The Senate met at 10:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. Eastland).

PRAYER

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

God of our Fathers, and our God, make sacred to all of us this solemn day of dedication. We pray especially for our President and for him who presides over this Senate. Give them an understanding of our times, wisdom beyond themselves, and health of mind and body sufficient for their tasks. May the truths of the Bible on which their hands are placed be the guide of this Republic in the years to come. And may the oath of office taken by every citizen be a new pledge of allegiance and a fresh dedication to “one nation under God” setting to set forth Thy kingdom on Earth.

We pray in the name of our Redeemer and Lord. Amen.

THE JOURNAL

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, January 19, 1977, be approved.
The President pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

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

REPORT ON EMPLOYMENT AND TRAINING—MESSAGE FROM THE PRESIDENT—PM 30

The President pro tempore laid before the Senate the following message:

To the Congress of the United States: I am transmitting to the Congress the annual Employment and Training Report of the President, pertaining to employment and training requirements, resources, and utilization, as required by sections 205(b) and 209 of the Comprehensive Employment and Training Act of 1973, as amended. This Employment and Training Report of the President includes reports required by sections 209 and 413 of the same act.

Gerald R. Ford.


REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING—MESSAGE FROM THE PRESIDENT—PM 31

The President pro tempore laid before the Senate the following message:

To the Congress of the United States: I am transmitting to the Congress the annual report of the Corporation for Public Broadcasting, describing its activities for the year ending June 30, 1976.

Gerald R. Ford.


COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

EC-441. A communication from the President of the United States transmitting a draft of proposed legislation entitled “Energy Independence Authority Act of 1977”; to the Committee on Interior and Insular Affairs.

EC-442. A communication from the President of the United States, transmitting the 16th annual report of the U.S. Arms Control and Disarmament Agency (with an accompanying report); to the Committee on Foreign Relations.

EC-443. A communication from the President of the United States, transmitting an alternative nuclear program, ship design characteristics (with accompanying papers); to the Committee on Armed Services.

EC-444. A communication from the President of the United States, transmitting a draft of proposed legislation to authorize the President to implement an agreement with the Government of the People’s Republic of the Congo to designate the North Atlantic Treaty area (with accompanying papers); to the Committee on Foreign Relations.

EC-445. A communication from the President of the United States, transmitting a draft of proposed legislation to authorize the President to implement an agreement with the Government of the People’s Republic of the Congo to designate the North Atlantic Treaty area (with accompanying papers); to the Committee on Armed Services.

EC-446. A communication from the President of the United States, transmitting a report on the review of disaster loan authorities mandated in section 101 of Public Law 94-305 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

EC-447. A communication from the President of the United States, transmitting a report on the review of disaster loan authorities mandated in section 101 of Public Law 94-305 (with an accompanying report); to the Committee on Armed Services.

EC-448. A communication from the President of the United States, transmitting a draft of proposed legislation to authorize supplementary appropriations for the acquisition, improvement, rehabilitation, and maintenance of the National Wildlife Refuges, and to increase grants to communities to improve park and recreation facilities (with accompanying papers); to the Committee on Commerce and the Committee on Interior and Insular Affairs.

Mr. CRANSTON. Mr. President, I ask unanimous consent that a communication from the President of the United States, relative to the National Park System and the National Wildlife Refuges, be referred jointly to the Committee on Commerce and the Committee on Interior and Insular Affairs.

The President. Without objection, it is so ordered.

EC-449. A communication from the President of the United States, transmitting a report of the National Cancer Advisory Board for calendar year 1975 (with an accompanying report); to the Committee on Labor and Public Welfare.

EC-450. A communication from the President of the United States, transmitting a draft of proposed legislation to transfer certain functions from the Secretary of the Interior to the Secretary of Agriculture (with accompanying papers); to the Committee on Interior and Insular Affairs.

STATEMENT OF ACTING MAJORITY LEADER

Mr. CRANSTON. Mr. President, I would like to say that the majority leader is with the group that will lead the President-elect to the inauguration. It is for that reason that I am acting in the capacity of acting majority leader, which is a great thrill for me on this great day for our country when we join in the passing of leadership to the President-elect, Jimmy Carter, of Georgia.

ORDER OF PROCEDURE TODAY

Mr. CRANSTON. Mr. President, I have just a word on what will occur today.

It was originally announced that we would proceed in a body at 10:30 a.m. It will be more like 10:50 a.m. before we gather for that purpose. There will be a quorum call until that point after the present proceedings have been concluded.

The Senate will reconvene at 4 p.m. today to consider, first, the President’s Cabinet nominations which are noncontroversial, and on which rollcall votes are not anticipated; and, second, the McGovern motion to refer Senate Resolution 18 on Vietnam draft evaders to the Select Committee on Government Operations. The Executive Calendar presently has two nominations.

The Senate will meet tomorrow; the present plan as I understand it is to convene at noon, though conceivably that may be changed, and we will vote on the cloture motion to close debate on Senate Resolution 18.

This afternoon the Senate will be considering those nominations submitted by the new President on which no rollcall is desired.

Tomorrow the Senate will presumably consider some of the nominations on which rollcalls are desired.

I am informed, although I am not absolutely certain of this, that the Senate will not consider until Monday the nomination of the nominee for Secretary of Labor. I am not certain that that is the plan, but there have been some indications that that will be the case.

I have nothing further to say at this moment.

The President pro tempore. The minority leader is recognized.

COMPLIMENTARY STATEMENTS

Mr. BAKER. Mr. President, I shall not take very long, but I think it would be делрипг if I did not compliment the distinguished Senator from California for his service today as acting majority leader and for his new position as majority whip of the U.S. Senate.

We are delighted to have the opportunity to work with such a great member of this body now, as in the past.

Mr. CRANSTON. I thank the Senator very much. It is a great pleasure to work with him and the Senator from Alaska and the other leaders in the minority in the Senate.

COMMENTS ON THE INAUGURATION

Mr. BAKER. Mr. President, this is a solemn event that we are about to witness, and in which we are about to participate.

There is no more fundamental and impressive, indeed, there is no more solemn constitutional function than the inauguration of a new President and Vice President of the United States.

In a few moments we will proceed as one of the two Chambers of one of the three coordinate branches of the Government to the inaugural platform where in the presence of all the principal officials of the three departments, the one hundred and sixty offices will be administered and the power of the executive department will pass by orderly transition to new hands.

We will also see the induction of a new President of this body, the Vice President of the United States.

Those of us on this side of the aisle will celebrate fully the inauguration of our new President.

The proceedings are partisan and nominees are designated by the two great parties, inaugurations are na-
tional and constitutional events, and we
on the Republican side will join with you
on the majority side in fully celebrating this
event today and wishing President-
elect Carter, soon to be President Car-
ter, and Vice-President-elect Mondale,
soon to be our presiding officer, the very
best. We wish them well. We wish them
Godspeed and God’s blessing as they at-
tempt in the next 4 years to direct so
much of the fruits of his labor, so that
each one of us may sit under his own vine
and under his own fig tree, and none
shall make them afraid.

The management of the world is Thy
business, not ours, O God. Give us the
humility and good sense to see this. Help
us to deal with others as equals, seeking
advice as well as giving it, receiving help
from them as well as lending them our
aid. Teach us that the only abiding

January 20, 1977
CONGRESSIONAL RECORD—SENATE

RECESS UNTIL 4 P.M.

The PRESIDENT pro tempore. The Senate will in
stand in recess until 4 p.m. this after-
noon. (Thereupon, at 16:48 a.m., the Senate
recessed until 4 p.m.)
influence we can ever have in the world is the God they serve.

We ask Thy forgiveness for those sins that marred our national character and impaired the effectiveness of our Government in recent times. Help us as a people to confess our sins not to blame our politicians alone for them. In their evil and wrongdoing Thou dost hold before our face a mirror in which we see our mistakes only. But large. True is it that a democracy is not sacred just because it is a democracy, and that a government of the people, by the people, and for the people is no better than the people themselves.

Let this the first administration in the third century of our national existence be the beginning of a new era—a time of rectitude, righteousness, prosperity for all our citizens based on their own toil and productivity, and peace.

Bless our outgoing President, Gerald Ford, for his unselfish service to the work of the President, and thereby make his own role in government indispensable.

Pour out the abundance of Thy grace, we pray Thee, upon Walter Mondale, the United States Senator from Minnesota, as he is about to enter the office of Vice-President-elect. Make him the servant of the people, and give him the wisdom to help to heal our land.

[Applause.]

Professor Thomas P. O'Neill, Jr., who is about to enter the office of Speaker of the House of Representatives, the Honorable Thomas P. O'Neill, Jr., will now administer the oath of office to the President-elect.

[Applause.]

We thank Thee for His brilliant mind, his signal accomplishments in public service, his exemplary Christian life, and his devotion to Thee and to Thy people. Give him the wisdom, the strength, and the goodness to place his take among the greatest of our Presidents; and grant him, in the spirit of a selfless conviction to serve the common good. Make him, we pray, a faithful servant of Thy people.

[Applause.]

ADMINISTRATION OF OATH TO THE VICE PRESIDENT-ELECT

Senator Cannon, The Speaker of the House of Representatives, the Honorable Thomas P. O'Neill, Jr., will now administer the oath of office prescribed by the Constitution, which he repeated as follows:

I, Walter F. Mondale, solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

[Applause.]

[Recess.]

PRESIDENT-ELECT CARTER.

I, Jimmy Carter, do solemnly swear that I will faithfully execute the office of President of the United States, and will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

[Applause.]

Chief Justice Burger.

I, Jimmy Carter, do solemnly swear that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States. So help me God.

Chief Justice Burger.

I, Jimmy Carter, do solemnly swear that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States. So help me God.

Chief Justice Burger.

We ask Thy forgiveness for all he has done to heal our land.

[Applause.]

This inauguration ceremony marks a new beginning, a new dedication within our Government, and a new spirit among us all. A President may sense and proclaim new spirit, but only a people can provide it.

Two centuriesago our Nation's birth was a milestone in the long quest for freedom. With a dream which excited the founders of this Nation still awaits its consummation. I have no new dream to set forth today, but rather urge a fresh faith in the old dream.

Ours was the first society openly to define itself in terms of both spirituality and of human liberty. It is that unique self-definition which has given us an exceptional appeal—but it also imposes on us a special obligation—to take on those moral duties which, when ascended, seem invariably to be in our best interests.

You have given me a great responsibility—to stay close to you, to be worthy of you, and to exemplify what you are. Let us create together a new national spirit of unity and trust. Your strength can compensate for my weakness, and your wisdom can help to minimize my mistakes.

Let us learn together and laugh together and work together and pray together, confident that in the end we will triumph together in the right.

[Applause.]

The American dream endures. We must once again have full faith in our country—and in one another. I believe America can be better. We can be even stronger than before.

Let our recent mistakes bring a re-surgent commitment to the basic principles of our Nation, for we know that if we despise our own government we have no future. We recall in special times when we have stood briefly, but magnificently, united; in those times no prize was beyond our grasp.

But we cannot dwell upon remembered glory. We cannot afford to drift. We must reject the prospect of failure or mediocrity or an inferior quality of life for any person.

Our Government must at the same time be both competent and compassionate.

We have already found a high degree of personal liberty, and we are now struggling to enhance equality of opportunity. Our commitment to human rights must be absolute, our laws fair, our natural beauty preserved; the powerful must...
not persecute the weak, and human dignity must be enhanced.

We have learned that "more" is not necessarily "better," that even our great Nation can be enriched by humility, by an abiding respect for individual differences, by a willingness to consider, in a spirit of individual sacrifice, the common good, we must simply do our best.

Our Nation can be strong abroad only if it is strong at home, and we know that the best way to enhance freedom in other lands is to demonstrate here that our democratic system is worthy of emulation.

To be true to ourselves, we must be true to others. We will not behave in foreign places so as to violate our rules and standards here at home, for we know that the trust which our Nation earns is essential to our strength.

The world itself is now dominated by a new spirit. Peoples more numerous and more politically aware are craving and demanding their place in the sun—not just for the benefit of their own physical condition, but for basic human rights.

The passion for freedom is on the rise. Tapping this new spirit, there can be no nobler nor more ambitious task for this administration, for we know that the trust which our Nation earns is essential to our strength.

We are a strong Nation, and we will maintain strength so sufficient that it need not be proven in combat—[applause]—a quiet strength based not merely on the size of an arsenal, but on the nobility of ideas.

We will be ever vigilant and never vulnerable, and we will fight our wars against poverty, ignorance, and injustice—[applause]—for those are the enemies against which our forces can be marshaled against poverty, ignorance, and injustice—[applause]—for those are the enemies against which our forces can be marshaled.

We are a proudly idealistic Nation, but let no one confuse our idealism with weakness.

Because we are free we can never be indifferent to the fate of freedom elsewhere.

[Applause.]

Our moral sense dictates a clearcut preference for those societies which share with us an abiding respect for individual human rights. We do not seek to intimidate, but it is clear that a world which others can dominate with impunity would be inhospitable to decency and a threat to the well-being of all people.

The world is still engaged in a massive armaments race designed to insure continuing equivalent strength among potential adversaries and pledge perseverance and wisdom in our efforts to limit the world's armaments to those necessary for each nation's own domestic safety. And we will move this year a step toward our ultimate goal—the abolition of all nuclear weapons from this Earth.

We urge all other people to join us, for success can mean life instead of death.

Within us, the people of the United States, there is evident a serious and purposeful rekindling of confidence, and I join in the hope that when my time as your President has expired, people might say this about our Nation:

That we had remembered the words of Micah and renewed our search for humility, mercy, and justice;

That we had torn down the barriers that separated those of different race and region and religion, and where there had been mistrust, built unity, with a respect for diversity;

That we had found productive work for those able to perform it;

That we had strengthened the American family, which is the basis of our society;

That we had insured respect for the law, and equal treatment under the law, for the weak and the powerful, for the rich and the poor;

And that we had enabled our people to be proud of their own government once again.

(Applause.)

I would hope that the nations of the world might say that we had built a lasting peace, based not on weapons of war but on policies which reflect our own most precious values.

These are not just my goals, and they will not be my accomplishments, but the affirmation of our Nation's continuing moral strength and our belief in an undiminished, ever-expanding American dream.

Thank you very much.

[Applause.]

[Benediction]

Senator CANNON. The Benediction will be offered by the Most Reverend John R. Roach, archbishop of St. Paul-Minneapolis, Minn.

Archbishop ROACH. May we join in prayer:

God our Father, we thank You now for this Earth, its beauty and strength, for the green hills, the windy plains, the pounding of the sea and mountain forests, for the Earth's resources and its fragile beauty.

We thank You for the gift of life: May we reverence it and protect it; We thank You for the gift of peace which You have placed in our earthly hearts.

In our struggles to become a people You have given us in each age the leadership of men and women whose noble daring and peaceful ways have brought us to this time. We thank You for those who have gone before us. From many walks of life, and from many races and nations You have fashioned a country whose cultures have unfolded ever broader patterns of life, each reflecting its own brilliance and hope. For this variety we thank You.

We thank You, Lord, for the freedom we enjoy, to be free to learn, and to use Your gift of talents to their full; for simplicity of life, to live our days in the company of friends, to work in peace in our homes, on our farms and in our cities. We remember, Lord, all these blessings You have given to us in the past. And we thank You.

Today we have come to celebrate our future. Each of us, Father, sets out a hope before You—for the days to come.

We beg Your special blessing on President Carter and Vice President Mondale and their families. There is loneliness on the mountain. Grace that loneliness with Your presence.

Give us the strength to struggle beyond pain, to reach the goal our hands to the anointed and to the poor.

Where suffering and weak voices cry out, may we be present to nourish.

Where injustice speaks, may we have the courage to change it.

Where proper dissent is present may we have ears to listen.

Watch over the leaders of this Earth. Give them hearts for compassion and the fire of freedom. Give them the courage to speak out and to listen quietly.

Give them the humility of sincere faith and the vision of future good. And especially today, we ask You to watch over our new leaders, set them upon the right way.

For You are the Lord in whom we trust. You are the God of our faith. To You be praise and glory forever and ever. Amen.

[Benediction]

[Applause.]

[The U.S. Marine Corps Band presented a medley of patriotic selections.]

The Committee on Arrangements, accompanied by Sergeant at Arms of the Senate Hoffmann, Sergeant at Arms of the House Harding, and Executive Director Cochran, escorted the President and the Vice President from the President's platform in the following order:

The President and the Vice President.

Senator CANNON and Speaker O'Neill.

Senator ROBERT C. BYRD and Representative WRIGHT.

Senator HAYEFIELD and Representative RHODES.

(The U.S. Marine Corps Band played ruffles and flourishes—"Hail to the Chief."

The inaugural ceremonies were concluded at 12:25 p.m.)

Following the conclusion of the inaugural ceremonies, the Senate reassembled at 4 p.m., when called to order by the Presiding Officer (Mr. FORD).

[Quorum Call]

Mr. ALLEN, 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.

The PRESIDING OFFICER. A quorum is not present.

Mr. ROBERT C. BYRD, Mr. President, I suggest the Sergeant at Arms be instructed to request the attendance of absent Senators.
The motion was agreed to.

The PRESIDING OFFICER. The Senator from Utah (Mr. GARN), the Senator from North Dakota (Mr. YOUNG), the Senator from Michigan (Mr. GRIFIN), the Senator from Kansas (Mr. STEVENS), the Senator from Texas (Mr. DAVIS), the Senator from Connecticut (Mr. WEICKER), and the Senator from Arizona (Mr. GOLDWATER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Florida (Mr. STONE) is absent from Oklahoma (Mr. BELLMON), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Florida (Mr. STONE) is absent from Oklahoma (Mr. BELLMON), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Florida (Mr. STONE) is absent from Oklahoma (Mr. BELLMON). The Senate will be in order.

Mr. BAKER. Mr. President, I announce the Senator from South Dakota (Mr. ABOUREK). The Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Iowa (Mr. TAYLOR), the Senator from Iowa (Mr. CULVER), the Senator from Colorado (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LAROY), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. FELT), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Florida (Mr. STONE) are necessary absent.

Mr. BAKER. I announce the Senator from Oklahoma (Mr. BELLMON), the Senator from Massachusetts (Mr. BROOKE), the Senator from Nebraska (Mr. CNUSDEN), the Senator from Utah (Mr. GARN), the Senator from Arizona (Mr. GOLDFIELD), the Senator from Michigan (Mr. GRAFF), the Senator from Kansas (Mr. PEARSON), the Senator from Delaware (Mr. ROTHS), the Senator from Vermont (Mr. STAFFORD), the Senator from Alaska (Mr. STEVENS), the Senator from Texas (Mr. THURMOND), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to illness.

The result was announced—yeas 69, nays 1, as follows:

[yes 69, nay 1, votes]

Mr. BAKER. Mr. President, I announce the Senator from South Dakota (Mr. ABOUREK), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Iowa (Mr. TAYLOR), the Senator from Iowa (Mr. CULVER), the Senator from Colorado (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LAROY), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. FELT), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Florida (Mr. STONE) are necessary absent.

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I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to illness.

The result was announced—yeas 69, nays 1, as follows:

[yes 69, nay 1, votes]
SECRETARY OF DEFENSE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the nomination of Dr. Harold Brown of California to be Secretary of Defense.

The PRESIDENT. Without objection, it is so ordered. The nomination will be stated.

The legislative clerk read the nomination of Dr. Harold Brown of California to be Secretary of Defense.

Mr. STENNIS. Mr. President, after 3 days of hearings on this nomination, the Committee on Armed Services unanimously voted in favor of recommending the confirmation of Harold Brown as Secretary of Defense.

There are 16 members of that committee, and all 16 are recorded in favor of this report.

The resolution that passed the committee was that when the nomination came in, the chairman was authorized to say that testimony had been taken and the vote was recorded to show that, and that the chairman was authorized to make a report to the Senate, which I now do. I have a written copy of the resolution here should anyone wish it.

