare, to contract with qualified health maintenance organizations for the purpose of providing health care to CHAMPUS beneficiaries.

This legislation is similar to S. 2934 which I introduced in the 94th Congress; however, I believe that some important improvements have been developed which will help to make CHAMPUS a better run and more cost efficient program if enacted.

First, my bill provides for the establishment of an enrollment program for CHAMPUS eligible persons. The lack of a defined enrolled population is one of the most basic deficiencies of the CHAMPUS program. The absence of this data severely impairs the ability of the Department of Defense to administer this program. The Department has no idea exactly how many eligible beneficiaries there are, where they live, where they are likely to seek benefits, whether they have coverage under some other medical insurance program, and so on. It is simply impossible for the Department to eliminate the inefficiencies and abuses which exist in CHAMPUS unless it first develops basic information about who is eligible for the program.

The second major provision of the bill would authorize the Secretary of the

Department of Defense to contract with health maintenance organizations to provide CHAMPUS benefits if several conditions are met. First, the Secretary must be able to certify that the per capita costs of providing benefits through an HMO will not exceed either the per capita cost of providing benefits through the existing fee for service system to those beneficiaries who would enroll in an HMO or the existing per capita rate which the HMO in question charges its non-CHAMPUS enrollees. The Secretary would also have to certify that the existing military medical facilities in the area to be served under the contract cannot meet the medical needs of the CHAMPUS population without overburdening those facilities.

The purpose of these provisions is to allow HMO's into the CHAMPUS program and to assure that this will result in cost savings to the Government. It would not be permissible to contract with an HMO if it would cost the Government more per capita to do so than to continue the existing system; and, it would not be permissible for the Government to get into a position where it was paying an HMO to provide health care while military facilities are underutilized.

My bill would limit eligibility for this program to HMO's currently approved by the Department of HEW under the Public Health Services Act or by the Civil Service Commission under the Federal employees health benefits program. It would also require the Department of Defense to monitor the effectiveness of HMO's at providing health care benefits pursuant to contracts authorized by the bill and to report its findings to the Congress.

By Mr. BARTLETT:

S. 1904. A bill to amend the Customs Administrative Act of 1938 to prohibit the Secretary of the Treasury from extending the privilege of admission free of duty without entry of their baggage and effects to high officials of the U.S. Government; to the Committee on Finance.

Mr. BARTLETT. Mr. President, until recently, Members of Congress returning to the United States from travels abroad were accorded certain privileges not available to other U.S. citizens. Specifically, I am referring to the privilege of bringing various articles into this country without having to pay the customs duty that would otherwise have applied to those articles.

This exception to our customs laws was based on a Treasury Department ruling issued many years ago. No specific statutory authorization for this exception has ever existed. Fortunately, this early Treasury Department ruling was withdrawn by Secretary Simon late in 1976, by Treasury decision 76–325. Since the effective date of that decision, Members of Congress have been required to pay the same customs duties as apply to other returning citizens.

While this inequity in the application of the customs laws has been remedied administratively at least for the present, I think it is important that Congress make it quite clear that no such special allowance for Members of Congress should be allowed in the future. I am therefore introducing today legislation which, if enacted, would foreclose some future Secretary of the Treasury from reopening this particular loophole.

This bill would amend the Customs Administrative Act of 1938 (19 U.S.C. 1321). It provides that the Secretary of the Treasury may not extend the privilege of admission free of duty without entry of baggage and effects to any officer or employee of the U.S. Government under terms or conditions other than those under which such privilege is extended to all U.S. citizens returning from travels abroad.

Mr. President, absent some legitimate reason for treating Congressmen differently from other citizens, it seems to me that we should be treated like every other citizen. This bill would accomplish that objective. I urge that Congress give favorable consideration to it.

By Mr. DOLE (for himself, Mr. JAVITS, and Mr. STAFFORD):

S. 1905. A bill to authorize Federal assistance to private, profitmaking agencies and organizations under title II of the Rehabilitation Act of 1973; to the Committee on Human Resources.

Mr. DOLE. Mr. President, I am pleased to introduce today legislation which would make private agencies and organizations eligible to apply for research and training money under the Rehabilitation Act. As you may know, this landmark act created the Rehabilitation Services Administration within HEW, and instructed it to promote the development of advanced medical technology and information for finding solutions to rehabilitation problems of the handicapped.

The RSA funds research and training projects working to discover new ways of serving the disabled in order to meet their legislative directive. Although this organization is only a few years old, it has become a pacesetter in providing assistance to the handicapped, in spite of the limited resources and restrictions with which it has had to cope with.

Growth has been restricted in part because of legislative language which permits RSA to contract with only public or nonprofit organizations for research and training projects.

The omission of private agencies clamps a heavy restriction on the RSA, for it does not allow them to tap the knowledge and experience of private industry. Some of these target groups have no interest in spending money to conduct research on rehabilitation programs. Why? Because the handicapped market is numerically too small to justify this expenditure.

However, if such research can be contracted through RSA, this incentive should make private groups more receptive to conducting research for rehabilitation. Many of these businesses have equipment and laboratories that would cost millions of dollars to duplicate. It is the handicapped individual who loses if RSA is not allowed to benefit from existing technology.

This problem also affects small business enterprises that are interested in addressing rehabilitation needs of the handicapped, yet they are forced to operate within the confines of a small budget. Often, these small businesses are run by handicapped persons who are trying to earn a living and who know from personal experience how few manufacturers care to serve handicapped consumers. These small operations are eager to work on research projects for special needs persons, but they lack the financial assistance to do so. Businesses employing one, two, or three persons simply do not have sufficient capital to finance this research.

There are examples of this situation all across my State of Kansas. Small business enterprises are still operated from a personal vantage point. The owner or manager may be handicapped, or there may be a handicapped employee, or a handicapped friend or relative. These concerned persons are familiar with the needs in this area, yet don't have the money for research. Kansas businesses have contacted me asking about Federal assistance. I have to tell them that because they are not nonprofit. RSA cannot even consider their proposal, regardless of its merit.

I do not see the rationale for this provision—and certainly it is inconsistent with Federal policy in other programs. For example, the Bureau of Education for the Handicapped has the option of contracting with private agencies, and many successful educational programs have resulted. It should be recognized that some private organizations have resources, equipment, and experience that are not duplicated in the nonprofit sector.

A similar bill to mine has been introduced in the House of Representatives by Congressmen TEAGUE and BRADEMAS. I am pleased that Senators JAVITS and STAFFORD have joined as cosponsors to my bill, and I am hopeful that this provision will be accepted as an amendment to the Rehabilitation Act.

By Mr. CRANSTON:

S. 1906. A bill to establish the Channel Islands and Santa Monica Mountains National Park and Seashore in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

CHANNEL ISLANDS AND SANTA MONICA MOUNTAINS NATIONAL PARK AND SEASHORE

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to establish the Channel Islands and Santa Monica Mountains National Park and Seashore. The bill is nearly identical to H.R. 7264 introduced in the House by Congressman ANTHONY BEILENSON.

Mr. President, the Channel Islands and Santa Monica Mountains comprise the last major undeveloped recreational resource in the Los Angeles metropolitan area. But continuing pressures of urbanization are threatening the region. Roads are being built, mountains scarred, and subdivisions developed eliminating valuable potential parkland. Unless we act now, by creation of a national park and seashore, we will lose this open space forever.

Today, the Los Angeles Basin with its 10 million people has less open space for public recreational and cultural use than

any other major city in the United States, including New York. At the same time, the strain on existing open space and recreational facilities is intensified by the influx of over 8 million visitors to southern California each year.

The Santa Monica Mountains contain about 210,000 acres of open space, stretching from the Pacific Ocean to the heart of downtown Los Angeles. Placing the mountains in the national park system would create a park of national significance and high recreational value. The beaches, coastal bluffs and canyons, high mountain meadows, and hillsides covered with sage, yucca and chapparel would be opened up to hikers, picknickers, and beachgoers. When added and connected to the 40,000 acres of existing State, county and city parks, it would be possible to establish a hiking and equestrian trail system on public lands throughout the entire mountain range.

Thirty miles offshore are the Channel Islands—including Santa Cruz and Santa Rosa, now devoted to ranching; San Miguel, under the jurisdiction of the Department of the Navy; and Anacapa and Santa Barbara, which are designated as a national monument.

The national monument islands are characterized by high sea cliffs and rocky terrain where succulents and desert cacti grow. Sea lions, sea otters, sea elephants and the Guadalupe fur seal are found on the small sandy beaches of both islands. Santa Cruz Island, 97 square miles, has extensive acreage of grasslands, numerous streams, forests of pine and beautiful wooded areas of oak, holly and ironwood. The 86-square-mile Santa Rosa Island has lush fields of grass and unique varieties of wildflowers. San Miguel, the westernmost island of the chain 22 square miles, is covered with space vegetation. But the island is of interest with one of the largest known colonies of sea elephants, six other species of pinnipeds, a distinct variety of island fox, and rookeries of sea birds.

Mr. President, I have previously sponsored separate bills to protect and preserve the Channel Islands and Santa Monica Mountains. This legislation would put them under joint management of the National Park Service. The Channel Islands and Santa Monica Mountains are part of a single mountain range 125 miles long, which is mostly submerged beneath the Pacific Ocean. In addition to this geologic tie, the mainland mountains are linked to the islands historically and culturally. Remains of the earliest known inhabitants of California, the Chumash Indians, have been found on Santa Cruz Island. Altogether over a thousand archeological sites exist on both the islands and the mountain range. The islands, more protected over the centuries from development by man, also display unique flora and fauna providing insight into the natural history of the southern California coast.

Mr. President, the bill I am introducing today designates the Channel Islands and Santa Monica Mountains National Park and Seashore, authorizes $150 million for land acqustion and $50,000 for development, and calls for the completion of the acquisition of park lands within 5 years. The Channel Islands National Monument would be abolished.

Because of the fragile nature of the islands, the legislation stipulates that they be administered on a limited-entry basis as a scientific resource, while more intensive public recreation would be located in the Santa Monica Mountains. The bill specifically provides that San Miguel, Santa Rosa and Santa Cruz would not be opened to the public until the Secretary of the Interior approves a park management plan which insures permanent protection of the islands. In addition, in view of the fact that Santa Rosa and Santa Cruz Islands are presently protected under private ownership, the bill provides that no Federal funds can be expended for their acquisition against the wishes of the owners unless the present use changes and the islands become threatened.

The bill also creates a Citizens Advissory Commission to work with the Interior Department. The Citizens Advisory Commission would be composed of members of the public as well as individuals representing the various State and local governmental units in the area.

Mr. President, I am aware that other proposals have been put forward to protect the Channel Islands and Santa Monica Mountains. While I believe that national park designation is the best way to preserve these areas, the Senate Energy and Natural Resources Committee may wish to examine alternative approaches. I am eager to work with the committee to develop a final bill.

Mr. President, there is strong local public support for the creation of the Channel Islands and Santa Monica Mountains National Park and Seashore. An article recently appeared in the Los Angeles Times making the case for immediate Federal acquisition of these parklands. Mr. President, I ask unanimous consent that the article appear in the RECORD following my statement.

I also ask unanimous consent that the text of the bill appear at this point in the RECORD.

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

S. 1906

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

PURPOSE

SECTION 1. In order to protect and preserve in public ownership an area in the State of California possessing significant scenic, wilderness, recreational, public health, educational, scientific, natural, and archeological values, and in order to provide for the maintenance of recreational open space necessary to the urban environment, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall establish the Channel Islands and Santa Monica Mountains National Park and Seashore (hereinafter referred to as the "park and seashore"). In the management of the park and seashore, the Secretary shall utilize the park and seashore resources in a manner which will preserve its scenic, natural, and historical setting and its public health value as an airshed for the Southern California metropolitan area while providing for the recreational and educational needs of the visiting public. In order to preserve their delicate habitat, the Channel Islands and the channel waters shall be managed in a manner consistent with their status as a fragile resource area.

LAND ACQUISITION

SEC. 2. (a) The park and seashore shall consist of the lands and waters and interests therein generally depicted on the map entitled "Boundary Map, Channel Islands and Santa Monica Mountains National Park and Seashore, California", numbered , and dated , which shall be on file and available for inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia, and in the offices of the General Services Administration in the Federal Office Building in West Los Angeles, California, and in the main public libraries in Ventura, and Santa Barbara, California. After advising the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, in writing, the Secretary may make minor revisions of the boundaries of the park and seashore when necessary by publication of a revised drawing or other boundary description in the Federal Register.

(b) Within the boundaries of the park and seashore the Secretary, after consultation with the Governor of the State of California and the California Coastal Commission and the Santa Monica Mountain Comprehensive Planning Commission, may acquire lands, improvements, waters, or interests therein by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange, or otherwise. Any lands or interests owned therein, as well as any lands hereafter acquired, by the State of California or any political subdivision thereof (including any park district or other public entity) may be acquired only by donation or exchange. Notwithstanding any other provisions of law, any Federal property located within the boundaries of the park and seashore area shall, with the concurrence of the head of the agency having custody thereof, be transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the park and seashore.

(c) The Channel Islands National Monument (52 Stat. 1541) is hereby abolished and any funds available for purposes of the monument shall be available for purposes of the National Park and Seashore.

(d) With respect to Santa Cruz and Santa Rosa Islands, the Secretary shall not acquire the property by condemnation unless the Secretary finds that the lands are being used, or are threatened to be used, for purposes which are detrimental to the purposes of the park and seashore.

(e) With respect to improved properties, as defined in this Act, the Secretary may acquire scenic easements or such other interests as, in his judgment, are necessary for the purposes of the park and seashore. Fee title to such improved properties shall not be acquired unless the Secretary finds that such lands are being used, or are threatened to be used, for purposes which are detrimental to the purposes of the park and seashore, or unless each acquisition is necessary to fulfill the purposes of this Act.

(f) When any tract of land is only partly within the boundaries of the park and seashore, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the boundaries may be exchanged by the Secretary for non-Federal lands within the boundaries. Any portion of the land acquired outside the boundaries and not utilized for exchange shall be reported to the General Services Administration for disposal under the Federal Property and Administrative Services Act of 1949, as amended: *Provided*, That no disposal shall be for less than the fair market value of the lands involved.

(g) For the purposes of this Act, the term "improved property." means (i) a detached single-family dwelling, the construction of which was begun before January 1, 1978 (hereafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures necessary to the dwelling which are situated on the land so designated, or (ii) property developed for agricultural uses, together with any structures accessory thereto which were so used on or before January 1, 1978. In determining when and to what extent a property is to be considered an "improved property", the Secretary shall take into consideration the manner of use of such buildings and lands prior to January 1, 1978, and shall designate such lands as are reasonably necessary for the continued enjoyment of the property in the same manner and to the same extent as existed prior to such date.

(h) The owner of an improved property, as defined in this Act, on the date of its acquisition, as a condition of such acquisition, may retain for herself or himself, her or his heirs and assigns, a right of use and occupancy of the improved property for noncommercial residential or agricultural purposes, as the case may be, for a definite term of not more than twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or the death of her or his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the property on the date of its acquisition, less the fair market value on that date of the right retained by the owner. A right retained by the owner pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon notification by the Secretary to the holder of the right of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

(i) In exercising the authority to acquire property under this Act, the Secretary shall give prompt and careful consideration to any offer made by an individual owning property within the park and seashore to sell such property, if such individual notifies the Secretary that the continued ownership of such property is causing, or would result in, undue hardship.

SEC. 3. (a) Within six months after the date of enactment of this Act, in connection with the description of the boundaries of the park and seashore pursuant to the second section of this Act, the Secretary shall identify the areas within such boundaries which must be acquired and held in public ownership for the following critical purposes: Preservation of beaches and coastal uplands; protection of undeveloped inland stream drainage basins; connection of existing State and local government parks and other publicly owned lands to enhance their potential for public recreational use; protection of existing park roads and scenic corridors, including such right-of-way and adjacent or related sites as are necessary for the development of the Mulholland Scenic Parkway Corridor; and development and interpretation of historic sites and recreation areas in connection therewith, to include, but not limited to, parks, picnic areas, scenic overlooks, hiking trails, bicycle trails, and equestrian trails.

(b) The Secretary may from time to time revise the identification of such areas, and any such revisions shall become effective in the same manner as herein provided for revisions in the boundaries of the park and seashore.

(c) Within one year after the date of the enactment of this Act, the Secretary shall submit, in writing, to the Committee on Interior and Insular Affairs of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House and the Senate a detailed plan which shall indicate:

(i) the lands and areas identified in subsection (a),

(ii) the lands which he has previously acquired by purchase, donation, exchange, or transfer for the purpose of this recreation area, and

(iii) the annual acquisition program (including the level of funding) which he or she recommends for the ensuing five fiscal years.

(d) It is the express intent of the Congress that the Secretary shall substantially complete the acquisition program contemplated by this Act within five years after the date of its enactment and shall substantially complete the acquisition of the lands, improvements, waters, or interests therein identified for the critical purposes referred to in subsection (a) within three years after the date of enactment of this Act, and during such three year period funds appropriated for the acquisition of property within the park may be used only for acquisition of the lands, improvements, waters, and interests therein so identified.

ADMINISTRATION

SEC. 4. (a) The Secretary shall establish the park and seashore by publication of a notice to that effect in the Federal Register at such time as the lands, improvements, waters, and interests therein have been acquired in an amount sufficient in the determination of the Secretary to be administered efficiently for the purposes of this Act. Such notice shall include a map and a detailed description of the boundaries of the park and seashore.

(b) The Secretary shall administer the park and seashore in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.). In the administration of the park and seashore, the Secretary may utilize such statutory authority available for the conservation and management of wildlife and natural resources as he or she deems appropriate to carry out the purpose of this Act. The islands and the fragile resource areas of the mainland portion of the park and seashore shall be administered on a low-intensity, limited-entry basis.

(c) San Miguel, Santa Cruz, and Santa Rosa Islands shall not be opened to the public until the Secretary has approved a park management plan which insures permanent protection of unique island species and provides for continued scientific research.

(d) The Secretary may enter into cooperative agreements with the State of California, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

(e) Notwithstanding any other provision of law, the Secretary is authorized to accept donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purpose of land acquisition and providing services and facilities which he or she deems consistent with the purposes of this Act.

(f) The Secretary may, on his or her own initiative, or at the request of any public agency or local government having jurisdiction over land located within or adjacent to the park and seashore, assist and consult with the appropriate officers and employees of such public agency or local government in establishing zoning laws or ordinances which will assist in achieving the purposes of this Act. In providing assistance pursuant to this subsection, the Secretary shall endeavor to obtain provisions in such zoning laws or ordinances which—

(1) have the effect of prohibiting noncompatible use of all real property adjacent to the park and seashore;

(2) aid in preserving the character of the park and seashore by appropriate restrictions on the use of real property in the vicinity including, but not limited to, restrictions upon building and construction of all types; signs and billboards; the burning of cover; significant modifications of natural habitat types; removal of topsoil, sand, or gravel; dumping, storage, or piling of refuse; or any other use which would detract from the aesthetic character of the recreation area; and

(3) have the effect of providing that the Secretary shall receive notice of any hearing for the purpose of granting a variance and of any variance granted under, or of any exception made to, the application of such law or ordinance.

(g) The Secretary shall give full consideration to the recommendations of the California Department of Parks and Recreation, the Santa Monica Mountains Comprehensive Planning Commission, and the California Coastal Commission.

TRANSPORTATION STUDIES

SEC. 5. (a) The Secretary, in cooperation with the State of California and the affected political subdivisions thereof, local and regional transportation agencies, relevant advisory groups, and the Secretary of Transportation, shall plan a coordinated public and private transportation system to and within the mainland portions of the park and other units of the National Park System in Los Angeles and Ventura Counties. This system shall include but not be limited to the Mulholland Scenic Parkway with its roadway and its bicycle, equestrian, and hiking trails.

(b) The Secretary shall make and submit to the Congress a study as to the design, construction, and operation of a public scenic transportation system to and from the mainland and the Channel Islands. The Secretary shall implement the construction and operation of such transportation system, unless within thirty calendar days of continuous session of Congress after the report has been submitted to it, either House passes a resolution stating in substance that that House does not favor the construction of such system. Such transportation system shall be consistent in all respects with the more stringent of environmental standards established by the State of California and the United States.

ADVISORY COMMISSION

SEC. 6. (a) There is hereby established the Channel Islands and Santa Monica Mountains National Park and Seashore Advisory Commission (hereinafter referred to as the "Advisory Commission"). The Advisory Commission shall terminate ten years after the date of establishment of the park and seashore.

(b) The Advisory Commission shall be composed of seventeen members to serve for terms of five years as follows:

(1) The fourteen members of the Santa Monica Mountains Comprehensive Planning Commission; or the successor regional agency. After the termination of the Santa Monica Mountains Comprehensive Planning Commission, the Secretary shall appoint fourteen members with approximately the same representation of local areas and interests.

(2) One representative appointed by and who is a member of the South Central Coast

Regional Coastal Commission of California or if there is no such commission, one representative appointed by the California Coastal Commission.

(3) One representative appointed by and who is a member of the South Coast Regional Coastal Commission of California or if there is no such commission, one representative appointed by the California Coastal Commission.

(4) One representative appointed by and who is a member of the Citizens Advisory Committee on the Mulholland Scenic Parkway.

The Advisory Commission shall designate one of its members as Chairperson and any vacancy shall be filled in the same manner in which the original appointment was made.

(c) Members of the Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred by the Commission and reimburse members for reasonable expenses incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairperson.

(d) The Secretary, or his or her designee, shall from time to time but at least semiannually, meet and consult with the Advisory Commission on matters relating to the development of this recreation area and with respect to carrying out the provisions of this Act.

SEC. 7. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not more than $150,000,000 for the acquisition of lands and interests in lands.

(b) For the development of essential public facilities there are authorized to be appropriated not more than $500,000. Within one year from the date of establishment of the park and seashore pursuant to this Act, the Secretary shall, after consulting with the Advisory Commission, develop and transmit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a final master plan for the development of the park and seashore consistent with the objectives of this Act, indicating—

(1) the facilities needed to accommodate the health, safety, and recreation needs of the visiting public;

(2) the location and estimated costs of all facilities;

(3) the projected need for any additional facilities within the area;

(4) any additions or alterations to the boundaries of the park and seashore which are necessary or desirable to the better carrying out of the purposes of this Act.

(c) For the design and study of the transportation system referred to in section 5 of this Act there are authorized to be appropriated not more than $500,000.

SANTA MONICA MOUNTAINS ARE NOT OUT OF THE WOODS

(By Mary Ellen Strote and Susan Nelson)

The Santa Monica Mountains have been "saved," haven't they? The creation of three state parks in the mountains and the City of Los Angeles' commitment to preserve the Mulholland Parkway all seem to assure that the mountains will be set aside for the public's enjoyment.

A nice thought, but unfortunately it isn't true. Even though they take in 28,000 acres, the three state parks—Topanga, Malibu Creek and Pt. Mugu—are relatively small green spots in a region now threatened by speculators with subdivision maps and blueprints rolled under their arms. Every day bulldozers scrape more chaparral from the sides of the Santa Monica range's steep hills; every day ancient sycamores are uprooted and high ridges leveled to make way for building pads.

Despite these pressures, much of the Santa Monicas remain, at least for now, a valuable and unique wilderness which long has been discussed as the obvious site to become Southern California's first national park. The introduction of legislation by U.S. Rep. Anthony Beilenson (D-Los Angeles) in May is the latest in a series of attempts in Congress achieve this aim.

Stretching west from the crowded picnic tables of Griffith Park, the Santa Monica is a picturesque range of mountains which divides the cultural and business centers of Los Angeles' mid-Wilshire district from the suburban San Fernando Valley. Along the way the mountains take on other names—Hollywood Hills, Beverly Hills—but they continue west in an uninterrupted upthrusting, passing rocky streams in Topanga Canyon and fern forests near Malibu.

They tower over oak-studded, straw-colored grazing lands in Calabasas and Agoura and finally ease down into the coastal marshes of Ventura County. Thirty miles offshore, they rise again, this time as isolated mountaintops known as the Channel Islands—including Santa Cruz and Santa Rosa, now devoted to ranching; San Miguel, owned by the U.S. Navy, and Anacapa and Santa Barbara, which have been designated as national monuments.

Beilenson's bill, would create the Channel Islands and Santa Monica Mountains National Park and Seashore, would enable the acquisition of land to tie together existing city, county and state facilities in the mountains and bring the offshore islands into the chain. Hikers, cyclists and pleasure drivers would be able to follow an uninterrupted path of parks, greenbelts and scenic traffic corridors all the way from the densely populated heart of the city to the shores of the Pacific. But if land acquisitions are not made now, the opportunity to preserve this open space will be lost forever.

The idea of linking the mountains with the offshore islands as a national park is a new one, but efforts to protect the islands date back 20 years in Congress, and conservation groups have been seeking a national park in the Santa Monicas for 14 years.

The reasons for such a long delay in winning approval remain a mystery. Horace Albright, an early director of the National Park Service, offered one explanation recently when he said that "had the Santa Monicas been located in any other part of America, they would long ago have been set aside in the national interest. Only in California, which boasts such an abundance of spectacular scenery, has it been possible to ignore them."

We have scenery, yes, but not enough of it is open to the public for recreation. For many reasons, the park is a necessity:

Southern California is one of the most park-poor areas of the country. Only 2 percent of the City of Los Angeles is reserved for open space, parks and beaches. In contrast, San Francisco has set aside 14 percent and New York 18 percent of their land for parks.

Recreation needs in Southern California are growing even faster than the population. More than 10 million residents of metropolitan Los Angeles are increasingly demanding more space for hiking, bicycling and camping; 8 million visitors a year also place strains on existing facilities.

Smog in Los Angeles is bad, but it could be worse. The Santa Monicas sit squarely in the path of our fresh-air flow from the ocean. Developed, the mountains would be an additional source of pollution. Reserved as open space, they are a lifeline to the city's major source of clean air.

Southern California *deserves* a national park. Northern California has five, including Yosemite and Sequoia, and within the last decade acquired the Pt. Reyes National Seashore as well. Southern California has none. During the federal Legacy of Parks program of the early 1970s, new urban parks were created near San Francisco, New York and Cleveland—but not Los Angeles. Delegates at a recent Washington conference sponsored by the Urban Environment Foundation rated the Santa Monicas national park as one of the four most needed such projects in the country.

Both islands and mountains are truly unique and must be protected. The Channel Islands contain important archeological sites in addition to plants and animals found nowhere else in the world. These are threatened by uncontrolled contact with man. In addition, waters around the islands offer an unusual opportunity for development of marine sanctuaries. The Santa Monica Mountains are unmatched anywhere for providing the beauty of a wilderness in the middle of a metropolis.

Certainly the state has made an excellent beginning in establishing three state parks in the mountains. In addition, the new state Coastal Commission and the Santa Monica Mountains Comprehensive Planning Commission are working on land use plans for the area. Officials of Los Angeles' city and county governments are being pressured to preserve the mountain land, much of it along Mulholland Drive and Mulholland Highway, under their control.

The critical need now is for land acquisition, particularly along the seashore and around the state parks, which are threatened by development on all sides. The federal government is in the best position to make these acquisitions. The Beilenson bill provides $100 million for land purchases in the mountains and $50 million for the islands, three of which are already federally owned.

Private landowners would be compensated. The great parks of America's past were carved out of vast tracts of federal land containing few private holdings. Today, it is much harder to acquire desirable land in urban areas, but the government has worked out a whole new process for dealing with the problem.

Nor would a national park crowd out all private development. Land zoned for private recreation and agricultural use often serves as a valuable buffer for such parks.

The Santa Monica Mountains bill has been referred to the House Interior and Insular Affairs Committee's national parks and recreation subcommittee and has the support of several key Congressmen and government agency heads. In addition, public support has reached such a level that the Department of the Interior reported recently that it had received more mail on the Santa Monicas than any previous park proposal.

Thus Los Angeles now stands a chance of getting its own national park *and* seashore. The opportunity will not last a decade or so this time, however. We are looking at a classic case of now or never.

By Mr. WILLIAMS:

S. 1907. A bill to amend the Social Security Act to provide medicare benefits for individuals who require total parenteral nutrition, TPN, as a result of intestinal surgery; to the Committee on Finance.

TOTAL PARENTERAL NUTRITION

Mr. WILLIAMS. Mr. President, in recent years an innovative medical procedure has offered a promising alternative to a growing number of Americans who had previously been faced with certain hospital confinement. I am referring to the home treatment known as total parenteral nutrition—TPN—a technique involving the infusion of liquid nutrients into patients who are not able to take

nourishment any other way. These patients, victims of diseases which necessitated the removal of the major part of their intestinal tracts, must be fed for the rest of their lives through a tube implanted in a major blood vessel. The nutrients are mechanically administered with the assistance of a specially trained relative or friend. Although the TPN process requires a considerable amount of time each day, the patient is free to pursue a normal, productive existence in his hours away from the treatment. It is estimated that there are 500 to 600 citizens in our country who are undergoing this method of feeding in their homes.

Unfortunately, the expenses of this technique are enormous. In addition to the surgery needed to prepare a patient for the TPN process and the machinery involved in the treatments, the cost of the nutrients alone can range from $10,000 to $20,000 a year for each patient. This expense usually far exceeds the financial resources of the patient; yet, in many cases, the moderate income of the patient's family prevents entitlement to public assistance programs which could help pay for this care.

The TPN process is similar to renal dialysis, the blood cleansing treatment for persons with severe kidney disorders: both procedures utilize expensive machinery; they must be performed on a periodic basis; and they accrue costs which, in almost all cases, quickly outstrip the patient's ability to pay for continuing treatment. Unlike dialysis, however, TPN is not covered by the special provisions of the medicare program that provide for payment of dialysis treatments without regard to the age of the patient. My legislation, therefore, seeks to include TPN treatments under medicare in the same manner as dialysis, with an added provision that coverage begin in the month in which treatment is initiated.

It is believed that the cost to medicare of such home treatments would run about $10 million a year. I might point out that TPN treatments performed in an institutional facility would cost over $50 million a year. This modest investment in the survival of a significant number of our citizens is a most humane and worthwhile application of the principles embodied in the medicare program.

The need for such legislation is immediate. Our citizens whose lives depend on this treatment need financial relief now. Their needs cannot wait for a national health insurance plan to be enacted, or for a comprehensive reform of our welfare system. These Americans must not be forced to make the choice between financial disaster for their families or death. Mr. President, I urge immediate action on this legislation.

By Mr. ROTH:

S.J. Res. 76. A joint resolution proposing an amendment to the Constitution of the United States with respect to the reconfirmation of Federal judges after a term of 10 years; to the Committee on the Judiciary.

Mr. ROTH. Mr. President, I send to the desk a joint resolution proposing a constitutional amendment to limit the tenure of Federal judges to 10 years.

This legislation is essential to halt the continuing erosion of one of our most sacred principles—the separation of legislative, judicial, and executive powers.

This state of affairs was unacceptable to the distinguished writers of "The Federalist" two centuries ago, and it is unacceptable to the people of this Republic today.

In recent years the Federal judiciary has moved away from its traditional role of curbing abuses in the legislative and executive branches to the force drafting of wholesale social change. Federal court judges have sought to rewrite the Constitution in the guise of interpreting it. In the process they have usurped prerogatives properly belonging to the elected Representatives of the people. By decreeing "enlightened" social policy rather than the law, the "new" judiciary has become a super-legislature responsible to no one. They have become a continuing constitutional convention without elected delegates and, in a very real sense, a judicial oligarchy decreeing to the States and Congress what they must do. This situation must be brought to a rapid conclusion for it violates the very principles upon which this Nation has grown and prospered since its inception.

Today's "new judiciary" includes within its purview education policy, highway standards, mental health, and auto safety. The members of this body have been handed decisions which affect hospital administration, penal institutions, child support, voting registration, and natural resource allocation. The judiciary has even gone so far as to seek to limit the size of college football squads, ban smoking in public places, and set school tax rates.

Regardless of the merits of these cases, judges are not social planners, they are legal theorists. They have neither the resources nor most importantly, the mandate to intervene in the policy development and implementation functions of the executive and legislative branches.

Supreme Court Justice John M. Harlan wrote that—

> The Constitution is not a panacea for every blot upon the public welfare; nor should the court, ordained as a judicial body, be thought of as a general haven for reform movements.

Well, the judiciary never took Judge Harlan's words seriously. To the extent any court perceives its functions as one of making fundamental value choices for society, while ignoring traditional constitutional values, then to that extent the court is exercising its power illegitimately.

Judicial restraint is an implied condition of the authority of judicial review. While legislative overreaching may result in the sacrifice of individual protections secured by the Constitution, judicial overreaching may sacrifice the right of the people to govern themselves.

Many believe the courts should act whenever Congress either has not done so or when Congress passes a law with which they disagree. Those who hold these views are intoxicated by the quick, simple way in which the courts can decree what they deem to be desirable social ends. Recourse to the courts avoids the often slow and frustrating effort necessary to analyze the problems, devise precise solutions and develop the political coalition to advance their cause.

In addressing this issue, Chief Justice Burger recently stated:

> This (recent significant change brought about by litigation) has given rise to the alluring prospect that our world can be changed in the courts. I confess it is an intriguing idea. Federal judges in particular need not be troubled by constituents or elections and can therefore concentrate on problems without regard to public opinion. . . .
>
> Those who would look to judges, and especially tenured federal judges, to innovate and reshape our society will do well to ponder what remedy is available if the world shaped by the judicial process is not to their liking. I suggest that this approval be considered against the background of our traditions and history which began with a revolution instituted to overthrow a government that was beyond recall by the votes of the people.

The Chief Justice went on to conclude that—

> It was never contemplated in our system that judges would make drastic changes by judicial decision.

And it is this departure from the traditional role and responsibility of the courts that we must correct.

I believe that by limiting Federal judgeships to a period of 10 years, we can insure that the President and the Congress have an opportunity to evaluate judicial performance and insure that it reflects the needs and mores of our society. At the same time, the length of the judicial term—more than twice that of the President's—would insure the independence and separate nature of our judiciary.

The country urgently needs judges who reflect the tradition of judicial self-restraint as envisioned by the Founding Fathers. Only in this manner can the judiciary maintain its proper role in our constitutional system.

By reducing the tenure of Federal judges from lifetime appointments to a period of 10 years, we can insure that this is done. If, at the end of any 10 year term, a judge is found to be exercising his role as adjudicator in an exemplary manner, the President may reappoint and the Senate may then reconfirm that judge for another 10-year term.

This amendment would apply to any person holding such office prior to ratification of this article.

Mr. President, I ask unanimous consent that the text of my resolution be printed at this point in the RECORD.

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

S.J. RES. 76

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within 7 years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Notwithstanding the provisions of the second sentence of section 1 of Article

III of the Constitution of the United States each judge of the Supreme Court and of the inferior Courts of the United States shall hold such office during good behavior, but for a term of not to exceed ten years, unless, at the end of such term the Senate gives its advice and consent to such judge continuing in office for another such term. This article shall apply to any person holding such office prior to ratification of this article by the legislatures of three-fourths of the several States.

"SEC. 2. Judges holding office under section 1 of Article III of this Constitution on the date of ratification of this article shall continue in office until their successors have been appointed and have qualified for office under this article.

"SEC. 3. The Congress shall have the power to enforce this article by appropriate legislation.".

ADDITIONAL STATEMENTS

SEALED BIDDING AND THE BUTTER-VALLEY TIMBER SALE

Mr. DOMENICI. Mr. President, within the next several days, the Senate will consider S. 1360 which is intended to return bidding on national forest timber sales in the West to the traditional oral auction system that has been the practice for some 30 years.

This will correct a chaotic situation in that part of the Nation resulting from the way in which the Forest Service of the U.S. Department of Agriculture has interpreted requirements of the 1976 National Forest Management Act in applying sealed bidding on nearly all its timber sales.

This application is certainly not what Congress intended when this provision was inserted at the last minute in the 1976 act. Western communities and mills dependent on national forest timber are suffering because of the present Forest Service interpretation of this provision and they need relief promptly.

An example of how sealed bidding requirements for national forest timber sales have affected local mills is found in a timber sale recently sold in New Mexico; the Butter-Valley sale on the Carson National Forest. The sale was advertised and bid on February 14 of this year, and involved 9.9 million board feet of timber.

This sale was significant since it represented about half of the regular timber sale program in the Carson National Forest for the 6-month period October 1, 1976, through March 31, 1977.

The Butter-Valley sale was sold by sealed bids, and the high bidder was a firm in far-off Kelso, Wash., which won the contract by bidding more than $150,000 over the Forest Service's appraised value of the timber. The Duke City Lumber Co. in Albuquerque, which needed the sale for its mill in Espanola, N. Mex., also bid on the sale but, of course, was not successful.

Since sealed bids were the method of sale, Duke City had no opportunity to raise its bid to meet the competition, even if it could economically justify such a high bid.

On May 23, Duke City received a letter from the Forest Service advising that "it has been determined not to be in the public interest to award the contract to the apparent high bidder." Duke City was offered the sale but only if it would match the bid by the Washington State operator—at more than $150,000 over the appraised value of the timber. I think it is important to note here that timber in New Mexico is shorter and much thinner than timber in the Northwest, therefore, people who are familiar with our timber crop would know to take this into account in their bid. Duke City was not able to justify paying this high price because the timber was not worth the amount originally bid by the out of State firm.

The Butter-Valley sale is an illuminating example of what can happen in the West when timber is sold by sealed bids. There is no way a dependent local company can protect its employees or its investment in plant facilities under that sale system. Jobs in a local area are jeopardized because timber can be sold, removed, and manufactured at some distant location. As a result of sealed bidding on the Butter-Valley sale, some 135 employees, both direct and indirect, will be adversely affected at the Espanola sawmill operated by Duke City Lumber Co.

The same kind of situation is now magnified many times over throughout the West. It is the little guys—the small sawmills and independent operators that are the backbone of hundreds of small western communities—who are left with no way to protect their plants and communities. With sealed bids they get only one crack at a timber sale they must have to stay afloat. There is no chance to increase their bids to meet the competition—in many instances competition from outside the normal operating area.

Sound legislation to relieve this untenable situation has been approved by the Senate Energy and Natural Resources Committee and the Agriculture Committee. The bill approved by these committees would modify the language of the National Forest Management Act by giving the Forest Service flexibility to return to traditional oral auction methods in parts of the West where it has been used historically. The amendment provides adequate safeguards to handle any cases of suspected collusion, which can occur under either oral or sealed bidding methods.

This bill may seem unimportant to easterners, where sealed bidding for National Forest timber has been the historic pattern. But it is highly important in the West where the National Forests are frequently the only source of timber supply and individual timber sales are large. The bill in its present form has the support of labor and both large and small buyers of National Forest timber. I urge my colleagues to support it when it comes before the Senate for a vote.

U.S. SUPPORT OF ADMISSION OF VIETNAM TO UNITED NATIONS

Mr. THURMOND. Mr. President, it was with a great deal of shock and dismay that I have read in the newspapers of the decision by the Carter administration to support the admission of Vietnam to the United Nations.

To actively support the admission of this Government is a diplomatic and moral blunder. Rather the United States should use its veto power to block admission until there was some evidence that South Vietnamese citizens were being treated humanely.

The Government of Vietnam, and previously the Vietcong and North Vietnam, have repeatedly violated agreements with our Government. Officials in Hanoi continue to hold the remains of U.S. personnel missing in action despite promises over the past years and months that all such remains have been returned.

Furthermore, this Government's record in the area of human rights is a flat zero. This Government murdered citizens of South Vietnam throughout the Vietnam war, as well as some U.S. and allied military and civilian personnel captured during the defense of South Vietnam.

Since seizing South Vietnam by force, reliable reports published in the U.S. and foreign press have revealed that many citizens of our former ally have been murdered, tortured, or imprisoned. Thousands of others have been placed in indoctrination camps to be stripped of all human dignity and free thought.

My confidence in our current Government leaders is greatly shaken by this decision to take positive action in supporting Vietnam's entry into the United Nations. This action tells the world our Nation has placed a seal of approval on the new government in Vietnam, despite the known record of the illegality of that government. This action is also totally inconsistent with President Carter's human rights policy.

The hundreds of thousands of citizens of our country whose sons, husbands, brothers, and other kin died or suffered wounds or served in attempting to help South Vietnam defend itself, must be sick at this development. One year our country asks them to make the supreme sacrifice in the field of combat, several years later we support the admission to a world body of the enemy we asked them to fight.

Mr. President, I deplore this action by the Carter administration which was totally unnecessary and ill-advised. How it is consistent with the President's human rights position I fail to understand.

The one factor that makes the United States of America a beacon to the world is our position on individual freedom that runs throughout our system of government. This position which Americans have fought and died for since our Declaration of Independence is tarnished by such actions as our support of the admission of Vietnam to the United Nations.

Mr. President, I ask unanimous consent that the following newspaper articles on this subject be printed in the RECORD: "United States to Back Seat in U.N. for Vietnam," in the July 19, 1977, issue of the Washington Post; "U.S. Voices Restrained Support for Entry of Vietnam in the U.N." in the July 30, 1977, issue of the New York Times.

There being no objection, the articles

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

[From the Washington Post, July 19, 1977]

UNITED STATES TO BACK SEAT IN U.N. FOR VIETNAM

(By Murrey Marder)

The United States will support Vietnam's admission to the United Nations in a Security Council recommendation that may come today as a sign of the Carter administration's desire to "put the past behind us," administration officials said yesterday.

After North Vietnam's conquest of South Vietnam in 1975, the United States repeatedly vetoed U.N. membership for the unified Vietnam, primarily on grounds that the Hanoi government was failing to account for American servicemen missing in action.

At a meeting in Paris last May with Vietnamese diplomats, the United States said Hanoi was responding with information on MIAs, and it would no longer veto Vietnam's application for membership in the United Nations. Left open was the question of whether the United States would abstain when the issue reappeared or take more positive action.

At the United Nations yesterday, the United States and all other Security Council members, meeting as an admissions committee, recommended Vietnam's acceptance into the world organization. Some reports describe the intended action, to be taken by consensus, as a mean of enabling the United States to avoid a vote in the Security Council.

An administration official, however, said the consensus procedure is not novel, and the fact is that "we joined in a recommendation that Vietnam be admitted" when the U.N. General Assembly convenes in September. Congressional committee chairmen involved had been informed in advance of the administration's intention.

Rep. Lester L. Wolff (D-N.Y.) chairman of the House International Relations Asian and Pacific Affairs Subcommittee, said of the decision on Vietnam: "It may bring them closer to the community of nations."

Wolff has scheduled a hearing today with former Secretary of State Henry A. Kissinger about the disputed postwar reconstruction aid of up to $4.75 billion promised by then-President Nixon to North Vietnam in 1973. Nixon and Kissinger say Hanoi's violation of the 1973 cease-fire in Vietnam wiped out any U.S. aid commitment.

Philip C. Habib, under secretary of state for political affairs, said on Saturday that the United States has told Hanoi it wants "to put the past behind us and make a start on normal working relations."

Speaking to the National League of Families of American Prisoners and Missing in Southeast Asia, Habib said that in the Paris talks conducted in May and June the United States ". . . proposed to the Vietnamese that we proceed at once to normalize our relations, including the exchange of ambassadors. We offered to drop our trade embargo, contingent on the opening of embassies in our two capitals. And we told the Vietnamese we would withdraw our opposition to their membership in the United Nations."

Habib said, "We believe that opening an American mission in Hanoi would further facilitate progress" in getting additional information on MIA accounting and returning the remains of prisoners, beyond agreements reached in May in June.

"Vietnam has not accepted this proposal thus far, on the ground that it fails to provide a U.S. contribution or reconstruction aid for their country, which they claim was envisioned by past agreements."

He said U.S. negotiators have repeatedly told the Vietnamese that the U.S. view is "that we have no obligation to aid them, and that congressional restrictions specifically bar U.S. aid to Vietnam."

He said, "We continue to hope Vietnam will set aside its demand for such assistance and agree to proceed without conditions based on an interpretation of the past which we cannot, and will not accept."

[From the New York Times, July 20, 1977]

U.S. VOICES RESTRAINED SUPPORT FOR ENTRY OF VIETNAM INTO U.N.

(By Kathleen Teltsch)

UNITED NATIONS, N.Y., July 19.—The United States voiced restrained support today for Vietnam's admission to United Nations membership, declaring in the Security Council that it looked forward to a "new era of peace, cooperation and friendship."

However, the United States also used the occasion, the beginning of debate on Vietnam's application, to remind the Hanoi regime that membership also involved duties, such as responsibility to promote respect for human rights.

The statement underscored once again the change in the Vietnam policy of the United States, which for two years had used its veto to block Hanoi's entry.

Approval of Vietnam's admission has been assured, since the United States announced in May that it would no longer oppose membership after Hanoi promised to provide data on American servicemen still listed as missing in the Vietnam war.

However, American officials in Washington in recent days have indicated that the Carter Administration was prepared to go further than simply dropping the veto and to make a good will gesture toward Hanoi by agreeing to support its admission.

"It is another step toward putting the Vietnam War behind us," a United States official here remarked. But he said he would not characterize the statement in the Security Council as having "welcomed" Hanoi's admission.

Delegates, including some of Hanoi's close allies, seemed satisfied with the tone of the American statement, considering the long and bitter conflict that was waged in Indochina, ending in 1975 with Vietnam's defeat of the United States-supported South Vietnam regime.

Donald F. McHenry, the deputy American representative, delivered a 90-second speech in the absence of Andrew Young, the chief delegate, who was in Europe. Mr. McHenry expressed gratification that the entry of another country helped promote universality—a neutral and much-used comment—but he went on to say:

"We look forward to working with Vietnam, as with all other members in this body, to bring about a new era of peace, cooperation and friendship, not only in our bilateral relations but in our work together in the United Nations."

Some observers noted that the American speech, brief as it was, pointedly declared that Vietnam also would be assuming responsibilities as a member to promote peaceful settlement of disputes and to advance human rights. The Hanoi Government has been criticized by private groups and in Congress for its record on human rights. However, American officials seemed to stress instead the speech's emphasis on future improvement in relations.

The United States has had two rounds of talks in Paris with Vietnamese officials and it was at the last meetings, last month, that Hanoi pledged to return the remains of 20 missing Americans within 60 to 90 days. There has been no further development, however, and no date for another round has been set, according to American sources.

The talks have been stalled on other points, with the Vietnamese insisting on an immediate end of the American trade embargo and calling for assistance to heal "the wounds of war."

THE TIME-TESTED FORMULA: THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the number of paths open to this Government for supporting human rights are countless. During the past few months, new proposals have been presented.

Just recently, Roger Fontaine, the director of Latin American Studies at Georgetown University's Center for Strategic and International Studies, urged Congress to go beyond President Carter's human rights statements to make specific demands. He suggested, for example, that the United States ask for the names and places of incarceration of Cuba's estimated 20,000 political prisoners. He further suggested that the administration demand the admission of a neutral group into Cuban prisons to insure that elementary standards of treatment are maintained. Pressuring the Castro regime to release longtime prisoners when their terms expire and tying the normalization of trade relations to the improvement of civil liberties in Cuba were also included among Mr. Fontaine's suggestions.

Another possibility for the United States to defend the cause of human rights is currently under investigation by the State Department. The Department has suspended an $11 mililon grant to Chile by the Agency for International Development for 1 to 2 months, during which time Chile's human rights record will be reviewed. At the end of this review, the State Department should have a clearer understanding of both the domestic situation in Chile as regards civil liberties and whether action on the part of the United States can influence that situation.

While these new inquiries into how the United States can promote universal freedoms are interesting, it is important that we do not neglect vehicles which are presently available.

The Genocide Convention is just such a vehicle.

It not only allows this Nation to commit itself to the support of fundamental human rights, but it does so with a formula that has been carefully studied for over 25 years. The Genocide Convention has been scrutinized by civil rights groups, by every President since Harry Truman, by the American Bar Association, by the State Department, and by the Department of Defense. It has been the subject of extensive hearings before the Senate Foreign Relations Committee. All agree that the Genocide Convention should be ratified by the Senate

Mr. President, let us continue our search for new ways of improving social conditions around the world, but let us not forget a proposal which has stood the test of years of scrutiny. I urge my col-

leagues to join me in supporting ratification of the Genocide Convention.

AMATEUR RADIO OPERATORS AGAIN RESPOND TO CALLS FOR HELP

Mr. DOMENICI. Mr. President, countless times American citizens have been the recipients of assistance during times of emergency and crisis by the selfless, dedicated amateur radio operator. At a time when our newspapers and television screens are filled with stories of man's inhumanity to man, and we scramble for example's of genuine compassion for our fellow citizen, it is always refreshing to find another instance when the men and women of America rise to meet the challenge of a natural disaster.

Such a case arose several weeks ago when the costly La Mesa fire near Los Alamos, N. Mex., destroyed thousands of acres of land and timber, and threatened residential areas in and around Los Alamos. I would like to bring to the attention of my colleagues portions of a recent letter received from Mr. Barry S. Newberger, a member of the Los Alamos Amateur Radio Club, concerning the club's response to the plea for assistance during the 8 days of this catastrophic disaster:

In the spirit of the Communications Act of 1934 and the FCC's test of public interest, convenience and necessity which all radio services must meet, we wish to call your attention to the communications service provided by the Los Alamos Amateur Radio Club through its club station W5PDO and repeaters WR5AFP, WR5ARO and WR5AEQ (the last three belonging to the Santa Fe VHF Society, Jemez Mountain Repeater Association and the Caravan Club of Albuquerque, respectively).

For over eight days, the club and its volunteer members and friends provided continuous round-the-clock communication service for all the agencies involved in this emergency. The agencies served included the U.S. Forest Service, weather service and the military. All the Forest Service administrative traffic was handled through the radio club, including 145 pieces of priority traffic. In addition, approximately 565 health and welfare phone patches were handled for the firefighters, many of whom had come from California, Idaho, Washington, Oregon, Montana and South Dakota and other states. These men and women, in not a few instances, had to leave pressing personal problems at home to help fight the fire and many would have found it difficult to resolve them without our phone patch service.

We were told by many of the firefighters that they had never before had such a service provided for them and were given a substantial boost in morale for having it.

In all, fifty-five people were involved for a total of nearly 1900 man hours, using their own personal equipment.

I am certain my colleagues will join with me in commending the Los Alamos Amateur Radio Club and the many volunteers who provided this valuable and urgently needed assistance. We are, indeed, fortunate to have this body of competent, disciplined, and dedicated amateur radio operators in times of distress. Our heartfelt thanks go out to all who responded to the call for help.

