APRIL 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development and Independent Agencies, to hear public witnesses.
1318 Dirksen Building

APRIL 19

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related Agencies, to hear public witnesses.
1114 Dirksen Building

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Aviation Administration.
1224 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

Government Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine accounting and auditing practices and procedures.
3302 Dirksen Building

3:00 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development, to hear public witnesses.
1318 Dirksen Building

APRIL 20

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

APRIL 21

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

Government Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine accounting and auditing practices and procedures.
3302 Dirksen Building

APRIL 22

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

APRIL 26

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed estimates for fiscal year 1978 for the Urban Mass Transportation Administration.
1224 Dirksen Building

APRIL 28

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building

MAY 3

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on U.S. monetary policy.
5302 Dirksen Building

MAY 4

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under the committee's jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building

MAY 5

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under the committee's jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building

MAY 6

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under the committee's jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building

MAY 10

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on U.S. monetary policy.
5302 Dirksen Building

Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 12

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 18

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary of Transportation Adams.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978, to hear Secretary of Transportation Adams.
1224 Dirksen Building

MAY 24

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 26

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine accounting and auditing practices and procedures.
3302 Dirksen Building

CANCELLATION
MARCH 8

9:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to consider proposed legislation recommending changes in the Grain Inspection Act.
322 Russell Building

HOUSE OF REPRESENTATIVES—*Friday, March 4, 1977*

The House met at 11 o'clock a.m.

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

Wait on the Lord; be of good courage and He shall strengthen thine heart; wait, I say, on the Lord.—Psalms 27: 10.

Almighty God, our Heavenly Father, who of Thy great mercy hast promised forgiveness of sins to all those who with hearty repentance and true faith turn unto Thee; have mercy upon us; pardon and deliver us from all our sins; confirm and strengthen us in all goodness; and lead us along the way of life and love to a health of mind, a healing of body, and a harmony of spirit which will enable us to serve our country well this day.

Bless our beloved United States. Sustain our President, our Speaker, and all who are set over us that we may be wisely governed, and so do Thou live in the hearts of our people that they may be steadfast in promoting truth, steady in producing good will, and secure in proclaiming freedom to all.

In the spirit of the Master Workman we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On February 23, 1977:

H.J. Res. 239. Joint Resolution extending the filing date of the 1977 Joint Economic Report.

On March 3, 1977:

H.R. 3753. An act to bring certain governing international fishery agreements within the purview of the Fishery Conservation Zone Transition Act.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the Senate in which concurrence of the House is requested.

S. 626. An act to reestablish the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes.

The message also announced that the Vice President, pursuant to section 9355(a), title 10 of the United States Code, appointed Mr. HOLLINGS (Appropriations), Mr. HART (Armed Services), Mr. STEVENS (Appropriations), and Mr. HANSEN (at-large) to be members, on the part of the Senate, to the Board of Visitors to the U.S. Air Force Academy.

And that the Vice President, pursuant to section 4355(a), title 10 of the United States Code, appointed Mr. JOHNSTON (Appropriations), Mr. LEAHY (at-large), Mr. HATFIELD (Appropriations), and Mr. BARTLETT (Armed Services) to be members, on the part of the Senate, to the Board of Visitors to the U.S. Military Academy.

REGULATORY REFORM OF DOMESTIC COMMERCIAL AVIATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 95–92)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Public Works and Transportation and ordered to be printed:

To the Congress of the United States:

As a first step toward our shared goal of a more efficient less burdensome Federal government, I urge the Congress to reduce Federal regulation of the domestic commercial airline industry.

One of my Administration's major goals is to free the American people from the burden of over-regulation. We must look, industry by industry, at what effect regulation has—whether it protects the public interest, or whether it simply blunts the healthy forces of competition, inflates prices, and discourages business innovation. Whenever it seems likely that the free market would better serve the public, we will eliminate government regulation.

This will take time, careful study, and extensive participation by all affected parties. But we can start with domestic commercial aviation, an area where Congress has already led the way toward regulation reform.

The statute which governs this industry has not been fundamentally changed since it was first enacted in 1938. At that time, the aviation industry was in its infancy. Many people believed that, unless the government intervened to set prices and control competition, the industry would never develop in a sensible way.

Since 1938, the industry has grown enormously. The regulatory scheme designed nearly 40 years ago to protect a developing industry is no longer suited to today's mature industry. Regulation, once designed to serve the interests of the public, now stifles competition. It has discouraged new, innovative air carriers from offering their services and it has denied consumers lower fares where they are possible.

The effect of such regulation has been recently documented. Since 1950 the Civil Aeronautics Board has received approximately 80 applications to enter scheduled trunk service from firms outside the industry. It has granted none.

On February 23, 1977, the General Accounting Office released a report which shows that regulation of domestic airlines has kept air travel costs up. The report concludes that:

—because of Federal regulation, air fares are between 22 and 52% higher than they otherwise would be.

—between 1969 and 1974, Federally regulated airlines in the United States could have operated at lower costs than they did, and travelers could have saved $1.4 billion and $1.8 billion annually.

—travelers' savings would probably have been even higher, since lower fares would encourage greater travel.

I am pleased that Congress has recognized that the outdated airline regulatory scheme must be reformed. During the last Congress, both the Senate and the House of Representatives held extensive hearings on various proposals to reduce government regulation and allow the airlines to compete.

I urge Congress to enact, without delay, regulatory reform of domestic commercial aviation.

The legislation should be directed toward certain specific objectives:

1. To the maximum extent possible, our domestic commercial airline industry should be governed by competitive market forces, not the decisions of a government bureaucracy.

2. We should ease the restrictions which now prevent entry into the industry and into currently protected routes, so that the new, innovative companies can offer their services to the public. A financially responsible firm which meets applicable safety standards should be denied entry only if the Civil Aeronautics Board can show that entry would be detrimental to the public interest.

3. Carriers should be allowed to expand their routes, within limits, without obtaining approval from the Board.

4. After a short, initial phase-in, carriers should be free to set competitive prices, with only such regulation as is necessary to prevent predatory, below-cost pricing.

5. Carriers should be given more flexibility to leave markets without prolonged hearings on onerous restrictions.

6. Small communities must be protected against the loss of needed air service.

It will take time to change from a system of extensive government regulation to one emphasizing the natural forces of the marketplace. As we make this change, we must take care to protect the legitimate interests of the public and of the air industry and its employees.

My Administration will cooperate fully with Congress throughout the legislative process so that legislation can be enacted by summer.

JIMMY CARTER.

THE WHITE HOUSE, *March 4, 1977.*

APPOINTMENT AS MEMBERS OF BOARD OF REGENTS TO SMITHSONIAN INSTITUTION

The SPEAKER. Pursuant to the provisions of 20 U.S.C. 42, 43, the Chair appoints as members of the Board of Regents to the Smithsonian Institution the following Members on the part of the House: Mr. MAHON, Texas; Mrs. BOGGS, Louisiana; and Mr. CEDERBERG, Michigan.

CALL OF THE HOUSE

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

A call of the House was ordered.

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

[Roll No. 45]

Addabbo	Burgener	Crane
Andrews, N.C.	Burton, John	Dellums
Archer	Burton, Phillip	Derwinski
Armstrong	Byron	Devine
Ashley	Caputo	Dicks
Badham	Chisholm	Diggs
Badillo	Clausen, Don H.	Dingell
Barnard	Clay	Dodd
Beard, Tenn.	Cleveland	Drinan
Bedell	Coleman	Edwards, Ala.
Beilenson	Conte	Edwards, Okla.
Bingham	Conyers	Eilberg
Boland	Corman	Evans, Colo.
Bolling	Cornwell	Evans, Ga.
Bowen	Cotter	Flippo
Breaux		Florio

Flynt	Madigan	Ruppe
Ford, Mich.	Maguire	Scheuer
Forsythe	Mathis	Schulze
Fraser	Meeds	Seiberling
Frenzel	Metcalfe	Skubitz
Fuqua	Michel	Smith, Iowa
Gammage	Miller, Calif.	Spellman
Giaimo	Mitchell, Md.	St Germain
Goldwater	Motti	Staggers
Gonzalez	Murphy, N.Y.	Steers
Goodling	Myers, Michael	Stokes
Hall	Neal	Stump
Hanley	Nix	Teague
Harkin	Nolan	Thone
Harrington	Nowak	Tonry
Harsha	Oakar	Traxler
Hillis	Panetta	Udall
Holland	Pettis	Volkmer
Horton	Pritchard	Walgren
Howard	Pursell	Waxman
Huckaby	Quayle	Weaver
Ichord	Quillen	Whalen
Jenrette	Railsback	White
Johnson, Colo.	Reuss	Wilson, Bob
Jordan	Rhodes	Winn
Kastenmeier	Richmond	Wolff
Ketchum	Risenhoover	Wydler
Koch	Rodino	Wylie
Leggett	Roe	Yates
Lujan	Rogers	Young, Alaska
McCloskey	Roncalio	Young, Fla.
McCormack	Rousselot	Zeferetti

The SPEAKER. On this rollcall 289 Members have recorded their presence by electronic device, a quorum.

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

LEGISLATION TO INCREASE OUTSIDE EARNINGS EXEMPTION FROM $3,000 TO $4,800 UNDER SOCIAL SECURITY ACT, AND ASSISTANCE TO HEALTH MAINTENANCE ORGANIZATIONS

(Mr. TUCKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUCKER. Mr. Speaker, today I am pleased to have the opportunity to introduce two bills of the distinguished Senator from my State or Arkansas, the Honorable DALE BUMPERS.

The first of these bills will amend title II of the Social Security Act to increase from $3,000 to $4,800 the amount of outside earnings permitted without deduction from benefits payable under that title. The present retirement test under social security is inequitable and amounts to little more than a 50-percent tax on the income of retired people who work. The cost of this bill, $1.5 billion in 1978, is well worth the benefit which will help insure an adequate income for the retired people of this country.

The second bill provides for the recognition of nonprofit health maintenance organizations as charitable organizations under section 501(c)(3) of the Internal Revenue Code. Passage of this bill will enable HMO's to better carry out their purposes of delivering a comprehensive range of health care services to specific populations for a fixed prepaid fee.

ENDING THE INTERNATIONAL COFFEE AGREEMENT

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, the continued escalation of coffee prices provide the American people with an opportunity to demonstrate our national capacity to resist arbitrary and manipulated pricing policies which are providing an intolerable drain on the American consumer. While coffee cannot be labeled as harmful to health—it is certainly harmful to the diet, since high coffee prices divert consumer expenditures from nutritious items of diet. Coffee is a nonessential ingredient of no more nutritional value than hot cigarette smoke.

Current pricing policies allegedly resulting from frost damage have multiplied the cost to America of imported green coffee from $1.56 billion in 1975 to $2.63 billion in 1976. The projection for 1977 indicates a cost of $5 billion. For the 3-year period, 1976–78, the increased cost of coffee imports will total $6.5 billion. To those who produce and have coffee to sell—the frost becomes a divine blessing of windfall profits.

It is time for American consumers to demonstrate their capacity to fight back, to demonstrate that our addiction to coffee can be curbed. It is time to let the coffee supplies pile up in supermarkets while we convert the coffee break into a break of our affection and dependence on coffee.

Several years ago, there was a tremendous surge in sugar prices because of a so-called world shortage. The price soared to almost 60 cents per pound, and there was widespread rejoicing among foreign and domestic sugar producers. The word was that our sweet taste would be more expensive. The American consumer responded with boycotts, a shift to alternative sweeteners, and curtailed consumption. The shift to alternative sweeteners and the permanently reduced demands of the American people have resulted in a lasting termination of America's love affair with sugar. In fact, sugar price manipulators did us a favor. The American people were compelled to realize that they could live better with less sugar. Today the American sugar industry, with sugar at 10 cents per pound, is crying for salvation and rescue through import quotas. We must remind our sugar producers that through the recent era of high-riding prices they took the American people for $6.8 billion. The sugar industry, which asked for free market conditions and bonanza profits in 1975, is now asking for Government intervention.

Coffee is headed down the same reckless course. Today's bonanza is certain to become tomorrow's distress.

Under these circumstances, there is no viable reason for the United States to retain its membership in the International Coffee Agreement. It has entirely failed to serve any purpose that is useful to the American people. It is a one-sided arrangement designed to provide a controlled production and a floor on coffee prices.

I have today recommended that President Carter withdraw America from participation in the International Coffee Agreement.

JOHN F. KENNEDY CENTER ACT AMENDMENTS

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 359 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 359

Resolved, That upon the adoption of this resolution it shall be in order to move, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93–344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2846) to amend the John F. Kennedy Center Act to authorize funds for certain repairs and other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 2846, it shall be in order in the House to take from the Speaker's table the bill S. 521 and to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 2846 as passed by the House.

The SPEAKER. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. ANDERSON) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 359 provides for the consideration of a bill (H.R. 2846) to amend the John F. Kennedy Center Act to authorize funds for certain repairs and other purposes.

This is a 1-hour open rule. It waives a point of order, under section 402(a) of the Congressional Budget Act of 1974, which would otherwise lie against the consideration of the bill. It provides, after final passage, that it shall be in order to insert the text of the House bill as agreed to under the number of a similar bill (S. 521) previously agreed to in the other body and now held at the Speaker's table.

Mr. Speaker, section 402(a) is intended to protect the jurisdiction of the Committee on the Budget by requiring all authorization bills to be reported within a timetable that insures all funding is reviewed in conjunction with the concurrent resolutions on the budget. In the case of the present bill, section 402(a) would have required the bill to have been reported by May 15, 1976.

But Mr. Speaker, the violation in this case is purely technical. Similar legislation was reported within the budget timetable in the last Congress and agreed

to in both Houses. Enactment was prevented, however, by the sine die adjournment while the measure was still in conference.

Recognizing that the Committee on the Budget had the opportunity for review that section 402(a) was intended to safeguard and noting the emergency nature of this legislation, the distinguished chairman of that committee filed a letter with the Committee on Rules, stating in part:

I have no objections to a waiver of the provision to allow consideration of H.R. 2846. The bill appears to address itself to an emergency situation and, since similar legislation was passed by both Houses in the last Congress, the Committee on Public Works and Transportation appears to have complied with the spirit of the section 402(a) requirement.

The provision making in order a motion to take from the Speaker's table the bill (S. 521), strike out all after the enacting clause, and insert in lieu thereof the provisions of H.R. 2846 as passed by the House presents no points of controversy. It is a routine motion, often handled by unanimous consent, necessary to facilitate sending a measure to conference.

While the rule is not controversial, I am aware of grave concern about the issue addressed by the bill.

This bill presents to the House a necessary, but unsatisfactory, resolution of a legacy of mismanagement, neglect, and incompetence which the architect, the National Park Service, the General Services Administration, and the Kennedy Center must all share. What we have, Mr. Speaker, is a Federal building—the national center for performing arts and the living memorial to the late President—whose roof does not keep out water.

It is not the sort of thing any Member should be happy voting for but it is neither the first nor the last time that we will be forced to pass legislation with regret. The need for prompt action is clear from the legislative history. The cost, when this matter was presented last year, was $3.3 million. Today the cost is 43 percent higher. If the question is postponed, the price tag will be higher yet next year because of continuing water damage to the building itself and to a number of valuable—and, in some cases, irreplaceable—objects of art.

The Department of Justice is filing suit against the architect. Hopefully a portion, at least, of the funds authorized will eventually be recovered in court.

The chairman of the subcommittee, our distinguished colleague from California (Mr. MINETA), has inherited a situation that literally predates his election to the House. He is to be commended for his efforts, in this bill, to establish new and stronger controls over these expenditures.

But I would also wish, as part of the record on this bill, to urge the committee to act on permanent legislation that will bar contractors and/or architects, in similar future cases of this nature, from bidding on any further Federal contracts.

Mr. Speaker, while I have expressed the misgivings that many of my colleagues share, I think I have made the case for prompt enactment of this legislation and I therefore urge the adoption of the rule.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, House Resolution 359 is a 1-hour open rule making in order the consideration of H.R. 2846, the so-called John F. Kennedy Center Act amendments. The only departures in this rule from an ordinary open rule are a waiver of the budget act and a provision to take the Senate-passed counterpart (S. 521) from the Speaker's table, strike all after the enacting clause, and insert the language of the House-passed bill.

Mr. Speaker, the budget waiver in this resolution is necessary because this bill would violate section 402(a) of the Budget Act which provides that bills authorizing the enactment of new budget authority for a fiscal year must be reported from committee by May 15 preceding the beginning of such fiscal year. Since H.R. 2846 does contain an authorization for fiscal 1977, this waiver is needed. Our Rules Committee has received a letter from the chairman of the House Budget Committee (Mr. GIAIMO), in which he states, and I quote:

Due to time pressures resulting from consideration of the Third Concurrent Budget Resolution for FY 1977, the Committee on the Budget has been unable to meet for the purpose of considering whether to support a waiver of the section 402(a) requirement. However, as Chairman of the Committee, I have no objections to a waiver of the provision to allow consideration of H.R. 2846.

He goes on to write, and again I quote:

The bill appears to address itself to an emergency situation and, since similar legislation was passed by both Houses in the last Congress, the Committee on Public Works and Transportation appears to have complied with the spirit of the section 402(a) requirement.

Mr. Speaker, H.R. 2846 authorizes $4.7 million for the repair of leaks, and resulting damage at the John F. Kennedy Center for the Performing Arts. By way of background, at the end of the last Congress, $3.3 million was requested to correct these leaks. Both Houses passed legislation authorizing that amount, but time ran out before the two Houses could resolve their differences. In the meantime, additional damage has occurred, and, coupled with inflation in costs, the request has necessarily been revised upward by $1.4 million. I think Members can conclude from this that it truly is an emergency situation and the longer we wait, the more it will cost both in damage and funds.

I questioned the Public Works Subcommittee chairman (Mr. MINETA) in the Rules Committee as to whether any suits had been brought against the contractor on this. He responded that suits are still pending and assured me that enactment of this authorization would in no way prejudice those suits.

I would also point out that the Committee on Public Works reported this bill on a voice vote, there are no minority views, and the Rules Committee likewise reported this rule on a voice vote. I urge its adoption.

I should also note that there is a motion to recommit with or without instructions.

Mr. Speaker, I know of no objections on this side on the committee to the granting of this 1-hour rule, and I would urge its adoption.

Mr. Speaker, I now yield 2 minutes to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, I think at the outset it is probably appropriate to say that the only thing that does not hold water here is the argument being made, not the roof.

First of all, Kennedy Center is referred to as a Federal building. I sat on the floor when it was solemnly promised this would not be a Federal building, that taxpayers' funds would not be used, and yet what are we doing today? Just 2 days ago the Speaker stood in the well and said that one of the issues in this body is credibility. The issue today is credibility, whether or not the American people are to believe us when we say we will not use taxpayers' funds for the construction of any memorial, stadium, or building in the Washington, D.C., area.

Secondly, today I found on my desk a newspaper. The banner headline refers to my good friend and colleague, the gentleman from Connecticut (Mr. GIAIMO). The heading on the paper says, "Mr. Giaimo Wants to Make the Budget Committee work."

Here we are the very next day after the conference report on the third concurrent resolution on the budget waiving section 402(a) of that very Budget Committee. Their promise was to bring spending under control. It was to bring a more orderly way to do things in the House.

Mr. Speaker, we often point the finger to the administration, whether it is the Democrats or the Republicans. We say they are not organized, they do not add up the total on their various spending proposals, so we needed a budget process to know precisely what we are doing and to know precisely where we are going in the spending field.

I do resent the complete abandonment of the promise that was made on this floor that this building would not be the subject of taxpayers' funds.

Mr. Speaker, I suggest the issue is credibility. I, for one, oppose the resolution.

Mr. ANDERSON of Illinois. Mr. Speaker, I have no further requests for time and yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 292, nays 22, not voting 118, as follows:

[Roll No. 46]

YEAS—292

Abdnor	Evans, Colo.	McKinney
Akaka	Evans, Del.	Mahon
Alexander	Evans, Ind.	Mann
Allen	Fary	Markey
Ambro	Fascell	Marks
Ammerman	Fenwick	Marlenee
Anderson, Calif.	Findley	Marriott
	Fish	Martin
Anderson, Ill.	Fisher	Mathis
Andrews, N. Dak.	Fithian	Mattox
	Flood	Mazzoli
Annunzio	Flowers	Meyner
Applegate	Foley	Mikulski
Armstrong	Ford, Tenn.	Mikva
Ashley	Forsythe	Milford
Aspin	Fountain	Miller, Ohio
AuCoin	Fraser	Mineta
Bafalis	Frey	Minish
Baldus	Gaydos	Mitchell, N.Y.
Baucus	Gephardt	Moakley
Beard, R.I.	Gibbons	Moffett
Beard, Tenn.	Gilman	Mollohan
Benjamin	Ginn	Montgomery
Bennett	Glickman	Moore
Bevill	Gradison	Moorhead, Pa.
Biaggi	Grassley	Moss
Blanchard	Gudger	Murphy, Ill.
Blouin	Guyer	Murphy, Pa.
Boggs	Hagedorn	Murtha
Bonior	Hamilton	Myers, Gary
Bonker	Hammer-schmidt	Myers, Ind.
Brademas		Natcher
Breckinridge	Hannaford	Neal
Brinkley	Harris	Nedzi
Brodhead	Harsha	Nichols
Brooks	Hawkins	Nolan
Broomfield	Heckler	O'Brien
Brown, Calif.	Hefner	Oberstar
Brown, Mich.	Heftel	Obey
Broyhill	Hightower	Ottinger
Buchanan	Hollenbeck	Patten
Burke, Calif.	Holtzman	Patterson
Burke, Fla.	Howard	Pattison
Burke, Mass.	Hughes	Pease
Burleson, Tex.	Hyde	Pepper
Burlison, Mo.	Ireland	Perkins
Butler	Jacobs	Pickle
Caputo	Jeffords	Pike
Carney	Jenkins	Poage
Carr	Johnson, Calif.	Pressler
Carter	Johnson, Colo.	Preyer
Cavanaugh	Jones, N.C.	Price
Cederberg	Jones, Okla.	Quie
Chappell	Kasten	Rahall
Chisholm	Kastenmeier	Rangel
Cochran	Kazen	Regula
Cohen	Kelly	Rinaldo
Collins, Ill.	Kemp	Roberts
Conable	Keys	Robinson
Conyers	Kildee	Roncalio
Corcoran	Kostmayer	Rooney
Cornell	Krebs	Rose
Coughlin	Krueger	Rosenthal
D'Amours	LaFalce	Rostenkowski
Daniel, Dan	Le Fante	Roybal
Danielson	Latta	Runnels
Davis	Leach	Ruppe
de la Garza	Lederer	Russo
Delaney	Leggett	Ryan
Dellums	Lehman	Santini
Dent	Lent	Sarasin
Derrick	Levitas	Sawyer
Dickinson	Lloyd, Calif.	Scheuer
Dodd	Lloyd, Tenn.	Schroeder
Downey	Long, La.	Sebelius
Drinan	Long, Md.	Seiberling
Duncan, Oreg.	Luken	Sharp
Duncan, Tenn.	Lundine	Shipley
Eckhardt	McClory	Shuster
Edgar	McCormack	Simon
Edwards, Calif.	McDade	Sisk
Emery	McEwen	Skelton
English	McFall	Slack
Erlenborn	McHugh	Smith, Nebr.
Ertel	McKay	Solarz
Spellman	Tucker	Whitten
Spence	Ullman	Wiggins
Stangeland	Van Deerlin	Wilson, C. H.
Stanton	Vander Jagt	Wilson, Tex.
Stark	Vanik	Wirth
Steed	Vento	Wolff
Steiger	Waggonner	Wright
Stratton	Walsh	Yatron
Studds	Wampler	Young, Alaska
Thompson	Watkins	Young, Mo.
Thornton	Waxman	Young, Tex.
Treen	Weiss	Zablocki
Trible	Whitehurst	
Tsongas	Whitley	

NAYS—22

Ashbrook	Hubbard	Satterfield
Bauman	Jones, Tenn.	Snyder
Brown, Ohio	Kindness	Symms
Clawson, Del	Lagomarsino	Taylor
Collins, Tex.	Lott	Walker
Daniel, R. W.	McDonald	
Dornan	Moorhead, Calif.	
Gore		
Holt	Rudd	

NOT VOTING—118

Addabbo	Ford, Mich.	Pursell
Andrews, N.C.	Frenzel	Quayle
Archer	Fuqua	Quillen
Badham	Gammage	Railsback
Badillo	Giaimo	Reuss
Barnard	Goldwater	Rhodes
Bedell	Gonzalez	Richmond
Beilenson	Goodling	Risenhoover
Bingham	Hall	Rodino
Boland	Hanley	Roe
Bolling	Hansen	Rogers
Bowen	Harkin	Rousselot
Breaux	Harrington	Schulze
Burgener	Hillis	Sikes
Burton, John	Holland	Skubitz
Burton, Phillip	Horton	Smith, Iowa
Byron	Huckaby	St Germain
Clausen, Don H.	Ichord	Staggers
	Jenrette	Steers
Clay	Jordan	Stockman
Cleveland	Ketchum	Stokes
Coleman	Koch	Stump
Conte	Lujan	Teague
Corman	McCloskey	Thone
Cornwell	Madigan	Tonry
Cotter	Maguire	Traxler
Crane	Meeds	Udall
Derwinski	Metcalfe	Volkmer
Devine	Michel	Walgren
Dicks	Miller, Calif.	Weaver
Diggs	Mitchell, Md.	Whalen
Dingell	Mottl	White
Early	Murphy, N.Y.	Wilson, Bob
Edwards, Ala.	Myers, Michael	Winn
Edwards, Okla.	Nix	Wydler
Eilberg	Nowak	Wylie
Evans, Ga.	Oakar	Yates
Flippo	Panetta	Young, Fla.
Florio	Pettis	Zeferetti
Flynt	Pritchard	

The Clerk announced the following pairs:

Mr. Teague with Mr. Volkmer.
Mr. Addabbo with Mr. Archer.
Mr. Panetta with Mr. Andrews of North Carolina.
Mr. Dicks with Mr. Winn.
Mr. Koch with Mr. Steers.
Mr. Boland with Mr. Don H. Clausen.
Mr. Mitchell of Maryland with Mr. Pritchard.
Mr. Badillo with Mr. Whalen.
Mr. Nix with Mr. Badham.
Ms. Oakar with Mr. Crane.
Mr. Eilberg with Mr. Skubitz.
Mr. Breaux with Mr. Cleveland.
Mr. Florio with Mr. Stockman.
Mr. Giaimo with Mr. Pursell.
Mr. Hanley with Mr. Barnard.
Mr. Murphy of New York with Mr. Horton.
Mr. Phillip Burton with Mr. Coleman.
Mr. Flynt with Mr. Wydler.
Mr. Metcalfe with Mr. Frenzel.
Mr. Nowak with Mr. Conte.
Mr. John L. Burton with Mr. Derwinski.
Mr. Zeferetti with Mr. Wylie.
Mr. Harrington with Mr. Edwards of Alabama.
Mr. Stokes with Mr. Walgren.
Mr. Early with Mr. Devine.
Mr. Diggs with Mr. Hillis.
Mr. Mottl with Mr. Edwards of Oklahoma.
Mr. Byron with Mr. Goodling.
Mr. Dingell with Mr. Madigan.
Mr. Roe with Mr. McCloskey.
Mr. Rodino with Mr. Michel.
Mr. Rogers with Mr. Young of Florida.
Mr. Sikes with Mr. White.
Mr. St Germain with Mr. Thone.
Mr. Staggers with Mr. Schulze.
Mr. Udall with Mr. Rousselot.
Mr. Bedell with Mr. Burgener.
Mr. Beilenson with Mr. Evans of Georgia.
Mr. Clay with Mr. Ford of Michigan.
Mr. Cotter with Mr. Yates.
Mr. Flippo with Mr. Bob Wilson.
Mr. Bingham with Mr. Tonry.
Mr. Corman with Mr. Traxler.
Mr. Weaver with Mr. Stump.
Mr. Bowen with Mr. Ketchum.
Mr. Ichord with Mr. Lujan.
Mr. Cornwell with Mr. Maguire.
Mr. Jenrette with Mr. Risenhoover.
Ms. Jordan with Mr. Rhodes.
Mr. Richmond with Mr. Railsback.
Mr. Reuss with Mr. Quillen.
Mr. Gammage with Mr. Goldwater.
Mr. Fuqua with Mr. Quayle.
Mr. Gonzalez with Mr. Meeds.
Mr. Miller of California with Mr. Huckaby.
Mr. Harkin with Mr. Hansen.
Mr. Hall with Mr. Michael O. Myers.
Mr. Smith of Iowa with Mr. Holland.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. MINETA. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2846) to amend the John F. Kennedy Center Act to authorize funds for certain repairs and other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. MINETA).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 2846, with Mr. SHARP in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. MINETA) will be recognized for 30 minutes, and the gentleman from new York (Mr. WALSH) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. MINETA).

Mr. MINETA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 2846, as reported by the Committee on Public Works and Transportation, provides an urgently needed $4.7 million for remedying severe water leak conditions which exist throughout the Kennedy Center Building. In connection with the expenditure of these funds, the bill requires the Board of Trustees to appoint a comptroller as disbursing officer and the comptroller shall submit a report to the Congress and the Board of Trustees on an annual basis. Lastly, the legislation stipulates that the funds authorized

hereunder shall be expended by contract only after advertising and competitive bidding for the property or services to be provided by such contract.

Since late 1971 when the Kennedy Center building was substantially completed and operations began, increasing difficulties have been encountered with water leaking through the roof, the terraces and the East Plaza Drive in front of the structure apparently due to deficiencies in the original design. Substantial damage has occurred to the interior of the building. There are at the present time in excess of 150 visible and serious water leaks throughout the Kennedy Center building. As these leaks continue, deterioration to the interior of the structure increases, resulting in, among other things, increased maintenance costs. Since Congress was unable to complete action on this legislation and provide for an appropriation of funds late in the 94th session, the serious leaks continue, damage is accelerating and work has been delayed. The combination of this delay and the severe and unusual weather conditions today now make a swift solution to this serious and urgent problem even more necessary.

There are two urgent reasons why the necessary repairs must not be delayed. The damage resulting from the leaks poses increasing danger to the safety of the public who use the Center. As you know, the Kennedy Center was established by an act of Congress providing for the sole national memorial to the late President Kennedy and a performing arts facility. Currently the Center is the third highest visitation point in Washington, an estimated 5½ million tourists visited the Center in 1976, and this figure is exclusive of the approximate 1½ million theatergoers who attend performing art functions in the evening. Therefore, in order to keep the memorial and cultural center available to the public, these funds must immediately be made available for reconstruction and repair of the Center. If these leaks are permitted to continue, the result will be permanent damage to the building and necessitate closing down portions of the building to the public due to danger from falling plaster and possible collapse of parts of the terrace.

Second, the continued leaks threaten irreversible damage to gifts of foreign countries, some nearly irreplaceable. As an example, mirrors in the grand foyer are tarnishing; marble in the Hall of States is discoloring; the stems of the crystal chandeliers in the grand foyer are corroding; serious cracks have appeared in the ceiling of the concert hall and a 6-by-8-foot section of the grand foyer ceiling recently had to be removed because of damage to the base as well as the acoustic plaster.

The estimated costs of repair and reconstruction are $4,527,300 plus a contingency of $172,000 bringing the total to $4.7 million. The Chairman of the Board of the John F. Kennedy Center for the Performing Arts, Mr. Roger Stevens, gave assurances to the committee that based on known facts the funds provided for in the bill would be sufficient to complete the work. The Kennedy Center Board proposes to utilize the services of the National Park Service to contract for the needed repairs and reconstruction. The National Park Service and the Center's Board have tried to limit damage and facilitate swift, permanent repairs without specific authorization and appropriation. The Park Service contracted with Olympic Engineering last year for a survey of the damage. The Park Service has reviewed the report and they have now compiled the interior and exterior repair cost estimates. In order to finance preparation of actual plans and specifications for these repairs, the Center's Board guaranteed $50,000 of its resources to the Park Service. The Park Service is now engaged in hiring an engineering firm to prepare specifications for the actual repairs.

In order to insure that the funds are properly expended, H.R. 2846 requires that the Board designate a comptroller who shall report to Congress on the expenditure of the funds and who shall serve as disbursing officer. The comptroller will provide insurance that the congressional intent in the authorization and appropriations of funds will be met.

Mr. Chairman, this legislation is urgently needed. This legislation will allow not only for the facility to be kept open to the public but also avoid further deterioration to the exterior and interior of the building.

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

Mr. MINETA. I am delighted to yield to my colleague, the gentleman from Colorado.

Mr. WIRTH. Mr. Chairman, I thank the gentleman for yielding to me and I rise in support of the bill which was brought forward under the distinguished leadership of the gentleman from California (Mr. MINETA). I also commend the gentleman for bringing this matter up on the floor of the House at a time when the Committee of the Whole is chaired so ably by the distinguished gentleman from Indiana (Mr. SHARP).

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

Mr. MINETA. I am delighted to yield to the very distinguished gentleman from Georgia (Mr. GINN), who was my predecessor as the chairman of the Subcommittee on Public Buildings and Grounds of the Committee on Public Works and Transportation, and under whose excellent leadership this legislation was originally brought forward.

Mr. GINN. Mr. Chairman, I thank the gentleman for yielding to me and for his kind words.

Mr. Chairman, I rise in strong support of H.R. 2846. I commend the distinguished chairman of the Subcommittee on Public Buildings and Grounds, the gentleman from California (Mr. MINETA), for the able leadership the gentleman has given on the subcommittee. I also commend the gentleman for the excellent statement he has made.

Mr. Chairman, I strongly urge my colleagues to adopt this badly needed legislation.

Mr. MINETA. I thank the gentleman.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before beginning a discussion of this legislation, I would like to pay tribute to the chairman of the Subcommittee on Public Buildings and Grounds of the Committee on Public Works and Transportation, the gentleman from California (Mr. MINETA) for the time, the patience, and the effort the gentleman has put into the preparation of this legislation.

I believe I should also mention the two previous chairmen of this subcommittee, the gentleman from Georgia (Mr. GINN) and the gentleman from Wyoming (Mr. RONCALIO) both of whom expended a great deal of time and effort on the task of trying to get this legislation enacted. They too recognized the urgency of the situation and, as I say, spent a great deal of time and effort in trying to accomplish this purpose.

Mr. Chairman, I rise in support of H.R. 2846, a bill to amend the John F. Kennedy Center Act, authorizing $4.7 million for repair and reconstruction of the John F. Kennedy Center.

Public Law 85–874, enacted September 2, 1958, authorized construction, with funds to be raised from private contributions, of a building to be designated as the National Cultural Center. This act provided for a board of trustees to oversee the administration of the building and also provided that the trustees would function as a Bureau of the Smithsonian Institution.

In 1964, a subsequent law renamed this Center the John F. Kennedy Center for the Performing Arts. The law authorized the appropriation of $23 million for the construction of the Center and provided the Board of Trustees with authority to borrow $20,400,000 from the Treasury to finance construction of parking facilities.

In addition to these funds the Board of Trustees raised in excess of $25 million from private and foreign contributors.

Ground breaking for the Center took place in September 1966 and it was substantially completed in late 1971. To date, the approximate cost of the building has been $75 million, including settlement of court claims. The prime contractor for construction of the Center was John McShain, Inc.