Mr. President, I understand there is no objection to the nomination of Dr. Harold Brown to be Secretary of Defense, the Armed Services Committee has carefully and thoroughly examined his credentials. Open hearings were held on January 11, and a classified, executive session was held on January 13, during which time committee members questioned Dr. Brown at length on a variety of defense issues. Subsequent to those hearings the committee voted on the expected nomination of Dr. Brown, and I am pleased to report to the Senate that the committee voted to support Dr. Brown's confirmation was unanimous.

I think a word on the conflict of interest situation as it applies to this most important role that the Senate is about to confirm is in order. There are, of course, statutes requiring responsible government officials to take certain actions to avoid conflict of interest situations, but recently President Carter has set forth new guidelines which go far beyond current law. How he is an outstanding citizen of California with a remarkable background in the field where he will have responsibilities in the Department of Defense. He has formerly held a very high position in the Department of Defense which he handled with great distinction.

He is presently the president of California Institute of Technology in California and has wide background in all the matters for which he will bear responsibilities as DOD Secretary.

I recommend Dr. Brown to the Senate. Mr. President, I yield the floor.

Mr. CRANSTON. Mr. President, I want to just say a word or two on behalf of the nomination of Mr. Brown.

Mr. PROXMIRE. Mr. President, I shall be brief. Although I intend to vote for the confirmation of Secretary of Defense-designate Harold Brown, I do so with a number of reservations in mind. These reservations have nothing to do with his personal integrity or his very extensive experience in defense affairs. But I am concerned about three matters. The Fitzgerald case, the B-1 bomber decision, and the pledge to cut $5 to $7 billion in defense funds.

THE FITZGERALD CASE

First is the Fitzgerald controversy. When Emery Fitzgerald resigned before the Joint Economic Committee on November 13, 1968, he committed one of the cardinal sins against any bureaucracy—he told the truth and it was embarrassing.

The Secretary of the Air Force at that time was Harold Brown. Secretary Brown subsequently called Fitzgerald into his office and told him that his testimony was a political problem.

After that meeting a series of calculated reprisals were lodged against Fitzgerald. He lost his tenure. His submissions to the Joint Economic Committee were tampered with. He lost his job function. Secretary Brown requested a memorandum from his personnel director to the Clinton and the Defense Department, with the subject of "what are his rights?" In testimony on May of 1971, this phrase was explained to mean "How can I fire him?"

The resulting memorandum offered three methods of removing Fitzgerald.

Since that time, the courts have reinstated Fitzgerald to a position in the Pentagon. But administrative actions have denied him the right to carry on where he left off—examining wasteful practices in procurement and research and development.

In my opinion he should promptly be reinstated at his present position, with his former responsibilities and with the same chances for advancement. To do less is to further penalize this fine civilian.

President Carter has offered a four-point program for improving the working conditions and rights of civil servants. In his point 4, the President's statement reads: "The Fitzgerald case, where a dedicated civil servant was fired from the Defense Department for reporting cost overruns, must never be repeated."

Who was the Secretary who first tried to fire Fitzgerald? Harold Brown, the man whose nomination is now before the Senate.

It is time for the new Secretary of Defense, Mr. Brown, to carry forthwith that pledge that the President has given us and reinstate Fitzgerald to his former position.

Mr. President, my second reservation deals with the much-debated B-1 bomber program.

Not since the ABM debates of 1969-70 has a defense issue created so much controversy. And not in recent memory has a major weapon decision been opposed by so many defense experts.

President Carter's statement on the pledge that the B-1 was an example of a wasteful system that should not be funded.

President Carter was about as explicit and definite in his statement against the B-1 bomber as he could be.

The new Secretary of Defense-designate, however, does not display the same concern about the B-1 than other bomber-related alternatives.

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President Carter was about as explicit and definite in his statement against the B-1 bomber as he could be.

The new Secretary of Defense-designate, however, does not display the same concern about the B-1 than other bomber-related alternatives.
increase the capabilities of our fighting forces. In fact certain savings, by cutting out wasteful practices or reordering priorities, may of themselves improve our military capability.

In the days ahead I will be detailing just where a number of significant savings can be made in this year's defense budget. In the meantime, however, the statements by the Secretary of Defense designate on the issue of potential savings do not give one cause for optimism. At this time, Mr. President, I do not oppose the budget. I do have these reservations which I thought I should call to the attention of the Senate. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. SCHMITT. Mr. President, I wish to speak in behalf of Dr. Brown as Secretary of Defense.

I became acquainted with him over the last few years as part of my association with the California Institute of Technology, and I have a real flexibility of a long association with that institute.

I think probably the most important qualification that he has is a very modern and up-to-date understanding of not only the threats that we face from potential adversaries abroad, but the base of scientific research and technology that now exists within this country is partly the result of his administration of the California Institute of Technology, a base of research and technology that will allow us, if we properly use that base, to withstand threats to our security and to look very carefully at what he thought I should call the security of free men everywhere.

I urge all of us to support his nomination, to look very carefully at what he proposes, as we will in all nominations submitted by the President, but I hope that that base of research and technology which now exists in this country will, in fact, insure the survival of the country and free men everywhere.

Mr. President, I recommend the confirmation of Dr. Brown.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, last week, the Committee on Armed Services conducted closed hearings to inquire into the nomination of Dr. Harold Brown to be Secretary of Defense. During those hearings I had the opportunity to advise Dr. Brown of the strong belief in the need to make the Defense Department much more business-like and cost effective.

While I intend to vote to confirm Dr. Brown, I would like to inform an edited version of the transcript of those hearings during those closed hearings into the Record.

Mr. President, I ask unanimous consent that my remarks be printed in the Record.

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

REMARKS ON CONFIRMATION OF HAROLD BROWN

(BY HON. ROBERT C. BYRD)

I intend to vote for your confirmation. But having said that, I think I ought to advise you of my thinking because I don't want to spend your next four years, maybe my next six years in a constant confrontation with you.

Now frankly, I don't know nearly as much as the other members of this committee do about some of the matters about which they have been speaking. They are far more knowledgeable. Therefore, it has been a good learning lesson for me.

But I do have pretty good knowledge with respect to how to spend a dollar, and since your Department will be the largest spender of the American taxpayer's dollars, I am very much concerned about wastefulness in that Department.

You are opposed to waste. Of course we all are. You want to cut the budget. We all do.

But the fact is when it comes down to the hard questions: cost overruns, competitive bidding, military personnel winding up on the other side of the table three weeks after they leave the military department, protecting individuals who are willing to speak up about waste, frankly, Dr. Brown, your answers were less than what I had hoped they would be.

There are two ways improvement can be made. One is the way it should be done. And the other is by you, the head of the Department, issuing orders within the Department to do what you think is justified. The Department of Defense is not going to continue old practices which have caused overruns. The test is by the Secretary of Congress. As a Member of Congress to offer an amendment to a pending bill, ordering you to do something which you should have done in the first instance any way.

I just wanted to say that I would prefer not to have to force you to do your job. But I am determined that you can make cuts in the military budget if you eliminate some of the waste which presently exists. It is not a question of five billion or eight billion—it could be more—much more. But if you meet that question, then there will be no need for me to be a thorn in your side.

I would hope that while you are resolving some of the problems concerning the various matters that have been discussed by other members of the committee, that you would understand that it is not the function of the committee to order you to do what I have just indicated.

It is not an easy task. MacNamara tried it and it was not an easy task. But if you meet the problem squarely, then there will be no need for me to be a thorn in your side.

Mr. STENNIS. Mr. President, I will not detain the Senate. We had 1 day of closed hearings and two sessions of open hearings.

With reference to the $5 billion to $7 billion, that was discussed some time ago, and Dr. Brown was asked questions. But after that, the Committee voted unanimously, 16 to 0 in favor of the confirmation.

On the matter of the B-1 bomber, some of our committee oppose the B-1 bomber. That was discussed, as I said, as well as the $5 billion to $7 billion reduction. Still the vote was unanimous.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The President.

Mr. ROBERT C. BYRD. Mr. President, I ask that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. The President notified.

Mr. Jackson. Mr. President, this nomination was reported unanimously. Governor Andrus has been a distinguished Governor of the State of Idaho and is in his second term. He was re-elected by the largest margin in the State's history.

I believe he is uniquely qualified to serve as Secretary of the Interior. He is familiar both by his experience as Governor and as a distinguished citizen of the West with at least some of the fundamental problems facing the Department of the Interior.

We had a number of outside witnesses. There was no opposition to him. I urge unanimous support of his nomination.

Mr. President, I ask unanimous consent that at this point there be printed in the Record an excerpt from the committee report on the nomination.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

COMMITTEE ACTION

President-elect Carter has publicly indicated that, upon taking the Office of President, he intends to nominate Mr. Andrus to be Secretary of the Interior. In anticipation of that nomination, the committee held public hearings on January 17 and 18, 1977. After full consideration of his record and credentials, the committee found Mr. Andrus qualified for the position of Secretary of the Interior. On January 19, 1977, the committee voted unanimously to report favorably on the nomination of Mr. Andrus, when received.

COMMITTEE HEARINGS

Governor Cecil D. Andrus was born in Hood River, Oregon, on August 25, 1931, to Hal and Dorothy Andrus.

Following a year at Oregon State, the Governor served in the Navy during the Korean war, then returned with his wife, Carol, to Orofino, Idaho. They have three daughters. Tanna, Tracy, and Kelly.

Elected as Idaho's 25th Governor in 1972, Governor Andrus was re-elected on November 5, 1974, to a second term by the largest margin in the State's history.

As a freshman Governor, he was named to the Executive Committee of the National Governors' Conference. He served as chairman of the Interagency Commission on the Implementation of States (1970-1972) and until recently was chairman of the National Governors' Conference.
My name is Cecil D. Andrus. I presently hold the Office of Governor of the State of Idaho. I have been Governor for the past six years.

I am deeply honored to have been nominated by President-elect Carter to be Secretary of the Interior. I have had full time experience with my responsibilities given to the Secretary in administering the duties of the Interior Department. I believe that I am well fitted for the job.

I do not view my selection as a mandate to do as I please anymore than I viewed my selection as a mandate while serving as Governor of Idaho. Rather, I accept it as an obligation to perform the duties of the Interior Department as faithfully and effectively as I can.

The Department of the Interior, more than any other Department or agency of the Federal Government, can best be called the steward of our resource heritage. It is a heritage given us to use and to enjoy wisely, and yet to protect and pass on to future generations.

The Department is not only the steward of our resources, but also the custodian of our heritage and the custodian of our nation's trust responsibilities for large numbers of people.

I take very seriously the responsibilities that have been placed upon me as Secretary of the Interior. I have heard the people in making the tough decisions and understand the historic trust responsibilities for large numbers of people.

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Financial Statement and Additional Information

The committee rules require each Presidential nominee to submit a financial statement sworn to by the nominee as to its completeness and accuracy. Mr. Andrus agreed to submit a financial statement, which his own financial statement be made public. A copy of the statement and the nominee-designate's responses to a standard series of specific questions is included.

Financial statement of Cecil and Carol Andrus

Assets:
- Cash on hand and in banks
- U.S. Government securities
- Listed securities
- Unlisted securities
- Real estate interests, including mortgages
- Personal property
- Life insurance - cash value
- Other assets: State of Idaho Pension Plan, Group Term Life Insurance, Group Health Insurance, Group Disability Insurance, Group Travel Accident Insurance, Group Dental Insurance

Total assets...

Liabilities:
- Notes payable to others
- Accounts payable
- Unpaid income tax
- Other debts: Housing
- Real estate mortgages payable
- Chattel mortgages payable
- Other debts: Household expenses

Total liabilities...

Net worth...

Carol Andrus and her sister, Sally Bourgeois, are Co-Founders for their Mother, Mildred May. In that capacity, they are re-nominated about the management of their Mother's assets totaling approximately $85,000. All of these funds are invested in the Federal Employees Credit Union.

State and Federal taxes for 1976 which are due and payable Apr. 15, 1977.

1970-77—Governor of the State of Idaho.


Governor of the State of Idaho from January
President of the Idaho State Land Board 1971-77. Served on many other boards and commissions around the State.

Chairman of the Federation of the Rocky Mountain States, 1972-73.

Chairman of the National Governors' Conference, 1976-77.

Published writings: Inaugural Addresses, 1971-77; “Great American Speeches”; other articles in various periodicals in my capacity as Governor.

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Yes.

2. As far as can be foreseen, state whether you will continue to provide betterment, service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

None.

3. Has anybody made you a commitment to a job after you leave government?

No.

4. Do you expect to serve the full term for which you have been appointed?

Yes.

Potential conflicts of interest:

1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates, clients or customers which you will be affected by policies which you will influence in the position to which you have been nominated.

None.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.

None.

3. List and describe any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation at the national level of government or for the purpose of affecting the administration and execution of national law or public policy.

As a part of my duties as Governor of Idaho, I have been extensively involved in describing legislative matters at all levels of Government.

4. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items.

See attachment 2.

ATTACHMENT 2

Schedule of securities

[Not at January 1, 1971]

Shares of common stock and companies:

<table>
<thead>
<tr>
<th>Listed</th>
<th>2,000, Sunshine Mining</th>
<th>$33,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traded</td>
<td>6,000, Silver Syndicate</td>
<td>13,500</td>
</tr>
<tr>
<td>$250,000, Idaho Mining</td>
<td>2,200</td>
<td></td>
</tr>
<tr>
<td>40,000, Place Crater Mining</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>Investors Diversified Services Mutual Fund</td>
<td>1,000</td>
<td></td>
</tr>
</tbody>
</table>

SCHEDULE OF LIABILITIES

Notes payable: Piper, Jeffery, a brokerage firm. This is a margin loan secured by 2,000 shares of Sunshine Mining for $33,000. Real estate mortgages: Balance payable to Lloyd Loomis, Cascade, Idaho, under a real estate purchase contract 1 7,800

Chattel Mortgages, etc.: Automobile loan payable to Idaho Bank & Trust Co 1,000

1 I own approximately ¼ acre of land in Valley County, Idaho, adjacent to the Cascade Reservoir, which was purchased from Lloyd Loomis and a summer cabin was constructed on the site several years ago ($45,000).

ATTACHMENT 1

I will divest myself of all mining stocks listed in Attachment 1. The values of these securities are currently depressed because of a strike at the Sunshine Mine. Consequently, I will place these securities in a blind trust with instructions to the Trustee to sell these securities in an orderly manner, with sales to be complete no later than six months from the date of my confirmation. A copy of the Trust is attached.

APPENDIX C

Trust agreement

We, Cecil D. Andrus and Carol M. Andrus, husband and wife, of Valley County, Idaho (hereinafter called “Settlors”), hereby appoint set over, and transfer unto the Idaho Bank and Trust Company, Boise, Idaho, all of our interest in and to the marketable securities listed on Exhibit A attached hereto and incorporated herein, and hold the same as Trustee in Trust as hereinafter provided.

Article I

Settlors reserve the right at any time or times after the date hereof, to amend, alter or revoke this trust, in whole or in part, or any provision hereof, by an instrument in writing signed by one or both of the Settlors and delivered to the Trustee during the lifetime of such Settlor.

Article II

During the existence of this Trust, the Trustee shall pay the net income of the Trust to the Settlors at least as often as quarterly from the date hereof, to amend, alter or revoke this trust, in whole or in part, or any provision hereof, by an instrument in writing signed by one or both of the Settlors and delivered to the Trustee during the lifetime of such Settlor.

Article III

Upon the termination of this Trust for any reason whatsoever, the Trustee shall pay the remaining principal and any undistributed net income of the Trust, as follows:

(1) To the Settlors jointly, if both Settlors are then living;

(2) If only one Settlor is then living, then to such Settlor;

(3) If neither Settlor is then living, then to the issue of such Settlor, then living, per stirpes.

Article IV

This Trust shall terminate, thirty days after the first of the following events to occur:

(1) upon revocation of the Trust as provided in Article I hereof;

(2) upon the death of Cecil D. Andrus;

(3) if such time the Bank of Idaho is no longer Secretary of the Interior.

Article V

During the existence of this Trust, the Trustee shall have the power to invest the assets of this Trust as follows:

(1) The marketable securities listed in Exhibit A attached hereto shall be sold by the Trustee in an orderly manner in such a way as to realize the best possible price for such investments taking into account the limited markets for some of such investments and the status of operations at the respective companies; provided, however, that all of said securities shall be sold no later than six months from the date hereof.

(2) The proceeds of the sale of said securities shall be reinvested by the Trustee, in its sole discretion and without consultation with or notification to the Settlors, in any one or more of the following:

(a) certificates of deposits issued by commercial banks;

(b) instruments of the United States Government;

(c) well diversified, no load, mutual funds.

Article VI

During the existence of this Trust, the Trustee shall not provide Settlors with any listing or accounting of the investments held in Trust provided, however, that Trustee have the following powers with respect to the Trust created hereby and to the Trust property, to be exercised in the discretion of the Trustee, without order or license of Court and without the knowledge or consent of Settlors:

(1) To sell, exchange, transfer, convey and make contracts concerning the Trust property for such considerations and upon such terms and conditions as the Trustee shall have the power to execute any instruments with regard thereto.

(2) To hold bonds, shares, or other securities in bearer form, in the name of the Trustee or in the name of a nominee, without indication of any fiduciary capacity.

(3) To deposit cash in a checking account, savings account or certificates of deposit in a bank, including the Trustee bank, without indication of any fiduciary capacity.

(4) To give general or special proxies or powers of an attorney for voting or acting in respect of shares of securities which may be discretionary and with power of substitution.

(5) To employ and pay custodians of Trust property, brokers, agents and attorneys.

Article VIII

The following provisions shall apply to the extent that they are not inconsistent with any of the preceding articles:

(1) Income or principal payable to any minor or to any other person who in the opinion of the Trustee is incapacitated through illness, age, or other cause may be applied by the Trustee at its discretion for the beneficiary's maintenance, support or education, by direct payment of such beneficiary's expenses or by payment to such beneficiary's legal guardian.

(2) Whenever distribution is to be made to designated “issue” on a per stirpes basis, the property shall be distributed to such persons by the Trustee of its representation and at its option.

In Witness Hereof, Cecil D. Andrus and Carol M. Andrus, have hereunto set their marks and seals and attested and by said Cecil D. Andrus, husband and wife, county of Ada, State of Idaho, in token of its acceptance of the Trust hereby created, has hereunto set its hand and seal, as of this -- day of 1977.

By:

Cecil D. ANDRUS, husband of

ANN CAROL ANDRUS,

IDAHO BANK AND TRUST COMPANY, BOISE, IDAHO.

Attest:

[Signature]
Mr. JAVITS. Mr. President, I support the nomination of Michael Blumenthal. I would not take the Senate's time if I did not fully know him but also worked with him during his work in Europe in connection with the European Community and the tariff and trade problems which exist there.

He brings with him an unusual dimension of experience, skill, and very fine standing with the leaders of Europe who have negotiated with him. I believe that his appointment is one of the very fine decisions this committee made in the course of the history of this office. I commend it highly to the Senate.

Mr. MOYNIHAN. Mr. President, I support the nomination of W. Michael Blumenthal.

I had the privilege to serve with him on a three-man group that negotiated for President Kennedy the long-term cotton textile agreement of 1962.

Mr. Blumenthal is known, properly so, as a man greatly and wholly committed to the principles of expanding world trade. Yet, on that occasion he showed a most vigorous concern for the jobs of American workers in situations of particular disadvantage and need. He carried out that assignment by President Kennedy with the greatest dedication.

One of Mr. Blumenthal's monuments, we might say, was the Trade Expansion Act of 1962, which has served world trade well and has served this Nation well.

Mr. JACKSON. Mr. President, I have known W. Michael Blumenthal since he served as President Kennedy's trade negotiator. Mr. Blumenthal certainly has unique qualifications. He brings to the Treasury Department a background as a scholar. He received his Ph. D. in international trade at Princeton University.

He has been an outstanding and a most effective business leader of the Nation. He has a keen understanding of labor-management relations. He has a keen understanding of economics. I believe he was helping in the Treasury a much needed task—both in the domestic area of finance-economics and the international side. I think the Nation is most fortunate.