THE TRANSPORTATION APPROPRIATIONS BILL

Mr. BIDEN. Mr. President, the Senate has adopted the conference report on the Department of Transportation and Related Agencies appropriations bill for fiscal year 1978. This bill will provide funding for many programs of high national priority which I support. In particular it provides financial support for many of the important railroad lines in this Nation including those so vital to the economic stability of the Northeast. It also provides funds for assistance to local mass transit programs that offer one important solution to both our energy and our air pollution problems. And it contains money for many other important national programs as well.

I have one concern about the action we have taken. It does not involve large dollar amounts. It does involve equity. And it involves issues of the fiscal integrity of Federal grant programs. Specifically, I am referring to a provision for funding what are known as railroad-highway crossings demonstration projects. Under this program the Federal Government has provided funds to improve safety where roads cross railroad lines. One area of particular emphasis has been the separation or other improvement of rail-highway crossings for high speed trains in the Northeast corridor. This is an important program for the improvement of high speed rail service and an important program for the safety of those who must cross railroad tracks on which those trains run.

The Federal Government has provided generous financial support for the elimination of grade crossings and I am pleased that my State of Delaware has done its part to carry out this program in Delaware.

However, I am deeply concerned about a provision in this appropriations bill that would authorize the Secretary of Transportation to waive the requirement for local financial participation in this grade-crossing program. The Federal Government would pay all the costs. I believe this represents unsound fiscal policy and an unwise trend in State-Federal fiscal relations. There was a time when grant programs were intended to assist and encourage States and localities to carry out their responsibilities. More and more, when the State fails to meet those responsibilities there is a tendency for the Federal Government to step in and take over.

I am willing to recognize that there may be extenuating circumstances in this case. Certainly the matter of a rapid and efficient interstate rail system is a matter of vital concern to the whole Nation and is not a matter of concern only to the State in which the tracks are located. On the other hand, the basic responsibility for the safety of its citizens rests with the State and should prompt some response from it.

I did not oppose this legislation for two reasons. First, there are too many worthwhile programs in it that need to go forward. Second, I believe that if some city or State is in such dire financial straits that it cannot contribute to grade-crossing problems, then the needs of the interstate rail system are such that the Federal Government should step in and pay for the entire job.

However, I am concerned about how this law will be administered. There are no standards in the bill itself as to the conditions for waiving local contributions. The Secretary of Transportation may waive local contributions "if he determines such action would serve a public purpose." That is a very broad delegation of authority. I hope that as a minimum the Secretary would use the following criteria in making a finding of public purpose:

That the railroad-highway crossing project in question is essential to the development of a safe and rapid national rail transportation system;

That no local unit of government concerned has the financial ability to support the project;

That his decision for complete Federal financing of a project is not inequitable in the light of the many contributions already made toward such projects by some States.

I realize that there may not be many projects that could meet such criteria. There should not be many. I intend to communicate my concern to the Secretary and to request that I be furnished with information about the projects that are totally funded under this provision and the criteria used. If the authority granted him is well used, then the law will have worked. If not, then the Congress should review the issue next year.

RICCARDO VIEWS THE FUTURE OF THE AUTO INDUSTRY

Mr. GRIFFIN. Mr. President, last week the chairman of Chrysler Corp., John Riccardo, delivered a notable address before the Automotive News World Congress in Detroit.

So that his thoughtful observations will be readily available to many who ought to read them, I ask that the text of his remarks be printed in the RECORD.

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

REMARKS BY JOHN RICCARDO

I'm glad so many people from around the country and from overseas had this opportunity to come here to Detroit for this meeting. It gives you a chance to see our city, and to learn how Detroit is meeting the challenges facing many of America's large industrial cities. The place we're meeting in today, Renaissance Center, is one of many examples of the new vitality and spirit alive in Detroit. This complex represents vast amounts of private capital committed by 51 separate corporate investors, and speaks a lot louder than I can about a conviction that Detroit and the industry that built it are here to stay.

I'm proud of this industry and what it means to the country. Today, three-quarters of a century after the business of building motor vehicles got started, we provide the nation's largest single market for basic raw

materials. We provide a job, directly or indirectly, for one out of every six men and women in the American labor force. We generate 20 percent of the gross national product—head and shoulders above the contribution of any other industry in the country.

Precisely because we're so large and so central to the nation's economy, we're deeply involved in many of the most important issues facing the country today. Because many of these issues are controversial, we get more than our share of the blame for such problems as air pollution, urban sprawl, the energy crisis, and public safety.

As the chorus of criticism has become louder in recent years, it has also become fashionable to suggest that we are seeing the end of America's love affair with the automobile. It has been said that we will have to get the public out of their automobiles, and get the automobiles out of the cities. A consultant to Congress said last month that "Detroit has no place in the 1980's." The Administrator of the EPA said in May that "the automobile . . . will continue to be a noose around the necks of our urban economy." A major bank said the long-run outlook for the auto industry is "clouded", and that "the auto market is pretty well saturated." A stock market analyst said our industry is "coming to the end of an era." Add together enough comments of this type, and the average person begins to believe that the automobile can't meet the needs of a modern technological society.

I'm here to tell you that nothing could be further from the truth. The fact is that the American automobile industry is, and will continue to be, one of the world's great growth industries, and one of the great forces for social good.

Anyone who doubts the vitality and basic strength of this industry should take a look at the events of the last few years.

Pretend for a few minutes that you were a visitor from another planet, and that you were given the assignment to prepare a scenario for undermining the American automobile industry. I have a hunch you might look at the history of what has already been imposed on Detroit and decide that you wouldn't change a thing. But let me just go through the scenario you might prepare.

First—you would pass a series of regulations on our industry that go beyond common sense. You would make the administrative cost of complying with those regulations add $200 to the price of a new car. That's on top of the cost of the hardware.

You would pass an overly stringent emissions law you knew couldn't be met. And then you'd tell the world we were dragging our feet when we said we couldn't meet it.

You'd require us to install an ignition interlock system so you had to buckle up a bag of groceries before you could back out of the garage—and when the public outcry forced Congress to remove it, you'd accuse us of a conspiracy to set back the safety movement.

Then you'd mandate air bags, which your own studies showed were the second-best safety system, and in a prime example of bureaucratic double-think accuse us of callous disregard when we suggest using lap and shoulder belts, which are the best system available.

You would mandate so-called safety bumpers that weighed 130 pounds, had no safety value, and cost too much to repair—and you'd criticize the industry for higher repair costs.

After we were well along on a multi-billion dollar product program to double our fuel economy in 10 years, you'd change the rules in the middle of the game, and propose gas-guzzler taxes that could disrupt an orderly transition towards the goals of the fuel economy law already on the books.

You would have the oil exporting countries slap an embargo on exports and scare people out of the market by threatening gas rationing and shortages, and vastly higher gasoline prices.

You would order up the worst economic slump since the Great Depression. Together with this slump you would bring a high rate of inflation to further destroy confidence, and watch automobile sales nosedive in the sharpest drop in 30 years, as they did in 1975.

You'd make it unpatriotic to buy a family-size car, under the banner of conserving petroleum.

You'd have the person designing New York City's transportation plan say: "My plan was a tool for social change. Very few people grasped that my crusade is not air pollution; it is the (bleeping) automobile and what it is doing to the country."

And when you'd done all this, when you'd prepared your scenario, when you'd put in place roadblocks unprecedented for any other industry, you would have an exact year-by-year description of what we've seen actually happen over the past few years.

And what's happened? The fact is that despite a series of obstacles unmatched in any other period, the American people bought more than 10 million passenger cars in 1976—one of the best years in the industry's history. 1977 is even better, and the long-range outlook is excellent.

The reason is clear—our products meet a fundamental public need. Cars and trucks give men and women, poor and wealthy alike, a freedom of choice, freedom of personal mobility, more equality of opportunity unmatched in history. *Public Interest* magazine, the prestigious magazine of national affairs, summed it up this way: "America has the best mass transportation system in the world. This mass transit system moves people with a speed, convenience, comfort and flexibility quite beyond comparison with other systems. Nearly every country envies us our system, and attempts to imitate it . . . It is the auto-highway system with benefits so manifold they are often forgotten. Every other method of moving people in or between cities is trivial by comparison."

That's why we're such a growth industry, and why we're going to keep on growing in the years ahead.

There's another fact that's often obscured from public view. No other industry has been as responsive in meeting national goals as ours.

We're *for* clean air. We've removed 83 percent of tailpipe emissions, and we're supporting legislation to remove 90 percent.

We're *for* energy conservation. We've increased fuel economy by 40 percent since 1974, and we're working to double it by 1985.

We're *for* public safety. The United States has the lowest auto fatality rate per mile traveled in the industrial world. The major reason is because of innovations like safety door locks, energy-absorbing steering columns, lap and shoulder belts, and safety windshields—all of which were introduced in our cars before they were required by law. We could save an additional 12,000 to 16,000 lives a year starting right now if the government would mandate use of safety belts already in our cars.

We have an enviable record in fighting inflation. The general cost of living in the last 10 years has gone up almost twice as much as the price of new cars.

And we have successfully held more than 80 percent of our market against foreign competition with no trade barriers. The wonder is that more people aren't asking how we've managed to be so successful.

For the past 75 years we've been running ahead of the times anticipating public need and developing the technology to meet that need. That's not going to change. The automobile will continue to be the mainstay of our transportation system and the backbone of our country's economy.

The automobile spreads the gifts of economic growth and mobility through all levels of society. Perhaps that's one of the reasons every developing country wants a car industry of its own. If any mechanical device could ever be called an Engine of Democracy, it would most surely be the automobile.

Most Americans know that the product we make is very much in the public interest. For three-quarters of a century Americans have voted with their dollars, and what they've said is that our product is basic to many of the values of civilization in North America. But they should also know that every time the government adds another item to the automobile, it's the customer who pays. In our judgment, he deserves full value for his money, and we have a responsibility to insist that he gets the value he pays for in government regulation.

Right now, this industry is moving full-speed ahead on the most drastic product change in history. We're committed to meet mileage standards which will double the average fuel economy of our 1974 fleet. We're going to continue to make cars even safer. We're going to eliminate the automobile from the pollution problem in the United States. We're developing new powerplants and new kinds of vehicles to meet new social needs. That sounds to me like an exciting challenge unmatched by any other industry in the world—a challenge with tremendous opportunities for growth.

This industry has a great future, and I for one am proud to be a part of it.

A DEPARTMENT OF EDUCATION

Mr. RIBICOFF. Mr. President, we are all aware of the administration's plans to reorganize the Federal Government.

One particular Department is most in need of reorganization—the Department of Health, Education, and Welfare. It has more than 300 programs and spends more than $160 billion—nearly one-third of the entire Federal expenditures.

One consideration for reorganization of HEW has been the creation of individual secretaries of health, education, and welfare under the umbrella of a "super-secretary." This concept was recently opposed by Senators MAGNUSON and PELL and myself in a letter to Vice President MONDALE, who is considering education reorganization.

Only a separate Department of Education would give education the importance and recognition education deserves. It would improve the coordination and manageability of present Federal education programs.

For over 10 years, various bills have been introduced in the Senate to establish such a Cabinet-level Department. The bill I have introduced this Congress to establish a separate Department, S. 991, has a total of 45 sponsors. Certainly the time has come to remove edu-

cation from the maze of the HEW bureaucracy.

Mr. President, I ask unanimous consent that a copy of the letter to Vice President MONDALE and also an editorial which appeared in Tuesday's Washington Star, entitled "Breaking up HEW," be printed in the RECORD.

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

BREAKING UP HEW

Proposals for breaking up the Department of Health, Education and Welfare have come from two senators within the past several days.

Sen. Hubert Humphrey told a National Education Association convention that a new department of education is "long overdue." He argued that a secretary of education would not be "bogged down with the crushing problems of health and welfare, too" and that providing cabinet status would "signify the importance" the administration attaches to education.

Maryland's Sen. Charles Mathias introduced a bill for a department of health. "We need a spokesman for health and health alone in the President's Cabinet, he said. "The nation's health care system is rushing toward economic collapse as a result of uncontrolled health costs. But nowhere in the government today is there a source of knowledgeable, credible leadership that might gain the cooperation of the private health sector in devising a health strategy and a sound regulatory framework for the benefit of the public and the health care system itself."

The new secretary of HEW, Joseph Califano, is against breaking up his department. He thinks it's "manageable" despite its huge size, a position contrary to a good many others in and out of government. One who thinks the department is too big for a single mortal to manage is Sen. Abraham Ribicoff of Connecticut, himself a former secretary of HEW.

Strong arguments for breaking education away from HEW were made last year by Rufus E. Miles, Jr., a former director of administration for HEW, who has been described as possibly the nation's leading expert on HEW's structure. In a study initiated by the American Council on Education and financed by a grant from the Ford Foundation, Mr. Miles said:

"Educational issues are of low priority within a department concerned with the development of complex new health insurance legislation, bringing under control the widespread and costly abuses in the Medicaid program, devising new legislation to federalize welfare or create a new income maintenance program, determining what to do about the excessively rapid growth in the cost of Social Security, coping with interminable problems of food, drug and vaccine regulation, and dealing with scores of difficult civil rights issues. No HEW secretary can devote much time to the exercise of leadership in respect to educational issues, and nobody at lower levels has the leverage to have significant effect. . . . Creating a 'Secretary of Education' in the President's Cabinet would open the opportunity for a higher level of leadership in respect to educational issues than has heretofore been possible."

HEW spends more than a third of the federal budget. It has approximately 130,000 employes. It is involved in nearly every facet of American life. A House Government Operations subcommittee said in a report last year that it took more than five months for the department to provide an accurate count of the number of programs it administers.

Mr. Califano, a chief architect of President Lyndon Johnson's multitudinous "Great Society" programs, likes to have his hands on a lot of handles. He's doing some tinkering with HEW structure but we suspect that even a person of Mr. Califano's capacity and enthusiasm doesn't have enough hands to keep a handle on the bureaucratic giant that HEW has become.

WASHINGTON, D.C.,
June 14, 1977.

The VICE PRESIDENT,
Old Executive Office Building,
Washington, D.C.

DEAR MR. VICE PRESIDENT: We know you are now in the process of considering several proposals to reorganize the education functions of the Federal government, and we congratulate you on your efforts towards seeking to improve the present condition of American education.

We have long recognized the need to reorganize the immense Department of Health, Education and Welfare (HEW) into manageable proportions, especially to give education the priority it deserves and to save controllable education budget functions from an otherwise uncontrollable health and welfare budget.

Your support last year for a separate, Cabinet-level Department of Education was welcomed by educators and students across the country as a pledge that the Federal government would finally provide American education the direction and high priority it rightly deserves.

A separate Department of Education would give education this badly needed attention by consolidating the entire Education Division of HEW and a number of education-related programs scattered throughout the Federal government into a single, effective framework. It would provide a sound organizational mechanism for education policy direction and leadership.

The new Department's budget would be larger than that of the existing Departments of Interior, State, Justice, and Commerce, and the proposed Department of Energy.

Strong support now exists for the concept of creating a separate Department. The bill we have introduced, S. 991, now has 45 sponsors.

As you know, some thought has also been given to restructuring HEW internally and modeling it instead after the present structure of the Department of Defense, with its subcabinets and individual secretaries. However, after careful study, we believe this alternative would be unworkable when applied to the Department of Health, Education and Welfare.

Patterning HEW after the DOD subcabinet model would be little more than a simple facelift, and in the end, do much harm to the overall Federal education effort. Such a reorganization would drastically increase and centralize the HEW Secretary's powers and duties. A Secretary of Education within HEW would only serve as an Administrator—not a policymaker.

The education functions could even be further buried in unnecessary layers of bureaucracy. If the present Department of Defense organization is any indication of what we could expect, the Education "subsecretary" would probably be relegated to a lower position within HEW, under as many as nine assistant secretaries and a deputy secretary in the Office of the Secretary.

Furthermore, the Education Division's budget would continue to be outnumbered, 18 to 1, by HEW's massive health and welfare program expenditures. The HEW Secretary, out of necessity, would continue to be preoccupied with pressing health and welfare concerns. Education would take a back seat, as it has always taken.

An Education Secretary, outside of the present HEW structure, would clearly have more access to the President, and his or her position alone would signify the importance this Administration attaches to the education of the 60 million persons enrolled in public and private education institutions today. Educators would see that they truly have a spokesperson at the highest levels of government, an individual in a position to give constructive policy input on the use of the more than $14 billion the Federal government spends on education every year.

We welcome your support of our efforts to create a Cabinet-level Department of Education. We plan to hold hearings on this issue in the very near future, and we stand ready to work with you on this important project.

Sincerely,

WARREN MAGNUSON,
ABE RIBICOFF,
CLAIBORNE PELL.

COMMUNITIES MISS CLEAN WATER DEADLINE

Mr. STAFFORD. Mr. President, the Senate Committee on Environment and Public Works is continuing to work to present to this body before the August recess our midcourse corrections for the Federal Water Pollution Control Act.

Among the many important and difficult issues before us is the task of improving our Nation's efforts to provide clean water in rural America.

During hearings in Washington and in field hearings across the country, the Subcommittee on Environmental Pollution heard testimony on the problems facing Americans who live in nonurban areas as they strive to develop new ways to treat waste waters.

I chaired one such subcommittee field hearing in Burlington, Vt., earlier this month. Testimony received at that hearing highlighted the special problems faced by rural Americans attempting to achieve clean water under the present law.

An excellent report on the Burlington hearing was written by Chris Braithwaite, of the Barton Chronicle, in the July 14, 1977, issue of that newspaper. I ask unanimous consent that the article may be printed in the RECORD.

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

COMMUNITIES MISS CLEAN WATER DEADLINE

(By Chris Braithwaite)

BARTON. July 1, 1977, was an important deadline for communities all across this country. According to a federal law called the Clean Water Act of 1972, that was the day all municipalities were to stop polluting the nation's waterways with raw sewage.

The voters of Barton Village celebrated the occasion two days early, on June 29, by soundly defeating a $450,000 bond issue which would have covered their share of a $2.8-million sewage treatment plant.

And so on July 1 the residents of Barton went on flushing their toilets into the Barton River. So, for that matter, did the people of Orleans and Glover Village. West Glover residents sullied Roaring Brook, and those of Albany Village further blackened the Black River. All these villages missed the deadline.

Barton's lapse was the most serious, however, because the village was operating under an agreement called an "enforcement compliance schedule letter" which it had signed with the state Agency of Environmental Conservation and the federal Environmental Protection Agency. That schedule called for a favorable bond vote by July 1. Barton missed the deadline by a vote of 39 to 104.

Barton's Village Trustees, the likely target of any state or federal effort to enforce the law, seem to be waiting for the pollution to hit the fan with typical stoicism. Trustee Kenneth Elliott did comment glumly at a recent meeting that the problem isn't like a headache—"it isn't just going to go away."

If voters turn down a second try at a bond vote, state officials warn, the village could face stiff daily fines, or find itself in contempt of court.

In Boston, an EPA official said his agency takes action "if we feel a communnity is thumbing its nose at us." He didn't say exactly what that meant, but prudent Barton residents might keep their hands in their pockets for a while.

LESS PRESSURE ON OTHER VILLAGES

Other villages are under less pressure. Under its "enforcement compliance schedule," Orleans must pass a bond vote by this December 1. Glover and Glover Village have let their projects languish so long, an engineer with the Randolph firm Dubois and King reported this week, that its designs have "lapsed into obsolescence," and will have to be done yet again.

Meanwhile Albany's Selectmen have said "no thank you" to more than $500,000 in state and federal grants, and quietly told some 40 households in Albany Village that they must install septic tanks. Cost of these tanks, according to an informal local estimate, is running as low as $700 each, installed.

Albany's case is instructive, because it points up the enormous cost of the federally-mandated clean-up program. Because there would be so few users, Albany's engineering firm proposed a municipal septic system, rather than the generally prescribed sewage treatment plant. The "cheaper" septic system would have cost an estimated $581,000 or $10,000 for each household on the system.

Between them, the state and federal governments were willing to foot all but $80,000 of this cost. State engineers with the Agency of Environmental Conservation urged the town to adopt the municipal system.

But the local share, plus annual operating and maintenance costs estimated at $3,100 a year, would have cost the villagers $166 a year per household, presumably for ever.

At that rate, an Albany homeowner could pay for a $1,000 private septic system in just over 6 years.

Albany's case also points up an ironic twist in the federal program, where small rural systems are involved. In return for saving state and federal taxpayers half a million dollars, Albany's residents have been left on their own. As long as the Selectmen see to it that household tubs, sinks and toilets are disconnected from the old village sewers that drain into (or close to) the Black River, the state environmental agency is no longer interested in the village. Its regulations deal only with pollution of state waters. A malfunctioning septic tank would come under the jurisdiction of the town health officer.

Indeed there is apparently no agency with any power to insure that Albany's septic systems are adequate, and properly installed. Nor is there any money available to help pay for them. Hypothetically, the environmental agency could dedicate, say, $1,000 per household to help with the systems, and still save hundreds of thousands of dollars.

But from Boston, Ralph Caruso, who is the EPA co-ordinator for Vermont, said that would be out of the question. To qualify for federal grants, he said, any septic system must be municipally owned, and it must serve at least two households. To subsidize an individual homeowner's septic system, he added, "would be almost like welfare."

This suggests a further irony. If Albany's individual septic systems ultimately malfunction, causing problems with seepage and odor, a chorus of "I told you so" will be heard in Montpelier.

At a hearing on the community tank proposal in February, a state engineer warned that Albany's soils aren't suitable for septic systems. They could fail, he added, creating public health problems.

WARNS AGAINST ALTERNATIVES

This attitude seems to pervade the agency. At a U.S. Senate hearing on the Clean Water Act in Burlington last Saturday, Bill Brierley, a senior engineer with the agency, warned against "excessive emphasis on alternatives, sub-surface systems: of sewage disposal. If such alternatives are imposed on small towns, he added, the state may fail to meet its goal of clean water.

Are individual septic tanks an inadequate or unsafe option for rural communities? State and federal laws and regulations appear to beg that question, rather than answer it.

In Albany, the state was willing to spend an astounding $140,000 just on the design of the community septic tank system. With no funds available either to design or build private systems, it should not be surprising if they sometimes fail to work.

Home septic systems did have their supporters at Saturday's hearing, at which Vermont Senator Robert Stafford gathered information and opinion for what he termed a "mid-course correction" in the Clean Water Act. Among them was Michele Frome, who heads a study on alternate community treatment systems for the Vermont Natural Resources Council.

Among her conclusions, Ms. Frome said, are that conventional treatment facilities are too expensive for small communities, and that on-site (or at-home) treatment can be a viable and permanent alternative.

The current clean-up program favors central treatment facilities over on-site systems, she maintained. Environmental officials tend to view septic systems as "temporary," she suggested, because they are too often improperly installed and maintained. Federal funds should be available to share the cost of individual septic tanks, Ms. Frome urged.

PROBLEM OF TIMING

She also touched on the problem of timing. Worried that federal funds now available for conventional treatment systems may dry up, she said, state officials are pushing towns to obey the law. Meanwhile promising alternatives are being developed. But by the time cheaper alternatives are thoroughly tested and approved, communities may have already bought conventional systems.

"We make a mistake if we say there are no alternatives," she told Senator Stafford. "We need to step up research and demonstration projects."

In the meantime, she supported a suggestion from Robert Stewart, executive director of the Vermont League of Cities and Towns, that the deadline be extended until July 1, 1982.

Mr. Stewart's testimony made it clear that Barton is not alone. In Vermont, he said, 63 municipalities are now without the secondary treatment required by the Clean Water Act. Across the country, he added "more than 70 per cent of the municipalities in the United States, most of them rural, are now in violation of the law."

In Vermont, Mr. Brierley said, there are 92 communities which have or need central sewage collection systems. Of these, 49 already have secondary treatment plants, 16 have primary treatment and need secondary, and 27 small communities have no treatment at all.

(The remaining 200 municipalities in the state don't need central collection systems, he added, and would be wise to avoid developing in a way that would make one necessary.)

Most of the 27 communities who don't treat their sewage at all are small, the state engineer said, with under 1,000 households. Many of their residents live on limited incomes, "with economic strains tugging at their elbows." If the systems proposed for such communities carry an annual user cost of more than $150 (Barton's was $156), he said, "it is very difficult to get a positive bond vote."

He warned Senator Stafford against proposed changes in the federal regulations which would make it much tougher to get federal funds for sewer lines, or for any excess capacity designed into a new plant to handle growth. If adopted, he warned, these could push average annual user costs from $150 to $240.

He urged that the planning process be simplified. He noted that there are no funds available to help homeowners hook onto new sewer lines—a process that can cost between $200 and $500. And he urged the EPA to push for installation of new water-saving plumbing devices which would cut down sewage flows, and thus reduce the initial cost and lengthen the life of treatment plants. If the federal share was increased from 75 to 80 per cent in towns where water-saving devices are installed, he noted, the EPA could save money, and the local share could be cut in half.

Mr. Stewart called for more research: "The beginning assumption is made by EPA and by the private consultants seeking to make a living in the field that the only solution to waste water systems is to build a bigger and better treatment plant and lay a lot of lines and develop a great capital expense. . . . Isn't it time that we more seriously considered alternatives?"

RADICAL NEW APPROACH TO SEWAGE TREATMENT

Saturday's most startling testimony came from Maxwell Small, a fast-talking, chain-smoking engineer from Brookhaven National Laboratory on Long Island. He presides over a radical new approach to sewage treatment developed at Brookhaven over the past five years. His testimony is worth quoting at length:

The system consists of a sloping grass meadow, and man-made marshes and ponds. "Raw, unsedimented sewage is spread across the head-end of the sloped meadow; flows down and through the sealed-off grass and root systems into the marsh; through the marsh into the pond; through the pond to its overflow to either re-use or recharge through a vegetated plot."

On its way to the meadow, the sewage is ground and screened, and aerated as much as necessary to eliminate odor.

"The objective is to apply all the degradable parts of sewage, both liquid and solid, into the systems where all of it will be broken down; to create no sludge for separate disposal; and to discharge potable water from the ponds. Both Brookhaven systems have met these objectives, operating on-line, 24 hours a day, seven days a week, continuously for the past two years."

He went on to describe the treatment area as free of flies, odors and disease. The ponds are stocked with fish, the meadow yields immense crops of hay.

Mr. Small estimates that a system big enough to handle 250,000 gallons per day would cost $375,000 to build, and about $37,-500 a year to operate.

Senator Stafford was impressed. He told Mr. Small he would like to send a professional staff member of the Senate subcommittee on environmental pollution to Brookhaven to study the system, a proposal to which Mr. Small readily agreed.

The Brookhaven design is revolutionary from several standpoints. No plant is involved. The only energy required, Mr. Small noted, is the heat from the sun and the force

of gravity. There is no sludge to lug away. (The proposed Barton plant would produce a strongly chemical sludge which would have to be trucked off and buried on a weekly basis.)

Senator Stafford asked how such a system would fare in a severe winter climate. Mr. Small replied that the bacteria which make the system work functioned at 80 per cent efficiency during the rough winter just past.

In the corridor outside the federal courtroom where the hearing was in progress, state Environmental Secretary Martin Johnson was asked if such a system might be worth trying in a place like Barton.

His reply was terse: "The state health board would not permit it—and with good reason." Some things work in some places, and not in others, Mr. Johnson added.

STATE'S ATTITUDE PUZZLING

In the context of Saturday's hearing, the state's attitude to sewage treatment is puzzling. Its key bureaucrats and its staff of sanitary engineers seem to push for local adoption of complex and expensive systems that were really developed for densely-populated cities. Or, as in Albany's case, they push for high-cost municipal septic systems. A handful of engineering firms prescribe these systems for confused town fathers, and claim enormous fees for their design. In Barton's plan, design and supervision costs come to almost $400,000. It would cost federal, state and local governments $150,000 to have Dubois and King engineers supervise the construction of the plant. The firm would charge $8,000 for the plant's operating manual. Similar fees would be extracted by the firm for an almost identical plant, five miles down the road in Orleans.

Meanwhile advocates of simpler, smaller, or less conventional systems seem to wander in a wilderness, without either moral or financial suport.

One is moved towards paranoid speculation. Earlier in this decade, Vermont's pioneering effort in state-wide land use control went down to political defeat. If the attack was orchestrated by developers, it was supported by many Vermonters who saw in the proposal a return towards fuedalism. The natives would live in the villages, and the picturesque Vermont countryside would be preserved for those able to afford 10, 25, even 100-acre parcels.

With the failure on the land use proposition, the state's best handle on a slow, helter-skelter exodous from the towns and villages out on to small country lots is its health regulations.

It is these regulations, not Act 250, which must be satisfied by an individual who seeks to build on an unserviced lot of less than 10 acres. The buyer (or seller) must demonstrate that the lot is suitable for septic sewage disposal, and has an adequate water supply. On most lots—and all lots under 3 acres—that means hiring a soils engineer to make tests and draft a report.

SOIL MUST BE SUITABLE NO MATTER WHAT

The soil must be judged suitable for a septic system, regardless of the method of sewage disposal contemplated. As one environmental agency employee put it, John D. Rockefeller couldn't get a permit to build on an acre of solid ledge if he promised to fly his sewage out by helicopter.

A state-financed program to subsidize the design and installation of good septic systems for homeowners would undermine this control. So would the broad acceptance of composting toilets which use no water, and thus pollute no water.

But if a given Vermont hamlet has an expensive investment in sewage treatment, and if septic and other on-site systems continue to be personally expensive and environmentally unsavory, then it will make sense to concentrate growth in town and leave the countryside alone.

This may be an admirable social goal, or it may not. But if Barton residents are to pay $156 a year for the duration, they should know what they're paying for.

Setting paranoia aside, Vermont is under pressure from the federal government, and it may be sensible to tap the federal purse while it's open.

But Barton's stubborn voters may have shown considerable wisdom at the polls on June 29. If they keep dragging their feet, there may emerge a solution that costs less money, uses less energy and—perish the thought—even turns all that organic matter they produce to good use.

Nate Tufts, a visiting expert from Massachusetts, commented at the hearing that a tremendous quantity of high-priced soil nutrients flow in from California to Yankee patrons in the form of food. "If we can put this high-priced, well-travelled resource back on our rocky fields and sandy forest floors," Mr. Tufts said, "that would be Yankee ingenuity, indeed."

TODAY'S COURTS—ADJUDICATORS OR LEGISLATORS?

Mr. BARTLETT. Mr. President, one of the most disturbing tendencies which I have seen developing in this country is the tendency of some of our Federal judges to involve themselves in making decisions that are properly the province of elected officials. My own State of Oklahoma has been affected recently by Federal court decisions regarding our State penal system and the hiring and admission practices of our State system of higher education. While I certainly do not condone violations of the law or of the Constitution, I think both of these decisions are illustrative of instances in which Federal judges have been all too willing to impose their own view of what is good public policy, rather than leaving such questions to the appropriate executive or legislative branch officials.

Mr. President, one of our colleagues, Senator ROTH of Delaware, recently wrote an article for Trial magazine which is an excellent discussion of the trend toward Federal judicial involvement in legislative policymaking. The article sets out some considerations that we should all keep in mind as we in the Senate consider the nominations of various persons to be Federal judges, that is, the need to assure that our Federal judges are persons who are willing to set aside their personal views of what is best for society and to confine themselves to interpreting the law in accordance with its clear and intended meaning. Senator ROTH's reminder of the need for judicial self-restraint is indeed timely. I, therefore, ask unaminous consent that Senator ROTH's article. "Today's Courts—Adjudicators or Legislators?" be printed in the RECORD for the benefit of all Members of the Senate.

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

TODAY'S COURTS—ADJUDICATORS OR LEGISLATORS?

(By Senator BILL ROTH)

The judicial review of legislation has long been considered a crucial function of our nation's courts. This function historically has been confined to inquiries into whether legislation complies with the mandates of the Constitution. Today, however, we find that with increasing frequency and boldness, judges in our judicial system are intervening into social and political affairs once thought either to be non-justiciable or reserved to the legislature.

The ability of a judge to make law is widely acknowledged. Justice Oliver Wendell Holmes once stated that judges "make law only interstitially." Today the federal bench dictates law wholesale and in rapid order.

In the past 25 years judicial responsibility has vastly expanded. Courts today are involved in decisions that were once thought to be unfit for adjudication. Judicial business now includes educational policy, highway standards, mental health, and auto safety. Courts have handed down decrees which affect hospital administration, penal institutions, child support, registration, and natural resource allocation.

The federal judiciary, by its activist approach to judicial decision-making, has played a major role in eroding our system of federalism and in the reduction of legislative authority. Over the past quarter century there have been many indications that the courts have evolved into an undemocratic and elitist branch of government. This is an alarming signal to a society that was established on and cherishes its democratic traditions. The courts do perform a vital function by curbing abuses in the legislative and executive branches. In addition, they furnish a suitable forum for the resolution of individual conflicts. However, our judicial system was not created to dictate policy to the legislatures of this country or to its citizens, as it now does.

Federal court judges have continued to rewrite the Constitution in the guise of interpreting it. In the process, they 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. They have become a continuing constitutional convention without elected delegates and, in a very real sense, a judicial oligarchy decreeing to the states and Congress what they must do.

COMMON INTRUSION

The unwarranted judicial intrusion into every facet of our daily life is now common. For example, the real governor of Alabama in many respects is Federal District Court Judge Frank M. Johnson, Jr., an unelected lifetime appointee who can and does regularly defy the legislature and public opinion. By his own court orders Judge Johnson has taken charge of the state's mental health and prison systems, its overall hiring practices, the property tax levy, voting registrations, school desegregation efforts, and even the system of legislative representation.

In Boston, Judge W. Arthur Garrity, Jr., found that certain schools were racially segregated and ordered that a high school be placed in federal receivership. This was an unprecedented move. In the ensuing months, Judge Garrity took unusual interest in the Boston school system even to the point of ordering the school board to pay moving costs for a new principal and determining the quality of tennis balls to be ordered for South Boston High.

Supreme Court Justice John M. Harlan wrote that the "Constitution is not a panacea for every blot upon the public welfare; nor should [the] court, ordained as a judicial body, be thought of as a general haven for reform movements." The judiciary apparently never took Judge Harlan's words seriously. To the extent any court perceives its functions as one of making fundamental value choices for society, while ignoring traditional Constitutional values, then to that extent the court is exercising its power illegitimately.

Judicial restraint is an implied condition of the authority of judicial review. Legislative over-reaching may result in the sacrifice of individual protections secured by the Constitution. Judicial over-reaching, however, may result in the sacrifice of the most fundamental right of the people to govern themselves.

The historical antecedents of judicial restraint are found in the common law on one hand and the constitutionally mandated separation of powers on the other. The Constitution not only separates the three parts of government into separate branches, but also establishes our federal system of separate national and state governments. The concepts were formulated to prevent abuse and concentration of power. James Madison in the *Federalist* papers explained the doctrine as follows:

"The great security against a gradual concentration of the several powers in the same department consists in giving to those who administer each department the necessary constitutional means and personal motives to resist an encroachment of the others . . . Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself."

There is no single course of judicial conduct which reflects an abrupt departure from past traditions. There are, however, several features, taken as a whole, which make today's judiciary contrast sharply with the more stable exercise of judicial function in the past.

The recent loosening of requirements of jurisdiction, standing, and ripeness have enabled courts to focus on issues involving great principles. A court need not decide a case on the facts before it, but instead may make broad sweeping generalities which affect society as a whole.

In its rulings and decisions on abortion, the Supreme Court imposed such severe limitations on permissible legislation that no abortion law in the United States remained valid. In these cases, the court did not address the rights or responsibilities of the parties before them but concentrated instead on giving substantive content to the term "liberty" in the 14th Amendment. For example, instead of simply declaring the Texas Criminal Abortion Statute unconstitutional in *Roe v. Wade*, the Court dictated terms to every legislature in the country.

In the *Wade decision*, Justice Blackmun found that the 14th Amendment concept of liberty is "broad enough to encompass a woman's decision whether or not to terminate her pregnancy." A complex timetable followed resembling an intricate piece of legislation detailing at what stages of a woman's pregnancy a legislator could or could not interfere with an abortion. In dissent, Justice Rehnquist stated that the decision "partakes more of judicial legislation than it does of a determination of the drafters of the 14th Amendment." Justice Holmes probably would have agreed for he once wrote, "I think the proper course is to recognize that a legislature can do whatever it sees fit to do unless it is restrained by some express prohibition in the Constitution. . . ."

BROAD POWER

A court has always had the power to compel the performance of affirmative acts. This is not a new principle. But the scope of judicial decrees in affirming the principle has expanded to the point that often remedies prescribed by today's judiciary require the kind of supervision that legislated government programs do. Much judicial activity is sparked, independent of congressional and bureaucratic action, and in many cases contrary to announced policies and laws. Courts have ordered employers to hire persons refused for jobs and in some cases awarded back pay. Government agencies have been ordered to change employment policies to eliminate alleged discrimination. In Chicago, U.S. District Judge Prentiss H. Marshall decreed that the city's police department set up racial quotas in future hiring of officers. Elsewhere in the country, judges have dictated higher property taxes, have reorganized local government agencies, and expanded the rights of the criminal while restricting the rights of the victims. In recent months they have defied executive branch prerogatives by ordering the continuation of the Food Stamp Program and defied Congress by ordering the continuation of federal payments for non-therapeutic abortions.

Alexander Hamilton wrote that the judiciary was "the least dangerous" branch of government. Hamilton conceived the courts as having "neither the force nor will but merely judgment." A benchmark for a proper judicial role in Hamilton's time and in our time is discretion. Judicial restraint consists in the refusal of the judge to substitute will for judgment.

Many believe the courts should act whenever Congress either has not done so or when Congress passes a law with which they disagree. Those who hold these views are intoxicated by the quick, simple way in which the courts can decree what they deem to be desirable social ends. Recourse to the courts avoids the often slow and frustrating effort necessary to analyze the problems, devise precise solutions, and form a political majority to help press their cause.

In addressing this issue, Chief Justice Burger recently stated:

"This [recent significant change brought about by litigation] has given rise to the alluring prospect that our world can be changed in the courts. I confess it is an intriguing idea. Federal judges in particular need not be troubled by constituents or elections and can therefore concentrate on problems without regard to public opinion.

"Those who would look to judges, and especially tenured federal judges, to innovate and reshape our society will do well to ponder what remedy is available if the world shaped by the judicial process is not to their liking. I suggest that this approval be considered against the background of our traditions and history which began with a revolution instituted to overthrow a government that was beyond recall by the votes of the people."

The Chief Justice went on to conclude that "it was never contemplated in our system that judges would make drastic changes by judicial decision." That is, of course, what the legislative function and the rulemaking function is all about.

JUDICIARY LIMITS

The judiciary should not make policy or attempt social change. It can't be held accountable to the people for whom the policy for change is made. Unlike the other two branches of government, the judiciary does not have to face the voters for the decision it reaches. Although this secures some independence for the courts, it does not allow the people for whom the judiciary was fashioned to have a direct input into the decision-making process. Simply stated, the absence of popular control or accountability is antidemocratic because it is a denial of self-rule.

Recent indications point to the continuation of judicial activism. However, lately there have been a number of congressional attempts to limit judicial abuse. Congress in Article III, Section I of the Constitution could curb courts of limited jurisdiction. If it is the considered sense of the Congress that the courts are exercising "will" instead of "judgment," Congress could strip them of this jurisdiction as simply as it established them. If the courts continue their present interference there may be no alternative course other than to limit jurisdiction, to ensure the separation of powers conceived by the founding fathers.

For a judge to become a legislator is repugant to the fundamental tenets underlying our democratic form of government; yet much of the revolutionary change in American law has come from the courts, not the legislatures. This has resulted in a situation where Congress—the elected representatives of the people—has been virtually excluded from the process of decision-making in many areas of profound impact on the nation and the lives of our people.

The country urgently needs judges who are disciplined in the tradition of judicial self restraint—and who have the ability to set aside their personal views of what is best for society and perform their duty in interpreting our laws according to their clear and intended meaning.

CAPTIVE NATIONS WEEK STILL HAS SIGNIFICANCE

Mr. DOLE. Mr. President, I was pleased to learn yesterday that the President had agreed to issue a 1977 Captive Nations Week Proclamation, in line with a tradition established by his predecessors. Earlier this week, I had sent a telegram to the White House urging that President Carter continue this tradition, which was initiated by joint congressional resolution in 1959, and which has been observed annually during the third week in July by every President since Dwight D. Eisenhower.

When the third week of July 1977 arrived, there was no indication from the White House that the proclamation would be issued this year, expressing concern for nations dominated by Communist control. In my opinion, this would have been a particularly poor time to break ths longstanding tradition of encouragement to oppressed nations, as preparations are underway in Belgrade for the conference to review compliance with the Helsinki accord. In my telegram to the President, I suggested that there would be no more propitious time than now to reaffirm his strong commitment to human, religious, and national rights.

PROCLAMATION TEXT DISAPPOINTING

While I am glad that the President responded favorably to the requests for a proclamation this year, it is somewhat disappointing that the proclamation text was not more affirmative in its reference to the plight of Communist dominated nations. President Carter's proclamation, which appeared to be issued more or less as an afterthought, was much more terse and reserved in tone than those issued in previous years. We can hope that this does not signify any lessening of concern for the captive peoples of those nations. Three countries—Laos, Cambodia, and Vietnam—have come under complete Communist domination within the past 3 years. With the continuing threats to peace and freedom in Africa and elsewhere, it is as important as ever before that the United States extend moral support to those who would resist the yoke of Communist oppression.

Mr. President, I ask unanimous consent that the full texts of the Captive Nations Proclamations issued by President Gerald R. Ford in 1976, and by President Jimmy Carter in 1977 be printed in the RECORD.

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

A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA, CAPTIVE NATIONS WEEK, 1976

This year we mark the beginning of our third century as an independent nation. Two hundred years ago our Declaration of Independence declared that "all men are created equal." It did not say "all Americans" but embraced all men everywhere. Throughout our history we have repeatedly demonstrated our conviction and concern that men and women throughout the world should share the full blessings of liberty.

As we celebrate our Bicentennial, it is important that we let the world know that America still cares, that the torch in the Statue of Liberty still burns brightly. The world should know that we stand for freedom and independence in 1976, just as we stood for freedom and independence in 1776.

For two centuries, the fundamental basis of American policy toward other nations has remained unchanged: the United States supports the aspirations for freedom, independence and national self-determination of all peoples. We do not accept foreign domination over any nation. We reaffirm today this principle and policy.

The Eighty-Sixth Congress, by a joint resolution approved July 17, 1959 (73 Stat. 212), authorized and requested the President to proclaim the third week in July of each year as Captive Nations Week.

Now, therefore, I, Gerald R. Ford, President of the United States of America, do hereby designate the week beginning July 18, 1976 as Captive Nations Week.

I call upon the people of the United States to observe this week with appropriate ceremonies and activities, and I urge rededication to the aspirations of all peoples for self-determination and liberty.

In witness whereof, I have hereunto set my hand this second day of July in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundredth.

GERALD R. FORD.

CAPTIVE NATIONS WEEK 1977

(By the President of the United States of America)

A PROCLAMATION

Since 1959 the Congress, by Joint Resolution (Statute 73.212) has authorized and requested the President to designate the third week of July as Captive Nations Week.

Our own country was established on a profound belief in national self-determination. Throughout our history we have sought to give meaning to this principle and to our belief in liberty and human rights.

In recognition of this commitment, now, therefore, I Jimmy Carter, President of the United States of America, do hereby designate the week beginning July 17, 1977 as Captive Nations Week.

I call upon the people of the United States to observe this week with appropriate ceremonies and activities, demonstrating America's support for those who seek national independence, liberty, and human rights.

In witness thereof, I have here unto set my hand this 20th day of July in the year of our Lord 1977 and the independence of the United States of America the 202nd.

MENNINGER STATEMENT BEFORE PRESIDENT'S MENTAL HEALTH COMMISSION HEARING

Mr. PEARSON. Mr. President, on June 21, Dr. Walter Menninger presented a statement by his brother, Dr. Roy Menninger, at a hearing of the President's Commission on Mental Health in San Francisco dealing with the vital importance of cooperative relations between private institutions and the Government in providing quality mental health care. This statement is based on the great experience of the Menninger Foundation. The observations and recommendations of the statement are most significant, and I ask unanimous consent that it be printed in the RECORD along with a general statement about the overall mission of the Menninger Foundation.

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

Statement for President's Commission on Mental Health, Public Hearing—21 June 1977—San Francisco, CA.

On behalf of The Menninger Foundation, Topeka, KS, Roy W. Menninger, M.D., President.

By W. Walter Menninger, M.D., Clinical Director, Topeka (KS) State Hospital, Senior Staff Psychiatrist, Menninger Foundation.

Regarding Coordination of Private and Public Resources in the Mental Health Field.

INTRODUCTION

It is a privilege and honor to present to this Commission our perspective on the coordination of private and public resources in the mental health field. We are indeed proud of our remarkable liaison of private, local, state and federal institutions in Topeka committed to treatment, training, research and prevention of mental illness.

If your experience is parallel to that of the Presidential Commission upon which I served nine years ago, you are receiving much advice about what government ought to be doing to enhance mental health services. You hear much less what individuals and non-governmental organizations are prepared to do. Yet there are clear roles for both.

THE EXPERIENCE OF THE MENNINGER FOUNDATION

My father, Dr. Will Menninger, observed that during the first 20 years of the Menninger Clinic, "We were in private practice as any group of doctors you might know. We had done a little training. . . . It was part of the fun of practice, and we had done a little research work, such as it was, in between times." The situation was changed as a result of World War II, where the loss manpower because of emotional problems exceeded all other lost manpower put together.[1]

Following that war, the Veterans Administration was faced with the reality that 55 per cent of all VA patients were psychiatric, and they did not have the staff to care for them. The VA thus approached the Menninger Clinic with a proposition to establish a model training facility for psychiatrists. Drs. Karl and Will Menninger and their colleagues felt they could hardly say "no" to that proposition, despite the fact it meant giving up private practice as they had known it.

In 1946, that collaboration of a private institution and the federal government created the Menninger School of Psychiatry, the largest training program of its kind ever established.

Two years later, there was a "revolution" in the state mental health system in Kansas. It was prompted, in part, after a state legislator visited the Topeka VA Hospital and wondered, "If you can do this for the federal government, why can't you do this for the State of Kansas?" Thus, the state joined in the collaboration, with an initial objective of "brains before bricks." The result was a substantial improvement in the quality of mental care in Kansas, raising the state from 47th of the then 48 states to the top rank in indices of mental health services. At the request of other states, Dr. Will Menninger then carried the message of the Kansas experience to nearly half of the state legislatures of the United States.

Over the past 30 years, the private-federal-state cooperation in our community has not only been sustained, but expanded. Now some 20 other institutions are also involved, including a state center for delinquent youths, a state penal reception and diagnostic center, the county juvenile court, the city police department, a United-Way-funded Family Service and Guidance Center, local public schools and a county-federal-state supported community mental health corporation.

My own clinical work exemplifies that commitment to collaboration. For the past nine years, I have worked primarily at the Topeka State Hospital, a 433 bed public mental hospital serving 31 counties in central and northeast Kansas. Currently, I oversee the clinical services in that institution as well as the psychiatric residency training.

The staff of the Menninger Foundation have considered it both an honor and a responsibility to respond when government calls upon us for help. And the staff have frequently been called upon to participate in a wide range of local, state and national advisory panels.

SOME LESSONS LEARNED ABOUT COLLABORATION

What have we learned from this collaborative experience? First, *despite problems of meshing systems*—private, state, federal—which operate with different regulations and which sometimes appear to be marching to different drums, *it is possible to develop an effective liaison.* With a common goal of the best quality of care and training, not only can institutions work well together; *the programs of one often supplement and strengthen those of the others.* Indeed, *this is perhaps the strongest reason for developing and maintaining such relationships.*

This is not to say we have always avoided problems. Misunderstandings are inevitable. Successful collaboration takes a commitment of time and effort and a recognition of the benefits which are possible. You must provide for an adequate exchange of information and communication between the institutions. Further, there is a constant need to keep key officials, to whom the institutions are accountable, educated and informed—federal officials in Washington, state administrators and legislators, trustees of the private Foundation.

A second lesson which the private sector has had to face is that the liaison is expensive. Rarely has the government fully paid its own way. The Menninger Clinic had to change its organization in 1946 to become a non-profit foundation, so it could seek help from private philanthropy to cover costs which could not be charged to patients. In recent years, it has been necessary to raise nearly one million dollars annually from private sources to support the educational programs.

Also, we have to accept that the efforts of the private sector are not always appreciated or understood by those in government. In

---

[1] Menninger, William C. *A Psychiatrist for a Troubled World* New York: Viking Press, 1967 "Brains Before Bricks" p. 772.

part, this reflects a reality that taxpayers are not really prepared to pay for mental health care at the level expected as a matter of course in private practice. We are aware that the collaborative contribution of private institutions over the country is less that it might be. However, we remain committed to a cooperative effort, since *the magnitude of the task of mental health services is so great that no single system has sufficient resources to meet the challenge alone.*

ROLES TO BE PLAYED BY DIFFERENT SECTORS

The major contributions of *the private institutions* are *innovative leadership and the role of the conscience, with a commitment to the highest quality of care.* At the same time, the private institution must mobilize private philanthropy to support a fare share of the costs of training and research.

In the 1950's and 1960's, the federal government played a substantial role through the National Institute of Mental Health in support of training and research. Regrettably, this support has declined in the past several years. *Because there is no other substantial resource available to fund training and research, these activities remain an important area to be underwritten by the federal sector.* Presently, there is a reluctance in all quarters to fund training programs. Yet without a continued commitment to sustained top notch educational programs, these programs will atrophy; and other services which depend upon professional personnel will ultimately suffer.

The states have had a long standing commitment to care of the mentally ill in institutions. More recently, states have been asked to assume an increasing role of funding community mental health centers which were initiated with federal support. For those persons who do not have the capacity to pay, *it is reasonable and appropriate to expect service costs to be borne by the state and local governments,* although it is most unfortunate if not impossible when this is expected in the absence of any substantial increase in state and local tax appropriations for mental health care. At the same time, we recognize the significant role played by health insurers in guaranteeing coverage for mental health care, and we urge your careful study of this area, to assure access of all Americans to adequate mental health care.