Section 10 of the Public Building Amendments of 1972 amended the John F. Kennedy Center Act, by delegating maintenance, custodial, and other responsibilities for nonperforming arts functions of the Center to the Secretary of Interior and authorized funds to provide these services through June 30, 1973.

Pursuant to an agreement between the two entities, operating and maintenance costs for the building are allocated between the National Park Service—76.2 percent and the Center—23.8 percent. This formula was approved by OMB in 1975.

Under this agreement the National Park Service is responsible for providing maintenance, security, information, janitorial, and all other services necessary to the nonperforming arts functions of the building. These services are comparable to the Park Services functions provided for other memorials in the metropolitan area. This would include the Lincoln Memorial, Jefferson Memorial, and Washington Monument.

Under this agreement, the Kennedy Center Board of Trustees has paid, to the Park Service, its share of these costs since 1973.

In effect then, the Kennedy Center performs two functions. It provides the Nation with a memorial to the late President and it also provides a function as the Nation's Performing Arts Center in Washington, D.C.

Mr. Chairman, I fully support H.R. 2846. These funds are to be used for urgently needed repairs to the roof and floor of the Center, which are currently leaking.

Leaks have damaged the Grand Foyer, the Plaza Drive, as well as the kitchen and other areas of the Center. In addition to the roof repair, the East Plaza Drive needs repairs and reconstruction, as well as the marble terraces on the 109- and 40-foot levels. Also ponding and vents are needed on the roof to dry out the insulation.

Early last summer, I joined my colleagues for an onsite inspection of the Center and took a tour of the roof and attics. Water leak damage was evident and it is obvious that further deterioration will continue unless repairs are made immediately. This is a beautiful structure and although it is unconscionable that the roof is leaking so soon after construction, the repairs, nevertheless must be made.

Since the opening of the Center in 1971, the roof has been leaking at approximately 150 points. Also, the interior of the Center shows signs of these leaks with many water stains on the ceiling and in the Grand Foyer, paint peeling on the walls in the Opera House, and other noticeable water marks. Also, as stated by my colleagues, gifts to the Center have been damaged.

As temporary measures, the National Park Service has erected several water pans to collect the leakage at a cost of about $35,000 and has engaged the Park Service to prepare plans and specifications for the repairs.

The delay in providing the Kennedy Center with funds for repairs, coupled with the harsh winter we have been experiencing has exacerbated the situation to a point where swift action is required.

As my colleagues will recall, the House passed a similar bill last year under suspension of the rules. However, the House and the other body were unable to resolve their differences on the legislation before adjourning last session. The bill the House passed last year provided for $3.3 million to repair the facility. Because of inflation and because of continued deterioration of the building, the cost of repairs has risen to $4.7 million.

The Subcommittee on Public Buildings and Grounds held hearings on this bill on February 7, at which time the Chairman of the Board, Mr. Roger Stevens, appeared and testified, as did representatives of the National Park Service which currently maintains this memorial to the late President Kennedy. All testified in support of this legislation and gave assurances that the authorization in the bill would be sufficient to complete the repairs.

Currently, one suit is pending in the U.S. Court of Claims. The United States is asking recovery in the form of a counterclaim against the architect for design failure. It is anticipated that settlement will take place in 1 to 3 years.

The bill requires the funds to be expended under a fixed-price contract which will prevent escalating costs. Further, advertising and competitive bidding are required before the execution of a contract for repairs.

Mr. Chairman, the delay in providing the needed funds is largely responsible for the increased cost of repairs to this building. As repairs are postponed an increase of approximately $47,000 per month will result.

I would hope that this House would not spend this day trying to assess blame for what has happened at the Kennedy Center. The mistake was first made when the building was accepted from the contractor. The second mistake was the failure to secure a guarantee on the roof and adequate performance bonds. All the blame letting however, will not change the fact that the roof leaks and the building receives new damage with each new storm.

The one and only way we can correct this condition is to authorize the money called for in this bill.

I urge your support.

Mr. MINETA. Mr. Chairman, I yield such time as he may consume to the very distinguished chairman of the full Committee on Public Works and Transportation, the very able gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Chairman, H.R. 2846, as reported by the House Committee on Public Works and Transportation would remedy a serious condition which currently exists at the John F. Kennedy Center for the Performing Arts.

The legislation authorizes $4.7 million for repair, renovation, and reconstruction of the Center. At the present time, the roof, plaza areas, and roadways are leaking and deteriorating rapidly. Serious damage has also occurred within the building which poses a potential health and safety hazard due to the vast numbers of tourists and theater-goers visiting the Center daily. The extensive damage caused by these water leaks can only get progressively worse. There are currently in excess of 100 pans installed in the building as a stopgap measure to prevent further damage. Repairs to the building are urgently and immediately needed. The committee has thoroughly reviewed the cost estimate of $4.7 million prepared by the National Park Service in conjunction with Olympic Engineers and feels that the amount is sufficient to cover the cost of all known repairs.

The legislation further provides for appointment by the Board of Trustees of a comptroller to insure that the funds appropriated in the bill are properly expended.

The Board of Trustees of the Kennedy Center proposes to utilize the services of the National Park Service to contract for the necessary repairs and reconstruction. The appropriated funds will be used to pay contractors hired by the National Park Service and to reimburse the Kennedy Center approximately $50,000 which they advanced to the Park Service in order that they could proceed with the hiring of an engineering firm to prepare final specifications for actual repairs.

Mr. Chairman, to briefly give some background history of the Center, the national cultural center was authorized by Congress in 1958. In 1964, shortly after the assassination of President Kennedy, Congress authorized a mixture of public and private funds for the construction of the building, which was then designated to serve as a living memorial to our late President. In September of 1971, the Center was officially opened to serve the dual function of a performing arts center and a monument.

The Kennedy Center is governed by a board of 45 members, 30 of whom are appointed by the President for 10-year terms and 15 of whom are ex officio members. Included among these are three members of the House and three members of the Senate. The Center also has a national membership through the Friends of the Kennedy Center and an Advisory Committee on the Arts whose membership represents all of the 50 States.

Mr. Chairman, the Kennedy Center is an integral part of the Washington scene. Tourists have made the Center one of the busiest sightseeing attractions in Washington, and over 17 million tourists have now visited and toured the Center. More than 8 million patrons have attended 5,400 performances in the past 5 years. The Center is indeed an ideal example for the involvement of the Federal Government in the enrichment of our quality of life. The legislation will allow the Center to remain open to the public and avoid further deterioration of the Center. The work is essential to restore the full usability of the Center. I urge enactment of H.R. 2846.

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

Mr. JOHNSON of California. Yes, I yield to the gentleman from New Jersey.

Mr. THOMPSON. Mr. Chairman, I would like to express my gratitude to the gentleman, as the original author of the legislation which created the Kennedy Center.

As a trustee since the beginning, I have observed the tremendous interest in its development, and I have observed the tragedy of this roof business, which is a very, very sad thing and a very dangerous thing. I might point out the importance of this Center to the American people. Last year, 5,342,000 people visited the Center, and 1,600,000 people

purchased or were given tickets under our programs to witness the performances there.

Under the direction of Roger Stevens and others over the years, the Center has really brought about a renaissance in the cultural life of the Capital of the greatest Nation on Earth.

I want to express my gratitude to the gentleman from California and to appeal to my colleagues to support this legislation for these absolutely necessary repairs.

Mr. JOHNSON of California. I thank the gentleman from New Jersey for his contribution.

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

Mr. JOHNSON of California. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I also want to join my colleague, the distinguished chairman of the committee, and my colleague from New Jersey (Mr. THOMPSON) in support of this very important matter. I think that those of us who have been able to observe the development and the widespread use of the Kennedy Center recognize it as one of the finest institutions we have in the country. It has been a symbol, a source of reinspiring and reinvigorating our national interest in culture and the arts. I think the whole country appreciates what is going on.

I heartily support the request of the gentleman from California, and I do thank the gentleman for his fine support of this program.

Mr. JOHNSON of California. I thank the gentleman from Ohio for his contribution.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. GRASSLEY).

Mr. GRASSLEY. Mr. Chairman, members of the committee, what I have to say on this matter is somewhat of an extension of the position that the gentleman from Ohio (Mr. ASHBROOK) took during his remarks expressed during the debate on the rule.

The American taxpayers were told at one time back in 1958 to be exact by this U.S. Congress that this building would not cost one cent. Succeeding U.S. Congresses did not keep their word with the American people. As far as I am concerned, that is the issue. It is not the issue of a leaky roof. It is the issue of, when are we, as a representative body, going to start leveling with the American people when, in fact, "There ain't no such thing as a free lunch" if the Congress of the United States or if the Federal Government in toto is in any part involved.

Nobody here today is going to try to justify a leaky roof or justify letting it continue to leak. Nobody wants to, nor will, but let us use this leaky roof as a constant reminder to us that, first, we ought constantly to try to level with the American people as to just what the situation might be if the Federal Government is getting involved with something; and second, if the Federal Government gets involved, that it is going to cost money.

It may sound facetious, but I almost think that it ought to be a rule of this House that whenever we are going to authorize a new building, that we ought to look out to the Northwest and see what this building, the Kennedy Center is costing the taxpayers, what we were told it was going to cost, and then be reminded of that—so we do not repeat the misjudgment the U.S. Congress made in 1958.

Fourteen times during debate in the original piece of legislation we were told that this was not going to cost the taxpayers anything. I would quote from the CONGRESSIONAL RECORD:

It does not cost the government any money.

Again, I quote:

. . . why there should be opposition to this bill. It does not cost the government any money.

Again, I quote:

It would be financed—not by the government . . .

I quote again:

It is not costing the taxpayers a single penny.

Again quoting:

This is one bill that will not cost the taxpayers anything.

It is not costing the taxpayers of the United States a single penny—

To quote again.

And quoting again, that this building was not going to cost anything, in a sense, by saying:

I am confident that (this) Center can be managed so that it would be continuously in the black.

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

Mr. MINETA. Mr. Chairman, I yield the gentleman an additional 2 minutes.

Mr. GRASSLEY. If the gentleman is going to yield me some time, I would like to finish my statement.

Mr. MINETA. Mr. Chairman, I would like to ask the gentleman in the well a question.

Mr. GRASSLEY. Then do not bother.

Mr. WALSH. Mr. Chairman, I yield 2 additional minutes to the gentleman from Iowa (Mr. GRASSLEY) to finish his statement.

Mr. GRASSLEY. Mr. Chairman, Congress was reminded 14 times during that debate in 1958 that this building would not cost the taxpayers a single penny. The roof is leaking. We are going to obviously fix it. We are not going to have the investment of the taxpayers go down the drain. But I think we can legitimately inquire whether this is the last time any taxpayers' money will be spent, and I think it is legitimate to inquire why admission prices are not raised so that the Kennedy Center can be self-supporting and no longer a taxpayers' burden.

This ought to be a monument, a reminder that when the Federal Government is involved that there is no such thing as a free lunch. Fifty-five Members back in 1958 realized they were being sold a bill of goods and voted against it.

Mr. WALSH. Mr. Chairman, I yield 7 minutes to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Chairman, those who have spoken before have very adequately raised the point of why the Federal taxpayer should be burdened with this further and more extensive expenditure of money on a monument that originally was to have cost them nothing. I have been here only a brief time, less than 4 years. I cannot recall how many times we have voted on this issue even in that time.

Just for the historical record, I would like to quote to the Members from the musty files of the hearings held by the House Public Works Committee way back on December 12 and 16, 1963. That was in the 88th Congress, a much quieter time, when we did not have a $70 billion annual deficit and a $600 billion national debt. Now we go around telling ourselves to be proud about it, since our profligacy is all done under a new streamlined budget system. As the gentleman from Ohio said earlier, this particular legislation is brought before us under a rule containing the first waiver after the third concurrent budget resolution, which undoubtedly will be followed by a fourth and fifth and sixth concurrent resolution on the budget before this fiscal year ends. On December 12, 1963, the following exchange took place between our former colleague, the gentleman from Florida, Mr. Cramer, and Mr. Roger L. Stevens, he of the leaky roof:

Representative CRAMER. Will this legislation obligate the Government in any way for maintenance and operation in the future?

Mr. STEVENS. No, sir. We feel that in their income from rentals we will have enough money for proper maintenance and even going so far as depreciation of equipment.

I also would like to quote to the Members from the Washington Star of June 4, 1969, wherein it said:

The House Public Works Committee gave its approval today to the spending of $20 million in added funds for the John F. Kennedy Center for the Performing Arts.

But in reporting out a bill by a vote of 22 to 6 to authorize the government's portion of the additional spending, the committee put the Center on notice that "This is it" for the Federal Government's financial participation.

Mr. Chairman, it seems to me that we should remember that more than one member of the Committee on Public Works, including our former colleague from Illinois, Mr. Gray, when he was not on his houseboat on the Potomac but here on the floor, kept assuring the Members over and over that there was nothing to be worried about, that this cultural center was going to pay for itself.

All of us lament the leaky roof, but there are many leaky roofs all across America. The average American now pays anywhere from 30 to 40 percent of his annual income in taxes. It seems to me that when we are unable to afford water projects in drought-stricken areas in the West, when people's farms are parched and dry and men and women are going

out of business, when we are unable to afford an additional aircraft carrier to protect us against the admitted design of the Russians to take over this world, certainly we could ask the Kennedy Center and its directors and those who have supported it over the years to cough up $4½ million to fix its leaky roof and not ask the American taxpayers to bear that burden also.

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

Mr. BAUMAN. I yield to the distinguished fiscal conservative, the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, I thank the gentleman for yielding.

We have been through this so many times that I must say that I am reminded of that old jailhouse story that the boys told the same jokes over and over so many times that they got together and just assigned numbers to the jokes. One would say, "Number 42," and everybody would laugh.

I am just wondering whether perhaps my good friend, the gentleman from New Jersey (Mr. THOMPSON) could just assign a number to the Kennedy Center, and then every time this thing came up we could just say, "Number 36." We would not have to go through the debate again, we would know this is the Kennedy Center bill, and we could think back over the various arguments we had and get a good laugh and then give them the money. Basically, that is what we are doing.

Mr. BAUMAN. Mr. Chairman, I agree with the gentleman. That might obviate the necessity of going through this charade several times a year. I think we can jointly predict with absolute confidence that this is not the end of the leak but that the gusher will continue. That they will probably be back this year or next year for more money when they discover some other cultural necessity.

I will agree with the gentleman that the spokesman for the committee could just perhaps say, "Number 36," and let the American people have a laugh, although I am afraid the laugh is on all of us.

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

Mr. BAUMAN. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, let me ask the gentleman this: What is the price of tickets down at this place?

Mr. BAUMAN. Mr. Chairman, I must confess that the gentleman from Maryland spends all his evenings reading reports and bills and he has never been able to enjoy the luxury of this rather damp Center for the Performing Arts.

Mr. SYMMS. Mr. Chairman, I have heard it said by our former beloved colleague, Mr. Gross, that that was where the rich people went to operas subsidized by the working poor people. Is this the place we are talking about?

Mr. BAUMAN. Mr. Chairman, based on our recent action here in the House regarding allowances and pay raises, perhaps all of the Members are qualified as rich people, so maybe we should all go down to the Potomac and enjoy culture.

I might say for the record that I have had some communication from our former beloved colleague from Iowa regarding this very legislation. In fact, I should give him credit for the research on which I based my statement here today.

Mr. WALSH. Mr. Chairman, if the gentleman will yield, I will be glad to send the gentleman from Maryland a schedule of the events down at the Kennedy Center. I am sure that might be helpful.

Mr. BAUMAN. The gentleman from Maryland is notoriously parsimonious. I would suggest that the gentleman just send me the tickets.

Mr. WALSH. Mr. Chairman, we passed a law against that the day before yesterday, I will remind the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Chairman, I thank the gentleman, but I am willing to report the tickets on the proper form.

Mr. WALSH. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. Mr. Chairman, briefly, I would just like to saw that whatever the past may have been and whatever the conditions that have been described here in other years may have been, the Kennedy Center has become not only a national monument but a national treasure, and it is inconceivable that it should not be supported in our Nation's Capital.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have no further requests for time, but in concluding debate on this issue I would like to point out that we seem to forget that this Center serves two functions. One, it is a performing arts center, and No. 2, it is a national monument.

The Government of the United States is obligated to take care of this national monument, just as it does with any of its other national monuments. There is no way we can get away from that responsibility.

It is extremely unfortunate that some of the statements that were made in the past were made by people who really did not look into the operation of the arts in this country. I know of almost no council of the arts function that is completely self-supporting. Many, many States have councils of the arts where taxpayer funds are used. I think it is part of the culture of this Nation that we do this today and provide the facilities for those who cannot afford them.

This is a beautiful monument to a great President. I think it is the only monument that is ever going to be erected to him. I think the legislation provides for that.

Mr. Chairman, I believe it is important that we remember that most of the visitors when they come to Washington are looking for the Kennedy Center first and the other monuments secondarily. Moreover, Mr. Chairman, the Kennedy Center has a tremendous draw. It has a tremendous attraction. It is a great asset to the Nation's Capital.

Mr. Chairman, we can talk all day here; but it is raining right now, and the roof of the Kennedy Center is leaking. There is nothing we can do except to appropriate this money to correct the leaking conditions and save the building.

Mr. Chairman, I urge passage of this legislation.

Mr. MINETA. Mr. Chairman, I yield myself 1 additional minute.

Mr. Chairman, I fully concur with the statement just made by the very distinguished ranking member of this subcommittee; and I urge passage of H.R. 2846.

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

Mr. WEISS. Mr. Chairman, I am voting in favor of H.R. 2846, John F. Kennedy Center.

I support this legislation, because it provides funds to repair damage to the John F. Kennedy Center for the Performing Arts which resulted from leaks in the roof of this structure. It is tragic that this wonderful Center, which provides vast and rich cultural opportunities for residents of Washington and visitors from all over the Nation and the world, has been plagued with this structural defect. According to House Report 95–18 over 150 leaks are visible in the roof of the Center and irreparable damage is being done to the interior of the structure. These leaks will continue to take their toll on the Center unless Congress takes action to counteract this trend immediately.

H.R. 2846 allows Congress to take immediate action by providing for the appropriation of $4.7 million for the Center to make repairs to the roof. I believe that this action is necessary to insure the significant investment that the Federal Government has already made in the Center.

John F. Kennedy was keenly interested in the arts. It was his belief that this country could not continue to flourish if the arts were not included in our national goals. He knew that this Nation could not call itself great if it ignored the important contributions which the arts make to the spirit and fabric of America.

It was more than appropriate that the Center was created and named for the late President by the Congress. In 1971 when the Center opened in Washington, D.C., it ushered in a new celebration of the arts as a source of national pride. Until that time Washington had been lacking a comprehensive center for the performing arts. Since 1971 John F. Kennedy Center for the Performing Arts has developed into a living memorial to the late President. According to Mr. Roger Stevens, Chairman of the Board of Trustees of the Center, in a statement before the House Public Works and Transportation Committee, over 17 million people have toured the Center and 8 million patrons have attended 5,400 major performances over the last 5 years. The Kennedy Center has become one of the busiest sightseeing attractions in the Capital.

It is apparent that President Kennedy's vision and interest in the arts are being shared by a growing number of Americans. The Center has become an

invaluable site for both Washingtonians and citizens all over the Nation for the cultural activities which it provides. It is in the vital interest of us all to maintain the integrity of this magnificent living memorial, by insuring the physical well-being of the Kennedy Center structure.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the John F. Kennedy Center Act (Public Law 85–874, as amended) is amended by adding the following new subsection:

"(c) There are authorized to be appropriated to the Board not to exceed $4,700,000 for repair, renovation, and reconstruction of the John F. Kennedy Center for the Performing Arts necessary to correct water leaks in the roof, the terraces, the kitchen, and the East Plaza Drive and to correct any damage which has resulted from those leaks.

SEC. 2. Section 5 of the John F. Kennedy Center Act is amended by adding at the end thereof the following new subsection:

"(d) The Board shall appoint a comptroller as disbursing officer for all funds appropriated pursuant to subsection (c) of section 8. The comptroller shall serve until all such appropriate funds are utilized. Until all such appropriated funds are utilized, the comptroller may not be removed except for malfeasance in office or upon conviction of any felony or of conduct involving moral turpitude, and for no other cause. Notwithstanding any other provision of this Act, all claims and demands whatsoever by the Board or against it and all accounts whatever in which the Board is concerned either as a debtor or a creditor and which relate to such appropriate funds, shall be settled and adjusted by the comptroller. The comptroller shall audit from time to time, but at least once each year and after all such appropriated funds shall have been utilized, the books, documents, papers, and records of the Board as they pertain to such appropriated funds and shall report to Congress and the Board the results of such audit. The comptroller shall prescribe such regulations as may be necessary to carry out his functions under this subsection. The Board may prescribe such other functions as it may deem appropriate for the comptroller.".

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

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

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 2, insert immediately after "leaks." and before the quotation marks, the following: "No part of the funds authorized by this subsection shall be expended under any cost-plus-a-percentage-of-cost, cost-plus-a-fixed-fee, or similar incentive-type contract. Funds authorized by this subsection shall be expended under a contract only after advertising and competitive bidding for the property or services to be provided by such contract."

The committee amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. SHARP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2846), to amend the John F. Kennedy Center Act to authorize funds for certain repairs and for other purposes, pursuant to House Resolution 359, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. GRASSLEY

Mr. GRASSLEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GRASSLEY. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GRASSLEY moves to recommit the bill, H.R. 2846, to the Committee on Public Works and Transportation with instructions to report it back forthwith with the following amendment: One page 1, line 7, strike the figure "$4,700,000" and insert in lieu thereof "$3,300,000".

The SPEAKER. The gentleman from Iowa (Mr. GRASSLEY) is recognized for 5 minutes in support of his motion to recommit.

Mr. GRASSLEY. Mr. Speaker, this amendment to the John F. Kennedy Act sets the appropriation figure at the level by which it passed the House 5 months ago.

I am doing this because I do not think we had that much of an increase in the cost of living, 33 percent since last year. I do not even believe that in the construction industry the cost of living and the cost of construction have increased that much; and that is why I am offering this motion to recommit with instructions.

Mr. Speaker, I urge that the Members support this motion to recommit.

Mr. MINETA. Mr. Speaker, I rise in opposition to the motion to recommit with instructions and ask the Members to defeat the motion. I would merely add that $3.3 million would be totally inadequate to complete the work that is needed and, therefore, we need the $4.7 million.

At this time I believe it is appropriate to lay to rest once and for all some questions that have arisen in connection with the legislative history of the John F. Kennedy Center for the Performing Arts. The main issue that should be treated is the oft-repeated statements heard on the floor and off, to paraphrase, and I quote, "The Center will not cost the American taxpayer 1 cent." This is simply not the case, never was the case and let me explain why. We are dealing with a history of two separate pieces of legislation when we deal with the creation of a cultural center or a center for the performing arts.

In the second session of the 85th Congress back in 1958, the Congress passed and there was enacted into law, a law known as the National Cultural Center Act (Public Law 85–874). This act provided for a national cultural center which would be located on a site within the Nation's capital. The act also provided for a Board of Trustees whose purpose was to construct said Center with funds raised by voluntary contributions. This Center was to be a bureau of the Smithsonian Institution and was to present various cultural events or programs such as classical and contemporary music, opera, drama, dance, et cetera. This law remained "on the books" for approximately 6 years.

The tragic death of President John F. Kennedy in November of 1963 led to the introduction of legislation to rename the National Cultural Center as the John F. Kennedy Center for the Performing Arts. The Congress in its wisdom when it created the John F. Kennedy Center as the sole living memorial to the late President John F. Kennedy in Washington, D.C., specifically provided for Federal funding to be comingled with voluntary contributions to assist in the development of the Center and that funding appears in the basic law, Public Law 88–260, as section 8, where the law initially authorizes the sum of some $15.5 million as the Federal share for the development of the Center.

This section has since been amended and the total figure that has been authorized for the Federal share has been increased over the years to $43.3 million.

Thus the distinction clearly exists here. The original National Cultural Center Act provided for no Federal funds and voluntary contributions for its construction. The act as amended as a memorial to the late President from the onset has always provided for Federal assistance, along with private contributions to the Center.

This building belongs to the people of the United States and not to any private group or entity. Further, it is appropriate for the Government to pay for the cost of making repairs to the monument in the same manner as the United States pays for the cost of maintaining other monuments to deceased Presidents in the Washington area. Recently, the Congress appropriated expenditures of approximately $2 million for repairs of the foundation of the Jefferson Memorial, $600,000 for repair of the Lincoln Memorial and to date has spent approximately $1.4 million to repoint and repair the Washington Monument, which is leaking. I would like to point out that the Board of Trustees are responsible only for the performing arts aspect of the Kennedy Center's operation. The Board performs its functions without Federal subsidy. How-

ever, as I previously stated, the Kennedy Center is also a monument and must be maintained in the same manner as other memorials.

Mr. Speaker, I urge defeat of the motion to recommit.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken and the Speaker announced that the noes appear to have it.

Mr. GRASSLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 101, nays 213, not voting 118, as follows:

[Roll No. 47]

YEAS—101

Andrews, N. Dak.	Gore	Neal
Armstrong	Grassley	Nichols
Ashbrook	Guyer	O'Brien
AuCoin	Hagedorn	Poage
Bafalis	Hansen	Robinson
Bauman	Harris	Rudd
Beard, Tenn.	Hollenbeck	Runnels
Bennett	Holt	Ruppe
Bevill	Hubbard	Sarasin
Brinkley	Hyde	Satterfield
Broomfield	Ireland	Sawyer
Brown, Mich.	Jacobs	Sebelius
Brown, Ohio	Jeffords	Skelton
Broyhill	Jenkins	Smith, Nebr.
Burke, Fla.	Jones, Okla.	Snyder
Burleson, Tex.	Kelly	Spence
Cavanaugh	Kemp	Stangeland
Clawson, Del	Kindness	Stanton
Collins, Tex.	Kostmayer	Symms
Corcoran	Lagomarsino	Taylor
Cornell	Latta	Thornton
Coughlin	Lent	Treen
Daniel, Dan	Lott	Trible
Daniel, R. W.	Luken	Van Deerlin
Dent	McDonald	Vander Jagt
Dickinson	McHugh	Waggonner
Dornan	Marlenee	Walker
Erlenborn	Marriott	Wampler
Evans, Del.	Martin	Watkins
Fish	Miller, Ohio	Whitehurst
Frey	Montgomery	Wiggins
Gaydos	Moore	Yatron
Gilman	Moorhead, Calif.	Young, Alaska
Glickman	Myers, Ind.	

NAYS—213

Abdnor	Burke, Mass.	Eckhardt
Akaka	Burlison, Mo.	Edgar
Alexander	Butler	Edwards, Calif.
Allen	Caputo	Emery
Ammerman	Carney	English
Anderson, Calif.	Carr	Ertel
Anderson, Ill.	Carter	Evans, Colo.
Annunzio	Cederberg	Fary
Applegate	Chappell	Fascell
Ashley	Chisholm	Fenwick
Aspin	Cochran	Findley
Baldus	Cohen	Fisher
Baucus	Collins, Ill.	Flood
Beard, R.I.	Conable	Flowers
Benjamin	Conyers	Foley
Biaggi	Cornwell	Ford, Tenn.
Blanchard	D'Amours	Forsythe
Blouin	Danielson	Fountain
Boggs	Davis	Gephardt
Bonior	de la Garza	Giaimo
Bonker	Delaney	Gibbons
Brademas	Dellums	Ginn
Breckinridge	Derrick	Gradison
Brodhead	Dingell	Hall
Brooks	Dodd	Hamilton
Brown, Calif.	Downey	Hammer-schmidt
Buchanan	Drinan	Hannaford
Burke, Calif.	Duncan, Oreg.	Harsha
Hawkins	Mattox	Rostenkowski
Heckler	Mazzoli	Roybal
Hefner	Meyner	Russo
Heftel	Mikulski	Ryan
Hightower	Mikva	Santini
Holtzman	Milford	Scheuer
Howard	Mineta	Schroeder
Hughes	Minish	Seiberling
Johnson, Calif.	Mitchell, Md.	Sharp
Johnson, Colo.	Mitchell, N.Y.	Shipley
Jones, N.C.	Moakley	Shuster
Jones, Tenn.	Moffett	Simon
Jordan	Mollohan	Sisk
Kasten	Moss	Skubitz
Kastenmeier	Murphy, Pa.	Slack
Kazen	Murtha	Solarz
Keys	Myers, Gary	Spellman
Kildee	Natcher	Stark
Krebs	Nedzi	Steed
Krueger	Nolan	Steiger
LaFalce	Oberstar	Stratton
Le Fante	Obey	Studds
Leach	Ottinger	Thompson
Lederer	Patten	Tsongas
Lehman	Patterson	Tucker
Levitas	Pattison	Udall
Lloyd, Calif.	Pease	Ullman
Lloyd, Tenn.	Pepper	Vanik
Long, La.	Perkins	Walgren
Long, Md.	Pickle	Walsh
Lundine	Pike	Waxman
McClory	Pressler	Weiss
McCloskey	Preyer	Whitley
McCormack	Rahall	Whitten
McDade	Rangel	Wilson, C. H.
McEwen	Regula	Wilson, Tex.
McKay	Rinaldo	Wirth
McKinney	Risenhoover	Wolff
Mahon	Roberts	Wright
Mann	Roncalio	Young, Mo.
Markey	Rooney	Young, Tex.
Marks	Rose	Zablocki
Mathis	Rosenthal	

NOT VOTING—118

Addabbo	Flynt	Price
Ambro	Ford, Mich.	Pritchard
Andrews, N.C.	Fraser	Pursell
Archer	Frenzel	Quayle
Badham	Fuqua	Quie
Badillo	Gammage	Quillen
Barnard	Goldwater	Railsback
Bedell	Gonzalez	Reuss
Bellenson	Goodling	Rhodes
Bingham	Gudger	Richmond
Boland	Hanley	Rodino
Bolling	Harkin	Roe
Bowen	Harrington	Rogers
Breaux	Hillis	Rousselot
Burgener	Holland	Schulze
Burton, John	Horton	Sikes
Burton, Phillip	Huckaby	Smith, Iowa
Byron	Ichord	St Germain
Clausen, Don H.	Jenrette	Staggers
Clay	Ketchum	Steers
Cleveland	Koch	Stockman
Coleman	Leggett	Stokes
Conte	Lujan	Stump
Corman	McFall	Teague
Cotter	Madigan	Thone
Crane	Maguire	Tonry
Derwinski	Meeds	Traxler
Devine	Metcalfe	Vento
Dicks	Michel	Volkmer
Diggs	Miller, Calif.	Weaver
Early	Moorhead, Pa.	Whalen
Edwards, Ala.	Motti	White
Edwards, Okla.	Murphy, Ill.	Wilson, Bob
Eilberg	Murphy, N.Y.	Winn
Evans, Ga.	Myers, Michael	Wydler
Evans, Ind.	Nix	Wylie
Fithian	Nowak	Yates
Flippo	Oakar	Young, Fla.
Florio	Panetta	Zeferetti
	Pettis	

The Clerk announced the following pairs:

Mr. Teague with Mr. Ambro.
Mr. Addabbo with Mr. Fraser.
Mr. Boland with Mr. Andrews of North Carolina.
Mr. Fuqua with Mr. Barnard.
Mr. Rogers with Mr. Bedell.
Mr. McFall with Mr. Ford of Michigan.
Mr. Murphy of New York with Mr. Reuss.
Mr. Nix with Mr. Bingham.
Ms. Oakar with Mr. Richmond.
Mr. Breaux with Mr. Badham.
Mr. Bellenson with Mr. Miller of California.
Mr. Phillip Burton with Mr. Conte.
Mr. Koch with Mr. Archer.
Mr. Stokes with Mr. Badillo.
Mr. John L. Burton with Mr. Diggs.
Mr. Cotter with Mr. Burgener.
Mr. Corman with Mr. Railsback.
Mr. Dicks with Mr. Crane.
Mr. Florio with Mr. Derwinski.
Mr. Flippo with Mr. Sikes.
Mr. Moorhead of Pennsylvania with Mr. Coleman.
Mr. Meeds with Mr. Quillen.
Mr. Staggers with Mr. Cleveland.
Mr. Rodino with Mr. Metcalfe.
Mr. Roe with Mr. Lujan.
Mr. St Germain with Mr. Madigan.
Mr. Volkmer with Mr. Devine.
Mr. Yates with Mr. Don H. Clausen.
Mr. Zeferetti with Mr. Jenrette.
Mr. Panetta with Mr. Leggett.
Mr. Hanley with Mr. Michel.
Mr. Harrington with Mr. Mottl.
Mr. Byron with Mr. Edwards of Alabama.
Mr. Eilberg with Mr. Clay.
Mr. Flynt with Mr. Nowak.
Mr. Price with Mr. Bowen.
Mr. Early with Mr. Fithian.
Mr. Edwards of Oklahoma with Mr. Frenzel.
Mr. Gammage with Mr. Quie.
Mr. Gonzalez with Mr. Quayle.
Mr. Traxler with Mr. Vento.
Mr. Harkin with Mr. Rousselot.
Mr. Hillis with Mr. Schulze.
Mr. Pursell with Mr. Pritchard.
Mr. Holland with Mr. Horton.
Mr. Ichord with Mr. Steers.
Mr. Weaver with Mr. Wydler.
Mr. Huckaby with Mr. Thone.
Mr. Maguire with Mr. Whalen.
Mr. Michael O. Myers with Mr. White.
Mr. Gudger with Mr. Goodling.
Mr. Murphy of Illinois with Mr. Wylie.
Mr. Smith of Iowa with Mr. Winn.
Mr. Tenry with Mr. Bob Wilson.
Mr. Stump with Mr. Stockman.
Mr. Evans of Georgia with Mr. Young of Florida.
Mr. Evans of Indiana with Mr. Goldwater.

Messrs. RANGEL and MATHIS changed their vote from "yea" to "nay."