Mr. BAYH. Mr. President, I am delighted to lend my strong support to the confirmation of W. Michael Blumenthal as Secretary of the Treasury. In recent years Mike Blumenthal has been the chief operating officer and then the chief executive officer of the Bendix Corp. Because the Bendix Corp. is a major corporate constituent in Indiana, I was fortunate enough to develop an acquaintance with Mike Blumenthal many years ago. He is a brilliant executive, a compassionate human being, a respected economist, and a public servant of proven skills.

The nomination of Secretary-designate Blumenthal by President Carter is strong testimony to the fact there not be the traditional tension between the business community and those concerned with providing necessary public services to the American people. The Secretary-designate has earned a just reputation as a businessman of great acumen. Simi-

lary, he is highly regarded as an individual sensitive to the concerns and needs of working people.

Not only will Mike Blumenthal provide an important bridge between interest groups and the administration, but he will be a forthright member of the Cabinet who commands respect abroad as well as at home. The respect that Mr. Blumenthal commands abroad, largely on the basis of his service as chief U.S. negotiator at the Kennedy round of tariff negotiations in the 1960's, is extremely important because of the importance of international trade and foreign trade to U.S. foreign policy in the years ahead.

Increasingly the issues that confront our Nation in its relations with both our allies and our adversaries are economic issues. Under those circumstances we could scarcely hope for a more qualified person to serve as Treasury Secretary than Mike Blumenthal. Not only has he received both his undergraduate and graduate degrees in international economics, he has directed a major international corporation.

Among the more difficult tasks that the Secretary-designate will face will be the fulfillment of President Carter's pledge to achieve thoroughgoing tax reform. As President Carter has said, this is an issue about which we have talked the most and about which we have acted least. I am hopeful that the Carter administration will finally end the Lipset service and provide the action necessary to correct gross inequities in our tax system, and look to Secretary-designate Blumenthal to provide key leadership in this regard.

I look forward to Mr. Blumenthal's tenure as Treasury Secretary with great optimism, and the sincere conviction that his selection by President Carter will prove to be one of the best, early decisions of the new administration. I am delighted to advise and consent to Mr. Blumenthal's confirmation.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of W. Michael Blumenthal to be Secretary of the Treasury.

The nomination was confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be notified.
Mr. SPARKMAN. Mr. President, I do not want to enter into debate as between West Virginia and New York.

I believe the record shows that our committee voted to confirm the nomination of Mr. Cyrus R. Vance of New York.

Mr. ROBERT C. BYRD. I withdraw my reservation for the moment.

Mr. SPARKMAN. We had extensive hearings on Mr. Vance’s nomination. First, he is a man of a different style, a different manner. We decided to have Mr. Vance 1 day with the committee. We called it a get-acquainted meeting. We had him come before us so that the members could make such comments as they wished and could ask questions. This was just the committee. The next day, we had a formal hearing on his nomination.

It was a thorough and a rather lengthy hearing. He was straightforward in stating his principles and in answering the questions, and the committee was pleased with the testimony of Mr. Vance.

When Governor Carter—he was Governor then—called me to tell me that he was thinking of naming Cyrus Vance as Secretary of State, I had known Mr. Vance over the years. I told Governor Carter that I thought it would be an excellent choice, and he made this comment, which I thought was rather pertinent.

What we need in this position is a man who can negotiate.

Of course, we all know that Mr. Vance has carried on some of the most difficult negotiations in recent history. We are getting an excellent negotiator.

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Of course, we all know that Mr. Vance has carried on some of the most difficult negotiations in recent history. We are getting an excellent negotiator.

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enormous capacity. Our committee voted unanimously to recommend to the Senate the nomination be confirmed, and I urge the Senate to do just that.

Mr. HUMPHREY. Mr. President, I shall just take a moment of the Senate's time.

I thank the distinguished chairman of the Committee on Agriculture and Forestry, the Senator from Georgia (Mr. TALMADGE), for his comments concerning Robert Bergland.

I have known Mr. BERGLAND for approximately 20 years, and I have known him not only as a man in public life, but as truly a fine gentleman, a good family man, and as has been said here, a farmer, a family farmer, from the northern part of our State, who has understood the pains and the sufferings of people in rural America as well as some of the achievements and accomplishments of family farmers.

Mr. BERGLAND also has had experience in the administrative areas of agriculture, having served for some years as a member of what we call the ASC committee system, the Agricultural Stabilization and Conservation Committee. The distinguished chairman noted, he served 6 years on the Committee on Agriculture. It is a good appointment. He will do a remarkable job for us, and I am sure that the Senate will find out that he is easy to work with, he is a man who is open, he is characterized and known for his integrity and his basic sense of honesty and decency.

I hope the Senate will unanimously confirm him.

Mr. BAKER. Mr. President, I understand that the Senator from Oklahoma may wish to be heard on this nomination, I believe not in opposition, but to comment on it. I do not wish to delay unduly, but for the moment 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. BAKER. Mr. President, I ask unanimous consent that the order for the quorum be not required.

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

Mr. BAKER. Mr. President, it is my understanding that the Senator from Oklahoma has no further remarks in this respect and whatever remarks he may wish to elaborate and extend he will do at a later time.

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the nomination of Bos S. BERGLAND, of Minnesota, to be Secretary of Agriculture.

The nomination was confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President pro tempore notified of the confirmation of this nomination.

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

SECRETARY OF COMMERCE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Juanita M. Kreps, of North Carolina, to be Secretary of Commerce.

The PRESIDING OFFICER. The nomination will just take a moment of the Senate's time.

The legislative clerk read the nomination of Juanita M. Kreps, of North Carolina, to be Secretary of Commerce. The distinguished chairman of the Committee on Commerce held extensive hearings on Mrs. Kreps' nomination. The vote for her confirmation was unanimous to recommend to the Senate that her nomination be confirmed.

I ask unanimous consent that other members of the Committee on Commerce as well as the Senator from North Carolina be permitted to have their remarks printed in the Record on this nomination.

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

Mr. JACKSON. Vote.

The PRESIDING OFFICER. The President from North Carolina.

Mr. HELMS. Mr. President, the constitutional duty of a Senator to give advice and consent to the principal appointments of the President of the United States is a duty which must be taken with great deliberation. I have always attempted to make this duty a serious attempt to assess the value and the meaning of such nominees in the national interest.

Some Senators have said that they feel that it is too often that the Senate approves the nominee of any President unless that nominee is totally disqualified by reason of grave character defect or dubious conduct. Such a theory seems to hold that a President has the right to select persons with whom he is compatible in temperament and confident in judgment, and that such nominees ought to be approved forthwith by the Senate.

The Senator from North Carolina does not hold that view. I believe that the constitutional obligation is to give advice as well as consent, and there are a number of occasions and with different Presidents, withheld my consent whenever I thought that an appointment was wrong for the reason. Sometimes a nominee may be not qualified for technical reasons, but sometimes a nominee may be symbolically wrong as well.

Therefore, it is not in a spirit of partisanship or in a desire to contest a new President that I wish the record to show that I am opposed to three of President Carter's Cabinet nominees: Cyrus R. Vance, Harold Brown, and W. Michael Blumenthal as Secretaries of State, Defense, and Treasury, respectively.

When the nomination of Representative Andrew Young as the United Nations comes up, the Senator from North Carolina also will vote "nay" if a rollcall vote is conducted.

I make these announcements all at one time because there are some appointments which is disturbing, as well as the individual qualifications of the gentlemen in question. All of these will be done with respect to economic and executing U.S. foreign policy. They will help determine our role in the world, and the financial and military security of this Nation. In the present disorder of international affairs, their decisions could be crucial to the future survival of our Nation. Without assured national survival, all of our hopes and dreams will be in vain.

President Carter, if I understood him correctly, has promised us a new spirit, a new commitment, a new America. To millions of southerners who believe in a conservative political philosophy, the President's promises were interpreted to mean that we have dominated our conduct of foreign affairs for years—the tendency toward concession and surrender of our rights and of our leadership role, the giveaway of our assets, and the erosion of our military strength. Many believed that President Carter would put an end to the erosion of our strength and leadership.

But no sooner was the President elected than he began to sound different themes—themes hardly different from those of preceding Presidents. He appears to be ready now, to give away the Panama Canal. He is anxious to conclude a SALT agreement with the Soviet Union and, indeed, to hasten into conclusion of SALT.

If such policies seem no different than we had before, and, indeed, even more hasty in execution, the reason is not hard to find. The advisers and nominees whom he has chosen are chosen from a rather small group of potential candidates. They are chosen from the same circle of Wall Street bankers, lawyers, and establishment professors that has always seemed to dominate our foreign policymaking, and, in the opinion of the Senator from North Carolina, has always dominated it for the worse.

Once again we get the same old faces, the same old jobseekers, the same old so-called experts, that this Nation has learned to distrust from bitter experience. Thus we have Dr. Brown, the right-hand man of Robert McNamara in the Kennedy era; Mr. Magnuson, who began his career under the tutelage of Michael T. Blumenthal, the former Assistant Secretary of Defense under McNamara during the developmental of the concept of the no-win war in Vietnam; Mr. Blumenthal, who began his career under the tutelage of organizations officially labeled as subversive.

Now it is true that men can learn from their past mistakes, but the statements these men have been making suggest that they will continue to make the same mistakes under the illusion that they are achieving success. Mr. Vance, who, in my opinion, seems to think that the cruise missile can be dispersed with in a SALT agreement; Mr. Vance has pledged to give away the Panama Canal as soon as possible; Mr. Blumenthal has said that his goal is "zero" unemployment, which tends to confirm his subsequent statement that he has no concern with the causes of inflation; Mr. Young is already acting as though he is the Third World Ambassador to the United Nations, instead of the U.S. Ambassador, and exhibits no
understanding of the strategic importance of southern Africa to the Soviet Union, and certainly to the West.

It is not simply that I disagree with these positions. The fact is that the American people have a right to expect something different. They were promised something different, but they are getting something different: just the gentlemen mentioned already; we see other reruns from the past such long ago to have given up on America, but since the 1930's the demands on his country. What counts then is his ability to develop a program, to embody it in legislation, and to see it effectively implemented.

Mr. President, words were never clearer than these to explain what is already happening to the Carter administration; it is even more remarkable that they were written almost 2 years ago. This so-called governing coalition— as opposed to what the voters wanted— has seized control. The very narrow base of this so-called governing coalition is seen in the closely knit group of friends and acolytes involved in the selection process.

For example, the Trilateral Commission, which is just one organization involved, has but 65 American members; of those 65 include the President himself, the Vice President, the Cabinet nominees just mentioned, and nearly a dozen others who have been named or have asked to be considered, plus Richard Nixon's friend Professor Huntington. In fact, it is not just that the Secretaries of State, Defense, and Treasury were all members of the Trilateral Commission; the rumormakers in the political press were also members of the Trilateral Commission.

But the Commission itself is probably irrelevant to the process of selecting from such a narrow base. The network of friends, decisionmakers, and power brokers that has grown up in past decades is in itself small. The result has been well described recently by William Greider, one of the more independent and perceptive reporters now writing for the Washington Post. Mr. Greider writes:

"The Democratic Party traditionally has handled the selection of his generals and major staff members. He has learned as he runs the government, but he is also a symbol of the President's political base. Carter's support in Congress is very weak. Carter's agenda is a bit further than his predecessors.

Two of his lawyers, for instance, are from law firms which have represented General Motors (Bell and Sorenson) and two are from firms which represent Coca-Cola (Bell and Gartman).

The Coca-Cola connection demonstrates what a small world Carter has selected from. Carter's lawyer in Atlanta is J. Peter Austin, chairman of the board of Coke. Coke is represented in Atlanta by Griffin Bell's law firm. Austin is a member of Cal Tech. The president of Cal Tech is the new Secretary of Defense. The new deputy secretary of defense is the former president of Coke. Coke's lawyer in Washington is the Secretary of HEW.

If that leaves you a bit dizzy, drink a Dr. Pepper.
cooperating in any way with the Arab boycott of Israel.

Juanita Kreps is used to being the "first"—she was the first woman to serve on the board of directors of the New York Stock Exchange. She has been the first and frequently only woman to serve on the boards of some of America's largest corporations. Throughout her career, she has demonstrated an independence of thought and commitment to serve the disadvantaged in the marketplace and among women and minorities. In addition to her corporate and academic posts at Duke University, she has served on the National Council on Aging, the North Carolina Manpower Commission, and the National Commission for Manpower Policy. When she is approved as Secretary of Commerce, she will again be making another historic first—the first woman to hold that position since the Department was created in 1913. I am delighted to have an opportunity to confirm her in that role.

Mr. RANDOLPH. Mr. President, as chairman of the Committee on Public Works it is a privilege to recommend the nomination of Juanita M. Kreps, to be Secretary of Commerce.

The committee has a vital interest in the Commerce Department and in Mrs. Kreps' stewardship. Principal economic development programs are housed in that Department, in the Economic Development Administration as are the seven, soon to be eight, Title V regional planning commission. These programs have been under the jurisdiction of the committee since their inception in 1965.

I attended the Commerce Committee's confirmation hearing of Mrs. Kreps last week and I was gratified to hear her say that she considered economic development to be one of the more important functions of the Department of Commerce. I believe that to be the case in recent years. Evidence that she meant what she said appears evident from the appointment this week of William H.Ball to head Title V regional planning commission. These programs have been under the jurisdiction of the committee since their inception in 1965.

I am impressed that Mrs. Kreps has quickly grasped the importance of convening a White House Conference on Balanced National Growth and Economic Development by early 1978. Members recall that the Public Works and Economic Development Act Amendments of 1976 that became law on October 12, requested and authorized the President to convene a much needed conference on issues critical to economic development.

Mr. JACKSON. Vote.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Juanita M. Kreps, of North Carolina, to be Secretary of Commerce?

The nomination was confirmed.

Mr. ROBERT C. BYRD. Mr. President, I seek unanimous consent that the President be notified of the confirmation of this nomination.

The nomination was confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate be notified of the confirmation of this nomination.

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

SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the nomination of Patricia Roberts Harris, of the District of Columbia, to be Secretary of Housing and Urban Development.

The PRESIDING OFFICER. The nomination will be stated. The legislation in the Senate for the nomination of Patricia Roberts Harris, of the District of Columbia, to be Secretary of Housing and Urban Development.

Mr. President. Patricia Roberts Harris came before the Committee on Banking for confirmation, and I speak in two capacities.

Mr. President, with considerable reluctance I rise to oppose the nomination of Patricia Roberts Harris as Secretary of the Department of Housing and Urban Development.

Mrs. Harris has been recommended to this body by the Banking Committee by a 14 to 1 vote. I was the only member of the committee to oppose the nomination.

I oppose the nomination although Mrs. Harris is unusually intelligent, has achieved remarkable distinction as a lawyer, has a track record of wholeheartedly committed to housing and urban development and was a smash hit in her appearance before our Banking Committee at her nomination hearings.

Why then do I oppose her?

Because she clearly lacks the housing experience that I think is commensurate to HUD's stature.

I do this for the same reason I opposed her two predecessors: James Lynn and Carla Hills. Both had backgrounds similar to Mrs. Harris. Both were brilliant lawyers. Both were bright, hardworking people of fine character. But in their administration of HUD the agency fell dismally to do its job.

The central responsibility for HUD, the touchstone by which its success or failure can be measured is whether it succeeds or fails in building the houses for the millions of modest incomes in this country need.

In the Housing Act of 1968, the Congress set a goal of 600,000 such publicly assisted starts per year. The year before Mr. Lynn took office, 1972 we constructed 338,000 such starts. Then came the secretaries who were brilliant lawyers but lacked housing experience. Result: 1973, 234,000 publicly assisted housing starts; 1974, 84,000; 1975, 56,000; and last year 1976 for all America's millions of low- and moderate-income families— not the 600,000 the law calls for but an incredible, pathetic 41,000 publicly assisted housing starts from HUD in the entire country.

Why this failure? A major reason. Mr. President, is that Mrs. Harris needs a central responsibility for HUD who not only has the knowledge of the programs, the track record in housing, the knowledge of the programs, the painful years of making mistakes as well as winning that alone can shape a Secretary that can do the job. We also need a Secretary in whom the President can have confidence. His top economic advisers have full confidence as a housing expert with a winning record— one who can do the job and who knows from experience the economic as well as the social consequences of housing.

For all their fine qualities neither Mr. Lynn nor Mrs. Hills was a winning record in housing. They had virtually no experience. The result: they did not and they could not sell to the President a vigorous housing program— even though the time was ripe for it.

And while I hope Mrs. Harris will succeed where her predecessors failed, I doubt if she will, because she too—for all her fine qualities also has no real record in housing.

Anyone who thinks we will not have this kind of problem with President Carter and Mrs. Harris has only to open his eyes and see what happened with the first economic package recommended by the President. The purpose of that package was to stimulate the economy without inflation. A housing program is tailor-made for such a purpose. Such a program could provide a million jobs at relatively little cost with very little inflationary effect and could create almost instantaneously where is the housing component in the 2-year $25 to $30 billion Carter economic program? Answer: It is not there. And who was in the economic advisers that consulted with President Carter and advised him what it should contain? The Secretary of the Treasury—designate was there. The Director-designate of the Office of Management and Budget was there. The chairman-designate of the Council of Economic Advisers was there. Other advisers and consultants were there.

But Mrs. Harris, the Secretary-designate of HUD was not there. So this is not just speculation that Mrs. Harris will lack the kind of clout and believability to sell the kind of housing program to the new President. This judgment is based in part on the hard fact that President Carter has already omitted housing—which should be the centerpiece, from his first major economic initiative, and he did so after Mrs. Harris became his prime housing adviser.

The principal reason for my opposition is because I think that Mrs. Harris lacks any significant experience in housing.

We have had two Secretaries in a row now, Mr. Lynn and Mrs. Hills, both of whom had the same kind of background and ability as Mrs. Harris. They both are fine lawyers, both brilliant scholars, both knew nothing about housing and HUD was in a shambles and our housing program has failed.

I think it is vital that we have somebody with experience, with a winning record, not only so that he can do the job in HUD but far more important so they can sell the job to the President of the United States. That is what is lacking in the Lynn and Hills positions.

Mrs. Harris may be able to do that, but it is interesting that in the one meeting that Mr. Carter has had to put together economic package with his economic advisers, housing components. There should have been. It was a serious mistake by the President, and Mrs. Harris was not there and she should have been.
hope that she will be confirmed. I must
say that I must in all candor oppose
the nomination.
Mr. President, I ask unanimous consent
to print in the Record a copy of my open­
ing statement, and request the opportu­
nity to make my opening statement.
This opening statement spells out in more detail just why I
oppose the nomination. And in fairness to Mrs. Hills, I must tell
you that I have not even read anything that
her remarkable and eloquent re­
sponse at the hearings to a question I
asked her about the degree of her com­
mmitment to underprivileged citizens be­
cause publicly assisted housing starts for the
oppose the

dealing
ment is important. Education is vital. Crime

prevention is essential. But the heart of HUD's responsibility for urban development is in publicly assisted housing.

In 1968 we had needed six million such housing starts over the fol­
lowing ten years, or 600,000 per year of pub­
lically assisted housing. In 1972 HUD had 338,000
such starts. In 1976, for all the millions of low and moderate income
families—not the 600,000 the law calls for, but a much higher
234,000 publicly assisted housing starts from HUD in the entire
country.

Conventional housing has stumbled along erratically. The year 1975 was the worst hous­
ing year in the last forty. This year single family starts for housing that averaged over
2,000 each has been much better, but new

ground, a much better record of commitment in this field than either Mr. Lynn or Mrs.
Hills. You have given occasional support, sometimes significant support, to the

housing program of any kind, or any
cornerstone of urban development. Employ­
ment is important. Education is vital. Crime

You are nevertheless going to be con­
formed.—In my judgment—by this com­
mittee's action.
man on your left has had that kind of ex-
perience, too, and perhaps you can reassure
me on this. The other one of us who troubles me about what I have read about your background.