SOME CLOSING THOUGHTS

From my work as a member of the Violence Commission, I know that the expectations of a national commission must be kept in perspective. While you may have a mandate to prepare certain recommendations to the President, your main task may well be simply one of education about needs and potential directions in this field, to increase the visibility and credibility of mental health issues.

We would hope that *your recommendations take note of the great potential of private-governmental cooperation and encourage increased liaisons between these organizations.* You should recognize that there must be some quid pro quo. While all of us have a responsibility to improve governmental operations in any way we can, it should not be assumed that private institutions can do this strictly as a charitable or altruistic endeavor. Also, there must be a readiness on the part of governmental agencies to keep rules and regulations realistic and not so hidebound or limiting that liaisons are deterred.

Further, we strongly advise against a monolithic management of these affiliated resources. And patients should have a freedom of choice as to their utilization of these facilities.

Finally, may I share with you one additional commitment—that of supporting all institutions in their efforts to expand programs of prevention. As stated by Dr. Roy Menninger, in his "Statement of Our Mission as We Enter Our Second Half-Century," [2]

"The next several decades will witness continuing growth in our work in the applications of psychiatry to a variety of social ills. This is a focus that in turn is based upon the strength and quality of our work in treatment of the mentally ill, in research and in education.

"In a sense, our past is prologue, yet it is our future as well. Our clinical practice, education and research activities must grow—not larger, but stronger, wiser, and more skillful—for it is from these intense areas we derive our knowledge.

"With this strong base from which to work, we will have the resources of talented, skilled people wtih extensive knowledge to reach into communities—into every segment of society—to offer knowledge and understanding which will help people manage their lives and worlds in more effective ways so that individuals may experience a greater sense of their own worth and significance. It is a task worthy of our total commitment."

IN SUMMARY

1. Your recommendations should take note of the great potential of private-governmental cooperation and encourage increased liaison between these organizations. Perhaps the strongest reason for developing and maintaining such relationships is that the programs of one often supplement and strengthen those of the others, and the magnitude of the task of mental health services is so great that no single system has sufficient resources to meet the challenge alone.

2. The private sector should be looked to for innovative leadership and a commitment to the highest quality of patient care. It can serve as a conscience. It can also mobilize the support of private philanthropy.

3. Because there is no other substantial resource available to fund training and research, the financial support of these activities remains a primary responsibility of the federal sector.

4. It is reasonable and appropriate to expect service costs to be borne by state and local governments for those persons who do not have the capacity to pay and who are not adequately protected by health insurance coverage in this area.

STATEMENT OF OUR MISSION AS WE ENTER OUR SECOND HALF-CENTURY

April 21, 1977.

(NOTE.—"The unique thing The Menninger Foundation really accomplished as a clinic was to show that mental hospitals are places where you can get well—not places where you are sent for the rest of your life. Today, The Menninger Foundation is showing people that what has been learned in the mental hospital will help people find out how not to get sick at all—not being sick and getting well, but how not to get sick.

"In this country things flower when groups of people take the responsibility to innovate. Now we are in one of those periods when all over the country we need centers of innovation. That is The Menninger Foundation—a center of innovation." Dr. Margaret Mead, 1976.)

MISSION OF THE MENNINGER FOUNDATION

1. Improving the quality of life by developing, utilizing and disseminating psychiatric knowledge to help people who are ill as well as those who are not ill find greater personal fulfillment and satisfaction through personal autonomy and enhanced capacity to cope with the stresses of life.

2. Continuing professional leadership in the diagnosis and treatment of the mentally ill; educating mental health professionals, front-line caregivers (other physicians, nurses, lawyers, clergy, etc.) and managers of institutions, organizations and government; psychiatric research; applications of psychiatry to social and organizational needs.

3. Promoting better public understanding of the nature of mental illness and its treatment; approaches to the improvement and maintenance of mental health and the management of stress and distress in healthy people who are not patients, for whom this knowledge may function preventively; mental health issues and problems through public advocacy.

The Menninger Foundation is an institution of professional helpers and patients, teachers and students, scientists and scholars, but it is more than a hospital and more than a university. It is a unique American institution.

In its 50-year history The Menninger Foundation has been noted for: willingness to question and innovate; emphasis on quality service; commitment to the discovery and dissemination of knowledge.

Our past is one of accomplishment and pride. We have created an institution that today offers the American people a range of services that is unique in the nation.

The Menninger Foundation maintains a standard of professional excellence in our hospitals for treating the mentally ill that I believe is unexcelled. For many persons who have not been helped at other institutions the Menninger Clinic has proven to be a "court of last resort."

Our research and educational commitments are diverse and extensive—making our institution a national resource.

We are dedicated to developing and sharing—with every segment of society—our knowledge of the nature of mental illness and the qualities of good mental health.

As The Menninger Foundation begins its second fifty years, the environment in which we must work is vastly different from that experienced by our founders.

The Menninger Sanitarium was created in a time when there were few institutions to which people with emotional problems could turn. Psychiatry was little known, and the public mental hospitals of the day were places to which people were committed with little hope of ever leaving. It was a time in which private institutions such as ours had freedom to innovate, to question, to experiment, to change.

While freedom and flexibility still exist in our status as a private institution, developments in the environment have created constraints that will severely limit health care institutions in future years. In the next decade, the health field will find institutional autonomy and flexibility increasingly diminished as the government assumes a dominant role in financing delivery of health services. Historically, The Menninger Foundation has been successful in winning private financial support for our work, so that our institution could remain relatively free of the need for government funds. We believe that true centers of innovation, like The Menninger Foundation, must have freedom to question and experiment, to take a step ahead, to point the way in the mental health field. It may prove comfortable for some institutions to settle for being told how to use their resources as preconceived and directed by the bureaucracy. The Menninger Foundation prefers the challenging, probing question, "How can we best use our resources to help our fellow man?" and to have the freedom to respond with the best that is in us.

---

[2] The full text of Dr. Roy Menninger's statement is appended to provide the Commission with some elaboration on the full scope of activities and goals of The Menninger Foundation.

I. Quality of treatment

From its very beginning, The Menninger Foundation has set the highest standards in treating the mentally ill.

As we enter our Second Half Century, this commitment to excellence continues. It continues in the face of contemporary trends toward short-term treatment and brief hospitalization, largely created by current economics of medicine. We are convinced, however, of the continuing need for longer-term intensive treatment for the severely ill.

The work in the 50-year history of The Menninger Foundation has focused on the value and the worth of the individual. The Foundation's pioneering efforts in the 1930s and the 1940s to apply a sophisticated understanding of human behavior to the treatment of the severely ill patient led to developments in a dynamic hospital psychiatry—using the total environment as a part of treatment—which have become standard practice in psychiatric hospitals throughout the United States, and, indeed, throughout the world. The capacity to develop these unique helping strategies depends upon the maintenance of superior clinical services with people skilled in the treatment of persons with severe emotional illness. We are proud of our reputation for effective treatment of the severely ill. We have demonstrated that timely and skillful therapeutic intervention in the lives of troubled patients in an atmosphere of optimistic expectation and caring can produce results. An active commitment to this philosophy has not only changed many state hospitals around the country from snake pits of earlier years to modern therapeutic institutions, but it has contributed to a reduction in the number of hospital patients. A basic tenet of this philosophy is the absolute necessity of developing a treatment plan that fits the needs of the troubled person, not one that is primarily designed to fit a government bureaucratic directive or to fit the insurance dollars to pay for it. We regard it important to emphasize our commitment to this philosophy in the face of strong economic and political pressures to minimize the need for skillful intensive treatment.

For these reasons, superior clinical psychiatric and neurological services for both children and adults is and will remain the core of our Foundation activities. Our goals will be:

To provide the finest diagnostic and therapeutic care with the highest possible standards of quality; to demonstrate new directions in the care of the mentally ill; to care for patients who have not been helped at other institutions or in private treatment forms by offering intensive hospital experience and psychiatric evaluation not available at other institutions; to maintain an emphasis on a caring environment consistent with our humanistic value systems as opposed to an over-emphasis on technique and method; to be open to incorporating new ideas into established treatment forms, to utilize a broad range of proven treatment modalities, and to seek alternative services and treatment approaches for the less affluent and less severely ill; to encourage shared knowledge of many disciplines—psychiatry, biology, neurology, psychology and sociology.

II. Research

A strong research program contributes to an atmosphere which encourages clinical curiosity and inquiry. The Menninger Foundation is committed to a continuing search for new knowledge in the field of human behavior, for application in Foundation programs and more broadly throughout society.

Research must be a vital part of all of our programs because of our emphasis on learning from what we do. An organization as knowledge-dependent as The Menninger Foundation must have sophisticated methods for developing new knowledge. There is not sufficient understanding of psychological processes to permit us to say we know enough.

Our current research projects are extensive, reflecting our wish to contribute to psychiatric knowledge and to society at large. Our projects underway include research in:

Genetics, to explore whether behavior can be passed genetically from one generation to another;

The nature of mental illness, specifically *schizophrenia;*

Alcoholism—the personality of alcoholics and the relationship between alcoholism and homosexuality;

Brainwave training for mental health, working to develop a non-drug therapeutic technique that may shorten the treatment process in mental hospitals and outpatient clinics;

Child rearing and *child care* practices;

Biofeedback as a method for controlling migraine headache, hypertension, and other *psychosomatic* illnesses;

Hospital treatment follow-up studies.

Our goals in research are:

To emphasize the multidisciplinary, scientific study of mental illness, in order to contribute to the understanding of the causes, the natural history and the treatment of mental illnesses;

To undertake an expanding program of research activities in clinical investigation and program evaluation on a foundation of basic research of relevance to our central focus on mental illness.

III. Education

Training mental health professionals traditionally has been a part of the mission of The Menninger Foundation. The Menninger belief that the mentally ill can and should be helped has been transmitted far beyond the boundaries of Topeka through our graduates, who themselves have assumed prominent roles in universities, institutions and the government. The Foundation's training programs have produced a substantial percentage of the total mental health manpower available in the United States today and our commitment to education continues.

The Menninger Foundation offers a setting and unique program that is a national educational resource. Other institutions offer training in psychiatry and other disciplines, but few institutions match the range of opportunities the Foundation offers in learning to use knowledge in practical settings—consulting in non-clinical agencies and organizations such as industry, schools, churches, civic groups, courts and prisons—where human problems cut across the traditional distinctions between health and illness.

Financing these programs is becoming more difficult; education in general—and certainly specialty training such as ours—face economic hard times. Inflation, the changing patterns of government support for education, and the national demands for philanthropic dollars all contribute to the pressure that holds institutions like ours in a financial vise. We will have to adjust, but our goal of providing quality education will not be diminished.

If we are to have a greater impact on the major social ills in our society, a vast organization of professional talent will be required that will dwarf anything we have yet seen in the social sciences. In the future, psychiatric education will take on broader meaning. It has become increasingly clear that psychiatry is not only a medical specialty but also a part of a whole spectrum of nonmedical professions and disciplines with which its work is coordinated for both practical and theoretical reasons. Sometimes the word "psychiatry" is used loosely and nonprofessionally as a collective name for all the professions, disciplines, methods and programs dealing with the mentally ill, fostering mental health, and improving the lot of man by predominantly psychological methods. Much practical work in psychiatry is done by teams of various specialists; much thinking in psychiatry is influenced by psychology, sociology, anthropology, administrative science and basic research in many different fields. Over the years new applications of psychiatry have occurred to such fields as education, religion, law, and public affairs, and, with each new application, viewpoints and principles derived from these fields in turn influence the theories and practices of the psychiatric professions.

This integrated view of psychiatry—a field with a bio-social-psychological perspective—is under attack by those who insist on a narrow, biologically-based definition of psychiatry as exclusively medical. This view has the virtue of recognizing the importance of our medical origins and biological foundations, but its denial of the psychological and social determinants of illness and health is seriously regressive and must be resisted. Psychiatry is in a unique position to provide this broad perspective to the whole of medicine, itself a prisoner of a narrow, illness-oriented perspective. As so bluntly stated by a respected medical clinician, "Psychiatry now is the only clinical discipline within medicine concerned primarily with the study of man and the human condition." (*Science*, G. Engel, 196–134, 8 April 1977.)

The challenge before us is to bring the mental health professionals from their variety of fields of study together for a part of their training. Beyond this is the larger task of bringing social psychology, anthropology and even political science and economics into the relationship with the mental health sciences.

This is a formidable task, but with programs of special study, an extensive visiting professor program, arrangements for special scholars from other fields of study through our Spencer Foundation grant, we hope to develop affiliations with universities and other centers with parallel interests. Out of this effort may come joint ventures, shared student-faculty exchanges, degree programs, continuing education programs, significant national conferences and other means for expanding our opportunities for collaboration between fields of science.

Our goals in education are:

To provide quality training for a variety of mental health professionals;

To strengthen our affiliations with medical schools and universities to offer a bio-psycho-social view of the needs of patients in medical and psychiatric settings;

To strengthen our clinical affiliations with related institutions in the mental health and medical fields;

To promote dissemination of knowledge by expanding programs of inviting scholars in many other academic disciplines to learn from us and to teach us;

To expand our continuing educational programs for mental health professionals, to become a national center for recertification and relicensure; and

To develop training opportunities for selected students in such fields as leadership, consultation, systems management, psychoanalysis, etc.

IV. Applications of psychiatry: Our work to improve the quality of life

Psychiatry aspires to an understanding of human behavior. Our discipline has acquired a great deal of knowledge in the past 50 years—knowledge that should be shared as

widely as possible through public education about ways to prevent mental illness, to develop positive qualities of mental health and to maintain it.

The Menninger Foundation is uniquely capable in this area of public education because of our experience with public concerns for much of our 50 years. In the 1950s, when the Foundation initiated its seminars for business executives, these were innovative attempts to offer industry an understanding of human nature, knowledge about human motivations, the qualities of leadership and how people can deal better with stress. Today, our work with public groups includes:

Continued alliance with industry through the seminars on a growing scale through unique services: organizational and individual consultations in understanding and managing conflicts; helping industry to develop policies dealing with alcoholism, personnel changes, adjustments to overseas assignments and other human problems.

Our seminars as a means of communication and education have been expanded to reach representatives of many other professions: law enforcement officers, correctional officers, city managers, state and federal government executives, social action agency personnel, nursing home personnel and others. We have established programs within school systems to train school teachers, counselors and principals and instructors in mental health principles, and in pre-school and special education, within the legal system, consulting with law enforcement agencies, courts and attorneys; with religious groups and institutions to train clergy and to offer special programs to lay leaders and entire congregations; for mental health professionals seeking training in family therapy, treatment of alcoholism, group therapy, emergency care, psychopharmacology, mental health administration, mental health and the law, aftercare services, hospital residential treatment of children and adolescents, and a variety of other topics; training sessions for physicians and mental health professionals in biofeedback for control of migraine headaches, and other psychosomatic illnesses; training programs for government personnel and rehabilitation agency employees to work with the hard-core unemployed and prison inmates.

Recently, The Menninger Foundation assumed a leadership role in developing a national model program of group living homes for dependent and neglected children which we hope will replace the outmoded and failed system of placing these children in detention centers and foster homes. There are an estimated one million children classified by the courts as dependent and neglected and assigned to foster care homes; another 400,000 children are in detention centers and jails for such offenses as truancy, stubbornness and smoking in class—assigned to institutions because there was no other way to care for them. Working in partnership with the Community Services Administration of the federal government, the Foundation—supported by a $1.2 million federal grant—will develop the model project, establish the homes in cities across the nation, train the personnel and supervise their operation. It is a very large task, indeed, but an important one that may revolutionize the way Americans care for children in need.

Two other projects of national importance will give the Foundation an opportunity to train hundreds of persons who in turn can help thousands. One project is to train *nursing home employees*—administrators, nurses, physicians and social workers—in the psychological aspects of caring for the infirm. The whole concept of the training is to demonstrate for nursing home personnel that institutional long-term care focusing on the quality of life and living is better than custodial care aimed at death and dying, and how to achieve it. The training project is in partnership with the U.S. Department of Health, Education, and Welfare. The second project, also in partnership with the federal government, intends to develop training for psychologically and physically *handicapped persons* and employers and to place handicapped persons in jobs. Again, this project reflects a unique contribution The Menninger Foundation can make in developing programs which acknowledge and deal with the psychological problems of the handicapped that usually defeat ordinary rehabilitation services.

An important goal at The Menninger Foundation is to contribute to the development of a caring society; one in which people in key community service roles—the "care givers"—have the knowledge and skills to broaden the base of care and prevention of psychological problems caused by the stress of living.

The Menninger Foundation has the unique experience of years of working with a variety of professions, organizations and institutions in identifying problems and in developing specific training and educational programs to deal with them. Our work is to serve as a complementary resource—on a national scale—to the government, to business, to education and to the social agencies to create a caring society.

Specifically, our goals to apply our knowledge in society are:

To continue to expand our consultation, teaching and seminar programs for community care-givers (lawyers, clergy, other physicians, nurses, school teachers and counsellors, law enforcement personnel, etc.) who are society's primary frontline service-providers;

To expand our work with business and industry through seminars and additional metal health maintenance services for employees of major corporations; and

To seek other opportunities to apply psychiatric knowledge to the solution of social organization problems.

V. Conclusion

From the beginning, The Menninger Foundation has set as its goal to be a respected contributor to our society, to offer our unique talents to improving the quality of life for our fellow man. We have remained flexible, absorbing new ideas, meeting the changing times, responding to society's needs and—when necessary—standing our grounds against the tide when we believe that our philosophy was the correct one and therefore there were occasions when we were ahead of our time.

Initially there was Dr. C. F. Menninger's desire to break free of the isolation of the country physician and establish a group practice so the knowledge and skills of many physicians could be combined for the patient's benefit. The decision to purchase a farmhouse for our own hospital, the early emphasis on the importance of thorough diagnosis, the efforts to make a psychiatric hospital a place of treatment, not asylum—all contributed to public acceptance that mental illness is treatable. It was not by chance that following the institution's first decade, Fortune magazine termed it "the outstanding private mental hospital west of the Alleghenies."

In later years, the Foundation developed responses to national needs:

Milieu therapy—use of the patient's environment as part of his treatment—which became the basis for most treatment planned in the nation's mental hospitals.

The Menninger's advocacy of treatment for mental disorders growing out of World War II resulted in the Topeka Veterans Administration Hospital's training program for psychiatrists established by The Menninger Foundation. At the time it was the world's largest psychiatric residency training program, and it became the basis for the Menninger School of Psychiatry.

The Menninger School of Psychiatry became a model for psychiatric training by producing seminars and courses in the social sciences in addition to supervising clinical experiences. Over the years, our educational programs have expanded to include postgraduate training for child psychiatrists, clinical psychologists, social workers and clergy. Currently there are more than 1,400 graduates of the school practicing in 43 states and 22 foreign countries.

Early in the Foundation's development, staff members assumed an advocacy role in promoting positive mental health in a variety of settings. The application of psychiatric principles in industrial settings was of particular interest to Dr. Will Menninger. Dr. Karl Menninger focused public and professional attention on the potential role of psychiatry in rehabilitating criminal offenders.

Until the 1960s, the bulk of inpatient psychiatric services was provided in large state hospitals, remote from the population centers they served. Dr. Will Menninger appeared before over 20 state legislatures to focus public attention on the fact that many public institutions were outdated and unsafe. Dr. Will stressed that changes in the provision of services should be emphasized in addition to replacement of facilities. He argued that debilitating effects of institutionalization could be prevented, supplanting custodial care with active treatment by qualified personnel. Over the next decade, this goal of enabling patients to return to their communities to live as normal lives as possible gained wider acceptance and contributed to the development of community based facilities.

In the 1970s we have worked to share our knowledge and make our services available to a wide range of segments of the society with notable success. Our programs of consultation with industry have tripled.

This is a record of achievement and social involvement of which we are proud. In many ways, however, our work has just begun.

Since the 1920s, when The Menninger Foundation was founded, there have been substantial improvements in health of the American people—but the causes of illness have changed. Gone or greatly reduced are such dreaded diseases as tuberculosis, smallpox, measles, polio, but replacing them have been increased incidence of heart attacks, cancer, accidents, strokes and lung disease. In some ways, America has become a much unhealthier place in which to live. Death rates for cancer, alcoholism, suicide and homicide have risen and more accidents occur than ever before. Our life styles of smoking, poor diet, physical inactivity, alcohol and drug abuse reflect emotional insecurities and contribute directly to illnesses and premature death.

The pressures of living in America today seem much more stressful. At least 10 per cent of the population suffers from some form of mental illness. Only one seventh of these people are receiving psychiatric care. Approximately 80 per cent of the complaints the American people take to their doctors—colds, stomach upset, back pains—are not physiological problems, they are psychological—psychosomatic—reactions to stress. One out of four people are anxious or emotionally tense, complaining of loss of appetite, insomnia, fatigue and difficulty in coping with everyday stress.

It seems we have been programmed by an affluent society—by advertising bombardment, by easy availability of drugs—to seek instant relief for whatever ails us by popping a pill, by running to the doctor for the slightest complaint with a request for a prescription. Just as we are finding that our national gluttony in energy is going to force us to change the way we live, we also will find future availability of health care and the sky-rocketing health costs will force us to take some individual responsibility to change our life-styles to avoid illness. A valuable by-product may be that we can lead happier, more productive, mentally healthy lives. Instead of reaching for a tranquilizer to ease stress that was causing a physical pain, we must learn better coping strategies to relieve or manage the stress that caused the problem. This public education of how to prevent mental illness, how to maintain good mental health, how to lead more fruitful, more fulfilling lives is a goal of The Menninger Foundation for the future.

The next several decades will witness continuing growth in our work in the applications of psychiatry to a variety of social ills. This is a focus that in turn is based upon the strength and quality of our work in treatment of the mentally ill, in research and in education. In this sense, our past is prologue, yet it is our future as well. Our clinical practice, education and research activities must grow—not larger, but stronger, wiser and more skillful—for it is from these intense areas we derive our knowledge. With this strong base from which to work, we will have the resources of talented, skilled people with extensive knowledge to reach into communities—into every segment of society—to offer knowledge and understanding which will help people manage their lives and worlds in more effective ways so that individuals may experience a greater sense of their own worth and significance. It is a task worthy of our total commitment.

S. 1901—BASE CLOSURES

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the text of S. 1901, a bill I introduced yesterday with Senator RIEGLE, be printed in the RECORD.

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

S. 1901

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Defense Economic Adjustment and Recovery Act".

ESTABLISHMENT OF GRANT PROGRAM

SEC. 2. (a) To assist local communities in recovering from the adverse economic impact of military base closures, the Secretary of Defense (hereinafter in this Act referred to as the "Secretary") shall establish a program to make grants in accordance with this Act to units of local government in any area the economy of which is adversely affected by the closure or major realignment of a military base.

(b) The Secretary shall determine within 180 days after the closure or realignment announcement the unit or units of local government eligible to receive a grant under this Act with respect to the closure or realignment of a particular military base. In making such determination, the Secretary shall take note of areas identified in the final environmental impact statement filed with respect to such base closure under the National Environmental Policy Act of 1969 as being areas the economies of which are adversely affected by such closure.

(c) The Secretary of Defense shall carry out the provisions of this section through existing Federal programs. The Secretary is authorized to supplement funds made available under such Federal programs to the extent necessary to carry out the provisions of this section, and is authorized to provide financial assistance to communities described in subsection (a) of this section to help such communities pay their share of the costs under such programs.

(d) The heads of all departments and agencies concerned shall cooperate fully with the Secretary of Defense in carrying out the provisions of this section. The Federal agencies shall give priority attention to applications from authorized defense impact areas for priority funding within their annual agency appropriations.

APPLICATIONS; ECONOMIC RECOVERY PLAN

SEC. 3. (a) There shall be included as part of any application submitted under subsection (c) of section 2 a comprehensive local economic recovery plan developed by the unit of local government submitting such application. Such plan shall describe the steps being taken or planned to be taken by the local community to recover from the economic impact of the closure and shall include a detailed description of the programs for which the grant will be used. For the application to be approved, the Secretary must find that such use will—

(1) improve opportunities for the establishment or expansion of industrial or commercial activity in the community;

(2) creation of new jobs in the community; or

(3) otherwise alleviate specific economic problems in the community which limit the effective economic recovery from the base closure or realignment.

(b) Eligible units of government may submit an application or applications to the Secretary through the cooperating department and agencies in subsection (c) of section 2 at any time after the final closure announcement.

(c) The Secretary shall review and act upon applications submitted by eligible units of government within 90 days of the date of submission.

AMOUNT OF FUNDS

SEC. 4. (a) The amount of funds made available under this Act with respect to the closure or realignment of a military base shall be ten percent of the total projected savings to be realized by the Department of Defense in the first ten years after the closure or realignment of such military base, as determined by the Secretary at the time of final announcement of such closure. In making such determination, the Secretary shall take note of findings in the final environmental impact statement filed with respect to such closure under the provisions of the National Environmental Policy Act of 1969.

(b) The Secretary of Defense shall submit annually such budgetary requirements for community economic adjustment and recovery, separate from the normal appropriations of the Department of Defense.

(c) The funds authorized to be appropriated shall be available for a period not to exceed 10 years.

ANNUAL REPORTS

SEC. 5. (a) Any unit of local government receiving a grant payment under this Act for any fiscal year shall, not later than 90 days before the end of such fiscal year, submit a report to the Secretary concerning the progress of the local community in recovering from the effects of the base closure and the purposes for which grant money received under this Act was used during such fiscal year. The report shall include—

(1) a revision of the comprehensive local economic recovery plan included in the application submitted under section 3; and

(2) a statement of all expenditures of grant money received under this Act during such fiscal year.

(b) If the Secretary finds that a report submitted under subsection (a) for any fiscal year discloses that the use during such fiscal year of grant money received under this Act by the unit of local government submitting such report was not consistent with the purposes of this Act, the Secretary may suspend any remaining grant payments and terminate grant application eligibility under this Act to such unit of local government until the Secretary receives satisfactory assurances that the use of such grant money in the future will be consistent with the purposes of this Act.

REGULATIONS

SEC. 6. The Secretary shall prescribe general regulations covering the eligibility of units of local government for grants under this Act, the order of priority in approving applications, the terms and conditions for approving applications, determinations of the amounts of grants, and such other regulations as he finds necessary to carry out the provisions of this Act.

DEFINITIONS

SEC. 7. For purposes of this Act: (a) The term "military base" means any camp, post, station, fort, base, yard, facility, or other installation under the authority of the Department of Defense—

(1) which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or Guam; and

(2) at which there are authorized to be employed not less than 500 direct-hire or contracted permanent civilian employees of the Department of Defense or at which the total military and civilian personnel loss constitutes more than 2% of the total military and civilian work force for the impacted area.

(b) The term "unit of local government" means, a general purpose unit of local government or other subdivision of a State designated for the purposes of achieving economic recovery in the area impacted by a base closure or realignment.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are authorized to be appropriated, beginning in this fiscal year 1979, such sums as may be necessary to carry out the purposes of this Act.

EFFECTIVE DATE

SEC. 9. This Act shall apply with respect to the closure or realignment of any military installation which is first officially announced on or after January 1, 1977.

CRUISE MISSILE—PRO AND CON

Mr. GOLDWATER. Mr. President, when the President of the United States said that he would not add the B–1 to our strategic inventory, he placed extreme reliability and dependence on the cruise missile. Now the cruise missile is not a new weapon. It is quite old, but while the new cruise missile, in fact, both of them that we are making will fly and fly well, they still have some way to go before we can call them even partially dependable. For example, we have to

have terrain contour matching guidance. This system is not complete. We have to miniaturize warhead technology that we are just beginning to make approaches to. In my opinion, in my long study of this weapon, we are at least 5 years away from achieving these goals and some experts claim 10. There was a good article in "Aviation Week & Space Technology" of July 18 entitled, "Cruise Missile—Pro and Con," which I think should be read by Members of the Congress and for that reason I ask unanimous consent that it be printed in the RECORD.

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

CRUISE MISSILE—PRO AND CON

(By Robert Hotz)

Anyone relying solely on the daily newspapers and television these days would think the cruise missile was a new wonder weapon that has suddenly popped up over the technical horizon. It is neither new nor a wonder weapon that will solve all defense problems at miniscule cost.

The cruise missile first appeared in 1944 with the German V–1 or "buzz bomb," nicknamed for the odd sound of its pulse jet engine. The U.S. Air Force carried on the cruise missile in the post-war years with the subsonic Northrop Snark that eventually flew from Cape Canaveral to Brazil and the North American supersonic Navaho boosted by rockets with a ramjet cruise engine. The Navy developed the Vought Regulus turbojet-powered cruise missile series for submarine deck launch. But all cruise missile development went into eclipse when ICBM technology took over in the late 1950s. The only U.S. cruise missile survivor in the 1960s was the North American Hound Dog launched by Strategic Air Command Boeing B–52s to knock out air defense systems in the path of the penetrating bombers.

SOVIETS SLOWER TO MOVE

The Soviets were much slower to move into the cruise missile business, starting out in the 1960s with turbojet-powered drones slung under the wings of their longer-ranging bombers and folding-wing, canister-launched cruise missiles designed for launch from submarines and surface ships.

The Soviets have several thousand short-range cruise missiles currently in service, most of which carry nuclear warheads.

The current U.S. revival of the cruise missile is based on major technological strides, many of them the outgrowth of ICBM technology. These include:

Terrain contour matching guidance (Tercom), which makes it possible for the cruise missile to navigate accurately at extremely low altitudes for long ranges and achieve extremely accurate target impact.

Miniaturized propulsion, which provides an extremely lightweight, low-volume, highly efficient turbofan engine that can burn either standard jet fuels or specially thickened mixtures for longer range.

Miniaturized warhead technology that enables a nuclear weapon 10 times more powerful than the Hiroshima bomb to be contained in the small-diameter nose of the new type cruise missiles. Combined with the extreme terminal accuracy, the new cruise missile warheads can do the military mission of much larger ICBMs, albeit at much slower time to target.

All of this combines to produce a weapon that can be procured cheaply and in such affordable numbers that it poses tremendous problems for any new defensive system. The new type cruise missiles, such as the General Dynamics Tomahawk and Boeing ALCM B, would be deployed from land, sea and air platforms in the thousands, compared with the few hundred penetrating bombers SAC has now with the aging B–52 fleet or with the B–1 had it been produced and deployed.

But the cruise missile is still in the early stages of flight testing and will not be ready for deployment in any medium before 1980, with the longer-ranging versions following later in the decade. And it is not a "wonder weapon" that will solve all defense problems. Like all weapons, it has some vulnerability and must operate according to the laws of probabilities. The Soviets are already extending their air defense network with CW radar atop towers several hundred feet high so they can look down on low-flying vehicles and spot them against ground clutter. They have developed a hypersonic interceptor missile to use against the subsonic speed of the cruise missiles. The subsonic attack speeds of cruise missiles also give them much longer exposure to defense systems than ICBM trajectories.

The cruise missile launching platforms are also vulnerable, particularly in the high-altitude air-launch mode. It will be well into the 1980s before standoff range permits launch well outside Soviet territory. To achieve maximum range, the cruise missile must fly at the high altitudes of turbofan efficiency for much of its penetration and during that period is exposed to even current Soviet air defense. Its guidance system must be preprogamed, leaving it vulnerable to a mobile defense system, and it has no electronic countermeasures to confuse an enemy detection and missile guidance system.

SUPPORTING WEAPONS LACKING

The cruise missile originally was designed to be part of a multi-weaponed attacking force, with the rocket-powered supersonic SRAM short-range attack missile to hit heavily defended targets, the cruise missile lightly defended targets and the penetrating bomber following with its massive ECM and heavy megatonnage gravity bombs. Stripped of its supporting weapons, the cruise missile also loses considerable effectiveness.

The modern cruise missile on which President Jimmy Carter is basing so much of this country's future strategic power is still in an early development stage and has many test, production and deployment problems to solve before it is fully effective. In the meantime, we think it extremely wise for President Carter to continue to test and evaluate the B–1 technology as a prudent hedge against the future.

THE SOCIAL SECURITY SYSTEM AND MANDATORY RETIREMENT

Mr. DOMENICI. Mr. President, on Saturday, July 9, the New York Times carried an article by Jess Altman entitled "Social Security: The Worst Is Yet To Come." I found this article to be extremely interesting because it touched upon the interrelationship between two important issues confronting older Americans. The first issue revolves around the fiscal viability of the social security program, and the second is mandatory retirement. According to the 1977 annual trustees report:

Outgo from the combined trust funds (Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds) exceeded income in calendar year 1975 by $1.5 billion and in calendar year 1976 by $3.2 billion.

The report goes on to say that—

Unless legislation is enacted to provide additional financing, the assets of the disability insurance trust fund are expected to decline until the fund is exhausted in 1979. . . . The assets of the old-age and survivors insurance trust fund are also expected to decline, in the absence of additional financing, until that fund is exhausted in the early 1980's.

Mr. Altman estimated that the abolition of mandatory retirement would "drop" $2.25 billion a year "into the lap of the hard-pressed social security system at no cost to the taxpayer." Mr. President, we all know that $2.25 billion per year would not solve all of the fiscal problems of the social security trust fund, but it would ease the burden.

In addition, the abolition of mandatory retirement would open job opportunities to thousands of older persons who want to continue working. Today our Nation is suffering a substantial loss of wealth from the waste of skill and experience that results from involuntary retirement at an arbitrary chronological age. In addition, there is clinical evidence that forced retirement actually accelerates the aging process in many individuals. Thus we first render a person nonproductive and then increase his or her dependence upon public programs such as social security, SSI, food stamps, medicare, medicaid, welfare, and so forth. This entire process strikes me as an incoherent way of shaping sound humane public policies.

A related but equally important aspect of the relationship between mandatory retirement and social security can be seen in the way it impacts on older women in the work force. Many women do not enter the work force on a permanent full-time basis until their children are grown or they have been widowed or divorced. Compulsory retirement limits the working life of these women and reduces their ability to build up sufficient pension and/or social security benefits.

Mr. President, I am very encouraged by the increased interest in both the House and the Senate for legislation designed to curtail mandatory retirement. I applaud the recent action of the House Education and Labor Committee which approved a bill that will, if enacted, end mandatory retirement in the Federal civil service and protect employees in the private sector of our economy from involuntary retirement below the age of 70. Next week the Senate Human Resources Committee's Subcommittee on Labor will be holding 2 days of hearings on age discrimination in employment legislation. I plan to testify on behalf of my bill, S. 481, at that time. I hope the 95th Congress will act promptly to abolish mandatory retirement at a fixed arbitrary chronological age.

Mr. President, I ask unanimous consent that the text of Mr. Altman's article "Social Security: The Worst Is Yet to Come" be printed in the RECORD.

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

[From the New York Times, July 9, 1977]

SOCIAL SECURITY: THE WORST IS YET TO COME

(By Jess Altman)

A saving of nearly $2.25 billion a year is waiting to drop into the lap of the hard-pressed Social Security system at no cost to the taxpayer. All that needs doing is for Congress to act on a bill that has been kicking around in the legislative hopper for years. The bill, sponsored by Representative Paul Findley, Republican of Illinois, and other Congressmen, would put an end to the widespread practice of mandatory retirement at 65.

The windfall consists of the money Social Security would not have to pay out in benefits to those persons who would be enabled, under the Findley bill, to continue working after reaching the age of 65. Each year, 60,000 workers lose their jobs because of their company's policy of mandatory retirement at 65. According to the Social Security Administration, more than half—34,000 to be exact—would continue working if they had any say in the matter. As of July 1st, the average benefit for a married worker amounts to $361 a month, and for a single worker it is $245 a month. Since 85 percent of the workers who start collecting benefits at 65 are married, the average benefit for all workers entering the Social Security rolls comes to about $340 a month.

If mandatory retirement were abolished, then Social Security would not have to pay benefits to the 34,000 workers who each year choose not to retire. Thus, Social Security would save about $140 million in the first year. Each succeeding year the saving would increase by that amount. At the end of five years, the annual saving would run to $2.1 billion a year. Assuming that most workers would want to retire at age 70, the saving for Social Security would continue at that figure each year.

Furthermore, with benefits due to go up by 5.9 percent annually (whenever the cost of living rises by 3 percent or more), there would be an added saving at the end of five years of $130 million.

Obviously, a reduction of more than $2.2 billion a year in Social Security's operating costs would not end its fiscal crisis. But it would be a big help. Congress should welcome this windfall as a means of avoiding, or at least cutting down on, one or more of the draconian measures proposed by President Carter to rescue Social Security from its financial dilemma.

The question is whether Congress will see fit to end mandatory retirement at 65. Until the current crisis in Social Security, there had been insufficient pressure to get legislative action. Arguments that mandatory retirement was a form of discrimination, that it performed major surgery on a worker's income, that it demoralized unwilling retirees, as well as other charges have failed to pack enough weight to make Congress act. A poll taken by the Louis Harris organization in 1975 showed that 86 percent of Americans between the ages of 18 and 64 favor an end to mandatory retirement. Still, Congress paid no heed. The principal support for mandatory retirement has come from business.

But business now finds itself in a dilemma as the result of President Carter's proposal that Congress remove the wage ceiling on the Social Security tax paid by employers. It is conceivable that, rather than be saddled with this open-end tax, business may consider it more expedient and much less costly—if it is actually costly—to give up mandatory retirement.

The fact is that sooner or later mandatory retirement must bow before the inescapable pressure of demographic change. Today, with a work force of 90 million and a senior citizen population of 33 million, the benefits for each retiree have to come out of the tax on every three workers, and since the current tax is not providing enough revenue, Social Security is in trouble. But the worst is yet to come. By the next century, because of the static birth rate and the growing number of the elderly, the ratio will be two workers to each retiree. If three can't support one today, how can two do it tomorrow? Obviously, drastic measures must be taken to keep Social Security solvent. One such measure, inevitably, will be to increase the work force, and that can only be done by doing away with mandatory retirement. If it has to happen eventually, why not now—and enable Social Security to pick up an annual windfall of approximately $2.25 billion?

Ironically, if mandatory retirement at 65 had been illegal in the 40 years of its existence, Social Security today would fiscally be hale and hearty—and sitting on a hefty nest egg.

THE B–1 BOMBER

Mr. GOLDWATER. Mr. President, there are many reasons why I believe that President Carter made a serious mistake when he decided that the cruise missile would provide this Nation with a cheap alternative to the B–1 bomber. Perhaps the most important reason is that the cruise missile, for all of its value, is strictly a missile. It is unmanned and it has no crew aboard to think or make on-the-spot decisions. It is important to understand that, unlike a manned bomber, the cruise missile cannot be recalled once it is launched. Thus, it can never be launched in anticipation of an enemy attack which might not materialize.

Mr. President, many of the arguments for the B–1 bomber are extremely complex and difficult for the general public to understand. But one of the clearest and most concise arguments for the B–1 was published recently in the Chicago Tribune. The article was written by Peter Reich, a member of the Tribune staff and an acknowledged top expert on aviation and missiles. I ask unanimous consent that Mr. Reich's article, entitled "The B–1 Offers Advantages a Cruise Missile Can't Match," be printed in the RECORD.

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

THE B–1 OFFERS ADVANTAGES A CRUISE MISSILE CAN'T MATCH

(By Peter Reich)

I believe President Carter made a serious mistake when he killed the B–1 bomber. I think history will show him penny-wise and pound-foolish.

The President, you'll recall, justified his decision by declaring the B–1 to be too costly and unnecessary to the nation's defense.

He said the cruise missile—a small, pilotless jet plane that is computer-guided to its target—has become an effective, cheaper alternative to the B–1.

I think the President is confusing apples with oranges. Here's why:

The cruise missile is a great new weapon—small, cheap, accurate, and, presumably, reliable.

Flying at 500 miles an hour, some 300 feet above the ground, it can duck in below most radar coverage, following the contours of the terrain, employing the natural cover and concealment of mountains, hills, and valleys.

Antiaircraft guns or missiles would be hard pressed to draw a bead on it.

But the cruise missile is a missile. It's unmanned. It has no crew aboard to think, or make on-the-spot decisions.

You can't call a cruise missile back once it is launched.

A manned bomber, on the other hand, can be called back up to the moment it releases its bombs or missiles. It can be launched in anticipation of an enemy attack—not just in response.

Again, the cruise missile flies at only about 500 m.p.h.—slower than many commercial airliners. The B–1 flies at up to 1,650 m.p.h.

And the cruise missile's range is limited. It can hit targets no more than 2,000 miles away.

The B–1 can hit targets twice that far away, and, with air-to-air refueling, anywhere on this globe.

The cruise missile carries a thermonuclear warhead big enough to destroy almost any target. But the B–1 can carry 24 SRAMs [short range attack missiles], each of which has a thermonuclear warhead the size of the warhead on a cruise missile.

In fact, the B–1 could carry 24 cruise missiles.

There's another point worth considering: A missile is of little value without a nuclear warhead. Ergo, it is not much good in a nonnuclear war.

But a manned bomber is a handy weapon even in a conventional war—as was proven by the B–52, which was designed to carry two huge thermonuclear bombs and wound up carrying regular bombs in the Viet Nam War.

Indeed, the B–52 became the single weapon most feared by the enemy in that conflict.

However—and this is an important consideration—the B–52 first flew in 1954 and the newest B–52 built came off the production line in 1962.

In other words, good as it is, the B–52 is old. Few people feel safe driving a 15-year-old car on the highway. Is it fair to expect our airmen in a future conflict to fly a 15-plus-year-old plane against defenses an enemy has had more than a decade and a half to perfect?

Advances in air defenses come rapidly. For the first several years of the Viet Nam War, not a single B–52 was lost to enemy action; in the final month of B–52 raids against Hanoi, 15 B–52s were shot down.

To think of the aging B–52 as a first-line weapon capable of dealing effectively with the new, sophisticated defenses an enemy will have available during the 1980s, is deluding ourselves.

The low-flying, faster B–1, with its advanced electronic countermeasures equipment, would be capable of dealing with such defenses; the venerable B–52 probably would fare no better than the outmoded American Brewster Buffalo fighter did against the Japanese Zero fighter in the early days of World War II.

In sum, I think the B–1 bomber offers a number of advantages—speed, range, versatility, electronic countermeasures, payload, manned crew—that even the cruise missile, good as it is, can't match. I think our nation would be ill-advised to put all of its eggs in the cruise missile basket.

The stakes in the nuclear deterrence game are too high to take the risk that not building the B–1 involves.

Once the radioactive mushrooms start sprouting (God forbid!) it will be too late to say, "Gee, we should have built the B–1."

The Russians, it is worth noting, are not holding back.

Although they now have many more intercontinental ballistic missiles than we do, and even though they now have many more submarine-launched ballistic missiles than we do, they still are building a supersonic jet bomber called the Backfire.

It looks a lot like the B–1.

VIETNAM IN THE UNITED NATIONS

Mr. DOLE. Mr. President, yesterday the Communist Government of Vietnam scored a major symbolic victory in gaining the U.N. Security Council's approval for membership in the United Nations. The active participation by our own U.N. delegation in the approval is the latest step in the Carter administration's efforts to normalize relations with Vietnam. The significance of that move lies in its departure from previous U.S. policy opposing United Nations membership for Vietnam until it cooperated in accounting for missing American servicemen.

I have no objection to "putting the past behind us," as President Carter so often phrases it. But when it comes to cooperation in accounting for American MIA's, the Vietnamese seem intent upon perpetuating the past. I have seen no efforts on their part to put the past behind them. Instead, they continue to hammer upon a U.S. aid "obligation" stemming from our involvement in the recent war.

In an appearance Tuesday before the House International Relations Subcommittee on Asian and Pacific Affairs, former Secretary of State Henry Kissinger referred to Vietnamese claims as "an absurdity" and "an insult." I fully agree with his assessment that Vietnamese Communist officials forfeited whatever hope they might have had for reconstruction aid when they violated the 1973 peace agreement and launched the invasion of the Republic of Vietnam. Secretary Kissinger maintained that he "would not even consider reconstruction aid until we have a full accounting" for missing Americans in Southeast Asia, and I believe the majority of our citizens feel the same way.

LITTLE PROGRESS IN ACCOUNTING

In the last 2 years, the Vietnamese have accounted for 35 missing Americans within their territory, of the several hundred still listed by the Defense Department as missing in action there. The House Select Committee on MIA's reported late last year that it is reasonable to believe the Vietnamese could account for more than 150 of the missing. Yet we seem to be proceeding "full speed ahead" in our normalization efforts, without due regard to progress on the accounting issue.

Secretary Kissinger, who had numerous contacts with the Vietnamese during his tenure with the Department, advised that Hanoi's leaders "could not believe that the Congress was not a docile instrument of the administration." Their understanding of American Government was naive and simplistic. Yet, it is sometimes easy to see where they get that impression. It is frustrating to me to see congressional efforts blunted which seek to hold Vietnam responsible for an accounting of our servicemen.

Recently, an amendment I offered to discourage aid to Vietnam, Laos, or Cambodia by international monetary organizations passed the Senate on a strong vote of 58 to 32. It would have required U.S. delegates to those organizations to vote "no" on loan applications by these countries, and would have authorized a reduction in U.S. contributions to a monetary organization which granted such aid over our objections. The intent was to keep some pressure on the Vietnamese, the Laotians, and the Cambodians to cooperate in further accounting efforts. A similar amendment had passed the House of Representatives, attached to a different measure.

The amendment was reported from conference committee on Tuesday of this week in a substantially modified form that does not really reflect the will of either the Senate or the House. It directs the monetary institutions to "consider" the responsiveness of the Asian governments on the accounting issue when loan requests are reviewed. This modification, of course, deletes any real force from the measure.

Mr. President, I am convinced that the Vietnamese can do better in their accounting efforts. I am convinced the U.S. Government can do better in persuading the Vietnamese to cooperate. With each additional provision of aid or recognition, the Vietnamese have less incentive to cooperate. For this reason, I regret American participation in approving Vietnam's U.N. membership at this time, and I will continue to oppose formal recognition or aid of any kind until we see much better success in accounting for our MIA's.

INTERLOCHEN: MICHIGAN'S GIFT TO THE MUSIC WORLD

Mr. GRIFFIN. Mr. President, 50 years ago at Interlochen, Mich., near my hometown of Traverse City, the late Dr. Joseph Maddy founded the National High School Orchestra Camp to train promising young symphony orchestra musicians.

The National Music Camp, as it became known, has given many thousands of talented young people the opportunity to study and perform with other similarly gifted young musicians from around the country and the world, under the tutelage of accomplished artists.

Today Interlochen alumni perform with every major and community symphony orchestra throughout the country—and include principals in groups such as the Cleveland Orchestra, the Atlanta Symphony, the Minnesota Orchestra, and the New York Philharmonic.

Interlochen's faculty has included such notables as conductor Guido Ajmone-Marsan, a former camper who now leads the World Youth Symphony; and pianist Van Cliburn, who is an annual participant and has been a member of the board of trustees since 1961. In fact, Van Cliburn will be performing at Interlochen this weekend.

From its modest beginnings, the National Music Camp has grown to accommodate 1,500 students yearly during the 8-week summer session—including some as young as 8 years of age as well as many college students who are earning undergraduate or graduate credits at the University of Michigan.

Once exclusively devoted to music, the curriculum has been broadened to include drama, dance, and the arts.

So successful has been the summer camp that in 1962 the Interlochen Arts Academy was begun to provide full-time instruction in the arts and academic subjects during the school year. The academy is a fully accredited high school, with a current enrollment of about 400 students.

In its half-century, Interlochen has trained thousands of young people from 46 of our 50 States and from 22 foreign countries. I have had the pleasure of assisting in this cross-cultural development by sponsoring legislation that generated foreign student scholarships. And I have had the pleasure of attending concerts performed by these students. Based on the quality of these performances, it is no wonder that the National Music Camp has produced musicians who, at the tender age of 20, already are performing in nationally acclaimed orchestras.

To celebrate its important role in developing symphony orchestra talent over the past half-century, Interlochen has planned a special 50th anniversary celebration which began with the opening of the 1977 National Music Camp season in June and will continue to the end of the summer season. This celebration will feature performances by Interlochen students, guest performances by renowned alumni, appearances by other noted artists, as well as premiers of new compositions.

Mr. President, recently, the Senate paid tribute to Henry Ford by marking the 75th anniversary of the automobile company he founded that did so much to change the course of American society.

Michigan is proud to be the home of Henry Ford and the automobile. But it is altogether appropriate, I suggest, to point out that Michigan is more than automobiles; that leadershp in music and other performing and visual arts is among Michigan's many gifts to our Nation.

My eldest son, Paul, is among the thousands of young people who have been enriched by training at Interlochen—and no doubt the children of many of my colleagues in Congress have also benefited from this unique educational experience.

On this—the 50th anniversary of Interlochen—I would like to say "thank you" to those whose vision made the National Music Camp possible and to the generations of gifted artists who, by benefiting from this training, are filling our land with music.

U.S. NEWS & WORLD REPORT PROPOSES CORRECTION OF SOCIAL SECURITY EARNINGS LIMIT

Mr. GOLDWATER. Mr. President, it is always encouraging to me when one of the most widely read news magazines in the country endorses a proposal that I happen to have been working toward for many years, especially when these editorials appear to be signs that the time has finally arrived for a particular issue.

Today, I am delighted to say that a prominent publication has recently published an editorial supporting correction of the earnings limit on social security

benefits. The call for a change in the earnings ceiling appears in the July 11, 1977, issue of U.S. News & World Report, which explains that many older persons need to receive both their full social security check and to continue working in order to maintain a decent standard of living.

Mr. President, I only note that the editorial places too high a figure on the estimated cost of repealing the earnings limit because it does not distinguish between a repeal only for persons reaching age 65, the traditional age of entitlement to full benefits, and repeal of the test for everyone, including the 11 million persons under age 65.

Actually, repeal of the test for workers 65 and over would be virtually self-financing because most of the persons who would be induced to return to work already are drawing maximum benefits and would not cost the system a penny more. They would, however, pay additional social security and income taxes into the system.

Mr. President, I ask unanimous consent that the editorial entitled "Time for a Fairer Shake" be printed in the RECORD.

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

"TIME FOR A FAIRER SHAKE"

(By Marvin Stone)

Only a trusting few really believe that Washington has the wisdom to straighten out all the pension inequities in the country, but at least it should try to adjust those it has created. These inequities penalize millions of people. It's a familiar story: Once government takes on responsibility, it seems incapable of resisting the temptation to seize more. The result often is sheer idiocy.