Mr. IRELAND changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SYMMS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 239, nays 78, not voting 115, as follows:

[Roll No. 48]

YEAS—239

Akaka	Brown, Calif.	Dent
Alexander	Broyhill	Derrick
Allen	Buchanan	Dingell
Ammerman	Burke, Calif.	Dodd
Anderson, Calif.	Burke, Fla.	Downey
	Burke, Mass.	Drinan
Anderson, Ill.	Burlison, Mo.	Duncan, Oreg.
Annunzio	Butler	Duncan, Tenn.
Applegate	Caputo	Eckhardt
Ashley	Carney	Edgar
Aspin	Carr	Edwards, Calif.
Baldus	Carter	Emery
Baucus	Cavanaugh	English
Beard, Tenn.	Cederberg	Erlenborn
Benjamin	Chappell	Ertel
Biaggi	Cochran	Evans, Colo.
Blanchard	Cohen	Evans, Del.
Blouin	Collins, Ill.	Fary
Boggs	Conyers	Fascell
Bonior	Cornell	Fenwick
Bonker	Cornwell	Findley
Brademas	Danielson	Fish
Brinkley	Davis	Fisher
Brodhead	de la Garza	Flood
Brooks	Delaney	Flowers
Broomfield	Dellums	Foley

Ford, Tenn.	McHugh	Roncalio
Forsythe	McKay	Rooney
Fountain	McKinney	Rose
Gephardt	Mahon	Rosenthal
Giaimo	Mann	Rostenkowski
Gibbons	Markey	Roybal
Ginn	Marks	Ruppe
Glickman	Martin	Russo
Gradison	Mathis	Ryan
Gudger	Mattox	Scheuer
Hamilton	Mazzoli	Schroeder
Hannaford	Meyner	Sebelius
Harsha	Mikulski	Seiberling
Hawkins	Mikva	Sharp
Heckler	Milford	Shipley
Hefner	Mineta	Shuster
Heftel	Minish	Simon
Hightower	Mitchell, Md.	Sisk
Hollenbeck	Mitchell, N.Y.	Skubitz
Holtzman	Moakley	Slack
Howard	Moffett	Smith, Nebr.
Hughes	Mollohan	Solarz
Jacobs	Moore	Spellman
Jeffords	Moorhead, Pa.	Stanton
Jenkins	Moss	Stark
Johnson, Calif.	Murphy, Ill.	Steed
Johnson, Colo.	Murphy, Pa.	Stratton
Jones, N.C.	Murtha	Studds
Jones, Okla.	Myers, Gary	Thompson
Jordan	Natcher	Thornton
Kasten	Neal	Treen
Kastenmeier	Nedzi	Tsongas
Kazen	Nichols	Tucker
Kemp	Nolan	Udall
Keys	Oberstar	Ullman
Kildee	Obey	Van Deerlin
Kostmayer	Ottinger	Vanik
Krebs	Patten	Walgren
Krueger	Patterson	Walsh
LaFalce	Pattison	Waxman
Le Fante	Pease	Weiss
Leach	Pepper	Whitehurst
Lederer	Perkins	Whitley
Lehman	Pickle	Whitten
Levitas	Pike	Wiggins
Lloyd, Calif.	Preyer	Wilson, C. H.
Lloyd, Tenn.	Price	Wilson, Tex.
Long, La.	Quie	Wolff
Long, Md.	Rahall	Wright
Lundine	Rangel	Yatron
McClory	Rinaldo	Young, Alaska
McCloskey	Risenhoover	Young, Mo.
McCormack	Roberts	Young, Tex.
McDade	Rodino	Zablocki

NAYS—78

Abdnor	Gilman	Moorhead, Calif.
Andrews, N. Dak.	Gore	Myers, Ind.
Armstrong	Grassley	O'Brien
Ashbrook	Guyer	Poage
AuCoin	Hagedorn	Pressler
Bafalis	Hall	Regula
Bauman	Hammer-schmidt	Robinson
Beard, R.I.	Hansen	Rudd
Bennett	Harris	Runnels
Bevill	Holt	Santini
Breckinridge	Hubbard	Sarasin
Brown, Mich.	Hyde	Satterfield
Brown, Ohio	Ireland	Sawyer
Burleson, Tex.	Jones, Tenn.	Skelton
Clawson, Del	Kelly	Snyder
Collins, Tex.	Kindness	Spence
Conable	Lagomarsino	Stangeland
Corcoran	Latta	Steiger
Coughlin	Lent	Symms
D'Amours	Lott	Taylor
Daniel, Dan	Luken	Trible
Daniel, R. W.	McDonald	Vander Jagt
Dickinson	Marlenee	Waggonner
Dornan	Marriott	Walker
Frey	Miller, Ohio	Wampler
Gaydos	Montgomery	Watkins

NOT VOTING—115

Addabbo	Clausen, Don H.	Fithian
Ambro	Clay	Flippo
Andrews, N.C.	Cleveland	Florio
Archer	Coleman	Flynt
Badham	Conte	Ford, Mich.
Badillo	Corman	Fraser
Barnard	Cotter	Frenzel
Bedell	Crane	Fuqua
Beilenson	Derwinski	Gammage
Bingham	Devine	Goldwater
Boland	Dicks	Gonzalez
Bolling	Diggs	Goodling
Bowen	Early	Hanley
Breaux	Edwards, Ala.	Harkin
Burgener	Edwards, Okla.	Harrington
Burton, John	Eilberg	Hillis
Burton, Phillip	Evans, Ga.	Holland
Byron	Evans, Ind.	Horton
Chisholm	Ichord	Huckaby
	Jenrette	Panetta
	Ketchum	Pettis
	Koch	Pritchard
	Leggett	Pursell
	Lujan	Quayle
	McEwen	Quillen
	McFall	Railsback
	Madigan	Reuss
	Maguire	Rhodes
	Meeds	Richmond
	Metcalfe	Roe
	Michel	Rogers
	Miller, Calif.	Rousselot
	Mottl	Schulze
	Murphy, N.Y.	Sikes
	Myers, Michael	Smith, Iowa
	Nix	St Germain
	Nowak	Staggers
	Oakar	Steers
		Stockman
		Stokes
		Stump
		Teague
		Thone
		Tonry
		Traxler
		Vento
		Volkmer
		Weaver
		Whalen
		White
		Wilson, Bob
		Winn
		Wirth
		Wydler
		Wylie
		Yates
		Young, Fla.
		Zeferetti

The Clerk announced the following pairs:

On this vote:

Mr. Addabbo for, with Mr. Volkmer against.
Mr. Panetta for, with Mr. Teague against.
Mr. Nix for, with Mr. Florio against.
Mr. Horton for, with Mr. Ichord against.
Mr. Steers for, with Mr. Jenrette against.
Mr. Whalen for, with Mr. Sikes against.
Mr. Murphy of New York for, with Mr. Archer against.
Mr. Koch for, with Mr. Rousselot against.
Mr. Eilberg for, with Mr. Devine against.
Mr. Dicks for, with Mr. Wylie against.
Mr. Badillo for, with Mr. Michel against.
Mr. Bingham for, with Mr. Quillen against.
Mr. Boland for, with Mr. Lujan against.
Mr. Cotter for, with Mr. Ketchum against.
Mr. Frenzel for, with Mr. Breaux against.
Mr. Conte for, with Mr. Young of Florida against.
Mrs. Chisholm for, with Mr. Crane against.
Mr. Diggs for, with Mr. Goodling against.
Mr. Early for, with Mr. Schulze against.
Mr. Zeferetti, for, with Mr. Winn against.
Mr. Staggers for, with Mr. Wydler against.
Mr. St Germain for, with Mr. Thone against.
Mr. Harrington for, with Mr. Goldwater against.
Mr. Hanley for, with Mr. Burgener against.

Until further notice:

Mr. Ambro with Mr. Andrews of North Carolina.
Mr. Ford of Michigan with Mr. Bedell.
Mr. Pritchard with Mr. Beilenson.
Mr. Pursell with Mr. Hillis.
Mr. Bowen with Mr. Badham.
Mr. Barnard with Mr. Gammage.
Mr. Flynt with Mr. Traxler.
Mr. Vento with Mr. Fithian.
Mr. Phillip Burton with Mr. Edwards of Alabama.
Mr. John L. Burton with Mr. Maguire.
Mr. McFall with Mr. McEwen.
Mr. Flippo with Mr. Cleveland.
Mr. Don H. Clausen with Mr. Clay.
Mr. Rogers with Mr. Stump.
Mr. Richmond with Mr. Tonry.
Mr. Wirth with Mr. Michael O. Myers.
Mr. Byron with Mr. Coleman.
Mr. Corman with Mr. Derwinski.
Mr. Evans of Indiana with Mr. Metcalfe.
Mr. Leggett with Mr. Huckaby.
Mr. Holland with Mr. Bob Wilson.
Mr. Yates with Mr. Fraser.
Mr. Fuqua with Mr. Evans of Georgia.
Mr. Meeds with Mr. Edwards of Oklahoma.
Mr. Gonzalez with Mr. Mottl.
Mr. Miller of California with Mr. White.
Mr. Harkin with Mr. Stockman.
Mr. Nowak with Mr. Railsback.
Ms. Oakar with Mr. Quayle.
Mr. Reuss with Mr. Stokes.
Mr. Roe with Mr. Smith of Iowa.
Mr. Weaver with Mr. Madigan.

Mr. JENKINS changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. MINETA. Mr. Speaker, pursuant to the provisions of House Resolution 359, I call up from the Speaker's table the Senate bill (S. 521) to amend the John F. Kennedy Center Act to authorize funds for the repair of leaks, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. MINETA

Mr. MINETA. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MINETA moves to strike out all after the enacting clause of the Senate bill S. 521, and to insert in lieu thereof the provisions of H.R. 2846, as passed, as follows:

That section 8 of the John F. Kennedy Center Act (Public Law 85-874, as amended) is amended by adding the following new subsection:

"(c) There are authorized to be appropriated to the Board not to exceed $4,700,000 for repair, renovation, and reconstruction of the John F. Kennedy Center for the Performing Arts necessary to correct water leaks in the roof, the terraces, the kitchen, and the East Plaza Drive and to correct any damage which has resulted from those leaks. No part of the funds authorized by this subsection shall be expended under any cost-plus-a-percentage-of-cost, cost-plus-a-fixed-fee, or similar incentive-type contract. Funds authorized by this subsection shall be expended under a contract only after advertising and competitive bidding for the property or services to be provided by such contract.".

SEC. 2. Section 5 of the John F. Kennedy Center Act is amended by adding at the end thereof the following new subsection:

"(d) The Board shall appoint a comptroller as disbursing officer for all funds appropriated pursuant to subsection (c) of section 8. The comptroller shall serve until all such appropriated funds are utilized. Until all such appropriated funds are utilized, the comptroller may not be removed except for malfeasance in office or upon conviction of any felony or of conduct involving moral turpitude, and for no other cause. Notwithstanding any other provision of this Act, all claims and demands whatsoever by the Board or against it and all accounts whatever in which the Board is concerned either as a debtor or a creditor and which relate to such appropriated funds, shall be settled and adjusted by the comptroller. The comptroller shall audit from time to time, but at least once each year and after all such appropriated funds shall have been utilized, the books, documents, papers, and records of the Board as they pertain to such appropriated funds and shall report to Congress and the Board the results of such audit. The comptroller shall prescribe such regulations as may be necessary to carry out his functions under this subsection. The Board may prescribe such other functions as it may deem appropriate for the comptroller.".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 2846) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 521, JOHN F. KENNEDY CENTER ACT AMENDMENTS

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent to

take from the Speaker's table the Senate bill (S. 521) to amend the John F. Kennedy Center Act to authorize funds for the repair of leaks, with a House amendment thereto, insist on the House amendment, and request a conference with the Senate thereon.

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

Mr. ANDERSON of Illinois. Mr. Speaker, reserving the right to object, could I ask the distinguished gentleman from California (Mr. JOHNSON) to tell us a little bit more about the bill? He has given us the number. To what does the legislation relate?

Mr. JOHNSON of California. Mr. Speaker, if the gentleman will yield, this is with respect to the Kennedy Center, the bill just substituted for the House bill, S. 521.

Mr. ANDERSON of Illinois. I understand, Mr. Speaker.

I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: The gentleman from California (Mr. JOHNSON), the gentleman from California (Mr. MINETA), the gentleman from Wyoming (Mr. RONCALIO), the gentleman from Georgia (Mr. GINN), the gentleman from Ohio (Mr. APPLEGATE), the gentleman from Ohio (Mr. HARSHA), and the gentleman from New York (Mr. WALSH).

GENERAL LEAVE

Mr. MINETA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

LEGISLATIVE PROGRAM

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Speaker, I have asked for this time to inquire of the distinguished majority leader if he has an announcement to make relative to the legislative program for the week of March 7, 1977.

Mr. WRIGHT. Mr. Speaker, if the gentleman will yield, in response to the gentleman's question, the House would meet at noon on Monday. There are no District bills or suspensions planned, but we would consider House Resolution 111, reestablishing a Committee on Professional Sports.

Mr. ANDERSON of Illinois. At that point, Mr. Speaker, the gentleman made reference to the fact that there are no District bills. I believe that under the rules, the second and fourth Mondays are District days and that Monday would normally be the day for the Consent Calendar. Is it my understanding that there are likewise no bills ready for the Consent Calendar on Monday?

Mr. WRIGHT. The gentleman is correct. There are none ready at this time for the Consent Calendar.

Mr. ANDERSON of Illinois. I thank the gentleman.

Mr. WRIGHT. Mr. Speaker, if the gentleman would yield further, on Tuesday, the House would meet at noon. There are no suspension bills presently planned, but it is planned that the House would consider on Tuesday the rule and the bill H.R. 3477, the Tax Reduction and Simplification Act of 1977, which is a major piece of legislation, with 3 hours of general debate under a modified open rule.

On Wednesday, the House would meet at 3 p.m. First, we would consider a resolution which we expect from the Committee on Rules to establish a Select Committee on Ethics, and thereafter would consider approximately 15 funding resolutions.

Mr. Speaker, the series of funding resolutions I referred to follows:

House Resolution 248, Education and Labor.

House Resolution 279, Pension Task Force.

House Resolution 221, Ways and Means.

House Resolution 275, Public Works and Transportation.

House Resolution 256, Post Office and Civil Service.

House Resolution 297, Science and Technology.

House Resolution 321, Merchant Marine and Fisheries.

House Resolution 132, Veterans Affairs.

House Resolution 313, International Relations.

House Resolution 319, Fraser Special.

House Resolution 357, Judiciary.

House Resolution 233, Standards of Official Conduct.

House Resolution 269, Narcotics.

House Resolution 329, District.

House Resolution 361, House Administration.

On Thursday the House would meet at 11 a.m. Two bills are presently planned or scheduled on Thursday, H.R. 3843, Supplemental Housing Authorization Act of 1977, subject to a rule being granted; and H.R. 1746, To Halt the Importation of Rhodesian Chrome, also subject to a rule being granted.

On Friday the House would meet at 11 a.m., and it is expected at this time that there will be a Friday session, at which time we would consider an appropriations bill, the Economic Stimulus Appropriations Act for 1977, subject to the granting of a rule.

Mr. Speaker, the House will adjourn by 3 p.m. on Friday and by 5:30 p.m. on all other days except Wednesday, on which day, of course, we would expect to continue until we have finished the business at hand.

Any other program would be announced later; and of course, conference reports may be brought up at any time.

Mr. ANDERSON of Illinois. Mr. Speaker, I thank the gentleman from Texas.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule on Wednesday of next week be dispensed with.

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

There was no objection.

ADJOURNMENT TO MONDAY, MARCH 7, 1977

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12 o'clock noon on Monday next.

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

There was no objection.

PERMISSION FOR COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO FILE REPORT ON H.R. 3843, SUPPLEMENTAL HOUSING AUTHORIZATION ACT OF 1977

Mr. ASHLEY. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs may have until midnight tonight to file a report on the bill (H.R. 3843) the Supplemental Housing Authorization Act of 1977.

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

There was no objection.

SEARS GETS INTO THE DENTAL BUSINESS

(Mr. DANIELSON asked and was give permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIELSON. Mr. Speaker, I want to call the attention of the House to a new development in health care delivery. In my district, in El Monte, Calif., last Friday, February 25, Sears Roebuck & Co. opened a 3,600-square-foot dental clinic to serve the people of the community.

Mr. Speaker, I am not here either to advocate or protest about it, but this is a radical departure from our traditional concept of health care delivery and I am most interested in seeing how it works out. They have stated that if it is successful they will open dental clinics throughout the land. That might be the end of the tooth ache, or, who knows, the beginning of a headache.

I include the following:

[From the Los Angeles Times, Feb. 14, 1977]

SEARS GETS INTO THE DENTAL BUSINESS: CLINIC IN EL MONTE STORE SET FOR FORMAL OPENING

(By Robert Fairbanks)

SACRAMENTO.—Sears Roebuck and Co., which describes itself as the world's biggest retailer, is experimenting with a new product: dental care.

Officials of the firm said that a 3,600-square-foot dental clinic will open formally Friday at the Sears store on Peck Ave. in El Monte.

However, J. R. Copitzky, concession manager for Sears Pacific Coast region, said the clinic has been open informally since last Friday and "seems to be going very well."

In a telephone interview, Copitzky said that if the El Monte clinic is successful others like it will be opened at other Sears stores. (There are 72 stores in the state.)

But for the moment, he said, there is nothing like it elsewhere in California or the nation.

The Sears experiment could have a major impact upon the dental-care business and already is generating interest among state officials here.

David Hamrock, executive secretary to the state Board of Dental Examiners, said he plans to look closely at the clinic to determine if any state laws limiting lay control of a dental practice are being violated.

"If it's legal, it's legal. That's all there is to it," he said.

Sears does not operate the clinic itself. It leases the space to National Health Care Systems of Irvine, a marketing organization for prepaid dental plans.

Dan Maruna, chairman of the board of the National firm, said his company in turn subleases the space to the dentist who manages the clinic and who has agreed to observe a variety of rules, such as keeping the clinic open during all shopping hours.

According to Maruna, the cost of joining the prepaid plan at the El Monte store (it is called "Denticare") is $30 annually for an individual and $80 for a family, regardless of size.

The enrollment fee, he said, covers all visits, examinations, X-rays and teeth cleanings. He said fees for additional treatments generally run about 25% under those charged by other dentists in the area.

Copitzky said that Sears' decision to enter the dental business was the result of a "natural progression" that began with earlier decisions to sell optometric services and hearing aids.

Will Sears open medical clinics next?

Copitzky said the move has not been considered but "I don't rule out anything."

SERIOUS PROBLEMS IN OUR SOCIAL SECURITY SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CONABLE) is recognized for 5 minutes.

Mr. CONABLE. Mr. Speaker, the Supreme Court's landmark ruling earlier this week on widowers' benefits underlines some serious problems we face with respect to social security.

The ruling struck down the requirement that a widower must prove past dependency upon his deceased wife in order to be eligible for survivor's benefits based on her earnings record. The law already provides that a widow need not prove dependency to collect benefits based on her late husband's earnings record.

The social security system includes numerous provisions in which men and women are treated differently. The latest decision demonstrates clearly that if the legislative branch of Government does not act in these areas, the judicial branch will.

The decision also dramatizes the importance of time to congressional deliberations on social security. The sex discrimination provisions need to be addressed by this body. But as high as they rank on a priority list, financial problems rank even higher.

The two major trust funds used to pay social security benefits are deteriorating rapidly. The disability insurance fund will be exhausted in 2 years, the old age and survivors fund about 5 years later. It is imperative that action be taken as soon as possible in order to pump more money into these funds, sufficiently in advance of exhaustion points to avoid a crisis and reassure the some 30 million beneficiaries who are counting on benefits being paid on schedule.

We also need to get the financial crisis out of the way so that we can address ourselves in a deliberate way to the other social security issues, such as sex discrimination, which so urgently demand our attention.

The Committee on Ways and Means and its Subcommittee on Social Security are now in a static posture on these matters, however. They are awaiting recommendations from the new administration.

But the legislative branch simply cannot stay in this holding pattern indefinitely. Just as the judicial branch will act if the Congress does not, so the Congress must act if the executive branch does not.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SARASIN) is recognized for 5 minutes.

Mr. SARASIN. Mr. Speaker, on March 3, 1977, I was unavoidably detained from the House for part of the legislative afternoon. Had I been present, I would have voted in the following fashion: Rollcall No. 41: House Joint Resolution 269, "yea."

EXPANSION OF FACILITIES AT PORT EVERGLADES HARBOR, FLA.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BURKE) is recognized for 15 minutes.

Mr. BURKE of California. Mr. Speaker, today I am introducing a bill which, if enacted, will authorize $20,500,000 for navigation improvements on Port Evergladges Harbor, Fla.

On May 9, 1974, the project for navigation improvements on Port Everglades Harbor, Fla., was approved under section 201 by the Committee on Public Works in the House of Representatives. It was similarly approved by the Committee on Public Works of the Senate on May 31, 1974. Since that time, however, the harbor project costs have exceeded the limits of the section 201 authority. These cost increases were due primarily to price escalations and responses to environmenta' and social concerns. In order to proceed toward completion, it is now necessary to ask the Congress to authorize additional funds. It is for this reason that I now introduce this legislation.

Mr. Speaker, there are a number of reasons why it is important to expand the facilities at Port Everglades Harbor, Fla. In the first place, Port Everglades is located in Broward County in south Florida. Broward County has been the fastest growing county in the United States over the past 25 years. From a population of 83,933 in 1950, it has grown to a population of 887,500 in 1975. In 1976 the population continued to grow even more. This phenomenal growth—a growth which has resulted from the influx of new residents from other States who inmigrated to Florida and this increase continues today with an estimated average increase in population in the county of 1,000 weekly.

This tremendous growth in population means that Broward County has gained a greater significance in the south Florida region in terms of population concentration. Dade County has traditionally served as the center of population in south Florida. However, although Dade continues to grow, the more significant population increases have occurred to the north in Broward and Palm Beach Counties.

Mr. Speaker, I call attention to the fact that Port Everglades is the third largest port in Florida and one of the largest in the country. The Army Corps of Engineers calls it the prime point of entry for petroleum products in the nine-county area of southeast Florida. As the demands for fossil fuels have increased during the past few years, the demands on the facilities there have become greater. This trend is expected to continue.

In addition to petroleum products, Port Everglades is responsible for large shipments of construction materials for new homes, automobiles, foodstuffs, and consumer goods of all descriptions. These products are distributed throughout the ever-increasing population of south Florida and are shipped to various places in the country through a well-developed transportation network which includes a major international airport and a major highway and interstate highway system.

It is projected that this traffic through Port Everglades will greatly develop as a result of the recent establishment of a foreign trade zone at the port late last year. Because of its geographical location, its industrial park environment, and its public management capability, Port Everglades is a natural site for such a foreign trade zone. As the trade develops through this port and as the service to the international business community grows, Port Everglades will become of even greater commercial importance than it presently is.

Tourism is a major industry in Florida, and the Gold Coast from Palm Beach to Miami in Broward County, Fla., is one

of the chief centers of tourism. Cruise ships put in and out of Port Everglades—every day. In fact, Port Everglades is one of only five principal cruise ports in the United States. It is the only port-of-call on the eastern seaboard for in-transit ships sailing to and from Europe and around the world. It is also one of the leading ports for winter cruises to the Bahamas, the Caribbean, the West Indies, and Central and South America. Privately owned pleasure craft seeking an outlet to or an inlet from the Atlantic Ocean increasingly use the harbor. Many international travelers come to Florida each year via Port Everglades and the suggested harbor improvements might encourage even more international tourists to visit south Florida.

Mr. Speaker, I know that you and many of my colleagues in the U.S. House of Representatives have been to south Florida. I sincerely request you give favorable consideration to this legislation. The expansion of the facilities at Port Everglades Harbor is a project which is essential to all Floridians and to our country. I urge you to give your support to this legislation so that the much-needed work on this project previously authorized can proceed.

GHANAIAN INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker, on March 6, 1977, the nation of Ghana will celebrate the 20th anniversary of its independence. Just as the United States last year celebrated the accomplishments of its first 200 years, now the people of Ghana celebrate the successes and progress they have achieved in only 20 years.

Ghanaian independence anniversaries will always hold a very special significance for me, in my memories of my own long involvement in African-American affairs. For it was in 1957, at the glorious independence celebration in Ghana, that I made my first trip to the continent. That event, and my presence there, has long been an inspiration to me in my efforts in the United States to assist in whatever way possible the cause of total African liberation.

Ghana's independence marked a watershed in the struggle for liberation in Africa, under the brilliant leadership of the late President Nkrumah, a great patriot of Africa and of the entire black world, Ghana took its place at the forefront of the world black and African liberation struggle. And Ghana has since remained a significant factor in promoting African freedom in the remaining portions of the continent that are still under the yoke of alien domination.

For African-Americans, Ghana's independence holds special meaning in our struggle to revive, maintain, and expand consciousness of our own heritage that is rooted in West Africa, and in the old Gold Coast that is now the proud Nation of Ghana. For all Americans, the recent publication and television production of Alex Haley's monumental "Roots" brought home the realization of social, cultural, and historical riches in that area that existed long before our own Nation was born.

Mr. Speaker, it is with great personal pleasure and respect that I salute the Government and the people of Ghana on the most joyous celebration of its 20th anniversary of freedom, and commend to my colleagues in the Congress the great Nation of Ghana.

CONGRESS NEW ETHICS REFRAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PIKE) is recognized for 5 minutes.

Mr. PIKE. Mr. Speaker, while browsing through the medieval literature section of the Library of Congress last night, as is my wont, I stumbled across an ancient madrigal, written by a minstrel yclept Publius Ethicus in honor of the convening of the Third Congress of Charlemagne in the year A.D. 811.

While the surviving program notes are only fragmentary, it appears to consist of two cantos, one refrain, and one chorus. It was apparently scored to be sung by a choir of 535 voices, largely male, but with a large number of the male singers in the upper registers. Male choirs of Medieval times consisted of large numbers of young boys or castrati.

The melody has been lost during the centuries which have intervened. All we know is that it was, at the time, familiar to knights, damsels, serfs, and vassals by the name: "I've Been Toiling on the Toll Road."

1ST CANTO

I've been working in the Congress
Most of every day.
I've been working in the Congress
Finding ways to raise my pay.
Have to raise it without voting
It would never pass
Anyone who voted for it
Would be out on his own.

CHORUS

We are all so pure, we are all so pure
We are all so ethical and pure, pure, pure.
We are all so pure, we are all so pure
As long as we don't work we will be pure.

REFRAIN

Now we're all so pure and clean and honest
Now we're all as white as driven snow
We'll cast the evil ones among us from here
If they work, they go!

2ND CANTO

Let us cover pay with ethics
We can vote for that
Specially when our lofty ethics
Contain sufficient fat.

With an ethical ghost writer
We will write a book
All our wealthy friends will buy some,
It's "royalties" we took.

(Repeat Chorus and Refrain)

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. BEARD) is recognized for 5 minutes.

Mr. BEARD of Rhode Island. Mr. Speaker, in Dallas, Tex., on Monday, March 7, 1977, more than 10,000 members of the American Personnel and Guidance Association will be meeting in national convention. As a member of the House Select Committee on Aging, I shall chair a hearing at that convention of the Subcommittee on Long-Term Care, a hearing that will provide a rare opportunity for the committee to gain valuable insight into the problems of guidance and counseling for the elderly, the sick, and the disabled.

Because of my chairmanship of that hearing in Dallas, Mr. Speaker, I shall not be able to be present in Washington on Monday, March 7.

THE NUCLEAR ANTIPROLIFERATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 10 minutes.

Mr. BINGHAM. Mr. Speaker, due to a typographical error, the analysis and title of legislation I introduced yesterday was not fully presented. Thus I am submitting for the RECORD the full title and analysis of the the Nuclear Antiproliferation Act:

H.R. 4409. A bill to provide for more efficient and effective control over the proliferation of nuclear explosive capability (by Mr. BINGHAM (for himself and Mr. ZABLOCKI), Mr. FINDLEY, Mr. FRASER, Mr. LONG of Maryland, Mr. OTTINGER, Mr. UDALL, Mr. WHALEN, and Mr. HAMILTON).

ANALYSIS OF THE NUCLEAR ANTIPROLIFERATION ACT

Summary

The proposed legislation strengthens U.S. efforts to control the proliferation of nuclear explosive capability. It achieves this purpose by pursuing three general objectives. Outlined in greater detail below, these objectives include:

(1) *Specification of international initiatives for cooperation on antiproliferation efforts*, including: increased commitment and and funding for the International Atomic Energy Agency (IAEA); more comprehensive application of IAEA safeguards, inspections and nuclear facility physical security standards; establishment of an ERDA/NRC safeguards training program for consumer nations; initiation of an Administration study on the feasibility of establishing international nuclear fuel centers for uranium enrichment and spent fuel storage;

(2) *Establishment of effective and consistent criteria for the issuance of licenses for all U.S. nuclear exports*—criteria which must be met by consumer nations' domestic nuclear programs within eighteen months of enactment; provision for the President to suspend the application of the second phase of these criteria on a country-specific basis by Executive Order—which Order shall be subject to Congressional veto during a sixty day period;

(3) *Addition of antiproliferation responsibilities within the Executive Branch* to facilitate increased scrutiny of the impact of our nuclear exports upon proliferation by the

State Department and the Director of the Arms Control and Disarmament Agency (ACDA); to require that the Nuclear Regulatory Commission (NRC) license all nuclear-related components and approve all secondary transfers of U.S.-exported nuclear materials and equipment; to establish more explicit procedures to be followed in the negotiation of Agreements for Cooperation;

Section-by-section analysis

(2) *Statement of Policy:* U.S. pledges to pursue international agreement on antiproliferation policies, guarantees to all nuclear consumer nations which adhere to our antiproliferation export policies an adequate supply of nuclear fuel, and urges ratification of NPT by all nonsignatory nations.

(3) *Statement of Purpose:* To promote policies set forth in Section 2 designed to curb proliferation, the Act establishes a framework for international cooperation on proliferation control. It specifies licensing criteria for all U.S. nuclear exports and provides for public participation in Executive agency antiproliferation decision-making proceedings where appropriate. It proposes what might be considered an "agenda" for the London conference of Nuclear Supplier Nations which shall include promulgation of procedures or sanctions to be applied to any nation which violates its antiproliferation obligations.

TITLE I

(101) *International Initiatives:* The legislation amends the Atomic Energy Act to place the U.S. squarely on record as assuring an adequate supply of nuclear fuel for cooperating nations' nuclear programs. It states that the U.S. shall institute and pursue binding international agreements to prohibit export of nuclear materials to all non-nuclear-weapon states which refuse to take a no explosion pledge and forego development of enrichment and reprocessing capabilities. It calls for internationalization of nuclear fuel enrichment and waste storage facilities while pledging to support antiproliferation policies at least as stringent as those adopted collectively by fellow supplier nations.

(102) *Authorization:* Authorizes $2 million to help assure that safeguards monitoring and nuclear site inspections called for in Section 101 will be adequately staffed by the IAEA.

(103) *Fuel Center Study:* Requires the President to report within one year to the Congress on the feasibility of establishing international facilities for uranium enrichment and spent fuel storage.

(104) *Executive Reports:* Requires annual reports by the Administration including requirements that ERDA and NRC assess and report annually on the potential impact of advanced nuclear technologies (e.g., laser enrichment, breeder reactors, spiked plutonium reprocessing) upon nuclear proliferation.

(105) *Safeguard Training Program:* Directs ERDA and NRC to offer a physical security and national safeguards responsibilities training program to all consumer nations.

(106) *Procedures for Referral of Agreement for Corporation:* Guarantees that the complete record of proposed (non-military) Agreements goes to the Congress. The President would be permitted to withdraw a proposed Agreement before Congress adopts a Concurrent Resolution of disapproval.

(107) *Subsequent Arrangements:* Requires ERDA to get State Department concurrence, ACDA and NRC review of arrangements subsequent to an Agreement (such as a reactor sale.)

TITLE II

(201) *Retransfer Authority:* Requires NRC licensing of all private-to-private transfers of nuclear materials imported from U.S., excluding small amounts of material such as laboratory samples.

(202) *Government-to-Government Transfers:* Same as above, but applies to government transfers.

(203) *Foreign Production of Special Nuclear Material (SNM):* Requires ERDA to consult with State Department, ACDA and NRC before allowing persons to aid foreign production of SNM such as plutonium.

(204) *Clarification of Export Functions:* Reasserts State Department's lead role in negotiating Agreements and facilitates thorough review of proposed Agreements by ACDA.

(205) *Export Licensing Criteria:* Establishes NRC procedures for licensing all exports of nuclear materials and equipment and amends the Atomic Energy Act with two phases of criteria which must be met before export licenses may be issued by the NRC. *Phase I criteria become effective immediately upon enactment and will apply to the specific export and any byproducts.* Phase I criteria are as follows:

(1) IAEA safeguards will be applied.

(2) No explosion pledge.

(3) Physical security will be maintained at nuclear facility.

(4) No retransfer without U.S. approval and same criteria.

(5) No reprocessing of imported materials or byproducts.

(6) Same conditions will apply to replicated facilities.

(7) Importing nations must allow IAEA to report to U.S. on status of all inventories of enriched and spent fuel presently subject to IAEA safeguards.

These criteria will be superseded eighteen months after enactment by *Phase II criteria, which will apply to the importing nation's entire nuclear program:*

(1) IAEA safeguards for non-nuclear weapons states (NNWS).

(2) No explosion pledge NNWS.

(3) Adequate physical security.

(4) No retransfer without U.S. approval and same criteria.

(5) NNWS will forego the development of reprocessing plants and national enrichment plants. Existing reprocessing facilities in NNWS will cease operation and be placed under international auspices and inspection. National enrichment facilities will be transferred to international auspices and inspection and, when such management becomes available, international control and operation. Further, NNWS will return spent fuel rods to supplier nations upon request or to an international storage facility. Further, NNWS will not allow any of their spent fuel to be reprocessed in a NNWS.

(6) Supplier nations will receive the results of IAEA inspections.

Suspension of Criteria: It is further provided that the President may suspend application of individual Phase II criteria on a country-specific basis by Executive Order—which Order may be vetoed within sixty days by a Concurrent Resolution of Congress. The President must report to the Congress annually on the status of any outstanding suspensions of Phase II criteria.

(206) *Export Licensing of Components:* Anything of potential significance for an importing nation's development of nuclear explosive capability must be licensed by the NRC. (i.e. computers for uranium enrichment facilities, glove-boxes for reprocessing).

TITLE III

(301) *Definitions:* Straightforward. Note that "nuclear fuel service" does *not* include reprocessing. Further, "nuclear weapons state"—as defined by the Non-Proliferation Treaty—does *not* include India.

REGIONAL PRESIDENTIAL PRIMARY ACT OF 1977

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, the American people have recently emerged from the grueling process of electing a President and Vice President, and more than half of that time—6 months during the 1976 campaign—was spent on selecting the party's candidate for the general election. The Presidential primary process began in New Hampshire, in February, and continued until the final contest was decided in July. The public was exposed to a constant barrage of information, speculation, and evaluation on and about the Presidential nominating process, put forth by the media and the candidates alike. What resulted was a long, drawn out, and often confusing process.

For too long, the manner in which we make the second most important decision in American politics—the choice of a person who will be a party's candidate for President—escaped reform. The number of Presidential preference primaries has reached a new high, public financing of Presidential campaigns has added a new dimension to the process, and candidates have begun the campaign season earlier and earlier. In light of these developments, it is certainly time for us to take another look at the Presidential nominating process and be sure that it measures up to its goal: The selection of party nominees who reflect the views of the voters and who are likely to be the best qualified to serve in the highest office in the Nation.

Accordingly I am introducing today, the Regional Presidential Primaries Act of 1977, in the hope of stimulating thoughtful debate and achieving consensus of legislation which will reform the Presidential nominating process. It is somewhat similar to a measure introduced by Senator PACKWOOD who has taken a leading role in Presidential primary reform. The major intent of this bill is to assure that voters in every State will have the opportunity to express directly their choice for a Presidential nominee and that the nominees selected by national party conventions reflect the voters' decision.

I have discarded the idea of a national Presidential preference primary held on a single day throughout the country for several reasons. I believe such a system would give undue advantage to certain types of candidates: Either those whose names are well known, for whatever reason; or those who can easily fund their campaigns by appealing to special interest groups; or those who possess charisma, a characteristic which does not necessarily go hand in hand with ability; or, those who find their support in a narrow, but vocal segment of American society. Electoral competition should not be restricted to these types of candidates. Also, several regional primaries

will give much more opportunity for in-depth development of candidates' positions on issues and challenges to them than would one national primary. An opportunity should be provided for all contenders to present their views and be judged by the electorate in terms of their qualifications.