What I would like to make an effort to get the
views of those who are less articulate and less
represented and certainly less likely to be
known by you or your door with outstanding
credentials?

Mrs. Harris. Senator, I am one of them.

You are a black woman, and I have some
women like me. I'm a woman who has been
of this very building, I shall never forget it.

If you think I have forgotten that, you're wrong. I have
come here because you're a black woman.

I'm a black woman, the daughter of a din-
ning car waiter. I'm a black woman who even
eight years ago could not buy a house in
some parts of the District of Columbia.

Senator, to say I'm not by and of for
the people is to show a lack of understand-
ing of who I am and where I came from.

The CHAIRMAN. Well, Mrs. Harris, I accept
that to a very considerable extent, but I
think you would agree perhaps—if not, I'd
like to know whether you disagree—it's not
enough to be black or to be a woman or to be
poor or to have any particular kind of dis-
ability to understand the problem of so many
people who don't get listened to, don't have an
opportunity to speak their viewpoint.

We have had in HUD a woman, not a black
woman but a woman, who it has been po-
litically easy to say that abilities and skill,
competence and yet we have this criticism
and I think it's a criticism that has some
merit because HUD has not listened to
people who have these problems.

Your answer is that you have no problem
with the race of the black woman.

Mrs. Harris. No, that is not my answer.

The CHAIRMAN. Is that right? What is your
answer?

Mrs. Harris. You spoke of the unrepres-
ented and the poor and I said I'm one of
them. I started, Senator, not as a lawyer in
a prestigious law firm, but as a woman who
needed a scholarship to go to college. If you
think I have forgotten that, you're wrong.

I started as an advocate for a civil rights
agency, the American Council on Human
Rights, that had to come before this body
to ask for access to housing by members of
minority groups. If you think I have for-
gotten that, Senator, you're wrong. I have
been a defender of women, of minorities, of
those who are the outcasts of this society,
throughout my life and if my life has any
meaning at all it is that those who start as
outside, and wind up being part of the sys-
tem, and I hope it will mean one other
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thing, Senator, that by being part of the sys-
more safely.

Mr. RANDOLPH. Mr. President, it is a
privilege for me to have the opportunity
to join the two able Senators from Wash-
ington, the chairman of the Commerce
Committee (Mr. Magnuson) and the chairman of the Interior and Insular
Affairs (Mr. Proxmire), and I do so un-
der the assumption that they speak in positive terms of the ability
and experience and understanding of
the challenge of the important work that Secretary Adams will have.

I, too, strongly endorse approval of
the nomination.

Mr. President, the Senate today is
nominated to Representative Brock
Adams as Secretary of Transportation. I
expect the Senate will give prompt and
unanimous endorsement to this nomina-
tion of an experienced public leader, to
one who has been an important depart-
ment. The Public Works Committee has
jurisdiction over the Federal highway
construction program and certain high-
way safety and environmental aspects
which complement those construction
activities. In addition, we are associated
to a lesser degree with certain transit
activities, of which the rural public
transportation demonstration program
is an outstanding example. I appreciated
the opportunity to participate in his con-
firmation hearing, before the Senate
Commerce Committee, and I speak
here at this time.

The Members present at Representa-
tive Adams' confirmation hearing were
unanimously satisfied with his responses.
I appreciate the opportunity to disagree with him on specific issues, but I was felt
to be distinctly well qualified for this posi-
tion. His nomination was favorably re-
ported to the Commerce Committee
by a vote of 18 to 0.

Transportation may be the single most
important developmental aspect of our
country over the last 200 years. The
United States is the most mobile nation
in history, and most Americans enjoy
unlimited personal mobility. A good
transportation network makes it pos-
sible for the farmers to get seed to the farm,
produce to the market and coal to in-
dustry. A sound transportation system
enables families in rural and urban set-
tings to get their children to school, wives
to work, and citizens to do the work
of their communities. People have to do
the work of cultural, religious and medical facilities.

Our transportation system moves more
goods and people than any other country
could do more quickly, more efficiently and
more safely.
This is possible because of a number of reasons—but the predominant one is the high caliber of people committed to transportation who make up our agencies associated with people and product movement. The next Secretary of Transportation is such an individual. Representative Adams is considered one of Congress leading advocates of a sound, coordinated national transportation system.

The Secretary-designate served as the chairman of the House Budget Committee during the 94th Congress, and has been a member of the Interstate and Foreign Commerce Committee and its Transportation and Commerce Subcommittee. Representative Adams has been very active in transportation affairs, particularly legislation dealing with railroads. He is the coauthor of the Regional Rail Reorganization Act of 1974, which opened the way to the Government takeover and conversion of eight bankrupt midwest railroads into a unified system. He was one of the congressional members of the National Transportation Policy Study Commission, a provision of the 1976 Highway Act.

I believe Brock Adams will approach his duties as Secretary of Transportation with the same seriousness of purpose; the same ability to perceive real issues; the same facility for finding answers to complex problems—in short the qualifications of the person who should be the head of the Department of Transportation.

I look forward to working with Representative Adams in his new role and exchanging views on such subjects as reorganization of certain transportation policy and regulatory functions within and without the existing Department of Transportation and expediting completion of our Interstate Highway System.

Mr. President, during his years in the House, Brock Adams has served transportation well. I feel confident that the Members of this Committee will recognize the Secretary-designate as a man who is both accessible and truly conversant in all areas of transportation.

Mr. BAYH. Mr. President, the Senate is today considering the nomination of Congressman Brock Adams for the position of Secretary of Transportation in the Carter administration. The announcement of Brock Adams' nomination for this position was greeted with almost universal enthusiasm by those people, both in Government and in the private sector, who are concerned with the future of this Nation's transportation policy.

Throughout his career in the House of Representatives, Brock Adams has taken an active role in development of transportation legislation. As the ranking member of the Transportation Subcommittee of the House Interstate and Foreign Commerce Committee, his legislative skill and vision have made important contributions to such landmark legislation as the Regional Rail Reorganization Act of 1973 and the Airport and Airways Development Act of 1970. In recognition of his leadership in this field, he was appointed by the Speaker of the House to the National Transportation Policy Study Commission.

In addition to his experience with transportation issues, Congressman Adams served on the House Budget Committee during the crucial first 2 years of its existence. His leadership on this committee contributed immeasurably to the successful launching of the new congressional budget process. As chairman, he demonstrated his ability to establish spending priorities and coordinate complex budgetary issues. This valuable experience will serve him well as the head of the Department of Transportation.

I am particularly pleased to be able to enthusiastically support this nomination because as chairman of the Subcommittee on Transportation Appropriations I will be working closely with Brock Adams. During the 2 years that I have served on this committee I have become increasingly familiar with the problem of developing a sensible transportation policy for this country and with Brock Adams' expertise in these complex matters.

In the more than 100 pages of specific responses to questions posed by the Commerce Committee, Brock Adams displayed his continuing commitment to the goal of a coordinated system of national transportation. I share this commitment and know that we both believe in the necessity to work to improve our Nation's transportation network, to provide efficient, affordable mass transportation and to construct and maintain a safe, efficient highway system. In short, we believe in the importance of the development of a balanced national transportation system so that our citizens, whether they live in the rural, suburban or urban areas of our Nation, have access to the necessary transportation modes to move themselves and goods in the most effective manner possible.

In order to move toward the realization of these goals, we need decisive and determined leadership in transportation. This leadership should include a continuing dialogue with our citizens, State and local governments and the Congress so that all segments of our society are able to participate in the important decisions affecting the direction taken by our national transportation policy. Brock Adams made such a commitment in his opening remarks before the Commerce Committee during his confirmation hearing when he pledged "to seek the greatest amount of public comment and advice possible."

With his experience in transportation and his willingness to involve the public in his decisions, I believe that Brock Adams will be the kind of Secretary of Transportation who can make the hard decisions to establish the policies that will lead this country forward to a coherent, efficient, and innovative system of transportation. I look forward to the opportunity to work with him in pursuing this goal and am proud to support his confirmation as Secretary of Transportation.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Brockman Adams to be Secretary of Transportation?

The nomination was confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask that the President be notified of the confirmation of the nomination.

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

OFFICE OF MANAGEMENT AND BUDGET

Mr. ROBERT C. BYRD. Mr. President, I ask that the Senate proceed to the consideration of the nomination of Thomas Bertram Lance, of Georgia, to be Director of the Office of Management and Budget.

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of Thomas Bertram Lance, of Georgia, to be Director of the Office of Management and Budget.

Mr. CHILES. If the Senator will yield, Mr. President, just a brief word. I do not know if the chairman of the committee is here, but Mr. Lance was approved by a unanimous vote of that committee after rather lengthy hearings.

I have known Bert Lance for a period of years. He comes from a small town, Calhoun, Ga., where he started as a clerk in a bank there.

He later became president of that bank and later became president of one of the larger banks of Georgia.

In addition to that, he was head of the Department of Transportation for Governor Carter, now President Carter. He brought to that department a sense of management, a sense of planning, a sense of concise goals, adequate effectiveness and efficiency.

He is a man who is very active in religious and civic activity. He is a man of influence. Most of his colleagues, he has an abundance of common sense and he is the right man for the right job. I urge his approval.

Mr. CHILES. Mr. President, I wish to state very clearly to the Senate that Mr. Lance is a man of great ability, and he is dedicated to the policy that he believes in.

Mr. President, I just wish to associate myself with the remarks of the Senator from Georgia and say that sitting as a member of the Government Operations Committee I had a chance to hear the testimony and the questioning of Bert Lance. I think he has a remarkable aptitude for this job.

I was tremendously impressed by his willingness to work with the Congress. As all of us know, the Office of Management and Budget has been one in which the majority of the Members of the Congress hold utter contempt for the Members of the Congress and really could not find any real constitutional role that we had, whether it was in management of funds or in any other area.

Mr. Lance, I think, shows remarkable willingness to understand how our system works and to work with cooperation. I think we will receive much cooperation from Mr. Lance. I think he has certainly a knowledge of reorganization, a knowledge of management.

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I am tremendously impressed that the OMB will have a Director who has the knowledge for management and that it will not be only an office for budget.

So, the Senate from Georgia and urge the confirmation of Bert Lance.

Mr. TALMADGE, Mr. President, 1 associate myself with the nomination of Mr. Thomas Lance to be Director of the Office of Management and Budget. And pray that the President of my native state Georgia will confirm his nomination.

I have known Bert Lance since he was a $90-a-month teller in Calhoun, Ga., a town of its size in the United States. At that time, the National Bank of Georgia had resources of a little more than $200 million. In 2 years' time he brought the resources of that bank to more than $400 million.

It clearly demonstrates that he understands something about economics, banking, and fiscal matters.

The Government of the United States is surely in the hands of a man of that capacity today, I hope the Senate will unanimously confirm his nomination.

Mr. PROXMIRE, Mr. President, no doubt this nomination will be overwhelmingly confirmed, but it will not be unanimous. I will vote against it.

Mr. President, I rise in opposition to the nomination of Mr. Thomas Lance to be Director of the Office of Management and Budget.

Mr. Lance has some important qualifications for this position which have been stated very well by my colleague from Georgia and also the distinguished Senator from Florida.

I do not want to unfair to the nominee so I will let him state his experience, as he did not in an impressive response in a hearing last in an exhibit supporting his experience in advance by the Government Operations Committee before Mr. Lance appeared, before the Committee in connection with this nomination.

This was Mr. Lance's response in writing to questions about his experience:

My experience includes:

a. 25 years in the banking industry, which involved employment by a small bank much of the time and a larger bank for the last two years.

b. government service as Commissioner of the Department of Transportation for Georgia.

c. political campaigns during which I learned a great deal about the people of Georgia.

These experiences have given me considerable ability in dealing with people and handling financial matters. These are the matters most involved in the operations of the Office of Management and Budget.

That is it. And Mr. President, that is an appallingly barren background. Of course, I realize that the President has had and should have great leeway in choosing his man for this particular job. But we in the Congress have found out that this job of Director of OMB has such much influence, that the OMB Director so centrally determines the course of this country that we have wisely insisted that the Senate shall advise and consent to the nomination. We have the authority to say yes or no. And with that pitifully inadequate background, I do not see how we can say yes.

Mr. President, Mr. Lance will not be working for a President with great experience in the Federal Government. President Carter was elected in part because of his great promise as an outsider, President Carter is a Federal Government that had become too big, too inefficient, too burdensome; a Federal Government that seemed to throw massive sums of the public money at problems like crime, inadequate education, substandard housing, wasteful misuse of precious energy resources—only to have the problems get worse.

We needed a change. President Carter was the answer to that call for a change. Of course, President Carter does not have experience in the gross mistakes—the protests against which brought him to the White House.

But what does this mean? It means that we have a President taking over job, the world who has very little experience. And the White House as one of the most inexperienced Presidents in Federal Government affairs in this century and probably one of the most inexperienced Presidents in our 200-year history. Under the circumstances that is the way the people wanted it and under the circumstances that is the way it...
should be. And frankly, I think President Carter may well turn out to be one of the best Presidents. I certainly hope and pray so.

The President has both the strength of no identification with past mistakes and the weakness of no Federal Government experience.

STAFF AND CABINET HAVE LITTLE EXPERIENCE

How about the people surrounding him?

He has surrounded himself with a White House staff that has two conspicuous distinctions. First, they are very young. And second, they have virtually no background, no record, no experience in Federal activities.

The President has appointed a Cabinet of a little less than average experience in the Federal Government. Some of his appointees have none. Some have a little. A few have substantial experience.

The Senate is about to approve all of the Cabinet with one possible exception. And this is passing into untried, unproven, unblooded inexperienced hands.

Sure the people—including this Senator—for President Carter, I should say—have earned my confidence. But did that mean that with a few exceptions here and there the administration should be without any of the kind of training that only experience can provide?

Yes, the people of this country want a new approach. That is why they elected President Carter and a fundamental reason for his election was because millions of Americans felt that a new administration could do a better job of reducing or eliminating the old programs that do not work or are not needed. Certainly a major failure of past administrations has been their failure in managing the budget, in controlling the immense explosion of cost, in having more than the courage and the will to kill or cut programs that should have a lower priority, but also, having the knowledge that can only come from experience in knowing where to cut, and how to cut and how much to cut.

As far as Federal Government programs are concerned, Mr. Lance does not have inexperience. He just does not have any experience, none.

EXPERIENCE NEEDED IN PRIVATE BANKING—WHY NOT U.S. BUDGET?

Consider how shocked Mr. Lance—who is President of the National Bank of Georgia, a bank with several hundred millions in assets—would be if his directors replaced him with a man who had never operated a bank, never worked in a bank. Suppose the bank he chose to operate was a billion-dollar bank, and whose experience had been confined to doing a great job handling his family banking accounts. Such a selection would be considered disgraceful. But this is the kind of selection the Senate is committing itself to if we approve this nomination.

Mr. President, as Director of the Office of Management and Budget, Mr. Lance will not be the principle architect of the administration's budget, he will also be the traffic cop for the most significant bills every Senator and Representative introducing, a principle architect of the legislative conception has been aborted by the one or two page memo of disapproval by the Office of Management and Budget. Frankly this is exactly what the OMB should do. The administration helps greatly in bringing order and discipline out of the vast number of legislative programs and offices. How much more vital is OMB's recommendation—not always but usually—determines the life or death of major legislation. This will be particularly true when the President and the Congress are of the same party.

And the recommendation of the Director of the OMB to the President often is the vital determining factor in whether legislation is vetoed or vetoed overruled. Now seriously, my fellow Senators, should we approve a man to make this decision who has absolutely no experience in the Federal Government, none?

Finally, Mr. President, there is the enormity and complexity of the budget—this $400 billion monster.

Mr. President, can any one honestly believe that Director-Designate Lance has the experience that is so necessary to cope with the plethora of highly complex and abstruse budget issues confronting the Office of Management and Budget?

No doubt despite his grasp with the importance of distinguishing new budget authority from obligations and obligations from outlays. In time he will learn the characteristics of permanent indebtedness, budget authority, revolving funds, liquidating cash accounts, apportionments, allotments, rescissions, deferrals, trust funds, supply funds, contract authorities.

But is Mr. Lance really in a position to resolve the inconsistency of treating housing contract authority on a multi-year basis in arriving at budget authority totals versus continuing to treat similar long term commitments for Maritime Administration operating differential subsidies and purchase contract payments under lending funds on a year by year basis? I hardly think so. Does he comprehend the problem of rolling over long term contract authority following the expiration of existing contracts? I doubt it.

How about the issue of including loan guarantee authority within the budget, so as to more clearly define Federal obligations? Does Mr. Lance understand the distinctions among full faith and credit guarantees, conditional or partial guarantees and indirect guarantees? How about the treatment of debts and loans of Government-sponsored credit enterprises, deposit insurance for financial institutions, and guarantees of special purpose entities? Does he comprehend the subtle economic implications of these various types of Federal involvement in financial markets?

Mr. President, I could go on and on. I could go into the issue of defining and treating the total long term contract commitment of the Federal Government under our assisted housing programs as budget authority. I could point out the subtlety of this commitment. I could point out the fair and the important budget distinction between funding FHA losses and making up the gap in direct appropriations. I could point out the many exceptions excepted from budgetary consideration, including the Board of Governors of the Federal Reserve System and the Federal financing bank, despite massive budgetary impacts. I am trying to point out this is an enormous job, a job which despite his complete lack of Federal budget experience? The answer seems clear to me. It is an emphatic and resounding "no."

The first Carter budget, the 1978 budget—the first budget for which Mr. Lance will be principally responsible—will be crowding half a trillion dollars. In 1960, 16 short years ago that was the entire gross national product of this country. The budget has immense effect on the number or jobs in our economy. And it may have the most profound effect on inflation.

So Mr. President, by any measure, Mr. Lance is simply not qualified.

WHAT OMB NEEDS

We need a competent, trained economic professional to view the budget in light of its economic effect of the budget. Mr. Lance is not.

We need a person who has had experience with legislation that has succeeded and legislation that has failed. Legislation is designed to cost little that has exploded in cost with over-runs that heavily burden the taxpayer. Mr. Lance has not had that experience.

But we need a person who understands the complicated world of the Federal budget from long, hard experience.

Mr. Lance has had not 1 minute of such experience.

We need a person who has gone through the painful process of working on the budget of at least one and preferably several Federal Government agencies or as an outside expert analyst.

Mr. Lance has had no experience budget or other way with any Federal agency.

The first month or two or three of this administration is crucial. Mr. Lance is undoubtedly a highly intelligent, able man. But there is no way he is going to learn this for months, perhaps for years.

Of course, the budget is not everything. The spirit, the will, the inspiration of the President may enable him to be a good President even with a lame performance in Presidential determination of this Nation's priorities. But in my view the Lance appointment will handicap the President for this country seriously. The Lance nomination is a mistake. The Senate should not consent to it.

I could go on and on. I am trying to point out this is an enormously complicated job, a job for a veteran expert who knows what he is doing.

Mr. SCOTT. Mr. President, I am going to vote for the confirmation of the President's nominee, and yet I would commend to our newly elected President the remarks that were just made by the distinguished chairman of the Committee on Banking. I hope that the new President will look to expertise and guidance from some of these
subordinate officers in the various departments and agencies of the Government.

I agree with much of what my distinguished colleague has said, even though he and I sometimes have differences of opinion. I am glad that he said the things he did say. Yet, our new President has a right, I believe, to choose officials in whom he has confidence for Cabinet positions and for close associations, such as Director of the Office of Management and Budget. As a member of the executive branch, of the Office of Management and Budget. As a member of the executive branch, I believe that he should be given a chance, rather than voting down someone he does nominate on whom he seeks the advice and consent of the Senate.

Because I believe in the right of the President to choose his principal assistants—he is responsible for them; he is our Chief Executive—I commend him to the reading of the remarks of the distinguished Senator from Wisconsin. However, I do believe that those who assist the Director of the Office of Management and Budget, through their position as top Cabinet officers in making important decisions involving billions of dollars, have the expertise and the knowledge and the background to judge the performance of the men they select.