President Carter, having looked at the welfare mess and come away temporarily baffled, deserves credit for now tackling the pension mess. He'll find it rivals welfare in complexity.

On the face of it, is a shame that, if two citizens have rendered equally devoted service to society, one may pass his last days in affluence and the other in want—through no cause except the accidents of our bureaucracy. The problem is to find some approach to equality between military and nonmilitary retirees, government and private employes, persons working in retirement and those not working, husbands and working wives, husbands and homemakers, and endless combinations of these and others.

The President has indicated that his coming surveys will delve not only into federal, but into State, city and private retirement plans. It's an ambitious undertaking.

Most of the flaws in pensions will persist for a long time before remedies are achieved. One that is getting a lot of publicity is "double dipping," by which military retirees draw their pensions and take salaried jobs—even government jobs—as well. The President mentions "quadruple dipping." A beneficiary conceivably can wind up with several pensions. New curbs on this practice are being advanced in Congress.

Opposition to multiple dipping does not stem from hostility to the military, as such, but from adverse comparisons with workers in private life. Retirees on Social Security can earn only a limited amount without losing their SS checks. Since the average Social Security payment is close to the official poverty level, this restriction poses a bitter handicap for low-income retirees still able to work. If they also get company pensions, they come closer to the level of the double dippers; but some 60 per cent or more do not have pensions.

Middle-bracket Americans about to retire feel that they, too, will get it in the neck. They are not going to starve, but if they expect to maintain a decent standard of living by finding part-time work, they are in for a hard time. After the permitted first $3,000 a year of earnings, they may find that the next $3,000 is virtually wiped out by further Social Security taxes; federal, State and city income taxes, and loss of benefits.

A sensible solution would seem to be to let Social Security pensioners earn unlimited amounts. That is not going to happen, principally because it would cost workers and employers an extra 7 billion dollars a year to finance the additional benefits.

Waiting in Congress are more than 100 bills to change Social Security rules. Several would raise earnings limits. In these days of high prices, some increase would not be unreasonable. At the same time, the Administration proposes to save money by knocking out the "monthly test," which lets retirees earn far more than the annual limit in a few months, then quit work and draw Social Security the rest of the year.

This change would hurt the high earners, but they might find it palatable, if not pleasing, if the annual limit were raised somewhat above the present $3,000.

These proposals only ripple the surface of the pension pond. They will be debated in hearings before the House Social Security Subcommittee. Careful attention should be given, because the pension scene is a sorry one and this Administration and this Congress should start cleaning it up.

COMMUNIST CHINA'S DRUG WAR AGAINST THE FREE WORLD

Mr. GOLDWATER. Mr. President, with all the attention being given by this administration and the news media to the issue of human rights, I believe it is of fundamental importance that the American people and those Government officials who are formulating U.S. policy, should concentrate on one of the most vile attacks on human dignity and individual liberty that has ever occurred in the recorded history of civilization. I am referring to the conscious and deliberate effort by Communist China to subvert the physical, mental, and moral fiber of peoples in the Free World by peddling and pushing narcotics.

Mr. President, there has been virtually official silence within the U.S. Government on this subject, but from time to time, documented evidence has arisen which cannot be suppressed confirming the drug war which is being mounted against the Free World by mainland China.

For example, Dr. Harry Anslinger, Commissioner of the former U.S. Federal Bureau of Narcotics, charges in his book, "The Murderers," that: "The use of drugs as a political weapon by the communist forces in America, the Orient, Europe, and Africa is well documented."

Occasionally, reports become known of the capture of opium in the process of being smuggled out of Communist China, and unchallenged facts of this kind, combined with reports by refugees leaving the mainland, prove beyond any question that Red China is the major source of the world's hard drugs. These reports indicate that at a minimum, Communist China's annual income from drug smuggling is $500 million annually.

Mr. President, it is a tragedy that American officials who find it easy to think about the policy of so-called normalization of relations with Communist China, and who at the same time profess to hold a devout and unequivocal concern with human rights, are ignoring the Chinese Communist drug war. Indeed, in this and every other area, Communist China and human rights are as far apart as anything can be.

Mr. President, I would call the attention of my colleagues to a recent booklet on this subject written by Patricia Young, who is a noted Canadian author, lecturer, and syndicated columnist. Patricia Young has collected extensive documentation of the scope of Communist China's activities in hard drug production and smuggling, and I commend her report to the Senate.

Mr. President, so that Senators may judge for themselves the importance of her booklet on this subject, I ask unanimous consent that excerpts from "The Death Peddlers" by Patricia Young be printed in the RECORD.

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

[From: "The Death Peddlers—Communist China's Opium War on the West" (1973) By Patricia Young]

PART 1—CHARGES AND COUNTERCHARGES

Of all the billions of words which have been printed throughout the world on the subject of narcotics, opinion appears to fall into two distinct categories. One segment, invariably led by a variety of New Left intellectuals and radical students, will endeavour to make a case for the "legalizing" of drugs (in order to remove the profit motive), for the relaxation of penalties or at least for more programs of "education" and the "treating" of addicts at taxpayers' expense.

At the other end of the scale, the "conservative," "hawk" or "Redneck" will call for tighter laws, and more particularly, for the enforcing of those laws already on the books, which they believe to be grossly abused.

Then there are those who feel that it makes more sense to tackle causes rather than effect; that it is more important to expose the source of the evil rather than expending ourselves in futile battle against epidemic effects. For this reason, the news media has become something of a battleground—not so much for stamping out the horrors of drug addiction—but for "proving" or "disproving" the inherent dangers and just who is behind the vicious drug war upon the Free World. Thus, for upward of twenty years, the will of millions of young people has been slowly sapped and subverted, leaving them ripe for false propaganda, subversion, sloth and even treason.

For example, Dr. Robert Baird, a New York drug expert for the past twenty-four years, testified before a U.S. Congressional Committee hearing in July 1971 that the Chinese Communists were preparing a new offensive to use narcotics to demoralize the North American population, especially the young. He said: "We are being misled into thinking that Turkey is the primary source of narcotics . . . but Communist China produces fifty-five to sixty percent of the world's hard drugs!"

On September 13, 1964, Pravda accused the Chinese Communists of growing and smuggling heroin and opium into the West, netting a profit of $500 million dollars annually. Dr. Harry Anslinger, Commissioner of the U.S. Federal Bureau of Narcotics,

claims, in his book, The Murderers: "The use of drugs as a political weapon by the communist forces in America, the Orient, Europe and Africa is well documented." Charles Airagusa, chief assistant to Commissioner Anslinger, supported this premise and was quoted in the Melbourne Herald of Australia on March 17, 1962, as having said: "The Chinese Communists have launched a plan to turn North America into a race of drug addicts!"

Sean O'Callaghan, whose book, The Drug Traffic was published as far back as 1967, writes: "The Chinese Communist drug ring, with headquarters in Peiping, has become more sinister, more lucrative and more dangerous than the Mafia!"

The Soviet correspondent stationed in Japan whose findings were published in *Pravda* of September 13, 1964, stated: "The Mao regime is the biggest producer of opium, morphine and heroin in the world!"

Fearless journalist Victor Reisel, in his Labor Column in the *Philadelphia Inquirer* of June 21, 1951, reported on large quantities of hereoin being processed in Tiensen for smuggling into North America. He told of the International Confederation of Free Trade Unions (including the AFL and CIO) joining in the fight to unionize plantation workers in the Orient as an anti-communist Labor Federation. He wrote: "These communists are professional killers, working out of official headquarters on North Han Min Road, Canton. Besides smuggling heroin into Hong Kong, the hundred and fifty man operation is used to terrorize anti-communist labor leaders in Hong Kong, Singapore and Macao."

The Fire and Police Research Association of Los Angeles bulletin of November 1971 notes that until five years ago, official records clearly pointed to Communist China as the main source of the world's opium and opium products.

As far back as December 9, 1956, *The Philadelphia Inquirer* reported on the smashing of an international drug smuggling ring at the Canadian-U.S. border in New England which cited a Chinese resident of Boston as being part of the ring which brought narcotics from Communist China via Hong Kong.

Allen C. Brownfield, in his book *The Peking Connection* charges the U.S. "Establishment" with refusing to name Communist China either as a suspect or participant in the heinous narcotic traffic. These charges were read into the *Congressional Record* of the U.S.A. (No. 113, Part 2) of August 17, 1972, by Congressman Waggoner. Yet for all the continuing documentation and photographic evidence from around the world; for all the continuing stories of a "death addicted" generation and the crimes rising out of it, many U.S. Government agencies, while mouthing a commitment to fighting drug abuse, continue to dismiss as "arrant nonsense" any idea of Communist involvement!

For instance, Louis J. Link, Chief of the Public Inquiries Division of the U.S. Department of State, replying to a query on October 27, 1971, stated that the U.S. Government, being made aware of world-wide stories of Communist Chinese drug production and trafficking, had investigated their authenticity and found "no reliable evidence" that the Chinese Communists ever had engaged in or sanctioned the illegal export of opium or its derivatives!

A U.S. citizen, after reading *The Drug Traffic* by Sean O'Callaghan (published in Britain in 1967) wrote to the Strategic Intelligence Office of the U.S.A., only to be told in writing by John W. Parker, Acting Assistant for Strategic Intelligence, that: "Simply stated, in spite of everything that is said, we do not have evidence of Communist Chinese involvement in international naroctic traffic". It should be noted that the head of this Department was none other than William O'Sullivan, fired from the Federal Bureau of Investigation by J. Edgar Hoover after the former had travelled the nation coast to coast contradicting his boss regarding any danger from the communists!

Arthur C. Egan Jr., reporting October 14, 1971, on a Washington Conference on Crime and Justice, states that President Nixon's high government administrators had produced "conflicting" statements concerning Administration suppression of information concerning Communist China's supplying of sixty-five percent of all opium and heroin smuggled into the U.S.A.! While two former commissioners of the Bureau and the former Director of a Washington Research Bureau, charged that Communist China had been heavily involved in subverting North American youth from as far back as 1952, John Finlator, deputy director of the U.S. Bureau of Narcotics and Dangerous Drugs, denied any Communist Chinese involvement, as did Attorney General John Mitchell. Similarly, William D Blair Jr. another Nixon Administration official, said on June 30, 1971: "As far as we are aware, opium is not legally grown in the 'People's Republic of China'—note the official "status" given officially to the illegal regime—"and none is exported by the Chinese Communist authorities!"

While other Bureau of Narcotics officials contacted appeared to squirm with mild embarrassment, one admitted that orders from the White House were that Communist China was not to be criticized! The official was quoted in Arthur Egan Jr.'s report as saying: "I would lose my job in twenty-four hours" if his name were publicly disclosed. Other key narcotic bureau officials connected with the enforcement of laws against drug traffic, charged that they had been "gagged" by the Administration and had been ordered to make no public admissions concerning Communist China's role in exporting opium and heroin to the Free World, especially to the U.S.A! He said: "We cannot even refer to them as Communist China or Red China. We must now say the 'People's Republic of China' because President Nixon wants to establish relations with the Red Chinese!"

And as the youth of North America continues to be swept into the vortex of a man-made hell, so "political expediency" and personal ambition for power and prestige continue to sacrifice the youth of the nation and the heritage of freedom that is their birthright. While crime stalks the street in search of the wherewithal to buy heroin, so the over-burdened taxpayer is forced to dig into his pocket to provide more rehabilitation centres, more jails, more police and more discussion forums which debate everything *except* who is behind the vicious drug war and why it is being directed largely against the Free World!

Yet above the official silence, the voices of angry concern continue to be heard around the world. Stanton Candin, former senior intelligence officer with the British Ministry of Defence, in an interview with *United Press International* on February 9, 1972, following an extensive tour of the Far East, accused the Chinese Communists of smuggling illegal drugs into the United States as a form of "psychological chemical warfare". He adds: "I think the Chinese Communists regard the U.S.A. as an enemy country!"

Candin, who linked the Chinese Communists with the underworld of the Far East, Europe and North America, commented on enormously increased poppy production in the Southern Province of Yunnan noting that while increasing its opium production for illegal export to North America and the Free World, the Peiping regime had "virtually wiped out drug addiction among the Chinese people on the mainland."

Louis J. Link, Chief of the Public Inquiries Division of the U.S. State Department, in a letter to a United States citizen dated October 27, 1971, in response to a query addressed to Secretary Rogers, in effect stated that "investigations" indicated that the drug traffic in Southeast Asia was carried out by "individuals" intent upon financial gain rather than political considerations!

He concludes blandly: "The People's Republic of China has no drug problem of its own. Chinese Communist authorities have for years strictly forbidden private production, consumption and distribution of opium and its derivatives." While admitting that the Chinese Communist authorities authorized "limited" amounts of opium to be produced under strict government control for medical purposes, Mr. Link apparently discounts the massive documentation of Communist China's major foreign export—opium! To be sure, it is not produced "privately". In a Communist State all production is controlled by the State! To be sure drug addiction is controlled in Communist China. Whoever heard of an arms manufacturer encouraging his employees to turn the guns on themselves?

By the same token, Kenneth de Courcy, in the *British Intelligence Digest* of June 1962, revealed that there were forced labour camps in each of Communist China's 2,000 hsien or counties. *The Central News Agency* of Hong Kong reported on December 7, 1972, that a new arrival from Canton on the Chinese mainland told of how some 6,700 convicts had been put to work in one of these camps planting poppies in the mountainous areas of Kwantung (83.5 acres) where tin and granite were once mined! Oddly enough, while the evidence continues to mount around the world, the Chinese Communists continue to protest their innocense. For instance, *The Vancouver Sun* of January 8, 1973, carried a U.P.I. news story out of the Hong Kong Chinese Communist News Agency which called Soviet charges that Red China made a FIFTEEN BILLION DOLLAR-a-year profit of smuggling illegal drugs a "preposterous slander."

And while the "establishment" in the United States appears reluctant to point the finger at the Communists, the evidence continues to pour in. *The Toronto Star* (Ontario, Canada) stated June 23, 1972: "Drug officers are becoming concerned about the increase in the amount of cocaine available across North America. American Intelligence officers in Washington say that they have traced much of the cocaine to the Far East, including Mainland China!"

In his book *Dope International*, author Charles Wighton claims, "The drug trafficking is carried out by a criminal conspiracy and promoted by a political conspiracy closely associated with international communism and centered in Communist China!" Valedin Chu, Hong Kong correspondent for the Australian magazine *Time and Tide*, reported in the January 1963 issue that 65% of the world's illegal drugs originated in Communist China! He further charged that Communist China grossed ONE BILLION dollars annually in gold and currency from drug smuggling to the U.S.A. alone! He added, as have other writers around the world, that the opium was grown and refined in Communist China and then smuggled into the Free World by way of Burma, Thailand, Hong Kong, Cuba and the Philippines.

In 1972, an A.F.C.C. report disclosed that Red China produced over TEN THOUSAND tons of heroin annually, netting a profit of close to $800,000,000 annually!

From Britain comes a report put out by James H. Turnbull, Conservative M.P. for Belper and, as reproduced in the *British Foreign Affairs* booklet titled *Chinese Narcotics*. Documented with photographic evidence of Red Chinese shipments of opium on their way to refineries and raids by the Hong Kong police, Turnbull claims that the Communist Chinese have more than 137,480 acres of land under poppy cultivation which yields more

than TWO THOUSAND TONS of opium annually at a profit of more than FIVE HUNDRED MILLION dollars annually!

This figure is borne out in the *London Weekly Review* of September 20, 1972, which reports on the capture of two caravans smuggling opium out of Peiping. Apprehended on the northern border of Thailand the cargo of opium was estimated as being worth two hundred and fifty million dollars on the streets and that confidential documents confiscated revealed that Communist China's annual income from drug smuggling was upward of FIVE HUNDRED MILLION dollars annually; that Peiping's purpose was to corrupt the morals of the West. The secret document also exposed one Lo Tsing-han as the opium King of Asia, who operated out of Yunnan province close to where the borders of Thailand, Burma and Laos met. The British *East-West Digest* of April, 1972 charges those who defended the use of drugs by Britain's young people as being "stooges" of a foreign power—namely Communist China!

Free China Weekly of September 10, 1972, released figures put out by the Government Information Office of the Republic of China which determined the Chinese Communists as having 9530 acres of land under poppy cultivation with 72 refineries located throughout the entire mainland. Eight major cities of Communist China were used as centres for the exporting of some 10,000 metric tons of opium and opium products annually and which netted the Communist Chinese a profit of $800 MILLION U.S. dollars. L.Z. Chen, also writing in *Free China Weekly* (September 3, 1972 issue) points up the disparities involved in trying to estimate Communist Chinese poppy production. He attributes this to the manner in which the communists intersperse their poppy crops with other, taller crops, thus making it more difficult to detect the opium growing crops from the air. Mr. Chen concludes, as others, that the Chinese Communists have embarked on a cruel and vicious scheme of attempting to destroy the Free World by way of narcotics!

Yet still, an apathetic public allows itself to be lulled to sleep by pseudo-intellectuals, political perverts and Maoist manipulators.

John Chamberlain, writing in *Human Events* of August 8, 1972, charged: *"U.S. should reveal extent of Red China Drug trade"* and compared the "cover up" of Communist China's narcotic smuggling with the "cover up" of the Soviet massacre of Polish soldiers in Katyn Forest near Smolensk during World War II. He referred to an Australian report which corroborated facts contained in *The Peking Connection: Communist China and the Narcotic Trade* by Allan Brownfield.

Human Events of September 30, 1972, asks editorially: "Why Press Blackout on Drug Hearing?" In question was the Senate Internal Security Hearing Subcommittee, during which former Marine General Lewis Walt and Dr. Olav J. Braenddn, Director of the United Nations Narcotic Laboratory, testified on the subject of Communist China's peddling of heroin on the Free World market. *Human Events* charged that General Walt's ten-page report was given only scant and incomplete coverage by the nation's news media. Among other things, General Walt told of the strict measures enacted by Japan when that country first became aware of their problem. That problem became manifest when between 40,000 and 50,000 citizens were found to be addicted to heroin. Japanese authorities promptly instituted a ten year to life imprisonment for convicted drug traffickers!

Yet despite the mounting evidence of a colossal and murderous attack upon North America by the political drug pushers, an alarming number of journalists, politicians and professional do-gooders, sensitive to the "smear" treatment, back off from their duty to investigate, challenge and expose. Instead, they would agonize over the newest drug addiction statistics, putting "society" on the rack for not spending more money on "rehabilitation" centres; for not "legalizing" narcotics so as to take the profit out of pushing and protect their children from being hauled into court for possession! Like lemmings intent upon our own destruction, we would squeal about our plight while refraining from wondering who was driving us into oblivion!

Typical of this attitude was a feature story in *Playboy Magazine* of September 1972, which, while detailing the number of heroin and marijuana users in the U.S.A., together with a full color chart on the names, types, dosage and effects, gave no indication of the main source of the drugs! Indeed, the *Playboy* feature article gave the long term, continued, excessive use of opium and heroin as resulting in: "lethargy, constipation, weight loss, sterility and impotence"!

When thirty-six nations took part in a United Nations Conference on Drugs in Geneva in order to sign a narcotics control agreement, the New York *Times* of March 26, 1972, made a note of the fact that India, Burma and the U.S.S.R. had refused to sign the agreement. What *Time Magazine* failed to point out was that Communist China, the world's biggest opium producer, did not sign the agreement, either!

A March 10, 1970, BNDD Report given before the Appropriations Subcommittee of the U.S. Department of State, Justice and Commerce and the Judiciary and Related Agencies, stated: "The countries of Burma, Thailand, Laos and China (mainly Yunnan Province) are sources of opium which moves to Bangkok, Macao and Hong Kong to be made into heroin which then enters the West Coast of the U.S.A.! There are two main currents of illicit drug traffic in opium and opiates to North America. The Middle East and the Far East, directed to the U.S.A. via Hong Kong and Japan".

Oddly enough, at a December 29, 1971 Press Conference (reported in *The Wanderer* of May 4, 1972) Nelson Gross, senior coordinator for Internal Narcotic Affairs for the U.S.A., told reporters: "We have no evidence that any opium is coming from China at all!" Yet only a few months earlier, Michael Parks, reporting from Vietaine, Laos for the *Baltimore Sun* of March 7, 1972, claimed that U.S. Intelligence operations probing the opium cultivation in Yunnan Province in Communist China had been mysteriously "de-emphasized" by the C.I.A.; that teams of C.I.A. operators had been "reassigned" to merely "tracking" the opium caravans after they left Yunnan Province! This report was given credence by the New York *Times* of July 28, 1971, when it was reported that the U.S. Administration had suspended flights over Communist China by manned and unmanned reconnaissance drones (SR 71's) lest the Chinese Communists find them "provocative"! That thousands of North American parents find the narcotic peddlers, pushers and promoters "provocative" has apparently not got home to the Administration, paid by taxpayers to protect them from those who would destroy them!

However, Nelson Gross's "no evidence" statement to the Press did not go unchallenged. Representative John M. Ashbrook (Republican from Ohio) read into the *Congressional Record*, the U.S. Bureau of Narcotics and Dangerous Drugs report regarding Communist China being a prominent source of illegally smuggled drugs. Similar charges were made before the House Foreign Affairs Committee on February 17, 1972, by Representative Seymour Halpern (Republican from New York). At that time, the U.S. delegate to the U.N. was asked to bring the question to the floor of the U.N.

Yet for all the charges and counter charges—from Hong Kong, Japan, Britain, Australia and the U.S.A.—a *United States Information Service Bulletin* of September 18, 1972, carried a further statement by Nelson Gross, this time based on an appearance before the Internal Security Subcommittee hearing on International Narcotics, held on September 15, 1972. This time, while talking about "co-operation" between Canada and the U.S.A. on drug research, Gross declared: "Most of the heroin entering the United States in recent years has been processed from Turkish opium and morphine bases in Southern France, primarily around Marseilles." He goes on to admit that while West Germany is neither a producer nor processor of opiates, the country is an "important transit country" used as a staging, storage and transit area for hard drugs. In outlining how small quantities of opiates are peddled from Turkey to Hungary, Poland, Czechoslovakia and East Germany (all Communist countries) and in allowing that Turkey is not the world's largest producer of opium, that the 1967 production of opium was not more than 350 tons, decreasing to 210 tons by 1971 (due to government phasing out of opium production). Gross nowhere points to the Number 1 drug smuggling operation—Communist China!

Naming Vancouver on the West Coast of Canada as a "major trans-shipment point" along with the city of Montreal in Eastern Canada, Gross apparently appears reluctant to mention the 10,000 tons of opium grown annually by the Communist Chinese, and as reported by the U.S. Bureau of Narcotics.

In his "cooperation" with Canadian authorities on drug trafficking, one is tempted to wonder just how far this "cooperation" goes; whether Mr. Gross read the statement of Lyle Hawkins, Canadian Immigration Director in Vancouver who is quoted in The Toronto Star of July 22, 1972, as reporting a record number of Chinese seamen from Red China as jumping ship in the Western Canadian seaport of Vancouver. He further charged: "Heroin is being delivered to some members of the Chinese community by the ship jumpers. The drugs then find their way across the Canadian border." (Into the U.S.A.)

Pinpointing Vancouver as Canada's most heroin-addicted city, Readers Digest of July 1972 estimated British Columbia's sales of illegal heroin to gross 150 MILLION dollars annually for 1970 and 1971. The British Columbia Medical Association has estimated the Province's population of 2,247,000 to have 15,000 hard core heroin addicts. Canada's alarm was reported in The Toronto Sun of June 23, 1972, in a news story which concluded: "Drug officers are becoming concerned about the increase in the amount of cocaine available to (drug) users across North America. American Intelligence officers in Washington say they have traced much of the cocaine to the Far East, including Mainland China!"

Who, then, is fouling up the lines of communication—between narcotic agencies in various countries and within departments in the same country? In view of some twenty years of world-wide reports and photographic evidence why the seeming "cover-up" job by so many government officials and the left-leaning liberal press? Why would Life Magazine put out a special supplement in 1962 by publisher John K. Jessop and his Editors titled: Communism: Know Your Enemy, yet remain silent in the face of Communist China's growing drug war upon the Free World?

As far as can be estimated, at the time of the U.N. condemnation of Communist China for its drug smuggling in 1952, the Red death peddlers exported some 2000 TONS of narcotics illegally. By 1958, this was expanded to 8000 TONS a year. By 1971, the figure was estimated at 10.000 TONS annually. The net profit to the Chinese Communist govern-

ment? FIVE HUNDRED MILLION DOLLARS ANNUALLY! This figure has been re-iterated in most concerned nations—including the U.S.S.R. Sovyetkaya Russia of October 19, 1972, (quoted on North America's wire services) which made the charge among others.

Little wonder that a 1970 Senate Report on narcotics addiction among American troops then serving in Vietnam, claimed that the communists had backed up their guns and cannon with hypodermic needles and pills filled with narcotics far more insidious than bombs or bullets!

PART 2—FREE WORLD NARCOTIC ADDICTION

While both doves and hawks agree that we have peaked a "decade of drugs" the debate continues as to the major source of cultivation, the extent of danger to humans using it and methods of coping with the problem in order to stamp it out.

As far back as 1957, the United Nations Commission on Narcotics recognized the problem of opium and its by-products as a potential weapon of genocide, although at that time all that appeared known was that there were refining plants in Turkey, Syria, Lebanon, Italy and France. During the next fifteen years, reports emanating from various commissions and world-wide narcotic agencies have provided much additional information.

Oddly enough, many researchers appear reticent of being accused of "looking for communists under the bed"! *Time Magazine* of September 4, 1972, while publishing a cover story on *The Global War On Heroin* which pointed up international police measures being used to fight the evil, gives little or no indication of the Communist Chinese cultivation of areas of opium poppies or the seventy-two refineries on the Chinese mainland! Instead, *Times* names Turkey, Burma, Laos and Thailand as the main production areas! Even while reporting on a U.S. Narcotic Squad raid which uncovered a twenty-pound cache of pure white heroin worth ten million dollars, the "source" of supply is vaguely referred to as "South East Asia"!

Time Magazine does reveal some 560,000 citizens of the U.S.A. as being enslaved to drugs—ten times higher than in 1960 and double the number addicted in 1970! *Time* estimated the U.S. drug addict as spending $8,000 a year supporting his habit; that there is a drug-oriented community in New York City alone, with fifty percent of all crimes in New York being related to narcotics! New York City recorded 1205 deaths from narcotics in 1971, 237 of them being teenagers. *Countdown* (Canada) of January 1973 recorded 550 babies in New York hospitals as suffering narcotics withdrawal after birth, although officials estimate that a more accurate count might go over 2000. Additionally, while two-thirds of New York hospitals are set up to give special care to babies suffering from heroin withdrawal, more than half of the hospitals release such babies to the care of their heroin addicted mothers! As *Countdown* concludes: "One wonders whether this society is capable of any lower form of barbarism!"

In 1971, the U.S. Bureau of Narcotics and Dangerous Drugs seized $920,200,000 worth of illegally smuggled drugs—a THREE HUNDRED PERCENT increase over 1970. Far from controlling or cutting down on the importation of smuggled drugs, U.S. authorities have noted an increase from 2000 tons annually from 1952 to 1957 to 8000 tons annually from 1957 to 1964 and to over 10,000 tons seized annually from 1964 to 1972.

Yet despite statistics, such publications as *Playboy Magazine* of September 1972 will make light of the situation by lumping sedatives and stimulants together with hard drugs! *Playboy* estimates THIRTY-FIVE MILLION Americans to be in some degree on drugs—ten million of them being regular users of marijuana and between 200,000 and 400,000 on heroin. *Playboy* claims the heroin user requires $50 a day to feed his habit, for which (unless quite wealthy) he would need to steal $100 worth of merchandise daily. Even on the basis of *Playboy's* lowest figure for heroin addicts this would require $7.3 BILLION a year in order to feed their monstrous habit!

In a somewhat "soft-soap" approach to the problem, *Time Magazine* points up that there has been a Hashish Club in London, England, since 1850; that two hundred million people throughout the world use marijuana and that 36 out of 100 educational films on drugs were "inaccurate".

"Accuracy" notwithstanding, the emergency wards of our hospitals are filled daily with the broken minds and bodies which result from drug abuse. Dr. Hardin Jones, professor of Physiology and Medical Physics at the University of Berekely in California, writing in the *National Education Program* bulletin of May-June 1971—more than one year *before* the *Playboy* article—gave almost double the number of Americans hooked on Marijuana—estimating the figure as closer to E GHTEEN MILLION, with two and a half million hooked on barbiturates—one million of them suffering permanent brain damage and another 100,000 who experience recurring hallucinations and mental confusion brought on by drugs.

Canada

While *Time Magazine* claimed Western Europe to have a comparatively small drug addicted population of about 10,000 and Canada to have only 14,000 addicts, the Royal Canadian Mounted Police have estimated the figure to be closer to 50,000 because of the national unregistered addicts.

In October of 1971, Dr. William Craig, one time director of the Non-Medical Use of Drugs Directorate in the federal Health and Welfare Department of the then existing Liberal government of Canada, became so alarmed at Canada's growing drug problem that he called a national symposium on heroin. The 80 delegates recommended that a national advisory board be set up to develop a heroin educational program.

From the outset, the Liberal Government appeared to "shy away" from the committee's recommendations, arguing that they preferred to await the findings of the LeDain Commission, due to be made public in September of 1972 and which (as of February 1973) had not yet been issued.

Meanwhile, the nation's popular magazine writers continue to publish their inadequate pieces, which, while alarming in scope, invariably fail to name the kingpins in the new Opium War on the West—Communist China. For instance *The Canadian Magazine* of February 10, 1973, claims Canada to have some 10,850 heroin addicts, the main drug centres being Vancouver on the West Coast with 5,000 addicts. Toronto with 3,000 and Montreal—another deep-sea shipping port with 1,000.

In 1968, the Royal Canadian Mounted Police estimated there were only 500 heroin addicts in Canada. By 1973, their modest estimate was 10,000 addicts plus 100,000 other "weekend users" who would eventually become completely hooked. In the same article, the Children's Aid of Vancouver, British Columbia was quoted as saying that more than one hundred of their wards would be on heroin at any given time.

Edmonton police authorities have claimed they have had as many as sixteen hundred high school students in the area on heroin, with the figure continuing to mount alarmingly. Toronto in Eastern Canada, with 3000 known addicts, have often found thirteen year old children on heroin.

And while author Paul Grescoe quotes "official" U.S. government sources as saying that much of the drugs "originate" in Thailand, Laos and Burma, he adds that three-quarters of Canada's heroin is Oriental White, brought in from Asia, by passengers on ships and planes as well as by Chinese sailors. Canadian Immigration authorities had added to this, saying that as much as a quarter of a Chinese ship's crew has been known to jump ship, apparently delivering heroin to Chinese contacts in Vancouver for smuggling across the Canadian-U.S. border.

H. F. Hoskins, former director of the B.C. Narcotic Addiction Foundation in Vancouver, in his May 12, 1972, report *Year of Decision* indicated that Canada's massive upswing in narcotic addiction became most obvious in 1964. By 1972, there were 6696 "registered" addicts in the Vancouver, British Columbia area alone.

Reader's Digest of July 1972 re-affirmed Hoskins' figures, outlining how the Western Canadian Province of British Columbia, and particularly the City of Vancouver, had the largest drug addiction problem of all Canada netting the drug pushers some $150,000,000 a year!

Contrary to *Time Magazine's* estimate of 14,000 heroin users throughout Canada, The British Columbia Medical Association itself estimates there to be 15,000 drug addicts in British Columbia alone, most having a $100 a day (or $36,500 a year) habit which is largely supported by way of shop-lifting, prostitution, bank and store hold-ups, break-ins, street muggings and petty larceny!

The *Hoskins Report* further points up Vancouver Police statistics as identifying between thirty and forty new heroin addicts per month in that city! The Vancouver Police discovered a scant 24 new users of marijuana in 1962, 411 more in 1966, 5157 in 1969 and 12,045 new users in 1971!

Commensurate with the increase in drug usage in Vancouver have been the amounts of narcotics seized in police raids, the number of drug deaths, murder of pushers due to internal double crossing, robberies, drug suicides, parole violations and drug smuggling into Vancouver jails.

Between July 1, 1971, and March, 1972, more than thirty pounds of heroin was seized in Vancouver along with 1472 pounds of hashish and 554 pounds of marijuana—all amount to 16,385 individual dose units. In 1971, Vancouver's coroner recorded 111 deaths due to narcotics plus 24 suicides attributed to narcotics. Police reported 3034 individuals having to undergo emergency treatment in hospital due to drug abuse, 335 of them being known users and 65% of them being under the age of twenty-five! Although children under the age of ten have been admitted to Vancouver hospitals because of drug abuse, no figures are recorded because of the inability to identify the type of drug taken and whether the overdose was accidental or intentional.

Needless to say, with Canada's recognition of Communist China in October of 1970 and the opening up of Western ports to ships from Communist China, the smuggling of illegal narcotics into the West became that much easier. Between so-called "diplomatic immunity", trade, cultural and sports missions, not to mention special "selected" visitors to Communist China, narcotic detection authorities could only find their work increased. Between pro-communist "travel bureaus", "arts and crafts" fronts, Maoist bookstores and Canadian-Chinese "Friendship" Associations—not to mention the "China Lobby" within Canadian Universities, keeping track of narcotic smuggling from Communist China became that much more confusing and difficult!

The Royal Canadian Mounted Police, however, were not to be daunted, deterred or frustrated for too long. On October 12, 1972, *The Vancouver Sun* carried a front page story of the smashing of a nationwide drug smuggling ring. In five major undercover operations in Canadian cities, more than 242 traffickers were picked up and held without

bail with other arrests expected. Drugs confiscated in the raids would have had a $96,000 street value if diluted with milk sugar and sold at the Vancouver going price of $15 per capsule!

The expose revealed that as far back as July of 1971, the R.C.M.P. had disclosed that "the majority of heroin distributed locally in Vancouver was arriving from the Orient via Hong Kong, and not as in the past from the Middle East via France and Montreal." Chief Constable John Fisk of the Vancouver police, in claiming that the narcotic problem had reached "epidemic proportions" throughout the entire Province of British Columbia, stated that a total of 617 persons had been charged with the possession of heroin in the first nine months of 1972 and another 151 charged with trafficking—"a huge jump from the 258 possession charges and 93 trafficking charges laid in 1971". Arrests included a number of Chinese accused of "pushing".

From Canada, Japan, Hong Kong, the Philippines and Australia, reports run parallel, inasmuch as they record drug addiction increase and more seizures of narcotics.

Vietnam

One of the cruelest hoaxes in the whole history of military strategy and international conflict was the futile, "no-win" war in Vietnam. Its cruelty was obvious not only by way of the betrayal of those in the South who fought for their survival against the onslaught of the Communist North and Viet Cong infiltrators, but in the manner in which cadres in the Free World were permitted to organize protest marches, meetings and the disruption of troop trains—all cynically in the name of "self-determination" while waving the flag of the Viet Cong and giving the clenched fist salute of international communist solidarity.

The insidiousness of the lengthy no-win conflict was further evidenced by way of the "behind-the-scenes" involvement of both the Soviet and the Communist Chinese blocs. Foremost in the Communist Chinese involvement was the supplying of arms (often disguised as American-made weapons but bearing a "made in China" stamp). More deadly was the Chinese Communist "drug war" upon U.S. soldiers. For instance, the Pacific issue of *Stars and Stripes* of November 7, 1971, quoted the Central Intelligence Agency of the U.S.A. as saying that the Communist Chinese smuggled some ONE BILLION dollars worth of heroin into the South Eastern Asian area between 1966 and 1971 and from which they netted a profit of FIVE HUNDRED MILLION DOLLARS!

Dr. Gabriel G. Nahas, professor of Anesthesiology at the College of Physicians and Surgeons of Columbia University, in his new book *Marihuana—Deceptive Weed*, writing on chemical warfare points out that the abuse of drugs among troops in Vietnam was the most overwhelming psychiatric problem.

In the Fall of 1969, he claims that 50% of the 550,000 soldiers in Vietnam had experimented with *Cannabis* preparations. He reports: "The use of opium and heroin was associated with that of marijuana in a significant number of cases." According to J. H. Kaplan, commanding officer of a neuropsychiatric team in Vietnam in 1971, the standard progression was from marijuana to *Cannabis* dipped in opium and finally to intravenous opiates and methadrine. Drug usage in Vietnam rose from 13 per thousand in 1968 to 24 per thousand in 1969.

The October 30, 1970, issue of the Argentine-English language daily *The Herald*, carried an extensive documentation of drug addiction among U.S. servicemen, which was later submitted to the U.S. Senate Committee investigating the narcotic problem among U.S. servicemen.

In effect, the story not only named Communist China as a source of opium cultivation, but revealed the appalling statistic that some 30 percent of all American officers and troops in Vietnam had used drugs and were addicted in one degree or another!

In revealing the heroin to be between 99 percent and 100 percent pure, the *Herald* documentation indicated that U.S. servicemen were sold the drugs by communist agents in Vietnam for as little as $20 an ounce. It revealed that while an average of two American soldiers died each month from the abuse of heroin throughout 1969, casualties had leapt to two soldiers dying from heroin abuse *each day* between January and October of 1970!

The newspaper claimed that while some 30 percent of all U.S. troops used drugs in 1970, the figure increased to 50 percent by 1971, with a 70–80 percent addiction in some units. The U.S. Defense Department in a December 3, 1970, release to U.P.I., stated that Bangkok was invariably used as a clearing house for the Far East drug trade directed at U.S. servicemen and channelled through Thailand at extremely low prices.

The U.S. Defense Department report revealed how "leftist" elements had infiltrated the management and staff of those hotels frequented by U.S. servicemen. One of the subversive techniques used by these "procurers" was to sell morphine-loaded cigarettes to unsuspecting soldiers who invariably became hooked through no fault of their own.

As had been charged by so many other authorities, the U.S. Defense Department report named Yunnan Province in Communist China as being the ultimate source of the opium which was then smuggled to the communist Pathet Lao or Thailand for transmission to South Vietnam by way of Xieng Khouang. As of 1971, it was claimed by this official source that some 40,000 U.S. servicemen were addicted to drugs—or twelve to fifteen percent of the total number of U.S. troops in Veitnam!

Finally, as if U.S. Defense Department news releases were not sufficient "evidence", North American television viewers of an October 13, 1970, C.B.C. newscast, were able to watch in stunned horror as a group of U.S. soldiers openly used morphine in front of the cameras!

Japan

Before World War II, drug addiction in Japan was comparatively unknown. Today, Tsuxia Sugawara of the Japanese Narcotic Control Committee reveals that the Chinese Communists, as the world's largest opium producers since 1964, smuggle 3000 TONS of opium and opium products into Japan each year! On the streets of Japan, this is worth more than 60,000,000 *yen* (One million, nine hundred and twenty-three dollars).

This charge is further documented in *Red China's Dirty Drug War* by Richard L. G. Deverall. His research was obtained while Deverall was a representative of the A.F.L.'s Free Trade Union Committee visiting Asia. The charge is also found in the Congressional Record of June 18, 1970, (page E5741) when Commissioner Angslinger spoke before a U.S. Senate Judiciary Committee giving evidence of Communist Chinese drug smuggling into both Japan and the U.S.A.

Australia

Stuart Griffin, in a report from Tokoyo to *The Australian* of May 24, 1965, titled Opium War On The West, claims that Australians provide the Communist Chinese with 225 million pounds sterling annually for narcotics smuggled into the country! He claims that much of the money is channelled to local communists, providing them with funds for spying, infiltration, antigovernment demonstrations, propaganda and other subversive activities. Griffin details how Chinese Communist shipments of narcotics have been found packed in wooden cases labelled: "Important Export—Inspection Forbidden!" These are shipped direct from Communist China by The Special Local Products Sales and Transportation Bureau—which is listed in Chinese Communist directories as an agency of the Chinese Communist Government!

Africa

Free China Weekly of December 31, 1972, quotes the *Weekly Review* as reporting quantities of opium and other drug derivatives being distributed in various parts of the African continent by Communist Chinese working on the Tan-Zam railway line linking Tanzania with Zambia. Although African leaders are reticent to speak out, the *Weekly Review* reports on the "undeniable" evidence which is causing many Africans alarm. *Free China Weekly* quotes *Human Events* as also reporting a "sudden" increase in Chinese Communist drug smuggling into Amsterdam and other ports of Holland!

European correspondent Dewitt Copp of *Human Events* is quoted as reporting that the flow of Communist Chinese drugs into Amsterdam and Holland tripled during the last six months of 1972. The December 24, 1972, *Human Events* story described Amsterdam as being a popular spot for U.S. troops stationed in Europe where heroin, morphine and codeine were readily available. The increase in drug availability and addiction was said to be parallel with the sudden increase in the number of Chinese seamen picked up by the Amsterdam police for drug smuggling. These Chinese deck hands were largely from the large Dutch merchant fleet. They were members of the Chinese Seamen's Union in Hong Kong, a strongly pro-communist union.

Hong Kong

The Chinese Communist network of drug production and drug smuggling is, needless to say, denied by Communist Chinese and their dupes and collaborating cadres throughout the Free World. Indeed, with Oriental aplomb, they will protest their innocence by declaring that there is no drug addiction in Communist China! Indeed, with opium growing a major government export; with cultivation of the poppy fields carried out by prison camp labor, the Communist Establishment would hardly encourage any measure of addiction of its own slave masses. To the contrary, a later chapter will describe the strict controls imposed upon those farmers and consumers involved in poppy growing.

Hong Kong and Japan, because of their close proximity to the China mainland, continue to provide much valuable information on Communist Chinese drug production to narcotic authorities in the Free World as well as to official committees of the U.N. Both Japanese and Hong Kong authorities have revealed that the Communist Chinese ship narcotics worth 60 BILLION *yen* into Japan via Hong Kong. Additionally, Hong Kong authorities have revealed the extent to which the drug peddlers go to cover their trails—often shipping to the U.S.A. by way of Europe, Africa and Latin America. In addition to this traffic making wide use of seamen, airline crews and military personnel, the Chinese Communist Yunnan Trading Company illegally ships an estimated 800 TONS of narcotics into Burma annually worth over 120 MILLION dollars U.S. With Rangoon as a major distribution centre it is often erroneously assumed that the opium product is grown in Burma rather than in Communist China! Similarly a Vancouver C.B.C. "documentary" on drugs showed Hong Kong as the "source" of the drug market—apparently oblivious of the size of Hong Kong which in no way could grow a fraction of the amount of drugs being peddled in North America!

From Rangoon, the Communist Chinese narcotics are smuggled into Bangkok, Singapore, Kuala, Lumpur and Djakarta for further shipment to Australia and New Zealand. The shipping route between Communist China and Cuba is another vital link in the

transmission belt as shipments are made to Cuban Communists and organizations for re-shipment and sale to pushers in Central South America. Funds raised in this manner are often channeled to revolutionary groups in Latin America. One such shipment was uncovered off the coast of Mexico early in 1972. An Indonesian language newspaper in Djakarta claimed that 10,000 TONS of Communist Chinese opium was produced annually—half of it distributed via Burma, Hong Kong and South East Asia and the other half by way of Cuba to North and Central America.

Because of the sensitive proximity of Hong Kong to Communist China and the touchy political climate existing between British and Chinese Communist officials, Hong Kong authorities know full well the extent of drug smuggling from Communist China to Hong Kong and nearby Macao. While extremely vigilant, they deal with drug smugglers only on the level of ordinary local crime. In practical effect, this means they basically deal with the narcotic receivers and peddlers rather than the Chinese Communist smugglers from the mainland.

According to a recent survey out of Hong Kong, more than 100,000 Hong Kong drug addicts spend $365,000,000 annually supporting their drug habit. Additionally, drug addiction in Hong Kong is reported to have tripled in only two years!

In the *Hong Kong Star* of January 5, 1971, Police Inspector Teng Ning, gave a more conservative figure of over 80,000 Hong Kong citizens as suffering from drug addiction. He estimated the annual amount of narcotics being smuggled into Hong Kong as ten tons of opium and four tons of heroin. Throughout 1971, Hong Kong police seized 12,500 pounds of opium, 760 pounds of Barbiton, 75 pounds of marijuana and 660 pounds of morphine—all smuggled from the Communist mainland.

The Hong Kong Bureau of Narcotics recently estimated the number of narcotic addicts living in Hong Kong to be around 180,000—more than four times the number addicted in 1955 with only 3% of them being women! In noting that only 11.8% of Hong Kong's drug addicts were under the age of 25 in the 1965 period, youth addiction in Hong Kong leaped to 49.8% in 1968—almost half of the total number addicted!

Dr. Donald F. Louble, assistant professor at Cornell University and head of The New York Drug Rehabilitation Centre, claims that 10,487 inmates in Hong Kong prisons are addicted to drugs.

While the Hong Kong Bureau of Prisons voices alarm at the growing number of young people becoming addicted to hard drugs, the August 1970 annual report of the Hong Kong Police Department indicates that many Chinese Communists living in Hong Kong are known to earn in excess of $1,500,000 EVERY MONTH for their part as narcotic pushers and vital links in the transmission belt which pours the illegal drugs out into the Free World.

The 1970–1971 work report of the Hong Kong Anti-Drug Society states that of 14,033 narcotic charges laid in Hong Kong in 1970, three quarters of them involved heroin pushing and the remainder opium. Drugs confiscated and destroyed by Hong Kong police included 8352 pounds of raw opium, 89 pounds of refined opium, 325 pounds of morphine, 18 pounds of heroin and 15 pounds of barbituates. Of the 14,033 narcotic charges brought before the Hong Kong courts, 12,584 individuals were found guilty as charged.

Typical of the charges brought was that of Tsueng Yim-ng, writer for three Communist newspapers in Hong Kong, the *Ta Kong Pao*, the *Wen Hui Pao* and the *Hsin Wan Pao*. The 1972 news release out of Hong Kong reported on members of the Hong Kong narcotic squad visiting Tsueng at his lodgings. They found a large paper tube containing morphine powder along with quantities of other narcotics wrapped in foil. Further investigation revealed that Tsueng actually was not a journalist but an active agent of the Communist Chinese!

While Shih Teih-pi, chief of the Hong Kong Narcotics Investigation Bureau, estimates that slightly less drugs were smuggled into Hong Kong in 1970 than in 1969, he reckoned that more than eleven million dollars worth of drugs have been smuggled into Hong Kong in recent years. And while drug smuggling into Hong Kong from the mainland appeared to abate during the first half of 1971 due to the combined efforts of the Hong Kong Police, the Narcotics Investigation Bureau and the Hong Kong Anti-Smuggling Squad of the Office of Commerce and Industry, the Chinese Communists soon changed their tactics and began smuggling drugs into Hong Kong via Bangkok at the rate of 100,000 pounds of brand "999" heroin per month!

Today, Hong Kong police authorities estimate that Marxist drug pushers in Hong Kong deposit more than half a million dollars a month in the Hong Kong branch of the Communist Bank of Hong Kong. The funds are used to purchase machinery from the Free World; to pay Chinese Communist agents located throughout the Free World and to fund subversive "fronts" throughout the Free World. More recently, Jolly Buganin, Chief of the Philippines National Bureau of Investigation, reported to the Philippines Congress (September 1972) that the international drug trafficking operation (of Communist China) planned to shift its major distribution centre from Hong Kong to Manila.

Additional evidence was presented at the 23rd meeting of the U.N. International Narcotics Control Board held in Geneva, Switzerland when delegates from the Republic of China (Taiwan) produced photographs published in the Hong Kong *Chen Li Pao*, a communist newspaper. Taken from a Chinese Communist movie being shown in Hong Kong movie houses, the background of several scenes showed vast areas of poppy cultivation!

The Philippines

Philippine authorities, at elsewhere throughout the Far East, have indicated growing alarm at the extent of Communist Chinese drug smuggling and a growing addiction problem among young people.

On April 30, 1966, the Philippine Senate Commission on Labor and Immigration charged that 7.2 million pesos worth of opium, heroin and other narcotic derivatives were being smuggled into the Philippines every year from Hong Kong and Singapore. The Commission reported that a special branch of a Hong Kong narcotic smuggling ring was involved exclusively with smuggling narcotics into Taiwan to corrupt the morals of the Taiwanese people and undermine the national economy and spirit.

Customs officers in Singapore were involved in a drug raid on September 19, 1972, which uncovered an illegal cache of more than 1000 kilograms of opium valued at over eight million dollars! This was discovered to be Communist Chinese grown opium smuggled into Singapore via Yunnan, Burma, Thailand and the Strait of Malacca. Singapore authorities estimate that more than 1,000 tons of illegal drugs are smuggled into Singapore and Malaysia annually—producing some 1,000,000,000 individual injections of heroin, morphine or tablet drug!

The extent of the Philippines "get-tough" policy on drug smugglers and pushers was revealed in a news story from Manila carried in the Vancouver *Daily Province* of January 16, 1973. The U.P.I. story carried a picture of a Chinese businessman living in Manila undergoing public death by firing squad because of his crime of drug traffiking. Lim Seng was one of five people found guilty of being part of an international drug syndicate operating behind the "front" of a Manila printing firm. Lim had moved from China to the Philippines prior to World War II and was a major receiver of drugs smuggled in from Communist China via Hong Kong, Singapore and Bangkok. A crowd of 8000 indignant citizens watched the public execution while others watched on national TV. In delivering a broadside against the "sick society", President Ferdinand Marcos said: "Let this be a warning to all".

While *Time Magazine* lists Burma, Laos and Thailand as the "source" of narcotics, the fact is Chinese raw opium is supplied to the Communist Parties in those countries for as little as $30 a kilogram. Besides their job of transmitting the drugs to contacts in the Free World, the funds raised are used to win support of groups and tribes who can be used in revolutionary activities.

The world then is slowly beginnig to recognize the *Communist Chinese drug war* and its devastating effects upon upon the Free World. According to a January 26, 1972, report by Dr. Peter Chapple of the National Drug Administration and Research Centre in London, England, heroin produced in Communist China is also flooding the cities of London, Liverpool, Glasgow and elsewhere throughout the British nation.

Indonesia

The Indonesian Central Intelligence Agency broke an international drug smuggling ring early in 1972 which had been supplying all of Indonesia's narcotics directly from Communist China. In October of 1972 and January of 1973, Canada's Royal Canadian Mounted Police smashed countrywide drug smuggling rings while confiscating huge quantities of narcotics believed to have come from Communist China.