I also believe that the political parties, through their conventions, perform an important consensus-developing function, and that any attempt to deny them a role in choosing their own standard-bearer would be detrimental to our form of government.

My bill is designed to avoid the defects of a national primary, to maintain the strengths of the present system while eliminating its weaknesses, and to preserve the legitimate role of the political parties in the Presidential nominating process.

Under my proposal, each State in a region would participate in that region's primary, thereby allowing the voters in each State a direct voice in the Presidential nominating process. States would be reimbursed for the expenses incurred, so that any financial burden imposed would not be transferred to the State's taxpayers. The States would be grouped into five regions, with every State in a region holding its primary on the same date, at 3-week intervals from April through June of the Presidential election year.

Unlike a national primary, this series of regional contests would provide an opportunity for the evaluation of Presidential contenders over a period of time and under a variety of circumstances. Public attention and the candidates' campaigns would be more directly focused on the region's voters, and issues of importance to that region could be more fully explored. In an era when voter participation in the political process is declining to the point where often less than half of those eligible to vote do so, it behooves us to do all that we can to stimulate voter awareness and participation. I believe regional primaries would help attain that goal.

For too long, we have permitted the Presidential candidates themselves to determine which primaries they will enter, thus denying voters in the States the opportunity to express their perference from among the full range of candidates. Because the Presidency is a national office, we should require candidates to demonstrate their strength throughout the Nation, not just in those States in which they think they will do well. Therefore, under my bill, the names of all Presidential candidates who have qualified for Federal matching funds will automatically be placed on primary ballots and a demonstration of support through the collection of petition signatures would allow other candidates to enter. The arguments now used for avoiding primaries that a Presidential candidate does not have the time, stamina, or money to enter all the primaries will be invalidated when a regional system is adopted. Both the rights of the voters and the resources of the candidates will be protected.

Under my proposal, national convention delegates would be allocated to Presidential candidates in proportion to the votes received in the State. Since 1972, the Democratic National Committee had mandated proportional representation and six States have abandoned their winner-take-all primaries in favor of those with proportional representation. We should follow the lead of the States in adopting legislation which recognizes that the selection of a Presidential nominee is a national decision, not one to be made by delegates representing only a plurality of voters in their State, but by delegates representing all who cast their votes.

Just as States legitimately restrict voting in their State elections to residents of the State, so, too, should voting in a party primary be restricted to members of that party. This principle is incorporated in my bill and authority is given to the Federal Election Commission to aid the States which currently have no party registration.

I believe that the adoption of this legislation will increase voter participation in the Presidential nominating process, establish a more rational procedure for the selection of our parties' nominees, ease the burden on the candidates and the public, and will enhance the quality of Presidential candidates and their campaigns. I urge serious consideration of its provisions and the principles upon which it is based.

I would also like to bring to my colleagues' attention a New York Times editorial on the bill, as well as the complete text of the legislation:

IRRATIONAL PRIMARIES

Granted the lofty motives that originally inspired the Presidential primaries, they have degenerated into a thirty-state obstacle course, tempered only by the individual candidate's freedom to pick and choose which obstacles he will try depending on the primary rules of the respective states and his own local appeal. The voter turnouts are generally low and the interpretations misleading—often with serious psychological impact on the campaign.

Thoughtful Congressmen have for some time been pressing for a change in the way the parties nominate for the Presidency. The most recent addition to their ranks is Representative Ottinger of New York, whose bill to revise the system goes a step further than those of his colleagues. Like most of them, he calls for regional primaries—at three-week intervals, the order to be determined by lot—but his bill would require the participation of all states and include all candidates.

Extreme alternatives to the present exhausting, costly and illogical system are a national primary, held throughout the country on a single day, and the abolition of all primaries in favor of a return to the caucus and the state convention.

The first of these is filled with potential hazards worse than the existing ones. While the well-known and well-financed candidate would normally have an unfair advantage, there would be the even greater danger that a factionalist or regional extremist might win in a crowded field in which likeller candidates canceled each other out. The second alternative can too easily mean a return to the unsavory control by party bosses that brought on the primary reform in the first place.

Recognizing the constitutional and financial problems posed by Mr. Ottinger's compulsory plan, some form of the regional primary idea seems to us to have merit. Similar proposals have been made by Senators Hatfield and Packwood of Oregon, both Republicans, and by Senators Mansfield of Montana and Mondale of Minnesota and Representative Udall of Arizona, all Democrats. What usually stands in the way of the reform is the natural reluctance of Congress to act on such matters in a politically charged election year and sheer inertia with regard to them at any other time.

It is time to break into that cycle. Now, with the primary season at its height, it should be possible for Congress to take a hard look at the process—naturally with no possibility of undoing this year's follies but in order to prevent the country from having to go through them again four years from now.

H.R. 4519

A bill to require States to participate in a system of regional Presidential primaries administered by the Federal Election Commission, and for other purposes

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Regional Presidential Primaries Act of 1977".

FINDINGS

SEC. 2. The Congres finds that

(1) the proliferation of elections held by States for the election of delegates to national nominating conventions and for the expression of a preference for the nomination of individuals for election to the office of President subjects candidates for nomination for election to such office to physical exhaustion, danger, and inordinate expense;

(2) there is no uniformity among State laws with respect to the effect of such elections on delegates to the nominating conventions held by political parties;

(3) the confusion caused by this lack of uniformity in State laws gives rise to cynicism, frustration, and distrust of the nomination process;

(4) a system which both standardizes the holding of Presidential primaries and permits States to continue to play a substantial role in such primaries would improve the Presidential nominating process;

(5) the national nominating conventions held by political partjes constitute an integral part of the process by which the President is chosen by the people of the United States; and

(6) in order to protect the integrity of the Presidential election process and provide for the general welfare of the Nation, it is necessary to regulate that part of the process which relates to the nomination of candidates for election to the office of President.

ESTABLISHMENT OF REGIONAL PRIMARIES

SEC. 3. (a) Each State shall conduct an election for delegates to national nominating conventions for the nomination of individual for election to the office of President in accordance with the provisions of this Act.

(b)(1) Five regional primaries shall be held during each Presidential election year. The first regional primary shall be held on the first Tuesday of April, and an additional regional primary shall be held on the Tuesday of each of the third, sixth, ninth, and twelfth succeeding weeks. Thirty days before the date of the first regional primary, the Commission shall determine by lot the region in which such primary is to be held. The Commission then shall determine by separate lot, conducted thirty days before the date of each subsequent regional primary except the last, the region in which each subsequent regional primary is to be held.

(2) The ballot for a regional primary conducted by each State under paragraph (1) shall include the names of (A) each candidate who is eligible to appear on the ballots of each State in the region involved under subsection (c)(1); and (B) each candidate who is eligible to appear on the ballot of the particular State under subsection (c)(2).

(c)(1) The ballot of each regional primary which is held under this section shall include the name and political party affiliation of any candidate with respect to whom the Commission has certified payments under section 9033(a) of the Internal Revenue Code of 1954 (relating to initial certifications), and who remains eligible to receive payments from the Secretary of the Treasury or his delegate under chapter 95 or chapter 96 of the International Revenue Code of 1954, on the date of the regional primary involved.

(2) An individual whose name is not placed on a regional primary ballot under paragraph (1) may have his name and the name of the political party with which he is affiliated appear on the ballot of any State participating in the regional primary involved, if he is eligible for election to the office of President, by (A) notifying the Secretary of State of the State involved (or, if there is no office of Secretary of State, the equivalent State officer) in writing that he is a candidate for nomination by a specified political party for election to the office of President; and (B) presenting such Secretary of State or equivalent State officer with a petition supporting his candidacy for such nomination signed by at least 1 percent of the individuals who are registered to vote in the State involved.

(3)(A) The Commission shall announce the names of any candidates who are entitled to be on the ballot of any regional primary under paragraph (1) no later than thirty days before the date of the regional primary involved.

(B)(i) The Secretary of State (or, if there is no office of Secretary of State, the equivalent State officer) shall transmit to the Commission the names of any candidates who are entitled to be on the ballot of the State involved under paragraph (2) in connection with a regional primary. Such transmission shall be made no later than thirty days before the date of the regional primary involved.

(ii) The Commission shall certify the ballot of each State as soon as practicable after receiving a transmission from the Secretary of State (or, if there is no office of Secretary of State, the equivalent State officer) of the State involved under clause (i).

(d)(1) Subject to such guidelines as the Commission may establish, the regional primary shall be conducted in each State by officials of such State charged with conducting elections.

(2) Voters in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. Each voter shall be eligible to vote only for delegates for a candidate for nomination by the party of such voter's registered affiliation. If the law of any State makes no provision for the registration of voters by party affiliation, voters in such State shall register their party affiliation in accordance with procedures established by the Commission.

(e) The chief executive officer of each State shall certify the results of the regional primary held in his State to the Commission within a period of time after such date, not exceeding fifteen days, prescribed by the Commission.

DESIGNATION OF CONVENTION DELEGATES

SEC. 4. (a)(1) Any candidate whose name appears on the ballot of any regional primary under section 3(c), or an authorized representative of such candidate, shall designate the names of individuals to serve as delegates of such candidate in each State participating in the regional primary involved. The number of delegates designated in each State under the preceding sentence shall be equal to the number of delegates to which such State is entitled at the national nominating convention involved.

(2) Delegates designated under paragraph (1) shall be listed on the ballot under the name of the candidate making such designation. Such delegates shall be listed in accordance with a ranking to be determined by such candidate.

(3) Delegates to which any candidate is entitled at a national nominating convention shall be selected from the list of delegates designated by such candidate in accordance with the ranking determined by such candidate under paragraph (2), except that such selection shall be made in a manner which is consistent with any rule of the national political party involved relating to categories of persons which shall be represented as delegates at the national nominating convention of such political party.

(4) An individual may serve as an authorized representative of a candidate for purposes of paragraph (1) only if such authorization is transmitted to the Commission in writing by such candidate.

(b) The number of delegates which a candidate may receive in any State in connection with a regional primary is a number which is a percentage of the total number of delegates from such State to his party's national nominating convention equal to the percentage of the votes cast by members of his party in such State received by him in the primary.

(c)(1) If a candidate in a regional primary receives less than the greater of—

(A) 5 per centum of the votes cast by members of his political party in such regional primary; or

(B) a percentage of votes which would entitle such candidate to one delegate, if one delegate constitutes more than 5 per centum of the total number of delegates to be appointed in the region involved;

no individuals may be appointed as delegates of such candidate in any State in the region involved.

(2) The percentage of votes cast in any State in a regional primary for any candidate who is not entitled to any delegates as a result of the provisions of paragraph (1) shall be—

(A) apportioned among other candidates of the same political party who received votes in such State, on the basis of the number of votes received by each such candidate; and

(B) added to the percentage of votes received by each such candidate in such State, for purposes of determining the number of delegates which may be appointed for each such candidate.

CONVENTION BALLOTING

SEC. 5. (a)(1) A delegate to a convention held by a political party for the nomination of a candidate for election to the office of President shall vote for the nomination of the candidate for whom he was appointed until—

(A) two ballots have been taken;

(B) such candidate receives less than 20 per centum of the vote on a ballot; or

(C) such candidate releases such delegate.

(2) In any case in which a candidate for whom any delegate is appointed ceases to be a candidate before the first ballot has been taken at the nominating convention of the political party involved, any such delegate shall be considered to be uncommitted for purposes of such first ballot.

((b) If an individual receives a majority of the votes cast on a ballot at the nominating convention of a political party, he shall be the nominee of such party for election to the office of President. A subsequent ballot may be taken to reflect the support of the entire convention for such candidate, but the result of the subsequent ballot shall not, in such case, result in the nomination of a different individual for election to such office.

(c) The individual who will be the candidate for a political party for election to the office of Vice President shall be selected by the convention held by such party in accordance with such procedures as it may adopt.

REIMBURSEMENT OF STATES FOR COSTS OF PRIMARY

SEC. 6. Upon application therefor, the Commission shall reimburse each State for any reasonable costs it incurs in conducting a regional primary held in accordance with the provisions of this Act. Such reimbursement shall be made in accordance with such rules as the Commission may prescribe. Such applications shall be submitted at such times, and in such form, and shall contain such information, as the Commission shall require.

FILING FEE REQUIREMENT

SEC. 7. (a) Any candidate whose name appears on the ballot of any regional primary under section 3(c) shall pay a filing fee of $10,000 to the Commission.

(b) The filing fee required by subsection (a) shall be refunded by the Commission to the candidate paying such fee if such candidate receives 2 per centum or more of the votes cast by members of the political party of such candidate in the regional primary involved.

(c) Payment of a filing fee by a candidate under this section shall be made to the Commission no later than such date before the regional primary involved as the Commission may establish, except that such date shall not be earlier than 30 days or later than fifteen days before the date of the regional primary involved.

(d) Any filing fee which is not refunded by the Commission under this section shall be paid into the general fund of the Treasury of the United States.

DUTIES OF THE FEDERAL ELECTION COMMISSION

SEC. 8. (a) The Commission shall meet before each regional primary and at such other times at it considers necessary, and shall—

(1) prescribe the date, after the date of a regional primary, on which the chief executive officer of each State shall certify the results of the regional primary held in his State to the Commission;

(2) promulgate guidelines and procedures to be followed by the States in conducting regional primaries;

(3) review applications for reimbursement submitted under section 6, prescribe the time of submission, form, and information content of such applications, and determine and pay the amount to be reimbursed to each State under such section;

(4) consult and cooperate with State officials in order to assist them in conducting regional primaries; and

(5) take such other actions as may be necessary to carry out the provisions of this Act.

(b) The Commission shall report to the Congress and the President not later than one hundred and eighty days prior to the date of the first regional primary to be held under this Act on the steps it has taken to implement the provisions of this Act, together with recommendations for additional legislation, if any, which may be necessary in order to carry out the regional primary system estabished under this Act.

EFFECT ON STATE LAW

SEC. 9. The provisions of this Act supersede and preempt any provision of State law relating to any election or convention held in

connection with the nomination of any candidate for election to the office of President.

DEFINITIONS

SEC. 10. As used in this Act, the term—

(1) "Commission" means the Federal Elections Commission;

(2) "region" means any of the following five regions:

(A) region 1 comprises Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Connecticut, New York, Pennsylvania, New Jersey, and Delaware;

(B) region 2 comprises Michigan, Illinois, Indiana, Ohio, West Virginia, and Kentucky;

(C) region 3 comprises the District of Columbia, Maryland, Virginia, North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, Florida, the Commonwealth of Puerto Rico, the Virgin Islands, and the Canal Zone;

(D) region 4 comprises North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Nebraska, Kansas, Missouri, Oklahoma, Arkansas, Texas, and Louisiana; and

(E) region 5 comprises Washington, Oregon, Montana, Idaho, Wyoming, California, Nevada, Utah, Colorado, Arizona, New Mexico, Alaska, Hawaii, and Guam;

(3) "regional primary" means an election held in accordance with the provisions of this Act for the expression of a preference for the nomination of individuals for election to the office of President;

(4) "national political party" means a political party whose Presidential electors received in excess of 25 per centum of the total number of votes cast for all Presidential electors in the most recently held Presidential election, except that in any such election in which less than two political parties receive in excess of 25 per centum of the total number of such votes, such term shall mean a political party whose Presidential electors received in excess of 15 per centum of the total number of such votes;

(5) "candidate" means an individual who is a candidate for nomination by a political party as its candidate for election to the office of President;

(6) "national nominating convention" means a convention of a national political party held under the constitution and rules of such party for the nomination of candidates for election as President and Vice President and for such other purposes as may be specified in such constitution and rules; and

(7) "State" means the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Canal Zone, and each of the United States.

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

PUTTING THE VIETNAM WAR BEHIND US

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, I commend to my colleagues the following extraordinarily sensitive article on President Carter's Vietnam pardon, written by Walter Anderson, the editor and general manager of the Reporter Dispatch of White Plains, N.Y.

Walter Anderson, expressing obviously deeply felt emotions arising out of his experiences with death as a Marine in Vietnam, tells poetically why he thinks the pardon was right—why it is important that we leave Vietnam behind us.

The article follows:

LEAVING VIETNAM BEHIND US

(By Walter Anderson)

In the darkness of an early morning in late October, 1965, I kicked over the dead body of a Viet Cong. It was a small boy no more than 10 years old.

His remains were sandwiched amidst those of twelve other broken and dismembered bodies. None looked real except this boy. His eyes were open and his face held no expression. His had to have been an instant death neither pain nor fear had been frozen into his features.

The others looked to me like waxen mannequins with limbs missing. In the darkness blood was imperceptible.

A few minutes and a few yards away, a dead Marine was carried on a litter past me. He looked very real. He was about my height and weight. He was probably young, but I could not tell, because most of his face was missing.

In that instant I desired killing every Vietnamese who walked the earth. I was tempted to unload a magazine of bullets flush into the face of the dead boy I had kicked over. I did neither. I got sick. What I felt was shared among my buddies.

After the anger, we felt hurt.

None of us felt well about that dead boy with the open eyes and no expression.

What you are reading is a highly personalized opinion, an emotional response to an emotional issue. My view is indefensible by reason or logic. If you disagree, I will fail to persuade. Nor will you ever persuade me.

Friday our new President pardoned Vietnam era draft evaders and I believe he was right.

This opinion is based not on my experiences as a journalist, nor is it the perspective of an editor. It is the individual view of one participant, a former Marine who served in Vietnam.

I do not accept that those who avoided the draft and left this country were cowards. I do not concur with those who believe they should be punished further, forever exiled and humiliated.

I do not accept that they should be martyred. I do not accept that they are heroes. As I did, they made a decision. To me who was right or wise is a moot issue.

The war's over.

Their decision, though different than mine and many of my fellow servicemen at the time, was thoughtfully made and hardly easy. As I see it, a President is at long last closing the last chapter of a war which, perhaps, should not have been waged.

He's healing, closing wounds.

I believe it to be good for our country. Some, if not many, of the people I served with would disagree with me.

They'll see the dead Marine all their lives, but I'll see the boy also.

Let's leave Vietnam.

SELECT COMMITTEE ON AGING RULES

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I am pleased to announce to my colleagues and other readers of the RECORD that the Select Committee on Aging, which I have the privilege to chair, yesterday adopted its rules of procedure for the 95th Congress.

Pursuant to rule XI, clause 2 of the House of Representatives, I am, therefore, submitting for publication in the CONGRESSIONAL RECORD a copy of the committee rules adopted by the Aging Committee:

SELECT COMMITTEE ON AGING, RULES, 95TH CONGRESS

TEXT OF RULE

Rule No. 1

Except where the terms "full committee" and "subcommittee" are specifically referred to, the following rules shall apply to the *Select Committee on Aging* and its subcommittee as well as to the respective chairmen.

The rules of the committee shall be subject to amendment at any time. (See House Rule XI, 1.)

Rule No. 2

The regular meetings of the full committee shall be held on the *first Thursday of each month at* 2 p.m. except when the Congress has adjourned or recessed. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee in accordance with the provisions of House Rule XI, 2c(2). Subcommittees shall meet at the call of the subcommittee chairmen.

Every member of the committee or the appropriate subcommittees, unless prevented by unusual circumstances, shall be provided with a memorandum at least 3 calendar days prior to each meeting or hearing explaining (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for the appearance of any witnesses. The minority staff shall be responsible for providing the same information on witnesses whom the minority staff may request. (See House Rule XI, 2(b).)

Rule No. 3

One-third of the members of the committee, except when a greater number is required by the Rules of the House, shall constitute a quorum, except that two members shall constitute a quorum for taking testimony and receiving evidence. A majority of the members of the committee must approve any report, or any staff study containing policy recommendations, and the chairman is empowered to obtain that approval in any appropriate manner, including by polling members of the committee in writing.

Proxies shall not be used to establish a quorum. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting. (See House Rule XI, 2(h).)

Rule No. 4

Every investigative report shall be approved by a majority vote of the committee at a meeting at which a quorum is present. Supplemental, minority, or additional views may be filed in accordance with House Rule XI, 2(1)(5). The time allowed for filing such views shall be 3 calendar days (excluding Saturdays, Sundays, and legal holidays) unless the committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member seeking to file such views. A proposed report shall not be considered in subcommittee or full committee unless the proposed report has been available to the members of such subcommittee or full committee for at least 3 calendar days (excluding Saturdays, Sundays, and legal holidays) prior to the consideration of such proposed report in subcommittee or full committee. If hearings

have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the subcommittee or full committee prior to the consideration of the proposed report in such subcommittee or full committee.

Rule No. 5

A member may vote by proxy on any measure or matter before the committee and on any amendment or motion pertaining thereto. A proxy shall be in writing and be signed by the member granting the proxy; it shall show the date and time of day it was signed and the date for which it is given and the member to whom the proxy is given. Each proxy authorization shall state that the member is absent on official business or is otherwise unable to be present, and shall be limited to the date and the specific measure or matter to which it applies; and, unless it states otherwise, it shall apply to any amendments or motions pertaining to that measure or matter.

Rule No. 6

A rollcall of the members may be had upon the request of any member.

Rule No. 7

The committee staff shall maintain in the committee offices a complete record of committee actions including a record of the rollcall votes taken at committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement. (*See House Rule XI, 2(e)*.

Rule No. 8

There shall be *Four* (*4*) subcommittees with appropriate party ratios which shall have assigned or fixed jurisdictions. (See House Rule XI, 1(a)(2).)

Rule No. 9

The chairman and the ranking minority member of the committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for the purpose of taking testimony.

Rule No. 10

Except as otherwise provided by House Rule XI, 5 and 6, the chairman of the full committee shall have the authority to hire and discharge employees of the professional and clerical staff of the full committee and of subcommittees subject to appropriate approval.

After approval by the majority caucus, the authorization for the creation of new positions shall be approved by a majority vote of the committee, a quorum being present.

Rule No. 11

Except as otherwise provided by House Rule XI, 5 and 6, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he may assign.

Rule No. 12

The chairman of the full committee will announce the date, place, and subject matters of all hearings at least 1 week prior to the commencement of any hearings, unless he determines that there is good cause to begin such hearings at an earlier date. In order that the chairman of the full committee may coordinate the committee facilities and hearing plans, each subcommittee chairman shall notify him of any hearing plans at least 2 weeks in advance of the date of commencement of hearings, including the date, place, subject matter, and the names of witnesses who would be called to testify, including, to the extent he is advised thereof, witnesses whom the minority members may request. The minority members shall supply the names of witnesses they intend to call to the chairman of the full committee or subcommittee at the earliest possible date. Witnesses appearing before the committee shall, as far as practicable, submit written statements at least 24 hours in advance of their appearance.

A subcommittee holding hearings in the field may investigate matters that are within the committee's jurisdiction, whether or not the matter being investigated falls within the jurisdiction fixed for that subcommittee. (See House Rule XI, 2(g), 2(j), and XI, 3(f)(2).)

Rule No. 13

Meetings for the transaction of business and hearings of the committee shall be open to the public unless closed in accordance with Rule XI of the House of Representatives. (See House Rule XI, 2(g).)

Rule No. 14

A committee member may question a witness only when recognized by the chairman for that purpose. In accordance with House Rule XI, 2(j)(2), each committee member may request up to 5 minutes to question a witness until each member who so desires has had such opportunity. Until all such requests have been satisfied, the chairman shall, insofar as practicable, recognize alternately on the basis of seniority those majority and minority members present at the time the hearing was called to order and others on the basis of their arrival at the hearing. Thereafter, additional time may be extended at the direction of the chairman.

Rule No. 15

Investigative hearings shall be conducted according to the procedures in House Rule XI, 2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the committee for consideration, and the chairman shall rule on the relevance of any questions put to the witness.

Rule No. 16

A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

Rule No. 17

When approved by a majority vote an open meeting or hearing of the committee or a subcommittee may be covered, in whole or in part, by television broadcast, radio broadcasts, and still photography, or by such methods of coverage, subject to the provisions of House Rule XI, 3. In order to enforce the provisions of said rule or to maintain an acceptable standard of dignity, propriety, and decorum, the chairman may order such alteration, curtailment, or discontinuance of coverage as he determines necessary.

[House Rule XI, 3.]

Rule No. 18

The chairman of the full committee shall:

(a) make available to other committees the findings and recommendations resulting from the investigations of the committee or its subcommittees as appropriate;

(b) submit to the Committee on the Budget views and estimates, as appropriate, required of standing committees by House Rule X, 4(g); and

(c) prepare, after consultation with subcommittee chairman and the minority, a budget for the committee which shall include an adequate budget for the subcommittees to discharge their responsibilities. After approval by the majority caucus, a majority of the members of the committee must approve the budget, and the chairman if the committee is empowered to obtain that approval in any appropriate manner, including polling members of the committee in writing.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. EDWARDS of Oklahoma (at the request of Mr. ANDERSON of Illinois), for today, on account of official business.

Mr. COLEMAN (at the request of Mr. RHODES), for today, on account of official business.

Mr. CORMAN (at the request of Mr. WRIGHT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. EVANS of Delaware) and to revise and extend their remarks and include extraneous matter:)

Mr. KEMP, for 10 minutes, today.

Mr. CONABLE for 5 minutes, today.

Mr. SARASIN, for 5 minutes, today.

Mr. BURKE of Florida, for 15 minutes, today.

(The following Members (at the request of Mr. GLICKMAN) and to revise and extend their remarks and include extraneous matter:)

Mr. DIGGS, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PIKE, for 5 minutes, today.

Mr. BEARD of Rhode Island, for 5 minutes, today.

Mr. RANGEL, for 5 minutes, today.

Mr. BINGHAM, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. EVANS of Delaware) and to include extraneous matter:)

Mr. YOUNG of Alaska.

Mr. MCKINNEY.

Mr. FINDLEY.

Mr. KEMP in two instances.

Mr. GILMAN.

Mr. MARTIN.

Mrs. SMITH of Nebraska.

Mr. RUPPE.

(The following Members (at the request of Mr. GLICKMAN) and to include extraneous matter:)

Ms. MIKULSKI.

Mr. MAZZOLI.

Mr. CORMAN in five instances.

Mr. VANIK in three instances.

Mr. ANDERSON of California in three instances.

Mr. GONZALEZ in three instances.

Mr. SANTINI.

Mr. RANGEL in two instances.

Mr. LONG of Maryland.

Mr. DINGELL.

Mrs. BURKE of California.

Mr. DRINAN.

Mr. MOORHEAD of Pennsylvania.

Mr. FLOWERS in two instances.

Mr. EDGAR in two instances.

Mr. BENNETT.

Mr. WAXMAN.

Mr. MCDONALD.

Mr. DODD.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 626. An act to reestablish the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes; to the Committee on Government Operations.

ADJOURNMENT

Mr. GLICKMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until Monday, March 7, 1977, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

923. A letter from the Acting Assistant Secretary of Defense (Manpower and Reserve Affairs), transmitting, the military manpower training report for fiscal year 1978, pursuant to 10 U.S.C. 138(d)(2); to the Committee on Armed Services.

924. A letter from the Chief, Congressional Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notice of proposed reductions in the 89th Military Airlift Wing at Andrews Air Force Base, Md., to the Committee on Armed Services.

925. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to amend the Housing and Community Development Act of 1974 to provide a more equitable allocation of funds, to authorize a fuller range of community development activities, to establish an urban development action grant program for severely distressed cities; to amend section 312 of the Housing Act of 1964, as amended; to amend section 701 of the Housing Act of 1954, as amended; and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

926. A letter from the Deputy Director for Administration, Central Intelligence Agency, transmitting a report on the Agency's activities under the Freedom of Information Act during calendar year 1976, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

927. A letter from the Chairman, National Endowment for the Arts, transmitting a report on the Endowment's activities under the Freedom of Information Act during calendar year 1976, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

928. A letter from the Postmaster General, transmitting a report on the Postal Service's activities under the Freedom of Information Act during calendar year 1976, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

929. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to extend certain authorities of the Secretary of the Interior with respect to Water Resources Research and Saline Water Conversion Programs, and for other purposes; to the Committee on Interior and Insular Affairs.

930. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the appropriation of $12.4 million for rehabilitation and resettlement of Eniwetok Atoll, Trust Territory of the Pacific Islands, and for other purposes; to the Committee on Interior and Insular Affairs.

931. A letter from the Acting Assistant Secretary of the Interior, transmitting notice of the receipt of loan applications under the Small Reclamation Projects Act of 1956 from the city of Fort Collins, Colo., and the Pleasant Valley County Water District, Calif., pursuant to section 10 of the act; to the Committee on Interior and Insular Affairs.

932. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Richard N. Gardner, Ambassador-designate to Italy, and his family, pursuant to section 6 of Public Law 93-126; to the Committee on International Relations.

933. A letter from the Assistant Secretary-Designate for International Affairs, Department of the Treasury, transmitting reports of the International Bank for Reconstruction and Development and the Asian Development Bank evaluating their lending programs, pursuant to section 301(e)(3) of the Foreign Assistance Act of 1961, as amended (87 Stat. 718); to the Committee on International Relations.

934. A letter from the Secretary, Interstate Commerce Commission, transmitting a report on the Commission's determination to extend the time period for acting upon the appeal pending in No. 36175, *Ford Motor Co., v. Canadian National Railways, et al.*, pursuant to section 17(9)(f) of the Interstate Commerce Act, as amended (90 Stat. 49); to the Committee on Interstate and Foreign Commerce.

935. A letter from the Executive Director, Civil Air Patrol, transmitting the organization's annual report for calendar year 1976, including its financial statements, pursuant to section 3 of Public Law 88-504; to the Committee on the Judiciary.

936. A letter from the Chairman, Commission on Postal Service, transmitting notice that the Commission's report, due by March 15, 1977, will be delayed to April 18; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REUSS: Committee on Banking, Finance and Urban Affairs. H.R. 3843. A bill to authorize additional funds for housing assistance for lower income Americans in fiscal year 1977, to extend the Federal riot reinsurance and crime insurance programs, to establish a National Commission on Neighborhoods, and for other purposes; (Rept. No. 95-42). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Oversight plans of the committees of the U.S. House of Representatives (Rept. No. 95-43). Referred to the Committee of the Whole House on the State of the Union.

Mr. DENT: Committee on House Administration. House Resolution 132. Resolution to provide funds for the expenses of the investigations and studies to be conducted, pursuant to House rule XI, by the Committee on Veterans' Affairs; with amendment (Rept. No. 95-44). Referred to the House Calendar.

Mr. DENT: Committee on House Administration. House Resolution 221. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Ways and Means; with amendment (Rept. No. 95-45). Referred to the House Calendar.

Mr. DENT: Committee on House Administration. House Resolution 233. Resolution providing funds for the expenses of the Committee on Standards of Official Conduct (Rept. No. 95-46). Referred to the House Calendar.

Mr. DENT: Committee on House Administration. House Resolution 248. Resolution to provide for the expenses of investigations, and studies to be conducted by the Committee on Education and Labor; with amendment (Rept. No. 95-47). Referred to the House Calendar.

Mr. DENT: Committee on House Administration. House Resolution 256. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Post Office and Civil Service; with amendment (Rept. No. 95-48). Referred to the House Calendar.

Mr. DENT: Committee on House Administration. House Resolution 269. Resolution to provide funding for the Select Committee on Narcotics Abuse and Control (Rept No. 95-49). Referred to the House Calendar.

Mr. DENT: Committee on House Administration. House Resolution 275. Resolution to provide funds for the expenses of investigations and studies authorized by the Committee on Public Works and Transportation (Rept. No. 95-59). Referred to the House Calendar.

Mr. DENT: Committee on House Administration. House Resolution 279. Resolution to provide funds for the expenses of the investigation and study of welfare and pension plans to be conducted by the Committee on Education and Labor (Rept. No. 95-51). Referred to the House Calendar.

Mr. DENT: Committee on House Administration. House Resolution 297. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Science and Technology; with amendment (Rept. No. 95-52). Referred to the House Calendar.

Mr. DENT: Committee on House Administration. House Resolution 313. Resolution to provide for the expenses of investigations, and studies to be conducted by the Committee on International Relations (Rept. No. 95-53). Referred to the House Calendar.

Mr. DENT: Committee on House Administration. House Resolution 319. Resolution to provide funds for the expenses of the investigation and study authorized by a resolution adopted on February 3, 1977, by the Committee on International Relations; with amendment (Rept. No. 95-54). Referred to the House Calendar.

Mr. DENT: Committee on House Administration. House Resolution 321. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Merchant Marine and Fisheries; with amendment (Rept. No. 95-55). Referred to the House Calendar.

Mr. DENT: Committee on House Administration. House Resolution 329. Resolution providing funds for the Committee on the District of Columbia; with amendment (Rept. No. 95-56). Referred to the House Calendar.

Mr. DENT: Committee on House Administration. House Resolution 357. Resolution to provide funds for the Committee on the Judiciary; (Rept. No. 95-57). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Florida:

H.R. 4491. A bill to authorize modification of the project for Port Everglades Harbor, Fla.; to the Committee on Public Works and Transportation.

By Mr. CARTER:

H.R. 4492. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time shall begin on Memorial Day and end on Labor Day of each year; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLINS of Texas:

H.R. 4493. A bill to amend chapter 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions; to the Committee on the Judiciary.

By Mr. DUNCAN of Tennessee:

H.R. 4494. A bill to amend the Interstate Commerce Act to exempt motor vehicles being used in the transportation of members of certain religious organizations from the application of the provisions of part II of such act; to the Committee on Public Works and Transportation.

H.R. 4495. A bill to amend title 38, United States Code, to eliminate the 10-year delimiting period for the purpose of allowing certain eligible veterans to complete their programs of education by December 31, 1989; to the Committee on Veterans' Affairs.

H.R. 4496. A bill to amend title II of the Social Security Act to provide benefits for widowed fathers with minor children on the same basis as benefits for widowed mothers with minor children; to the Committee on Ways and Means.

H.R. 4497. A bill to amend the Internal Revenue Code of 1954 to provide for the amortization of new coal mining equipment ratably over a 12-month period; to the Committee on Ways and Means.

By Mr. DUNCAN of Tennessee (for himself and Mr. QUILLEN):

H.R. 4501. A bill to provide for the excluaid program to assist States in creating and administering programs which will provide energy stamps to certain low-income households in such States to help meet residential energy costs incurred by them; to the Committee on Interstate and Foreign Commerce.

By Mr. DUNCAN of Tennessee (for himself, Mr. PICKLE, Mr. BURLESON of Texas, and Mr. FUQUA):

H.R. 4499. A bill to amend title XVIII of the Social Security Act to authorize payment under the medicare program for occupational therapy services, whether furnished as a part of home health services or otherwise; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. WEISS:

H.R. 4500. A bill to provide that the third Tuesday in June of each year shall be the last day on which a State may hold a primary election for any Federal office; to the Committee on House Administration.

By Mr. CORNWELL (for himself, Mrs. SPELLMAN, Mr. DAVIS, Mr. LEGGETT, Mr. AKAKA, Mr. DICKS, Mr. MAGUIRE, Mr. CLEVELAND, Mr. HEFTEL, Mr. D'AMOURS, and Mr. COHEN):

H.R. 4498. A bill to establish a grant-in-sion of industrially funded personnel in computing the total number of civilian personnel authorized by law for the Department of Defense in any fiscal year; to the Committee on Armed Services.