Mr. SCHMITT. Mr. President, I think this may be one of a few occasions when I will wish to associate myself with the remarks of the distinguished Senator from Wisconsin. However, I do believe that the general thrust of his remarks was correct, that experience is important in the Office of Management and Budget. He is responsible for them; he and I are responsible for them; he is our Chief Executive. I commend to the Senate his remarks.

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Mr. Baker. I had thought that I was fully in a position to recommend that unanimous-consent request. I just have been advised of the interest of one other Member in this matter. I wonder whether we can postpone that for a moment.

Mr. Robert C. Byrd. Yes.

I yield for my request. Mr. President, Mr. President, it is not the leadership's intention to call up the nomination of Mr. Joseph A. Califano, Jr., of the District of Columbia, to be Secretary of Health, Education, and Welfare, I ask unanimously that the vote on the nomination immediately follow the recognition of the two leaders on Monday next.

Mr. Javits. Mr. President, reserving the right to object, at what hour? Mr. Robert C. Byrd. I would say approximately 2 o'clock.

Mr. Javits. That is, we will vote about 2 o'clock, or we will proceed at 2 o'clock?

Mr. Allen. Mr. President, reserving the right to object, what effect would this unanimous-consent agreement have on the cloture vote that might take place Monday, if we go over to Monday?

Mr. Robert C. Byrd. It would not have any effect on the cloture vote, because under the rule, that vote would occur regardless of this order.

Mr. Allen. The Senate from West Virginia said 2 hours immediately after the recognition of the two leaders.

Mr. Robert C. Byrd. Yes.

Mr. Allen. At what point, then, will the cloture vote be taken?

Mr. Robert C. Byrd. One hour after the Senate comes in, following the establishment of a quorum.

Mr. Javits. Even though that is in the midst of the 2 hours of agreed time. Is that correct?

Mr. Robert C. Byrd. The Senator is correct.

Mr. Allen. I thank the distinguished majority leader.

Mr. Robert C. Byrd. Mr. President, I reserve my request. The time on this side will be handled by Mr. Long, I was in error.

The Presiding Officer. Without objection, the record will be corrected. Is there objection to the request?

Mr. Baker. Mr. President, reserving the right to object, we are speaking now of the Califano nomination.

Mr. Robert C. Byrd. That is correct.

Mr. Baker. I think this is a good agreement, and I hope there will be no objection.

The Presiding Officer. Without objection, the record will be corrected. Is there objection to the request?

Mr. Harry F. Byrd, Jr. Mr. President, will the Senator yield for a question?

Mr. Robert C. Byrd. I yield.

Mr. Harry F. Byrd, Jr. In regard to the nomination of Mr. Marshall to be Secretary of Labor, the committee report is not yet available. I assume that it will be available in advance of whatever time the majority leader might set for calling it up.

Mr. Robert C. Byrd. Mr. President, I do not know whether there is a committee report. I am in no position to know whether there is a report from the committee.

Mr. Javits. Mr. President, if the Senator will yield, I think I can help with that.

Mr. Robert C. Byrd. Yes.

Mr. Javits. There will be a record, and the committee report is simply that, with two dissenting votes, we recommend to the Senate that the nomination be confirmed.

Perhaps Senator Byrd is thinking about the record. The record should be printed. We finished the hearings several days ago.

I will make it my business, I say to the Senator from Virginia—in the absence of Senator Williams—to see that that record is made available, and I will ask Senator Williams to do the same.

Mr. Harry F. Byrd, Jr. I thank the Senator from New York.

Mr. Robert C. Byrd. Mr. President, I suggest the absence of a quorum.

The Presiding Officer. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The Presiding Officer. Without objection, it is so ordered.

PROPOSED UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF RAY MARSHALL TO BE SECRETARY OF LABOR

Mr. Robert C. Byrd. Mr. President, I ask unanimous consent that upon the disposition of the nomination of Mr. Joseph Califano, Jr., on Monday, the Senate proceed to the consideration of the nomination of Mr. Ray Marshall, Texas, to be Secretary of Labor; that there be a time agreement thereon of 8 hours to be equally divided between Mr. Williams and Mr. Javits.

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

Mr. Robert C. Byrd. I yield.

Mr. Javits. Mr. President, I announce that whatever time I have, as I am for Mr. Marshall, I will yield as the sentiments of the nomination desire.

Mr. Scott. Mr. President, reserving the right to object, I have some definite reservations about this nomination.

It is my understanding from the news media that he favors repeal of section 14(b) of the Taft-Hartley Act and that he favors the common situs picketing. These are matters quite important to my State.

I have heard the suggestion—and this may not be accurate, but I would like to see the record to verify that—he is in favor of unionizing the military, if that is true, I think his nomination should be rejected.

But I would hope that we could put this over, so I am constrained to object at this time.
Mr. BAKER. If I may speak to that point for a moment, Mr. President, I fully understand the concern expressed by the senior Senator from Maryland. But the idea of a time certain, I believe, greatly extends the convenience of the debate for Members. I recognize that other extraneous matters might intrude, that dilatory and delaying tactics might take time, and that roll calls would eat into the available time and substantially less than 8 hours. But 8 hours is a long time. That makes a long day.

My personal preference would be to have it a bit later than 6 o'clock. If there is serious objection to that, I would state that our undertaking originally was just for 8 hours and the 6 or 6:30 time came as an afterthought as a matter of convenience for certain Members.

Mr. MATHIAS. I have no great objection. As I say, I do not expect to spend a great deal of time myself. I am thinking of others who may have an interest. I think the 8 hours will protect them. I think if the majority leader and the minority leader undertake in sight of God and this company to insur[e] that if the time limit is not exceeded after the Senate comes in, except other­wise provided for by agreement, the cloture vote would come, I do not foresee any great inconvenience.

Mr. ROBERT C. BYRD. May I say in answer to the distinguished Senator that under a time agreement any quorum calls have to come out of the time of somebody who is not present. So if no one yields time on a quorum call, a quorum call could not be called until all the time is yielded back on the side. I think the Sen­ator can be assured there will be 8 hours or not to exceed 8 hours on this nomination on Tuesday.

Mr. MATHIAS. With the assurance of the majority leader, I have no objection. Mr. ROBERT C. BYRD. I thank the Senator.

Mr. HELMS. The distinguished Majority leader is willing to assure that in the event of a cloture vote scheduled for a certain hour it would not be displaced or otherwise affected by this time agreement.

I am asking for the same assurance that Senator ALLEN received.

Mr. ROBERT C. BYRD. Let me respond in this fashion: If there is a cloture vote on Tuesday, and at this time I foresee none, that cloture vote occurs 1 hour after the Senate comes in, except other­wise provided for by agreement, the time for the establishment of a quorum.

That rule is pretty clear.

Mr. HELMS. I just want to be reassured.

Mr. ALLEN. Mr. President, reserving the right to object, that is the tenor, then, of the Senator's request: that the unanimous-consent agreement to the contrary notwithstanding, if a cloture vote is scheduled and if the schedule would require it to be voted on during this period covered by the unanimous-consent agreement, notwithstanding the agreement, the cloture vote would come as scheduled. Is that correct?

Mr. ROBERT C. BYRD. Absolutely. In my judgment, there is no question on the matter. If any question should arise, I would stand with the Senator in taking that position.

Mr. ALLEN. That is part of the unan­nounced agreement—that a cloture vote would come, even if it came in the middle of or inside the agreed time.

Mr. ROBERT C. BYRD. I do not think we should say it is part of the agreement, because if we do that, then we are laying the predicate for an argument to be made at some point that if there is a unanimous-consent agreement on a matter, notwithstanding rule XXII, that a cloture vote is initiated by that unanimous-consent agreement. I do not believe it is. I do not think we should lay that into this agreement.

Mr. ALLEN. The precedent is going to be established, then, that the cloture vote would come even though unanimous consent had been given that debate occur at that time on another subject.

Mr. ROBERT C. BYRD. I am not sure that we do not already have precedent to that effect. I am saying to the Senator that, in my judgment, no unanimous-consent agreement as I have thus pro­ pounded it would violate the operation of rule XXII with respect to the cloture vote to be included in my unanimous-consent agreement that notwithstanding rule XXII, thus and so, that we will proceed with these nominations.

Mr. ALLEN. If that stipulation were not made, then it might vitiate the cloture. That is what the Senator is con­ tending with respect to the cloture vote.

Mr. ROBERT C. BYRD. I am saying that the agreement that I have pro­ pounded does not vitiate the operation of rule XXII with respect to a vote on cloture.

Mr. ALLEN. That is all I want to know on that point. These agreements would seem to do away with what the morning hour, then. Is that correct?

Mr. ROBERT C. BYRD. They would do away with the morning hour, yes.

Mr. ALLEN. And that would prevent a resolution coming over under the rule.

Mr. ROBERT C. BYRD. Yes. In any event, I intend to recess, so we would not have the problem of resolutions coming over under the rule.

Mr. ALLEN. Yes, but I assume the Senator will not recess for the next 30 days.

Mr. ROBERT C. BYRD. I doubt that we will be recessing for that many days.

Mr. ALLEN. I thank the Senator.

Mr. DOLE. Mr. President, the right to object there are a copy of the report available on the Bell nomin­ation.

Mr. ROBERT C. BYRD. Mr. President, I do not know that there is any such report from the committee.

Mr. DOLE. Is there any committee report on the Bell matter?

Mr. EASTLAND. It will be filed to­morrow.

Mr. DOLE. So it will be available.

Mr. MATHIAS. Mr. President, reserving the right to object, and I am very re­luctant to do it, but in view of the ques­tion raised as to whether the Senator from Alabama that there could be a cloture vote, that would be a substantial consumption of time. There could be a substantial amount of time consumed in that event. In that event, I think that a 6:30 time for voting could, in fact, substantially de­crease the time that had been agreed upon.

Mr. ROBERT C. BYRD. I understand what the Senator is saying.

Mr. President, I ask unanimous con­sent that the Senate proceed to the consideration of the nomination of Mr. Bell of not to exceed 8 hours, to be equally divided between Mr. EASTLAND and Mr. BAKER, and that the Senate pro­ceed to the consideration of the nomi­nation on Tuesday next immediately after the two leaders or their designees have been recognized.

Mr. BAKER. Mr. President, reserving the right to object, I think that is the better way to handle it under the cir­cumstances.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HELMS. Rule XXII still stands? Mr. ROBERT C. BYRD. The Senate need not have no unanimous consent. Mr. President, I thank all Senators.

I think I should do this, however: We have no agreement on the nomination of Mr. Marshall, and I am not going to ask for the agreement that I assured the distin­guished Senator from Virginia (Mr. Scortt) that I will not ask for a time agreement.

THE NOMINATION OF RAY MARSHALL.

However, I ask unanimous consent that on Monday, upon the disposition of the nomination of Mr. Califano, the Senate proceed to the consideration of the nomination of Mr. Ray Marshall of Texas to be Secretary of Labor, without any time limit being agreed upon.

Mr. SCOTT. Mr. President, reserving the right to object, there are a number of matters that I am concerned about, and other Senators have probably ex­pressed similar reservations. I hope that the distinguished majority leader will withhold any request regarding this nomi­nation until Monday.

Mr. ROBERT C. BYRD. Very well. I will be glad to accede to the request of the Senator from Virginia (Mr. Scortt).

Mr. President, I ask unanimous con­sent that the nominations of Mr. Califano and Mr. Bell and Mr. Marshall be placed on the calendar.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BURKHART. S. 396. A bill to repeal section 2306 of title 5, United States Code, to eliminate the re­quirement of appointments in the departmental service in the District of Columbia: to the Committee on Post Office and Civil Service; and

S. 387. A bill to include unpledged deposits in the Bank of North Dakota, maintained by
any financial institution which is a member of a Federal home loan bank, or an insured institution as defined in section 401(a) of the Banking Act, for purposes of meeting the liquidity requirements under section 5(a)(b) of the Federal Home Loan Bank Act (12 U.S.C. 1433(a)(b)); to the Committee on Banking, Housing and Urban Affairs.

By Mr. LAXALT (for Mr. Bartlett):
S. 388. A bill to amend the Internal Revenue Code of 1954 with respect to income earned abroad by U.S. citizens living or residing abroad; to the Committee on Finance.

By Mr. MatsuNAGA:
S. 389. A bill to amend the Internal Revenue Code of 1954, to exempt from excise taxes certain buses purchased by nonprofit organizations or by other persons for exclusive use in furnishing transportation for State or local governments or nonprofit organizations; to the Committee on Finance.

S. 390. A bill to amend the Internal Revenue Code of 1954 to provide that the amount of the charitable deduction allowable for expenses incurred in the operation of a highway vehicle owned by State or local governments is based on the manner in which the business deduction for such expenses is allowed to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAXALT (for Mr. Bartlett):
S. 388. A bill to amend the Internal Revenue Code of 1954 with respect to income earned abroad by U.S. citizens living or residing abroad; to the Committee on Finance.

Mr. LAXALT (for Mr. Bartlett). Mr. President, I am today introducing a bill to amend the Internal Revenue Code of 1954 to exempt from income tax the income earned abroad by U.S. citizens living or residing abroad. The bill will restore the treatment of such income to what it was prior to the passage of the 1976 Act.

I ask unanimous consent that the text of the bill as well as the remarks of and materials introduced by the Senator from Oklahoma (Mr. Bartlett) be printed in the Record at this time.

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

S. 388

S. 388

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

Section 1011 will be omitted. Section 1011 will be as follows:

"The effects of Section 1011 will be to underpin each one of these laudable ideals. American citizens living and working abroad do not have the benefit of many services provided by the government for their taxes. When such services are provided by the employer in the form of living allowances, housing allowances, and educational allowances, they are included in the employees’ calculation of gross income. The exemption of 20 thousand dollars from earned income was an attempt to partially compensate for this increase in the calculated gross income. Concern for equal treatment of taxpayers’ demands that some attempt be made to realistically compensate individuals for cost of living and quality of living differentials.

The Halliburton Services Company of Duncan, Oklahoma, has provided the following summary information on what they expect the impact of the present law to be. It is obvious that equity for taxpayers overseas is being ignored and must be corrected before the tax collection deadline this year.

The following computations are based on the following assumptions:

1. The employee in the foreign country will incur additional expenses living in the foreign country equal to the allowances paid to the employee in the U.S.
2. Housing furnished to the employee is usually inferior to housing in the United States and the rentals paid are greatly in excess of rentals on comparable housing in the U.S. Also, the employee sometimes keeps a house in the U.S. Therefor, all rentals paid abroad constitute additional expense to the employee.
3. Tuition for dependents paid by or on behalf of the employee is an additional expense, since such schooling is offered free in the U.S.
4. Vacation expense is the airfare of an employee and his family usually to a more developed country.
5. Based on the above assumptions, the take home pay of the employee while in the foreign country is equal to his base salary plus the overseas differential.

The overseas differential is generally $150 per month increase in pay given an employee to induce him to go abroad.

COMPARISON OF UNITED STATES INCOME TAX EFFECT ON CEMENTERI IN DUBAI TO CEMENTERI IN UNITED STATES

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<thead>
<tr>
<th>Computation of U.S. tax</th>
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<tbody>
<tr>
<td>in United States</td>
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<tr>
<td>Dollars</td>
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<table>
<thead>
<tr>
<th>Base salary in United States</th>
<th>$10,200</th>
<th>$11,750</th>
<th>$1,550</th>
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</thead>
<tbody>
<tr>
<td>Overseas differential</td>
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<td>0</td>
</tr>
<tr>
<td>Add</td>
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<tr>
<td>Allowances</td>
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<tr>
<td>Furniture allowance</td>
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<td>Excess of schedule</td>
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<tr>
<td>Market value of housing</td>
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<tr>
<td>Tuition paid</td>
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<tr>
<td>Vacation paid</td>
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</tr>
<tr>
<td>Total compensation</td>
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<td>10,000</td>
<td>0</td>
</tr>
<tr>
<td>Less IRC sec. 911 exclusion</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Adjusted gross income</td>
<td>10,000</td>
<td>10,000</td>
<td>0</td>
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<tr>
<td>Less</td>
<td></td>
<td></td>
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<tr>
<td>Standard deduction</td>
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<tr>
<td>Personal exemptions (a)</td>
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<tr>
<td>Tax (based on joint returns)</td>
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<td>Under proposed laws</td>
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<tr>
<td>Additional $55,000 exclusion and higher rates</td>
<td>1,374</td>
<td>4,040</td>
<td>3,360</td>
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### COMPARISON OF UNITED STATES INCOME TAX ON FIELD SUPERVISOR IN QATAR TO FIELD SUPERVISOR IN UNITED STATES

<table>
<thead>
<tr>
<th>Computation of U.S. tax</th>
<th>Computation of U.S. tax</th>
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<tbody>
<tr>
<td>If in United States</td>
<td>If in United Arab Emirates in tax</td>
</tr>
<tr>
<td><strong>Base salary in United States</strong></td>
<td><strong>Base salary in Abu Dhabi</strong></td>
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<tr>
<td>$23,465</td>
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<tr>
<td><strong>Overseas differential</strong></td>
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<tr>
<td><strong>Total compensation</strong></td>
<td><strong>1,800</strong></td>
</tr>
<tr>
<td><strong>Less: Taxable income</strong></td>
<td><strong>17,465</strong></td>
</tr>
<tr>
<td><strong>Add: Living allowance</strong></td>
<td><strong>1,800</strong></td>
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<tr>
<td><strong>Personal exemptions (4)</strong></td>
<td><strong>2,800</strong></td>
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<tr>
<td><strong>Furniture allowance</strong></td>
<td><strong>3,000</strong></td>
</tr>
<tr>
<td><strong>Vacation paid</strong></td>
<td><strong>3,000</strong></td>
</tr>
<tr>
<td><strong>Total compensation</strong></td>
<td><strong>19,200</strong></td>
</tr>
<tr>
<td><strong>Less IRC sec. 911 exclusion</strong></td>
<td><strong>2,800</strong></td>
</tr>
<tr>
<td><strong>Adjusted gross income</strong></td>
<td><strong>16,400</strong></td>
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<tr>
<td><strong>Comparison</strong></td>
<td><strong>16,400</strong></td>
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<td><strong>Base salary in Abu Dhabi</strong></td>
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<td>$12,000</td>
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<td><strong>Overseas differential</strong></td>
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<tr>
<td><strong>Total compensation</strong></td>
<td><strong>1,800</strong></td>
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<tr>
<td><strong>Less: Taxable income</strong></td>
<td><strong>10,200</strong></td>
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<tr>
<td><strong>Add: Living allowance</strong></td>
<td><strong>2,800</strong></td>
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<td><strong>Personal exemptions (4)</strong></td>
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<td><strong>17,200</strong></td>
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<tr>
<td><strong>Less IRC sec. 911 exclusion</strong></td>
<td><strong>2,800</strong></td>
</tr>
<tr>
<td><strong>Adjusted gross income</strong></td>
<td><strong>14,400</strong></td>
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<td><strong>14,400</strong></td>
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<td>$19,370</td>
<td>$19,370</td>
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<tr>
<td><strong>Overseas differential</strong></td>
<td><strong>1,800</strong></td>
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<tr>
<td><strong>Total compensation</strong></td>
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<tr>
<td><strong>Less: Taxable income</strong></td>
<td><strong>17,570</strong></td>
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<tr>
<td><strong>Add: Living allowance</strong></td>
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<tr>
<td><strong>Personal exemptions (4)</strong></td>
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<td><strong>3,000</strong></td>
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<tr>
<td><strong>Total compensation</strong></td>
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<tr>
<td><strong>Less IRC sec. 911 exclusion</strong></td>
<td><strong>2,000</strong></td>
</tr>
<tr>
<td><strong>Adjusted gross income</strong></td>
<td><strong>17,170</strong></td>
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<tr>
<td><strong>Comparison</strong></td>
<td><strong>17,170</strong></td>
</tr>
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which assist in solving our balance-of-payments problems.