If, in the face of mounting evidence, any further proof of Communist China's drug war upon the Free World is required, it can perhaps be found in the biography of the late President Gamel Abdel Nasser of Egypt by his close friend Mahammed, Editor of *Al Ahran*, Cairo's most influential newspaper. As reviewed in the Canadian *Toronto Star* of January 15 and 18, 1972, author Heikal, in quoting from Nasser's diary, tells of a Cairo meeting June 23, 1965, between Nasser and visiting communist big-wig Chou En-lai during which the latter told Nasser: "Some of them (U.S. troops) are trying opium, and we are helping them. We are planting the best kind of opium especially for the American soldiers in Vietnam."

When even Nasser indicated his surprise and perplexity, Chou En-lai continued with cynical cold-bloodedness: "Do you remember when the West imposed opium upon us? They fought us with opium. And we are going to fight them with their own weapons. We are going to use their own methods against them. The effect which this demoralization is going to have will be far greater than anyone realizes." Chou En-lai's reference was to the British East India Company trading opium for Chinese goods and services during the 1830's.

That such hatred for the West should have been nurtured for more than one hundred and fifty years is eclipsed only by the nature of the "revenge" being perpetrated upon the Free World, particularly upon young people. To understand this story then, we should perhaps investigate the history of opium in China from the beginning.

* * * * * *

PART 5—THE FREE WORLD FIGHTS BACK!

* * * * *

Throughout the Korean and Vietnam wars, conclusive evidence became apparent that Communist China actively supported the communist side of those conflicts not only by way of arms and "military advisors" but by using narcotics to destroy the minds, will and

physical stamina of U.S., Canadian, Australian and South Korean servicemen.

Part and parcel of this psychological warfare has been the soft-pedalling of the effect of drugs; the endless commissions, studies and lectures by liberal-leftist University professors demanding that narcotics be taken out of the criminal code. Add to this the glamorization of the drug cult through the news media, plays, movies and TV programs and one realizes to just wh..t extent the Cold War has intruded into the lives of millions of people throughout the world—particularly in North America where Communism sees its most powerful enemy.

In effect, this twentieth century psychological struggle is more vicious and far reaching than even the atom bomb since its victims are unaware of their involvement in the "cold war" and the slow technique of genocide being perpetrated upon them.

Thus, while the evidence continues to become more and more apparent, so the "doves" of the world continue to sing their duets of concession and accommodation. While the American taxpayer finds himself having to support massive programs to help the unfortunate servicemen addicted in Vietnam, so they also find themselves taxed further in order to repair the damages of bombing in Vietnam!

Rather than calling for the full implementing of existing laws and recommendations of the world's narcotic bureaus and enforcement agencies or Articles 55, 56 and 57 of Chapter IX of the United Nations Charter—all of which, if adhered to properly are adequate to take firm action against all drug pushers—the "bleeding hearts" of the "permissive" society would continue to make a case for the "legalizing" of narcotics; for lighter sentences for addicts and for the "rehabilitation" of criminals as being more to be sought than the protection of society as a whole.

* * * * *

Basically, we know that international treaties and cooperation concerning the production and distribution of narcotics have existed since as far back as 1925, and we know, too, that the major opium growing countries and the U.S.S.R. have consistently refused to sign any of the Treaties. These International Treaties outline measures each signing country ostensibly is committed to through its national legislative system and administration. Agencies established under such Treaties must review and publicize any instances of where the obligations are not carried out.

Obviously then, since these International controls are world-wide in nature and theoretically represents a concern for all humanity—regardless of membership in the Organization—steps should be taken by the International body and its governments to expose and condemn any nation which does not comply with the world-wide ethic concerning the evils of narcotics. Certainly, if the United Nations feels that it has the right to condemn nations such as South Africa and Rhodesia and impose embargos because of their internal policies, it should equally condemn and impose embargoes for reasons of drug smuggling!

The former League of Nations and the current United Nations have the capability and structural organization to carry out such measures if operated in good conscience for the benefit of mankind—rather than as a political arena for power, pressure and prestige. Just as Article 23 of the Charter of the old League of Nations gave that body the right and authority to overrule even the economic interest of members in the name of world opinion and the betterment of mankind, so the United Nations must be re-organized and strengthened so that it might be able to uphold the highest of ideals and ethics rather than being subject to the pressures of blocs of nations.

Along with INTERPOL (The International Criminal Police Organization) which has a highly organized special department to deal with international drug smuggling, the United Nations has several international agencies concerned with the smuggling of narcotics. There are, most importantly, the U.N. Commission on Narcotics Drugs (which replaced the old League of Nations Supervisory Commission on opium and other drugs) and the International Narcotics Control Board. Of these, the U.N. Commission on Narcotics currently has twenty-four members who are elected to a rotating term of four years. Along with submitting detailed reports on all drug production, the 1925 Treaty stated that abuse of the specific ruling called for embargoes to be placed upon the offender. This ruling has never been implemented.

The 1925 Opium Treaty was followed in 1931 by an Opium Limitations Treaty (ratified by twenty-five nations—including five opium-growing nations) and which applied to non-Treaty countries in some instances.

The United Nations International Narcotic Control Bureau (which operates under the ruling of both the 1925 Treaty and 1931 Treaty) could and should bring pressure to bear upon any country abusing the rulings of the International body. If, however, International Drug Treaties are to be abused or cynically disregarded by Treaty members or those designated to the protection of mankind, then the International Narcotics Bureau must be taken out of the ultra political atmosphere of the United Nations, the World Health Organization and all other partisan influences! Only then, working closely with INTERPOL and Narcotic Agencies throughout the world, could members cooperate with one another to control narcotic smuggling free from political pressures.

Certainly, with the seating of Communist China in the U.N. in October of 1971, in place of Nationalist China, the work of the Narcotic Agency became further frustrated, particularly since the chief delegate of the Chinese Communists was one Chiao Kuan-hua, deputy Minister of Foreign Affairs. Since the drug-smuggling Special Trade Bureau of the Chinese Ministry of Finance is directly under the command of the Ministry of Foreign Affairs, it finds Chiao Kuan-hua involved with both drug production and smuggling as well as the world body intent upon controlling it! Here, if you like, is a case of conflict of interest on a monumental scale. According to the February 1972 Report of The World Anti-Communist League, the role of the Chinese delegation at the U.N. is to infiltrate and influence the three vital U.N. agencies who are attempting to control international narcotic smuggling!

It cannot be argued that the U.N. International Narcotics Control Board is unaware of Communist China's vast opium poppy cultivation and smuggling. This was clearly and emphatically brought out at the 23rd Meeting of the Board in Geneva, Switzerland, when two Republic of China delegates, Liang Chi-kuel and Wu Yung-fa, presented photographic evidence taken from the Hong Kong newspaper *Chen Li Pao* which in turn had taken it from a Chinese Communist movie being shown in Hong Kong. The movie scene clearly showed a field of poppy flowers under cultivation—indicating that opium cultivation in Communist China was so extensive and open as to have become a common background for movie making!

That Communist China is the key to halting the world's drug addiction problem was further illustrated by Secretary-General Jean Neope of INTERPOL at a news conference in 1971 when he revealed that INTERPOL had seized 572 pounds of illegal heroin throughout 1971, most of it emanating from Communist China via Hong Kong and Thailand. A strong warning was issued to Communist China by the U.N. in 1952. Today, with Communist China officially seated in the U.N. drug smuggling has increased rather than decreased!

And so the public at large continues to grope and stumble through a fog of of confusion and cross purposes, unprotected by the people and organizations in places of highest responsibility to serve the public interest internationally. It cannot find its way through the wordy wilderness where everything and everyone is blamed for the evils of heroin—except the Chinese Communists! For instance, while an Editorial in *Time Magazine's* cover story on heroin on September 4, 1972, stated that *Time* writer James Willworth had accompanied U.S. narcotic agents on a New York drug raid involving a high level drug transaction between several Chinese Drug traffickers and a U.S. undercover agent carrying $200,000 in cash for a prearranged purchase of drugs, the magazine made no further comment or observation on this particular "connection" which resulted in New York's biggest heroin haul in 1972.

Additionally, while "researcher" Willworth claims to have travelled to Turkey to interview Turkish opium poppy growers, he makes no mention of ever having travelled to Hong Kong to interview their police or narcotic agents who have published information concerning the hundreds of tons of opium heroin being smuggled into Hong Kong for pushing in North America and other areas of the Free World. Instead, *Time's* two published maps indicate the route of the drugs as coming by way of Italy and France and as originating in the "opium producing" areas of Burma, Laos and Thailand. Neither map indicates any Chinese Communist involvement. Neither does the lengthy article contain any information obtainable from narcotic agents in Japan, Australia, Taiwan, Britain or the Philippines. Indeed, even as *Time* writer Willworth observes one of the pushers of 20 pounds of pure white heroin (worth ten million dollars on the street) he labels its source merely as South East Asia!

The Time Magazine article estimated the U.S. heroin addicted population at 560,000—ten times the level of 1960 and double the level of 1970! And while Time gives Turkey as a major opium growing area, Stefan T. Possony, Senior Fellow at the Hoover Institute on War, Revolution and Peace, points out that in recent years Turkey has reduced its poppy cultivation from 21 to 9 provinces and that all poppy cultivation was forbidden by law in June of 1971. Similarly, Iran has imposed strict bans on opium poppy cultivation, with the death penalty for violation of the nation's drug laws.

When the Australian Citizens For Freedom organization presented a brief, Trafficking in Death at a November 11, 1971, Regional Conference of the Australian United Nations Association, the report was widely distributed to appropriate organs, committees, the Federal and State parliaments of Australia, delegates to the U.S., overseas ministries, press, radio and TV, not to mention contacts in North America.

Unfortunately, the doves and dupes of the liberal-left who appear ensconced solidly in much of the news media, have successfully managed to ignore the story. Just as the truth of the Hungarian Uprising in 1956 was successfully glossed over; just as the communist uprising at Havana University was lauded as a struggle for agrarian reform, with long-time communist Fidel Castro as their knight in shining armor, so they have managed to ignore or bury Communist China's drug war upon the West.

Certainly, the news media, rather than sensationalizing the effects and results of heroin addiction and pushing, would serve the public better by identifying the sources and exposing the motives of those who would wage a secret and horrifying war upon mil-

lions of unsuspecting citizens. If the free press of the western world continues to avoid the facts behind the surface manifestations of the drug trade, the Free World can only flounder helplessly while the foundation of its society is slowly destroyed. Parents will continue to see their sons and daughters change from keen students to dull-eyed freaks devoid of ambition, hope or dignity. Degradation of youth of the democracies will go on to serve the Communist end of ultimate triumph using weapons more deadly than those of violent war.

In the final analysis, only a vast public outcry and effectual action by the political leaders of the United States and Canada and action by the designated agencies of the United Nations can change the course of North America's internal destruction by narcotics and their hideous accompanying evils. Only public indignation and full cooperation with police authorities will bring to bear the necessary exposure of the source and cause of our current drug problem. If we don't, the evil can only spread like a fatal, fast-spreading cancer.

PART 6.—TYPES AND BRANDS OF CHINESE COMMUNIST NARCOTICS

OPIUM

138, Sun-feng, Hung-tiao, Red Star, South Pole, Silver Tripod, 139, Laopeikou, Kang-fu, Golden Pheonix, Golden Elephant, Earth, Ginseng, Ta-chen, Sung-po, Sailboat, Red Gold, Race Dog.

MORPHINE

Tsai-feng, Chin-yin, 999, Red Lion, Silver Dragon, Black Chicken, Huang-shang-huang, Golden Deer, Lung-tzu, Camel, Hsiung-chi, White Dragon Pearl.

HEROIN

North Pole, Lion Ball, Goldfish, OK, Red Gold, Champagne, Hsiang-nan, White Rose, Ying-ting, Golden Deer, AAA, Tsai-huang.

Opium growing areas and refineries in Communist China

Province, number of farms, and refining factories:

Sinkiang, three, one.
Kirin, one, one.
Tsinghai, four, _____.
Sikang, two, one.
Ninghsia, three, _____.
Szechwan, seven, two.
Kansu, twelve, _____.
Chahar, three, _____.
Kweichow, three, one.
Yunnan, twenty-five, two.
Kwangsi, eight, _____.
Hainan, four, one.
Shensi, sixteen, one.
Shansi, six, one.
Hopeh, five, ten.
Honan, six, two.
Hupeh, seven, two.
Hunan, eight, _____.
Kwangtung, twenty-nine, four.
Kiangsi, six, one.
Chekiang, six, two.
Kiangsu, five, four.
Anhwei, eleven, _____.
Jehol, three, three.
Liaoning, eleven, five.
Antung, ten, one.
Heilungkiang, one, _____.
Total, two hundred seven, forty-six.

Points of exit for drugs from Communist China

(from West, South, East and North China)

Loshan, Tingri Dz, Wanting, Yulin, Shechuan, Wenchow, Wusungkou, Weihaiwei, Wahan, Yatung, Cheli, Samkong, Swatow, Ningpo, Lienyun, Dairen, Gartok, Lungchow, Pinghsiang, Chungshan, Amoy, Shanghai, Tsingtao, Moho.

HOW TO BE ETHICAL IN AN UNETHICAL WORLD

Mr. LUGAR. Mr. President, during the 95th Congress there has been much attention focused by this body and by our colleagues in the House of Representatives on the subject of ethics—personal and public.

To contribute to this important dialog, may I call our attention to a fine address by Walter F. Beran, a partner in Ernst & Ernst, one of America's major accounting firms. Mr. Beran's remarks were delivered at the town hall meeting in Los Angeles, and I feel they deserve wide recognition for their perceptive analysis of an issue that is crucial to the future of the Republic.

I ask unanimous consent that portions of Mr. Beran's address—entitled "How To Be Ethical in an Unethical World"—be printed in the RECORD.

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

HOW TO BE ETHICAL IN AN UNETHICAL WORLD

(By Walter F. Beran)

How to be ethical in an unethical world? Perhaps no question more deserves the concerned attention of thoughtful people today, for indeed the stakes are high! Our cities are dimmed by human tears, by violence, crime, corruption, pollution, smog, blight, and fiscal bankruptcies. Our entertainment and much of our literature have become corrupting influences. Our national life is poisoned by sewers of pornography. Indictment and imprisonment have visited the highest officeholders in the land.

Businessmen engaged in clandestine corporate payments . . . lawyers violating the laws and going to jail . . . accountants making unreal business transactions look real . . . doctors dishonoring their Hippocratic oath by experiments with dangerous drugs on unsuspecting patients . . . the catalog is endless, and it is pervasive, touching both young and old, rich and poor, the leader and those led.

Certainly, the need for an ethical imperative is primary. So, let's see what that ethical imperative might be.

In an editorial on June 6, 1975, entitled "The Ethics of Business," the Los Angeles Times stated, "American citizens have chosen to make corporate enterprise the economy's prime vehicle for growth, income, and jobs, and they have ample right to expect the best conduct from corporations in return for this broad commitment."

This point of view was reinforced by SEC Commissioner John R. Evans in an address entitled "Truth Or Consequences": "It is argued that even though a corporation detests and condemns such conduct, it becomes a necessary evil because, if the corporation does not engage in such activities its competitors will, and thus the corporation will lose the business. If such an attitude pervades the corporate community and dictates methods of doing business, it results in a situation where the competitor who engages in the most unethical or immoral conduct thereby sets the business standards at the lowest common denominator."

Price-fixing, payoffs, deceit, white and blue collar crime, surreptitious and clandestine acts, shoddy products, sloppy and slothful effort are inimical to a free society.

Yet, I find it most grievous that corporations and corporate executives are vilified, indicted, and imprisoned for violation of laws long ago enacted, but never enforced until enforcement became fashionable and politically expedient. To enact a law and lack the will to enforce it is a fraud upon the citizenry. For, it is not the law, but what is permitted under the law, that becomes the practice of the average citizen. If illegal payments aren't prosecuted, they become accepted as permissible, and soon almost everyone makes them.

When politicians, public officials, and regulators decry illegal political payments, not only when such payments were obvious to them all along, but indeed when many of them were the very recipients of such payments; when the practice of using foreign agents and consultants has had not only the implicit and explicit approval, but also the encouragement, of agencies of the government—I find such masquerading, such Pharisaical, self-righteous, political pontifications, such retroactive judgments, a hollow mockery of the tenets of responsible government. Except for the dances of the young, it still takes two to tango—and so it is with political payments.

While business and businessmen had better get down to the serious business of building a better mousetrap and providing a superior service—and doing it devoid of deceit—politicians and public officials likewise had better accept their servanthood responsibilities and recognize that political expediency is inimical to public service.

If the family, the schools, society, and the church aren't going to issue a call for high moral or ethical standards, then business must. Otherwise, commerce will become a veritable jungle and so will the rest of society.

Indeed, as a matter of self-interest we need to be our brother's keeper. We have reached the point of economic and other limits. Certainly our geographical frontiers are gone, our spaceship earth is becoming overcrowded, and everyone is rightfully wanting to improve his place under the sun. Certainly, the consequences of being ethical or unethical with one person to an acre are quite different from those of 1,000 to an acre. Indeed, the last frontier available to us is the frontier of ethical reserve.

No longer is it—if it ever was—a matter of when in Rome doing as the Romans do. It's a matter of our personal ethics—yours and mine—for in the final analysis, ethics is a matter of what we are, all the time; not where we are, and not what the other person's ethics might be.

There is no escaping the fact that the essence of an individual is his ethics. The more he seeks an ethical path, the more he mirrors the genius of his Creator—the potential of his humanity—of one who is fearfully and wonderfully made. On the other hand, the more he treats ethics with scorn or indifference—with a Cain type of rationalization—the more like the jungle animal he becomes.

To suggest that Americans and American business must submit to less-than-desirable practices in order to do business in foreign countries, while submitting to ethical conduct at home, is totally inconsistent, absurd, and beneath comment. Ethics transcends circumstances. An ethical man is on his good behavior when he is away and not just when he is at home; and so it must be in business and in whatever and wherever humans deal with one another—and that includes the halls of government.

Let's recognize that there is no such thing as a close tolerance between the acceptable and the unacceptable, between what's permissible and what's preferable; that 2 plus 2 still add up to 4, not only in accounting, but in your business and mine, and in everything else in life; and that it's doubtful that anyone will ever come up with a substitute

for the Ten Commandments as a fundamental guide for business or personal ethics.

Even if we can't gain an agreement on a standard of ethical behavior, we can at least generate understanding that illegal and unethical actions are not only wrong—but that they are counter-productive.

But the question is: Where does this leave you and me as individuals? How can one be ethical in what seemingly is an unethical world? Let me suggest what I would do.

I would perceive the moment. Perceiving the moment has always met with an enlightened response by private enterprise. It has always filled the gap by meeting the need demanded of it. Today the primary demand is one of moral expectations. Hence, I would recognize that, while society's passion for dedication may be contaminated by selfishness, laziness, and inconstancy, its ardor for the other fellow's dedication is pure and undefiled, and that today it expects a high standard of conduct from all who would serve it.

So, I would perceive the moment. The natives are restless and they are ready to fry anyone dealing in hanky-panky.

I would believe. For what people believe to be true and important determines the quality of their lives as individuals and as organized groups . . . and that's not rhetoric; that's the gospel truth.

I would believe in the reality of God. Unless a man believes that there is a reality beyond himself to whom he owes the ultimate responsibility, his life will be fraught with ethical compromises. Believing in the reality of God, I must then believe in another fundamental; namely, that all men are of one family, that the highest reaches of mutual concern and respect cannot be achieved unless there is a prior acceptance of kinship. Embracing this, then any act which would put another human being at a disadvantage would be strongly inconsistent and despicable as well.

And, if I believe that men are of one family, then it follows that *I would empathize,* for in the deepest sense ethics are the attitudes and rules we follow in dealing with one another.

And, empathizing includes a disposition toward helping each other.

Somehow in the urbanization of America, in the institutionalization of welfare, we've lost the sense of helping. But it need not be so—we can still reach across—stretch out—and find our greatness, and we can do it short of dulling our competitive edge or compromising on excellence.

Periodically, *I would re-examine myself.* I would get away to the mountains, or the beach, or the garden, or the quiet of my own room, and I would contemplate my values: "Who am I, what am I doing, where am I going?" Search out what your values will be. You'll be prepared to make the ethical choice when the tough decision has to be made. Don't wait until the moment demands it to decide what your value will be. That's too late! And, if you don't have a garden where your house is, then steal away to the garden of your mind.

I would maintain viability. I would keep my options open. Keeping one's options open requires distinctiveness in personal attributes and vocational ability; it requires a constant modifying, a readiness to change and move with the current. It's deciding where one goes from here. And, keeping our options open means fitting ourselves for the constant reeducation necessary to play continuing, changing, useful roles—that we don't find ourselves pressed into an unethical decision because of the insecurity of having no other job or role in life to play.

I would avoid compromising situations and seemingly innocent beginnings. There are many: gambling, conflict-of-interest possibilities, keeping up with the Joneses, romantic peccadillos, highly leveraged investments, to name but a few. The garbage dump is littered with the wreckage of tax shelters which mirror the avarice and greed of most of us—which now leave us holding the economic bag that needs refilling. But how is that bag to be refilled? From what source? Too often, the temptation is to find a quick remedy which puts at risk our personal ethics.

I would avoid becoming an economic parasite. I would be involved in the issues of the greater society, those beyond the immediate confines of my business or profession, those in which the public-at-large has an interest. I would not be a Pharisee, caught up in the repetition of the profit creed, without relating it to what the public conceives as its interest. To do so is simply to be fanning the wind. And if I am not going to be an economic parasite, I can't be running to society—to the government—to bail me out simply because things get tough. For, as Dr. Rhodes Boyson, British member of Parliament and author of several books on classical liberalism, said in a press interview: "Trying to have a free enterprise system without bankruptcy is like trying to have Christianity without hell."

If we are in the business of producing goods and services, and our income is dependent upon people who seek out the best buy they can get, and who are free to choose who gets their patronage and their money, then income becomes a pretty good measuring stick of how well we meet the needs and demands of society.

And if we're proud of profit, let's communicate the economics process to *all* the members of society, so that they understand that "the economic process is what transforms the limited resources of society into goods and services; that the foundations of productivity cannot be taken for granted; that companies are mortal—many die each year; that technological programs and fluctuating consumer needs are relentless taskmasters which punish companies and whole industries that do not keep pace; that business vigilance, perpetually exercised, is essential to the survival and nourishment of economic productivity, to social improvement, and to world stability."

In a similar fashion, I would strive to effect a partnership between government and business. For, if ethics is our primary imperative today, then government-business cooperation is a close second. If we believe greatly in ourselves, in what we do, and how we do it, then it's imperative that we take the time and devote the energy to finding a common vehicle for resolving the great issues and problems of today.

Lastly—it is last because it is so poignant—it may well be the only effective deterrent to unethical behavior . . . lastly, *I would keep uppermost in my mind the historical reality of revelation.* Good deeds may go unnoticed by everyone except God, but bad ones always seem to have an uncanny way of surfacing, of being found out—and certainly the conscience of our mind never lets us forget. The Watergate burglaries, which some might have viewed as mere minor political peculations, once revealed, crumbled a powerful president at the moment of his greatness. If that can happen to presidents, then certainly it can happen to lesser mortals such as we. We should therefore want to avoid doing anything in secret that would be embarrassing or harmful if revealed.

Can we be ethical in an unethical world? I believe we can.

Despite the morass some depict us in, there are conscientious doctors, businessmen of integrity, accountants who "call 'em as they see 'em," lawyers who serve justice, honest public servants, devoted teachers, happy marriages, loyal and industrious employees, clean-living young people, and communities living in peace and order. They are the many, not the few.

Despite corruption, and compromise, and conspiracies seemingly in every corner, I believe we can!

I don't hold with those prophets of doomsday who claim people are no good and that we're rapidly approaching Armageddon. I don't hold with those cynics of despair who say, "It doesn't really matter."

. . . To the contrary, I hold with those who say, "It really *does* matter"—that we must and can find a way to resolve the greater issues of life; that *one can be ethical in an unethical world.*

TRIBUTE TO DR. ALICE PAUL

Mr. BAYH. Mr. President, I rise in tribute today to a very special courageous woman who passed away on July 9. Alice Paul was a special symbol to the women in America. As an early feminist, her fight for women's suffrage and equal rights for women left a legacy which will not soon be forgotten. Many of those who wished to honor this great woman gathered yesterday at the National Cathedral to pay tribute to her memory.

Alice Paul and her work had a very special meaning for me, Mr. President, since I was the Senate sponsor of the equal rights amendment. As the original author of the equal rights amendment, Dr. Paul died sadly before she could witness the last three States ratify the 27th amendment to the Constitution.

Dr. Paul's early life was dedicated to women's suffrage, the results of which gave women the right to vote with the ratification of the 19th amendment on August 26, 1920.

During the 1920's Dr. Paul earned three law degrees from American University, quite an accomplishment for women in that era. She also earned a master's degree and a doctorate at the University of Pennsylvania. A relentless advocate of women's suffrage, Dr. Paul moved to Washington in 1912 where she organized parades and demonstrations to bring to the attention of the Government and the general population that women were being treated as second-class citizens. As a result of her efforts she was imprisoned, went on a hunger strike and was force fed while in prison.

These experiences did not deter her efforts as she founded the National Women's Party in 1913. It has been the National Women's Party that has made sure that the equal rights amendment was introduced in each session of the Congress from 1923 until its passage in 1972. It was the National Women's Party, under the direction of Dr. Paul, which organized the silent vigils outside the White House to urge President Wilson's support for women's suffrage.

Dr. Paul was not only a leader in the women's movement in the United States but in the worldwide women's movement. She was certainly ahead of her time when she lobbied the League of Nations to include a reference to sex in the preamble to the United Nations Charter, which commits member nations to:

Save succeeding generations from the scourge of war . . . to reaffirm faith in fundamental human rights, in the dignity and

worth of the human person, in the equal rights of men and women and of nations large and small, and . . . to promote social progress and better standards of life in larger freedom.

Although the women's movement, and those of us working for women's equality, will miss Dr. Paul, not only as moral support but as a living symbol that progress can be made. We will go on, as she would have done, working and striving for the day when women will receive the equality of treatment.

CAPITAL FORMATION: A BUSINESSMAN'S VIEWS

Mr. PERCY. Mr. President, Reginald H. Jones, chairman of the board of the General Electric Co., made an address to the American Assembly of Columbia University that should command our attention.

We have heard a great deal from economists and politicians in recent months about the existence or nonexistence of a capital formation shortage, but considerably less from those whose day-to-day work is affected by this factor. Mr. Jones also serves as chairman of the Business Roundtable Committee on Taxation and as a vice chairman with AFL-CIO President George Meany on the President's Labor-Management Advisory Group, both of which give him added insight into this problem. His speech, "Capital Formation: A Businessman's Views" gives us this perspective, in straightforward and concise terms.

Earlier this year, the distinguished Senator from Minnesota, Senator HUMPHREY, and I introduced the Investment Policy Act of 1977. The purpose of this legislation is to lift our Nation's capital needs to the same level of attention and concern given other major factors in our economy. The fact that we are unable even to agree that a capital formation problem exists is one of the single greatest arguments in support of this proposal. As Mr. Jones points out:

> The problems that require increased business investment—unemployment, inflation, energy problems, international competition, cities in trouble—these problems are here now, and we cannot forever postpone the changes that will improve the climate for investment.

Mr. President, I ask unanimous consent that the full text of "Capital Formation: A Businessman's Views" be printed in the RECORD and I commend it to my colleagues.

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

CAPITAL FORMATION: A BUSINESSMAN'S VIEWS

(By Reginald H. Jones)

We are all grateful to the American Assembly of Columbia University for the initiative that put together this distinguished symposium on capital formation. And of course I am honored by the invitation to be one of the evening speakers.

Reading the background papers, I noticed that there was wide disagreement among the economists as to the nature of the problem, or whether there really is a problem; and everyone seems to have his own pet solution to the problem or non-problem, as the case may be.

So I think it best to present my qualifications and limitations right at the beginning. I am a businessman, not an economist. And like many of you here tonight, my view of the issue is a highly pragramatic one, growing out of the need to make investment decisions affecting our company—and our country—five, ten, or twenty years from now.

CAPITAL NEEDS

The question is this: Will business in the United States be able to make the investments required to meet the nation's needs and aspirations? And if not, how can we restore the climate for vigorous and productive business investment?

Many studies have been made by respectable economists of many persuasions, to examine this problem. Some, including General Electric's, see the needs outrunning the ability of business to fund them, unless we have changes in national policy. Some say we can meet our capital needs—just barely—provided we reach full employment and federal surpluses in the next three or four years.

Still others say there may be nothing to worry about. Our market system always provides the funds for projects that are really worth doing, and lets the rest go undone. The question, of course, is what we want to leave undone. What national objectives are we willing to forego: full employment? environmental clean-up? greater energy independence? expansion of our basic industries? expansion of our export trade? productivity improvement? restoring the cities? All these require *increased business investment*.

Some economists point to the notoriously unreliable figures on unused capacity and say that we may even have overinvested in the past. This is a temporary illusion. As any businessman can tell you, much of that so-called unused capacity is obsolescent and noncompetitive. Much of it was built in the days of cheap energy, and will have to be replaced by energy-efficient equipment. Much of it will not meet today's stiff environmental standards and will have to be modified or replaced. All this takes capital.

Furthermore, there seems to be no recognition that our energy and raw materials supplies are becoming much more capital intensive as we use up the richer and more easily available sources. It takes far more tons of ore to produce a ton of metal these days, and that takes capital. It takes far more capital to bring oil out of the Arctic than it does to drill a hole in Texas. It takes far more capital to build a nuclear power plant than a simple oil-fired plant. And we haven't even considered the capital costs of developing synthetic fuels or solar power or the hydrogen economy. As our technology develops, we need materials that do not exist in nature—engineered plastics and materials with special characteristics. These require huge capital investments. The world can solve its limitations of energy and raw materials, but this will require capital.

Regardless of what our more optimistic economists may say, businessmen know from daily experience that our capital needs are increasing and the means and the incentives to meet those needs are declining. So there is a growing consensus that something must be done to assure a high and sustained level of business capital investment. This can no longer be taken for granted.

Rather than take you through one more set of projections into the 1980's—these are all subject to legitimate question and debate—let me, instead, deal with three topics tonight.

First, the universality of this problem of capital formation. It is not confined to the United States, but is common to all the industrial democracies.

Second, the problems facing business executives today when they try to make their capital investment decisions.

And third, the basic options available to this country with respect to capital formation.

PROBLEMS OF INDUSTRIAL DEMOCRACIES

First, the universality of the problem.

The world is emerging from the worst inflation and recession in the past quarter century. We made it—but not without damage. In spite of the good pace of recovery, virtually all the industrial democracies are now plagued by relatively high rates of inflation and unemployment.

This is very perplexing because the stimulative policies by which governments traditionally reduce unemployment would only make the inflation worse; and inflation, as we know, stunts investment and growth, and produces even worse unemployment. So governments are obliged to walk a very narrow tightrope with inflation on one side and unemployment on the other—and an angry public threatening to cut the rope and drop them out of office if they don't come up with solutions.

What can be done? Some governments have clamped controls on the economy, trying to nullify the laws of economics and force wages and prices to hold still. Our experience with economic controls in the United States, most recently in the early 1970's, indicates that this is counterproductive. Pressures built up and distorted the economy in many damaging ways, and most people feel that the ensuing inflation and recession were actually intensified by President Nixon's ill-fated program of controls. Let's hope we do not again resort to such destructive controls, or their innocent-appearing equivalent, an "incomes policy."

The most effective way to combat inflation and unemployment is to encourage business investment in new technology, new equipment, and new business ventures. This fights inflation by increasing productivity and industrial capacity, so that supply can match demand. And it increases employment by stimulating the whole economy, making it more productive in real terms, and providing the added capital equipment that is a necessary prerequisite for industrial jobs.

THE LAG IN CAPITAL INVESTMENT

Most government policy-makers know this, and they are hopefully waiting for the capital investment boom that normally follows a consumer spending boom—the traditional sequence of events in a recovery period. But it's not happening. Businessmen around the world are not investing.

An article in *Business Week* last month reported that, "In the United States, capital spending is still running some 9 percent below the peak reached more than 2½ years ago, in the second half of 1973. In Japan, capital spending is some 24 percent below the rate of this later 1973 period. In the four major industrial countries of Western Europe—Germany, Britain, France, and Italy—the shortfall is some 11 percent. And if the United States seems to be mounting the most successful capital spending recovery of any of the advanced countries, growth in *it* is slower this year than in any of the five earlier postwar recoveries."

Why is this?

Businessmen are not holding back out of cantankerousness. They are not investing because they do not have, under today's conditions, either the confidence or the incentives to invest.

DECLINING PROFITABILITY

Consider the prospects that face the U.S. businessman today. (See Chart 1.) The profit figures this year look very encouraging compared with the depths of the recession, but there has been a basic, long-term decline in corporate profitability. Reported profits *after* taxes fell from 5.4 percent of GNP in 1965 to

3.7 percent in 1975. Bad enough, but Chart 1 shows what happens when you adjust for inflation. Removing phantom inventory profits and underdepreciation, we see that profits after taxes have actually dropped from 5.3 percent of GNP in 1965 to a disheartening 1.6 percent in 1975. Preliminary indications are that this ratio will rise to about 2 percent this year, a year of strong profit recovery. Hardly enough to trigger a capital investment boom.

Or consider the incentive aspect. Chart 2 shows how return on investment has deteriorated. Adjusted after-tax profits expressed as a percentage of the *replacement* cost of the stock of plant, equipment, and inventories have plummeted from 9.9 percent in 1965 to 2.4 percent in 1975. This is the real return on new investment in industry today, and it is not much of an incentive for further investment.

Underdepreciation has also been a major depressant of the funds available for investment. Because capital recovery allowances are based on historic original costs rather than the inflated cost of replacing obsolete plant and equipment, the Commerce Department estimates that industry was shortchanged by as much as $21 billion in 1975.

With internally generated funds declining, industry has turned to outside sources for capital funds. There, as you know, the choice is either to issue new equity shares or go into debt.

DEBT VS. EQUITY

As indicated on Chart 3, over the past twenty years, new equity shares have provided only 3.5 percent of the total new funds raised by non-financial corporations. New debt, on the other hand, has been used to meet a growing share of corporate financial needs, averaging 42 percent during the past five years compared with 33 percent during the first half of the 1960's. Why the preference for debt?

For one thing, with profit margins and return on investment declining, savers prefer to lend their money instead of risking it in equities that offer a small and uncertain return. But there is also strong bias in the tax structure. Interest and dividends are both costs of capital—fees paid to people for the use of their savings. But interest is tax-deductible, and dividends are not. Hence the tax structure is pushing corporations into debt.

As the result of the excessive debt and the drying up of internally generated funds, corporate balance sheets place greater restraints on corporate investment. Chart 4 shows that in 1955, the liquid financial assets of the non-financial corporations were 63 percent of their current liabilities. By 1965 that ratio had fallen to 41 percent, and by 1975 it was down to 32 percent. The recovery in profits this year and next is going to improve that picture temporarily. But in 1978 to '80, as profits level off or even fall, and capital spending continues under prior commitments, we can expect the long-term liquidity problem to reassert itself.

WILL NEEDED INVESTMENTS BE MADE?

In these circumstances, can we expect that corporations are going to make the risky long-term capital investments that some economists so confidently expect? Inflation has eaten into their real capital and reduced their real return on investment to very uninspiring dimensions. Debt capital is available today, but most executives and directors remember the recurrent periods of tight money supply. Will they be willing to risk their bond ratings and go even deeper into debt, when they should—in all prudence—keep some cushion in their debt-carrying capacity, to get through future credit crunches and liquidity crises? And with the threat of above-normal inflation and further adventures into price controls, can they count on recovering the costs of a risky investment in new technology or expanded facilities? Or can they hold off, and make do with what they've got? These are the real questions faced by businessmen today, and their individual decisions just might not add up to the level of capital investment so confidently expected by our more optimistic economists.

This is why we say that, regardless of the theoretical arguments presented to prove that there is no capital formation problem, a problem does exist because the individual business managers simply do not have sufficient means or incentives to make the needed investment decisions.

One is reminded of that wonderful bit of nonsense:

"As I was going up the stair
I met a man who wasn't there.
He wasn't there again today.
I wish, I wish he'd stay away."

The problem is there, appearing and disappearing in the dips and rises of the economic cycle, and it will not go away until some changes are made.

OPTIONS

Let's examine the options.

Can we let things drift, and settle for a low-investment, low productivity economy if the needed investment is not forthcoming? That might satisfy our zero-growth advocates, but it would not satisfy a public that rightly expects advancing standards of living—particularly those who are still in the back of the economic bus.

Can we count on the old Keynesian formula—stimulation of the economy through increased government spending and putting more people on the public payroll? No, we are too far down that road already.

Hudson Institute Europe recently completed a study of 19 industrialized nations in Europe, North America, and the Pacific, and the conclusion is this: the larger the public sector of the economy, the slower its real growth. There are other factors besides this to account for differences in growth rates, but this study strongly supports the proposition that large and growing public spending actually causes slower economic growth. The reason is basically that government growth crowds out productive private investment. This and other studies suggest that the toll taken by the expanding government sector in Western industrialized countries has been massive—cutting attainable growth rates by as much as one-third in the past fifteen years.

One would hope that these lessons will not be ignored, and we will have the courage to reverse the tide toward ever-increasing government takeover of the economy.

From those who accept the seriousness of the capital formation problem—and I believe these are in a majority today—there have been many proposals for action. Some have been quite utopian, looking to a drastic and revolutionary revision of our tax system. These proposals deserve thoughtful study, but besides the political problems involved, I think it would be best to look before we leap. There may be unexpected side effects that would nullify the original intention, and just possibly overwhelm the world's most productive—and most intricately balanced—economic system.

MODEST PROPOSALS

To improve the climate for investment quickly—in time enough to help solve the problems facing our country in the years immediately ahead—we might take a few modest, politically practical steps.

First we should try to restore some of the purchasing power that has been lost by both individuals and business firms.

Individual families are boosted, by inflation, into ever higher income tax brackets. The government is getting an unlegislated tax increase every year. That money should not be spent on new or expanded government programs. It should be returned to the working people who earned it, in the form of further individual tax cuts. This will provide economic stimulus where it is needed—in the private sector.

And business also has had its purchasing power cut and its effective tax rate increased, through the effects of underdepreciation. This money, too, should be returned to the businesses that earned it rather than provide an annual windfall for our tax-hungry government. The Congress should legislate a capital cost recovery program which will allow producers to adjust their depreciation or capital allowances to compensate for the ravages of inflation. This has already been done for inventories by allowing LIFO accounting, so why not also for capital cost recovery?

Another step is to eliminate the bias against new equity by making dividends deductible to the corporations, just as interest is deductible today. This too would have to be phased in to minimize the revenue impact, but it would have a powerful effect in stimulating our equity markets, and would bring the debt-to-equity ratios of American business back into a much more healthy balance.

Other changes would be helpful. We should have more rapid cost recovery for government-mandated pollution control expenditures. The threat of economic controls, a source of great uncertainty in investment decisions, should be decisively removed. Regulatory bodies should concentrate on ways to accelerate, not slow down, the use of new technology. Inflation—the greatest single source of business and consumer uncertainty—must be brought under control at its source, which is excessive government spending.

But most important of all is the will to address this challenge of capital formation. The problems that require increased business investment—unemployment, inflation, energy problems, environmental problems, international competition, cities in trouble—these problems are here now, and we cannot forever postpone the changes that will improve the climate for investment.

For too long, the nations of the West have been eating their seed corn. Now it is time to replenish our stock of capital, build up our productive resources, and take thought for the morrow.

If our leaders have the courage to ask this of the people, I am sure they will respond—with a fervent and resounding, "Yes!"

LAW OF THE SEA CONFERENCE

Mr. STEVENS. Mr. President, Ambassador Elliot L. Richardson delivered an address yesterday following the conclusion of the current negotiating session of the Third International Conference on the Law of the Sea. Ambassador Richardson's remarkably candid statement documented the gloomy prospects for a successful conclusion of that conference.

The description which Ambassador Richardson portrayed of the new Law of the Sea text is most distressing to those of us who have followed the Law of the Sea Conference for many years. In Ambassador Richardson's words:

The substance of the text on this issue (deep sea bed mining) and the lack of fair and open process in its final preparation (meaning the text) require me to recommend that the United States undertake a

most serious and searching review of both substance and procedures of the conference.

The failure of the Law of the Sea Conference to resolve the contentious issues related to deep seabed mining should not be taken as a reflection of Ambassador Richardson's prowess as a diplomat. To the contrary, Mr. President, Ambassador Richardson has provided the United States with the finest representation that we have ever had at the Law of the Sea Conference.

Ambassador Richardson's statement has provided the American public with its first open and candid assessment of the progress made at the Law of the Sea Conference. It is self-apparent from Ambassador Richardson's statement that the United States must reevaluate its position on that international negotiation. It is time the Congress of the United States met this contentious and difficult situation head on. We must assess the problem of deep seabed mining and pass unilateral legislation which would allow American industry to exploit the resources of the deep ocean bottom. An American deep seabed mining industry which landed its ore in the United States would reduce the reliance of the American economy and our defense systems upon the importation of strategic minerals from foreign nations. Deep seabed mining is an issue of strategic national importance, as well as economic freedom of the seas.

The newest Law of the Sea Conference text, according to Ambassador Richardson, would not give the United States a "reasonable assurance of access" to deep seabed mining resources when it is needed. The United States cannot accept a Law of the Sea Treaty in which we are not guaranteed access to strategic minerals which we vitally need. Further, the present treaty could be interpreted to mandate joint ventures with Third World nations. If the United States is to spend billions of dollars developing a capability to mine the deep seabed's strategic minerals, we cannot place ourselves in the position where we will be forced to conduct our mining operations in cooperation with foreign nations, who could prohibit the landing of those resources in our country. We must have the right to mine, and control the disposition of, strategic resources of the deep seabed.

The new text also provides that an artificial limit on seabed production may be established. Not only would this make financing of operations difficult for artificial control of mining operation, will reduce profit levels to the point where investors would not care to participate in deep seabed mining, but it is also antithetical to the United States defense interests. If the United States is to rely upon deep seabed mining operations as a source of supply for strategic minerals, we cannot allow a cartel of lesser developed nations to dictate to us how much of that strategic mineral we can mine. Minerals needed to maintain the defense readiness of the United States cannot be placed under the control of a cartel of foreign nations.

Mr. President, to date no deep seabed mining bill has been filed in the Senate. Congressmen MURPHY and BREAUX, however, have seriously been evaluating deep seabed mining legislation in the House. I would commend Congressmen MURPHY and BREAUX for their foresight and urge the Senate to develop, as soon as possible, unilateral deep seabed mining legislation, which would allow deep seabed mining corporations to conduct their operations under conditions which are economically sound and consistent with the defense needs of the United States.

Mr. President, we all share a great concern for the future of the Law of the Sea Conference. That negotiation has the potential to be one of the greatest achievements of modern international diplomacy. It is obvious, however, from Ambassador Richardson's statements that progress at the conference is at a standstill. I would urge each of my colleagues here in the Senate to carefully evaluate their past positions on deep seabed mining legislation in light of Ambassador Richardson's new report. It is time the United States took the unilateral action which we now find to be necessary.

I ask unanimous consent that Ambassador Richardson's statement be printed in the RECORD.

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

STATEMENT BY AMBASSADOR ELLIOT L. RICHARDSON

The Informal Composite Negotiating Tax resulting from this session of the U.N. Law of the Sea Conference evidences real progress on vital issues relating to international security and freedom of navigation. At the same time it substantially sets back prospects for agreement on an international regime for the conduct of seabed mining. Both the substance of the text on this issue and the lack of fair and open processes in its final preparation require me to recommend that the United States undertake a most serious and searching review of both the substance and procedures of the Conference.

It is with a sense of considerable frustration that I make this accounting. For true progress was made during the past session:

New provisions were negotiated to clarify the legal status of the new 200 mile economic zone. They seek to safeguard traditional high seas freedoms within this zone except for specific resource-related rights accorded coastal states by the Convention. These provisions are a marked improvement over previous texts and may help prevent erosion of high seas freedoms by coastal state attempts to extend their sovereignty over ocean space.

We successfully retained the generally satisfactory previous texts on passage of straits which a determined minority sought to change. At the same time we found a way to accommodate the real need for environmental protection in straits, particularly in areas such as the Straits of Malacca.

The provisions of the text dealing with sceintific research were improved. An effort by some delegations to increase the degree of coastal state control of scientific research in the economic zone was defeated. In the new text, the conditions for conducting scientific research are set out clearly, and are likely to be copied into national laws, thus regularizing what has until now been a capricious situation. Also, we successfully eliminated a clause that could have obliged the U.S. to restrict publication of scientific data after the fact and without the consent of scientists, which was highly offensive to our concepts of free science and free speech. Now the coastal state, in granting consent, must indicate in advance if it wishes to impose such a restriction, and if so the scientist can decide whether he wishes to proceed with the project under such circumstances.

We were successful in eliminating texts that could have prevented us from imposing rules in our territorial sea to prevent pollution from foreign ships. At the same time, we retained our right to fix strict environmental conditions—including construction, manning, equipment and design regulations—for entry into U.S. ports. These changes bring the text into full harmony with the Administration's anti-pollution program.

Continued progress was made in the design of a comprehensive system for peaceful settlement of disputes relating to ocean uses.

Under the fair and judiciary's leadership of Minister Jens Evensen of Norway a responsible and effective discussion of seabed issues took place. This discussion and the texts formulated by Minister Evensen offered real prospect that the impasse on seabed mining issues could be resolved on terms acceptable to both the developed and developing nations.

Regrettably, however, the new "composite" text concerning the system of exploitation and governance of the deep seabed area (Part XI) is now fundamentally unacceptable. It deviates markedly from the proposed compromise text which had been prepared on the basis of full, fair and open discussion under Minister Evensen's leadership.

The Evensen text, although not without problems, was generally viewed as a useful basis for further negotiation. The newer text—produced in private, never discussed with a representative group of concerned nations, and released only after this session of the Conference terminated—cannot be viewed as a responsible substantive contribution to further negotiation. Indeed, the manner of its production—treating weeks of serious debate and responsible negotiation as essentially irrelevant—raises an equally serious procedural problem: whether the Law of the Sea Conference can be organized to treat deep seabed issues with the seriousness they, and the Conference which depends upon their satisfactory resolution, demand.

Among the serious points of substantive difficulty in the latest deep seabeds text, and the system it would define, are the following:

It would not give the reasonable assurance of access that is necessary if we and others could be expected to help finance the Enterprise and to accept a "parallel system" as a basis of compromise.

It could be read to make technology transfer by contractors a condition of access to the deep seabed—subject, at least in part, to negotiation in the pursuit of a contract.

It could be read to give the Seabed Authority the power effectively to mandate joint ventures with the Authority as a condition for access.

It fails to set clear and resonable limits on the financial burdens to be borne by contractors; indeed, it simply combines a wide range of alternative financial burdens, as if such a combination could be a compromise—when, in fact, it is likely to prove a compound burden sufficient to stifle seabed development.

It would set an artificial limit on seabed production of minerals from modules—which is not only objectionable in principle; it is also far more stringent than would be necessary to protect specific developing country producers from possible adverse effects, and is incompatible with the basic economic interests of a developing world generally.

It would give the Seabed Authority extremely broad new, open-ended power to

regulate all other mineral production from the seabed "as appropriate."

It would appear, arguably, to give the Authority unacceptable new power to regulate scientific research in the Area.

It would fail adequately to protect minority interests in its system of governance and would, accordingly, threaten to allow the abuse of power by an anomalous "majority."

It would allow the distribution of benefits from seabed exploitation to peoples and countries not party to the Convention.

It would seriously prejudice the likely long-term character of the international regime, by requiring that—if agreement to the contrary is not reached within 25 years—the regime shall automatically be converted into a "unitary" system, ruling out direct access by contractors, except to the extent that the Authority might seek their participation in joint ventures with it.

With this unfortunate, last-minute deviation from what had seemed to be an emerging direction of promise in the deep seabed negotiations, I am led now to recommend to the President of the United States that our Government must review not only the balance among our substantive interests, but also whether an agreement acceptable to all governments can best be achieved through the kind of negotiations which have thus far taken place.

THE BALTIC STATES

Mr. DECONCINI. Mr. President, an anniversary has quietly come and gone—the anniversary of two tragic events in the history of the Baltic States of Estonia, Latvia, and Lithuania. The independence of these three republics was destroyed in mid-June of 1940 when they were invaded and occupied by the Soviet Union—the first step of what became their forceable annexation to the Union of Soviet Socialist Republics.

One year later began the first of many mass deportations of these peoples to wastelands of Siberia. Only in the late fifties were some of those who survived the ordeal allowed to return to their homelands. Some are still the victims of involuntary exile from their native lands. Since that time there have been numerous and wide reports of exploitation, deportation, and the suppression of human rights and national freedoms.

The United States has never recognized the Soviet Union's occupation of the Baltic States. As recently as 1976, in Senate Resolution 319, the Senate affirmed that notwithstanding any interpretation which the Soviet Union or any other country may give to the Helsinki agreement of 1975, the U.S. policy of nonrecognition of the illegal seizure and annexation of the three Baltic nations of Estonia, Latvia, and Lithuania has not changed. The House passed a similar resolution.

On the eve of the Conference on Security and Cooperation to be held in Belgrade this October, I believe the history of these Baltic States offers us food for thought. I encourage our negotiators to relay the message of our strong and unshakeable commitment to the basic values of human rights and urge further that all possible steps be taken to insure that all signatories of the Helsinki Accord comply with both its spirit and its written word.

PLANNING FOR THE RETIREMENT YEARS

Mr. PERCY. Mr. President, the average American is living a longer and healthier life than ever before in the history of our Nation. This social phenomenon—an aging population that is enormously vigorous and ambitious in anticipating the opportunity to enjoy the rewards of retirement years—demands our immediate attention.

As a democratic people, we are currently in the process of reexamining not only our laws, but also our attitudes about older citizens as well. A great deal of effort must be focused on recognizing the needs, abilities, and desires of this newly emerging political, social, and economic force in our society. Both the Government and private industry must address themselves to understanding the significance and the issues concerning this transition.