By Mr. DENT:

H.R. 4502. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to grant additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DODD (for himself, Mr. BEARD of Rhode Island, Mr. BEDELL, Mr. BLANCHARD, Mr. COTTER, Mr. D'AMOURS, Mr. MCKINNEY, Mr. MIKVA, Mr. PEPPER, and Ms. SPELLMAN):

H.R. 4503. A bill to amend title 38 of the United States Code relating to the recognition of representatives of the Polish Legion of American Veterans as claims agents for claims arising under laws administered by the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. ERTEL (for himself, Mr. ROE, Mr. GORE, Mr. EILBERG, and Mr. EDWARDS of Oklahoma):

H.R. 4504. A bill to provide that rates of pay for Members of Congress shall not be automatically adjusted under the Federal Salary Act of 1967; to the Committee on Post Office and Civil Service.

By Mr. FASCELL (for himself, Mr. LEHMAN, and Mr. PEPPER):

H.R. 4505. A bill to amend title XVIII of the Social Security Act so as to enable certain aliens to obtain coverage under the supplemental medical insurance program established by part B of such title; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. HANNAFORD:

H.R. 4506. A bill to amend title 38 to provide that service in the Women's Army Auxiliary Corps shall be considered active duty in the Armed Forces of the United States; to the Committee on Veterans' Affairs.

By Mr. HUGHES:

H.R. 4507. A bill to amend title 18 of the United States Code to impose criminal penalties on certain persons who fire firearms or throw objects at certain railroad trains, engines, motor units, or cars, and for other purposes; to the Committee on the Judiciary.

By Mr. LEHMAN:

H.R. 4508. A bill to amend the Social Security Act to roll back the deductible and coinsurance charges under part A of medicare to the 1976 levels, and for other purposes; to the Committee on Ways and Means.

By Mr. LUNDINE (for himself, Mr. BADILLO, Mr. BARNARD, Mr. BLANCHARD, Mr. BRADEMAS, Mr. DICKS, Mr. GLICKMAN, Mr. HUBBARD, and Mr. VENTO):

H.R. 4509. A bill to provide for a program, to be carried out through the Secretary of Labor, of projects and an advisory council to promote economic stability by increasing productivity, improving job security, encouraging retention of jobs in lieu of cyclical layoffs, and promoting the better use of human resources in employment; jointly to the Committee on Banking, Finance and Urban Affairs, and Education, and Labor.

By Mr. MARTIN:

H.R. 4510. A bill to amend part B of title XI of the Social Security Act to provide a more effective administration of Professional Standards Review of health care services, to expand Professional Standards Review Organization activity to include review of services performed by or in federally operated health care institutions, and to protect the confidentiality of medical records; jointly, to the Committees on Interstate and Foreign Commerce, and Ways and Means.

By Mr. MATHIS:

H.R. 4511. A bill to amend title 5, United States Code, to provide civilian employees of the National Guard certain rights of members of the competitive service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. METCALFE (for himself and Mr. SNYDER):

H.R. 4512. A bill to amend section 216(b)(1) of the Merchant Marine Act, 1936; to the Committee on Merchant Marine and Fisheries.

By Mr. MITCHELL of Maryland:

H.R. 4513. A bill to extend the Defense Production Act of 1950, as amended; to the Committee on Banking, Finance and Urban Affairs.

H.R. 4514. A bill to amend section 1979 of the Revised Statutes to provide that States, municipalities, and agencies or units of Government thereof, may be sued under the provisions of such section; to establish rules of liability with respect to such States, municipalities, and agencies or units of Government thereof; and for other purposes; to the Committee on the Judiciary.

By Mr. MITCHELL of Maryland (for himself, Mr. CARR, Mr. DIGGS, Mr. BUCHANAN, Mr. CONYERS, Mr. DELLUMS, Mr. RANGEL, Mr. DUNCAN of Tennessee, Mr. GIAIMO, Mr. DAN DANIEL, Mr. CLAY, Mr. BADILLO, Mr. WHITEHURST, Mr. TRIBLE, Mr. DICKS, Mr. BURGENER, Ms. CHISHOLM, Mr. TREEN, Mr. EILBERG, Mr. WHITLEY, Mr. HEFTEL, Mr. WEISS, Mr. FAUNTROY, Mr. MICHAEL O. MYERS, and Mr. METCALFE):

H.R. 4515. A bill relating to collective bargaining representation of postal employees; to the Committee on Post Office and Civil Service.

By Mr. MITCHELL of Maryland (for himself, Mr. BROWN of California, Mr. ASHLEY, Mr. LOTT, Mr. BINGHAM, Ms. COLLINS of Illinois, Mr. HAWKINS, Mr. NIX, Ms. BURKE of California, and Mr. STOKES):

H.R. 4516. A bill relating to collective bargaining representation of postal employees; to the Committee on Post Office and Civil Service.

By Mr. MONTGOMERY (for himself, Mr. BOWEN, Mr. COCHRAN, Mr. LOTT, and Mr. WHITTEN):

H.R. 4517. A bill to authorize channel clearing on the Yazoo River in Mississippi; to the Committee on Public Works and Transportation.

By Mr. OBERSTAR (for himself and Mr. DORNAN):

H.R. 4518. A bill to provide for unbiased consideration of applicants to medical schools; to the Committee on Interstate and Foreign Commerce.

By Mr. OTTINGER:

H.R. 4519. A bill to require States to participate in a system of regional Presidential primaries administered by the Federal Election Commission, and for other purposes; to the Committee on House Administration.

By Mr. WEISS:

H.R. 4520. A bill to provide employment opportunities for youth in the public and private sectors of the economy, and for other purposes; to the Committee on Education and Labor.

By Mr. REUSS (for himself, Mr. HANLEY, Mr. SEIBERLING, and Mrs. SPELLMAN):

H.R. 4521. A bill to amend title I of the Housing and Community Development Act of 1974 for the purpose of providing that units of general local government receiving grants under the hold-harmless provisions of such title shall be entitled, after fiscal year 1977, to continue to receive at least the amount to which they are presently entitled under such provisions; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROBERTS (for himself and Mr. TEAGUE):

H.R. 4522. A bill relating to the assignment of retired military personnel to the American Battle Monuments Commission; to the Committee on Veterans' Affairs.

By Mr. RUPPE (for himself, Mr. BROOMFIELD, Mr. CEDERBERG, and Mr. STOCKMAN):

H.R. 4523. A bill to authorize the Secretary of Agriculture to make financial assistance available to agricultural producers who suffer losses as the result of having their agricultural commodities or livestock contaminated by toxic chemicals dangerous to pub-

lic health or whose agricultural commodities, livestock or poultry have been contaminated so as to adversely affect the economic viability of the farming operation; to the Committee on Agriculture.

By Mr. RUPPE (for himself, and Mr. BROOMFIELD):

H.R. 4524. A bill to amend the Toxic Substances Control Act to establish a program for assistance to States which establish programs of assistance for the protection and indemnification of individuals injured in their business or person by chemical substances, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SNYDER (for himself and Mr. ANDERSON of California):

H.R. 4525. A bill to require the Civil Aeronautics Board to rescind the authority of any air carrier to provide nonstop service between any two points if such authority is not utilized within a certain period of time; to authorize the provision of new nonstop service by certificated air carriers between such points without hearings; and for other purposes; to the Committee on Public Works and Transportation.

H.R. 4526. A bill to amend the Federal Aviation Act of 1958, to provide for expedited consideration by the Civil Aeronautics Board of applications for certificates of public convenience and necessity; to the Committee on Public Works and Transportation.

By Mr. TUCKER:

H.R. 4527. A bill to amend title II of the Social Security Act to increase to $4,800 the amount of outside earnings permitted without deductions from benefits thereunder; to the Committee on Ways and Means.

H.R. 4528. A bill to provide for the recognition of nonprofit health maintenance organizations as charitable organizations; to the Committee on Ways and Means.

By Mr. GILMAN (for himself, Mr. ADDABBO, Mr. BAUCUS, Mr. BLANCHARD, Mr. BONIOR, Mr. BUCHANAN, Mr. BURGENER, Mr. BURKE of Florida, Mr. BUTLER, Mr. COHEN, Mr. COLLINS of Texas, Mr. CORRADA, Mr. DERWINSKI, Mr. EDWARDS of California, Mrs. FENWICK, Mr. FISH, Mr. GLICKMAN, Mr. GRADISON, Mr. HOLLENBECK, Mr. HORTON, Mr. HUGHES, Mr. LAGOMARSINO, Mr. LEHMAN, Mr. LEVITAS, and Mr. LONG of Maryland):

H. Con. Res. 138. Concurrent resolution urging the President to take certain measures against countries supporting international terrorism and persons engaging in international terrorism and to seek stronger international sanctions against such countries and persons; jointly, to the Committees on International Relations, and Public Works and Transportation.

By Mr. GILMAN (for himself, Mr. MARKEY, Mr. MAZZOLI, Mr. MCHUGH, Ms. MIKULSKI, Mr. MOAKLEY, Mr. NEAL, Mr. OTTINGER, Mr. PEPPER, Mr. ROE, Mr. ROSENTHAL, Mr. SCHEUER, Mr. SOLARZ, Mrs. SPELLMAN, Mr. WAXMAN, Mr. WHITEHURST, and Mr. ZEFERETTI):

H. Con. Res. 139. Concurrent resolution urging the President to take certain measures against countries supporting international terrorism and persons engaging in international terrorism and to seek stronger international sanctions against such countries and persons; jointly, to the Committees on International Relations, and Public Works and Transportation.

By Mr. MARKS (for himself, Mr. WALGREN, Mr. MOAKLEY, Mr. MINETA, Mr. WAXMAN, and Mrs. SPELLMAN):

H. Con. Res. 140. Concurrent resolution expressing the sense of the Congress with respect to potential cancer risks associated with past radiation treatment of tonsil, adenoid, thymus, and similar problems; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLORY:

H. Res. 380. Resolution requiring the inclusion of units of the metric system of measurement in all bills, resolutions, amendments, and committee reports which contain references to units of weights and measures; to the Committee on Rules.

By Mr. MICHEL (for himself, Mr. RHODES, Mr. BUTLER, Mr. MCKINNEY, Mr. WYDLER, Mr. CRANE, Mr. ARCHER, Mr. MADIGAN, Mr. KINDNESS, Mr. BROWN of Ohio, Mr. JOHNSON of Colorado, Mrs. SMITH of Nebraska, Mr. HORTON, Mr. BEARD of Tennessee, Mr. BUCHANAN, Mr. SCHULZE, Mr. MITCHELL of New York, Mr. LAGOMARSINO, Mr. ROBERT W. DANIEL, JR., Mr. COHEN, Mr. MCEWEN, Mr. ROBINSON, Mr. WINN, Mr. MOORE, and Mr. TREEN):

H. Res. 381. Resolution to provide that the 10 minutes of debate provided under clause 4 of rule XVI of the Rules of the House of Representatives shall apply to a motion to recommit with instructions of a simple resolution or conference report; to the Committee on Rules.

By Mr. PEPPER (for himself and Mr. BOB WILSON):

H. Res. 382. Resolution to provide for the expenses of investigations and studies to be conducted by the Select Committee on Aging; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAFALIS:

H.R. 4529. A bill for the relief of United Broadcasting Company of Florida, Inc.; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 4530. A bill for the relief of Elisabetta Basso Gallizio; to the Committee on the Judiciary.

By Mr. REUSS:

H.R. 4531. A bill for the relief of Phyllis Maxwell Washington; to the Committee on the Judiciary.

H.R. 4532. A bill for the relief of Antonio Miguel Callender; to the Committee on the Judiciary.

H.R. 4533. A bill for the relief of Gary Daves and Marc Cayer; to the Committee on the Judiciary.

H.R. 4534. A bill to authorize R. Edward Bellamy, doctor of philosophy, a retired officer of the Commissioned Corps of the U.S. Public Health Service, to accept employment by the Canadian Department of Agriculture; to the Committee on International Relations.

By Mr. VAN DEERLIN:

H.R. 4535. A bill for the relief of Kazuko Nishioka Dowd; to the Committee on the Judiciary.

H.R. 4536. A bill for the relief of Edwin Mendez Yorobe and Barbara Magat Yorobe; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

26. The SPEAKER presented a memorial of the Legislature of the State of Nevada, relative to the study of the feasibility of increasing the capacity of the Hoover Dam; to the Committee on Interior and Insular Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII,

55. The SPEAKER presented a petition of the University of New Orleans College Young Republicans, New Orleans, La., relative to investigation of alleged illegalities in the 1976 election in the First Congressional District of Louisiana; which was referred to the Committee on House Administration.

SENATE—*Friday, March 4, 1977*

(Legislative day of Monday, February 21, 1977)

The Senate met at 12 meridian, on the expiration of the recess, and was called to order by Hon. HERMAN E. TALMADGE, a Senator from the State of Georgia.

PRAYER

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

Let us pray.

Almighty God, in the sacred silence of this moment, incline our thoughts to Thee and to Thee alone. Bestow upon all who labor here the gift of the quiet soul, the serene spirit, and the disciplined mind. As we meditate upon Thy majesty and holiness, may our souls be purified and renewed in strength and beauty. Dispel all weariness of body or fretfulness of spirit, granting unto us the joy and the grace of the Master.

As we pray for those who work here, so we pray that the President and all those in the service of this Republic may seek first Thy kingdom and Thy righteousness, in the certain confidence that all else shall be added thereto.

We pray in His name, which is above every name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 4, 1977.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. HERMAN E. TALMADGE, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

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

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of yesterday, Thursday, March 3, 1977, be approved.

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

COMMITTEE MEETINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

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

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, there are some nominations on the calendar that have been cleared on both sides of the aisle. I ask unanimous consent that, before we proceed with the order for the recognition of the Senators, the Senate go into executive session for the purpose only of considering nominations beginning on page 2 of the Executive Calendar under "New Reports."

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

The PRESIDING OFFICER. The clerk will state the nominations.

NEW REPORTS

The second assistant legislative clerk proceeded to read nominations on the Executive Calendar under "New Reports."

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all nominations on pages 2, 3, and 4 be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

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

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

(All nominations confirmed today are printed at the end of the Senate proceedings.)

(Later in the day the following occurred:)

ORDER VITIATING CONFIRMATION OF NOMINATION OF ROBERT THALLON HALL TO BE AN ASSISTANT SECRETARY OF COMMERCE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all action taken earlier today with respect to the nomination of Mr. Robert Thallon Hall to be an Assistant Secretary of Commerce be vitiated and that his name be restored to the calendar for the time being.

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

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

Mr. STEVENS. Mr. President, I yield back the remainder of our time.

The PRESIDING OFFICER. All time is yielded back.

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order Nos. 30 and 31, both of which measures have been cleared on both sides of the aisle.

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

GEORGE A. KRIMSKY

The Senate proceeded to the consideration of the resolution (S. Res. 81) expressing the sense of the Senate on the expulsion of Mr. George A. Krimsky from the Soviet Union.

Mr. BAYH. Mr. President, today the Senate is considering Senate Resolution 81, a resolution which I introduced on February 10 disapproving the Soviet Government's decision of February 4 to expel Mr. George A. Krimsky, an Associated Press correspondent working in the U.S.S.R. The purpose of this resolution in which some 18 of my colleagues have joined as cosponsors, is to demonstrate to the Soviets that the Senate takes very seriously every word of the human rights provisions of the Helsinki Declaration. It was, indeed, regrettable that Moscow found section (c) of the free flow of information provisions of the Helsinki Final Act acceptable in theory but not so in fact. George Krimsky's efforts to realize "opportunities for journalists of participating States to communicate personally with their sources" met with Moscow's official disfavor. The quite interesting charge of "misuse of foreign currencies" was produced and a talented journalist was forced to leave his assignment.

When faced with this situation our Department of State had little choice but to respond in kind even though such a course of action put us in an awkward position. Still, our Government has an obligation to protect the rights of our newspeople in countries where the press is not free. A Soviet correspondent was ordered expelled. Our resolution notes this situation and calls upon both the United States and the Soviet Union to consult in a spirit of cooperation to reduce another exercise in counterproductivity from occurring.

The fact that the Socialist Republics of Eastern Europe and the Government of the Soviet Union do not share the concepts of political freedom and liberty so important to us has long been self-evident. There is little that we can realistically do to force the leaderships of these countries to see the world as we do. Nevertheless, we must make it clear in unmistakable terms that we take Secretary General Brezhnev at his word that the Conference on Security and Cooperation in Europe should herald a new era of international cooperation and good will.

While it first appeared that the West gave up much at Helsinki we are coming to realize that this is only true if we allow it to be true. This initial impression may have stemmed from a somewhat cynical attitude concerning human rights. In the final analysis—or so the argument went—power politics and "business as usual" would prevail. This does not seem to be the attitude of the President of the United States, however. It is not the view of over 6,000 people from the State of Indiana who have petitioned the Soviet Government asking that Naum Salansky and Mrs. Irena McClellan be allowed to realize their rights under the family reunification provisions of the Helsinki Declaration and leave the U.S.S.R. It is not the view of the British Government when yesterday its new foreign secretary David Owen asserted support for U.S. human rights policy by saying that "the dignity of man transcends national frontiers." He also noted in this regard that "the Warsaw Pact countries had, and still have, much ground to make up."

Protecting the internationally recognized rights of accredited journalists is absolutely necessary to the full implementation of the free flow of information principles of Helsinki and to assurring that we do not return to business as usual with regard to this question. Senate Resolution 81 puts the Senate on record with respect to this. The access which reporters have to sources of information is linked with our ability to know where violations of basic human freedoms are occurring, whether it is in Czechoslovakia or Chile, the Soviet Union or here in the United States. Clearly, our concern cannot be selective or its moral force and capacity to produce constructive change will be diluted.

That journalists often function as a life-line to the victims of repression is well documented. This was probably George Krimsky's real "crime" against the Soviet state. Consistent with the provisions of Helsinki, it is therefore necessary that we take appropriate steps to facilitate the internationally recognized rights of reporters, keeping in mind the consideration that this is part of the broader issue of East-West relations.

On a CBS news telecast one evening in the last few weeks, Mr. Eric Severeid carried the adage about "the pen is mightier than the sword" a bit further by observing that in the context of this political-military competition the human rights issue is "their achilles heel; it is our shining sword. We should not let it rust."

This does not mean that we should place absolute preconditions on efforts to regulate military and political competition. It does require that we convey the essential concern for human rights which is a principle upon which our Nation was founded. If this is done in a permanent and consistent way it can truly be said

that we can be no more effective in the cause of human freedom.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 81

Whereas the Helsinki Declaration pledges both the United States and the Soviet Union to the principle that: "The legitimate pursuit of their professional activity will neither render journalists liable to expulsion nor otherwise penalize them. If an accredited journalist is expelled, he will be informed of the reasons for this act and may submit an application for re-examination of his case.";

Whereas harassment of accredited correspondents does not facilitate progress in areas of vital interest to both the United States and the Soviet Union and does not contribute to an atmosphere which will encourage greater regulation of political and military competition;

Whereas such action requires appropriate steps to be taken by the United States Government in order to protect the internationally recognized rights of American correspondents: Now, therefore, be it

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

(1) the explusion of Mr. George A. Krimsky is contrary to the spirit of the Helsinki Declaration respecting the rights of journalists;

(2) such a decision serves only to obstruct the implementation of the free flow of information provisions contained in the Helsinki Declaration:

(3) such action only invites and justifies steps of a reciprocal nature by the United States Government;

(4) the United States Government and the Union of Soviet Socialist Republics should seek in a cooperative spirit greater communication in this area in order to prevent similar events of a counterproductive nature from occurring in the future; and

(5) the Secretary of the Senate transmit a copy of this resolution to the President of the United States in order that the Department of State may convey this view directly to General Secretary Leonid Brezhnev of the Central Committee of the Communist Party of the Soviet Union.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95–35), explaining the purposes of the measure.

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

PURPOSE OF THE RESOLUTION

The purpose of the resolution is to express the sense of the Senate that the rights of journalists, as defined in the Helsinki agreement, should be scrupulously respected.

BACKGROUND

On February 4, 1977, the Soviet Government expelled from the Soviet Union Associated Press reporter George A. Krimsky, alleging that Mr. Krimsky had been engaged in espionage and currency violations. On the same day Secretary of State Vance, having consulted with President Carter and National Security Advisor Brzezinski, summoned Soviet Ambassador Dobrynm to the State Department where, according to press reports, he requested that the expulsion order be rescinded, and made it known that the United States regarded the Soviet action as unacceptable. The Soviet Government rejected the American appeal, whereupon, on February 5, the U.S. Government ordered the retaliatory expulsion of Tass correspondent Vladimir I. Alekseyev.

The issue pertains directly to the Helsinki Pact, under which the United States, the Soviet Union and all other signatories pledged adherence to the principle that:

"The legitimate pursuit of their professional activity will neither render journalists liable to expulsion nor otherwise penalize them. If an accredited journalist is expelled, he will be informed of the reasons of this act and may submit an application for re-examination of his case."

The issue goes back at least to May of last year when the Soviet journal Literaturnaya Gazeta charged that three American correspondents, including Mr. Krimsky, were associated with the CIA. The Soviet journal gave no evidence to support its allegation, contending only that it had received letters from its readers charging the American reporters with improper activities. The U.S. Embassy in Moscow and the American news agencies involved all denied that their reporters had any CIA connection.

Subsequently, in an interview with an NBC news correspondent, the Editor of the Literaturnaya Gazeta reiterated his charges against the three American journalists, contending that a letter from an unnamed Moscow resident accused Mr. Krimsky of having recruited a Soviet citizen to work for Tass, in which position he subsequently leaked to Krimsky special unauthorized "material." Mr. Krimsky denied the charge.

The view of other American journalists is that the real reason for the allegations against Krimsky and the other American journalists was that they had succeeded in making durable and journalistically rewarding friendships with Soviet citizens, affording them insights into Soviet life which the Soviet Government did not welcome. On June 23, the Literaturnaya Gazeta renewed its attacks on the American journalists, quoting a letter attributable to an anonymous Soviet serviceman accusing Krimsky of plying him with drinks after saying he was interested in the life of ordinary Soviet soldiers.

The apparent reason for the expulsion of Mr. Krimsky, according to press reports, was his intensive coverage of Soviet dissidents. On February 7, a group of Soviet dissidents said that Mr. Krimsky had been expelled because of "his highly developed sense of professional responsibility and duty and his deep interest in humanitarian and social aspects of life."

COMMITTEE ACTION

On February 24, 1977, the Committee on Foreign Relations met in open session and voted, by voice vote, to report the resolution favorably without amendment.

U.S. CAPITOL HISTORICAL SOCIETY WALL CALENDARS

The resolution (S. Res. 103) relating to the purchase of calendars was considered and agreed to, as follows:

S. RES. 103

Resolved, That the Committee on Rules and Administration is authorized to expend from the contingent fund of the Senate, upon vouchers approved by the chairman of that committee, not to exceed $52,000 for the purchase of one hundred and four thousand calendars. The calendars shall be distributed as prescribed by the committee.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95–36), explaining the purposes of the measure.

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

Senate Resolution 103 would authorize the Committee on Rules and Administration to expend not to exceed $52,000 for the purchase from the U.S. Capitol Historical Society of 104,000 of its 1978 wall calendars for the use of the Senate. The calendars would be prorated among the Members of the Senate.

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which Senate Resolution 81 and Senate Resolution 103 were agreed to; and I ask unanimous consent that the motion be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on the motion to reconsider.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina (Mr. THURMOND) is recognized for not to exceed 15 minutes.

Mr. STEVENS. Mr. President, I ask unanimous consent that time under the special order which is provided to me be yielded to the Senator from South Carolina (Mr. THURMOND), so much time as he needs.

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

Mr. CRANSTON. Mr. President, will the Senator from South Carolina yield for a unanimous-consent request?

Mr. THURMOND. Mr. President, I am pleased to yield without losing my right to the floor.

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

PRIVILEGE OF THE FLOOR— WARNKE NOMINATION

Mr. CRANSTON. Mr. President, I ask unanimous consent that Bill Jackson of my staff have the privilege of the floor throughout all stages of the consideration of the Warnke nomination.

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

The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I ask unanimous consent that Mr. Ed Kenney of the Senate Committee on Armed Services have the privilege of the floor during consideration of the Warnke nomination.

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

THE NEED FOR EMPHASIZING RESEARCH AND DEVELOPMENT OF NUCLEAR ENERGY

Mr. THURMOND. Mr. President, over the last few weeks, our Nation has suffered the most serious energy shortage

within memory. Unfortunately, many representatives of the media and even some members of the administration have either misunderstood or misrepresented the underlying problem. By raising the specter of greedy businessmen hoarding energy reserves to boost prices, they have encouraged the gullible to believe that the shortage is artificial.

Let us stop this charade once and for all. The problem is real and serious. Despite the world's most advanced energy technology, this Nation cannot keep its factories busy or its homes warm without expensive assistance from abroad. Even with this assistance, we have seen severe weather cause widespread national suffering. Unless we act now to develop alternative energy sources, we shall soon be utterly at the mercy of foreign governments and the elements. It would be hard to say which is more unreliable.

A small group of single-minded environmentalists has succeeded in blocking such development through litigation and scare tactics. I do not mean to belittle the environmentalist cause. There is good reason to be concerned about the conservation of natural resources and the preservation of wildlife.

It is only commonsense, however, to balance environmental goals against energy needs. The Hindus of India, as Congressman POAGE has pointed out, let people starve rather than kill the rats that eat their grain. Some environmentalists seem to want us to let people freeze rather than exploit the energy resources that could provide heat.

Two of the many accomplishments of such shortsighted activists are a 3- to 5-year delay in construction of the Alaska pipeline, and a nearly total blockage of offshore oil and gas exploration. For instance, a couple of weeks ago, a Federal judge in New York nullified a contract of $1.1 billion for the lease of oil and gas rights off the coast of New Jersey. He justified his action on the ground that there had been insufficient study of the environmental background. The paperwork on the subject runs to 4,043 pages.

Another trophy claimed by such environmentalists is the obstruction of a $116 million TVA hydroelectric project on the Little Tennessee River. They protested that the project threatened a fish called the Tennessee snail darter.

Nuclear power is the energy source which has come under the most constant—and the most illogical—attack. Countless legal, emotional, and environmental arguments are made against nuclear development. Most of these, especially the frequent forecasts of doom, are the product of unthinking opposition to progress. Perhaps the most ridiculous charge is that energy-producing reactors could explode like nuclear bombs.

The true facts about nuclear energy should allay any such hysterical fears. Here they are:

1. Nuclear power is *safe*. No one has died in an accident involving nuclear generation at any plant in America. In fact, one university study indicates that an all-nuclear U.S. electrical power system, at worst, would be three times safer than a similar all-coal system.

2. Nuclear wastes can be stored safely in subsurface salt deposits which are stable and virtually impenetrable. The entire process can be accomplished with little danger to man or the environment.

3. Nuclear plants produce only small amounts of waste. A large power plant in one year produces about two cubic yards of high-level waste. The current stock of nuclear waste in America would barely fill one small room, and this quantity is not growing rapidly.

4. Nuclear fuel can be reprocessed for continuing use in nuclear energy generation. Facilities for such reprocessing have been completed in Barnwell, South Carolina, but environmental complaints have held up operation.

5. Nuclear energy is less expensive than fossil fuels. Due to the huge increases in the price of crude oil, it should continue to be so for the foreseeable future.

6. The people of the Nation want nuclear power—by a margin of two-to-one, according to a 1976 poll. Approximately that same percentage approved nuclear development in recent referenda in states from California to New Jersey.

Mr. President, these facts demonstrate that rapid development of nuclear power is both feasible and desirable. Now that shortages of fossil fuels have become chronic, such development is also necessary.

The production of nuclear energy, however, requires enormous capital investment. Before power companies will make this investment, our Government must formulate a nuclear energy policy in which they can have confidence. Inconsistent and burdensome policy in the past has greatly depressed investor interest. With 5 to 8 years of lag time between conceptualization and power production, any additional delay in encouraging investment will assure energy impoverishment in the 1980's.

There are some 58 nuclear energy electrical generating plants now in operation in the United States. Add 69 more under construction, 90 on order, and 11 soon to be ordered, and the total for the country is 228. This compares with a worldwide total of 450. Nuclear power now provides 7 to 8 percent of our electrical power across the Nation, and over 20 percent in some particular areas.

Nuclear energy has proved to be invaluable during the recent energy crisis. A recent survey by the Atomic Industrial Forum, a trade association for the nuclear industry, estimates that nuclear power accounted for approximately 20 billion kilowatt-hours of electricity in January. Had this energy not been available, the following consequences would have ensued:

1. More than 257,000 additional lost jobs;
2. Nearly $230 million in lost wages;
3. A reduction of some $3.8 billion in the various goods and services that make up the Gross National Product.

Mr. President, to make up the resultant energy shortage from other sources would have required the following:

1. 32 million barrels of oil, nearly 13 percent of current monthly domestic production; or
2. 182 billion cubic feet of natural gas, more than 10 percent of current monthly production; or
3. 9.6 million tons of coal, about 17 percent of current monthly production.

Mr. President, these figures give us some indication of the usefulness of nuclear energy. If some of the unnecessary bureaucratic redtape could be cut, several more nuclear plants could be quickly completed to add to the benefits. For example, the New Hampshire Public Service Co. is trying to build two nuclear powerplants to help meet the future energy needs of New England; $140 million has aready been spent on the Seabrook project, which the Government originally approved but which the EPA is now delaying so it can investigate a possible danger to clam larvae. This problem arose 4 months ago. The delay costs Seabrook $15 million per month.

Mr. President, increasing energy demands will necessitate increasing construction of electric plants as we approach the next century. How we run these plants will depend in large part on the outcome of the momentous research now being done on solar power, fusion, and other space-age technologies. At the present time, though, given the scarcity of oil and natural gas, the choice of fuel comes down to either nuclear material or coal.

President Carter seems to prefer coal. He has indicated that he would fall back on nuclear power only as a last resort. Without question, it is necessary to increase our use of coal. This precious resource is so abundant in the United States that the United States has been called the Saudi Arabia of coal. However, a substantial increase in coal mining and production would entail serious risks.

The National Academy of Science states that major expansion of coal production would bring with it "the expansion of one of our most hazardous occupations." The academy also notes:

> The hazards to the general public arising from the burning of coal are less obvious . . . But they become even more compelling because of the vast number of ramifications that air pollution has for rainfall, vegetation, and segments of our food chain.

Injured and diseased miners receive over a billion dollars a year in disability compensation, and the additional cost in suffering and sorrow cannot be given a monetary equivalent. Equally incalculable is the harm done to society at large by coal production and use. Considering the factors of safety and environmental effect, I believe it would be wise to place more emphasis on nuclear energy.

Mr. President, nuclear power bears an enduring stigma from the first terrible uses to which it was put. It has become associated, in the public mind, with bombs and destruction. It also has evoked the same fear and suspicion that seems to beset every technological advancement, potentially dangerous or not.

Looking back in history, we find that many people had misgivings about the airplane, the car, the telephone, the electric light, and all the inventions and dis-

coveries on which modern society is based. Indeed, in writings from the dawn of recorded history, there was vocal opposition to the use of so essential a commodity as iron, which was then replacing softer metals. Early man was afraid that it would be used for more destructive weapons.

So it was. That which is capable of harm, however, is often equally capable of good. No one would propose that we do without valuable tools, because they are liable to be abused. Technological advancement brings the high standard of living which, in the long run, is the only sure remedy for human discord.

Mr. President, in an age which is now long gone but in which war was just as abhorrent as it is today, men prayed for the day when their swords could be beaten into plowshares. As the sword was the symbol of war, so the plow was the symbol of peace and prosperity. Through the miracle of modern technology, we have beaten our nuclear sword into a nuclear plowshare. Such is the relation between the bomb and the reactor.

Mr. President, yet no benefit comes to anyone from a plow that lies idle. It still remains to us to harness the plow and use it. Let us get on with the job, for our own betterment and that of all mankind.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond 30 minutes, with statements therein limited to 5 minutes.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

REDUCTION OF FEDERAL REGULATION OF THE AIRLINE INDUSTRY—MESSAGE FROM THE PRESIDENT—PM 45

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

As a first step toward our shared goal of a more efficient less burdensome Federal government, I urge the Congress to reduce Federal regulation of the domestic commercial airline industry.

One of my Administration's major goals is to free the American people from the burden of over-regulation. We must look, industry by industry, at what effect regulation has—whether it protects the public interest, or whether it simply blunts the healthy forces of competition, inflates prices, and discourages business innovation. Whenever it seems likely that the free market would better serve the public, we will eliminate government regulation.

This will take time, careful study, and extensive participation by all affected parties. But we can start with domestic commercial aviation, an area where Congress has already led the way toward regulation reform.

The statute which governs this industry has not been fundamentally changed since it was first enacted in 1938. At that time, the aviation industry was in its infancy. Many people believed that, unless the government intervened to set prices and control competition, the industry would never develop in a sensible way.

Since 1938, the industry has grown enormously. The regulatory scheme designed nearly 40 years ago to protect a developing industry is no longer suited to today's mature industry. Regulation, once designed to serve the interests of the public, now stifles competition. It has discouraged new, innovative air carriers from offering their services and it has denied consumers lower fares where they are possible.

The effect of such regulation has been recently documented. Since 1950 the Civil Aeronautics Board has received approximately 80 applications to enter scheduled trunk service from firms outside the industry. It has granted none.

On February 23, 1977, the General Accounting Office released a report which shows that regulation of domestic airlines has kept air travel costs up. The report concludes that:

—because of Federal regulation, air fares are between 22 and 52% higher than they otherwise would be.

—between 1969 and 1974, Federally regulated airlines in the United States could have operated at lower costs than they did, and travelers could have saved $1.4 billion and $1.8 billion annually.

—travelers' savings would probably have been even higher, since lower fares would encourage greater travel.

I am pleased that Congress has recognized that the outdated airline regulatory scheme must be reformed. During the last Congress, both the Senate and the House of Representatives held extensive hearings on various proposals to reduce government regulation and allow the airlines to compete.

I urge Congress to enact, without delay, regulatory reform of domestic commercial aviation.

The legislation should be directed toward certain specific objectives:

1. To the maximum extent possible, our domestic commercial airline industry should be governed by competitive market forces, not the decisions of a government bureaucracy.

2. We should ease the restrictions which now prevent entry into the industry and into currently protected routes, so that the new, innovative companies can offer their services to the public. A financially responsible firm which meets applicable safety standards should be denied entry only if the Civil Aeronautics Board can show that entry would be detrimental to the public interest.

3. Carriers should be allowed to expand their routes, within limits, without obtaining approval from the Board.

4. After a short, initial phase-in, carriers should be free to set competitive prices, with only such regulation as is necessary to prevent predatory, below-cost pricing.

5. Carriers should be given more flexibility to leave markets without prolonged hearings or onerous restrictions.

6. Small communities must be protected against the loss of needed air service.

It will take time to change from a system of extensive government regulation to one emphasizing the natural forces of the marketplace. As we make this change, we must take care to protect the legitimate interests of the public and of the air industry and its employees.

My Administration will cooperate fully with Congress throughout the legislative process so that legislation can be enacted by summer.

JIMMY CARTER.

THE WHITE HOUSE, *March 4, 1977.*

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:04 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that the Speaker has signed the enrolled bill (S. 776) to dedicate the canal and towpath of the Chesapeake and Ohio Canal National Historical Park to Justice William O. Douglas, and for other purposes.

The enrolled bill was subsequently signed by the Deputy President pro tempore (Mr. HUMPHREY).