[From the New York Times, Jan. 9, 1977]

TAX LAW: PUNISHING AMERICANS ABROAD

To the Editor:

The new Congress and the new Administration will have an opportunity to examine the recent changes in U.S. tax law that affect American citizens residing abroad. It is the general consensus of the American community in Brazil that the legislation is either unfair or hopelessly misguided. It is unfair because foreign countries, not unnaturally, themselves tax income earned by non-citizen residents from economic activity within the foreign country, sometimes (as in Brazil) at very high rates indeed.

Furthermore, Americans living abroad actually receive services—police, fire, sanitation, etc.—from the host nation, whereas they receive nothing in return. On top of this, Americans abroad often have to pay excise amounts, none of which is allowed them as a reduction of the taxation which would be provided at government expense in the U.S. This is to be contrasted with the services we give to our diplomatic personnel, who have special allowances for just such items.

The new law is supposed to make it substantially more expensive for American companies to employ Americans abroad. Many would choose not to do so. The result will be a reduction of American influence abroad and of the beneficial spread of American technology and goodwill, a worsening of the U.S. balance of payments and of our ability to compete with other industrial nations, and the encouragement of tax evasion, which is already at a high rate. The increased tax revenues will be negligible or non-existent. The only other country to tax American workers is Switzerland, which is hardly comparable.

In Congress deliberatively set out to pass a hopelessly misguided law, it could not have done better. I hope that this does not remain the case.

THOMAS J. BUTTLETT

[From Wall Street Journal, Nov. 1, 1976]

TAXING INCOME EARNED ABROAD

One of the President's best ideas should have vetoed the tax bill last month. Instead of signing it is the provision that

1. exempt the first $20,000 of income earned abroad from all tax; and
2. the first $25,000 of income earned abroad from all tax; and
3. the first $25,000 of income earned abroad from all tax.

The taxwriters really goofed, for the net effect can only be that American corporations operating abroad will reduce the number of Americans they employ and thereby replace them with foreign nationals or shrink the level of U.S. business activity abroad.

Until 1962, the United States didn't tax its citizens on any wage and salary income earned abroad and we are still one of the very few nations of the world who do tax such income. Prior to 1962 we accepted the unproven theory that a higher tax rate on foreign earnings would shrink as U.S. companies compete for foreign contracts. It is my impression in general conversations with large major companies that these provisions do not increase foreign earnings. It is, therefore, expanding U.S. business activity abroad and holding down the export of U.S. products.

The changes will be a significant deterrent to promoting and maintaining U.S. business abroad. Americans cannot successfully compete in foreign markets if they cannot find personnel willing to work overseas. The result will be a notable re-relationship between Americans overseas, American direct investment overseas and U.S. exports, the U.S. balance of trade deficits can be expected to deteriorate.

As to the effective date of the taxation, I cannot know what companies will do, but the law will eliminate any competitive position of the increased tax burden on U.S. citizens.

The changes are especially unfair both to the construction and passing of the latest Income Tax Bill. I am an individual who works overseas for a foreign company, which does not pay to me any subsidies in the laws of a country to purchase an equivalent amount of U.S. taxes. I have to pay my U.S. taxes from my earned salary.

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I strongly urge you to introduce amendments in the next legislature which will not only rectify these unfair changes, but liberize the conditions for U.S. citizens working overseas.

Thank you for your assistance, and considerate response. Very truly yours,

DONALD W. PRESTON

P.O. Box 1177, HAMILTON, BERMUDA,

December 2, 1976.

Hon. DEWEY FOLLETT BARTLETT,

Senate Office Building,

Washington, D.C.

DEAR SENATOR BARTLETT: The contents of this letter are to request a complimentary copy of the construction and passing of the latest Income Tax Bill. I am an individual who works overseas for a foreign company, which does not pay to me any subsidies in the laws of a country to purchase an equivalent amount of U.S. taxes. I have to pay my U.S. taxes from my earned salary.

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DONALD W. PRESTON

P.O. Box 1177, HAMILTON, BERMUDA,
Flour Corporation as having 87 percent of their engineering backlog overseas. This alone should give you an indication of the impact that this change in the law will have on such firms.

The objective of the law is to increase unemployment, it will succeed admirably. We are certain that this was not the intent and that this section of the proposed revision of the tax code will be reconsidered. The change has the effect of removing any incentive for American personnel to go overseas, we would appreciate you opposing this change.

Very truly yours,

VINCENT E. BUTLER
President

Parke, Davis Co.,
Nairobi, Kenya
September 17, 1976

Re: Tax reform bill.

Mon. Dewey F. Bartlett,
U.S. Senate,
Washington, D.C.

Dear Senator Bartlett: Attached you will find copies of recent articles from the International Herald Tribune giving notice to U.S. expatriates about the pending tax bill.

As I pres earlier mentioned, this reduction of tax-excludable income will only hurt the U.S. consumer in one of two ways:

1. Reduction of tax-excludable income

2. The U.S. firms operating abroad to import European goods, have to pay to keep American expertise abroad.

When the Tax Reform Bill goes to a final vote, please consider whether this reduction of tax-excludable income will be felt by the American public in a multiplier effect.

Sincerely yours,

JERRY W. HOLDER
Assistant Division Manager

Thiran, Iran
October 10, 1976

Hon. Dewey F. Bartlett,
Senate Office Building,
Washington, D.C.

Dear Sir: As an Oklahoman, and an American living and working in Europe, Africa and the Middle East, I wish to complement the United States Congress on your concern for our expatriates.

The bill will certainly cause many American citizens to return to the U.S. because of simple economics. These people will need jobs. The bill will cause many "marginal" or new foreign operations to fold because of cost considerations. The net effect is that some manufacturers who enjoy a high level of employment due to foreign markets will now find it more difficult to retain this level. This is a potential cause of additional unemployment for workers in the U.S.

Comments from West German, Italian, French, English and Japanese concerns is keen. Any advantage our Congress may provide will be fully appreciated and utilized to the fullest extent.

I do not understand how the logic in this legislation was derived. In a period where unemployment is a problem, this seems to me to be a counterproductive action. I can assure you that I will take steps in diminishing the credibility of the U.S. Congress.

Sincerely,

H. S. Nickels.
useful means of transporting the elderly to nutrition sites or senior centers.

In order to make schoolbuses more accessible to persons other than pupils, the bill seeks to remove a large obstacle blocking contractors' use of schoolbuses for non-school purposes. Presently, schoolbuses owned by contractors are exempt from Federal excise tax—that is, 10 percent of the vehicle—if the contractor signs an affidavit at the time of the purchase that the vehicle will be used solely for trips to and from school. This exemption provides great savings to the contractor, particularly when there are large numbers of buses involved. Many contractors, however, are unwilling to jeopardize these savings in order to provide non-school transportation.

As revealed in the House Aging Committee transportation study, an informal interpretation in an official of the Internal Revenue Service indicated that "If subsequent circumstances arise which would dictate that a bus purchased tax free be exclusively used for exempt purposes, then its diversion to other uses will not negate the exemption for that bus." Most bus contractors, however, tend to interpret the law more narrowly.

In light of the great uncertainty on the part of schoolbus contractors as to their tax exemption if schoolbuses are used to transport persons other than pupils, the bill would amend the Internal Revenue Code to allow the transport of the elderly and other disadvantaged persons through publicly-supported programs without the loss of the exemption presently permitted in Sec. 4221(e)(1). I believe this amendment to the law would remove schoolbus contractors' fears of any loss of exemption coverage in providing for the transportation of individuals during nonuse of schoolbuses by pupils. I believe this amendment to the law would allow for greater access to transportation resources for our Nation's immobilized elderly. It is my hope that this legislation will see early enactment.

Mr. MATSUNAGA. Mr. President, the unanimous consent that the text of this bill be printed in the Record.

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

S. 389
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 170 of the Internal Revenue Code of 1954 (relating to charitable deductions) is amended by redesignating subsection (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (b) the following new subsection:

"(1) AMOUNT OF DEDUCTION FOR EXPENSES OF OPERATING A MOTOR VEHICLE.—The amount allowable as a deduction under this section with respect to expenses incurred by the taxpayer for the operation of a highway vehicle used by a charitable organization described in section 501(c) (3) for the transportation of individuals during nonuse of a motor vehicle which is exempt from Federal excise tax under section 4061(a) shall not exceed—

(1) shall include that portion of the costs of operating and maintaining such vehicle (including a reasonable allowance for depreciation) which is allocable to such operation; and

(2) shall be determined in the same manner as if such operation were in connection with a trade or business of the taxpayer.

(b) The amendment made by subsection (a) shall apply with respect to the operation of a motor vehicle occurring after the date of the enactment of this Act in taxable years ending after such date.

ADDITIONAL COSPONSORS

S. 15
At the request of Mr. Johnstone, the Senator from Minnesota (Mr. Anderson) was added as a cosponsor of S. 15, the Federal Election Campaign Act Amendments of 1977.

S. 69
At the request of Mr. Stevenson, the Senator from New Mexico (Mr. Domenici), the Senator from Hawaii (Mr. Monforte), and the Senator from Rhode Island (Mr. Pell) were added as cosponsors of S. 69, to extend the Export Administration Act.

ADDITIONAL STATEMENTS

AN EXTRAORDINARY FEAT IN ANTARCTICA

Mr. SPARKMAN. Mr. President, I wish to call the attention of the Senate to a most remarkable achievement of a small band of extraordinarily skillful and dedicated men. This is the completion of a very difficult project in the world, a project which has thrown into the limelight the valuable role of volunteer transportation services provided by volunteer drivers lies in our Federal tax law. One provision of our current Federal tax law permits individuals who itemize their deductions to include the mileage driven in bona fide volunteer activities at the rate of 7 cents a mile. A figure much more aligned with the business mileage deduction of 15 cents a mile. As indicated in the House transportation report by the Select Committee on Aging, "for even a middle-income elderly person, whose marginal tax rate is as high as 20 percent, the charitable mileage deduction amounts to less than a cent a half per mile."

By proposing to amend the tax law as it relates to tax deduction for charitable organization exclusively for purposes described in section 501(c)(3)."

(a) which is sold to any person for use exclusively in providing transportation for a State or local government or a nonprofit organization, in which is exempt from tax under section 501(a); or

(b) which is sold to such a nonprofit organization for use by it or by any other such organization exclusively for purposes described in section 501(c)(3).

(b) The amendment made by subsection (a) shall apply to articles sold after the date of the enactment of this Act.
team doing research on Dome Charlie, which is one of three ice domes that rise out of the Antarctic Plateau and that are of particular interest to glaciologists because they contain some of the world's thickest ice.

A second aircraft sent to pick up the glaciological team and the crew of the first aircraft also was damaged in attempting to take off from Dome Charlie. The team and crews were finally removed, and it was decided to try to salvage the two wrecked aircraft. In the austral summer of 1975-76, a third C-130 was in the course of establishing the repair base.

Thus, there were three aircraft stranded at Dome Charlie. The third of these has now been repaired and flown back to the United States.

This is, indeed, an epic accomplishment, and I wish to pay tribute to all of the austral summer of 1975-76, a third C-130 manding officer.

From the Naval Support Force, Antarctica:
Comdr. David D. Beyl, U.S. Navy, operations officer, project officer for the LC-130F recovery.
Lt. (jg) George N. Brinkley, U.S. Navy, pilot.
From Antarctic Development Squadron 6 (VXE-6):
Mr. George Wooten, work supervisor at Dome Charlie.
To all of these men, I say well done and congratulations.

BELL PLEDGE ON U.S. ATTORNEY MERIT RETENTION AND SELECTION

Mr. SCHWEIKER. Mr. President, merit retention and selection of U.S. Attorneys is one of the most valuable reforms in the President's program. I know Judge Bell is publicly pledged to support as Attorney General, too often in the past, effective and outstanding U.S. Attorneys have been automatically replaced by incoming administrations simply because of their political registration. This practice is an unfortunate and unacceptable hold over from the pre-Watergate era. It should be ended.

The Justice Department has in some instances succeeded in moving appointment of U.S. Attorneys from the realm of raw political patronage to a high level of professionalism. The growing number of outstanding U.S. Attorney's offices around the nation is proof that this policy is sound.

I have been encouraged by Attorney General-designate Bell's public statements on the issue of merit retention. Recently in a column, Neal Peirce wrote recently that the decision on this issue will be an "acid test" of whether or not President Carter intends to make good on his pledge to move the Federal Government toward a system of fairness and morality. I emphatically agree.

During his confirmation hearings before the Senate Judiciary Committee, Judge Bell was asked specifically about the issue of merit retention. Judge Bell said:

I happen to understand, with Governor Carter, that, if I am to be the Attorney General, we want to professionalize the Department of Justice. We want to depoliticize it to the extent possible. Otherwise, I would not care to be the Attorney General; he would not care for me to be the Attorney General, either. His ideas and mine are the same on that.

If there is a United States Attorney who warrants retention on the merit system, as others who would be up for consideration, we would not care for him to be the Attorney General, either. His ideas and mine are the same on that.

Mr. President, I am heartened by Judge Bell's pledge to remove the office of U.S. Attorney from the political spoils system. There is widespread support for such a move on both sides of the aisle, as evidenced by the statements of the judicial panel of New York (Mr. Moynihan) this week. And the Senate, in considering the Bell nomination, does well to go on record in support of this timely reform.

Mr. President, I ask unanimous consent that the following material be printed in the Record: Excerpts from the hearing transcript on Judge Bell's remarks on merit retention, a copy of the National Association of Citizens Crime Commissions' letter to President-elect Carter endorsing merit retention, and the text of the aforementioned column by Neal Peirce.

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

Nomination of Griffin Bell to Be Attorney General of the United States
Senator Thurmond. The article further says, "The sampling showed a number of cases, such as one involving the Voting Rights Act, in which Bell voted to grant the claim of the civil rights advocates."

I just wonder what things out for the benefit of the record here.

I have just a few questions here I would like to ask you.

There have been press reports that the Carter administration will seek to institute some sort of merit selection process for United States judges and possible U.S. Attorneys.

Judges, as you know, have lifetime tenure, whereas those U.S. Attorneys currently serving who you find have been doing an outstanding job and whose terms have not expired will, in general, have the option of continuing to do so. If they do not accept the continuation of their terms, or if you would seek to remove them from office prior to the expiration of their term regardless of the caliber of their service?

With district judges, we are going to leave the people just as it is, with the senators. But we are hoping, if the senators themselves would want to go to a merit selection commission that if you had one in a state, then all who wanted to be considered would be considered.

In that regard, I would just word new from several senators who want to go into

January 20, 1977
CONGRESSIONAL RECORD—SENATE 1887

Judge Bell. With respect to United States Attorneys, we have not worked out a plan to have a selection commission. We expect to work with the senators in the states on a merit selection basis.

I have asked Judge Tyner, who is now the Deputy Attorney General, to send a message to all the U.S. Attorneys and the Assistant U.S. Attorneys that they should indicate, if they would like to be retained on the merit sys-

tem. That does not mean they will be retained, but they will have an opportunity to be considered for retention on the merit system.

I happen to understand, with Governor Carter that, if I am to be the Attorney General, we want to depoliticize it to the extent possible. Otherwise, I would not care to be the Attorney General; he would not care for me to be the Attorney General, either. His ideas and mine are the same on that.

If there is a United States Attorney who warrants retention on the merit system, as others who would be up for consideration, we would certainly give thought to retaining them. Otherwise, we would not be putting in a merit system.

Judge Bell. That is exactly right.

Senator Thurmond. And you intend to establish a merit system, and this would be in line with such a merit system?

Judge Bell. Right.

I think if we are really serious about doing something about crime in this country, then we want to have the same kind of system we used in the prosecutorial forces; just like we have a career service in the investigative area. I do not believe that we can make any progress until we do this.

This is just one phase of being serious about doing something about crime and about having a Federal criminal justice system and policy. That would be part of it.

Did you want to know about the district judges?

Senator Thurmond. How is that?

Judge Bell. I was going to say, on merit selection of judges—somebody is probably interested in this, so I might as well answer the question. We hope to have at an early date a system worked out where there will be a merit selection commission or committee in each circuit which will receive applications from all who want to be considered for vacancies on the circuit courts of appeals.

The present plan is that they would come up with five names, five nominees for the President; and the President will take one of those. That was the system we used in Georgia when Governor Carter was governor there; it worked very well. He would name the members of the commissions.

This would enable us to have a merit system. Of course, the senators would retain the prerogative of not doing it if they did not like the nominee or did not like any of the nominees. There would be no disturbance of the present relationships, where the Senate advises and consents.

With district judges, we are going to leave the people just as it is, with the senators. But we are hoping, if the senators themselves would want to go to a merit selection commission that if you had one in a state, then all who wanted to be considered would be considered.

In that regard, I would just word new from several senators who want to go into...
that system, I plan, when I can finish these confirmation hearings, to start working with the senators who are interested, and try to put it to bed by the end of this year.

Some senators will not want to do it; some will. Eventually, this is a way the whole judicial system in this country, on a state basis and on a Federal basis. It is something we are working into, and we are making some progress.

NATIONAL ASSOCIATION
of Criminal Defense Lawyers,
Hon. JIMMY CARTER,
President of the United States, c/o
Democratic National Headquarters,
Washington, D.C.

DEAR PRESIDENT-ELECT CARTER: On behalf of the 25 independent, non-partisan Citizens Crime Commissions throughout the country, I respectfully urge that serious consideration be given to the retention of United States Attorneys on the basis of merit and, conversely, that replacements not be undertaken on the basis of political expediency.

While the turnover of federal offices by a new, incoming administration is justifiable in the area of law enforcement the retention of competent, dedicated and courageous prosecutors must be considered. At a time when the quality of our criminal justice system is to remain high.

Certainly your personnel search team can determine which United States Attorneys, on the record, are doing the job for which they were appointed. Our citizen crime commissions are cognizant of federal prosecutors around the country who have developed effective crime fighting programs and are aggressively investigating, indicting and prosecuting those linked to organized crime, white collar crime and political corruption.

To remove these high-minded crime fighters solely on the basis of political expediency would do a great disservice to our nation's law enforcement resources.

In the greater Philadelphia Jurisdictions, most familiar since the Citizens Crime Commission with which I am affiliated serves this area, the two United States Attorneys responsible for New Jersey and Eastern Pennsylvania have been doing a commendable even isolated job. To remove these men because of political considerations the Commonwealth's attorneys would only serve to deprive the jurisdictions of two viable, aggressive, able and experienced attorneys.

We and other citizens have been heartened by your pledge to improve the federal criminal justice system. You can take a significant step toward redeeming that pledge by retaining United States Attorneys of proven merit.

Sincerely,

IAN H. LENNON,
President,
[From the Philadelphia Inquirer, Jan. 9, 1977]

THE U.S. ATTORNEYS: A TEST FOR CARTER

WASHINGTON—The level of integrity in the nation's state and local governments will be deeply influenced by decisions soon to be made by President Carter and his choice for attorney general, Griffin Bell.

The question is: what kind of men and women will be appointed to serve as the 94 U.S. attorneys—each a sort of mini-attorney general in his own judicial district—across the nation?

If there was one area in which the outgoing Republican administration indisputably served the public interest, it was in appointing U.S. attorneys who were deeply entrenched Democratic machines.

Fired with prosecutorial zeal, some went further and toppled leading Republicans—including a sitting Vice President, Spiro Agnew, in Baltimore and, L. Thaddeus, chief of the Justice Department's Criminal Division, notes that without the prosecution by U.S. Attorney Frank C. Carlucci of the late Mayor John F. Connally (D) of Texas, none of the state's growing dependence on the federal government to expose and prosecute public corruption. The cases involved public officials, including state governors and district attorneys, American University Law Professor Anthony M. Loeb, chief of the agency's public corruption section, says.