According to U.S. Commerce Department estimates, the total U.S. population is expected to increase 22 percent by the turn of the century. The over-35 age group will increase by almost 50 percent, and the over-65 age group will climb by 34.4 percent. In contrast, the 20 to 24 age group will increase by a mere 1.9 percent.

As a nation, we can be proud of the social progress that leads to these longevity statistics. Improved nutritional standards, widely available health care, improved labor conditions, social welfare programs, and availability of broad educational opportunities are all contributing factors to our increased vigor as individuals.

However, this increased life expectancy has brought with it challenging new problems. Among the less advantaged, these concerns are obvious. The issues of available health care to the senior citizen, inadequate housing, and fear in the cities continues to occupy much of our thoughts. These problems are well covered by the media and will continue to be the targets of our efforts for improvement of the lives of senior citizens.

The current debate on the subject of enforced retirement, on the financing of the social security system, and additional programs for the aged are also of great concern.

It is important to realize that, while statistically the actual strength and good health of individuals continues well into the retirement years, it has been found that a significant number of people consider the retirement years as a time of weakening health and ability.

Further, the very subject of retirement can be fraught with anxiety. After a lifetime of work-oriented days, the thought of time stretching endlessly, unstructured, into the future may bring on enormous tension.

Among the problems confronting senior citizens are the stresses that come with the loss of good feelings about oneself when one is no longer productive in the old, established ways; the fear of boredom; the possible loneliness as one no longer chooses among coworkers for friendship; and the difficult transition of relocation often chosen by retirees.

In recognition of these problems, a rapidly increasing number of publications and organizations have come into being in response to the needs of the elderly.

One such organiaztion is the National Retirement Council. Inc., which is located in New York. The goal of the council is to focus attention on the complex areas of retirement planning. Its primary function is to provide a forum where pre- and post-retirees can gather to discuss, explore, receive guidance, and otherwise resolve some of the problems they face regarding retirement.

The first "How, When, and Where To Retire Show," sponsored by the council, was held at the Palmer House in Chicago, Ill., from May 12 to 16, 1976. The late Mayor Richard J. Daley performed the opening ribbon-cutting ceremony for the event, which represented a joining of industry and local, State, and Federal agencies with public service organizations for the purpose of dealing with retirement problems. More than 29,500 people attended the show.

This year's "How, When, and Where To Retire Show." will be held at Chicago's McCormick Place, from September 7 to 11. It will once again combine exhibits with representatives from public service agencies to provide many answers to retirement problems. Besides films, seminars, and panel discussions, the show will feature a health fair at which attendees may receive various diagnostic testing and health information; craft and hobby exhibits in which they may actually participate, and a "retirement and information center" where they can get practical answers to their personal questions about retirement. The show is expected to attract more than 100,000 people.

It is appropriate that in the week following Labor Day we should celebrate pre- and post-retirement years, for they are but another aspect of the total labor picture, another emphasis for the fully experienced life.

OLYA MARGOLIN: A VERY FINE HUMAN BEING

Mr. PERCY. Mr. President, I would like to draw the attention of my colleagues to the fact that our friend Olya Margolin, the Washington representative of the National Council of Jewish Women, has been presented the Hannah G. Solomon Award for outstanding community service by the council's District of Columbia section.

Those of us who know Olya Margolin personally can attest to her outstanding service on behalf of the members of the council and, in a broader sense, to all Americans. For Olya Margolin's dedicated efforts in the development and promotion of social legislation have been remarkably successful for over two decades. She is a thinker as well as a doer. Her work is a credit to the National Council of Jewish Women and a blessing to the disadvantaged people of this Nation.

It is a pleasure to work with Olya Margolin whose ideas are practical,

prudent, and sound, and who brings to her work the seasoning of great experience and the concern of a very fine human being.

DISASTER AVERTED IN SHERIDAN, WYO.

Mr. WALLOP. Mr. President, today I would like to draw the attention of the Senate to the brave and outstanding performance of the Forest Service, the Sheridan County Sheriff's Office, Wyoming Game and Fish Department and numerous private citizens in Sheridan, Wyo. Early Monday morning tragedy struck the Sheridan area when a large twin engine DC-3 involved in grasshopper spraying crashed into a steep canyon. The plane burst into flames as it crashed into Big Goose Canyon, killing the pilot and copilot.

Amidst the shock and sadness of this tragedy, nearby ranch hands, the Forest Service and the sheriff's office reacted quickly to avert another disaster. Ranch hands rushed to the scene of the crash hoping to rescue the pilots. They discovered that there was no hope of saving the victims and turned their attention to the fire that began raging around the scene of the crash. As men from the sheriff's office and the Forest Service joined the effort, it became apparent that the men were encountering another danger in addition to the flames and deadly smoke of the forest fire. The plane had been carrying a load of the insecticide malathion which burned amid the wreckage and timber to form a poisonous gas. Many ranch hands had been overcome by the smoke from the fire and were hospitalized.

The insecticide not only endangered those fighting the fire, but it was feared that a heavy rain storm could have washed large quantities of this chemical into the nearby Sheridan water intake system. The agencies and men involved with this situation had little information regarding the nature of malathion, and moved to coordinate information with the Wyoming and U.S. Departments of Agriculture, the Environmental Protection Agency and the Wyoming Insecticide Agency. The forest supervisor, Jack Booth, and the sheriff in Sheridan, Bill Johnson, did an outstanding job of coordinating this information and organizing their men and resources to put out the flames and treat the chemicals before they affected the city water system. I think that this is an example of how the Nation's public servants, Federal, State, and local, can work together in an emergency situation to the benefit of us all. I would like to express my thanks to these men and women who met this challenge and worked diligently to prevent any further harm to the environment or the people of Sheridan.

DR. DANIEL BOORSTIN: A LOOK AT HIS TWO YEARS AS LIBRARIAN OF CONGRESS

Mr. PERCY. Mr. President, in July of 1975, I had the pleasure of introducing Dr. Daniel Boorstin at the Rules Committee hearing for his confirmation as Librarian of Congress. At that time his nomination had generated a great deal of controversy.

A recent Washington Star article demonstrates that the charges made were unfounded. Dr. Boorstin has proven that he merits the confidence that many, including myself, expressed in him at that time. At his confirmation hearing I said:

> Just as Dr. Boorstin brought his particular brand of energy and creativity to the Directorship of the Smithsonian's Museum of History and Technology, making it an especially vital and accessible place; so, he will tap the full potential of the 175-year old institution that is the Library of Congress, establishing it as never before as a center of culture, learning and enlightenment for the nation.

I feel that my faith in Dr. Boorstin has been justified and I would like to share with my colleagues the article from the Star which underlines some of the highlights of his 2 years as Librarian.

I ask unanimous consent that the Washington Star article by Ruth Dean, "A New Look at the Library, and the One Who's Leading It," be printed in the RECORD.

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

A NEW LOOK AT THE LIBRARY, AND THE ONE WHO IS LEADING IT

(By Ruth Dean)

The green-domed Library of Congress, sitting with stately, perhaps forbidding grace, across the park from the U.S. Capitol, suddenly has a new look.

It's inviting. It has activity.

Flowers sprout from boxes leading up the grand stairway to the library's great main doors, now open for the first time in years. Wooden tables and benches are a new sight on the plaza and stair landing. Striped green-and-white umbrellas provide shade for people chatting, eating lunch, catching up on the latest paperback, or just listening to the water splash in the Neptune Fountain, turned on after long disuse.

An even more startling sight awaits the visitor entering the great doors. The Great Hall, with its beautifully inlaid marble floor and muraled ceiling, now looks like a gigantic drawing room. Gold draperies are swagged back from the tall, arched windows. Small potted trees soften the severity of the hall's classic architectural lines. Velvet settees afford a place to rest. At a prominently-placed information desk, a library staffer welcomes visitors and ascertains whether they are tourists who'd like a look at the reading room from the second floor gallery, or scholars seeking use of the reading room directly in front of them.

Down a private corridor just off this scene of public activity, in a quiet, spacious, gold-carpeted, high ceilinged office festooned with murals at the cornices and floor-to-ceiling bookshelves, sits the man responsible for this change.

He is Daniel J. Boorstin, 12th Librarian of Congress, historian, Rhodes scholar, prolific author. His trilogy, "The Americans," won numerous awards, including a Pulitzer Prize for the last segment, "The Americans: The Democratic Experience."

He knows his subject. He writes of it well—in eloquent cadences that sweep the reader through pages of engrossing historical detail. At intervals, he punctuates his recitative with kudos for the go-getters. His father, who as a child was brought to this country by Russian-Jewish immigrant parents, was one—a self-made man who worked his way through the University of Georgia, and practiced law in Atlanta before moving his family to Tulsa, Okla.

Dan Boorstin is a go-getter too: degrees from Harvard and Oxford; teaching assignments at Yale Law School, Harvard, Harvard Law School and the University of Chicago, where he was on the history faculty for 25 years; visiting lecturer, four years director, then senior historian of the Smithsonian's National Museum of History and Technology; author of 17 scholarly works.

He's also a paradox—a dash of contradictions and a smidgen of controversy have followed him right up the library steps. He is quizzically amused when you tell him so.

You remind him of the Senate Rules Committee hearings two summers ago, when his White House nomination to succeed L. Quincy Mumford engendered much heat before winning final approval. The heat then centered around his qualifications for the job, which now pays $50,000 a year, and came from three directions: the library community, which felt one of its own should have the job because of the complex computer technology to which the world's largest library is converting its archival and retrieval systems; senators and congressmen, who wondered if the esteemed scholar would give the maximum of his working time to the library when past performance (at the Smithsonian) indicated a conflict between his job and his writing; and union representatives of the library employes, who expressed apprehension about the "racist" views in some of his books.

The hearings also made passing mention of his brief and youthful flirtation with the Communist Party and his subsequent recanting of its principles, a fact that's been a matter of public record since 1953 and has been bulwarked by the security clearances he's gotten for other high government positions.

"I've forgotten all the things that were said against me; in fact I think the hearings were a great experience, although I think newspaper accounts of them were out of focus," he says, looking sharply at his visitor through horn-rimmed glasses.

"Yes," he says emphatically, as if recalling only too well the senators' admonition that he use no Library time or personnel (as he did at the Smithsonian when writing his last prize-winner), "I am doing all my writing on my (new) book at home.

"Yes, I'm at my typewriter by 6 a.m., and into the office around 8:30 a.m.—earlier if I have a breakfast scheduled with members of Congress."

And yes, he acknowledges, he uses the Library's research materials "like any other American citizen," exercising his library staff member privilege to check books out for home use.

He recalls with some amusement the conversation he had with former Librarian of Congress and poet Archibald MacLeish (whose nomination as first scholar/librarian also generated much heat), when the latter called to congratulate Boorstin on his getting the job.

"How much sleep do you need?" MacLeish asked. "I need eight hours."

"Did you get any writing done?" Boorstin asked. "Not a word," replied MacLeish. That, Boorstin later learned turned out to be a modest understatement: "I looked up the record, and he published three volumes of essays while he was here."

At least one fellow historian, Lawrence W. Towner, director of the Newberry Library in Chicago, thinks the government restriction that Boorstin confine his writing to his own time is "ridiculous." It's "a grave error by Congress to say he can't," Towner argues,

"because it's his scholarly qualifications that give (him) the job clout."

According to Towner, scholars who use the Library are already seeing the effects of that clout. "He's shaking up the place, and we're heartened the library is taking a leading role in preservation of library materials—the rapid deterioration of books printed since 1840 is one of our major worries in the library field everywhere."

Dr. O. B. Hardison, director of the Folger Shakespeare Library just across the street, also thinks Boorstin is doing "a superb job." He noted the Library of Congress has shown an interesting pattern, in its leadership, of alternating between "people immersed in the library world and scholars of international distinction" like Boorstin. It is a pattern Hardison believes works to the Library's advantage.

The American Library Association has gotten over its initial opposition to Boorstin's appointment, and a new era of cordial relations has been ushered in. This peaceful coexistence has been prompted, in part, by Boorstin's initiatives to make the library a more welcome place for librarians, including plans for "a common room" for their exclusive use.

Boorstin also considers congressional contact an important adjunct of his job. "The Librarian's relationship to Congress should be frequent and constant," he says. "They're one of the most unappreciated and misunderstood branches of government." After all, he stresses, all 535 members of Congress are literally the library's trustees and should be treated as such. "It gives democracy emphasis. I think it's good, though I can't say it never creates problems."

He swells with pride on learning of a new perk to his job. "I only found out the other day I have the privilege of both floors of Congress. I'm part of their staff. I didn't know that when I took the job. I'm the Librarian of Congress"

He leans forward intently and gestures as he describes the plans he has for expanding the library's reputation and resources as a national cultural center, an international mecca for scholars, and, just as importantly to him, a reading and study home for the public. He administers approximately 5,000 employees and an annual budget in the millions—$160 million for fiscal 1978, as finally approved by Congress this week. The newly voted expenditure is $18.5 million more than last year and reflects inflationary increases.

The Library's collections are incredibly diverse. According to the latest published figures, the library has more than 18 million books (two-thirds of which are in foreign languages), 30 million manuscripts, a quarter of a million phonograph records, 100,000 reels of motion pictures and endless cases of maps, photographs, volumes in Braille, rolls of microfilm, payroll, magnetic tape and every other form of preserved thought. To accommodate this mammoth mass of material, 12 rented locations off Capitol Hill are required.

The tendency in the past was to keep the public out, Boorstin says. Now "we want them to come in, to welcome them, to share our treasures because they belong to them." he says, with quickening enthusiasm. Hence, the opening of the great doors ("you wouldn't invite guests into your own home through the back door, would you?"); and the refurbishing of the Great Hall.

But what impact has all this had on the library staff, whose quiet efforts are now interrupted by the babble of tourists' voices in the hall? How will they react to the changes that are expected to come from a reorganization, now being spurred by a 73-page task force report, drawn from a year's study of 500 employe suggestions made at the librarian's request?

The winds of change—or more accurately, *expected* change—have caused turmoil, anxiety, morale problems and, as might be expected, rumors.

The librarian bridles with indignation when asked about two of these: Does his wife have an office at the library to do research, and does the fact that McGraw-Hill held a private party in the Great Hall portend the opening of a book store like the Smithsonian's, contracted to the same publishing house?

"My wife does *not* have an office in the library," he says flatly, adding, "I don't say she doesn't come to the library as any other American citizen, because she loves libraries. She was a docent at the Folger long before I took this job. She is my lifelong intellectual companion as well as my wife and mother of my children. She's never been my researcher or typist; she's my collaborator and editor." But not, he concedes, co-author: "She doesn't write; I'm a better writer," he answers matter-of-factly. Then: "She has a probing, poetic mind, with a wonderful feeling for words. I've been very lucky. She's one reason why I believe in God. We've shared our life very intimately." The dedication of his last book is to her. It reads simply, "For Ruth."

As to the book store rumor, he says "the innuendo is scandalous and entirely without foundation. The truth of the matter about the Smithsonian book store is that we offered it to at least three other publishers and they wouldn't take it. McGraw-Hill was the only one willing to do it."

But the use of the Great Hall for receptions has become a symbol of discontent to some library employes. Their dissatisfaction is evidenced in a recent professional employes union publication contrasting pictures of the refurbished hall with others showing peeling ceiling plaster and overcrowded working conditions in the Jefferson annex building—a situation which the eventual move into the not-yet-completed Madison Building is expected to ameliorate.

Other employes think the library is a better place in which to work. A GS-7 in the new acquisitions department voiced a typical observation. "They've gotten rid of the dead wood, and appointed imaginative administrative personnel whom everyone likes. And where else could you get the equivalent of the free tuition program the library offers so you can advance to higher job positions and pay?"

A veteran custodial employe, who greets the librarian every morning when he pulls up in his yellow Volvo, said he and his family have enjoyed the monthly folk concerts on the library steps—another Boorstin innovation.

Boorstin, given a rundown on the complaints, will say your sampling is "highly impressionistic and a rather skewed view," not an accurate barometer of employe morale.

"My impression is that the morale has improved," he said. "We're giving them a sense of participation, a sense that what they say makes a difference. Certainly a number of people are going to be unhappy. I can't say that the morale when I came in was at an all-time high. I think we've done pretty well. Consider the existence of the unions. We never had them before. That's an improvement right there, even if they don't agree with the (library's) administration. We'd have no need for democracy, for unions, if everyone agreed. It gives people a chance to express their opinions." (The American Federation of State, County and Municipal Employes has had representation in two unions at the library for the last five years, according to a union spokesman.)

Through his task force, chaired by John Y. Cole, Boorstin said he is very much aware of overcrowding, and dead-end jobs. "This library is like a supermarket of ideas. There are nearly 80 million items here. Yes, I realize there are very unrewarding jobs like alphabetizing the catalog. But we're trying to reduce these through the computer. I can't make every job interesting, but I have the power to help people get more education, vary jobs. We're trying."

Boorstin is also proud of the fact he's set in motion the library's first administrative reorganization in 40 years—the first since MacLeish's overhaul in the Roosevelt era. This includes the library's first planning office, headed by veteran staffer Charles Goodrum, and appointment of the library's first outside advisory groups in 25 years.

And what of his much-publicized "racist" views? "We have absolute, ruthless equality here," he says adamantly. "No one will be discriminated against in the library while I'm here. That's what I've written about. That's what I believe in."

He reiterates, however, his opinion about quotas. "Quotas are illegal; they're against the law. I don't believe in quotas, for white, for blacks, for men or for women. That's what made this country great."

NATIONAL FOREST TIMBER SALES

S. 1360

Mr. WALLOP. Mr. President, the issue of whether the bidding method for sale of national forest timber in the West should be by sealed or oral auction has been clouded by considerable rhetoric. Proponents of sealed bidding have alleged that it is more difficult to prove collusion when the oral auction method is used than when sealed bidding is the mode. This allegation is untrue.

I think it would be helpful to review the litigious history on this issue. Oral bidding methods have historically been the practice in most parts of the West for national forest timber sales for 30 years. In all these years, there has only been one conviction for collusive bidding. In this case, United States against Champion International Corp., the Department of Justice obtained its only criminal conviction for collusion in the timber industry. Advocates of sealed bidding argue that, since this case involved bids at oral auctions, the conviction shows that oral bidding causes or promotes collusion. The court's opinion shows quite the opposite to be true. The court found that the defendants made tacit and illegal agreements concerning their conduct at upcoming timber sales at meetings held prior to the sales. The collusive activity that took place in this case could also take place in a sealed bid setting by competitors meeting before sales and agreeing on bidding behavior. It is apparent that those people inclined to collude will do so under any bidding mechanism.

Proponents of sealed bidding contend that collusive bidding is very difficult to discover and prove in court, because it is necessary to have an informer or other direct evidence of a conspiracy. This is untrue. Since the 1939 case, Interstate Circuit Inc. against United States, it has been clear that circumstantial evidence rather than direct evidence, is sufficient to sustain a finding of an unlawful conspiracy to violate the antitrust laws. In the Champion case, the Ninth Circuit Court of Appeals ruled that no direct evidence of a collusive agreement is necessary for conviction.

The court of appeals noted that it is not necessary for the Government to show that the defendants knowingly entered into a conspiracy or that they had a specific intent to restrain trade. This directly refutes allegations that it is necessary to have an informer or direct evidence of a conspiracy in order to obtain a conviction.

It should also be noted that the Forest Service closely monitors timber sale bidding patterns to help identify possible collusion. The Chief of the Forest Service, John McGuire, testified on May 18 at hearings held by the Senate Energy and Natural Resource Committee's Public Lands Subcommittee that collusion in the timber industry is "relatively rare and isolated."

I think these points have important bearing on the bill, S. 1360, that the Senate will consider shortly. The law on this issue is precise and the legal history is clear. I urge my colleagues to vote for enactment of S. 1360.

ATTORNEY GENERAL GRIFFIN BELL

Mr. PERCY. Mr. President, Columnist Carl T. Rowan recently assessed the job being done by Attorney General Griffin Bell and concluded that he was increasingly satisfied with his original decision not to oppose Judge Bell's confirmation. As one who did vote against confirmation, and who has formally commented on some of the Attorney General's achievements since he has been in office, I am pleased to bring Mr. Rowan's comments to the attention of my colleagues.

Mr. President, I ask unanimous consent that the text of the column, which was published in the Washington Star, be printed in the RECORD.

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

GRIFFIN BELL STILLS SOME CRITICS

(By Carl T. Rowan)

The more I see of Atty. Gen. Griffin Bell, the more I like the man. And the happier I am that I refused to join in efforts to deny him Senate confirmation.

I like the fair-minded way in which he listens to Drew Days III and Solicitor Gen. Wade McCree before the department takes a position on school busing controversies in Dayton, Ohio, Wilmington, Del., and other cities. It is significant that in this regard Bell has won praise from the NAACP, which so vehemently opposed his nomination.

I like the way Bell has pushed to get blacks of unquestioned ability into key slots in the law enforcement machinery. In a long interview with him the other day, he said: "I figure that if I can get some minorities into top slots, they'll see that justice is done in handing out lower jobs."

He confided that he is about to name a black to the second-ranking job in the Law Enforcement Assistance Administration and that he had recommended to President Carter the appointment of a black federal judge in the South and of two black U.S. attorneys, one in the South.

"I think you'll be surprised by at least one of these appointments," he said in his soothing Georgia drawl.

But more than the appointments of blacks, I like the following two things most about Bell:

1. He has moved vigorously to rein in the FBI and other elements of the nation's police network so as to provide reasonable assurances that we will not again have the abuses of the 1960s and early 1970s.

2. He has proposed or endorsed some far-reaching changes in our laws to give the unprivileged something close to equal justice with the privileged.

Judge Bell knows that sentencing procedures in America are so discriminatory as to be a national disgrace. He wants any recodification of federal criminal statutes to include clear guidelines for sentencing, with rights to appeal any sentence where a judge violates those guidelines.

Bell knows, also, that the second level of egregious unfairness relates to the parole system. The wealthy, educated inmate with political clout and powerful friends has a far greater chance of gaining early parole than does the average citizen. Bell has proposed that, once the laws are changed so as to bind judges to give fair sentences, paroles be abolished.

You commit your crime, you get a proper sentence and you serve your time. Period! No matter who or what you are!

That's easier wished for than achieved, but it makes one hell of a lot of difference when an attorney general of the U.S. who has the ear of the President is demanding it.

Griffin Bell is one of the most disarmingly candid persons ever to hold a powerful post in this town. Ask him a question and he answers—unless it's about a pending court matter where it is obviously inappropriate for him to sound off.

I asked him whether he ever harbored resentment over the efforts to deny him confirmation.

"Yes," he said. He resented them forcing him to give up membership in those lily-white clubs in Atlanta. He figures they were imposing a double standard on him because he is a Southerner.

"But I thought about it, Bell said, "and I knew that an attorney general has no business belonging to clubs that bar blacks or any other Americans. So I stopped being resentful."

My kind of man.

ERDA FUNDING FOR THE CLINCH RIVER BREEDER REACTOR

Mr. BROOKE. Mr. President, this week I voted in support of the President's policy of closing out the Clinch River liquid metal fast breeder reactor demonstration project. Of course, my primary reason for so doing was that I felt the Congress should send a signal to foreign nations that the American people support President Carter's goal of nuclear nonproliferation. Like many of my colleagues, I have some doubts as to whether the method the administration has chosen to express this country's firm commitment will, in fact, be effective. But I feel we must give the President the tools, powers, and bargaining ability he says he requires so that his proposed strategy may be fully tested.

However, I could not have voted to cut our funds for this demonstration had I not felt that we have technologically sound alternatives to the construction of this particular breeder reactor at this time. Clearly, several forms of breeding technologies should continue to be pursued. And the nearly half-billion dollars the Senate has voted for basic breeder reactor research and development will pay for real progress along these lines.

I am persuaded that there is a good chance of discovering breeder innovations which stretch our future fuel supply while producing fuels more resistant to the threat of proliferation and use as weapons than the proposed LMFBR. The denatured uranium-thorium fuel cycle clearly deserves immediate study for example.

Second, the administration has made a strong case that the technology that Clinch River would demonstrate is not sufficiently advanced to proved the needed answers to tough questions about the feasibility of breeder commercialization.

And, finally, I believe the United States has the potential to control and moderate the growth of our demand for energy by vastly increasing the efficiency of our present use of fuels. I expect that by so doing we can give ourselves a great deal more time than estimated in the pessimistic projections on which ERDA initially based the breeder program timetable.

Of course, the defeat of the administration's move to end the Clinch River demonstration effectively means that we will pursue all breeder program options simultaneously. After the defeat of the administration's position, I supported the amendment to reduce the program budget to $75 million both because of my opposition to the full program and because I am sure the funding can produce some new knowledge that will doubtless be useful as we start to move to alternative programs.

In the long run, Mr. President, we all fervently hope we can move to nonnuclear technologies which pose no threat of global destruction. But for the present period of transition from a petrochemically fueled economy I intend to keep supporting research and development of a wide variety of nuclear fission technology options.

PRIME FARMLAND RECLAMATION

Mr. PERCY. Mr. President, I would like to express my sincere appreciation to the conferees on the Surface Mining Control and Reclamation Act for their final approval of the amendment I cosponsored with Senator CULVER and others requiring the restoration of prime farmlands used for mining purposes.

This amendment was designed to reconcile the legitimate need to increase our domestic coal production with the equally pressing need to protect prime farmlands—one of our most valuable natural resources. I believe that both purposes will be adequately met by the final draft of the bill.

The bill originally enacted by the House of Representatives contained a provision to require certain soil separation and reclamation procedures to be carried out by mine operators following any mining activity on "prime agricultural lands." I supported the intent of this provision without hesitation, but found three problems with the precise language of the legislation.

First was the inconsistency between the bill's definition of "prime agricultural lands" and the Department of Agriculture's longstanding "prime farmlands" designation.

Our amendment incorporated the Department's definition into the bill. The definition is based on such factors as moisture availability, temperature regime, chemical balance, permeability, surface layer composition, susceptibility to flooding, and erosion characteristics. This definition is published in the Federal Register.

The second major drawback was the limited effectiveness of the reclamation measures required by the House bill. Soil separation procedures alone provide no guarantee of meeting the objective of restoration to full productivity potential.

Under the provisions adopted by the House, conversion of prime farmland to nonfarm uses subsequent to mining would have been permissible, although this process effectively destroys such land's potential for agricultural use.

Our amendment required that prime farmland be restored "to a condition at least fully capable of supporting the uses which it was capable of supporting prior to any mining."

A study by the Office of Management and Budget indicates that 12 million acres of prime farmland in 14 major agricultural States are potentially affected by strip mining, because they are underlain with strippable coal reserves. These 12 million acres are a substantial share of the 28 million acres of prime farmland in these 14 States.

Without the additional protection afforded by this amendment, we run a high risk of losing permanently a substantial portion of one of our most precious natural resources, simply because it is cheaper to reclaim land for other uses.

Finally, neither the reclamation requirement itself nor the performance bond required by the House bill provided sufficient assurance that the soil separation procedures would be carried out when the mining operation was terminated.

Our amendment required that mine operators demonstrate that they do have the capability, in terms of technology, equipment, and financial resources, to restore the land to its original condition before a surface mine permit can be issued. Once the land has been damaged, a requirement that a company pursue various reclamation procedures is of no use if the company does not have this capability.

We do have the technology to comply with this safeguard. We are not imposing an undue burden on mining companies by requiring that they demonstrate that they are capable of applying effective land reclamation technology. We have not placed a moratorium on surface mining, but the value of prime farmland to the Nation's future food production is too great for us to allow for any possibility of its irresponsible destruction.

In short, Mr. President, I believe that the provisions of the amendment, as contained in the final bill, will be of the greatest possible benefit to the American public. We have avoided a tradeoff between two of our highest priority needs, energy supplies and food production, by designing a system to service both needs from the same land.

I again thank the conferees and Members of both Houses for their support for this important provision.

EUROCOMMUNISM, DÉTENTE, AND HUMAN RIGHTS

Mr. JAVITS. Mr. President, during the period of May 27 to June 4, I was a U.S. delegate to three international conferences in Western Europe: the North Atlantic Assembly in Brussels; the Conference on International Economic Cooperation—CIEC—in Paris; and International Labor Organization—ILO—annual meeting in Geneva. The first part of this report focuses on the deliberations at the North Atlantic Assembly, supplemented by additional conversations in London and Paris on the themes of Eurocommunism, détente, and human rights which were the preeminent political theme at the North Atlantic Assembly. The second part of this report deals with the ILO.

There will be a report separately to the Senate concerning the Conference on International Economic Cooperation—CIEC—jointly with Senator RIBICOFF and Representative BINGHAM who were the other congressional members of the U.S. delegation to that historic "North-South Dialogue." Also, I have already discussed here on the Senate floor the economic situation as it developed in the CIEC Paris meetings, on June 16, 1977, CONGRESSIONAL RECORD, page 19432.

NORTH ATLANTIC ASSEMBLY

The North Atlantic Assembly of the parliamentarians of the NATO nations, held its annual spring meeting in Brussels May 26–28. I participated in the meeting of the assembly's political committee on May 27 and, as the alternate U.S. member of the assembly's standing committee, or governing body, I also participated in the standing committee meeting on May 28. Following this, I had meetings with British leaders of both parties in London on May 29 and 30.

I attended the CIEC meeting in Paris from May 31 to June 3 and then flew to Geneva on June 3 to attend the ILO conference and to receive a briefing on the SALT negotiations from Ambassador Earle.

EUROCOMMUNISM

The political topic of greatest interest and controversy at this year's meeting of the North Atlantic Assembly was "Eurocommunism." In this regard attention was focused particularly on the situation in Italy, France, and Spain, in the general context of the implications of Eurocommunism for the North Atlantic Alliance and the East-West balance.

In the North Atlantic discussions there were marked differences of opinion about the real nature of Eurocommunism and its significance and implications in the broader west European and global contexts.

There was considerable interest in U.S. attitudes respecting the Eurocommunism question, particularly as to differences in emphasis and tone between that of the Carter administration and the previous Ford-Kissinger policy. The April 6, 1977, pronouncements of the State Department spokesman had been studied and were commented upon. Subsequently, on June 9, former Secretary of State Kissinger gave a major speech on the subject in Washington entitled "Communist Parties in Western Europe: Challenge to the West." The State Department spokesman again addressed the subject on June 10, in response to the speech of Dr. Kissinger, and on June 18 the State Department released the text of Secretary of State Vance's remarks on Eurocommunism in an interview with the Washington correspondent of Il Tempo, an Italian newspaper published in Rome. The text of the April 6 and June 10 remarks of the State Department spokesman and Secretary Vance's Il Tempo interview, together with the text of Dr. Kissinger's speech of June 9 are provided in full as appendices to this report. In addition, there is also provided as an appendix the text of an astute paper on Eurocommunism presented to the political committee of the North Atlantic Assembly on May 27, 1977, by Dr. Heinz Timmermann of the Federal Republic of Germany.

The position of the Carter administration on Eurocommunism, according to the June 10 remarks of the State Department spokesman, "might be regarded as some change in tone" from the position previously articulated by then Secretary of State Kissinger and reiterated by him on June 9. The Kissinger position is a clear and forceful statement of U.S. opposition to the participation of West European Communist parties in the governments in NATO and other democratic nations of Europe. It is based upon the belief that the so-called Eurocommunist parties—particularly of Italy, France, and Spain—have not given up their historic allegiance to Moscow and their antidemocratic methods and objectives.

The position which has been spelled out by Secretary Vance is characterized by an attempt to balance a posture of U.S. "noninterference" in European elections with a clearly stated "preference" for governments there without Communist participation. Moreover, according to the view expressed by Secretary Vance, the difficulties that would be posed to the Atlantic Alliance by Communist participation in a NATO government might be offset by the " schismatic" effect of Eurocommunism within the Soviet bloc.

Differences within Europe, as evidenced by the discussions at the North Atlantic Assembly, are even sharper and more pronounced than in the United States on the issue of Eurocommunism. As a rough generalization, I found a sharp dichotomy of view between the Democratic-Socialist parliamentarians of Scandinavia, Benelux, and France, and the Conservative parties' parliamentarians. The views of the British and West German Socialist parties tended to fall somewhere in the middle.

The emphasis of the "socialist view" is on the changes which have taken place within the Eurocommunist parties of Italy, France, and Spain on the issues of independence from the Soviet Union and adherence to democratic norms of

conduct and organization. This view sees the Eurocommunist parties as passing the point of no return on the path of evolution toward democratic socialism. Moreover, this view perceives the rapid Eurocommunist evolution as having highly portentous implications for the Communist parties and peoples of Eastern Europe and perhaps the Soviet Union itself. In this context of radical evolution, the threat posed by Eurocommunist electoral victories to the security and integrity of democratic Europe are perceived to be small in comparison to the potential gains.

The "conservative view" is one of deep suspicion and alarm over the growth of Communist party electoral strength in Italy and France and over what it views as complacent and naive attitudes respecting the true nature and objectives of the so-called Eurocommunist parties. The conservative view sees a direct threat to the integrity of NATO and the European community being posed by the potential advent to power of the Communist parties of Italy or France, where the issue is ripest. This has led some advocates of the conservative view to call for a coordinated campaign against the electoral efforts of the so-called Eurocommunist parties within the NATO countries.

The situation in France is perhaps even more ambiguous than in Italy where the minority Christian Democratic government remains in power through the abstention of the Italian Communist Party in parliament where it holds the second largest bloc of seats. In France, the Communist Party is the junior partner in an electoral alliance with the Socialist Party. The victory of the Socialist-Communist alliance in the recent French municipal elections, and current public opinion polls, have made the Socialist-Communist alliance the frontrunner in the parliamentary elections scheduled for March of 1978.

The sincerity of the self-professed conversion of the Communist Party of France—CPF—to the tenets of Eurocommunism is more widely suspect than that of the Italian Communist Party—CPI. However, it is clear that the CPF is the weaker, junior partner of its electoral alliance with the French socialists and many observers believe that the Socialists are continuing to gain at the expense of the Communists through the perpetuation of the alliance. Confidence that the Socialists are more than a match for the Communists has contributed to the rallying of significant numbers of middle class white collar workers and professionals to the Leftist alliance.

Leaders of the Gaullist movement in France do not believe that the Socialist Party could maintain its dominance over its Communist partners once in office. They cite the superior organization and discipline of the Communist Party, its strength in the labor unions and its capacity—and penchant—for conspiratorial subversion. Moreover, the Gaullist leadership believes that a Socialist-Communist government—in their view inevitably dominated by the Communists—would extinguish democratic freedoms and terminate free elections. Accordingly, the electoral strategy of the Gaullists, under the leadership of M. Jacques Chirac, is to convince the voters of France that the issue in the parliamentary elections is a choice between French freedom and tradition, or communism.

Some overt tensions have developed within the leftist alliance between the Socialists and the Communists, while M. Chirac appears to be bringing unity, organization and enthusiasm to his organizationally rejuvenated Gaullist movement. Moreover, under the peculiarities of the French electoral law it is possible for the Gaullists to win a parliamentary majority with about 48 percent of the vote. Nonetheless, public opinion polls show the Leftists Alliance as commanding about 53 percent of the vote, and professionals and white-collar workers, eager for social and economic reforms, are claimed to be supporting the Leftists Alliance in greater numbers than ever before.

The attitude of the Soviet Union to "Eurocommunism" has been somewhat ambivalent. However, in a major article in New Times, a Soviet periodical with wide international distribution, the Soviets unleashed a venomous attack on Eurocommunism, under the guise of a review of a book extolling Eurocommunism by the leader of the Spanish Communist Party. To assure that the article would get the attention desired, it was carried in full and disseminated by Tass, the Soviet news agency. The article harshly denounces Eurocommunism as a betrayal of international Communist discipline and unity. The test of the New Times article as distributed by Tass is enclosed as an appendix.

Clearly, the Eurocommunist phenomenon is a reality and as such it must be addressed by U.S. foreign policymakers. In its potential implications—posing as it does profound risks for the Soviet system of hegemony over European communism—are varied, subtle and portentous. Inasmuch as Eurocommunism seeks to express itself in parliamentary form, the Congress of the United States has, in my judgment, an obligation to inform itself in detail about this new political-ideological phenomenon. Accordingly, I am writing to the chairman of the Senate Foreign Relations Committee to request that a comprehensive hearing on "Eurocommunism" be scheduled at an early date.

DÉTENTE AND HUMAN RIGHTS

The related issues of détente and human rights commanded equal attention to Eurocommunism in the political discussions among the NATO parliamentarians at the North Atlantic Assembly meeting. I found that European attitudes on détente and its relationship to the human rights offensive of the Carter administration to be similar in substance to attitudes in the United States. Nonetheless, there were perceptible differences in tone between the predominant attitude among the Europeans and those prevalent in the United States. There are reservations in Europe about the tone and tactics that have been adopted by the President and his spokesmen.

Concern over the Carter administration's human rights posture is probably most pronounced in the Federal Republic of Germany. The FRG leadership has been engaged in delicate diplomatic exchanges with the U.S.S.R., Poland and East Germany concerning human rights questions and in particular the emigration to the West of ethnic Germans. There is concern that what is seen as the aggressiveness of the Carter human rights offensive will have the reverse effect of hardening the human rights attitudes and policies of the Soviet bloc governments and jeopardizing emigration opportunities. There is a significant degree of feeling in Western Europe and Germany in particular, that more in actual practice could be accomplished by a moderation of public statements on the issue.

There are misgivings in Europe over what is perceived to be a hardening of East-West relations across the board. In the military field, the predominant attitude is one of firm response through a greater NATO effort. Nonetheless, in the political realm, I detected a preference for some tempering of Western public diplomacy. The upcoming Belgrade Conference to review the working results of the Helsinki "Final Act" accords has provided a focus for NATO political attitudes. The European preference appears to be for firm but more low key insistence upon Soviet compliance with the "basket three" human rights provisions of the Helsinki agreements. The European approach seems to stress the pragmatic and practical over the ideological.

Notwithstanding the differences in emphasis respecting tone and tactics, and notwithstanding the palpable misgiving over the risk of straining détente "too far," I detected in Western Europe a favorable attitude toward President Carter personally and an acceptance of his leadership in the Western alliance. The emphasis which President Carter has placed upon the "European connection" in U.S. foreign policy is particularly welcomed. Strong U.S. leadership in the fields of energy policy and Western economic and monetary coordination is regarded as essential. President Carter's spring visit to London and Brussels was a popular triumph.

Prevalent in European attitudes is a self-image sense of vulnerability, particularly in the economic sphere but also in political and social institutions. The Western European democracies do not seem to be overconfident. Indeed, there is an undertone of brooding over the possibilities of a breakdown in the economic system, which could quickly place heavy stresses on the political and social balances which prevail now and which are precarious in some countries.

This apprehension of vulnerability on the part of the Western European democracies undoubtedly is a factor in Western Europe's more cautious approach to the human rights question as it bears on relations with the Soviet bloc. Moreover, perceptible Western European uneasiness over deterioration in détente, and the threat of heightened East-West tensions in Europe, can be traced to the same source.

Successful U.S. leadership of the West-

ern position on human rights and détente obviously must take into consideration the attitudes and preferences of our NATO allies based on a sympathetic understanding of the European posture. This does not mean that President Carter should jettison the positions and statements he has already adopted. Rather, it requires a sensitivity to the nuances of the situation in Europe, and rethinking of tactics to assure the greatest success in practice of the joint goals respecting human rights which we share with our European partners.

INTERNATIONAL LABOR ORGANIZATION (ILO)

At the ILO I met with Francis Blanchard, the director general, deputy director General John McDonald, Francis Wolf, legal advisor of the ILO and Daniel Horowitz, special assistant to the secretary of labor for ILO matters and chief U.S. delegate to the ILO. Since this meeting early in the annual conference this year, I continued to monitor the progress of events at the ILO to its conclusion on June 25.

The events of this year's conference are critical in that they represent the culmination of U.S. efforts during the past 2 years to restore the ILO to its fundamental purposes of improving working conditions throughout the world and developing international labor standards. On November 5, 1975, then Secretary of State Kissinger formally gave notice of the intention of the United States to withdraw from the ILO. In that letter he said:

> Rather than express regret at this action, I would prefer to express confidence in what will be its ultimate outcome. The United States does not desire to leave the ILO. The United States does not expect to do so. But we do intend to make every possible effort to promote the conditions which will facilitate our continued participation. If this should prove impossible, we are in fact prepared to depart.

This letter went on to recite the fundamental concerns of the United States which gave rise to the notice: the erosion of tripartite representation by workers, employers and governments; the selective concern for human rights through a practice of setting double standards based on political factors on such key issues as freedom of association for workers and forced labor; disregard for due process, particularly in the practice of condemning governments for alleged violations of basic human rights without regard to due process under the ILO constitution; and the increasing politicization of the organization reflected by consideration of political issues beyond the competence and stated purpose of the organization.

The U.S. position expressed in the letter of November 5, 1975, was reaffirmed by the Secretaries of State, Labor and Commerce on February 16, 1977 and by President Carter on May 27 of this year. Secretary of Labor Marshall personally conveyed these views, and expressed his hope that the ILO would reestablish its basic purposes, in an address to the conference on June 13, 1977.

Now that this year's ILO conference has concluded, and no further action by the organization will take place between now and the effective date of the withdrawal notice on November 5, 1977, the U.S. Government is in a position to review the events of that conference as they affect the decision on whether to withdraw the notice or allow it to take effect on schedule. That record, in my judgment, regrettably permits no other conclusion than that the U.S. efforts to see reform in the ILO during the past 2 years has been deeply disappointing.

Every point raised by Secretary Kissinger in the withdrawal notice, despite short term gains during the 2 years before this year's conference, was essentially rejected last month on every important issue considered.

Two issues, in particular, warrant this judgment:

First, the conference considered a recommendation of the ILO Governing Body to amend article 17 of the standing orders of the conference to withhold conference action on any resolutions which condemn or criticize member States for allegedly pursuing policies in violation of ILO standards which have not been investigated under established ILO procedures. The intent of this amendment was to screen out resolutions which condemn nations without meeting fundamental elements of due process. The committee of experts on the application of ILO conventions and recommendations, an independent quasi-judicial body which investigates and reports on the extent to which ILO standards have been complied with among all member States should be referred all charges of violations before any action by an ILO conference is taken. Normally, when violations are found by the committee of experts, the matter is taken up by the ILO conference on the application of conventions and resolutions—CACR. Particularly offending nations are included on a "special list" of nations not in compliance with conventions.

In 1974 a particularly egregious flaunting of ILO due process occurred when the conference adopted a "Resolution Concerning the Policy of Discrimination, Racism and Violation of Trade Union Freedoms and Rights Practised by the Israeli Authorities in Palestine and in Other Occupied Arab Territories." The adoption of this resolution was clearly motivated solely by political considerations. Just so, also, was the granting of observer status to the PLO in 1975—which prompted the U.S. delegation to walk out. This blatant failure to follow its own procedures had a great deal to do with the decision of the United States to issue its notice of intent to withdraw.

We must, of course, expect a certain amount of polemics in any international organization which deals with sensitive economic and social issues. It has become clear, however, that actions in the ILO conference have reached such completely unjust and discriminatory levels as to be totally unacceptable.

In this context, the proposed amendment to article 17 stood as a key test of the willingness of the ILO to eschew rampant politicization in the future. On June 3, the conference failed to adopt the article 17 amendment by failure to receive sufficient votes to constitute a quorum—a technique all too often used by opponents to reject proposed resolutions.

In March of this year, the ILO governing body attempted to bring an end to the continuing problem caused by the 1974 anti-Israeli resolution by relieving the director general of the responsibility imposed by that resolution to investigate and report on Israeli labor practices in the occupied territories. In effect, the governing body's action meant that alleged violations by Israel would be left to investigation by the committee of experts under established ILO procedures.

Although the original advocates of the 1974 resolution did not directly attempt to pass another resolution undoing the governing body's decision, a "compromise" was attempted by which director-general Blanchard, in a letter to the President of the conference, suggested that the committee of experts would pursue the investigation, but confirmed that he also would report in 1978 and 1979 "on steps taken to give effect to the resolution adopted in 1974 . . ." So once again the ILO failed to take steps to resolve its own principles of due process.

The Freedom of Association Convention is generally regarded as one of the most important of all the ILO conventions. Its key provision is article 2, which provides:

> Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.

Each year the conference on the application of conventions and resolutions—CACR—selects cases from the comprehensive report of the committee of experts for presentation to the conference. In prior years it has been the selective drawing of only certain nations for inclusion in the report that has given rise to the charge of the ILO's using a double standard in judging member nations. At first, this year's action by the CACR was encouraging; it included particular criticism of eight nations representing governments across the political spectrum: Argentina, Bolivia, Chile, Czechoslovakia, Liberia, Ethiopia, Uganda, and the U.S.S.R. Only Ethiopia was singled out for inclusion on the special list and remarkably light-handed criticism of the U.S.S.R. was expressed. In fact, the strongest sentence to be found in the committee's report states that the committee "asked the [U.S.S.R.] government, when reviewing the new draft constitution, to examine the points made by the committee of experts and the conference committee to see whether changes could be made to bring the legal position more closely into conformity with the convention."

The report of the CACR could also have been commended for recommendations with respect to investigations of alleged Israeli violations of ILO convention No. 111 on discrimination in employment, to wit, that the committee of experts, and not the director general, review and assess the detailed Israeli reply to the 1974 resolution, that it continue

to investigate the situation and that the government of Israel continued to cooperate and answer any further inquiries. But, despite the encouraging action by the CACR, the ILO conference in plenary session again demonstrated its refusal to accord due process to member nations by failing to adopt the report by a vote of 135 to 0, and 219 abstentions. The quorum requirement is 227 votes, so the resolution was not adopted.

These failures present the United States with a difficult decision as to whether to carry out its letter of intent to withdraw at the end of this year. Although not generally appreciated in the United States, the ILO has the capacity for improving working standards and promoting human rights worldwide. The ILO has made a major effort to provide human rights assistance for the developing countries, not only to raise standards of living, but also to establish basic skills necessary for industrialization.

Moreover, the ILO's many conventions and resolutions have had demonstrable effects on legislation in both developing countries and developed countries in such diverse areas as human rights, labor administration, minimum wages, occupational health and safety, and social security.

The United States could not lightly abandon pursuit of these important goals and principles through the one international organization available to pursue them. The consequences of withdrawal are difficult to assess: Without the United States the organization may continue its present trend for many years to come, or it may dissolve itself in a sea of political debate and abdication of its original purposes.

On the other hand, to contemplate remaining in the ILO in view of the events of the past 2 years, and particularly of last June, would call into question U.S. credibility not only in the ILO, but in all of the other specialized agencies of the United Nations, as well. Perhaps 1 more year of continued membership and pressure from within would produce some progress, but this unfortunately is not possible under the ILO constitution. The United States must either carry out its withdrawal on November 5 of this year or remain and serve still another 2-year notice of intent to withdraw. During the weeks remaining to resolve this issue we in the Congress, the President, the employers—represented by the Chamber of Commerce, and the workers—represented by the AFL–CIO, must give serious consideration to the basic U.S. purposes served by membership in the ILO and to the fact that fair play and equal treatment—due process—are being outraged by the majority in the ILO making it extremely difficult for us to stay in the organization even after all these years of membership and activity.

Mr. President, I ask unanimous consent that the various items of material referred to be printed in the RECORD.

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

QUESTIONS TAKEN AT NOON BRIEFING, APRIL 6, 1977

Q. When was the last time a ranking Embassy officer in Rome was in contact with a ranking member of the Italian Communist Party?

A. It is the custom in Italy for a new Ambassador to call on the President of the Senate and the President of the Chamber of Deputies, among others. The latter is now a member of the Communist Party. Ambassador Gardner paid a courtesy call on him in his official capacity and the meeting had no political significance.

Q. Is there a change in the policy enunciated by former Secretary Kissinger that "until a Communist Party actually comes to power in Europe, there would be no contact with it"?

A. Most of our embassies in Europe have maintained contact in various ways and at various levels depending on the local situation. Our embassies in Paris and Rome, for example, have maintained working level contacts with the communist parties for some years.

Q. What is the U.S. view of "participation" of a communist party in a western European government as opposed to "domination" of a government by that party?

A. It is impossible to answer this question in the abstract. Our view would depend on future developments which cannot now be accurately read or predicted.

Q. What does our statement mean by "traditions" of a party; does this mean that a party cannot change its mind?

A. It refers to the ideological bases and governing practices of a communist party. We do not intend to address situations which have not arisen.

DEPARTMENT OF STATE DAILY BRIEFING, APRIL 6, 1977—COMMUNIST PARTICIPATION IN WESTERN EUROPEAN GOVERNMENTS

A. Our position on the question of the Palestinian matter—PLO and Palestinian—remains the same as in our last formulation.

Q. You were going to provide that for us.

A. Marvin, that is on its way to you, the request. It's coming down and it will be provided to you.

Q. There has been a report in an Egyptian paper this morning that President Sadat and President Carter have agreed upon the establishment of a Palestinian state, the need for the establishment of a Palestinian state. Can you confirm that?

A. I have not seen the article and I have nothing on that whatsoever, but I think that in President Sadat's remarks this morning and in the joint statement yesterday, there was absolutely no reference to anything of the sort.

Q. Hodding, do you have anything to say today about the American position toward the prospect of communist participation in friendly Western European governments?

A. Yes, I do. We believe that the position of a communist party in a particular country is a matter to be decided by the people and government of the country concerned. We do not propose to involve ourselves in the processes by which they reach their decisions on it. This does not mean that our attitude is one of indifference. We attach great importance to our ability to work with the countries of Western Europe on matters of vital interest.

Our ability to do so could be impaired if these governments came to be dominated by political parties whose particular traditions, values, and practices are alien to the fundamental democratic principles and common interests on which our relations with Western Europe are based.

Q. Is that the end of the statement?

A. That is the end of the statement.

Q. May I ask a question about it? You talk about "political parties whose particular traditions . . .", does this rule out the possibility, then, that a communist party in Western Europe might now say that it has taken a different viewpoint from what its traditions had been concerning the possibility of pluralistic government in changes of future governments by free elections?

A. Henry, I'm not prepared to go beyond the statement.

Q. One point of clarification: You speak about the domination of these governments by such parties. Well, the question in many places is participation, not domination.

A. Again, I'll have to refer to the statement itself.

Q. Hodding, are there any new guidelines for U.S. diplomats overseas on whether or not to have contact with Communist officials?