At 1:47 p.m., a message from the House of Representatives announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the resolution (S. Con. Res. 10) revising the congressional budget for the U.S. Government for the fiscal year 1977.

The message also announced that the House has passed the following bill and joint resolution in which it requests the concurrence of the Senate:

H.R. 3839. An act to rescind certain budget authority recommended in the message of the President of January 17, 1977 (H. Doc. 95-48), transmitted pursuant to the Impoundment Control Act of 1974; and

House Joint Resolution 269. A joint resolution making an urgent supple-

mental appropriation for the fiscal year ending September 30, 1977, for disaster relief.

The message further announced that the House agreed to the following resolutions:

House Resolution 305. A resolution expressing disapproval of proposed deferral D77–50, relating to the Energy Research and Development Administration, magnetic fusion energy research;

House Resolution 306. A resolution expressing disapproval of proposed deferral D77–51, relating to the Energy Research and Development Administration, Program Support-Community Operations; and

House Resolution 307. A resolution expressing disapproval of proposed deferral D77–52, relating to the Energy Research and Development Administration, Biomedical and Environmental Research.

The message also announced that the Speaker has appointed Mr. MAHON, Mrs. BOGGS, and Mr. CEDERBERG members of the Board of Regents to the Smithsonian Institution.

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by their titles and referred as indicated:

H.R. 3839. An act to rescind certain budget authority recommended in the message of the President of January 17, 1977 (H. Doc. 95-48), transmitted pursuant to the Impoundment Control Act of 1974; to the Committee on Appropriations and the Committee on the Budget, jointly, pursuant to the order of January 30, 1975.

H.J. Res. 269. A joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1977, for disaster relief; to the Committee on Appropriations.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDING OFFICER laid before the Senate the following communications which were referred as indicated:

EC–803. A letter from the Assistant Secretary of the Department of Agriculture transmitting, pursuant to law, notice of an extension of the date for the submission of completed FY 1978 State agency Plans of Management and Operation from January 1, 1977 to July 1, 1977; to the Committee on Agriculture, Nutrition, and Forestry.

EC–804. A letter from the Acting Assistant Secretary of Defense, Manpower and Reserve Affairs, transmitting, pursuant to law, the Military Manpower Training Report for Fiscal Year 1978 (with an accompanying report); to the Committee on Armed Services.

EC–805. A letter from the Secretary of the Commerce transmitting a draft of proposed legislation to amend section 7(e) of the Fishermen's Protection Act of 1967, as amended (with accompanying papers); to the Committee on Commerce, Science, and Transportation.

EC–806. A letter from the Secretary of the Interior transmitting a draft of proposed legislation to authorize the appropriation of $12.4 million for rehabilitation and resettlement of Enewetak Atoll, Trust Territory of the Pacific Islands, and for other purposes (with accompanying papers); to the Committee on Energy and Natural Resources.

EC–807. A letter from the Secretary of the Interior transmitting, pursuant to law, the 1976 Annual Report on the Bonneville Power Administration (with an accompanying report); to the Committee on Energy and Natural Resources.

EC–808. A letter from the Secretary of the Interior transmitting a draft of proposed legislation to extend certain authorities of the Secretary of the Interior with respect to Water Resources Research and Saline Water Conversion Programs, and for other purposes (with accompanying papers); to the Committee on Environment and Public Works.

EC–809. A letter from the Director of the Office of Legislative Services, Office of the Commissioner of Food and Drugs, of the Department of Health, Education, and Welfare transmitting, pursuant to law, notice of an administrative rulemaking hearing on Laetrile (with accompanying papers); to the Committee on Human Resources.

EC–810. A letter from the Chairman of the Federal Deposit Insurance Corporation transmitting, pursuant to law, a report on the administration of the Freedom of Information Act during the calendar year 1976 (with an accompanying report); to the Committee on the Judiciary.

EC–811. A letter from the Administrator of the National Aeronautics and Space Administration transmitting, pursuant to law, a report on the administration of the Freedom of Information Act during the calendar year 1976 (with an accompanying report); to the Committee on the Judiciary.

EC–812. A letter from the General Counsel of the Legal Services Corporation transmitting, pursuant to law, a report on the administration of the Freedom of Information Act during the calendar year 1976 (with an acoompanying report); to the Committee on the Judiciary.

EC–813. A letter from the General Counsel of the Civil Aeronautics Board transmitting, pursuant to law, a report on the administration of the Freedom of Information Act during the calendar year 1976 (with an accompanying report); to the Committee on the Judiciary.

EC–814. A letter from the Information Officer of the Postal Rate Commission transmitting, pursuant to law, a report on the administration of the Freedom of Information Act during the calendar year 1976 (with an accompanying report); to the Committee on the Judiciary.

EC–815. A letter from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, copies of orders suspending deportation, as well as a list of the persons involved (with accompanying papers); to the Committee on the Judiciary.

EC–816. A letter from the Acting Assistant Secretary for Administration of the Department of Commerce transmitting, pursuant to law, a report on the administration of the Freedom of Information Act during the calendar year 1976 (with an accompanying report); to the Committee on the Judiciary.

EC–817. A letter from the Director of ACTION transmitting, pursuant to law, a report on the administration of the Freedom of Information Act during the calendar year 1976 (with an accompanying report); to the Committee on the Judiciary.

EC–818. A letter from the Vice Chairman of the Federal Maritime Commission transmitting, pursuant to law, a report on the administration of the Freedom of Information Act during the calendar year 1976 (with an accompanying report); to the Committee on the Judiciary.

EC–819. A letter from the Chairman of the Council on Environmental Quality, Executive Office of the President, transmitting, pursuant to law, a report on the administration of the Freedom of Information Act during the calendar year 1976 (with an accompanying report); to the Committee on the Judiciary.

EC–820. A letter from the Chairman of the United States International Trade Commission transmitting, pursuant to law, a report on the administration of the Freedom of Information Act during the calendar year 1976 (with an accompanying report); to the Committee on the Judiciary.

EC–821. A letter from the Administrator of the National Aeronautics and Space Administration reporting, pursuant to law, that NASA, acting through its Contract Adjustment Board, did not grant any request for extraordinary contractual adjustment during calendar year 1976; to the Committee on the Judiciary.

EC–822. A letter from the Executive Secretary of the National Mediation Board, transmitting, pursuant to law, a report on the administration of the Freedom of Information Act during the calendar year 1976 (with an accompanying report); to the Committee on the Judiciary.

EC–823. A letter from the Chairman of the Federal Election Commission transmitting a correction of certain typographical errors made in the Commission's Authorization Request submitted on February 17, 1977 (with accompanying papers); to the Committee on Rules and Administration.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions which were referred as indicated:

POM–76. Resolution No. 1 adopted by the Fourteenth Guam Legislature relative to requesting the United States Congress to adopt an Open-Sky Policy with respect to Guam; to the Committee on Commerce, Science, and Transportation:

"RESOLUTION NO. 1

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, Guam as an American territory is within the jurisdiction of the Civil Aeronautics Board as far as decisions relative to what carrier will serve Guam are concerned; and

"Whereas, Guam being a remote and isolated island, air transportation is absolutely crucial to the people; and

"Whereas, in the recent past, Guam has had severe problems as far as air transportation is concerned including stoppage of flights by one carrier from Japan to the territory of Guam and the suspension of service by another carrier; and

"Whereas, although the kind of regulation that is suitable for other parts of the United States as far as air transportation is concerned is not suitable for Guam because of Guam's geographic location, now, therefore, be it

"Resolved, that subject to the requirements of the National Security, the United States Congress is requested to adopt an Open-Sky Policy with respect to Guam and to allow unlimited access to Guam by foreign airlines; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Speaker, U.S. House of Representatives; the President Pro Tempore, U.S. Senate; to Representative Antonio B. Won Pat; to the Philippine Airlines; to the Cathay Pacific Airlines; to the China Airlines; and to the Governor of Guam.

POM-77. Resolution No. 146 adopted by the Council of the City of Pittsburgh, Pennsylvania, requesting the Congress of the United States to hold public hearings on the proposed "Consumer Communications Reform Act of 1976" as quickly as possible; to the Committee on Commerce, Science, and Transportation.

POM-78. A resolution adopted by Pennsylvania State Conference of N.A.A.C.P. Branches requesting the Congress of the United States to hold public hearings on the proposed "Consumer Communications Reform Act of 1976" as quickly as possible; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES SUBMITTED DURING RECESS

Under order of March 3, 1977, the following report was submitted:

By Mr. ABOUREZK, from the Select Committee on Indian Affairs, without amendment:

S. Res. 102. A resolution authorizing expenditures by the Select Committee on Indian Affairs. Referred to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURDICK, from the Committee on Environment and Public Works:

With an amendment:

S. 427. A bill to provide additional authorizations for the public works employment program, to authorize a program for employment of teenaged youth in community improvement projects, and for other purposes (together with minority, supplemental, and additional views) (Rept. No. 95-38).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WILLIAMS, from the Committee on Human Resources:

Mary Elizabeth King, of the District of Columbia, to be Deputy Director of the ACTION Agency.

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

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, March 4, 1977, he presented to the President of the United States the enrolled bill (S. 776) to dedicate the canal and towpath of the Chesapeake and Ohio Canal National Historical Park to Justice William O. Douglas, and for other purposes.

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. HUMPHREY:

S. 903. A bill to amend the Food Stamp Act of 1964; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KENNEDY (for himself, Mr. ROTH, Mr. MUSKIE, Mr. PERCY, and Mr. CHILES):

S. 904. A bill to provide for the efficient and regular distribution of current information on Federal domestic assistance programs; to the Committee on Governmental Affairs.

By Mr. KENNEDY (for himself and Mr. METCALF):

S. 905. A bill to provide water to the five central Arizona Indian tribes for farming operations, to settle their surface water rights, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. PELL:

S. 906. A bill to prohibit discriminatory practices with respect to physically handicapped persons; to the Committee on Human Resources.

By Mr. HUDDLESTON:

S. 907. A bill to authorize a program to repair highways incurring substantial additional use as a result of national energy requirements; to the Committee on Environment and Public Works.

S. 908. A bill to amend title V of the Rural Development Act of 1972; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SPARKMAN (by request):

S. 909. A bill to amend the Board of International Broadcasting Act of 1973 and to authorize appropriations for fiscal years 1978 and 1979 for carrying out that Act; to the Committee on Foreign Relations.

S. 910. A bill to amend title II of the Foreign Relations Authorization Act, fiscal Year 1977 (Public Law 94-350; 90 Stat. 829), to authorize appropriations for the fiscal years 1978 and 1979, and for other purposes; to the Committee on Foreign Relations.

By Mr. WEICKER:

S. 911. A bill for the relief of Mr. and Mrs. Brian Logan; to the Committee on the Judiciary.

By Mr. BELLMON:

S. 912. A bill to return Congress, through the implementation of procedural reforms, the ability to insure that rules and regulations promulgated through the administrative process shall reflect the intent of Congress; to the Committee on Governmental Affairs.

By Mr. BARTLETT (for himself, Mr. MCCLELLAN, Mr. GOLDWATER, Mr. HANSEN, Mr. LAXALT, and Mr. GRIFFIN):

S. 913. A bill amending section 1951(b)(2) of title 18, United States Code; to the Committee on the Judiciary.

By Mr. McCLURE:

S. 914. A bill to amend the Internal Revenue Code of 1954 in order to tax excess petroleum industry profits, to encourage investments in the expansion of domestic energy supplies, and to create an incentive tax credit for research and development of new or expanded energy sources; to the Committee on Finance.

By Mr. McCLURE (for himself and Mr. YOUNG):

S. 915. A bill to require an estimate of domestic consumer needs and domestic production of sugar, to provide an annual quota of sugar which may be brought or imported into the United States, and for other purposes; to the Committee on Finance.

By Mr. LAXALT (for himself, Mr. BARTLETT, Mr. CHURCH, Mr. CLARK, Mr. DOMENICI, Mr. EASTLAND, Mr. GARN, Mr. HANSEN, Mr. LEAHY, Mr. MCCLURE, Mr. NUNN, and Mr. TOWER):

S. 916. A bill to amend medicare provisions as they relate to rural health facilities; to the Committee on Finance.

By Mr. LAXALT (for himself and Mr. CANNON):

S. 917. A bill to provide for conveyance of certain lands adjacent to the Gund Ranch, Grass Valley, Nev., to the University of Nevada; to the Committee on Energy and Natural Resources.

By Mr. RIEGLE:

S. 918. A bill to amend the Consumer Credit Protection Act to prohibit abusive practices by debt collectors; to the Commitee on Banking, Housing, and Urban Affairs.

By Mr. RIEGLE (for himself and Mr. GRIFFIN):

S. 919. A bill to amend the Clean Air Act to establish certain vehicle emission standards, and for other purposes; to the Commission on Environment and Public Works.

By Mr. BARTLETT:

S. 920. A bill relating to the disposition of certain recreational demonstration project lands by the State of Oklahoma; to the Committee on Energy and Natural Resources.

By Mr. HART:

S. 921. A bill to provide a pilot program for review of certain existing tax expenditures, and to provide for systematic review of new tax expenditures and existing tax expenditures which are continued; to the Committee on Finance.

By Mr. MAGNUSON (for himself and Mr. PEARSON) (by request):

S. 922. A bill to amend the Regional Rail Reorganiaztion Act of 1973 to authorize additional appropriations for the U.S. Railway Association; to the Committee on Commerce, Science, and Transportation.

By Mr. MAGNUSON (for himself and Mr. PEARSON) (by request):

S. 923. A bill to provide for the collection of waterway user charges, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WILLIAMS (for himself and Mr. JAVITS):

S. 924. A bill to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers and to establish a national framework for collective bargaining in the construction industry, and for other purposes; to the Committee on Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUMPHREY:

S. 903. A bill to amend the Food Stamp Act of 1964; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD STAMP REFORM ACT

Mr. HUMPHREY. Mr. President, I am today introducing legislation to extend the Food Stamp Act of 1964 and at the same time make significant improvements in it.

Mr. President, we have had a great deal of controversy regarding this program over the past year. Early in 1976, then Secretary of the Treasury Simon and others referred to the program as a haven for chislers. Others expressed concern over the growth in participation and costs.

However, fears of cost escalation in the food-stamp program proved to be largely unfounded as program participation dropped from over 19 million people to

some 17 million by the most recent count. And, more importantly, as the year wore on, we found more and more evidence that this program serves as an important buffer for people out of work and for those in need. The main reason for the sharp increase in the program in 1975 was increased unemployment and the depressed state of the economy. As unemployment receded, the number on the food-stamp rolls declined. The program should be maintained and strengthened.

Certainly, we learned last year that there exists some potential for abuse of the food-stamp program. And, that potential for taking advantage of the program should be weeded out. This legislation moves in that direction by standardizing deduction, basing eligibility on the "poverty line," and simplifying and improving administration.

Equally obvious was the lesson that there exist substantial barriers to the participation of those who are legitimately eligible. Primary among these is the purchase requirement. This legislation proposes to insure access to food stamps by making a number of administrative changes and eliminating the purchase requirement.

ELIMINATION OF PURCHASE REQUIREMENT

One of the major features of this legislation is the elimination of the purchase requirement—EPR. This step will represent a major simplification of the program, and at the same time mean that needy people will not be forced to make major investments of their limited funds to obtain what has been referred to as the free coupons or "bonus."

For a family of four and with a net monthly income of $200 the family would pay nothing under my bill but would receive $106 in benefits, or bonus, based on the 30-percent benefit reduction rate. In the past, this family would have had to put up the difference between the bonus or free coupons and the total allotment, which is currently $116 a month. This limited access to food-stamp aid to those who had the necessary cash, who often were the least in need. EPR will mean that personal funds that could not be utilized by needy families for shelter and clothing will now be available for these purposes.

In addition, major problems we have had regarding food-stamp vendors will be abolished. We are well aware of the delays and mishandling of food-stamp funds by some vendors or middlemen. Last year the Congress had to pass legislation to specifically deal with this problem.

FOOD STAMPS ON FEDERAL INDIAN RESERVATIONS

The legislation also would allow the continuation of commodities in certain Federal Indian reservations or portions thereof where administering the food-stamp program is difficult or impractical. Thus, there could be cases where both food stamps and commodities would be provided within the same Federal Indian reservation, provided that no household would participate simultaneously in both programs. The need for this is obvious. Indian reservations often do not have the retail facilities to implement the food stamp program properly.

STANDARDIZED DEDUCTIONS

In place of the present itemized deductions, my bill would provide a standard deduction of $85 a month for all one- and two-member households and $100 a month for all other households. There would be an additional deduction of $25 a month for any household where there was one elderly person or where there was one member employed. And, for working households, income and social security taxes would be deductible.

Standardized deductions would simplify the administration of the program and at the same time be beneficial to both working and elderly families. In conjunction with the use of the "poverty line" as the net income ceiling, standardized deductions would place a reasonable ceiling on eligibility and remove the potential for abuse.

CHILD CARE INCENTIVE

As a further work incentive the bill would also include a deduction of up to $75 per month toward the actual cost of child care payments. This device would provide another work incentive in order that needy mothers with young children could work without risking the loss of food-stamp benefits.

ADMINISTRATIVE IMPROVEMENTS

This bill would provide a number of further improvements designed to increase the administrative effectiveness of the program as well as provide greater responsiveness to people's needs.

The Department would be authorized to carry out pilot projects to deal with specific problems, again to improve the efficiency of the program. I am particularly concerned over developing ways of being more responsive to the needs of migrant workers, and I am particularly interested that the Department use the authority in this area as well to meet the special problems of the elderly and other groups.

The Department is also authorized to carry out research projects designed to find out more about the effect of food stamps and the characteristics and needs of those who participate. Too often, we are called upon to legislate without adequate information, and this provision would help remedy that need.

The legislation also provides for assistance by the Department of Agriculture to enable States to improve program efficiency and effectiveness, and I would envision that this could happen through providing staff assistance or funding to establish new or improved recordkeeping.

The legislation also provides instruction to the Department to establish a more effective outreach program, including non-English-speaking people.

Finally, the bill improves service to recipients by calling for prompt certification of eligibility, mandatory effective emergency issuance procedures, and insuring that food stamp benefits will continue with no gap between certification periods.

This bill would extend the program through September 30, 1982.

Mr. President, this legislation would make a number of major improvements in the program, and we will be reviewing it in detail as we hold hearings and proceed to mark up in our committee. I ask unanimous consent that the text of the bill be included at this point in the RECORD.

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

S. 903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Food Stamp Act of 1964, as amended, is amended as follows:

(a) Subsection (e) is amended to read as follows:

"The term 'household' means a group of individuals who are sharing common living quarters and living as one economic unit but who are not residents of an institution or boardinghouse, and for whom food is customarily purchased in common. Residents of federally subsidized housing for the elderly, built under either section 202 of the Housing Act of 1969 (12 U.S.C. 170q) or section 236 of the National Housing Act (12 U.S.C. 1715z–1), shall not be considered residents of an institution or boardinghouse. The term 'household' also means: (1) a single individual living alone who purchases food for home consumption, (2) an elderly person who meets the requirements of section 10(h) of this Act; or (3) any narcotics addict or alcoholic who lives under the supervision of a private nonprofit organization or institution for the purpose of regular participation in a drug or alcoholic treatment and rehabilitation program."

(b) Subsection (1) is amended to read as follows:

"The term 'elderly person' means a person sixty years of age or over who is not a resident of an institution or boardinghouse.".

(c) Section 3 is amended by adding at the end thereof a new subsection (p) as follows:

"(p) The term 'adjusted semiannually' means adjusted effective every January 1 and July 1 to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics in the Department of Labor for the preceding six months ending September 30 and March 31.".

ELIMINATION OF THE PURCHASE PRICE

SEC. 2. (a) The first sentence of section 4(a) of the Food Stamp Act of 1964, as amended, is amended to read as follows: "The Secretary is authorized to formulate and administer a food stamp program under which, at the request of the State agency, eligible households within the State shall be provided with a supplement to their incomes, through the use of a coupon allotment, sufficient to provide such households with an opportunity to obtain a nutritionally adequate diet.".

(b) The section head of section 7 of the Food Stamp Act of 1964 is amended by striking out "AND CHARGES TO BE MADE."

(c) Section 7(a) of such Act is amended by striking out that portion preceding "adjusted semiannually." and inserting in lieu thereof the following: "The face value of the coupon allotment which State agencies shall be authorized to issue for any period to any household certified as eligible to participate in the food stamp program shall be in such

amount as the Secretary determines to be the cost of a nutritionally adequate diet, reduced by an amount equal to 30 per centum of such household's income: *Provided*, That for single-person households and two-person households the minimum allotment shall be $10: *Provided further*, That all other households shall be ineligible if the allotment is less than $5. The coupon allotment shall be adjusted semiannually by the nearest dollar increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics in the department of Labor to be implemented commencing with the allotments of January 1, 1978, incorporating the changes in the prices of food through September 30, 1977, but in no event shall such adjustments be made for households of a given size unless the increase in the face value of the coupon allotment for such households, as calculated above, is a minimum of $2.".

(d) Section 7(b) and 7(d) of the Act are repealed.

(e) Section 7(c) is redesignated as 7(b) and the following is deleted: "which is in excess of the amount charged such household for such allotment."

(f) Section 3(m) is amended by deleting: "to purchase" and "and the amount to be paid by such household for such allotment."

(g) Section 10(g) is amended to read as follows:

"(g) If the Secretary determines that there has been gross negligence or fraud on the part of the State agency in the certification of applicant households, the State shall, upon request of the Secretary, deposit into the separate account established in the Treasury a sum equal to the face value of any coupons issued as a result of such negligence or fraud. Funds deposited into such account shall be available without fiscal year limitation for the redemption of coupons.".

(h)(1) The third sentence of section 16 (a) is amended to read: "Such portion of any such appropriation as may be required to pay for the value of the coupon allotments issued to eligible households shall be transferred to and made a part of a separate account maintained in the Treasury of the United States, and such deposits shall be available, without limitation as to fiscal years, for the redemption of coupons.".

(2) Subsections (b) and (c) of section 16 are repealed and subsection (d) is redesignated as subsection (b).

(i) The amendments made by this section shall become effective with respect to coupon allotments issued on and after January 1, 1978.

DISTRIBUTION OF FEDERALLY DONATED FOODS

SEC. 3. Section 4 of the Food Stamp Act of 1964, as amended, is amended as follows:

(a) by striking out "(c)" and inserting in lieu thereof "(d)"; and

(b) by inserting immediately after subsection (b) a new subsection (c) as follows:

"(c) Notwithstanding any other provision of law, the Secretary shall permit the implementation of the commodity distribution programs for needy families on Federal Indian reservations either separately or concurrently with the food stamp program, if a request for such implementation is made by the official governing body of the tribe and such request is determined by the Secretary to be reasonably predicated on the difficulties of providing adequate nutrition for impoverished tribal members without such implementation: Provided, That steps shall be taken to insure that no household participates simultaneously in the food stamp program and the commodity distribution program for needy families.".

ELIGIBLE HOUSEHOLDS

SEC. 4. Section 5(b) of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"(b)(1) The Secretary shall establish uniform national standards of eligibility for participation by households in the food stamp program and no plan of operation submitted by a State agency shall be approved unless the standards of eligibility meet those established by the Secretary, and no State agency shall impose any other standards of eligibility as a condition for participating in the program."

"(2)(A) The income standards of eligibility in every State (except Alaska and Hawaii) shall be the income poverty guidelines for the nonfarm United States prescribed by the Office of Management and Budget, as adjusted in accordance with clause (B) of this paragraph. The income standards of eligibility for Alaska and Hawaii shall be the nonfarm income poverty guidelines established pursuant to section 625 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2971d), as adjusted in accordance with clause (B) of this paragraph.

"(B) The income poverty guidelines shall be adjusted semiannually (as that term is defined in section 3 (p) of this Act) pursuant to section 625 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2971d), to the nearest $1 increment. However, the first adjustment under this paragraph shall take effect on July 1, 1978, and shall be made by multiplying the income poverty guidelines published as of May 1, 1978, by the changes between the average 1977 Consumer Price Index and the Consumer Price Index for March 1978.

"(3) Income shall be calculated for the purpose of determining household eligibility by focusing upon the income reasonably anticipated to be received by the household in the certification period for which eligibility is being determined and the income which has been received by the household during the thirty days preceding the filing of its application for participation or recertification so as to ascertain as best as possible the income that will be actually available to the household, except for those households who by contract or self-employment derive their annual employment in a period of time substantially shorter than one year, income shall be calculated by being averaged over a twelve month period, and (2) for those households with nonexcluded income of the type described in subparagraph 5(b) (6) (F), such income shall be calculated by being averaged over the period for which it is provided; *Provided*, That households experiencing a change in income or household circumstances during their certification period shall inform the State agency of the change, and shall have their eligibility and benefits redetermined, under procedures prescribed by the Secretary."

"(4) The Secretary shall also prescribe additional standards of eligibility with respect to the amounts of liquid and nonliquid assets a household may own.

"(5)(A) Household income for purposes of the food stamp program shall be the gross income of the household, as defined in paragraph (6), of this subsection, less (i) a standard deduction of $85 a month for all one and two member households and $100 a month for all other households, except that the Secretary shall set separate deductions for Puerto Rico, the Virgin Islands, and Guam in accordance with the best available information on the relationship of actual or potential itemized deductions in these areas to those in the 50 States and the District of Columbia; (ii) an additional deduction of $25 a month for any household in which there is at least one elderly person, or any household in which there is at least one member employed and working (except that the amount so deducted may not exceed the amount earned); (iii) Federal, State, and local income taxes and social security taxes paid by employees under the Federal Insurance Contributions Act or mandatory retirement witholdings under section 8334 of title 5, United States Code; and (iv) mandatory payroll withholdings.

"(B) Effective July 1, 1978, the standard deduction shall be adjusted semiannually as that term is defined in section 3(p) of this Act, except that such adjustment shall reflect changes in the Consumer Price Index published by Bureau of Labor Statistics in the Department of Labor for all items except food. Such adjustment shall be rounded to the nearest $5 dollar increment.

"(6) Notwithstanding any other provision of law, gross income for purposes of the food stamp program shall include, but not be limited to, all money payments (including payments made pursuant to title I of the Domestic Volunteer Services Act of 1973), excluding:

"(A) payments for medical costs made on behalf of the household;

"(B) income received as compensation for services performed as an employee or income from self-employment by a child residing with the household who is a student and who has not attained his eighteenth birthday;

"(C) payments received under title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

"(D) income of a household in a quarter which is received too infrequently or irregularly to be reasonably anticipated: *Provided*, That such infrequent or irregular income of all household members shall not exceed $30 during any three-month period;

"(E) all loans, except deferred educational loans to the extent they are not used for tuition and mandatory fees at an institution of higher education or school for the handicapped;

"(F) all scholarships, fellowships, grants, and veterans' educational benefits, except to the extent they are not used for tuition and mandatory fees at an institution of higher education, including post-secondary vocational training, or a school for the handicapped;

"(G) training allowances to the extent they are used for tuition and mandatory fees in a training program recognized by any Federal, State, or local governmental agency which is preparatory to or associated with employment;

"(H) Government housing vendor payments made directly to landlords such as under programs administered by the Department of Housing and Urban Development;

"(I) payments received under the special supplemental food program for women, infants, and children authorized by section 17 of the Child Nutrition Act;

"(J) vendor or in kind payments derived from government benefit programs including, but not limited to, school lunch, medicare, and elderly feeding programs, and any payments in kind which cannot reasonably and properly be computed;

"(K) any income that any other law specifically excludes from consideration as income for the purposes of determining eligibility for the food stamp program;

"(L) the actual cost, not to exceed $75 a month, for payments necessary for the care of a dependent when necessary for a household member to accept or continue employment, or training or education which is preparatory for employment;

"(M) the cost of producing self-employed income; and

"(N) Federal, State, and local income tax refunds, Federal income tax credits, retroactive payments under the Social Security Act and other lump-sum payments: *Provided*, That the full amount of such refunds, credits, or payments shall be included in household resources.

"(7) The Secretary may also establish temporary emergency standards of eligibility for the duration of the emergency, without regard to income and other financial resources, for households that are victims of a disaster which disrupts commercial channels of food distribution when he determines that (A) such households are in need of temporary food assistance, and (B) commercial channels of food distribution have again become available to meet the temporary food needs of such households.".

"(8) No indiivdual who received supplemental security income benefits under title XVI of the Social Security Act, State supplementary payments described in section 1616 of such Act, or payments of the type referred to in section 212 (a) of Public Law 93–66, as amended, shall be considered to be a member of a household or an elderly person for purposes of this Act for any month, if, for such month, such individual resides in a State which provides State supplementary payments (1) of the type described in section 1616(a) of the Social Security Act and (2) the level which has been found by the Secretary of Health, Education, and Welfare to have been specifically increased as to include the bonus value of food stamps".

ISSUANCE AND USE OF COUPONS

SEC. 5. Section 6(d) of the Food Stamp Act of 1964, as amended, is amended by inserting immediately before the period at the end of that section the following:

": *Provided further*, That eligible households using coupons to purchase food may receive cash in change therefor so long as the cash received does not equal or exceed the value of the lowest coupon denomination issued".

ADMINISTRATION

SEC. 6. Section 10 of the Food Stamp Act of 1964, as amended, is amended as follows:

(a) by revising clause (e)(5) to read as follows: "(5) that the State agency shall undertake effective action, including the use of services provided by other federally funded agencies and organizations, to inform low income households concerning the availability, eligibility requirements, and benefits of the food stamp program including but not limited to, notification of all Social Security, aid to families with dependent children, supplemental security income, and unemployment compensation recipients, and use of appropriate multilingual personnel and printed material in the administration of the programs in subdivisions or portions of political subdivisions in the State in which a substantial number of members of low-income households speak a language other than English".

(b) by inserting in clauses (e)(7) after the word "law", the following: ", and at the option of the State agency".

(c) by deleting "and" preceding clause (e)(8) and striking out the period at the end of clause (e)(8); and

(d) by adding the following new clauses (e)(9), (10), (11), (12), and (13): "; (9) for the prompt payment to households of the bonus value of any coupon allotment which has been wrongfully denied, delayed, or terminated as a result of any administrative error on the part of the State agency and (10) the institution of procedures under which the State agency shall undertake effective action to (A) determine promptly the eligibility of applicant households by providing an opportunity for each household to receive and file an application for participation in the food stamp program on the same day of such household's first reasonable attempt to make an oral or written request for such application, (B) complete the certification of all eligible households and provide an opportunity to such households not later than thirty days after the filing of such applications to obtain coupon allotments retroactive to the date of application, and (C) Insure that each participating household that seeks to be certified another time or more times thereafter by filing an application for such recertification no later than fifteen days prior to the day upon which its existing certification period expires shall, if found to be still eligible, receive authorization to obtain coupon allotments no later than one month after the receipt of the last cards issued to it pursuant to its prior certification; (11) for emergency issuance procedures which, at a minimum, shall insure that households with no income at the time of application receive their authorization to purchase cards no later than two working days after application for program participation by such households; (12) for, to the maximum extent practicable, points of certification and issuance and hours of certification and issuance that allow reasonable access to the program, so that eligible households who make reasonable efforts to participate may do so; and (13) for, to the maximum extent practicable, utilization of community based personnel in pre-screening and counseling applicant households.".

(e) Subsection (h) is amended by striking out the first sentence and inserting in lieu thereof the following : "Subject to such terms and conditions as may be prescribed by the Secretary in the regulations issued pursuant to this Act, household members who are elderly, housebound, feeble, physically handicapped or otherwise disabled, to the extent that they are unable to prepare adequately all of their meals, may use coupons issued to them to purchase meals prepared for and delivered to them by a political subdivision or by a private nonprofit organization which (1) is operated in a manner consistent with the purposes of this Act; and (2) is recognized as a tax-exmpt organization by the Internal Revenue Service".

ADMINISTRATIVE EXPENSES

SEC. 7. Section 15 of the Food Stamp Act of 1964, as amended, is amended as follows:

(a) Subsection (b) is amended as follows:

(1) by striking out "The" and inserting in lieu thereof the following: "Except as provided in subsections (c) and (e) of this section, the";

(2) by inserting at the end of clause (1) and immediately before the semicolon the following: ", exclusive of those households in which all members are receiving cash assistance under part A of title IV of the Social Security Act"; and

(3) by striking out the proviso and inserting in lieu thereof the following: "*Provided*, That each State shall, from time to time at the request of the Secretary, report to the Secretary on the effectiveness of its administration of the program and all or part of such payment shall be cancelled from any State if the Secretary is not satisfied pursuant to regulations which he shall issue that the program is being administered efficiently and effectively."; and

(b) Section 15 is amended by adding at the end thereof new subsections (c) and (d) as follows:

"(c)(1) Notwithstanding any other provision of this Act, the Secretary is authorized to pay to each State agency an amount equal to 75 per centum of: (A) all direct costs of State food stamp program investigations, prosecutions, and State activities related to recovering losses sustained in the food stamp program, except for the costs of such activities with respect to households in which all members are receiving cash assistance under part A of title IV of the Social Security Act; and (B) the direct costs of State agency activities to improve program efficiency and effectiveness as determined by the Secretary.

"(c)(2) In determining how funds are to be distributed under subsection (1)(B) of this section, the Secretary shall take into consideration the extent to which such activities shall benefit the administration of other programs.

"(c)(3) The Secretary shall utilize the financing formula contained in subsection (1) of this section for funding State agency activities under subsection (1)(B) of this section for no more than the first two years of such activity.

"(d) The Secretary shall require that the State annually submit a revised state food stamp plan of operations and before the plan is submitted hold public hearings at which interested parties may comment on it.

"(e) Notwithstanding any other provisions of this Act the administrative costs incurred by a State plan for aid and services to needy families with children, approved under part A of title IV of the Social Security Act, in conducting public assistance withholding procedures under section 10(e)(7) of this Act shall be paid from funds appropriated to carry out this Act."

DISQUALIFICATIONS OF RETAIL FOOD STORES

SEC. 8. Section 11 of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"Any approved retail foodstore or wholesale food concern may be disqualified from further participation in the food stamp program, or subjected to a civil penalty of up to $5,000, on a finding, made as specified in the regulations, that such store or concern has violated any of the provisions of this Act, or of the regulations issued pursuant to this Act. Such disqualification shall be for such period of time as may be determined in accordance with regulations issued pursuant to this Act. The action of disqualification or imposition of a civil penalty shall be subject to review as provided in section 13 of this Act.".

CONFORMING AMENDMENT

SEC. 9. Section 14 of the Food Stamp Act of 1964 as amended, is amended by deleting "to purchase" wherever these words appear in such section.

APPROPRIATIONS

SEC. 10. Subsection (a) of Section 16 of the Food Stamp Act, as amended is amended by striking out "June 30, 1977" and inserting in lieu thereof "September 30, 1982."

PILOT PROJECT AUTHORITY

SEC. 11. The Food Stamp Act of 1964, as amended, is amended by addition at the end thereof new sections 18 and 19 as follows:

"PILOT PROJECT AUTHORITY

"SEC. 18. The Secretary is authorized to conduct in one or more areas of the United States, pilot or experimental projects to increase program efficiency, or improve the delivery of food stamp benefits to identifiable recipient groups, including but not limited to, migrant workers, the elderly, and recipients of benefits under Title XVI of the Social Security Act. The Secretary may waive compliance with the statutory requirements of this Act to the extent and for the period he finds necessary to enable a project to be conducted *Provided*, That no such project

shall be implemented which further restricts the eligibility standards set forth under Section 5 of this Act.