Two years after being appointed with the consent of the Senate, the Justice Department's Criminal Division, notes that without the prosecution by U.S. Attorney Frank C. Carlucci of the late Mayor John F. Connally (D) of Texas, none of the state's growing dependence on the federal government to expose and prosecute public corruption. The cases involved public officials, including state governors and district attorneys, American University Law Professor Anthony M. Loeb, chief of the agency's public corruption section, says.

One reason why the Senate confirmation rate fell to new low levels during the administration was that a number of the state's leading Democrats were retired or forced out of office by state and local prosecutors.

Carter's selection of U.S. attorneys will affect the law enforcement patterns of the states' growing dependence on the federal government to expose and prosecute public corruption. The cases involved public officials, including state governors and district attorneys, American University Law Professor Anthony M. Loeb, chief of the agency's public corruption section, says.

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If there was one area in which the outgoing Republican administration indisputably served the public interest, it was in appointing U.S. attorneys who were deeply entrenched Democratic machines.
December to raise oil prices: Saudi Arabia. some 5 per cent as of Jan. 1, and the remaining 11 OPEC members by around 10 per cent now, plus 5 per cent more as of July. The Saudis announced that they will raise their production if none of the existing institutions, such as the World Bank, International Development Association, or any other International Monetary Fund can appropriately undertake this task—handle the refinancing and new credit requirements.

This presupposes that the financial strong members of the Organization for Economic Cooperation and Development and OPEC would be willing to support the most affected through their participation in international financial arrangements that would bridge the financial gap during an uncertain future. This must be done before large-scale defaults threaten a breakdown of confidence, with its nearly inevitable domino effect.

Governments are still watching a continuous erosion of the world's oil supply and financial systems, which, if nothing is done, could be comparable in its potential for economic chaos, depression. The time is late; the need for action, overwhelming.

DENVER HONORS MARTIN LUTHER KING

Mr. HASKELL. Mr. President, this week I received a copy of the first resolution adopted in 1977 by the Council of the City and County of Denver. The resolution designates January 15 as "Dr. Martin Luther King, Jr. Day" within the city and county of Denver and it declares the Congress of the United States to declare the same day an annual national holiday in honor of this great and good man.

I am proud that since 1971, Denver has set aside January 15 in memory of Dr. King. As a co-sponsor of efforts to designate his birthday a national holiday, I believe that this legislation will act quickly on this significant measure.

As we begin a new time in our national life—a time of healing and national renewal—it would be especially appropriate to honor this great American who, in the midst of strife and bitterness, preached love and brotherhood.

CONGRESS AND THE COURTS

Mr. STEVENSON. Mr. President, one of the Nation's most respected jurists, Justice Carl McGowan of the U.S. Court of Appeals for the District of Columbia, has written an article which warrants the attention of all the members. He passes upon the long-range deterioration in the caliber of the Federal Judiciary which results from a parsimonious congressional attitude toward salaries. And quite rightly he attaches larger importance to disabilities placed upon the Federal Judiciary by a Congress which insistently delegates to the Judiciary its own powers for which the Judiciary is ill-suited and increasingly weighted down. It is an altogether thoughtful, disarming, and provocative article and the relationship between the Judiciary and the legislative branch. We would all profit from reading it and, therefore, Mr. President, 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:

[From the American Bar Association Journal, December 1976]

CONGRESS AND THE COURTS

(By Carl McGowan)

The prevailing passion of Congress for judicial restraint is the obsession of the moment for federal judges at all levels of the system. It inevitably induces sober reflection about a fundamental relationship between the Congress and the federal judiciary. On one aspect of that relationship, it is perhaps enough to note that, unlike other purchasers of services, Congress is in the uniquely happy position of being able to freeze the price. But, although many judges, including those so circumscribed as not to be under severe financial stress, are genuinely alarmed about the immediate and the longer range deterioration in the calibre of the federal judiciary flowing from that policy, the following concerns about the substantive question of the allocation of tasks by the Congress to the federal courts—the extent, their nature, and what they portend for the future.

The business of the federal courts, with the exception of the jurisdiction disposed of in the Supreme Court by the Constitution, depends on the affirmative action of Congress. The lower federal courts exist only by virtue of congressional action, as does the appellate jurisdiction of the Supreme Court. The business they do is reflective of what Congress enacts and directs. What they in fact have been given to do has varied greatly since the first Judiciary Act of 1789. But, it has been unerringly, unmistakably, and now overwhelmingly, towards enlargement.

This trend is now vastly accelerating, as I may well see it when I compare the way I spent my working day on my entry into the system thirteen years ago with what I am doing now. My own court increasingly has become one preoccupied with civil litigation involving the federal government. The business of our court has increased to the point where, perhaps, you would add, at least for anyone with imagination and wondrous workings of the far-flung federal establishment in both its executive and legislative embodiments.

This has been caused by a number of things. One is chargeable to the courts themselves. Progressive relaxation of judicially created requirements of standing has enabled almost anyone to get into court and complain about almost any act or omission to act in the whole spectrum of federal activities. But the capacity of the courts to regulate relaxation is now being impaired by a spectacularly increasing tendency on the part of the Congress to provide explicitly for federal court remedies and judicial review in every new federal statute.

This trend was impressively described and documented by Henry Friendly in his Chancery Lectures in Columbia in 1972. If you think Congress has heeded that or similar warnings, I can supply a long list of statutes enacted since then. The current congressional love affair with federal judicialization is heating up rather than cooling down.
to enforce state child support orders on certification by the secretary of health, education, and welfare, in areas of public concern, (2) hard choices of policy are likely to be made by elected legislators, representing differing interests in knots of controversy and resultant regulatory delegations of authority to department heads or newly created commissions to make those rules. That is the second objection to regulatory review. In order to assure that the regulations are carefully scrutinized for conformity to the basic legislative policies and intentions, judicial review is provided by reference to variously articulated standards of reasonableness, a broad or substantial evidentiary support in the record.

When that record is one made in informal rule making, it is indistinguishable in its compass from the proceedings before a legislative committee hearing on a proposed bill—letters, telegrams, and written statements from proponents and opponents, including occasional oral testimony not subjected to adversary cross-examination. It is on that kind of record that members of Congress decide which way to vote on a bill, if they are among those who try conscientiously to uniform the position of the judge, as of the relative political weight of the lobby at work. The resulting policy choices, when reflected in the statutes themselves, are virtually impervious to a span of judicial review. That is one conceivably one way to govern the country, but I do not want to see any direct imposition of the federal courts. That is employment of the federal courts. That is the employment of the federal courts. That is the employment of the federal courts. A widely known state of the court's prestige can only suffer.

The current congressional involvement to govern the country, but I do not want to see any direct imposition of the federal courts. That is employment of the federal courts. That is the employment of the federal courts. That is the employment of the federal courts. A widely known state of the court's prestige can only suffer.

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mestic increase in federal criminal prosecutions. No thought, of course, was taken as to how the courts could meet the new requirement of a substantial increase in judicial resources. Nor has any action been taken on the sweeping revision of the federal court system that would result in the elimination of a lot of offenses that do not require the exertion of federal power, proposed by a presidential commission a few years ago.

CONGRESS IN THE LITIGATION ACT

Meanwhile, there are to be seen in the burgeoning ranks of our litigants some new faces: those of members of Congress themselves. With the decline of standing requirements and the expansion of judicial remedies and review, a growing number of legislators have awakened to the political advantages of going to court to challenge executive, agency, and even legislative action. This attracts publicity and is likely to be popular with the constituents. It has few, if any, drawbacks, especially if there are pro bono publico groups or private law firms available, as there appear to be, to provide the legal represe nts.

I do not say that this is an undesirable development, but there may be implications of it that are not apparent at the moment. It might, for example, be unhealthy if the federal courts come to be regarded as a high tribunal for a legislator, who has failed to persuade the members of Congress of the wisdom of his view. As a new area of law opens up, it may not be open to the legislator to ask that the law be construed in his favor. And some might conceivably think that in certain contexts free legal services, or a legal aid, or a private firm, or a group, might be available to assist the legislator in substantiating his claim. Nor do I say that this is an undesirable development.

THE FUTURE OF COMMON SITUS PICKETING

Mr. LAXALT. Mr. President, nearly 2 years ago an all-out attempt was started in the 94th Congress to enact a bill legalizing common situs picketing in the construction industry. That proposal, H.R. 6000, was ramrodded through the House of Representatives almost before anyone there could alert that body to the defects in it. In the Senate, H.R. 6000 was a bad bill and it met the fate all bad bills should meet—it was stopped before it could become law. But it required extended debate, two cloture votes in this Senate, and a Presidential veto.

I was opposed to passage of H.R. 6000, and I am proud to have been among the leaders in killing it. Evidence that our course was the proper course has accumulated in recent months. One of the best and most recent arguments against common situs picketing was published in the January 1977 issue of the Labor Law Journal.

Inasmuch as organized labor and many Democratic Party leaders are in favor of a national construction situs picketing law, I ask unanimous consent to print the Labor Law Journal article in the Record.

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

[FROM THE LABOR LAW JOURNAL. DECEMBER 1976]

THE FUTURE OF COMMON SITUS PICKETING.

—(By Stephen J. Gabou and Robert J.

The Situs Picketing & Construction Industry Collective Bargaining Bill (H.R. 6000), version of President Ford in a controversial decision last December, is a prize the building and construction unions have been seeking for the past 23 years. Under heavy pressure at the last minute to avoid a federal court challenge, the President, Publications—has been backed into a politically explosive and socially distorting situation.}

Footnotes at end of article.
body of law will place the proposed legislation in clearer perspective.

Secondary boycotts were first regulated under the anti-trust laws. In *Duplex Printing Press Co. v. Deering,* the Supreme Court held that the execution of secondary boycott agreements, which prohibited the discharge of employees by a union in the construction industry relating to the contracting or subcontracting of work to be done by someone other than the primary employer, constituted a violation of the Sherman Act. Therefore, a violation of the Sherman Act.

Deuxp was one in a series of opinions which led to a strong public reaction against the class bias of the federal courts in labor disputes. This case culminated in the enactment of the Norris-LaGuardia Act in 1932. In *U.S. v. Hutcheson,* the Supreme Court held that the rule of the Deuxp case could not survive enactment of the Norris-LaGuardia Act. Similarly, the Court held that secondary boycotts were not regulated by the anti-trust laws.

**The Taft-Hartley Act**

In response to the labor unrest at the end of World War II, which was evidenced by an increase in the number of secondary boycotts, Congress enacted legislation to limit the use of that economic weapon, not by re-introducing the anti-trust laws, but by adding § 8(b)(4) to the Anti-Trust Act, subsequently defined by Congress as section 8(b)(4). The new law was intended to limit the boycott's evil effects, which the Court found to be in violation of the Sherman Act.

Section 8(b)(4) originally prohibited the secondary boycott by a union against an employer whose employees were neither members nor sympathizers of the union. As a result of the picketing, a prime contractor was forced to cease operations. The Court of Appeals for the Fifth Circuit found that the union's activities were in violation of § 8(b)(4) because they were not restricted to an immediate employer-employee relationship. Under that view, economic action by a union against an employer whose employees were not members of the union, if wages and working conditions were not the subject of the dispute, was regarded as an unpatriotic trade practice and, therefore, a violation of the Sherman Act.

Duplex was one in a series of opinions which led to a strong public reaction against the class bias of the federal courts in labor disputes. This opinion culminated in the enactment of the Norris-LaGuardia Act in 1932. In *U.S. v. Hutcheson,* the Supreme Court held that the rule of the Duplex case could not survive enactment of the Norris-LaGuardia Act. Similarly, the Court held that secondary boycotts were not regulated by the anti-trust laws.

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SENATE VETERANS' AFFAIRS COMMITTEE

Mr. TALMADGE. Mr. President, the Georgia House of Representatives, now in session in Atlanta, has adopted two resolutions which, for myself and my colleague, Senator Nunn, I bring to the attention of the Senate, and ask unanimous consent that they be printed in the Record.

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

A RESOLUTION

Urging the United States Senate to retain the Senate Veterans Affairs Committee as a standing Senate committee; and for other purposes.

Whereas, members of Congress rely heavily upon their professional committee staffs to assist them in making decisions concerning legislation; and

Whereas, the members of both the Veterans Affairs Committees in Congress have capable, efficient and intelligent staff assistants to advise them; and

Whereas, if the Senate Veterans Affairs Committee is abolished and its function merged into another committee, the expertise of the present staff will be lost or mingled with other duties; and

Whereas, abolishment of the Veterans Affairs Committees in the Senate will seriously impede the ability of Congress to deal effectively with veterans' affairs, and such action by the Senate will constitute a major step backwars in our Nation's continuing efforts to provide quality care and service to all veterans and to twenty-nine million (29,000,000) veterans.

Now, therefore, be it resolved by the House of Representatives of the Body of Congress as follows:

Resolved, That the Senate Veteran's Affairs Committee be retained as a standing Senate committee, and that no vote of the Senate be taken that would result in the abolishment, merging or otherwise diluting the functions of this Committee.

CONCLUSION

The fortuitous timing of the presidential election campaign is perhaps the only thing which prevents immediate action by Congress. There is no question that the battle will begin with renewed vigor in the next session.

In this coming session, Congress can ill afford to ignore the nation's sagging economy; certainly it will seek to enact legislation that will promote economic growth. One of the key elements in the nation's economic growth is a healthy construction industry.

Common situs picketing legislation is not the answer to the problems that plague the construction industry, but will tend to exacerbate them. Adding to this is the situation prevailing in the construction industry's economic recovery would suffer a tremendous setback. Congress should not place the building trades in a position of strengthening their power before that of economic recovery of the construction industry and the nation.

FOOTNOTES


2 254 US 443 (1921).

3 332 US 309 (1941).


11 Commercial, industrial and institutional jobs only.

12 Union contracts: $68,627,703; non-union: $60,753,355.

13 At $155 billion-a-year total output, it accounts for approximately 10% of the GNP, according to the Dept. of Commerce. It employs about one out of every seven employed Americans.
A RESOLUTION

Urging the designation of the North DeKalb Human Service Center as a priority project to be funded with public works funds; and for other purposes.

Whereas, DeKalb County has applied for public works funds from the federal government; and

Whereas, DeKalb County has expended public funds for demolition of the structure which was previously located on this property; and

Whereas, the Department of Health, Education and Welfare has notified DeKalb County of plans to reclaim said property unless a facility is in operation by November 1, 1977; and

Whereas, a new public works bill is anticipated as a priority in the forthcoming Congress.

Now, therefore, be it resolved by the House of Representatives that the members of this body hereby urge the President of the United States, the Honorable James E. Carter, Jr.; the Department of Commerce-Economic Development Administration; the Honorable Herman Talmadge; the Honorable Sam Nunn; the Honorable Elliott Levitas; and other members of the Congress of the United States to take all actions necessary to insure that the North DeKalb Human Service Center project be considered as a priority project to be funded with the next public works funds which become available and to insure that, in view of DeKalb County's expenditures, an extension be granted for the construction of the North DeKalb Human Service Center.

Be it further resolved that the Clerk of the House of Representatives is hereby authorized and directed to transmit appropriate copies of this resolution to the Honorable James E. Carter, Jr., President-elect of the United States; the Department of Commerce-Economic Development Administration; the Honorable Herman Talmadge; the Honorable Sam Nunn; and the Honorable Elliott Levitas.

GENOCIDE AND THE BROTHERHOOD OF MAN

Mr. PROXMIRE. Mr. President, the Bible says "thou shalt not kill." Yet man goes on slaughtering his fellow companions. We are all brothers and sisters, regardless of race, color, creed, or nationality. We are all Americans and as our brother's keeper. Americans, as a nation, must show this in their actions concerning the Genocide Convention.

To overlook a crime is as bad as committing it. The Congress of the United States is overlooking the abhorrent crime of genocide. Americans, as a rule, have always been concerned with the little man, the underdog. Yet for the past three decades, neglect has seeped into the Senate Chamber. In not ratifying the Genocide Convention, America has taken an "I don't care" attitude.

The Genocide Convention basically condemns genocide and sets up structural guidelines for the trial and punishment of guilty offenders. It may not stop genocide, but it will lessen its occurrence. It is like the Geneva Convention, which lessened, but did not stop, POW abuse.

The Genocide Treaty is in the best interests of the United States. Signing the treaty would increase our international relations. Prospects of world peace stand to gain by an American signature. Mr. President, the eyes of the world, and more importantly, the eyes of God, are upon us to ratify the Genocide Convention.

VIETNAM U.N. MEMBERSHIP

Mr. STEVENSON. Mr. President, I believe it is a mistake for the departing administration to deny U.N. membership to Vietnam last fall and said so at the time. It was an act which was seen by our allies as well as our adversaries as man-spirited and petty. It was unworthy of a great nation with the responsibilities of world leadership. I am glad to see that William Colby, writing for the Washington Post, shares the view that Vietnam should not be barred from the U.N. Colby, with more experience and more of a personal stake in Vietnamese history, said in this Chamber, uses a "turn away from the past, from recriminations over broken promises and antagonistic policies, toward a future of mutual respect and respect of the damage this war has done."

"The first step in such a process," he writes, "must be mutual recognition of the true future interests of each side, including the reality that neither should seek the humiliation of the other. Thus the new Vietnam properly asks recognition of its victory and identity in international circles such as the United Nations. And the United States can properly ask that its recognition be received simply as such, and not cast in terms of American penance."

I hope that the new administration will find an early opportunity to indicate to the Vietnamese Government that opposition to its membership in the United Nations has been dropped. By this and other displays of concern for the future of a people whose blood we have shed along with that of our own we can mend some of the broken places in Southeast Asia as well as here at home. I am confident that a final accounting for the missing-in-action, still an unresolved agony for many American families, will follow, if we will show the new Vietnamese nation that we are prepared to, as Colby writes, "formulate a policy and program that will reflect the real interests of Americans, and of the Vietnamese people whose tenacity has carried their national integrity through more than 2,000 years of history?"

As we formulate our policy for the future, will we make the same mistake? Will we concentrate on the American dimension and view Vietnam only as it affects America? Or can we formulate a policy and program that will reflect the real interests of America—and of the Vietnamese people whose tenacity has carried their national integrity through more than 2,000 years of history?

Yes, let us bind up our nation's wounds over Vietnam. Let us put behind us the division between those who believed they bore the "torch of freedom" in Vietnam and those who believed they lifted it in the anti-war protests. Let us honor those who answered the call to Vietnam, as well as those who refused to go. Let us bring them back to the national family those who followed their consciences into disobedience.

But let us not believe the task will be ended when its American dimension is complete. The burdens borne by Americans were small compared to those of the Vietnamese. Families are still shattered, wounds unhealed, lives disrupted—on a scale that would have crushed a less stout people. These must receive equal attention when, as Lincoln said, we "care for him who shall have borne the battle, and his widow, and his orphan," and seek "a just, and a lasting peace, among ourselves, and with all nations."

The 180,000 refugees who fled Vietnam in April, 1975, have become American citizens. Already, many are becoming productive members of the American community, as well as latest of the Vietnamese. Fam­ilies of Vietnamese refugees, exiles and afflicted who contributed their talents to build this nation. But many Vietnamese refugees have been forced to put to sea in small boats hoping to be picked up by passing merchantmen or to circumvent Vietcong and Cambodian sanctuaries in Thailand or Malaysia. Some of these are coldly by-passed at sea, some reach the open sea only to be snared and then destroyed. The Vietnamese is unwelcome either there or in farther ref-
ues, some die from the rigors of the sea or hostile patrols.
Many remain in Vietnam, if not being "re-
educed" to the role of slaves or internees, then com-
munication or possibility of joining their families who were lucky enough to escape in Anti-American, and many others in charac-
terized Vietnam. Some idea of the possible numbers of those who identified their cause with the dazed and forlorn American soldier who al arrive in Cambodia in 1954 in a three-month period of grace to leave. As one of the accords that recognized that North Vietnam's victory.
And many others in all three Indo-Chinese nations were affected by U.S. power, the hunted bridge. And the remains of Vietnamese, the wounded and maligned throughout the peninsula, the widows and orphans of our erstwhile enemies and allies. Debate about whether these injuries were caused by America's "best and brightest," North Viet-
namese determination to dominate Indo-
china or anti-colonial revolutionary nation-
alism, can be left to the historians. The real challenge is whether the nation that rebuilt nations were enemies in Indochina, to achieve
War, in Peace Friends? "as
America faces a victorious rather than a
prostrate Goll-
I ask unanimous consent that on Monday Senators may present statements in the
Recost, as in legislative session, introduce
bills, resolutions, petitions and mem-
orials without there being a period for the transaction of routine morning busi-
extion of Morning.