A. In so far as I know, the same procedures are in effect as have been in effect before.

Q. And before this Administration came into power?

A. I know of no changes.

Q. Hodding, on both Henry's question and Roy's, can you take those questions and get us answers rather than just simply refer us to these words that need clarification in our minds?

A. What I will do is, I will attempt to do it without suggesting that I can, but I'll be glad to try, and I will.

Q. Hodding, on your last response on the guidelines, recently something was made of the fact that the Ambassador to Rome met with Ingrao. Could you research the last time a U.S. Ambassador in Rome, or any ranking member of the Embassy in Rome had contact with a ranking member of the Communist Party? Would you?

A. Yes, I will.

Q. Just as a point of interest, Hodding, is it a matter of policy now to provide visas to members of Communist parties who want to visit the United States?

A. I don't have anything on that.

Q. Will you take that, because President Carter has, on a number of occasions, said that he is removing those restrictions.

A. I know that our entire policy in this area is under review and I do not believe that that review has been completed. And I think until it is, we don't have anything on that.

Q. Hodding, if you will excuse me, there seems to be—this statement of yours seems to be basically, internally contradictory:

On the one hand you say that we are not going to do anything about it. On the other hand, you say: It is a matter of great importance to this country.

If it is, indeed then, a great matter of importance what is the United States going to do about it?

A. I believe that the statement, in itself, answers your question. We are indicating that our attitude is not one of indifference, and we are indicating that we believe that it would be—our ability to continue to work with the countries of Western Europe would be impaired if these countries came under domination of political parties and so forth, as it says.

Q. Yes. And that being the case, and you are not going to involve yourself, the Government, in the process—what, then, are you going to do about it?

A. Well of course the statement that we are not involving ourselves in the process is a statement of national policy and is a reiteration of what this Administration has said a number of times.

What we are doing is indicating that our attitude is not one of indifference to the possibilities raised.

Q. Of domination?

A. Of domination.

Q. But can you take the question of: Is there indifference to just participation? Be-

cause as someone said earlier, that is where the big debate was, last year in this country. Not on domination. Everyone was against Communist domination.

A. I will see if I can get any further clarification on the statement.

Q. In that context, Hodding, also, it appeared to be a policy, at least unwritten, perhaps, that there would be no contact between officials of this country and members of the Communist parties in Italy, France and so on. Has that policy changed?

Q. At the Ambassadorial level?

A. I think that I have already—

One question may answer that. I have already taken a question of: When was the last time there was contact?

Insofar as policy goes, I will check into that.

Q. Hodding, would it be the policy of our Ambassadors, say, to deal with the members of the Communist parties?

A. I understand.

Q. In the background we are working against is a statement by Kissinger, on several occasions—[request to speak up.]

The background we are working against, is a statement that Kissinger made on several occasions; that until Communists actually came into power, there would be no contact with them; and I would like to find out whether that has been changed.

A. All right, I will find out.

Q. Can you find that?

Q. Hodding, did this question come up in the meeting this past weekend, between President Giscard and the Secretary?

A. I don't know.

Q. The previous Administration followed the practice of warning potential governments—quietly. You seem to have adopted the opposite policy by warning them here.

Is it a fair inference to draw that what you have read constitutes a warning?

A. What this constitutes is what it says.

Q. Hodding is this being conveyed in any other way, apart from this room, today?

A. This message has been made known, and will be made known to our various Embassies.

Q. Change the subject?

I noted in the transcript yesterday—I was somewhere else during the briefing—I noticed you answered my question about the public Soviet commitment on discussing SALT in Geneva. I appreciate the answer.

I also noted in one of the dispatches from Moscow published this morning, a statement that diplomatic sources, I believe it said Western diplomatic sources in Moscow, said in fact there is no Soviet commitment.

What you have said previously—what Vance has said previously on the subject—seems to contradict this directly, but I would like to raise the question again whether you feel there is a Soviet commitment to discuss SALT at Geneva next month.

A. Yes, I will stand on what I said yesterday.

Communist Parties in Western Europe: Challenge To The West

(Remarks by the Honorable Henry A. Kissinger)

Ladies and Gentlemen: The cohesion of the industrial democracies of Western Europe, North America, and Japan has been for thirty years the bulwark of peace and the engine of global prosperity.

This unity has been the keystone of our foreign policy in every Administration from President Truman to President Carter. The first permanent peacetime security alliance in American history was with the democratic nations of the Atlantic Community; it was soon followed by our commitment to the security of Japan. Since then, the agenda of cooperation among the industrial democracies has spread from collective defense to common action on energy policy, economic recovery, the international economic system, relations with the Communist countries, and with the Third World. This cohesion rests not simply on material considerations of wealth and power but on a common moral foundation as well—on the shared conviction that the consent of the governed is the basis of government and that every individual enjoys inalienable rights and is entitled to constitutional liberties.

It is ironic that at the moment when the industrial democracies are most cohesive in their opposition to external threats, at a time when our cooperative efforts cover a broader range than ever, the unity developed with so much effort and imagination over a generation should be jeopardized by an internal danger—the growth of Communist Parties and the danger of their accession to power in some of the countries of Western Europe.

In Italy, in the parliamentary elections of June 1976, the Communist Party obtained 34% of the vote, strengthening its position as the second largest party and as a powerful rival of the Christian Democratic Party which has governed Italy throughout the post-war period. The Communists' growth since the 1972 election has been primarily at the expense of the democratic socialist groups, and is part and parcel of an increasing and dangerous polarization of Italian politics. The Communists have already achieved a virtual veto over government programs in the Italian Parliament.

In France, in the Presidential election of April 1974, a coalition of the Communist and Socialist Parties came wtihin one percentage point of victory on the final ballot. A majority for this coalition in the parliamentary elections which must take place by March 1978 would bring Communist leaders into key ministerial positions. It would do so, moreover, in conditions of constitutional crisis, for the Constitution of the Fifth Republic has not yet faced the test of a President and a Prime Minister from different parties.

In the Iberian peninsula, where hopeful steps are being taken towards democracy, Communist Parties have fought with ruthlessness and disciplined organization to increase their already considerable influence. Portugal is a member of NATO; Spain is strategically crucial and tied by special agreements to the United States. Communist participation in the government of either country would have serious consequences for Western security.

And these Communist challenges do not exist in isolation from each other. There is no doubt that a Communist breakthrough to power or a share in power in one country will have a major psychological effect on the others, by making Communist Parties seem respectable, or suggesting that the tide of history in Europe is moving in their direction.

Most of the causes of this phenomenon are indigenous to the individual countries. And by the same token, the response to this challenge must come in the first instance from European leaders and voters who are persuaded that democracy is worth the effort. America cannot make their choices for them or decide the outcome of free elections.

But America must recognize the significance of what may lie ahead. We must not delude ourselves about what the accession of Communist leaders to executive power will mean to the most basic premises of American foreign policy. We must not confuse either our own people or those in allied countries who take our judgments seriously about the gravity of the threat. We must not weaken their resolve either by treating a Communist victory as inevitable—which it is not—or by imagining that a Communist electoral victory would be an accidental, transitory or inconsequential phenomenon. The ultimate decisions are for the voters of Europe to make. But they—and we—would be indulging in wishful thinking if we all did not acknowledge now:

That the accession to power of Communists in an allied country would represent a massive change in European politics;

That it would have fundamental consequences for the structure of the post-war world as we have known it and for America's relationship to its most important alliances;

And that it would alter the prospects for security and progress for all free nations.

THE COMMUNIST PARTIES AND WESTERN DEMOCRACIES

Those who take a less grave view of these prospects often claim that the European Communist Parties are independent of Moscow, that they have been effectively democratized and assimilated, and that they therefore pose no international issue in the broader East-West context.

It is true enough that the centrifugal and polycentric tendencies in the Communist world are one of the most striking developments of our age. These schisms, moreover, are made doubly intense by the passions of a quasi-religious battle over what is true dogma and what is heresy. Symptomatic is the fact that the Soviet Union has used military force in the post-war period only against other Communist countries—in East Berlin, in Hungary, in Czechoslovakia, and on the Sino-Soviet border. The Sino-Soviet conflict may indeed be the most profound and potentially explosive current international conflict. Nor is there a serious observer who disputes that the Communist Parties in Western Europe have in fact occasionally demonstrated some degree of independence from the Soviet Union.

But this hardly exhausts the issue. For we must ask: In what sense and on what issues are they independent? And what are the objective consequences for the West of their policies and programs?

We are entitled to certain skepticism about the sincerity of declarations of independence which coincide so precisely with electoral self-interest. One need not be a cynic to wonder at the decision of the French Communists, traditionally perhaps the most Stalinist Party in Western Europe, to renounce the Soviet concept of dictatorship of the proletariat without a single dissenting vote among 1700 delegates, as they did at their Party Congress in February 1976, when all previous Party Congresses had endorsed the same dictatorship of the proletariat by a similar unanimous vote of 1700 to nothing. Why was there not at least one lonely soul willing to adhere to the previous view? Much was made of this change as a gesture of independence. Now it turns out that the new Soviet Constitution, in preparation for years, drops the phrase as well.

Throughout their existence, the guiding principle of the Communist Parties has been their insistence that a minority had to seize power as the vanguard of the working class and impose its views on the rest of the population. This disdain for democratic procedures—whether it is presented in the traditional form of the "dictatorship of the proletariat" or wrapped in Gramsci's more elegant phrase, "the hegemony of the working class"—is precisely what has historically distinguished the Communist from the Socialist Parties. I find it hard to believe that after decades of vilifying Social Democracy and treating it as their mortal enemy, especially in every Communist country, Communist Parties have suddenly become Social Democrats. Whether or not they are independent of Moscow, Communists represent a philosophy which by its nature and their own testimony stands outside the "bourgeois" framework of Western constitutional history; they are a movement that appeals to a different tradition and uses a largely misleading vocabulary.

To be sure, the French, Spanish, and Italian Communist Parties have all recently declared their resolve "to work within the pluralism of political and social forces and to respect guarantees and develop all individual and collective freedoms." Enrico Berlinguer and Georges Marchais pledged their devotion to national independence and political pluralism at a conference of Communist Parties in East Berlin in June 1976.

But can we take these declarations at face value? After all, Marchais has listed Bulgaria, Poland, and East Germany as countries having a "pluralistic" party system. As recently as 1972, French Communist doctrine was that "there can be no return from Socialism to Capitalism." And a few weeks ago, to the great irritation of their Socialist allies, the French Communists estimated the cost of the economic program of the two parties at over 100 billion dollars. The Communist program—by definition—calls for the radical transformation of society; by the very nature of their beliefs Communists will be driven to bring about institutional changes that would make their ascendance permanent.

Moreover, are these professions of the national road to Communism and of devotion to democratic principle really so new? Let me read some quotations from European Communist leaders:

First: "The crux of the matter, and we Marxists should know this well, is this: every nation will effect its transition to Socialism not by a mapped-out route, not exactly as in the Soviet Union, but by its own road, dependent on its historical, national social, and cultural circumstances."

That was from a speech by Georgi Dimitrov, leader of the Bulgarian Communist Party, in February 1946.

Second: "We take the view that the method of imposing the Soviet system on (our country) would be wrong, since this method does not correspond to present-day conditions of development. . . . We take the view rather that the overriding interests of the . . . people in their present-day situation prescribe a different method . . . namely the method of establishing a democratic anti-Fascist regime, a parliamentary democratic republic with full democratic rights and liberties for the people."

That is from a proclamation of the (East) German Communist Party in June 1945.

Third: "The great national task facing the country cannot be solved by either the Communist Party or by any other party alone. The Communist Party holds that it does not have a monopoly, and it does not need the monopoly, to work among the masses for the reconstruction of the new (nation). The Communist Party does not approve of the idea of a one-party system. Let the other parties operate and organize as well."

That is a statement by Erno Gero, Communist Party leader of Hungary, in November 1944.

Fourth: "In (our country) there is a division of functions, and State power is based on parliamentary democracy. The dictatorship of the proletariat or of a single party is not essential. (Our country) can proceed and is proceeding along her own road."

That is from a speech by Wladyslaw Gomulka, Communist Party leader of Poland, in January 1946.

Fifth: "The Communist Party seeks to attain Socialism, but we are of the opinion that the Soviet system is not the only road to Socialism. . . . The coalition of the Communists with other parties is not opportunistic, a temporary limited coalition, but the expression . . . of all strata of the working people. . . . We seek at present to make certain that our new democratic parliamentary methods . . . be expressed in constitutional law. If you want the view of the Communists, I can only say that they will be the strictest guardians of the new Constitution."

That is a statement by Klement Gottwald, Communist Party leader of Czechoslovakia, in January 1947.

Sixth: Marchais speaks of "Socialism in the colors of France." But in 1938, George Orwell described French Communist strategy as "marching behind the tricolour."

In short, what the leaders of the Western Communist Parties are saying today about their affection for the processes of democracy is not significantly different from what East European Communist leaders declared with equal emphasis in the 1940's—before they seized the total power which they have never relinquished since.

Certainly Communist Parties are willing to come to power by democratic means. But could they permit the democratic process to reverse what they see as the inevitable path of "historical progress?" Would they maintain the institutions—press, parties, unions, enterprises—that would represent the principal threat to their power? Would they safeguard the freedoms that could turn into instruments of their future defeat? No Communist Party that governed alone has ever done so, and the vast majority of those democratic parties which entered coalitions with European Communists are now in the indexes of history books rather than in ministries or parliaments.

The Italian Communist Party, to be sure, left the government following its disastrous defeat by the Christian Democrats in 1948. But the situation today is greatly changed. In 1948, the Communists were a far smaller party, with little regional or municipal power. They had to contend with a younger and more united Christian Democratic Party, a strong Socialist Party, and a determined Western Alliance alarmed by Stalin's adventures in Greece and Czechoslovakia. Today, Italian Communists participate in the governments of most major cities and regions, have enormous trade union strength, substantive support from intellectuals and the popular culture, and have reduced the strength of the Socialists to a fraction of what it was three decades ago.

The French Communists were similarly removed from the government in 1947, following the intensification of the cold war. But, just as in the Italian case the following year, the popular revolt against the Communists took place within the framework of a united West with a clear perception of an external and internal threat to its survival. By contrast there are now many people on both sides of the Atlantic who have permitted themselves to be convinced that European Communism is only Social democracy with a Leninist face.

We cannot know, with certainty, whether a fundamental change has occurred in these parties' traditional goals and tactics. But their internal organization and management speak against such a view. It is not democratic pluralism but the stern Leninist precept of "democratic centralism" which continues to guide the internal structure of all European Communist Parties. This is a doctrine of iron discipline, not a principle of free and open dialogue. It is a system of dogma, of a "party line", of authority and obedience, of suppression of dissent and purge of dissenters. There are too many recent instances of resorts to violence, attempts to censor newspapers and broadcasting, and efforts to control the functioning of universities to be optimistic about their character.

Only in Western Europe and the United States are there still illusions about the nature of Communist Parties. In Eastern Europe, boredom, intellectual emptiness, inefficiency, and stultifying bureaucratism have been obvious for decades. Countries which used to be leading industrial powers have been reduced to mediocrity and stagnation; nations with long democratic traditions have seen the destruction of civil liberties and democratic practices. The countries of the West would mortgage their future if they closed their eyes to this reality. Societies that try to avoid difficult choices by making comforting assumptions about the future win no awards for restraint; they only speed their own demise.

COMMUNIST PARTIES AND THE ATLANTIC ALLIANCE

It is sometimes asked: If the United States can deal with Communist governments in the Soviet Union, China, Eastern Europe, and even Cuba or Vietnam, why can we not accept and learn to deal with Communist Parties seeking power in Western Europe? Is not the Soviet Union uneasy about the prospect of new Communist regimes that they may not be able to control?

These questions miss the central point. There is a crucial difference between managing conflict with the adversaries and maintaining an alliance among friends, particularly when the prospects for stable East-West relations depend vitally on the cohesion of the Western Alliance. And even if some West European Communist Parties should prove more difficult than the better disciplined satellites of East Europe, and thus pose new problems for Moscow, they would pose far more serious problems for the West.

For the key issue is not how "independent" the European Communists would be, but how Communist. The dynamics of the Communist Parties and the program on which they would be elected suggest that their foreign and domestic policies are not likely to be consistent with the common purposes of the Atlantic Alliance.

The solidarity of the great industrial democracies has maintained global security for thirty years. Western collective defense provided the shield behind which the United States, Western Europe and Japan developed the institutions of European unity and the progressive world economic system. All these relationships would be severely jeopardized if Communists came to power in allied governments.

Specifically:

The character of the Alliance would become confused to the American people. The signatories of the North Atlantic Treaty pledged in 1949 that "they are determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law." If Communists entered governments in allied countries, the engagement to help maintain the military balance in Europe would lack the moral base on which it has stood for a generation. The American people would be asked to maintain their alliance commitment on the basis of two highly uncertain, untested assumptions: that there is a new trend of Communism which will in time split from Moscow, and that the West will be able to manipulate the new divisions to its advantage.

Both of these propositions are open to the most serious doubt. No major Communist split has ever been generated or maintained by deliberate Western policy—in fact the Soviet Union's disputes with Yugoslavia and with China had been festering for months and even years before the West became aware of them.

But even such a split—which would surely take years to develop—would hardly diminish the danger to current Allied relationships. By the time it occurred, the damage to the NATO structure would probably have become irreparable. And the character of the Atlantic relationship would be totally transformed, even should the United States, for its own reasons, eventually decide to support a revisionist Communism. While the United States can never be indifferent to the extension of Soviet hegemony to Western Europe,

the permanent stationing of American forces in Europe could hardly be maintained for the object of defending some Communist governments against other Communist governments. Such a deployment could be justified only on the crudest balance of power grounds that would be incompatible with American tradition and American public sentiment.

This is not a personal recommendation as to a desirable policy, but a judgment of stark reality. Significant participation by Communist Parties in West European governments will over time undermine the moral and political basis for our present troop deployment in Europe.

The effect on Alliance cohesion generally would be disastrous. The Western Alliance has been held together by a system of close consultation based on shared goals and compatible philosophies. President de Gaulle cherished France's independence from the United States, but in major crises, over Berlin or Soviet missiles in Cuba, he stood firmly with his allies. By the same token, Communist governments in Western Europe, however independent of Moscow they may be on intraparty issues, can be expected to demonstrate their basic Communist convictions on major international issues.

If Communist Parties come to power in Western Europe, significant divergences on foreign policy would be bound to develop between Europe and the United States, and between European states in whose governments Communists participate and the others.

In February 1976, Italian Communist leader Berlinguer stated to a London Times interviewer that "the Soviet Union's peace policy is in the general interest of mankind." The Italian Party newspaper denounced NATO last year as "one of the fundamental instruments for American manipulation of the politics and economy of our country and Western Europe," and urged that "the relations between the countries of Western Europe and the two superpowers must be rediscussed." A leading member of the Italian party's Central Committee was asked in a recent interview with Radio Free Europe: If the French and Italian Communist Parties were in power, what would you do in the event of "a grave international crisis between the Soviet Union and the West?" He answered: "We would choose the Soviet side, of course." Such "support" of NATO as is expressed is explicitly tactical, and rests upon a distortion of detente. It is coupled with the proposition that a Soviet threat against Western Europe is inconceivable. No European Communist Party suggests that it wishes to be part of a Western Alliance to withstand Soviet expansion. And, indeed, how could Leninist parties dedicate themselves with any conviction to a military alliance whose primary purpose was and remains to counter Soviet power?

To be sure, these parties have had their differences with the Soviet Union, but in practically every case it has been on a matter of relations within the Communist movement. They have rarely, if ever, diverged from the Soviet position on an international issue. The Italian Communist Party has hailed the Cubans in Angola as "freedom fighters," condemned the Israeli rescue of hostages at Entebbe as an "intolerable violation of Uganda's national sovereignty," applauded Soviet policy in Africa and denounced America's diplomatic efforts in Southern Africa as an attempt to "save the neocolonial and military-strategic interests of imperialism."

At best, West European Communist Parties can be expected to steer their basic policies closer to the so-called nonaligned bloc and in an anti-Western direction. Yugoslavia—whose independence from Moscow on East European issues is by now traditional—has emerged as a champion of anti-Western and anti-American positions on most international issues outside of Eastern Europe. Why should we expect that Communist parties in Western Europe would be more friendly to us than the most independent East European state which has been engaged for nearly three decades in an open dispute with Moscow and whose government the Kremlin has sought repeatedly to undermine?

The strong role our allies play in defending Western interests in many regions of the globe—such as President Giscard's courageous actions in Zaire—could not be expected from a nation where Communists share power. In the Middle East, in Southern Africa, in relations with the third world, on Berlin, on arms control and European security, the parallelism of views that has existed between the United States and its European allies would almost certainly be eroded. On the contrary, active opposition especially in regions of traditional European cultural and political influence is probable. In our common efforts to improve the world economy and stimulate progress in both the developed and developing worlds, in the OECD, in the Paris Conference on International Economic Cooperation and at Heads of Governments Summits, divisions would soon be apparent. How could Atlantic unity possibly be maintained in such circumstances, even on the security issue?

The military strength and unity of NATO would be gravely weakened. The Communist Parties of Western Europe pay lip service to NATO. In fact, it is hard to visualize how the present NATO structure could continue, with its exchange of highly classified information, its integrated military planning and political consultation, if Communists had a significant share of power.

The participation of Communist Parties in West European governments would force a major change in NATO practices, as occurred temporarily with Portugal, which had to exclude itself from classified discussions within the Organization when its own political future was in doubt. These parties are unlikely to give NATO defense a high budgetary priority. Communist Parties would surely use their power to diminish the combined defense effort of Western Europe and inevitably sap our own will to pay the costs of maintaining U.S. forces in Europe.

Furthermore, if Communists participate in a significant way in the governments of key European countries, NATO may turn by default into a largely German-American alliance. This specter could then be used in other West European countries to undermine what remains of Atlantic cohesion. With NATO thus weakened, while the Soviet Union continued to increase its strategic and conventional strength and maintained its grip on the Warsaw Pact, the essential equilibrium of power between East and West in Europe would be fundamentally threatened. The freedom of many European countries, allied or neutral, to chart their own future would be diminished in direct proportion as the fear of Soviet power grows. Eventually, massive shifts against us would occur, not because a majority freely chose such a course, but because the upsetting of the overall balance left them no alternative.

The hopeful progress toward European unity would be undermined. The French and Italian Communist Parties opposed the creation of the European Common Market as a conspiracy of monopoly capitalism. Until quite recently, they have consistently fought progress toward European unity. Lately they have come to accept the European Community as a fact of life; they now say they seek to make it more "democratic" and to transform it, by "a process of innovation . . . in the spheres both of institutions and of general orientations," as Berlinguer expressed it. They can be counted on to re-orient the Common Market towards closer relations with the state economies of Eastern Europe and toward the more extreme of the Third World's demands for a "new international economic order." It can be assumed that they will not encourage European political unity to foster cooperation with the United States; rather they will urge it, if at all, to encourage Third Force tendencies. And over time either governments with Communist participation will pull the others towards them, or deep fissures will open up between the traditional Atlanticists and the "New Left" in the European Community. Either outcome would be destructive of European unity and Atlantic solidarity.

Thus whatever hypothesis we consider, Communist participation in governments of Western Europe will have a profound impact on the international structure as it has developed in the post-war period. We cannot be indifferent or delude ourselves that the advent of Communists to a significant share of power in Western Europe would be less than a watershed in Atlantic relationships.

THE AMERICAN RESPONSE

The attitude of the United States towards such developments must of necessity be complex. The crucial role must be that of European governments; the final decision must be that of the European voters. We cannot substitute for either.

In the end, the Communist Parties in Western Europe find their opportunities less in their inherent strength than in the demoralization, division or disorganization of their opponents; they succeed only when the democratic system seems unable to solve the social problems of the day; when the center does not hold and societies become polarized. Violence—such as that currently tormenting Italy—drives many to support Communism in desperation, convinced that drastic remedies are required to end a state of siege which has now spread to the press and other media.

The basic causes of Communist gains thus go deep and are not easy to remedy. In many European countries disillusionment with democratic government and democratic leaders is pervasive. In an era of peace, in a world of bureaucracy and mass production, there is no galvanizing crisis and little opportunity for heroic performance. A relativist age debunks authority and puts nothing in its place as an organizing principle of society. Massive impersonal bureaucracy disillusions the citizens with the responsiveness of his government, and simultaneously makes the task of elected officials more difficult. In too many democratic countries the young are offered too little inspiration; their elders too often have lost confidence in their own values. Too frequently democratic leaders are consumed by winning and holding office and are unable to demonstrate the force of conviction and philosophical self-assurance of their radical opponents.

The very success of Western societies in maintaining prosperity at a level undreamt of even forty years ago sometimes contributes to their malaise. Intellectuals condemn society for maternialism when it is prosperous and for injustice when it fails to insure prosperity. The widespread economic difficulties of the last four years—recession and inflation unparalleled in a generation, to a large extent induced by the extraordinary increase in oil prices—fuel the frustration of all whose hopes for economic advancement are rebuffed. The interdependence of economies causes inflation and recession to surge across national boundaries, compounding the sense of individual impotence.

And yet, with all these difficulties, the democratic forces of the West have it in their power to determine whether the Communist Parties have opportunities to succeed. They

have the capacity to put their economies on the path of steady non-inflationary expansion. They have the intellectual capital and the resources to usher in a new period of creativity. Anti-Communism is not enough; there must be a response to legitimate social and economic aspirations, and there must be a reform of the inequities from which these anti-democratic forces derive much of their appeal. With able leadership—and Western cohesion—the democracies can overcome their challenges and usher in a period of dramatic fresh advance.

In this process it is vital that the United States encourage an attitude of resolve and conviction.

First of all, we must frankly recognize the problem that we will face if the Communists come to power in Western Europe and we must understand the practical decisions this will impose on us as a nation. We must avoid facile projections which seek to escape difficult choices by making the most favorable assumptions about what might happen. We must have a program for encouraging the forces of moderation and progress in this critical period and for rallying them should a Communist Party nonetheless prevail.

Second, we must avoid giving the impression that we consider Communist success a foregone conclusion by ostentatious association or consultation with Communist leaders or by ambiguous declarations. Communist success is not a foregone conclusion; United States hesitation or ambiguity can, however, contribute to it. Communist Parties are riddled with weaknesses and internal strains, and marked by a fundamental flaw: parties that do not speak for the humane values which have inspired the peoples of the West for centuries are unlikely to appeal to a majority in a Western nation except in a moment of unsettling crisis. In no Western European country has the Communist Party ever fairly won more than about a third of the vote. Their most powerful weapons are fear, distrust and discouragement; their principal asset is the myth of their inevitability. Therefore, we do our friends in Europe no favor if we encourage the notion that the advent of Communists and their allies into power will make little or no difference to our own attitudes and policies. I am talking less of formal statements—which depend on tactical judgments difficult for any outsider to make—than of a clear and unambiguous U.S. attitude.

Some have argued that such a policy would be counterproductive, that it would encourage Communist protest votes. I believe the opposite to be true. On balance, I consider it important that Europe know of America's interest and concern. Many voters in allied countries value the friendship of the United States and appreciate the security supplied by the Atlantic Alliance. We should not ignore them, or demoralize them, or undercut them. The gradual gains scored by the Communist Parties over the past years occurred—by definition—at the margin, among voters who had not voted Communist before; who did not vote by anti-American reflex; who for one reason or another were persuaded that the Communists have now become acceptable or indispensable.

There is no evidence that voters are influenced to vote Communist by American attitudes. On the contrary, the real danger may well be the other way; many usual opponents of the Communist Parties may be lulled by voices, attitudes and ambiguities in this country implying that our traditional opposition has changed. Paradoxically, we even weaken whatever moderate elements may exist in Communist movements by settling too eagerly for verbal reassurances.

If the United States has a responsibility to encourage political freedom throughout the world, we surely have a duty to leave no doubt about our convictions on an issue that is so central to the future of the Western Alliance and therefore to the future of democracy. Human rights is not an abstraction concerned only with judicial procedures and unrelated to basic questions of political and geopolitical structure. We cannot fail to reckon the setback to European freedom that will result if Communist minorities gain decisive influence in European politics; we must not close our eyes to the effect on freedom throughout the world if the global balance tips against the West.

Thirdly, the United States should conduct its policies toward its allies in a way that strengthens the moderate, progressive and democratic governments of Western Europe. We must, on the one hand, avoid demands or lecturing which, whatever the intrinsic merit, magnify domestic fissures in European countries or the sense of impotence of European governments. At the same time, the United States can contribute to a sense of accomplishment by offering vigorous cooperation in joint efforts to solve common problems in the fields of diplomacy, arms control, energy and economic growth. This was the purpose of the economic summits among Western leaders begun by President Ford at Rambouillet and Puerto Rico, and continued so successfully in London by President Carter.

The unity and cooperative action of the democracies is crucial to all that America does in the world. Western unity defends not only our security but our way of life and the most basic moral values of our civilization. On this we cannot be neutral. To foster these principles deserves the same dedication and commitment that inspired the most imaginative periods of American diplomacy.

The stagnant societies of the East to which I have referred serve as both a warning and a hope. They remind us that the West's latent intellectual and political vitality, even more than its material prosperity, is the envy of the world. The winds of change are ultimately blowing from the West. The men and women of Eastern Europe are certainly aware that the West, for all its doubt and sense of spiritual dilemma, is the vanguard of modernization, the vital source of learning and of much of modern culture, and the haven of the free human spirit. The developing countries yearning for progress also turn to the West, not the East, for assistance, support, and the measure of what man can achieve when he aspires. Our technology, our creativity, our unequaled economic vigor, not some bureaucratic doctrine of economic determinism, are the forces that will shape the future if we mobilize the energies of free peoples.

This is not the time for resignation or acquiescence. It is a time for confidence, determination and hope. The power of free men and women and free nations acting in concern, confident of their strength and of their destiny, cannot be matched by any totalitarian regime or totalitarian movement. The spirit of freedom can never be crushed. But freedom can be lost gradually. Such a danger exists today in Western Europe, and that threat could have consequences not only in Europe but throughout the community of democracies and the world.

If we cherish freedom, we will face the peril, marshal joint efforts to overcome it and begin a period of new fulfillment for our peoples. Western Europe, our closest partner and the cradle of much of our civilization, is too precious to us for us to do otherwise.

Thank you.

DEPARTMENT OF STATE: TRANSCRIPT OF DAILY NEWS BRIEFING FRIDAY, JUNE 10, 1977, 12:35 P.M.

Mr. CARTER. Good afternoon. For your information, the camera crew in the briefing room today is shooting silent film of you hardworking correspondents at hard work.

I notice from the wires that Ken Freed, a regular correspondent here, is going to be a Neimann Fellow this year at Harvard, enjoying academe's sweet caresses for nine months. And my congratulations on that. [Applause.]

Q. Whose cameras are shooting?

A. Whose cameras are shooting?

Mr. MEDEIROS. ABC's.

Mr. CARTER. ABC's.

We have a press release on Lawrence S. Eagleburger being sworn in as United States Ambassador to the Socialist Federal Republic of Yugoslavia.

Available today in the Press Office is a statement by Philip Habib, Under Secretary for Political Affairs, before the International Security and Scientific Affairs and the Asian and Pacific Affairs Subcommittees of the House International Relations Committee.

We also have a statement of Louis Nosenzo, Deputy Assistant Secretary for Nuclear Energy and Energy Technology Affairs before the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources.

Both of these June 10th.

I have an announcement.

A survey team will leave for Havana on Sunday, June 12th, headed by Mr. Bob Gershenson, the Executive Director for Management of the Inter-American Bureau. The team will remain in Havana about one week. The purpose is to survey the buildings and look at housing requirements in preparation for establishing our interests section.

Q. Is that Robert?

A. Robert.

Q. Is a Cuban survey team coming in?

A. The team will have seven members—ours will have seven members, most of them engineers and architects. All of them are from the Department of State. Unfortunately, I don't have anything on the Cuban survey team at this time.

Q. Maybe you have done this, Hodding, but how many people are they going to be surveying for?

A. As I recall, it is going to be a dozen or less. It is a max of a dozen. This is the projection we have right now.

There is a press release from ACDA, which you may or may not have seen, that was posted and that I will read.

"Pursuant to agreement reached in the course of the talks during the visit of Secretary of State Cyrus Vance to Moscow in March 1977, bilateral consultations on comprehensive nuclear test ban issues will be held in Washington beginning June 13, 1977.

The U.S. team will be headed by Paul C. Warnke, Director of the U.S. Arms Control and Disarmament Agency. The Soviet team will be headed by Dr. I. D. Morokhov, first Deputy Chairman of the State Committee on Atomic Energy of the U.S.S.R.

These bilateral consultations will also consider non-proliferation issues."

I, unfortunately, do not have beyond this press release a list of other participants on our side in the negotiations. I think that ACDA could and would provide them for you.

I have a little more information on this subject, since there are other working groups, to try to give you some idea of where we are coming on that.

Working group meetings on chemical warfare and radiological warfare were held in Geneva from May 9 to May 16, and we have been through that. A meeting on a comprehensive test ban will begin, as I have just announced, on June 13.

As for the other groups, work is proceeding on getting them underway, and these working groups include those on pre-notification of missile launches, civil defense, anti-satellite systems, conventional weapons transfers and the Indian Ocean. But I have no further information about the times or the places for those working groups to commence.

Q. Hodding, I'd like to ask you about what is now called Eurocommunism—

A. Yes.

Q. —having in mind Henry Kissinger's speech last night and also having in mind the paper you people put out April 6th or 7th.

A. 6th.

Q. Would you say there is a divergence in views between this administration and the last one on the threat that communists might post to the Alliance and to the structure of France, Italy, et cetera?

A. I think that we have repeatedly stressed our view that we believe that the coming to power of parties which do not share our democratic values and traditions and our adherence to certain democratic principles would be just the opposite of a cause for indifference, that we would, as the President has said, "We prefer that the governments involved in our many contacts in Western Europe continue to be democratic, and that no totalitarian elements become either influential or dominant." I am, in fact, quoting directly from the President's statement on the subject. "We prefer that the governments involved continue to be democratic, and that no totalitarian element become either influential or dominant, and I would hope that the democratic parties would prevail during the coming years in the struggle for political authority." Or as the State Department statement of April 6th said, "We attach great importance to our ability to work with the countries of Western Europe on matters of vital interest. Our ability to do so could be impaired if these governments came to be dominated by political parties whose particular traditions, values and practices are alien to the fundamental domocratic principles and common interests on which our relations with Western Europe are based. Our attitude is not one of indifference."

Q. What's the answer to the question?

A. The answer is that we do not feel that there is substantial disagreement between our positions at this time on Eurocommunism—

Q. Well,—

A. And, getting more specific, since this is not prompted by a vacuum but by an event, we do not view former Secretary of State Henry Kissinger's remarks as in any way marking a sharp departure or difference of opinion with the approach that we have to Euro-Communism. And I would be glad to match you text for text on what he had to say as opposed to what we say.

Q. With your good journalism background and your late government training, it is evident in your remarks, because you talk about a sharp change and you talk about "substantial agreement," but I'd rather you attack or address the subject of subtle differences. Is there—take away "substantial"——

Do you feel there is any disagreement at all, I mean, any hesitation by this administration to speak out? I know you both wish that communists didn't come to power in Western Europe. It would be amazing if you did wish them to come to power. But do you disagree in the tactics and the strategy?

A. I think you have to view both approaches, that enunciated by the former Secretary last night and by the Administration in the total context. Mr. Kissinger said last night precisely what we say in the first half of our policy. "The response to the challenge of Euro-Communism must come, in the first instance, from European leaders and voters who are persuaded that democracy is worth the effort." He went on to say, "America cannot make their choices for them or decide the outcome of free elections."

I might also add what he also said, which is almost a direct paraphase one way or another of our own policy. "In the end, the communist parties in Western Europe find their opportunities less in their inherent strength than in the demoralization, division, or disorganization of their opponents. They succeed only when the democratic system seems unable to solve the social problems of the day, when the center does not hold and society becomes polarized."

The President of the United States, speaking on the same subject: "I believe that the best way that we can prevent the enhancement of communist political strength in Europe is to show that democratically controlled governments can function effectively and openly and with humaneness, and a genuine and continuing comprehension of what people need and expect from government. To the extent that we fail as democracies, as democratic leaders to live up to the ideals that exemplify our own commitments, to that extent we open the opportunity for communist parties to be more successful."

I would suggest to you that that half of the statement is almost identical, and insofar as the second half is gone, I repeat, "This Administration does not view with indifference," and is concerned about, as we have said, the accession of power of parties which do not share our democratic background, heritage and commitments.

Q. Let me ask one last thing and I will give up.

Last April when you did put out your statement it was generally interpreted as a change of tone and as a statement of a hands-off policy.

Leaving the second part away, if you like, didn't that represent a change in tone or a change in approach from the previous administration? Isn't Henry Kissinger back now restating what it is that you have veered away from?

A. I think the former Secretary effectively dealt with what he viewed as a number of counsels and a number of viewpoints, none of which he identified with this administration, calling for indifference to Eurocommunism, calling for an acceptance of it as inevitable. Well, none of that is in Administration policy to begin with and they were not straw men, but for the sake of this discussion, the issues that he raised do not have to do with the Administration policy. The basic concerns that he had simply have nothing to do with the policy that we have enunciated.

I am not interested in going into a discussion of that, although it is an interesting subject.

But as far as our policy is concerned, I think that to answer your question fairly, the emphasis is on balance. That is, on the one hand, we cannot interfere in the internal affairs of another nation and, on the other hand, we are not indifferent to what happens there, might be regarded as some change in tone, but I think our basic concern about this matter is not changed.

Q. Maybe the question or a question that can be put is: are you less worried about the advent of Eurocommunism than perhaps the former Secretary?

A. Ken, I don't think I can deal with that because I don't know everything that is in his mind. I can only at this point go back—I think I have to go back at this point and simply restate what we have said: that we are not indifferent to the question, that we place great value on our ability to deal with parties that share our viewpoints and, as the President said—and the sequential here—that we prefer that the governments involved continue to be democratic and that no totalitarian elements become either influential or dominant.

That is a statement that is then followed by, "I believe the best way we can revert the enhancement of communist political strength in Europe is to make sure that our system works."

Now, I think that is pretty clear.

Q. Hodding, in Secretary Kissinger's remarks he was criticizing the practice of having high-level consultations and contacts between this government and communist leaders in Europe, rather than just the idea in general. I don't know if it was specifically directed. He said we must make our attitudes clearly known and understood not necessarily through formal statements but by practice.

Now, wasn't this directed at the administration because there was some criticism of the embassy in Paris, for example.

A. Yes. I think at that point.

That what?

Q. There was some criticism of the embassy in Paris, for example.

A. For having low level contacts.

Q. For having contacts with the French.

A. Yes. I think you would have to ask the former Secretary whether he meant that to be a direct criticism of this administration.

Q. But, you do not take it as such?

A. I do not consider the former Secretary's speech to be a criticism of this administration's policy.

Q. Can you tell us the status of the Panama negotiations?

A. To the extent that there is one at this point, Ken.

We are at this point without a negotiating session scheduled. I don't know when we are going to have a new one scheduled.

I am not suggesting that the thing has collapsed. I simply don't have any information on the next negotiations.

Q. Are the Panamanians still in Washington?

A. I understand that they are, but I am not positive.

I notice that the Panamanian Ambassador is coming in this afternoon which, as a matter of fact, is not sequential to what you are asking me. He is paying a courtesy call because Mr. Vance was not in the country when he first presented his credentials here.

Q. I am sorry I asked.

A. Yes. That makes two of us, as a matter of fact, since I don't have very much to give you.

Q. Is there a press conference Monday?

A. No. There is not a press conference Monday.

There will probably be a press conference down in Grenada, I think on Thursday morning.

Q. Will you pipe it in on the only telephone you have?

A. We will make sure that there is some kind of distribution on it.

Q. I have heard that the Secretary's speech to the OAS is going to be closed to the press.

Is that true?

A. That is true.

These meetings have operated traditionally both informally and in closed meeting, but the text, however, of any remarks he makes will be made available.

I am not so sure, Ken, that it is all that formal a speech, if you want to know the truth, at this point.

Q. Well, in the past at least, some of the OAS Meetings, the Secretary's—the American Secretary's speech has been open.

A. Yes, I would say that if it is possible for it to be open, we would certainly like it to be open. It is simply an understanding, as I have learned, that these things are generally held in what they consider to be informal and closed sessions.

Q. Hodding, can I take you back to the Euro-Communism for a second?

A. Yes.

Q. Kissinger last night talked about the need for European countries to be able to count on the moral and political support of the United States as they resist communistic political advances. What do you itemize, from the Carter Administration's point of view, as some of the moral and political support elements?

A. I think that what is integral for this question is the efforts that we were making to see that:

(1) The economic system in which we are

all jointly bound is effective and efficient and healthy. And that that was the major purpose of our participation in the London Economic Summit.

(2) That the alliance, through NATO, be kept vigorous and, where necessary, improved. And we have dedicated a great deal of time and have pledged a great deal more to that end.

We have worked extremely closely, as you know, and consulted actively with the leaders of Western Europe on almost every initiative we have undertaken—to the end that we have a common policy, and where we have differences that they can be resolved with something less than public acrimony.

I think that in every way we can devise we are in the process of strengthening the institutions that bind us and improving the conditions, both economic and political, in which we all live.

Q. Hodding, can there be a vigorous alliance if there are communists sharing power in France and/or Italy?

A. I think we have said before that we would find that—to repeat the policy which I have been reading here—that we think that it would be more difficult, obviously, to have to work with parties or governments which do not share our principles and our commitments.

Q. Hodding.

A. Yes, sir.

Q. Could you elaborate on, let's say on the extent of the eventual domination or influence of the totalitarian elements?

A. I don't really think there is any elaboration necessary there.

I have noted that the President has also said in this context that we are extremely happy to see that all the nations in NATO today are in fact run by democratically elected governments. And we are committed to a system in which democratic rule is a predominant thing.

I think that the President's statement also deals with the heritage and assumptions of parties as well as their public professions.

I can talk about what "totalitarian" means at some length, but I don't know if it would be very useful.

Q. Well, does this mean that you regard the Italians, the Spanish, the French Communist Parties as totalitarian or aiming at the totalitarian system in their respective countries?

A. I think that in this respect I can only point you to two things, which is what the parties say they are aiming for and what the philosophical underpinning of their philosophy says they are aiming for—and not go beyond what the President said.

Q. Hodding, something else?

A. Yes.

Q. The Moyers report on CBS tonight says that the Cuban exiles who have been operating out of Miami are now using Nicaragua as some sort of base. There was an interview with General Somoza.

Is the State Department concerned that people will be going from Miami to Nicaragua in order to promote anti-Cuban terrorists or other campaigns? Do you know anything about it?

A. Well now wait, why don't you ask me a different question because, Juan, I don't know anything about Cubans going from Miami to Nicaragua.

If you want to ask me whether we are cancerned about terrorism——

Q. Well, are you concerned about a new connection—a Nicaraguan connection to the——

A. Well since I don't have anything on the Nicaraguan connection, I——

Q. Well what do you have?

Do you have anything on——

A. I simply——

Q. Wait a minute. Wait a minute. Don't ask yourself your own questions.

A. I am simply telling you that I have nothing on a Nicaraguan connection, and that's an interesting story. I am sure that when we get to watch it tonight we will have some comment on it. But we haven't had a preview showing.

But insofar as a question of terrorism is concerned, particularly the question of whether or not the terrorists use American bases for terrorist activities elsewhere, we have expressed our concern to the Justice Department about that and there is no secret that we have.

Q. Have we had any contact with the Costa Ricans, since the President of Costa Rica said he wants Mr. Vesco to leave? Can we still extradite him, or——

A. I saw that story and was expecting something on it which I don't have.

I do not know of a contact that we made directly with them since that speech that he gave.

You are talking about that fifteen minute speech that he gave yesterday?

Q. Yes.

A. I don't have anything on any further contacts. We were interested in what he had to say.

Q. Do you have anything on a decision as to what the Department is going to do about the Rhodesian Information Office?

A. I have nothing beyond where we were when I was gone, and the Deputy Spokesman dealt with this issue.

Do you have something new on it?

Mr. TRATTNER. Murrey, if you want to see me afterward I think I can give you some answers.

A. Well, do you have it?

Mr. TRATTNER. I don't have it with me, no.

A. In that case, if we have something that is postable, we will post it. And if not, we will try to put it in a form that is.

Q. Thank you, sir.

INTERVIEW OF THE HONORABLE CYRUS R. VANCE, SECRETARY OF STATE

QUESTION. First of all, I appreciate your attempt to strike a balance. I see that the United States gets to be accused of many things, as I have seen for many years. But it is a little bit ironic that you get accused, on one side, of intervention in the internal affairs of countries and accused of indifference to the internal affairs of other countries. It's a political moral dilemma. Sort of squaring the circle. My question is, how do you deal with this dilemma in the United States policies?

Secretary VANCE. Well, do you want to take it, say in a specific country, or how would you like to—

QUESTION. Well, obviously the accusation of intervention came from the East with respect to human rights, whereas some western countries which are threatened by "Eurocommunism", by the ascendence to power of the communists, would like to have some sort of American interest in a more tangible way—a more tangible fashion. How do you view this dilemma?

Secretary VANCE. Let me start and talk about the question of "Eurocommunism" and then move into the question of American policy with respect to the Eastern bloc and how we deal with that.

Insofar as Eurocommunism is concerned, we have tried to make clear from the outset that we believe it is not for us to tell any country who they should elect in the way of their political leaders. That is their responsibility and their right. On the other hand, that does not mean that we are indifferent to who is elected and who serves in the government of any country. As we have said on a number of occasions, we would obviously prefer those who have the same kind of views with respect to fundamental values and precepts; and therefore we clearly prefer those who have a democratic backdrop. And we would believe that this is clearly preferable from our standpoint.

But again, you have to draw the balance between this and the right of any country to elect whom they choose. Now I think that by expressing our views in this way—namely, clearly—that we do have a preference. On the other hand, we think that the fundamental, ultimate decision has to be made by the people of the country. It is a reasonable way of dealing with this very, very difficult problem.

QUESTION. Senator Church said the other day that he shares the pessimistic view, this scenario so to speak, of profound consequences in the relationship between the United States and Europe should the communists have a degree of participation. I think much of the quibbling now is over whether it should be significant or decisive—these are two terms used.

Secretary VANCE. Yes, we have used those terms.

QUESTION. Your spokesman on April 6 told us that the ability of the United States to work together with European democracies would be impaired by the coming to power of the communists in a dominant way. So this was taken as a change of tone.

Is it really a matter, therefore, of tactics rather than strategy?

Secretary VANCE. No, I don't think it's a question of tactics. I think it's a question of strategy, basically, because the question of dominance is a fundamental question because it really does affect the basic structure and therefore the ultimate policies which will be developed by a particular country. So I would not call the issue a tactical issue. I would call it one of fundamental or strategic importance.

QUESTION. We face the graduality of accession to power of communists in some countries today. Take the Italian Communists. They have said that they will not take power altogether, even if they had a 51 percent majority. So it would have to be a gradual process. Where does the indifference end when, say, they move from a subcabinet level post to a higher cost, to greater participation in the government. How would you erect a wall in the cabinet, vis-a-vis a Communist member of the cabinet?

Secretary VANCE: Again, there I think you are crossing the line. Because for us to suggest what the wall should be, would be inappropriate. That would be interfering with the internal affairs of the given country. That is for a particular country to decide for itself. But that does not mean that we should be indifferent to the result.

QUESTION. In other words, there would be consequences. For instance, as to the question of stationing of American troops—do you think that the presence of communists in some governments would erode the moral basis for the presence of American troops in Western Europe? Would it have such a consequence?

Secretary VANCE. Let me say, I think it could.

QUESTION. It could.

The question also has been raised as to what the United States could do in terms of moral support, and President Carter said that he would go to France to meet with President Giscard d'Estaing, with a view to helping him. Do you see this as a practical way of making your concern felt in France and elsewhere in Europe?

Secretary VANCE. I had forgotten the precise words that he used in that connection, but was this in the interview that he had with the European correspondents?

QUESTION. No, this was after London when it was announced that he would go and would pay a state visit to France. My implication is—do we have to assume that he will be there at a time when his presence as a moral show would have the maximum benefits for democracy in France and elsewhere?

Secretary VANCE. Well, I think we're getting into something there which is not yet de-

finite enough to comment on with respect to timing and the like. Therefore, I would not like to get into that at this point because I think that would give implications.

QUESTION. Some people have found the juxtaposition between the position of the previous administration and your administration a bit relevant. Perhaps, it has been pointed out, it is simply a change of tone. You have discussed this before. What would you think in terms of the contacts that you should have with European communists, whereas before there was a very low-level type of communication with communists in Europe? Do you think that a way could be found to communicate with the communists without altering or jeopardizing your basic principles and fundamental attitudes?

Secretary VANCE. I think we should continue generally along the lines that we've been using in the past, and that is the way I would expect that we would be moving in the future.

QUESTION. You were not quoted, but it was reported that you felt that perhaps the rise in Eurocommunism implied some advantages for the democratic nations insofar as it would create problems in the Eastern bloc and that perhaps these problems would more than outweigh the damage that Eurocommunism could bring to the NATO structure. Are you still of this opinion?

Secretary VANCE. I would say that I think that this is a possibility. I think it depends on how Eurocommunism develops. I think one has to watch and see what the development of the process is in the various countries of Western Europe. And so, therefore, it is too early to draw any final conclusion with respect to this.

QUESTION. The point, however, has also been made that we are not really in the best position to take advantage of turmoil and problems in the Eastern world. It took us a long time to find out about the Chinese-Russian split and that pertained to state relations. Do you think that we would be in a position to better profit out of the continuing apparent discussion among Eastern European countries? Would we really be able to benefit in terms of a schism or series of small schisms within the Soviet-communist bloc?

Secretary VANCE. I think that this could have a meaningful effect, yes.

QUESTION. If I can turn to Belgrade, you said that the U.S. objective in Belgrade is to avoid polemics. And yet you also said that the West would be ready to subject the Eastern countries to a critique on issues like human rights. Do you see incompatibility between these?

Secretary VANCE. No, not at all.

QUESTION. Could you expand on that?

Secretary VANCE. Yes, I'll be delighted to expand on this. It seems to me that our principal task—and when I say "our," I mean all of the participants to the Belgrade conference—is to review the implementation of the Final Act of Helsinki. One of the areas in which we would be conducting this review is that of Basket 3. This of course raises the question of human rights. I think what we have to have is a frank and straightforward review of what has taken place. We will find, in my judgment, some progress in certain areas, lack of progress in others and in others there will be some retrogression.