"RESEARCH AUTHORITY

"SEC. 19. The Secretary is authorized to engage in such research projects as he deems appropriate to increase the efficiency and effectiveness of the program."

By Mr. KENNEDY (for himself, Mr. ROTH, Mr. MUSKIE, Mr. PERCY, and Mr. CHILES):

S. 904. A bill to provide for the efficient and regular distribution of current information on Federal domestic assistance programs; to the Committee on Governmental Affairs.

FEDERAL PROGRAM INFORMATION ACT

Mr. KENNEDY. Mr. President, I am today introducing the Federal Program Information Act, on behalf of myself and Senators ROTH, MUSKIE, PERCY, and CHILES. This bill provides for the efficient and regular distribution of information on all Federal domestic assistance programs.

The bill establishes a Federal Program Information Center in the Office of Management and Budget to serve as a single, comprehensive source of timely information on all Federal domestic assistance programs. Using modern technology, the Center will develop a computerized information system to facilitate the widespread dissemination of program information by use of remote computer terminals. The center will also publish a catalog of Federal domestic assistance programs.

The information center would extend and improve upon an information retrieval system presently operated by the Rural Development Service of the Department of Agriculture. The center would also expand upon the information now published annually by the Office of Management and Budget in the catalog of Federal domestic assistance.

There are over 1,000 Federal programs which provide financial and technical aid to State and local governments and other eligible recipients. Yet there is no easy way to identify these programs and assure full participation by all intended beneficiaries. Many potential beneficiaries are denied access to this assistance by virtue of the difficulty of learning about programs and program requirements, and because of the complexity of determining whether one is eligible. For example, a city or town seeking Federal assistance to build a hospital, a school, or a sewage treatment plant, may spend weeks trying to identify the Federal programs that the community is eligible for and that provide assistance for the intended purpose. In many instances, States and larger cities spend a considerable amount of money maintaining Washington representatives to keep abreast of changes in Federal programs. Smaller cities and towns, that cannot afford a full-time "grantsman," are penalized by receiving less than their fair share of participation in Federal programs.

The legislation that I have introduced today will reduce the inequities and inefficiencies inherent in the present information system. The bill would establish a single source of up-to-date information concerning all Federal domestic assistance programs and would provide the information quickly and in a manner that maximizes its usefulness to State and local governments and to other intended beneficiaries.

A potential applicant would feed into the computer some basic information on his project needs and would provide a simple profile of his community. The computer would then furnish a listing of all programs for which the individual meets the basic eligibility criteria. This comprehensive, quick, and easy-to-use system offers a significant improvement over the cumbersome methods now in use.

This legislation also provides for more compete disclosure of pertinent program information. Of particular importance, the bill would provide meaningful financial information for each program, including the current appropriation and the level of uncommitted funds.

Senator ROTH and I sponsored a similar bill in the last Congress. That bill passed the Senate in June of last year, but it was not considered by the House because of limited time. Since introducing that bill, I have received dozens of phone calls from individuals throughout the country, expressing support for the legislation. Officials of Massachusetts cities and towns, with whom I have discussed this legislation, have enthusiastically endorsed the provision of timely information on Federal assistance programs.

The Federal Program Information Act is an important step toward the goal of eliminating the yards of redtape that surround Federal assistance programs, and insuring that Federal funds are used fairly and efficiently.

By Mr. KENNEDY (for himself and Mr. METCALF):

S. 905. A bill to provide water to the five central Arizona Indian tribes for farming operations, to settle their surface water rights, and for other purposes; to the Select Committee on Indian Affairs.

CENTRAL ARIZONA INDIAN TRIBAL WATER RIGHTS SETTLEMENT ACT OF 1977

Mr. KENNEDY. Mr. President, I am pleased to introduce today a bill entitled the "Central Arizona Indian Tribal Water Rights Settlement Act of 1977."

The bill proposes to settle the water rights of the five Central Arizona Tribes—Ak Chin, Fort McDowell, Gila River, Salt River, and Papago—and to promote their economic self-sufficiency through farming and irrigated agriculture.

With minor changes, the bill I introduce today with Mr. METCALF is almost identical to the bill I introduced in the 94th Congress. Unfortunately, hearings by the Committee on Interior and Insular Affairs on the legislation were canceled in August of 1976. At that time, the Senate was under the unanimous consent rule to hold hearings, and there was an objection from the floor to cancel the hearing. Therefore, the process is again initiated in the 95th Congress. Settlement of the Five Tribes' water rights is long overdue, and continued delay only exacerbates the problems of both the tribes and their non-Indian neighbors arising from unresolved disputes over water.

On January 4, 1972, the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary, under my chairmanship, visited the Gila River Pima-Maricopa Reservation to take testimony and collect evidence on the record of the Government in protecting Indian natural resources, and in particular their precious and indispensable water resources. Our visit to the Gila River Reservation, during which we heard valuable testimony from representatives of each of the five tribes, comprised one in a series of extensive hearings on Federal protection of Indian resources, conducted over a period of 3 months here in Washington, and at seven locations in four Western States.

The essence of our findings during those hearings was that the Federal trustee is in fact not honoring its obligation to protect the water and other natural resources of Indians. The fundamental reason for this recurrent failure of the Federal fiduciary obligation, we found, is that the executive agencies ostensibly responsible for effectuating the trusteeship role are hopelessly compromised by pervasive conflicts of interest. We concluded that in many instances direct congressional action would be needed to redress failures of the Government adequately to protect Indian rights. The central Arizona situation presents just such an instance.

Settlement of the Indians' water rights is made all the more urgent by the fact that President Carter is presently reviewing the economic and social justifications for the central Arizona project and has deleted funds from his budget request for fiscal year 1978 for continuing construction of the project pending the outcome of his review. I agree with the President that the project should be reviewed. Economic, water resource, and social policy considerations have certainly changed in the decade since the project was first authorized. I believe Congress itself has an obligation to reevaluate the project in light of the rights and needs of all the citizens of central Arizona, Indians and non-Indians alike. Since there has been no final settlement of the water rights of the five tribes, it appears to me premature to proceed with a public project costing over $1.6 billion to benefit the economy of central Arizona when that economy could be profoundly altered and the repayment capability of the project seriously jeopardized by the successful prosecution of Indian claims to surface and ground water in the Federal courts.

The bill I am introducing today deals

comprehensively with issues raised at oversight hearings on the tribes' water rights and acute social needs, conducted by the Committee on Interior and Insular Affairs on October 23 and 24, 1975.

At the hearings, the five tribes asserted their claims for use of surface and ground water for farming purposes. They based their claims on the legal doctrine established by the Supreme Court in Winters against United States. The Winters doctrine, broadly speaking, established the rule that Indian tribes are entitled to sufficient water to make their reservations viable. The five tribes presented well-documented testimony indicating that they do not receive their lawful share of water; the harsh social conditions on their reservation bear this out. The tribes argued that the United States is incurring a continuing liability for damages of ever-increasing magnitude arising from this deprivation of the use of water.

In many areas of the West, Indian tribes are beginning to assert their Winters doctrine rights to water—assertions which have very serious legal and economic implications for many communities and economic interests, as well as for energy development. The lands of the central Arizona tribes are arid, and without water for farming they are virtually useless. Without a firm supply of water, it is impossible for them to plan for the future.

Congress has an obligation to face the issues squarely and promptly so that the Indian and non-Indian communities in central Arizona can rely with far greater certainty on their future water supplies—to the benefit of all.

There appear to be only two options for resolving the issues raised by the tribes:

First, the issues could be resolved through litigation, but it would be a great many years before the courts would issue their final decrees. While the litigation is pending, it would be difficult for many non-Indian water users to obtain financing for land acquisition and capital improvements or to find buyers for their property. The final judicial determination is certain to cause serious social disruptions and at least apparent inequities for the side that loses. Non-Indian water users could find their investments and their livelihoods wiped out at a stroke.

A legislative settlement, as a second alternative, will afford a cost-effective, socially responsive, and equitable solution to the growing conflict over Indian water rights in central Arizona.

Speaking to these alternatives, President, then-Governor Carter, as a candidate for the Presidency issued a statement on Indian water rights for publication in the October 1976 issue of Indian Affairs in which he declared:

> Indians have a historic, legal, and moral right to a fair share of available water resources. The ultimate resolution of conflicts concerning these rights, and the rights of others in the Southwest, will almost certainly be decided by the courts. In disputes concerning water rights, all sides must be assured full and competent legal representation. Legislation however, may be necessary to speed the resolution of these conflicts, as an alternative to protected litigation.

Clearly this is one Indian water rights issue more appropriate for congressional resolution.

The central feature of the bill would authorize and direct the Secretary of Interior to acquire, by purchase or condemnation at fair market value, non-Indian lands with surface water rights and to transfer these rights to the tribes in satisfaction of their present and future right to the use of surface water for farming purposes. Acquisition would take place over a number of years, with life estate provisions, allowing ample time for the amortization of investments and orderly decisions on the part of non-Indian water users as well as just compensation for rights actually acquired by the United States for the tribes.

The concept of a legislative settlement as embodied in this bill appears to be a reasonable solution to complex water issues affecting the central Arizona Indian and non-Indian communities. The bill may not, in all its details, be the final answer, but it represents a sound beginning to the legislative process. It is my hope and expectation that this process will result in a statute affording the people of central Arizona—Indian and non-Indian—the stability essential to sound socioeconomic growth that can only come when they can rely with certainty on their water supply.

ACQUISITION

To carry out the purpose of the act, it is anticipated that the Secretary would acquire approximately 170,000 acres of land within the State of Arizona. These acquired water rights, when taken together with other surface water supplies available to the tribes, would be sufficient to irrigate: 19,000 acres at Ak Chin; 3,300 at Fort McDowell; 118,000 acres at Gila River; on the Papago Reservations, 25,000 acres at Chuichu; 4,500 acres at Gila Bend; 9,000 acres at San Xavier and 30,500 at Salt River. Acquisition of water rights to serve San Xavier and Gila Bend is totally contingent upon the economic feasibility of constructing delivery systems.

In addition to the above, the bill would authorize the development of groundwater sufficient to irrigate 12,000 acres in the Papago Farms area of the Chu Kut Kut District on the main Papago Reservation. This ample groundwater supply lies outside the Lower Colorado River Basin.

In the event that the central Arizona project is completed, the Five Tribes suggest that the Secretary of Interior, in acquiring State surface water rights, give a priority to the acquisition of lands within the Wellton-Mohawk division of the Gila project before acquiring lands elsewhere. Because of the highly saline return flows from the Wellton-Mohawk Irrigation District, the quality of Colorado River water is greatly diminished as it flows into northern Mexico. Water deliveries to Mexico are governed by the "Water Treaty" signed by the United States and Mexico in 1944. The Bureau of Reclamation maintains that Mexico should accept the river water regardless of quality. President Nixon, however, after his trip to Mexico in 1970, asked congressional authorization for a desalinization plant to be built near the border.

The Bureau of Reclamation estimates the construction cost of the desalinization plant as $200 million. Over the life of the project, costs would total $1 billion. Moreover, operation of the plant would require profligate use of energy in an area threatened with energy shortages.

The Wellton-Mohawk area supports no more than 151 farms averaging 424 acres per farm. In my bill, the Secretary of Interior would be allowed to purchase land on an average of $1,500 per acre. Each farm would receive $636,000 for their land. If the desalinization plant is built, the United States would be spending $6,600,000 per farm.

If the lands at Wellton-Mohawk are retired, the United States would be relieved of the exorbitant cost of building, and operating, and maintaining the desalinization plant.

The specific acreages contained in the bill have been furnished to me by the tribes. By using these figures I am not suggesting that they hold some special magic; I am not committed uncritically to these acreages, but only to the concept of settlement through the acquisition of water rights to irrigate practicably irrigable land. The acreages contained in the bill are based on Bureau of Indian Affairs statistics; but the hearing process will afford an opportunity to subject them to scrutiny.

SETTLEMENT

Under the proposed settlement, the acquisition program would satisfy all the claims of the Five Tribes to surface water supplies in central Arizona for farming purposes except for claims for the Gila River Indian Community to waters of the Salt River, which are the subject of a proceeding before the Indian Claims Commission. Thus, the cloud over water rights in central Arizona would largely be removed, and the Indian and non-Indian communities would be assured of a firm water supply on the basis of which they could plan with far more certainty than is possible today.

Additionally, the acquisition program would entirely eliminate the tribes' reliance on the Secretary's proposed allocation of 257,000 acre-feet of water from the central Arizona project, except for 50,000 acre-feet from the San Pedro to be stored behind Buttes Dam, which water is claimed by the Gila River Indian Community and allocated to it under the terms of the proposed bill. The remaining Indian allocation would then be available for reallocation for non-Indian agricultural, municipal, and industrial uses.

The proposed settlement offers a practical and constructive alternative to protracted litigation for the United States, the State of Arizona, the tribes, and non-Indian water users; and it would promote

the timely and orderly completion of the central Arizona project. For example, it would foreclose the possibility of reopening the Kent and Gila River decrees; relieve the Secretary from suits contesting his final allocation of central Arizona project water; and remove the tribes as potential claimants to the 18,000 acre-feet of water apportioned to New Mexico under the Colorado River Basin Project Act of 1968.

I have received a number of constructive suggestions for improving the original measures that I introduced last year. Two of these are of particular importance.

First, it has been recommended to me that any final legislative resolution of Indian water rights in central Arizona includes settlement of Indian groundwater rights, in addition to surface rights. I support this view. The water table in many parts of central Arizona is dropping precipitously. Some municipalities such as Tucson and large farming areas are wholly dependent on groundwater supplies or largely so. No sound planning for future use of central Arizona water supplies is possible unless it is truly comprehensive, and this requires legislative settlement of Indian rights to ground water.

Second, it has been suggested that my proposals be amended to permit the tribes to use for municipal and industrial purposes some of the water they would acquire. I concur.

IMPROVED GROUNDWATER SUPPLIES

The proposed settlement would improve the condition of groundwater supplies in central Arizona. First, wells on the lands to be acquired in central Arizona and taken out of production would no longer contribute to groundwater depletion. Second, to the extent that water rights are acquired on the Lower Colorado—for delivery by the central Arizona project system—there would be a corresponding effect on recharge in central Arizona. To provide the entitlements proposed in the bill, it is estimated that perfected rights to approximately 300,000 acre-feet would be acquired on the Lower Colorado.

These benefits together with the amount of central Arizona project water that would be available for reallocation to non-Indian water users would make a significant contribution to the economy of central Arizona.

COSTS

The cost figures mentioned in the bill, as the acreage figures, have been supplied to me by the tribes. The figures represent the outer limits and the full expectations of the tribes.

To carry out the proposed acquisition program, the bill would authorize an appropriation of $250 million: $38 million during fiscal year 1977, $36 million during fiscal year 1978, $36 million during fiscal year 1979, and $20 million during each of the next 7 fiscal years.

To construct the delivery systems to enable the tribes to put the water to beneficial use and to rehabilitate or improve existing delivery systems and thus conserve water, and for related purposes, the bill would authorize an appropriation of $144 million: $32 million during fiscal year 1977, $28 million during fiscal year 1978, $28 million during fiscal year 1979, and $8 million during each of the next 7 fiscal years.

Additionally, to enable the tribes to subjugate their lands, it would authorize an appropriation of $78 million for loans: $12 million during each of the first 3 fiscal years and $6 million during each of the next 7 fiscal years.

Finally, it would authorize an appropriation of $2 million in grants for planning and for training programs.

COST/BENEFITS

The costs of the proposed settlement can be justified on a number of grounds. First, settlement of the tribes' water rights will halt the continuing liability of the United States for claims for damages of ever-increasing magnitude. In a 10–20 year period, this liability could exceed the entire cost for acquisition.

Second, the United States would be relieved of substantial costs for special Indian programs for the Five Tribes as they achieve economic self-reliance—costs that, over a 10–20 year period, would likewise exceed all costs contemplated in the proposed settlement. It is estimated that four of the tribes would become entirely self-sufficient and the Papagos substantially so, following the development which this bill makes possible.

Third, the central Arizona project water that would be reallocated to non-Indian water users could be sold at commercial rates to help defray the costs of the central Arizona project. If sold for municipal and industrial purposes, it could yield more than $300 million.

Fourth, by acquiring the lands at Wellton-Mohawk, the United States will be relieved of the costly obligation to build the desalinization plant.

Mr. President, with this bill as a beginning, it is my hope that the Congress can develop legislative models to settle and resolve Indian water rights in other areas of the West, affording Indian and non-Indians alike a legislative alternative to protracted litigation, uncertainty, and growing social unrest.

I ask unanimous consent that the text of the bill be printed in its entirety following my remarks.

In view of the importance, the urgency, and the complexity of the issues and their relationship to the central Arizona project, I shall ask the chairman of the Temporary Select Committee on Indian Affairs to conduct early hearings on this measure so that, prior to any final decision on the fate of the central Arizona project, all parties may have an opportunity to place their comments and recommendations on record.

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

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

S. 905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Central Arizona Indian Tribal Water Rights Settlement Act of 1977".

FINDINGS

SEC. 2. The Congress finds that—

(a) The failures of the Federal Government to protect water supplies of the Central Arizona Tribes and the ongoing deprivation of water use which these tribes have suffered form a basis for damage claims against the United States of ever-increasing magnitude.

(b) The long-range interests of the United States, the State of Arizona, and the Central Arizona Tribes will best be served by developing the tribes' economies—

(1) by insuring that the tribes receive the water to which they are entitled to irrigate their land;

(2) by construction, rehabilitation, and betterment of the physical facilities necessary to insure the beneficial use of the water received; and

(3) by implementing programs designed to acquire water supplies to provide the entitlements for Indian use in Central Arizona.

SEC. 3. For purposes of this Act—

(a) "Central Arizona Project" means the project authorized under title III of the Colarodo River Basin Project Act of September 30, 1968 (82 Stat. 887; 43 U.S.C. 1521 et seq.).

(b) "Central Arizona Tribes" are identified as the Ak Chin Indian Community, the Fort McDowell Mohave-Apache Community, the Gila River Indian Community, the Papago Tribe of Arizona, and the Salt River Pima-Maricopa Indian Community.

(c) "Delivery losses" means the amount of water lost through seepage, evaporation, or other causes betwen the point of measurement at the water source and the point of delivery to the land being irrigated.

(d) "Duty of water" is measured at the point of delivery to the land being irrigated and means the amount of water required per acre annually to produce normal crops on land in accordance with accepted farming practices; it does not include delivery losses.

(e) "Federal water right," as used in section 202, means any perfected right to the use of water owned, possessed, reserved, or acquired by the United States or any agency thereof, except "State water rights" as herein defined and Indian water rights, but including water made available through desalinization, conservation, and accretions to present supplies.

(f) "Firm water supply" means the practicable rate of withdrawing water from any source perennially without diminution.

(g) "Improved lands" means a tract or tracts comprising one hundred and sixty acres or less, operated as a single farming unit, upon which one of the beneficial owners actually resided in a detached, one-family dwelling, for a period of one year prior to the effective date of this Act.

(h) "Indian water right" means any water usage right held by a central Arizona tribe or by the United States on behalf of such tribe.

(i) "Secretary" means the Secretary of the Interior.

(j) "State water right" means any right to the use of water owned, possessed, reserved, or acquired under the laws of the State of Arizona, except Indian water rights.

(k) "Subjugate" means the preparation of land for the growing of crops through irrigation.

TITLE I—WATER RESOURCE PROJECTS

AK CHIN RESERVATION

SEC. 101. (a) The Secretary shall immediately undertake and diligently pursue a ten-year program to acquire a firm surface water supply pursuant to the authorities set forth in title II of this Act on behalf of the Ak Chin Indian Community in an amount which will be sufficient to irrigate nineteen thousand five hundred acres of land having a duty of water of four and fifty-nine one-hundredths acre-feet.

(b) The Secretary is authorized and directed—

(1) to improve, extend, construct, operate, and maintain an aqueduct (the "Ak Chin aqueduct"), appurtenant pumping facilities, if necessary, and appurtenant powerplants to divert and carry water from a facility of the Central Arizona Project to the boundary of the Ak Chin Indian Reservation in an amount sufficient to irrigate nineteen thousand five hundred acres having a duty of water of four and fifty-nine one-hundredths acre-feet;

(2) to rehabilitate and extend the existing distributions system within the reservation and, on condition that the Ak Chin Indian Community or its members agree to subjugate the land, to construct such additional canals, laterals, and irrigation works as are necessary to deliver sufficient water to irrigate nineteen thousand five hundred acres having a duty of water of four and fifty-nine one-hundredths acre-feet;

(3) if so requested by the Ak Chin Indian Community, to loan to the community, out of funds appropriated pursuant to this Act, an amount of money equal to the full costs of subjugating additional land, with repayment to be made in forty equal annual installments, without interest, beginning ten years after the date the reservation irrigation system is completed and the surface water is delivered to irrigate nineteen thousand five hundred acres having a duty of water of four and fifty-nine one-hundredths acre-feet; and

(4) upon completion of the expanded irrigation system within the reservation, and sufficient surface water delivered to irrigate nineteen thousand five hundred acres having a duty of water of four and fifty-nine one-hundredths acre-feet, to require that the Ak Chin Indian Community assume responsibility for their operation and maintenance.

(c) The Secretary is authorized and directed to use his power under existing laws, including the deepening and rehabilitation of existing wells, to provide an immediate source of water to the Ak Chin Reservation until all surface water supply authorized by this section is made available. To render the continued pumping of water economically feasible, the Secretary is authorized and directed to construct Buttes Dam, previously authorized as part of the Central Arizona Project, with facilities for the production of hydroelectric power, to construct a transmission line to the Ak Chin Reservation and to sell such electric power and energy to the Ak Chin Indian Community at rates not to exceed actual cost including amortization of the costs of construction, as provided in the Colorado River Basin Project Act.

(d) To render the pumping of water economically feasible and to assist economic development of the community, the Secretary is also authorized and directed to construct power lines to the Ak Chin Reservation and to sell to the Ak Chin Community power and energy available under section 303 of the Colorado River Basin Project Act of September 30, 1968 (43 U.S.C. 1523) at rates not to exceed actual cost.

FORT M'DOWELL RESERVATION

SEC. 102. (a) The Secretary shall immediately undertake and diligently pursue a five-year program to acquire a firm surface water supply pursuant to the authorities set forth in title II of this Act on behalf of the Fort McDowell Mohave-Apache Indian Community in an amount which, when added to the amount of other surface water available will be sufficient to irrigate three thousand three hundred acres within the reservation having a duty of water of four and fifty-nine one-hundredths acre-feet: *Provided*, That the Secretary shall give priority in his acquisition program for the community to supplies of water which can be delivered to the reservation through the Verde River.

(b) Subject to the provisions of subsection (c) hereof, the Secretary is authorized and directed—

(1) to improve and extend the existing water distribution system within the Fort McDowell Reservation and to construct such additional canals, laterals, and irrigation works as are necessary to deliver sufficient water to irrigate three thousand three hundred acres having a duty of water of four and fifty-nine one-hundredths acre-feet;

(2) if so requested by the Fort McDowell Mohave-Apache Indian Community, to loan the community, out of funds appropriated pursuant to this Act, an amount of money equal to the full cost of subjugating additional land within the reservation to bring the total irrigated land up to three thousand three hundred acres, with repayment to be made in forty equal annual installments, without interest, beginning ten years after the date the expanded reservation irrigation system is completed and the surface water is delivered to irrigate three thousand three hundred acres having a duty of water of four and fifty-nine one-hundredths acre-feet; and

(3) upon completion of the expanded irrigation system and sufficient water delivered to irrigate three thousand three hundred acres having a duty of water of four and fifty-nine one-hundredths acre-feet, to require that the community assume responsibility for its operation and maintenance.

(c) If the Secretary decides to construct the Orme Dam and Reservoir, previously authorized as part of the Central Arizona Project, and such facility reduces the total practicably irrigable acreage within the Fort McDowell Reservation and any addition thereto to less than three thousand three hundred acres, the Secretary shall be required to expand and construct a water distribution system only to the extent necessary to serve the reduced acreage, but the community's entitlement to water shall not thereby be reduced.

(d) To render the pumping of water economically feasible and to assist in economic development of the community, the Secretary is authorized and directed to construct powerlines to the Fort McDowell Reservation and to sell to the McDowell Mohave-Apache Indian Community power and energy available under section 303 of the Colorado River Basin Project Act of September 30, 1968 (43 U.S.C. 1523), at rates not to exceed actual cost.

GILA RIVER RESERVATION

SEC. 103. (a) The Secretary shall immediately undertake and diligently pursue a ten-year program to acquire a firm surface water supply pursuant to the authorities set forth in title II of this Act on behalf of the Gila River Indian Community in an amount which, when added to the amount of other surface water delivered to the Gila River Indian Reservation under the so-called Gila River Decree (United States against Gila Valley Irrigation District, Globe Equity Numbered 59, United States District Court, June 29, 1936), will be sufficient to irrigate one hundred and eighteen thousand acres within the reservation having a duty of water of four and fifty-nine one-hundredths acre-feet.

(b) The Secretary shall—

(1) construct, operate, and maintain Buttes Dam and Reservoir, previously authorized as part of the Central Arizona Project, for the primary purpose of furnishing water to the Gila River Reservation;

(2) construct, operate, and maintain a lined aqueduct from the Ashurst-Hayden Dam to serve the Gila River Reservation;

(3) otherwise rehabilitate the San Carlos Indian irrigation project, with the water so saved to be devoted exclusively to Gila River Reservation lands;

(4) undertake an intensive annual program of phreatophyte control on the Gila River and its tributaries;

(5) study the feasibility of recycling municipal water for irrigation use;

(6) improve the existing system for distribution of irrigation water within the reservation, including the lining of field ditches; and

(7) initiate the actions described in subsection (d) hereof.

(c) The Secretary is authorized and directed—

(1) to improve and extend the existing distribution system within the Gila River Reservation and, on condition that the Gila River Indian community or its members agree to subjugate the land, to construct such additional canals, laterals, and irrigation works as are necessary to deliver sufficient surface water to irrigate one hundred and eighteen thousand acres having a duty of water of four and fifty-nine one-hundredths acre-feet;

(2) if so requested by the Gila River Indian Community, to loan the community, out of funds appropriated pursuant to this Act, an amount of money equal to the full cost of subjugating up to one hundred and eighteen thousand acres, with repayment to be made in forty equal annual installments, without interest, beginning ten years after the date the expanded reservation irrigation system is completed and the surface water is delivered to irrigate one hundred and eighteen thousand acres having a duty of water of four and fifty-nine one-hundredths acre-feet; and

(3) upon completion of the expanded irrigation system and sufficient surface water delivered to irrigate one hundred and eighteen thousand acres having a duty of water of four and fifty-nine one-hundredths acre-feet, to require that the community assume responsibility for its operation and maintenance.

(d) The Secretary and the Attorney General are authorized and directed to institute appropriate legal actions—

(1) to determine the rights of the Gila River Indian Community in the waters of the tributaries of the Gila River upstream from the Gila River Reservation, or upstream from its confluence with the Salt River, and

(2) to prohibit all non-Indian uses of water on the Gila River and its tributaries upstream from the Gila River Reservation which are in violation of the community's water rights. The amount of surface water made available to the community on a firm basis by the foregoing actions may be credited against the amount of water the Secretary is obligated to acquire under subsection (a) hereof.

(e) The Secretary is further authorized and directed at the request of Gila River Indian Community to invoke his power under existing laws, including the deepening and rehabilitation of existing wells, to maximize the supply of water on the Gila River Reservation available from underground sources so that beneficial use thereof, including irrigation of additional arable acres, may be made. To render the pumping of water economically feasible and to assist economic development of the community, the Secretary is authorized and directed to construct powerlines to the Gila River Reservation and to sell to the Gila River Indian Community power and energy available under section 303 of the Colorado River Basin Project Act of September 30, 1968 (43 U.S.C. 1523) at rates not to exceed actual cost.

PAPAGO RESERVATIONS

SEC. 104. (a) CHUICHU PROJECT.—(1) The Secretary shall immediately undertake and diligently pursue a ten-year program to acquire a firm surface water supply pursuant to the authorities set forth in title II of this

Act on behalf of the Papago Tribe for all irrigable lands which now or hereafter are brought under the Chuichu system up to a maximum of twenty-five thousand acres having a duty of water of four and fifty-nine one-hundredths acre-feet.

(2) The Secretary is authorized and directed—

(i) to improve, extend, construct, operate, and maintain an aqueduct (the "Papago aqueduct"), appurtenant pumping facilities, if necessary, and appurtenant powerplants to divert and carry water from a facility of the central Arizona project to the Chuichu system in an amount sufficient to irrigate twenty-five thousand acres having a duty of water of four and fifty-nine one-hundredths acre-feet; and

(ii) to improve and extend the existing Chuichu irrigation system on condition that the Papago Tribe or its members agree to subjugate the lands, to construct such additional aqueducts, laterals, and irrigation works as are necessary to distribute sufficient water to irrigate twenty-five thousand acres within the Chuichu system having a duty of water of four and fifty-nine one-hundredths acre-feet;

(iii) if so requested by the Papago Tribe, to loan to the tribe, out of funds appropriated pursuant to this Act, an amount of money equal to the full cost of subjugating additional land, with repayment to be made in forty equal annual installments, without interest, beginning ten years after the date the Chuichu system is completed and the surface water is delivered to the twenty-five thousand acres having a duty of water of four and fifty-nine one-hundredths acre-feet; and

(iv) upon completion of the Chuichu reservation system and sufficient surface water delivered to irrigate twenty-five thousand acres having a duty of water of four and fifty-nine one-hundredths acre-feet, to require that the Papago Tribe assume responsibility for its operation and maintenance.

(b) PAPAGO FARMS PROJECT.—(1) On condition that the Papago Tribe agrees to subjugate the land, the Secretary is authorized and directed to construct a complete irrigation supply and distribution system, with water obtained exclusively from underground and local surface water sources, in the Chu Kut Nut District in the south central portion of the Papago Reservation (the "Papago Farms system") with a capacity to irrigate at least twelve thousand acres. In addition to necessary project works, the Secretary shall construct an all-weather paved road connecting with State Highway 86 and an extension of the Papago Tribal Utility Authority power lines to serve the Papago Farms system.

(2) The Secretary is authorized and directed—

(i) if so requested by the Papago Tribe, to loan to the tribe, out of funds appropriated pursuant to this Act, an amount of money equal to the full cost of subjugating up to twelve thousand acres with repayment to be made in forty equal annual installments, without interest, beginning ten years after the Papago Farms project is completed; and

(ii) upon completion of the Papago Farms system, to require that the tribe assume responsibility for the operation and maintenance.

(c) SAN XAVIER PROJECT.—(1) If a conduit or canal of the Central Arizona Project is extended to or near Tucson, Arizona, and the Papago Tribe so requests, the Secretary is authorized and directed—

(i) to construct, operate, and maintain an aqueduct (the "San Xavier aqueduct"), appurtenant pumping facilities, if necessary, and appurtenant powerplants and water distribution systems to divert and carry water from a facility of the Central Arizona Project to the San Xavier Indian Reservation in an amount sufficient to irrigate nine thousand acres having a duty of water of four and fifty-nine one-hundredths acre-feet;

(ii) to improve and extend the existing irrigation system on the San Xavier Reservation and, on condition that the Papago Tribe or its members agree to subjugate the land, to construct such additional canals, laterals, and irrigation works as are necessary to distribute sufficient water to irrigate nine thousand acres within the reservation (the "San Xavier system");

(iii) if so requested by the Papago Tribe, to loan to the tribe out of funds appropriated pursuant to this Act an amount equal to the full cost of subjugating additional land, with repayment to be made in forty equal annual installments, without interest, beginning ten years after the date water is first delivered through the San Xavier aqueduct to the nine thousand acres having a duty of water of four and fifty-nine one-hundredths acre-feet; and

(iv) upon completion of the San Xavier Reservation system and sufficient surface water delivered to irrigate the nine thousand acres having a duty of water of four and fifty-nine one-hundredths acre-feet, to require that the Papago Tribe assume responsibility for its operation and maintenance.

(2) Subject to the provisions of paragraph (1) hereof, the Secretary shall immediately undertake and diligently pursue a ten-year program to acquire a firm surface water supply pursuant to the authorities set forth in title II of this Act on behalf of the Papago Tribe in an amount which will be sufficient to irrigate nine thousand acres of land having a duty of water of four and fifty-nine one-hundredths acre-feet.

(d) GILA BEND PROJECTS.—(1) The Secretary shall immediately undertake and diligently pursue a ten-year program to acquire a firm surface water supply pursuant to the authorities set forth in title II of this Act on behalf of the Papago Tribe in an amount which will be sufficient to irrigate four thousand five hundred acres of land having a duty of water four and fifty-nine one-hundredths acre-feet.

(2) The Secretary is authorized and directed—

(i) to improve, extend, construct, operate, and maintain an aqueduct (the "Gila Bend aqueduct"), appurtenant pumping facilities, if necessary, and appurtenant powerplants to divert and carry water from a facility of the Central Arizona Project or from such other surface water supply to the Gila Bend Indian Reservation in an amount sufficient to irrigate four thousand five hundred acres having a duty of water of four and fifty-nine one-hundredths acre-feet;

(ii) to improve and extend the existing irrigation system on the Gila Bend Reservation and, on condition that the Papago Tribe agrees to subjugate the land, to construct such additional aqueducts, laterals, and irrigation works as are necessary to distribute sufficient water to irrigate four thousand five hundred acres having a duty of water of four and fifty-nine one-hundredths acre-feet;

(iii) if so requested by the Papago Tribe, to loan to the tribe, out of funds appropriated pursuant to this Act, an amount of money equal to the full cost of subjugating additional land, with repayment to be made in forty equal annual installments, without interest, beginning ten years after the date the expanded Gila Bend system is completed and the surface water delivered to the four thousand five hundred acres having a duty of water of four and fifty-nine one-hundredths acre-feet; and

(iv) upon completion of the Gila Bend Reservation system and sufficient surface water delivered to irrigate four thousand five hundred acres having a duty of water of four and fifty-nine one-hundredths acre-feet, to require that the Papago Tribe assume responsibility for its operation and maintenance.

(e) The Secretary is authorized and directed to use his power under existing laws, including the deepening and rehabilitation of existing wells, to maximize the supply of water on the Papago, San Xavier, and Gila Bend Indian Reservations available from underground sources. The amount of water so available on a firm basis may be credited against the amount of water the Secretary is obligated to acquire under subsections (a)(1), (c)(2), and (d)(1) hereof. To render the pumping of water economically feasible and to assist economic development of the Papago Tribe, the Secretary is authorized and directed to construct powerlines to the Papago, San Xavier, and Gila Bend Indian Reservations and to sell to the Papago Tribe power and energy available under section 303 of the Colorado River Basin Project Act of September 30, 1968 (43 U.S.C. 1523), at rates not to exceed actual cost.