Mr. ROBERT C. BYRD. Mr. President, I seek unanimous consent that on Tuesday Senators may present statements in the Recost, as in legislative session, introduce
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Mr. BAKER. Mr. President, reserving
object, it is so ordered.

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ness.

Mr. ROBERT C. BYRD. The Senator is correct, that there be no period for such but that Senators be permitted to include such in the Recost as in legisla-
tive session.
Mr. BAKER. What about statements?

Mr. ROBERT C. BYRD. The same thing.

Mr. BAKER. They would be included?

Mr. ROBERT C. BYRD. They would be included in the Record.

Mr. BAKER. I thank the majority leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBERT C. BYRD, Mr. President, under the order previously entered, the Senate will stand in recess until Monday next at 2 p.m. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. Very well.

Mr. BAKER. Mr. President, I have a unanimous-consent request, I believe, from the distinguished Senator from New Mexico, and, in the meantime, while he is reaching the floor, may I take 1 minute to report on a matter of importance I am sure to all of our colleagues?

Mr. ROBERT C. BYRD. Yes.

SENIOR BARTLETT

Mr. BAKER. Mr. President, it has come to my attention, and I wish to apprise our colleagues of the fact that the junior Senator from Arkansas and the majority leader of this body was today operated on at Sloan-Kettering Institute in New York City for a lung tumor. He was in surgery for a period of 6 hours and 20 minutes. They removed the top right third of the upper lobe of his lung. The operation was successful. Senator Bartlett is in good shape, and it is anticipated that he will make a full recovery. He will be in the hospital there for a period of about 10 days and it will be about another 10 days or 2 weeks of recovery before returning to us for the transaction of business.

I am sure that all of us would like to convey our good wishes and ask God’s blessing on him for speedy recovery.

Mr. ROBERT C. BYRD. Mr. President, I wish to associate myself with the remarks of the distinguished Republican leader.

We regret the fact that Mr. Bartlett had to undergo such an operation. We are delighted to hear that his full recovery is expected, and we extend our good wishes on this side of the aisle for that early recovery and that complete recovery, we hope, that these good wishes will be extended to him by the Republican leader.

Mr. BAKER. I thank the majority leader, and I assure him that they will be.

LIMITED RESERVATIONS—NOMINATIONS OF SECRETARIES BLUMENTHAL, KREPS, AND ANDRUS

Mr. SCHMITT. Mr. President, just very briefly, the Record, having to do with the nominations that were considered today and on which I voted positively in every case, I request unanimous consent that printed in that Record be some limited reservations that I have about several of the nominations, specifically that of Michael Blumenthal, of Juanita Kreps, of Cecil Andrus, and of Brock Adams.

These are very limited reservations. I just think it is important that they be in the Record so that future evaluation can be correct and adequate.

Mr. President, I have voted in favor of confirmation of Michael Blumenthal to be Secretary of Commerce; Cyrus Vance to be Secretary of State; Brock Adams to be Secretary of Transportation; Thomas Lance to be Director of the Office of Management and Budget; W. Michael Blumenthal to be Secretary of the Treasury; Charles L. Schultz to be a member of the Council of Economic Advisers; Joseph A. Califano, Jr., to be Secretary of Health, Education, and Welfare; Cecil A. Andrus to be Secretary of the Interior; Dr. Harold Brown to be Secretary of Defense; and Bob Bergland to be Secretary of Agriculture.

As a member of the Senate Commerce and Finance Committees under temporary assignment, I had an opportunity to question Dr. Kreps, Congressman Adams, Senator Blumenthal, and Mr. Andrus during the confirmation hearings. During those hearings I urged each of them to develop efficient management systems within their respective departments, agencies and to eliminate overregulation of the lives and businesses of the American people whom they shall serve. I also urged them to develop science and technology, whenever possible, to solve basic national problems, rather than merely to treat the symptoms of those problems with new regulations and spending programs.

Mr. President, in general the talent and experience that the nominees bring to the new administration is very great. I believe they are all qualified and satisfy the criteria for their jobs within the new Cabinet. I certainly believe that the President is entitled to have men and women working with him in whom he has confidence.

I do not have certain limited reservations concerning several of President Carter’s choices which I believe should be entered into the Record.

Mr. President, I ask unanimous consent that the complete text of my statements concerning these nominees be printed in the Record at this point.

There being no objection, the reservations were ordered to be printed in the Record, as follows:

SECRETARY OF THE TREASURY—MICHAEL BLUMENTHAL

"My reservations are only that his concern about the effect of a large Federal deficit in Fiscal Year ’77 as a consequence of President Carter’s economic program, is consistent with his statements concerning inflation and the need for increased job creation within the new Administration."

"Blumenthal testified that the Carter economic package would add possibly $15 billion to the Federal deficit for FY’77 which heprojects will result in a projected deficit of approximately $60 billion. A total debt of $75 billion would seem to be a major pressure for increased inflation, and for a reduction in long-term job creation expenditures for new plant and production by the private sector."

"I hope that Mr. Blumenthal and the Carter Administration will move in that direction and restraint in attempting to stimulate an economy that appears to be recovering slowly. Too drastic a shift could throw us into another major cycle of increased unemployment that could far outweigh the short-term benefits."

SECRETARY OF COMMERCE—JUANITA M. KREPS

"In the case of Dr. Kreps, I do vote to confirm with some reservations. In particular, I am convinced that there is little in her background that provides experience in dealing with the overall duties and responsibilities of the Department of Commerce, even though that background is extremely impressive with respect to experience in management in corporate policy and in education. I hope that Dr. Kreps finds through the proper use of her subordinates a means to rapidly increase her capabilities with respect to the specific problems that will concern the Department of Commerce during her tenure as Secretary. I particularly hope that her knowledge will expand to those as more expansive authority and confirmation hearing, she will be capable of asking the right questions. She will find that the Congressional Committees dealing with Commerce will also be attempting to ask ‘the right questions’ as those Committees exercise their oversight responsibilities.

"New Mexico has learned to use coal responsibly without significant deterioration of the environment or land. I hope that Mr. Andrus will not advocate unnecessary restrictions on our ability to use the nation’s energy resources in ways that are responsive to the need for increased job opportunities and the security of the entire country."

SECRETARY OF TRANSPORTATION— BROCK ADAMS

"My vote to confirm Mr. Adams is cast with some major reservations about how he will actually perform as Secretary of Transportation. His abilities as a Congressman and his knowledge of the problems of transportation are without question. However, in one major area I will be looking very closely at his actual performance. This is the area of the application of the present technologies and future extensions of those technologies to solve fundamental problems of transportation and in other fields related to the duties and responsibilities of the Department of Transportation.

"There has been a tendency in the past to attempt to solve major problems of transportation utilizing present technologies only. We often proceed without attempting to remove the roots of the basic problems through the long-term application of research and development, either within the Department itself or with the assistance of other agencies with expertise in the particular area. For example, I believe it would be very strong attempt to regulate the efficiencies of the internal combustion engine, which is the dominant means of transportation in this country, rather than attempting to assist the private sector in the development of new and more efficient propulsion systems. Such systems can also operate with much less environmental degradation than is possible with that engine."

"Mr. Adams seems to fit very well into the mold of the past. I would hope that through his experience in his high office and through the recognition that there are new ways of doing things in this country of ours, ways which are not necessarily the most effective or the most efficient, he will attempt to take the second step.

January 20, 1977
A step beyond the stabilization of a problem. A step that actually solves the problem.

"In transportation, as well as in many other fields of endeavor that are presently of great concern to this country, it is our fundamental technological base that will provide solutions where we seek. This technological base is our fundamental strength and has been for many, many decades. We must learn to use this base for the benefit of ourselves and mankind simultaneously. We must understand which technology can be used, not only to avoid environmental degradation, but to actually improve upon the environment for which we currently have such great concern."

Mr. SCHMITT. I thank the Chair.
Mr. BAKER. Mr. President, I might apprise the majority leader that there are no other requests for time or no other discussions for business on this side of the aisle.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday is as follows: The Senate will convene on Monday at 2 p.m., following a recess.

After the two leaders or their designees have been recognized under the standing order—and the Senate will be in executive session—the Senate will proceed immediately to the consideration of the nomination of Mr. Joseph A. Califano, Jr., of the District of Columbia, to be Secretary of HEW, under a time agreement which is limited to 2 hours.

In any event, Mr. President, 1 hour after the Senate convenes—Mr. Adams to the Chair—shall direct the clerk to call the roll to establish a quorum. Upon the establishment of a quorum, the Senate will proceed to vote on the nomination, which has been duly entered to invoke cloture on Mr. Allen's resolution, Senate Resolution 18.

If the cloture vote fails, the Senate will continue to consider the nomination of Mr. Califano, if it has not been disposed of prior to that moment. If it has been disposed of prior to that moment, it will be the intention of the leadership at that time to proceed to the consideration of the nomination of Mr. Marshall.

If the cloture motion is agreed to, then the Senate must proceed to consider Senate Resolution 18 until action on that resolution is completed. That means that until the action on that resolution is completed, for the exclusion of all other business, the Senate could not return to the consideration of the nomination of Mr. Califano.

If the cloture vote be at least one rollcall vote on Monday night, then I am going on the motion to invoke cloture. I anticipate that there will be a rollcall vote on the nomination of Mr. Califano.

Mr. President, I ask unanimous consent that it be in order at this time to order the yeas and nays on the confirmation of Mr. Califano.

The PRESIDING OFFICER. Is there an objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Mr. ROBERT C. BYRD. The yeas and nays were ordered.

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

Mr. ROBERT C. BYRD. I ask for the yeas and nays on the nomination of Mr. Marshall.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Mr. ROBERT C. BYRD. The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order at this time to order the yeas and nays on the confirmation of the nomination of Mr. Ray Marshall, of Texas, to be Secretary of Labor.

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

Mr. ROBERT C. BYRD. I ask for the yeas and nays on the nomination of Mr. Marshall.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Mr. ROBERT C. BYRD. The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order at this time to order the yeas and nays on the confirmation of the nomination of Mr. Griffin B. Bell to be Attorney General.

The PRESIDING OFFICER. Is there an objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. I ask for the yeas and nays on the confirmation of the nomination of Mr. Bell.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Mr. ROBERT C. BYRD. The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, we know that there will be at least one rollcall vote on Monday next. That will occur about 3:15 p.m. It is possible that a rollcall vote could occur on the nomination of Mr. Califano during the first hour after the Senate convenes; but if all time is used on that, under the time agreement, that rollcall vote would not come prior to the cloture vote. So there will be at least one rollcall vote, perhaps others, on Monday.

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

Mr. ROBERT C. BYRD. I yield.

Mr. SCOTT. I am a little concerned about the statement of the distinguished majority leader that after the action is taken on the Califano nomination, he would contemplate bringing up the nomination of Dr. Marshall. We are coming in at 2 o'clock on Monday, as I understand.

Mr. ROBERT C. BYRD. Yes.

Mr. SCOTT. We have agreed that on Tuesday we will spend 5 hours on the nomination of Judge Bell. I do not see where the time is coming from on the Marshall nomination, if the distinguished leader did bring that up. I just mentioned it as a concern.

It may be that there will be little discussion, but I believe there will be extended discussion. I am not talking about a filibuster. I believe that a number of Senators will want to speak on this matter.

Mr. ROBERT C. BYRD. I thank my friend.

RECESS UNTIL 2 P.M. MONDAY, JANUARY 24, 1977

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 2 p.m. on Monday next.

The motion was agreed to; and at 6:41 p.m., the Senate recessed until Monday, January 24, 1977, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate January 19, 1977:

The Cabinet

The following-named persons to the position indicated:

Cyrus Vance, of New York, to be Secretary of State.
W. Michael Blumenthal, of Michigan, to be Secretary of the Treasury.
Harold Brown, of California, to be Secretary of Defense.
Griffin B. Bell, of Georgia, to be Attorney General.
D. Andrus, of Idaho, to be Secretary of the Interior.
Bob B. Bergland, of Minnesota, to be Secretary of Agriculture.
Juanita M. Kreps, of North Carolina, to be Secretary of Commerce.
Ray Marshall, of Texas, to be Secretary of Labor.
Patricia Roberts Harris, of the District of Columbia, to be Secretary of Housing and Urban Development.
Brockman Adams, of Washington, to be Secretary of Transportation.

Office of Management and Budget

Thomas Bertram Lance, of Georgia, to be Director of the Office of Management and Budget.

Council of Economic Advisers

Charles L. Schultze, of the District of Columbia, to be a member of the Council of Economic Advisers.

U.S. Representative to the United Nations

Andrew J. Young, of Georgia, to be Representative of the United States of America to the United Nations with the rank

CONFIRMATIONS

Executive nominations confirmed by the Senate January 20, 1977:

DEPARTMENT OF STATE
Cyrus Vance, of New York, to be Secretary of State.

DEPARTMENT OF THE TREASURY
W. Michael Blumenthal, of Michigan, to be Secretary of the Treasury.

DEPARTMENT OF DEFENSE
Harold Brown, of California, to be Secretary of Defense.

DEPARTMENT OF THE INTERIOR
Cecil D. Andrus, of Idaho, to be Secretary of the Interior.

DEPARTMENT OF AGRICULTURE
Bob S. Bergland, of Minnesota, to be Secretary of Agriculture.

DEPARTMENT OF COMMERCE
Juanita M. Kreps, of North Carolina, to be Secretary of Commerce.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Patricia Roberts Harris, of the District of Columbia, to be Secretary of Housing and Urban Development.

DEPARTMENT OF TRANSPORTATION
Brockman Adams, of Washington, to be Secretary of Transportation.

Odie of MANAGEMENT AND BUDGET
Robert T. Cutler, of New York, to be Director of the Office of Management and Budget.

COUNCIL OF ECONOMIC ADVISERS
Charles L. Schultze, of the District of Columbia, to be a member of the Council of Economic Advisers.

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.

EXTENSIONS OF REMARKS

HON. G. WILLIAM WHITEHURST
Of VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 19, 1977

Mr. WHITEHURST. Mr. Speaker, I have the privilege of serving as a member of the board of directors of the Oceanic Education Foundation, an organization which has as its goal the establishment of world ocean education, covering the many aspects of the study of the sea, at all levels in the American school system, in order to bring the seas into educational balance with the land to sustain the future prosperity, safety, and security of citizens through knowledge of the world's oceans.

In that connection I recently received a copy of Oceans: Our Continuing Frontier, the courses by Newspaper Reader which is a project of the University of California, San Diego, university extension program. At this point in the course, I would like to share with my colleagues one of the articles from that excellent book. It was written by Roger Revelle, Edward Wenk, Bostwick Ketchum, and Edward Corino, and it deals with the subject of oceanic oil pollution. It is well worth reading, as is the rest of the material in this book, and it points up the need for a concerted, international effort to prevent further damage to the oceans of this world.

I have previously mentioned my bills toward this end, H.R. 711 and 712, and House Joint Resolution 134, and I earnestly hope that legislation of this kind will receive favorable consideration in this session. But for tanker safety must be established, and international treaties need to be brought up to date and promptly ratified. We have very little time left.

OCEANIC OIL POLLUTION
(By Roger Revelle, Edward Wenk, Bostwick Ketchum, and Edward Corino)

(Oil pollution is not confined to coastal areas, it poses an annual threat to the ecosystems of the oceans of the world. Furthermore, as consumption of oil increases in our ever-expanding technological society, the problem of oil pollution is also likely to increase. In the following selection, Roger Revelle and other experts analyze the extent and character of oil pollution—in which tanker accidents and offshore leaks play a relatively small part—and they suggest possible and proven steps to control the problem. Revelle is director of the Harvard Center for Population Studies and former director of Scripps Institution of Oceanography; Wenk, a specialist in ocean engineering and public affairs, is a professor at the University of Wisconsin; Ketchum is associate director of Scripps Institution of Oceanographic Institution; and Corino is with the Esso Research and Engineering Company.)

At the present time, the most conspicuous and detrimental effects of oil pollution of the ocean are localized in extent and are caused by accidental spills in near-shore areas. These loci of concern, however, potentially include the coastal zones of every continental shelf area in the world, and it is evident that the problem of accidental spills is of worldwide significance. Projections of future growth in ocean transport and offshore production of petroleum indicate that both the frequency and the damaging effects of local accidents are likely to increase.

Although accidental oil spills cause the most evident damage to ocean resources, they make up a small percentage of the total amount of oil entering the marine environment. At least 90 percent of this amount originates in the normal operations of oil refineries, petrochemical plants, and offshore oil wells; from disposal of spent lubricants and other industrial oils; by the breakdown and fallout of airborne hydrocarbons emitted by motor vehicles and industry. The extent and character of the problem arise from the sources of the sea from this "base load" of oil pollution is little known or understood.

In the long run it could be more serious, because more widespread, than the localized damage from accidental spills.

The magnitude of oceanic oil pollution is likely to increase with the worldwide growth of petroleum production, transportation, and consumption. World crude oil production reached 2 billion tons in 1965, and production of 3 billion and 4.4 billion tons per year is predicted for 1975 and 1980, respectively.

SOURCES OF PETROLEUM HYDROCARBONS IN THE SEA

Petroleum hydrocarbons enter the sea:

1. Directly
   a. In accidental spills from ships, shore facilities, offshore oil wells, and underwater pipelines;
   b. From tankers flushing oil tanks at sea;
   c. From dry cargo ships cleaning fuel tanks and bilges;
   d. From leakage during normal operation of offshore oil wells;
   e. From operations of refineries and petrochemical plants;
   f. In rivers and sewage outfalls carrying industrial and automotive wastes; and

2. As "fallout" from the atmosphere, probably as particles or in rain.

Worldwide, approximately 10 to 20 percent of the sources except accidental spills as constituting the base load of oil pollution in the sea.

ACCIDENTAL OIL SPILLS

At present, the average annual influx to the oceans from accidents ranges from about 100,000 tons to about 200,000 tons. Most of these spills are relatively small. Out of the 7,527 recorded accidents in the United States between 1950 and 1968, approximately 30 percent were from ships and barges, most of which were docked at the time of the accident. About 300 spills occurred from shore facilities of various types, and a few resulted from ships dragging anchors and scraping the sea bottom.

Even under carefully controlled conditions accidental oil spills in port are negligible. Milford Haven, a relatively new British oil port, adjacent to a national park, and great efforts have been made to control and prevent oil pollution. In 1966 the annual turnover at Milford Haven was 30 million tons with losses amounting to 2,900 tons or 0.01 percent of the total amount handled.

Accidental oil spills result from stranding or collision of large tankers and from accidents to offshore drilling or producing wells. Both types are currently attracting much public attention because of the extensive damage done to beaches, recreational areas, and harbors. The wrecks of the Torrey Canyon and S.S. Excalibur, which discharged 118,000 tons of crude oil into the sea, is the best known example although somewhat smaller tanker wrecks and leasing platform accidents have also received considerable attention.

Earlier versions of these chemical dispersants were more toxic than the oil, but a number of specially nontoxic dispersants are now available. Even with a nontoxic dispersant, dispersed oil is more toxic to marine life than the original oil, which is one of the reasons for continuing the use of dispersants, because of its increased availability to the organisms. With all our vast inventory of chemical agents, the best and safest means of disposal is a subject still under investigation. Four 327,000-ton ships are already in operation; vessels of 200,000 dead weight tons will be ready soon. A number of large oil spills have been projected within the next few years. These monster ships have so much