And I think it's in the interests of all of us that we do in a straightforward way. Now, if one, on the other hand, went into this process with the objective of ending up in confrontation, that, I think, could affect the benefit that could be derived from this review process. And, I think, in the end, all of us would be the losers if that were the case.

Therefore, I say that we will eschew polemics but will insist upon a straightforward and frank review of the facts, whatever they may show.

QUESTION. What is at issue here is really the principle of accountability of nations.

Secretary VANCE. That's right.

QUESTION. Where does, however, the moral and justified concern of one nation end and interference begin?

Secretary VANCE. Well, this is obviously a very difficult question. One has to take a look at the document itself. The Helsinki Accords indicate that human rights is one of the fundamental issues for the nations which were signatories to the Helsinki document. Having recognized this as a critical and important area, it is therefore incumbent upon us to determine how well each of us has lived up to the principles which are set forth there. And accordingly, I think that each one of us should be willing and prepared to have our own conduct scrutinized.

QUESTION. On a general plane, do you think it is realistic to draw conclusion that some kind of linkage exists between political and strategic questions on one side and moral questions on the other?

Secretary VANCE. Well, I think that basic moral questions like the questions of human rights are intertwined within the strands of foreign policy. And this is clear from documents such as the United Nations Charter, the Helsinki Accords and other international documents. And therefore, to that extent, obviously there is a connection between political and economic and moral. I think the use of the word "linkage" is probably not a good choice of words because linkage has been used in a different sense, so I would shy away from using that word.

QUESTION. Should we say connection? Some people obviously put the choice very squarely and I think in unrealistic terms, between a showdown and a backdown with the Soviet Union. But they also seem to fear that you are on a collision course. What is your feeling on this?

Secretary VANCE. I don't think it's necessary to have things in such stark black and white terms. I don't think it has to be either a showdown or a backdown. I think that both of us can approach this in a constructive way which can lead to a result which is useful to the world community, and therefore I do not accept these stark contrasting approaches and think the answer lies more in the middle.

QUESTION. On SALT, some people also feel that it is going to be nearly impossible to reach an agreement by October. So the question is, what will you do? I would like to ask you another thing. In this negotiation, something seems to be missing. The United States and the Soviet Union go on improving their land-based missiles. Have you come to an understanding with the Soviet Union on the concept of strategic deterrence? Do the doctrines mesh on this? At one point, somebody said, "What in the name of God is strategic superiority?" What about an understanding with the Russians on strategic deterrence as the build-up of land missiles continues and becomes a destabilizing factor?

Secretary VANCE. Well, you've asked a very broad question. Let me try and answer it. And if I haven't done it completely, why then, please ask me additional clarifying questions.

I think that both of us recognize that the concept of a nuclear war is unacceptable to either of us as a nation. A nuclear war could result in the destruction of the world as we know it, and therefore it is something that both the Soviet Union and we will obviously do everything within our power to seek to avoid.

As to whether or not we agree on such refinements as strategic deterrence as opposed to counterforce and the like, those are much more difficult questions. But I think the broad important point to make is that both of us recognize that we must do everything within our power to avoid nuclear war, and therefore, we must take the necessary steps to stop the arms spiral and to begin to move along the road toward real nuclear disarmament. And that is the reason that we came forward in our trip to Moscow with our proposal for a so-called comprehensive plan. The objective of this was to try and take a major step forward in moving toward real disarmament.

Prior to now, agreement has been reached with respect to certain matters such as putting a cap upon the total number of strategic delivery vehicles and such as limiting any ballistic missile systems. These were necessary and important first steps. But it seems to us that from here on forward we really have got to take major steps that not only look to reducing the number of strategic weapons that each has in its arsenal, but also beginning to get a grip upon the qualitative problem as well.

It is only when we start moving in this direction that we will really be taking significant steps along the road.

QUESTION. How would you assess this movement at the current stage? Are you optimistic that it will go on to a successful conclusion before October?

Secretary VANCE. I don't want to put any guesses as to time on the table because I simply don't know the answer to that. I would say, however, that the most important thing is not the time at which an agreement is reached, but whether it's a good agreement.

And therefore I don't think we should feel ourselves under any specific time pressure to complete an agreement by a given date. The important thing is that we try and reach a good agreement—an agreement that really advances us along the road of nuclear deterrence and disarmament.

QUESTION. A quick change to China. You are about to go to China. Do you see any real possibility for a significant change in the relationship between the United States and the People's Republic of China?

Secretary VANCE. As the President has indicated, our conduct with respect to the People's Republic of China is and will be governed by the principles of the Shanghai Communique.

Our objective is normalization of relations, but the questions of pace and the modalities still have to be worked out. And this would obviously be a very important subject that has to be discussed with the leaders of the People's Republic. And that will be one of the main items, obviously, that we will wish to discuss when we sit down together.

QUESTION. The time frame has not changed substantially, then?

Secretary VANCE. Well, as I said, the questions of time and modalities are both things which will have to be discussed between us and it is too early before we've sat down to talk to them about this to make any predictions.

QUESTION. You have long been involved in Cyprus negotiations. Do you see a new initiative now on the horizon as a result of the Turkish political elections?

Secretary VANCE. Well, let me say I hope very much that progress can be made in Cyprus. I think it's of great importance that that long-festering problem can be resolved. I think we have to wait and see what kind of a government is formed as a result of the recent elections. I still believe that it is possible to make progress in the matter of Cyprus and I hope that this can be and will be an item of importance and high priority on the agenda once the new Turkish government comes to power.

QUESTION. Is there a possibility that the United States will take again an initiative in resolving the dispute?

Secretary VANCE. Well, what we've said on this is something that perhaps I should repeat. This problem is a problem that has to be resolved by the parties. We are willing to do whatever we can to assist, should they

wish us to do so, within the framework of the overall negotiations which are being conducted under the auspices of the Secretary General. We are not going to intrude ourselves into those discussions, but we stand ready and willing to help the parties should they wish us to do so.

QUESTION. One question about Andy Young, Ambassador Young. Do you think that in some ways he is hurting the cause of American diplomacy?

Secretary VANCE. I think Andy has made great contributions to foreign diplomacy. I think there is a much better understanding of the United States in the Third World as a result of Andy's work. I know that this is the case in Africa, and I believe it is also the case in other parts of the world as well. So therefore, I would say that I think Andy has made a major contribution and will continue to make major contributions to our diplomacy.

QUESTION. To conclude, one more question, if I can go back one second to the hard question of the American presence. Isn't it true that sometimes when the United States abstains from doing something, that is also a form of intervention? How do you really strike the balance in moral terms of American presence in the world—not only in Europe where we do have a large peril, but all over the world?

How would you see this question of America abstaining from doing certain things, and therefore practically intervening in a negative sense in foreign affairs?

Secretary VANCE. Well. I'm not sure I accept your premise, and I think stated that broadly, I would not agree with the premise. But if you have in mind any specific case, I would be delighted to discuss that specific case.

QUESTION. The specific case could be, for instance, a country in Europe with a communist problem, where a large part of the people who are democrats, who are concerned, look at the United States as the source of some encouragement, of moral support, in a more concrete, tangible way. Obviously, non-intervention is a basic principle that we accept. So, how would you think that the United States could go about maintaining credibility, maintaining the hope and the trust of people who look at the United States for moral leadership and for support should things go wrong?

Secretary VANCE. Well, I would say that you do this by the conduct that one demonstrates in the way that we handle ourselves both at home and abroad.

I think we'll be judged by the actions that we actually carry out. Therefore, I think that people will be watching what we say and do, and many times what we say will be of great importance. But we have to balance that, as you indicated earlier, by non-intervention. And I would say that in a given situation that depends upon the particular facts of that situation and it, as in so many cases, is a mistake to try and over-generalize and apply rather complex general principles without putting them in a factual framework. I'm afraid if one tries to draw, overly draw generalizations, sometimes this leads to mistakes in this interpretation.

QUESTION. A pragmatic policy and the proof of the pudding of course would be in real situations.

Secretary VANCE. That's right.

QUESTION. I appreciate this. Finally, I know that when President-elect Carter introduced you, he said that your amount of traveling would be fairly minimal, if I remember correctly. You have been traveling a great deal. Are you now beginning to slow down?

Secretary VANCE. It is an interesting and difficult thing. For a number of reasons, it has really become almost expected that foreign ministers will participate in a great variety of international meetings. In fact, if the foreign minister does not appear, it is considered to be a slight on the other participants in the meeting.

As a result of that, it is being, I think, generally accepted that foreign ministers are going to have to travel much more than they ever did in the past. And I think this comes about because more and more as the global problems and the regional problems become more complex and more difficult, it's necessary to deal with them in regional or in global forums.

This requires more and more international meetings and, whether we like it or not, the foreign minister is going to have to participate.

QUESTION. I hope we'll have your trip to Italy and to Europe by the end of the year, perhaps.

Secretary VANCE. Well, I hope so, too, because I have a great affection for Italy and its people. I have been there many times.

QUESTION. You are confident about the political choices that they will make?

Secretary VANCE. I have great confidence in the Italian people. I really do. I have a great admiration for them and I have confidence that their ultimate judgment will be wise.

QUESTION. Thank you very much, Mr. Secretary. It's been a pleasure to talk to you.

EUROCOMMUNISM

(By Dr. Heinz Timmermann)

In recent years the "Eurocommunists"—that is the Communist Parties of Italy, France, and Spain—have been developing new outlooks, at least as far as the declared contents of their programmes are concerned. The essence of this new trend is that the Eurocommunists have been emancipating themselves more and more from the ideological and political conceptions held by Moscow and orientating themselves more and more towards the specific conditions and traditions prevailing in their own countries and in the Western European region. The following points were at the centre of this development:

1. The Eurocommunists refuse to accept Soviet Socialism as the model on which to base the new social order which they are striving to achieve. For them, Soviet Socialism is the result of specific historical conditions peculiar to the USSR and is not a valid solution for the countries of Western Europe.

2. The Eurocommunists are no longer prepared to accept internationalism in the traditional Soviet version of "proletarian internationalism" because, in effect, the CPSU associates this concept with a claim by Moscow to a position of ideological-political leadership within the world Communist movement and also links this indistinguishably with the interests of Soviet reason of state. For the Eurocommunists, internationalism is conceivable only as "comradely, voluntary co-operation and solidarity" between all forces struggling for national and social emancipation.

3. The Eurocommunists accept the pluralism of political and social forces; they no longer reject the basic rights and political freedoms of bourgeois democracy as being merely "formal", but now credit them with a certain basic value and regard them as an integral part of their own model of Socialism. Furthermore, the Eurocommunists want to obtain the support of a wide consensus of the population at every stage along the road to Socialism—an intention based on the lessons they have learned from the course of events in Chile and Portugal, but also in Eastern Europe. Member of the politburo of the CPF Kanapa even went so far as to describe the form of society envisaged by his party expressly as a "democratic Socialism", to distinguish it from Soviet Socialism which was marked by "serious misrepresentations of the past" and by "continued shortcomings in democratic progress".

4. Recently, the Eurocommunists' foreign policy concepts have also been detaching themselves more and more from their traditional internationalist system of reference and have been taking on a dimension of their own, orientated towards their national interests and towards the conditions prevailing in the region. The concepts of policy towards the EEC and NATO now held by the CPI, for example, can hardly be reconciled with Soviet policy at all.

We in the West may look upon these developments as presenting dangers, or, perhaps, opportunities—according to whether we regard them only as subtle maneuvers skillfully engineered to cover up for the Eurocommunists' designs to seize power, or as a long-term strategy with which they intend to build up a democratic Socialism. I, for my part, would call for caution against thinking in such extreme alternatives—categories of thought which do not do justice to the dynamic nature of the transformation process which the Eurocommunists are going through, nor to the complexity of the problems involved.

II

However, we are not concerned today with the Western but with the Eastern and, in particular, the Soviet reaction to the transformation in the ranks of the Eurocommunists. For this process of change presents opportunities and dangers to Moscow and its followers, too, whereby, in my view, the Soviet side feels that the dangers are on the increase and the opportunities are on the decrease. How does the Soviet leadership account for this course of events, what defensive strategy has it developed to combat it, and in what perspective does it view its relations with the Eurocommunists?

As far as an analysis of the causes for this transformation amongst the Eurocommunists is concerned, the Soviet politicians and ideologists have proved themselves to be unable, and probably not even willing, to undertake a thorough and realistic appraisal of the motives involved. They prefer to look for apparent but fictitious reasons in their attempts to evade a realistic analysis with its ideological and political implications.

The Soviet analysts proceed on the assumption that the transition amongst the Eurocommunists is not rooted amongst the parties themselves but is something which is imposed upon them by external factors. The motive behind this approach is the intention—directed primarily at the public in their own sphere of influence—of emphasising the inviolability of the nucleus of Marxist-Leninist ideology, strategy and tactics ("universal laws") and of imputing that only certain unreliable elements within these parties are susceptible to the "softening-up" policies followed by the West. The Soviet politicians use a number of different, arbitrarily permutable argument patterns along these lines. They maintain for example:

1. The vacillations among the Eurocommunists can be attributed to a large extent to the fact that the rapid growth of these parties has swelled their ranks with forces of primarily petty-bourgeois origin—forces which have not yet been ideologically and politically consolidated and which are now putting pressure on their party leaderships to further their reformist concepts.

2. The Eurocommunists have succeeded, in the wake of détente, in consolidating their national foothold; they are assuming more national responsibility. In this situation they are tempted to give national interests priority over international considerations.

3. The difference in outlook between the governing parties of Eastern Europe, on the one hand, and the Eurocommunists, on the other, are occasioned by the time lag between the two groups in the transition from capi-

talism to socialism and disappear when seen from a historical perspective. The fulfillment of the historic mission of the working class and its Communist Party are based on identical universal laws, which, admittedly, are not all developed and applied at the same time.

The Soviet view concedes that there can and will be differences of opinion between and non-governing Communist Parties on a number of specific questions. However, these differences must not be allowed to go beyond a certain limit. There are three main provisos on which Moscow makes the continuation of normal relations with the Eurocommunists conditional:

1. The Eurocommunists must not look upon their own specific conceptions as a long-term strategy with which they intend to build up a democratic Socialism, but must regard them merely as a tactical approach towards the seizure of power. For, in Moscow's eyes, as we have seen, the fulfillment of the historic mission of the working class lies in identical universal laws—which have attained their most advanced state of development in the Soviet society.

2. The Eurocommunists must refrain from offensively trying to exert their own concepts upon the USSR and its Eastern European forefield. For it would be absurd to attempt to turn a society such as the Soviet one, which in the opinion of the Secretary of the CPSU and candidate member of the Politburo Ponomarev embodies "in a concentrated, generalized form, the essential nature and the living countenance of mature socialism", back to the level of stages of development which it has long surmounted.

3. The Eurocommunists must support Soviet foreign policy in its basic lines, even when this demands certain sacrifices from them in the short term. For in Moscow's eyes the strengthening of the Soviet Union and the Socialist Community is an essential precondition if the policy of détente, to which the Eurocommunists owe their present room to manoeuvre in the field of domestic policy in the first place, is to be continued, indeed, Soviet strength is essential to the strengthening and propagation of Socialism throughout the world.

When the Soviet leaders compare all this with the central points in the re-orientation of the Eurocommunists, as we discussed in our introduction, they must ask themselves whether these three provisos for their dealings with the Eurocommunist parties are still being met in their entirety. They consider the effects of Eurocommunist conceptions on their Eastern satellites to be particularly dangerous, especially since reformist communist forces in these countries are pointing to the Eurocommunist example more and more frequently and, together with the large circle of the civil rights movements, are increasingly receiving moral support from the Eurocommunists.

Moscow rightly fears that this, in conjunction with the potential effects of Basket 3 of the Helsinki agreement and with economic straits in some countries of the Eastern bloc, could, in the long term, bring the system into jeopardy. At any rate, as Helsinki and East Berlin showed, the two conferences were unable to fulfil the function which Moscow had originally envisaged for them—that of securing and legitimating Soviet predominance in important fields of international politics.

How is Moscow reacting to the Eurocommunist challenge? On the one hand, nobody in the Kremlin appears to have any intention of making any concessions to the Eurocommunists in fundamental matters of ideology, for this would have unforeseeable consequences for its own sphere of hegemony in Eastern Europe and even in the Soviet Union itself. On the other hand, there are many indications to the effect that there are differences of opinion within the Soviet leadership as regards the better tactical approach towards the Eurocommunists—differences between advocates of a hard line (Suslov, Ponomarev, Saradov) and supporters of a more flexible course (Brezhnev himself and his confidants such as Sagladin).

Thus the reaction of the Soviet leadership in the face of the new challenges is typical of its behaviour in complicated situations: it tries to keep all its options open for as long as possible and tries to evade decisions on matters of principle again and again, especially since this could mean breaking with the Eurocommunists, a step which, for a number of reasons, Moscow would be reluctant to take, at least for the time being. On the other hand, a further disintegration of the Communist movement would, in the long run, undermine the CPSU's legitimation basis in its own country and in its Eastern European sphere of hegemony and would vindicate those (for example the Chinese) who describe Soviet policy as Great Power politics. Indeed, according to Brezhnev it is precisely the "comradeship-in-arms of the Marxist-Leninist parties" which forms the "sound foundation" and the "cementing force" of the Socialist community.

There is also the fact that any Soviet plans for a break with the Eurocommunists would probably meet with serious reservations or even opposition from some of their sister parties in Eastern Europe. For the Hungarian and the Polish—and, to a certain extent, even the East German—communists are interested in countering a one-sided integration into the Soviet-dominated Eastern system by cultivating relations with their strong Western sister parties, in order to maintain a line of communication with the West, one which is becoming increasingly important.

On the other hand, there are foreign-policy reasons which keep the Soviet leadership's interest in maintaining relations to the Eurocommunists alive. For it still lays great store by the support which the Eurocommunists continue to give to Soviet foreign policy in a number of fields of central importance. Here the Soviet leadership is counting primarily on being able to employ these parties as a pressure group in favour of Moscow's policies of state interests in the field of East-West relations, and to use them as political factors in its policy of "peaceful co-existence" and détente, which is thought of as a dynamic process and is designed as an aid to extending Soviet influence in Western Europe. Thus the prime aim of the Communist Conference held in East Berlin in June 1976 was, in Moscow's eyes, "to link up the peace policy of the Socialist states with the movement of the working class, its parties, and the widest masses of the peoples" of the world (Ponomarev).

This, of course, is where the classic dual nature of Soviet foreign relations—simultaneous cultivation of good relations both on an inter-party and on an inter-state level—takes on a new dimension for the CPSU, a dimension which is becoming increasingly difficult to control, since this duality now also affects its relations with the parties themselves. On the one hand, the CPSU has no choice but to take steps to combat the ideological revisionism of the Eurocommunists and to prevail upon them to follow the fundamental laws of Marxist-Leninist thought. On the other, some of these parties are already so strong on the national level that the Soviet leadership is obliged to recognise their importance as serious factors affecting Soviet relations with other states and to treat them accordingly, i.e. with due consideration. It is in this multi-level Moscow approach that we find the explanation for the CPSU's, at first glance, remarkable combination of ideological attacks on and political concession towards the Italian communists.

IV

It is not surprising, in the light of the complexity of the Eurocommunist problem which Moscow, too, has trouble in unravelling, that the Soviet leadership should have no finite and consistent overall strategy and should be more or less at a loss as to how to tackle the whole affair. Contrary to widespread opinion, the Soviet communists and their satellite parties in Eastern and Western Europe are ideologically on the defensive rather than on the offensive.

The revolutionary impetus and the ideological attractivity of the early years of Soviet power are gone, and the hopes of the Khrushchev era and the days of the first sputniks, hopes of catching up with and even overtaking the West economically and technologically, have not been fulfilled. The only instrument left open to Moscow with which to consolidate its influence in Eastern Europe and, if possible, to extend it to Western Europe, too, is, in the end effect, political power built upon military strength—a political power which, like every imperial entity, depends on ideological trimmings and backing to legitimate its rule.

Nevertheless, Soviet replies do reveal a number of common basic feaurtes:

1. The Soviet leadership is sparing no effort to make the ideological-political integration of the Socialist community under the domination of the USSR more complete and to intensify it still further. It is in this context that we should see the restoration to acclamation of Andrei Zhdanov, a development which must have been nothing less than a provocation to the Eurocommunists, since it was Zhdanov, a man with a Russian nationalist tinge, who, by order of Stalin, had stood godfather to the Cominform in 1947—an institution which was encharged with the missions of welding together the Socialist states under the banner of the "Two Camp Theory", of taking offensive countermeasures against attempts by the "bourgeois ideology" to gain influence, and of re-converting the CPI and CPF into pro-Soviet propaganda parties.

False as the conclusion might be that Moscow intended with this step to signal its reversion to the Cominform policy of totally screening off eastern Europe and of confrontation with the West, it is probably true to regard this measure as expressing an increased desire for security on the part of the Soviet Union, as well as its intention to safeguard Eastern Europe more reliably against ideological-political influences from the West. A series of conferences with these aims, which had begun in December 1973 with the meeting in Moscow of the Secretaries responsible for international and ideological affairs in the Central Committees of the ruling parties of the USSR, Poland, the GDR, Czechoslovakia, Hungary, Rumania, Bulgaria, the Mongolian People's Republic, and Cuba, was also continued and intensified.

Politicians from these countries have met twice in the course of the past few months in Sofia: first leading Party ideologists and social scientists on 16th and 17th December 1976 and then, on 2nd and 3rd March, 1977 (parallel, by the way, to the Eurocommunists' Madrid summit), the Secretaries of the Central Committees responsible for Ideology and International relations. In both cases, the agenda of these meetings included the appraisal of the extent to which the "Eurocommunists" were jeopardizing the Eastern European system and the elaboration of a co-ordinated counter-strategy.

2. The Soviet leadership has been sharpening its tone towards the Eurocommunists. Thus the Bulgarian head of State and Party Zhikov characterised Eurocommunism to-

wards the end of 1976, no doubt in close consultation with Moscow, as an attempt to replace the "inherent laws and universal characteristics of revolutionary experience by local peculiarities" and thus as pursuing a "basic line of ideological diversion against proletarian internationalism". The leadership of the CPSU took the CPF even more vehemently to task by singling out the Party historian Elleinstein, a close associate of the Party leader, Marchais, as representing the whole reform-orientated fraction of the leadership of the CPF, and accusing him of casting doubts on "the revolutionary doctrine of Marxism-Leninism and its significance for Communism" and of defaming the Socialist democracy and the political system of the Socialist countries. His writings were hardly distinguishable in parts "from that that which obviously reactionary journalists" write.

3. All this does not by any means imply that East-West relations must also automatically take a turn for the worse. On the contrary: both sides are interested, beyond the realms of ideological differences and processes of internal transformation, in preserving the policy of détente and co-operation. Both the USSR and the USA (cf. the Sonnenfeldt doctrine) seem to show a certain understanding for the other Power's desire to keep developments in its own sphere of influence under control.

There are, however, three cases in particular in which an alteration to this situation could not be completely excluded. Firstly, if a Communist Party were to become a dominant factor in a Western government, reversing the traditional "philosophy" of European integration and admitting more influence for Soviet power policy. This could be true especially if the leftists were to win in France, and, above all, if the French communists who are opposed to integration were to take a leading position in a government of the left.

Such a development would have adverse consequences for East-West relations in general, for it would impel the West to submit its relations to Moscow to critical scrutiny. Secondly, if Eurocommunist conceptions had so strong an influence on Eastern Europe that the Soviet Union found it difficult to keep control over its Eastern European forefield: in this case Moscow would submit its relations to the west to critical scrutiny. Both cases are conceivable, thougn not very likely.

Nevertheless, the Soviet leadership will continue its endeavours to find a modus vivendi with the Eurocommunists on the basis of mutual non-interference in internal affairs for as long as at all possible. These tactics have proved successful to date insofar as the leaders of the Eurocommunists refrained at their summit conference in Madrid in March 1977 from incorporating a direct condemnation of measures taken by Eastern European countries to suppress civil rights movements into their concluding statement. To be sure, this meant, on the one hand, giving way, to some extent, to Soviet pressure. On the other hand, it gave those parties in Eastern Europe which would like to see European Communism come to rest the opportunity of preventing open criticism of the Eurocommunists being voiced at the parallel meeting in Sofia, as had been the intention of the CPSU and its Bulgarian and Czechoslovak followers.

Finally, it is certain that the determination not to provide ammunition for those who have been using the violation of human rights in some countries of Eastern Europe as an excuse to polemize against the policy of détente also played a certain role. For as sharply as they have come out against such violations on a number of occasions, the Eurocommunists are just as vitally interested in seeing détente policy continued, the policy which paved the way for their emergence from isolation in the first place.

For the rest, the CPSU and most of the other Communist Parties of Eastern Europe appear to be of the opinion that the real test for the Eurocommunists and for the holding capacity of their conceptions will not come until they have taken over governmental responsibility. Only "practical experience" was the "test of the rightness or wrongness of this or that thesis", as Brezhnev stated at the summit conference of the Communist Parties in East Berlin. Moscow is obviously of the opinion that the realities of day-to-day government will eventually force the Eurocommunists to take recourse to the traditionalist inherent laws and action patterns of Marxism-Leninism—for example to the dictatorship of the proletariat in one form or another—and to draw on the solidarity and material aid of the Socialist community.

Should the dynamic forces inherent in the transformation of the Eurocommunists, as described in our introduction, continue to act, and perhaps even gain further strength, after a Eurocommunist party had assumed governmental responsibility, i.e., should the CPSU one day realise that the Eurocommunists' conceptions and activities were, in the long run, more detrimental than beneficial to Moscow's interests, e.g., as a result of intensified emanation towards Eastern Europe, then the Soviet leadership could reconsider the situation.

It could, for example, endeavour to "Finlandize" the Eurocommunist parties, i.e., to support groups loyal to Moscow within the ranks of the Eurocommunists, as it has already done in Finland, in order to exercise pressure on the party leaderships or even to force these to resign. That this is more than mere speculation is proved not only by experience in Finland but also by the events in the CP of Greece (the split in 1968, the CP of Spain (various Soviet attempts to split up the party since 1969), the CP of Norway (the replacement of a reform-orientated leadership by one loyal to Moscow in 1975) and the Left Party Communists in Sweden (the split in 1977).

Admittedly: apart from the fact that the CPSU regards such a step only as an ultima ratio measure—it is nevertheless far from certain that the Soviet leadership is still in a position to use such a lever on the Eurocommunists at all (if so, then most probably in the case of the CPF). It is possible that such a measure would have precisely the opposite effect to the original intention with which it was taken.

New Times Editorial Refutes Carrillo on Eurocommunism

Concerning the book "Eurocommunism and the State" by Santiago Carrillo, general secretary of the Communist Party of Spain:

Ours is a time of momentous social change. The process of the transformation of society is moving ever forward to the benefit of all mankind. More and more countries, peoples and social groups are taking their place under the banners of socialism, democracy and national liberation.

The motive force of this epochal evolution today is plain for all to see. It is the socialist countries, the international working class, and the fighters for national and social emancipation, among them the participants in the non-aligned movement in Asia, Africa and Latin America. Of paramount importance for successful struggle for peace, democracy and socialism is the alliance of these three basic revolutionary forces, and of that alliance the international communist movement is the embodiment and the moving spirit.

Clearly, the greater the unity and cohesion of this movement, the more effective a factor it is in bringing together all the anti-imperialist, revolutionary forces. "From the sum total of the experience of class struggle the communists of all countries draw the conclusion that the most important precondition of the solution of the difficult, multiform problems facing them is the strengthening of the comradeship, unity and active cooperation among all the fraternal parties of the world," Leonid Brezhnev has stressed. "Only by acting as a united international movement can world communism attain its great goals."

Basic to this is unity between the communist parties that have already achieved the overthrow of the capitalist system and have taken the lead in the construction of the new society and the fraternal parties functioning in the non-socialist world. That durable alliance and cooperation between these two groups of parties is a powerful force in the defense of the workers' interests and of peace and progress has been demonstrated time and again over the past sixty years.

This is vividly evident also in European developments. The important changes that have taken place on our continent are the direct result of cooperation between the communists of both the Eastern and the Western parts of Europe.

Recall if only [as received] the militant union of Europe's communists in the struggle against fascism during World War Two; the active, effective support rendered one another by the communist and worker's parties during the cold war; the joint actions in support of Vietnam; the resolute joint struggle waged by the communists of both parts of the continent for detente and co-operation among all the countries of Europe, and the broad, truly world-wide campaigns of solidarity with the victims of imperialism and reaction.

It must be noted, however, that the more the political positions of monopoly capital are shaken and the more influential the communist and workers' parties become, the more insidious and cunning the actions of the enemies of communism aimed at disuniting the anti-imperialist forces and splitting and undermining the communist movement.

The imperalist strategy of division of course meets with a vigorous rebuff on the part of the fraternal parties. Of cardinal significance in this respect was the Berlin Conference of the Communist and Workers' Parties of Europe, which reaffirmed the communists' fidelity to the principles of internationalist solidarity.

Regrettably, however, views essentially running counter to these principles have been voiced even by members of the communist movement. A case in point is the public pronouncements of Santiago Carrillo, general secretary of the Communist Party of Spain, and primarily his book "Eurocommunism and the State," which appeared in April this year.

The problems dealt with in Carrillo's book could be classified in two groups. The first relates to the strategy and tactics of the West European communists.

There is no doubt that there are indeed interesting and serious problems here which it is the communists' direct duty thoroughly to study. Considering that these problems are complex, multi-faceted and have both theoretical and practical implications, exchanges of views on these issues between representatives of different communist parties are unquestionably of great interest. But they are a subject in themselves and we shall not go into them in the present article.

The second group of problems relates to the present international situation, characterization of the socialist countries and their policy, and the unity and cohesion of the communist movement.

These questions have a direct bearing on the interests of practically all the fraternal parties, including, naturally, the Communist

Party of the Soviet Union. Consequently, we consider it our right and duty to state our views on these questions.

First, about "Eurocommunism."

To begin with, it should be noted that in the matter of "Eurocommunism," as, incidentally, in many respects, Carrillo has undergone a truly staggering metamorphosis. Only a year ago, at the Berlin conference, he said that there was no such thing as "Eurocommunism." Today he proclaims himself not simply a Eurocommunist, but something of an apostle of this new concept and sets out to formulate its basic dogmas for the benefit of the whole world. And it must be said that he makes his understanding of "Eurocommunism" quite plain.

Objective analysis of what Carrillo says in his book on this subject leads to the inevitable conclusion that he uses and propounds the term (or concept) for the following purposes.

First, in order to counterpose the communist parties of the European capitalist countries to the communist parties of the socialist countries.

Second, in order to discredit existing socialism, that is, the countries that have already created the new society, and primarily the Soviet Union.

Third, in order to renounce all the conclusions jointly drawn by the communists of Europe and the aims they have set themserves in the struggle for the interests of the working class and all other sections of the working people, for peace, democracy and social progress. Against these conclusions and aims he sets an altogether different programme, one that essentially leads not only to the perpetuation of the division of Europe into opposing military blocs, but, moreover, to the strengthening of the aggressive NATO bloc.

That this approach accords neither with the interests of peace nor with the interests of socialism is surely self-evident.

But before going into Carrillo's concepts, it is perhaps in place to dwell briefly on the term "Eurocommunism" itself and its different interpretations.

The term first cropped up comparatively recently. It was originally coined by bourgeois political theorists and since then has been bandied about in one form or another depending on who uses it and what interpretation is placed on it.

Our interpretation originates among the left, including the communist parties. Some, while pointing out as a rule that the term is not a communist one, that it was not thought up by the communists, using it in reference to the common features characteristic of the present strategy of the communist parties of the developed capitalist countries, the strategy of their struggle for democracy and socialism.

True enough, the strategies of a number of West European parties, and on a broader plane, of the parties of the capitalist countries at a high level of socio-economic development, do have common basic premises. This is a widely known fact that was recognized long ago. Ever since Lenin's time, the CPSU has always underscored the need to take into account, when working out the strategy of revolutionary struggle, the specific conditions in which a party functions. The communist parties of the developed capitalist countries, as all other communist parties for that matter, naturally seek to take account of the national and historical context in their countries.

But even this interpretation can be objected to on the following grounds:

First, the developed capitalist countries are not only European. They include the United States, Japan, Canada and Australia, which means that from this standpoint "Eurocommunism" is too narrow a concept.

Second, lumping together all the communist parties, even if only the West European, is an over-simplification of the actual state of affairs. After all, even the West European countries are by no means identical, not only as regards natural conditions but above all economically and socially. Britain is one thing and Spain is another; Greece is one thing and Norway is something entirely different. Greater still is the difference between their historical traditions, customs, etc. Hence, with all the similarity of some, even basic approaches to the struggle for socialism, the strategies of the various West European parties differ substantially in many respects.

Last but not least, the concept of "Eurocommunism" is erroneous also because it affords grounds for assuming that what is in question, as has been rightly underscored in many documents of communist parties, is not some specific features of the strategy of the communist parties of some countries, but some sort of specific brand of communism.

Yet there is only one communism—if we speak of true, scientific communism—namely, that whose foundations were laid by Marx, Engels and Lenin, and whose principles are adhered to by the present-day communist movement.

There is, however, another rather widespread interpretation of "Eurocommunism" given it from the very outset by spokesmen of the capitalist world. For instance, the Italian journal L'EUROPEO, in an article in its April 25, 1976, issue, made it quite plain that "Eurocommunism" is, first, an instrument for the "pluralization" of communism, i.e., for splitting communism into separate parts opposed to one another. Second, it is a political trend according (for these very reasons) with the interests of "international political stability," i.e. maintenance of a political status quo consonant with the aims of imperialism, in particular, the United States.

Bourgeois ideologues of different countries have on more than one occasion explained what they mean by "Eurocommunism." In the final analysis all these explanations have boiled down to a very simple thing. What they want is that the communist and workers' parties in Western Europe should cease to be communist parties, that they should come out against the scientific communism founded by Marx, Engels and Lenin, and—more important still—that they should sever all ties with the communist and workers' parties of the socialist countries of Europe and enter into confrontation with them.

It should be mentioned that roughly the same line has been adopted by spokesmen of a number of social democratic parties. For instance, Austrian Socialist Party Chairman Bruno Kreisky, addressing a meeting of functionaries of his party in Alpbach last year, set forth his views on what "Eurocommunist parties" should be like. His advice amounted to this: These parties should renounce socialist revolution and working-class power, renounce proletarian internationalism and primarily friendship and solidarity with the Soviet Union and other socialist countries.

Writing not long ago in the Hungarian NEPSZABADSAG, Ference Varnai rightly said: "Making the concept of 'Eurocommunism' an issue in political struggle is obviously a maneuver aimed at diverting attention away from the anti-monopoly struggle, at presenting those West European communist parties which are labelled 'Eurocommunist' as being anti-Soviet, stirring up a controversy between fraternal parties, in particular between those in power and those still fighting to win power."

Reading Carrillo's book, it might seem at first that what is in question are differences between the strategy and tactics of communist parties of different countries. He treats of rather widespread views on certain specific features of communist strategy in developed countries, etc. In Carrillo's opinion, "Eurocommunism is an independent strategic concept" applicable, he maintains, to "any developed country," although it is based primarily on European experience.

But that is only the initial impression. Further on the book strikes a very different note, as Carrillo proceeds to expound an interpretation of "Eurocommunism" that coincides precisely with the meaning attached to it by the imperialist opponents of communism.

Indeed, Carrillo's "discovery" is that "Eurocommunism" could exercise a "decisive influence" on the creation of a "united Europe" capable of "playing an independent role in a balanced world now broken up into regional groupings." Further it turns out that essentially the reference is not to Europe, but only to Western Europe.

Judging by the book, the concept of "Eurocommunism", as Carrillo sees it, is a concept of setting the West European countries apart as a "force" opposed primarily to the socialist countries.

The author may object that nowhere in his book does he say anything of the kind. True enough, so as not to come out as an open protagonist of Atlanticism and an opponent of socialism, he does speak of socialism, at time even advocating the building of socialism in the West European countries. But how does this tally with some of his other statements, as, for instance, when he talks about a "definite stage in the organization of defence on the European level"? Everybody knows what "organization of defence on the European level" implies. It means the continuation of the imperialist policy of arming Western Europe against world socialism, a policy of alliance between European and American reaction. Surely it is clear that ideas of this order are very remote indeed from the building of socialism.

It will be in place here to recall that only a short time ago Carrillo favoured the entry of Spain into NATO, that most aggressive bloc, whose main purpose it is to prepare for war against the Soviet Union and the other socialist countries.

There is no mention in the book of this more than strange stand. But what there is in it is quite enough. For it makes it plain the underlying idea is the "union" of Western Europe on what is in effect an anti-Soviet platform. No wonder Carrillo's projections of this kind meet with approbation on the part of bourgeois propagandists and ideologues.

The idea of establishing a "united Europe," a Europe "independent of the USSR and the U.S.A.," has also another angle. It implies the division of the democratic forces and the communist movement on the continent into two parts, a division that would channel the West European democratic and communist movement to some highly dubious "third" or "middle" road, somewhere between capitalism and socialism. One cannot but note that this is very reminiscent of the ideas voiced by leaders of the socialist international in Geneva last November.

It must be said that the idea of division in the European communist movement, the idea of splitting it, is evidently very dear to Carrillo's heart. At any rate, he propounds and expounds it with a tenacity worthy of a better cause. For instance, as far back as December 1975 he told an interviewer from the Italian LA STAMPA that "there can be no common line between the communist parties of the capitalist countries and the parties of the countries of Eastern Europe . . . We (who?—ed.) are thinking of revising the principles of internationalism so as to base it on the coordination of our actions with the actions of the other forces of the labour movement in Western Europe. Contacts, relationships of cooperation, may be preserved with the parties of the countries of Eastern Europe, but the West must come first."

Needless to say, it is not only the right but probably the duty of the communist parties of Western Europe to coordinate their actions if only because the West European capitalists have long been waging an offensive against the working-class movement in what is essentially a united front. But what is unclear is why in order to give effect to such coordination of action, it should be necessary to renounce cooperation with the communist parties of the socialist countries, and, more than that, to revise the principles of internationalism"? After all, hitherto—and for many years—cooperation among the communist parties of the Western part of the continent has developed successfully alongside all-European communist cooperation.

There can be no doubt that Carrillo's interpretation of "Eurocommunism" accords solely with the interests of imperialism, the forces of aggression and reaction. If applied in practice, it would have serious negative consequences, the full impact of which would be felt primarily by the communists in the capitalist countries, including, of course, Spain. It would, lastly, lead to a split in the international communist movement, i.e., the very goal the reactionary, imperialist forces have aspired to for so many decades.

In Carrillo's postulations "Eurocommunism" is closely linked with his escalating anti-Sovietism. In characterizing the policy of the Soviet Union and the activity of the CPSU, he has latterly spoken of our country and our party in terms which even the most reactionary writers do not often venture to use. In this respect too Carrillo has gone through an astounding "evolution" in recent years.

There was a time he stood on positions of solidarity with the party of Lenin and the world's first socialist country and the tenor of his pronouncements was altogether different. In his report to the 6th Congress of the Communist Party of Spain in January 1960 he said: "We are guided by the principles elaborated by Marx, Engels and Lenin taught us by the experience of struggle and drawn from the example of the great Communist Party of the Soviet Union."

At the 7th congress of the party in August 1965 he said: "The strongest pillar of strength for the peoples in their movement towards liberation is the Union of Soviet Socialist Republics born of the Great October Socialist Revolution."

In September 1970 he declared at a plenary meeting of the Central Committee of the Communist Party in Spain: "It is impossible to conceive of socialists who would regard the USSR and, even more so, the Soviet form of socialism as their enemy."

It is perhaps in place in this connection to recall the communique published on the talks held in Moscow in October 1974 between a delegation from the Communist Party of Spain led by Santiago Carrillo and a delegation of the CPSU.

"The delegation of the Communist Party of Spain," the communique read, "expressed profound satisfaction with the achievements of the Soviet Union and welcomed the growth of the prestige of the USSR in the world arena. The CPS supports the Soviet policy of peace and peaceful coexistence of states and of assistance to the peoples fighting against imperialism and for national independence. It gives a high appraisal of the role of the CPSU in the implementation of this policy and its important contribution to the development of the world revolutionary process."

One cannot help but ask: Do all the present statements made by Carrillo signfly that he is now officially and completely disavowing what the delegation of the Communist Party of Spain he headed only a little more than two years ago officially and fully endorsed? To any unbiased observer it is plain that Carrillo has revised many of the assessments made by his party only recently.

The fact is that in the course of 1976 Carrillo repeatedly declared that the Communist Party of Spain "has no connection with the USSR as a state or with its policy." And in an interview he gave to the American UPI agency in January this year, Carrillo, continuing his "evolution," added:

"We are not in solidarity with the present policy of the Soviet Union." This is a complete departure from what he said only recently.

It is precisely these new views that are developed further in the book "Eurocommunism and the State." How does he characterize the Soviet Union in it? In his opinion what has been accomplished in the USSR does not accord with the ideas of Marxism-Leninism. Carrillo contends that the October Revolution gave rise to a state of a type which "while not being a bourgeois state, at the same time cannot be considered a workers' democracy where the organized proletariat is the ruling class."

This is said of a country where the working class is the leading force in society, where it wields, together with the peasantry and intelligentsia, the totality of power. This is said of a country where more than half of the state administration are people who directly belong to the working class; of a country where political leadership is exercised by the CPSU, a party that was created by the working class, reflects its views and interests, and is leading the country toward communism; of a country whose every step is oriented on the interests of the working people, and above all, the working class; a country that places all its activity at the service of the workingman's interests.

Is Santiago Carrillo not aware of all this? He of course knows all this full well, just as do the thousands of Spanish communists living in the Soviet Union who, together with the Soviet people, fought against Hitlerism and through the years since then have been taking part in the building of a communist society.

As regards Carrillo's recommendations to "Soviet comrades," for transforming the Soviet state, it should be noted, first, that he contradicts himself in urging in effect the weakening of the Soviet Union, the might of which, as he himself has to concede in earlier passages of his book, played so important a role in combating imperialism and in changing the world balance of strength. Second, such recommendations can only be qualified as interference in the internal affairs of another party, all the more so since they are accompanied by assessments that are not only erroneous but insulting to the Soviet people.

No, it is not because he does not know any better that Carrillo castigates socialism, our country. It is rather a matter of conscious anti-Sovietism.

This is particularly evident from his latest public pronouncement—an interview to the West German DER SPIEGEL in which he not only denies our state the right to be called a socialist democratic state, but actually demands its "transformation," calls for struggle against the existing system of government. That these disquisitions are profoundly hostile towards our country is obvious.

How, other than anti-Soviet, can one qualify Carrillo's monstrous statement that the Soviet Union is the "superpower" to blame for the arms race and that it pursues great power objectives? What other interpretation can be given to his slanderous allegations that the Soviet Union makes use of the class struggle and internationalism as an instrument for the achievement of precisely such aims?

The record of all the sixty years of the existence of the Soviet land conclusively gives the lie to such allegations. Never in all these six decades has the Soviet Government or the party leadership used the strength of the USSR in pursuit of egoistic objectives to the detriment of the cause of peace and socialism or the national interests of other countries. Never in all this time has the Soviet Union evaded its internationalist obligations. On this score there is the weighty evidence given for the whole world to hear by the leaders of countries such as Vietnam and Laos, Cuba and Angola, the leaders of national liberation movements in southern Africa and Latin America, and the patriots of Chile and Uruguay. More, there is the witness borne by the Spanish patriots, the Spanish communists, whose own experience demonstrates the Soviet Union's fidelity to internationalism.

The question naturally arises: Why has Santiago Carrillo chosen to take such a stand towards socialism, towards the Soviet Union? Where do the roots of this stand lie? Perhaps in time the answer to this question can be formulated more precisely, but some of the angles have already been made quite clear by Carrillo himself.

We have cited above what he says about his intention to "revise the principles of internationalism." Moreover, he has repeatedly declared that internationalism is a "hangover." In February 1976 he went even farther, declaring that he would "revise Marxist-Leninist theory." A somewhat curious occupation for a communist? Carrillo himself threw light on the subject in July last year when a U.S. newsman asked him why, considering his views, he called himself a communist. Carrillo replied without hesitation: "It's only a name."

No person in possession of his facilities could, on reading a statement like this (and as far as we know Carrillo has not denied it), interpret it as anything but a renunciation of Marxism-Leninism, of the basic principles of the revolutionary teaching of scientific communism.

Seeking somehow to vindicate his unsavory position, Carrillo devotes several pages of his book to a rather clumsy attempt to prove that to be a revisionist is nothing short of an honour. To be able to draw this paradoxical conclusion, he had to make it appear as if Marx, Engels and Lenin too were revisionists. Carrillo apparently assumes that his book will be read by simpletons unable to distinguish between creative development of Marxism-Leninism and revisionist repudiation of its fundamental, basic ideas. Let him think so. The likelihood, however, is that his readers will see through his ideas to their true character.

If Carrillo considers the lofty title of communist to be "only a name," that is his private affair. But it ceases to be that when he begins to exhort all Europe's communists to follow his example.

It is noteworthy that bourgeois propaganda is giving wide publicity to Carrillo's views. Not infrequently the view is expressed that the ideas he has put forward latterly have been prompted by a desire to win at all costs "respectability" in the eyes of the Spanish bourgeoisie, to persuade them magnanimously to accept him as one of their "own," as not presenting any threat to their domination and privileges. However, life has demonstrated time and again, as was pointed out at the 25th Congress of the CPSU, that "a concession to opportunism may sometimes yield some temporary advantages, but will utimately be damaging to the party."

To renounce internationalist positions and, for the sake of temporary tactical advantages, to jettison principles and adopt positions obviously unfriendly to the world's first socialist country is to do a good service to the class enemy, who, incidentally, actively coordinates his anti-Soviet actions on international scale.

Who gains by this? Santiago Carrillo would do well to give thought to this question,

bearing in mind the weighty warning given by Lenin as far back as 1904 in his classical "one step forward, two steps back." Stressing that the enemies of the working-class movement always welcomes "every swing towards opportunism, even the slightest and most temporary," he wrote: "You can tell a man's mistakes by the people who praise him."

The bourgeois press readily gives space to Carrillo's pronouncements, and this once again shows whose interests these pronouncements serve.

The Communist Party of the Soviet Union and the Communist Party of Spain were linked for many years by bonds of friendship and solidarity, mutual aid and support. The memory of those who sealed the friendship of our parties and peoples with the blood they shed on the fields of the Asturias and in the trenches of Stalingrad will be cherished forever, both by Soviet people and, we are confident, by our Spanish comrades.

Today too the Soviet people and the Communist Party of the Soviet Union stand in solidarity with the struggle waged by the communists and all the left forces of Spain for democratic reforms in that country, for the rights and interests of its people. Today too the CPSU holds that the highroad of relations between our parties is the road of friendship, cooperation and joint struggle. However, Carrillo's crude anti-Sovietism is plainly causing considerable damage to these relations. Responsibility for this rests fully with him.

The world communist movement, including the communist movement on the European Continent, has achieved much in recent years. From the positions it has now reached it will be able confidently to move forward to new victories in the struggle for peace, security, cooperation and social progress. Realizing this, the imperialist forces are doing everything in their power to halt the steady advance of the forces of democracy and socialism. But at this stage of historical development, too, defeat awaits the enemies of socialism and communism.

Needless to say, no victories in the class struggle come about of themselves. So it is in the given case as well—victory will be won in struggle against both the bourgeois carriers of division and those who would insinuate divisive ideas into the communist movement. That victory is sure to come, for the communists of Europe, who have gone through so many severe trials in the past, will be able to cope also with the latest attempts to split their ranks.

Closely co-operating with another, building international solidarity while refraining from all interference in one another's internal affairs, truly respecting one another, creatively applying Marxism-Leninism and elaborating new ways and means of revolutionary transformation consonant with our epoch and taking into account the specific national features, the communist parties of our continent are successfully working towards their jointly defined aims in the struggle against imperialism, for a Europe of peace and social progress.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

James K. Robinson, of Michigan, to be U.S. attorney for the eastern district of Michigan for the term of 4 years, vice Philip M. Van Dam.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Thursday, July 28, 1977, any representations or objections they may wish to present concerning the above nomination with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Edward F. Harrington, of Massachusetts, to be U.S. attorney for the district of Massachusetts for the term of 4 years, vice James N. Gebriel, term expired.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Thursday, July 28, 1977, any representations or objections they may wish to present concerning the above nomination with a further statement whether it is their intention to appear at any hearing which may be scheduled.

HOUSE OF REPRESENTATIVES—*Thursday, July 21, 1977*

The House met at 10 o'clock a.m.

The Reverend Herman C. Frankland, pastor, Bangor Baptist Church, Bangor, Maine, offered the following prayer:

Almighty God, as we bow in Your presence, how cognizant we are of our need of Your leadership. How our hearts are stirred and challenged as we consider the blessings and benefits You have bestowed upon our beloved America. We do not deserve them and only because of Your beneficence can we have the liberties that are ours today.

We beseech Thee, in Jesus' name, to guide our leaders and turn their hearts withersoever Thou will. Cause each one to realize life's ultimate goal is to know God and accept Him as Saviour. Place within our hearts the earnest desire to put God first in all our decisions.

If it be Thy sovereign will, please grant us continued freedom and the privilege of life, liberty, and pursuit of happiness. For we ask these things in Jesus' matchless name, and for His sake. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 291. Concurrent resolution to authorize certain corrections in the enrollment of H.R. 6138.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2) entitled "An act to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4746) entitled "An act to extend certain authorities of the Secretary of the Interior with respect to water resources research and saline water conversion programs, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7557) entitled "An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1978, and for other purposes," and that the Senate agreed to the amendments of the House to the amendments of the Senate numbered 13, 34, and 39 to the foregoing bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1474) entitled "An act to authorize certain construction at military installations, and for other purposes."

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

H.R. 7933. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1978, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 7933) entitled "An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1978, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McCLELLAN, Mr. STENNIS, Mr. MAGNUSON, Mr. PROXMIRE, Mr. INOUYE, Mr. HOLLINGS, Mr. EAGLETON, Mr. CHILES, Mr. SASSER,