SALT RIVER RESERVATION

SEC. 105. (a) The Secretary shall immediately undertake and diligently pursue a ten-year program to acquire a firm surface water supply pursuant to the authorities set forth in title II of this Act on behalf of the Salt River Pima-Maricopa Indian Community in an amount which, when added to the amount of water allocated to the Salt River Reservation under the so-called Kent Decree (Hurley against Abbott, No. 4564, U.S. Territ. Ct., Ariz., March 1, 1910) and the Bartlett Dam agreement, will be sufficient, with any available firm water supplies from underground sources within the Salt River Reservation, to irrigate thirty thousand five hundred acres within the reservation having a duty of water of six and twenty-five one-hundredths acre-feet: *Provided*, That the Secretary shall give priority in his acquisition program for the community to State water rights within the Salt River project.

(b) The Secretary is authorized and directed—

(1) to rehabilitate the existing system for the delivery to and distribution of irrigation water within the Salt River Reservation, including especially the lining of field ditches;

(2) to extend the existing distribution system within the reservation and, on condition that the Salt River Pima-Maricopa Indian Community or its members agree to subjugate the land, to construct such additional canals, laterals and irrigation works as are necessary to deliver sufficient water to irrigate up to thirty thousand five hundred acres having a duty of water of six and twenty-five one-hundredths acre-feet;

(3) if so requested by the Salt River Pima-Maricopa Indian Community, to loan the community, out of funds appropriated pursuant to this Act, an amount of money equal to the full cost of subjugating additional land, with repayment to be made in forty equal annual installments, without interest, beginning ten years after the date the reservation irrigation system is completed and water delivered to irrigate thirty thousand five hundred acres having a duty of water of six and twenty-five one-hundredths acre-feet; and

(4) upon completion of the expanded irrigation system within the reservation and sufficient water delivered to irrigate thirty thousand five hundred acres having a duty of water of six and twenty-five one-hundredths acre-feet, to require that the Salt River Pima-Maricopa Indian Community assume responsibility for its operation and maintenance.

(c) The Secretary is authorized and directed to use his power under existing laws, including the deepening and rehabilitation of existing wells, to maximize the supply of water on the Salt River Reservation available from underground sources. The amount of water so available on a firm basis may be credited against the amount of water the Secretary is obligated to acquire under sub-

section (a) hereof. To render the pumping of water economically feasible and to assist economic development of the community, the Secretary is also authorized and directed to sell to the Salt River Pima-Maricopa Indian Community power and energy available under section 303 of the Colorado River Basin Project Act of September 30, 1968 (43 U.S.C. 1523), at rates not to exceed actual cost.

APPROPRIATIONS

SEC. 106. (a) There is hereby authorized to be appropriated for the construction of water resource project facilities and irrigation distribution systems under this title, exclusive of works authorized as part of the Central Arizona Project, and for such other nonrecurring activities of the Secretary as are required herein, exclusive of costs for land and water acquisition, the sums of $32,000,000 during fiscal year 1977, $28,000,000 during fiscal year 1978, and $28,000,000 during fiscal year 1979, and $8,000,000 during each of the next seven fiscal years, plus or minus such amounts, if any, as may be justified by reason of fluctuations in construction costs as indicated by engineering cost indices applicable to the types of activities involved therein.

(b) There is also hereby authorized to be appropriated for loans to the Central Arizona Tribes the sums of $12,000,000 during fiscal year 1977, $12,000,000 during fiscal year 1978, $12,000,000 during fiscal year 1979, and $6,000,000 during each of the next seven fiscal years, plus or minus such amounts, if any, as may be justified by reason of fluctuations in subjugation costs indicated by engineering cost indices applicable to the types of activities involved therein, and, in addithereto, such sums as may be required for phreatophyte control and for operation and maintenance of such water resource project facilities and irrigation distribution systems.

TITLE II—ACQUISITION OF WATER

ACQUISITION OF STATE WATER RIGHTS

SEC. 201. (a) The Secretary is authorized to acquire by purchase or exchange to the extent economically feasible, and otherwise by eminent domain proceedings in the United States District Court for the District of Arizona under sections 257 and 258a of title 40, United States Code, such private lands (or interests therein) having presently perfected State water rights appurtenant thereto and such State water rights as may be sold or transferred independent of land, as he may determine to be appropriate, anywhere within the State of Arizona for the purpose of providing water to the Central Arizona Tribes in accordance with title I of this Act: *Provided*, That the Secretary shall not acquire private lands which do not have a recent history of receiving or being capable of actually receiving all or substantially all of the water covered under the appurtenant State water rights: *Provided further*, That the Secretary, in acquiring State surface water rights pursuant to this section, shall give a priority to the acquisition of lands within the Wellton-Mohawk Division of the Gila project before acquiring any lands elsewhere: *And provided further*, That nothing in this title shall authorize the Secretary to acquire or disturb the water rights of any Indian tribe, band, group or community, or any individual Indian allottees. Except as provided in subsection (b) hereof, any lands or interests in lands so acquired, other than State water rights, shall be restored to the public domain.

(b) In the event the Secretary acquires improved lands pursuant to subsection (a) hereof, the beneficial owner or owners, if an individual, family, or family partnership, may reserve the right to use and occupy the lands—

(1) with the appurtenant State water rights for farming purposes and noncommercial residential purposes for fifteen years after the effective date of this Act, for ten years after the date of acquisition or until the death of the longest lived beneficial owner, whichever soonest occurs; and

(2) without the appurtenant State water rights, for twenty-five years after the effective date of this Act, or, if the option under paragraph (1) is exercised, for an additional period of ten years or until the death of the longest lived beneficial owner, whichever sooner occurs, for noncommercial residential purposes: *Provided*, That the compensation paid by the Secretary for the property shall not exceed its fair market value on the date of acquisition, less the fair value on such date of the rights reserved.

(c) Notwithstanding any provision of Federal or State law to the contrary, and in satisfaction of the tribes' existing water rights, the Secretary may sever State water rights from lands acquired under subsection (a) hereof and may transfer such water rights to lands within the reservations of the Central Arizona Tribes. If the lands from which State water rights are severed lie within the exterior boundaries of any reclamation project or irrigation district, the Secretary shall with respect to such lands—

(1) cancel any repayment obligations for irrigation construction costs owing to the United States or one of its agencies, or pay any liens or other valid debts for irrigation construction costs owing any other legal entity; and

(2) enter into contracts with such projects or districts to compensate them for operating and maintenance costs attributable to delivery of water to the lands, as if the State water rights had not been severed, or arising from the loss of active operations of the lands for a period not to exceed twenty years after the date of acquisition.

(d) The Secretary is authorized to enter into agreements with the State of Arizona and its political subdivisions to make payments in lieu of real property taxes with respect to lands and interests in lands acquired under subsection (a) hereof for a period not to exceed twenty years after the date of acquisition: *Provided*, That any real property taxes paid by a former beneficial owner of the land with respect to any interests reserved pursuant to subsection (b) hereof shall be credited against the amounts agreed to be paid by the Secretary in lieu of taxes.

(e) Notwithstanding the provisions of sections 101(d), 102(d), 103(e), 104(e), and 105(c) of this Act, the Secretary shall not sell or deliver to the Central Arizona Tribes any power or energy pursuant to section 303 of the Act of September 30, 1968, 43 U.S.C. Section 1523, if such power or energy is needed to pump water into and through the Central Arizona Project, or if such sale or delivery would impair the obligations of existing contracts for power or energy under section 303.

(f) If any power or energy is sold or delivered to the Central Arizona Tribes pursuant to Title I at a price less than that at which such power or energy could be sold to non-Indian customers, the full amount of the price differential shall be credited to the Lower Colorado River Basin Development Fund established by Section 403 of the Colorado River Basin Project Act of September 30, 1968, 43 U.S.C. Section 1543.

TRANSFER OF FEDERAL WATER RIGHTS

SEC. 202. The Secretary is hereby authorized, in his discretion, to transfer to lands within the reservations of the Central Arizona Tribes any Federal water rights appurtenant to the public lands or to any lands within a Federal reservation under his jurisdiction which are presently being exercised or are otherwise recognized by the State of Arizona which are surplus to the needs of such lands: *Provided*, That nothing herein shall be deemed to expand the judicially declared Federal reservation doctrine. Any Federal water rights so transferred, to the extent they provide a firm water supply, shall be credited against the State water rights the Secretary is directed to acquire pursuant to section 201 of this Act.

DELIVERY OF WATER

SEC. 203. To facilitate the delivery of water to reservations of the Central Arizona Tribes, the Secretary is authorized—

(a) to enter into contracts for the exchange of water, or for the use of aqueducts, canals, conduits, and other facilities for water delivery, including pumping plants, with the State of Arizona or any of its subdivisions, with any irrigation district or project, or with any authority, corporation, partnership, individual or other legal entity; and

(b) to use facilities constructed in whole or in part with Federal funds, including facilities of the Central Arizona Project, for the delivery or distribution of water within the State of Arizona: *Provided*, That the Secretary is authorized to make an equitable apportionment of the use of any such facility if its capacity is at anytime less than adequate to satisfy all authorized uses.

TRUSTEESHIP

SEC. 204. Title to all water rights acquired, transferred, or developed pursuant to the provisions of this Act shall be held in trust by the United States for the benefit of the Central Arizona Tribe on whose reservation such water right ultimately is utilized.

GRANTS

SEC. 205. The Secretary is authorized to spend up to $2,000,000 out of the funds appropriated pursuant to this Act for the purpose of making grants to the Central Arizona Tribes to—

(a) develop and implement plans for using newly irrigated reservation lands in an orderly, efficient, and profitable manner; and

(b) establish and carry out training programs for Indian farmers, including courses in marketing and agricultural economics.

APPROPRIATIONS

SEC. 206. There is hereby authorized to be appropriated for the acquisition of State water rights and related acquisition costs under this title the sum of $38,000,000, during fiscal year 1977, $36,000,000 during fiscal year 1978, $36,000,000 during fiscal year 1979, and $20,000,000 during each of the next seven fiscal years, and, in addition thereto, such sums as may be required for the delivery of water to the reservations of the Central Arizona Tribes, for payments under contracts or agreements entered into by the Secretary and for grants to the tribes.

TITLE III—SETTLEMENT

SEC. 301. For each Central Arizona Tribe, the actual acquisition of and delivery to the reservation of water and the construction, improvement, and extension of water delivery and irrigation systems by the Secretary pursuant to title I of the Act, when wholly completed, shall be in satisfaction of such tribe's present and future right to the use of surface water for farming purposes and any lesser amounts of water delivered shall be offset against any entitlement which may subsequently be established in litigation: *Provided*, That the Gila River Indian Community's claim to water from the Salt River shall not be extinguished or otherwise affected.

By Mr. PELL:

S. 906. A bill to prohibit discriminatory practices with respect to physically handicapped persons; to the Committee on Human Resources.

EMPLOYMENT DISCRIMINATION AGAINST HANDICAPPED INDIVIDUALS

Mr. PELL. Mr. President, over the past dozen years, this Nation has committed itself to abolish practices of discrimination toward individuals because of their

race, skin pigmentation, religious preferences, sex, or their country of national origin. Our Federal, State, and local governmental units and many parts of the private sector have worked hard to eliminate discrimination in housing, employment, education, and in many other fields of life. We have forged a firm national policy that discrimination founded on race, sex, and religion will not be tolerated.

Today I want to address my remarks, and a legislative proposal, at a form of discrimination which is just as debilitating, for individuals caught up by it, and for our Nation as a whole, as any I previously mentioned. That is discrimination against physically handicapped individuals.

Some progress has been made in this direction, but the legislative supports for the elimination of employment discrimination against the physically handicapped, namely sections 503 and 504 of the Rehabilitation Act, contain some loopholes in their coverage and impact, and we can seal those gaps with the legislation I am introducing today.

One of the most serious discriminatory barriers confronting the physically handicapped is job discrimination. In the past, it was a common practice to shut the handicapped away in special workshops. In more recent years, many employers have come to realize that a physical handicap does not preclude a person from efficient and gainful employment, working side by side with other workers. Many enlightened employers have made special efforts to hire the physically handicapped.

In spite of these efforts, however, discrimination against the physically handicapped continues. The result is that the Nation is deprived of the full talents and abilities of physically handicapped individuals, and the physically handicapped themselves suffer an unnecessary additional burden.

It was for this reason that I am today introducing a bill which would amend title VII of the Civil Rights Act of 1964 to prohibit discriminatory practices against physically handicapped persons.

This legislation is identical to a proposal I introduced in the last two Congresses, and I am hopeful that this year, the White House Conference on Handicapped individuals will provide the needed impetus to effect this important reform, I urge my colleagues to give it their full consideration.

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

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

S. 906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) sections 703 and 704 of the Civil Rights Act of 1964 (42 U.S.C. 20003-2), are each amended by striking out the phrase "race, color, religion, sex, or national origin" each time it appears therein and inserting in lieu thereof "race, color, religion, sex, physical handicap, or national origin" in each instance.

(b) Nothing contained in the amendments made by subsection (a) shall be construed to require any employer to provide any unusual or special services to any physically handicapped person which would not normally be provided to other persons similarly employed.

By Mr. HUDDLESTON:

S. 907. A bill to authorize a program to repair highways incurring substantial additional use as a result of national energy requirements; to the Committee on Environment and Public Works.

ENERGY IMPACT ROADS

Mr. HUDDLESTON. Mr. President, in my continuing efforts to secure Federal assistance to solve a truly national problem, the transportation of energy supplies from point of origin to point of use, I am pleased to introduce this legislation.

The bill I offer will establish a new category, in the Federal aid highway system, for the repair and restoration of energy impacted highways. That is to say, I wish to see Federal money allocated for the repair of highways which have incurred and are still incurring substantial additional use and damage as a result of national energy requirements.

The measure I proposed today sets up a 70 per centum Federal, 30 per centum State matching program to meet a critical portion of the energy supply transportation problem. Surely this problem must be addressed if we are to rely on our Nation's most abundant energy resource, coal, in developing a cohesive national energy policy.

The difficulty is simply that we cannot increase by 50 percent or 100 percent or 300 percent the production and utilization of coal in this country just by Government decree. We must have the methods, No. 1, of getting it out of the ground in environmentally accepted ways. Also, we must be able to move it to the places where it is going to be used, where it can be transported and marketed. Right now, the rails and the highway system over which the majority of this coal has to move are deteriorating at a rapid rate, deteriorating faster than the current highway and rail programs will permit repair and maintenance. Thus, we must decide whether or not we can provide the routes and highways over which to move the coal that is desperately needed and will be needed for years.

As certain Members are aware the Department of Transportation is about to complete a thorough study of the need for Federal highway assistance of the nature I have prescribed. The Department is doing so as a result of my amendment to the 1976 Highway Act. Though I look forward to whatever recommendations might come from this effort, I believe the time for action is long overdue. Therefore, I urge prompt action on the bill which I introduce today.

By Mr. HUDDLESTON:

S. 908. A bill to amend title V of the Rural Development Act of 1972; to the Committee on Agriculture, Nutrition, and Forestry.

HELP FOR THE SMALL FARMER

Mr. HUDDLESTON. Mr. President, in August 1975 the General Accounting Office published a report entitled "Some Problems Impeding Economic Improvement of Small-Farm Operations: What the Department of Agriculture Could Do." This report contained the following recommendations:

The Department should:

Identify small-farm operators in their productive years who depend on the farm as their primary source of income and categorize them according to their resources, abilities, educational experiences, and willingness to improve their operations by using available technology and efficient management practices.

Examine the potential for research uniquely designed to improve the economic position of small-farm operators and, if such potential exists, consider the priority of such research in relation to other federally funded agricultural research.

Examine the potential for research uniquely designed to improve the economic position of small-farm operators and, if such potential exists, consider the priority of such research in relation to other federally funded agricultural research.

Establish procedures for (1) evaluating the economic and social impacts of future research that could greatly change the productivity, structure, and/or size of existing farms, and (2) determining the assistance small-farm operators would need to plan for and adjust to the resulting changes.

Mr. President, the response of the USDA to the GAO report was ngeative. The Department said incomes of small farmers would not necessarily rise as a result of a concerted effort in a small farmer program.

Some so called "experts" argue that there is no point in trying to help those farmers who are operating units which are too small to sustain a family entirely. It has been stated that efforts to aid the Nation's small farmers would not provide significant increases in the overall national agricultural productivity. But the USDA has concluded that a national program to aid small farmers would provide for significant improvement in both the productivity and level of living of small farmers who would be reached by the program.

And, Mr. President, that is exactly the point of a small farmer program. Most of our small farmers are already relying on part of their income from off farm jobs. Many of these jobs pay very little, and the small farmer remains in the backwash of the American economy.

I introduced a small farmer research and extension bill during the first session of the 94th Congress. That legislation, S. 2823, passed the Senate. Hearings were held by the House Agriculture Committee on the legislation but it did not clear the House.

I have refined my original bill and I rise today to introduce it. I am not so foolish as to propose a program of assistance that would maintain a pretense that somehow through research and extension a small unit can necessarily be made to provide the total support of the operator.

But I do believe that by following the precepts of extension and cooperative State research that are now decades old, many small farms can begin to produce more income for their owners, thereby making those farmers more economically independent.

Since the early 1930's American agri-

culture has undergone an enormous revolution. Thirty million people have left the farm for the city. Let us face it. After the many economic upheavals that have occurred in American agriculture in recent decades, those who remain on the land are largely there because they desperately want to be.

I rise today to introduce legislation which will institute small farm research and extension programs under title V of the Rural Development Act. If we can help the small farmer stay on the land—if we can give them freedom of residence—then it would be socially and economically unwise not to take the appropriate steps.

The tragedy of the large cities' economic state, and the sprawling urban ghettos across the face of the land are living testimony to the fact that the mass migration of people from the farm to the cities was not without a cost to this Nation of tens of billions of dollars.

Therefore, it would seem fitting to me that we say something more to the small farmer than "adapt or die." To take the actions called for in the legislation I am introducing today would help the rural economy and save the cities the agony of still more welfare recipients added to their populations.

The small farm research program portion of this bill would provide for research with respect to new approaches to upgrade small farmer operations through management techniques, farm machinery technology, new products, new marketing techniques, and small farm finance.

The small farm extension program consists of a program using paraprofessional personnel to work with small farmers on an intensive basis to improve their farming operations. This type of approach is called the University of Missouri or Texas A. & M. plan as both of these universities have implemented pilot projects similar to the national program I envision.

Mr. President, at my request, Dr. Carl N. Scheneman, vice president for extension, University of Missouri, has provided me with descriptive information about the University of Missouri small farm program. I ask unanimous consent that it be printed in the RECORD at this point.

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

MISSOURI SMALL FARM PROGRAM

Many of today's larger farmers have participated at some time in Extension educational activities. Extension's mission has been, and continues to be, to help people become more productive members of society.

Concern has mounted in recent years that too few small farmers make use of the regular Extension programs. University of Missouri Extension, after experimenting with means of attracting more of them to traditional programs without much success, launched a pilot effort in two counties in 1971, designed especially for small farmers.

This effort was expanded in 1972 to eight counties having 12 educational assistants working on an intensive basis with more than 450 small farmers. The educational assistants are non-professionals hired to work for Extension staff. Most are local small farmers. The U.S.D.A. Extension Service provided the resources for four of these assistants for two years.

An area farm management specialist provides leadership in each of the Extension Areas included in the program and other specialists are called on for special training and consultant work with the paraprofessional, educational assistants. The farm management specialist spends approximately 15 percent of his time with the Small Farm Program.

The program has been expanded recently to include 35 education assistants working with small farmers in 30 counties of the state.

WHY BE CONCERNED WITH SMALL FARMERS?

Missouri has many small farmers, like most states in the North Central Region. According to the 1969 census, there were 137,000 farms in Missouri. Of these, approximately 98,000 or 72 percent reported annual sales of less than $10,000. About one-half of these were full-time farmers who worked off the farm fewer than 100 days.

Most small farmers in Missouri do not participate in current Extension educational activities. Experience from earlier programs designed for low income small farmers clearly demonstrated that: (1) low income farm families can be reached, (2) many want to achieve more income, (3) most lack the know-how to obtain more income, (4) nonprofessionals can be effective with low-income farmers, and (5) local leaders will support programs that offer potential for helping low income families. Extension is the best equipped and qualified to focus on the needs of families living on small farms who have low incomes.

OBJECTIVES OF THE SMALL FARM PROGRAM

The Extension's staff set an overall objective—to increase the opportunities and quality of living for families living on small farms. To do this they must, through the education assistants, teach families the skills and knowledge that will increase their family income from farming.

HOW THE PROGRAM OPERATES

The county extension councils which sponsor extension work support the Small Farm Program. Council members believed the program would benefit local farmers not involved in extension programs. The members suggested families on small farms in their community for interviews.

Families who wanted to expand their farming operation and didn't have much off-farm income had their first opportunity to participate in the program.

The extension council or a committee appointed by the council and local extension staff hired education assistants to work with the families.

The area extension director was responsible for personnel and finances.

An area farm management specialist directed the program and on-the-job training for the education assistants. Training focused problems and questions the education assistants confronted during their farm visits. Other area extension specialists provided subject matter training.

Some families required many farm visits when they started or expanded an enterprise. Once they had experience they did not require as many visits.

Most education assistants visit 35 to 40 families on a regular basis and visit another 20 to 30 families less often.

RESULTS TO DATE

There is ample data to support the idea that education assistants (paraprofessionals) can be effective in providing knowledge and motivation that enables families to increase their incomes.

When the program started, Extension wanted to determine if education assistants could be effective in helping families to obtain more income. Data from bench mark surveys and yearly progress reports clearly show small farms can obtain more income from this educational approach.

Table 2 on page 21 of publication MP 445 gives the financial changes made by small farmers. At the end of 1972, 66% reported an increase in income of $1,204 over the prior year. In 1973, 72% had an increase in income of $2,021. Even in 1974, when livestock farmers were reporting a severe drop in income, 16% of the small farmers had an increase in income averaging $2,399 per farm.

One could assume the families participating in the program would have had an increase in income of some kind during this period anyway. This question received special attention from researchers at the University of Missouri. An evaluation of the program using a control group was conducted in early 1975. Findings are documented in SF 176 "Missouri Small Farm Program, An Evaluation With A Control Group.

Highlights from this research show that participating families made more changes and had more income than non-participating families. When livestock prices declined in 1974, the participating families had less income decline and fewer decided to reduce their enterprise numbers.

Mr. HUDDLESTON. Mr. President, similarly, at my request, Dr. D. H. Seastrunk, Assistant Director of the Texas Agricultural Extension Service, has provided me with information about the Texas intensified farm planning program. I ask unanimous consent that this information also be printed in the RECORD at this point.

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

THE TEXAS INTENSIFIED FARM PLANNING PROGRAM

The Texas Intensified Farm Planning Program was initiated by the Texas Agricultural Extension Service to accelerate the delivery of educational information to operators of small farm units in 1969. The following are essential features of the program.

A. PROGRAM PHILOSOPHY

1. Low-income farmers will utilize technical recommendations to improve their level of family living when information and assistance is provided in a manner they can understand and learn from.

2. Educational assistance provided through a program of this type provides valuable assistance in helping low-income farmers make appropriate decisions regarding their future. In many instances, it is an effective alternative to welfare programs.

B. PARAPROFESSIONALS

1. Paraprofessionals are employed in the Texas Intensified Farm Planning Program, and they work under the direct supervision of the county Extension agent (agriculture).

2. The primary job responsibilities of the paraprofessional is "to teach farmers the basic skills needed to implement technical recommendations."

3. The county Extension agent (agriculture) is responsible for all technical recommendations.

4. The more effective paraprofessionals are:

a. Residents of the county.

b. Viewed by local residents as being successful small farmers.

c. Viewed by local residents as having demonstrated community leadership.

d. Interested in working with people.

5. An intensive inservice training program is planned and conducted for paraprofessionals.

6. Paraprofessionals are expected to spend 80 to 90 percent of their working time in the

field. Appropriate travel budgets for each employee is provided.

7. The total resources of the Extension Service are available to support this program in the same manner as any other Extension program effort.

8. Paraprofessionals are paid hourly wages competitive to the area and receive available fringe benefits.

C. PROGRAM DESIGN

1. The primary objective is to increase agricultural income as a result of intensive educational assistance.

2. The secondary objectives are:

a. To involve participants in educational activities beneficial to their well-being.

b. To improve their level of family living.

c. To help participants utilize existing services of various agencies and organizations more effectively.

3. There are three long-range alternatives available for each participant. They are: remain on the farm and improve his management ability, seek full-time employment off the farm, or become a part-time farmer. Once the participant has made his decision regarding the desired alternative, the program can provide help that will enable him to achieve the best possible results.

4. Each participating farmer is assisted as an individual unit. Each farmer is moved along at a pace compatible with his resources and management ability.

5. Participating farmers are encouraged to participate in other ongoing educational programs in preparation for the time when the paraprofessional will gradually discontinue intensive individual assistance. The farmer is expected to become a participant in regular Extension programs and the paraprofessional moves on to work with new farmers.

Mr. HUDDLESTON. Mr. President, the legislation I am introducing today defines "small farmer" as any farmer with gross sales from farming of under $20,000 per year who depends on farming as his primary source of income. Funds will be allocated to the States in an amount based on the ratio of small farms located in a State to the total number of small farms in the entire United States. I have constructed a table based on the 1974 Census of Agriculture showing for each State the number of farms, number of small farms, and the small farms as a percentage of all farms. I ask unanimous consent that the table be printed in the RECORD. I hasten to point out that not all small farmers depend on farming as their primary source of income but I feel it is logical to assume that for a very high percentage of small farmers the farm income is not only the primary source of income but the only source of income.

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

Farms with gross sales of less than $20,000 as a percentage of all farms by States

(Based on 1974 census of agriculture preliminary reports)

	All farms	Farms with gross sales of less than $20,000	Small farms as a percentage of all farms
Alabama	60,756	50,562	83.2
Alaska	333	273	81.9
Arizona	6,602	4,167	63.1
Arkansas	53,497	38,721	72.4
California	73,549	46,404	63.1
Colorado	26,896	15,522	57.7
Connecticut	3,799	2,484	65.4
Delaware	3,574	1,770	49.5
Florida	34,937	26,816	76.8
Georgia	58,413	41,840	71.6
Hawaii	3,298	2,493	75.6
Idaho	24,810	14,117	56.9
Illinois	115,059	57,893	50.3
Indiana	92,349	61,880	67.0
Iowa	129,404	49,889	38.6
Kansas	81,909	46,735	57.1
Kentucky	109,725	95,559	87.1
Louisiana	35,466	26,912	75.8
Maine	7,020	4,229	60.2
Maryland	16,285	10,465	64.3
Massachusetts	4,970	3,378	67.9
Michigan	68,638	51,602	75.2
Minnesota	102,112	55,411	54.3
Mississippi	57,375	48,320	84.2
Missouri	121,272	92,074	75.9
Montana	24,285	12,317	50.7
Nebraska	68,973	30,561	44.3
Nevada	2,218	1,413	63.7
New Hampshire	2,821	2,062	73.1
New Jersey	8,055	5,421	67.3
New Mexico	12,387	9,172	74.0
New York	46,288	27,497	59.4
North Carolina	99,939	77,526	77.6
North Dakota	43,366	17,365	40.0
Ohio	97,697	69,896	71.5
Oklahoma	73,649	57,008	77.4
Oregon	29,990	22,323	74.4
Pennsylvania	56,470	37,973	67.2
Rhode Island	710	501	70.6
South Carolina	31,948	26,035	81.5
South Dakota	43,653	20,064	46.0
Tennessee	102,474	93,242	91.0
Texas	185,572	148,884	80.2
Utah	13,130	9,860	75.1
Vermont	6,270	3,249	51.8
Virginia	55,581	46,697	84.0
Washington	32,514	20,661	63.5
West Virginia	19,123	17,879	93.5
Wisconsin	92,636	55,053	59.4
Wyoming	8,329	4,795	57.6
Total United States	2,450,126	1,666,903	68.0

Mr. HUDDLESTON. Mr. President, I believe in, and I will continue to support a strong American agriculture. It is essential for our nutritional well-being, for our international trading posture, and for the future of the world. And, in order to remain strong, American agriculture must be economically strong. I am not saying here that we should divde up the big farms and parcel the land out to small operators, but I would submit that certain Federal policies have contributed toward bigness, while the Department of Agriculture has in the past tended to forget that family farmer which Abraham Lincoln charged it to protect.

Mr. President, the problems of the small farmer have had much attention in the past but no relief has been provided. I urge my colleagues to join me in my efforts to provide assistance for small farmers.

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

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

S. 908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 502 of the Rural Development Act of 1972 is amended by—

(a) amending subsection (c) to read as follows:

"(c) SMALL FARM RESEARCH PROGRAMS.—Small farm research programs shall consist of research programs with respect to new approaches to upgrade small farmer operations through management techniques, agricultural production techniques, farm machinery technology, new products, new marketing techniques, and small farm finance.";

and

(b) by adding at the end thereof a new subsection (d) as follows:

"(d) SMALL FARM EXTENSION PROGRAMS.—Small farm extension programs shall consist of extension programs with respect to improving operations of small farmers using, to the maximum extent practicable, para-professional personnel to work with small farmers on an intensive basis to improve management techniques, agricultural production techniques, farm machinery technology, new products, marketing techniques, and small farm finance and to improve capabilities to utilize existing services offered by the United States Department of Agriculture and other public and private agencies and organizations.".

SEC. 2. Section 503 of the Rural Development Act of 1972, as amended, is amended by—

(a) inserting in subsection (a) a comma and the phrase "except subsections (c) and (d) of section 502," following the phrase "this title";

(b) redesignating subsections (c), (d) and (e) as (e), (f) and (g) respectively;

c) adding the following new subsections (c) and (d) to read as follows:

"(c) There are hereby authorized to be

appropriated to carry out the purposes of subsections (c) and (d) of section 502 of this title not to exceed $20,000,000 for each of the fiscal years ending September 30, 1978 and September 30, 1979.

"(d) Such sums as the Congress shall appropriate to carry out the purposes of this title pursuant to subsection (c) of this section shall be distributed by the Secretary as follows:

"(1) 4 per centum to be used by the Secretary for Federal administration;

"(2) 19 per centum to be allocated to each State to carry out the programs authorized in subsection (c) of section 502 of this title, in an amount which bears the same ratio to the amount to be allocated as the number of small farmers located in that State bears to the total number of small farmers in all of the States as determined by the Secretary.

"(3) 77 per centum to be allocated to each State to carry out the programs authorized in subsection (d) of section 502 of this title in an amount which bears the same ratio to the amount to be allocated as the number of small farmers located in the State bears to the total number of small farmers in all of the States as determined by the Secretary."; and

(d) deleting in subsection (f), as redesignated by subsection (b) of this section, the word "and" following "(b)" and inserting a comma and the phrase "and, (d)" following "(c)" in the first sentence.

SEC. 3. Section 507 of the Rural Development Act of 1972 is amended by adding at the end thereof a new subsection (c) to read as follows:

"(c) 'Small farmer' means any farmer with gross sales from farming of under $20,000 per year who depends on farming as his primary source of income.".

SEC. 4. The Rural Development Act of 1972 is amended by adding at the end thereof a new section 509 to read as follows:

"SEC. 509 Reports.—The Secretary shall evaluate the effectiveness of the programs established under subsections (c) and (d) of section 502 of this title and make a report to the Congress no later than April 1 of each year on that evaluation and the operation of the programs during the preceding fiscal year.".

By Mr. SPARKMAN (by request):

S. 909. A bill to amend the Board for International Broadcasting Act of 1973 and to authorize appropriations for fiscal years 1978 and 1979 for carrying out that act; to the Committee on Foreign Relations.

BOARD FOR INTERNATIONAL BROADCASTING AUTHORIZATION ACT, 1978

Mr. SPARKMAN. Mr. President, by request, I introduce for appropriate reference a bill to amend the Board for International Broadcasting Act of 1973 and to authorize appropriations for fiscal years 1978 and 1979, and for carrying out that act.

The bill has been requested by the Executive Director of the Board for International Broadcasting, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD, together with the letter from the Executive Director of the Board to the President of the Senate dated February 17, 1977, and a section-by-section analysis of the bill.

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

S. 909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Board for International Broadcasting Authorization Act, Fiscal Year 1978".

SEC. 2. Section 8 of the Board for International Broadcasting Act of 1973 is amended as follows:

By striking out all of SEC. 8 (a) and (b) and inserting in lieu thereof "SEC. 8. There are authorized to be appropriated and remain available until expended: (1) $58,730,000 for fiscal year 1978; (2) such sums as may be necessary for fiscal year 1979; and (3) such additional or supplemental amounts as may be necessary for increases in salary, pay, retirements, and other employee benefits authorized by law, and for other nondiscretionary costs.".

SEC. 3. Section 2 is amended—

(a) by striking from (3) "Radio Liberty Committee, Incorporated (hereinafter referred to as Radio Free Europe and Radio Liberty)," and inserting in lieu thereof "Radio Liberty Committee, Incorporated (commonly referred to as Radio Free Europe and Radio Liberty) has now been consolidated into RFE/RL, Incorporated,";

(b) by striking from (4) "Radio Free Europe and Radio Liberty" and inserting in lieu thereof "RFE/RL, Inc.";

(c) by striking from (5) "Radio Free Europe and Radio Liberty" and inserting in lieu thereof "RFE/RL, Inc.";

Section 3(b) is amended—

(a) by striking from (1) "Radio Free Europe and Radio Liberty" and inserting in lieu thereof "RFE/RL, Inc.";

(b) by striking from (4) "Radio Free Europe and Radio Liberty" and inserting in lieu thereof "RFE/RL, Inc.".

Section 4 is amended—

(a) by striking from (a)(1) "Radio Free Europe and Radio Liberty" and inserting in lieu thereof "RFE/RL, Inc.";

(b) by striking from (a)(2) "Radio Free Europe and Radio Liberty" and inserting in lieu thereof "RFE/RL, Inc.";

(c) by striking from (a)(3) sentences 2, 3, and 5 "Radio Free Europe and Radio Liberty" and inserting in lieu thereof "RFE/RL, Inc." in each instance;

(d) by striking from (a)(4) "Radio Free Europe and Radio Liberty" and inserting in lieu thereof "RFE/RL, Inc.";

(e) by striking from (a)(8) "Radio Free Europe and Radio Liberty" and inserting in lieu thereof "RFE/RL, Inc.";

(f) by striking from (b) "Radio Free Europe and Radio Liberty" and inserting in lieu thereof "RFE/RL, Inc.".

Section 5 is amended—

(a) by striking from (a) "Radio Free Europe and Radio Liberty" and inserting in lieu thereof "RFE/RL, Inc.";

(b) by striking from (b) "Radio Free Europe and Radio Liberty" and inserting in lieu thereof "RFE/RL, Inc.";

(c) by striking from (c) in the first sentence "the radio to which the grant is to be made agrees" and inserting in lieu thereof "the radio agrees".

BOARD FOR INTERNATIONAL BROADCASTING,
Washington, D.C., February 17, 1977.

Hon. WALTER F. MONDALE,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith proposed legislation to make required amendments to the Board for International Broadcasting Act of 1973 and to authorize appropriations for the Board to carry out its responsibilities as specified in that Act.

The bill provides for authorization of appropriation for the Board's operations during Fiscal Year 1978 and 1979 and reflects amendments to clarify sections of the Act. Some of those changes are required by the consolidation of the Radios' operations and management.

A section-by-section analysis explaining the proposed legislation is enclosed.

The Board has been informed by the Office of Management and Budget that there is no objection to the presentation of this proposed legislation to the Congress and that its enactment would be in accord with the program of the President.

Respectfully submitted,

WALTER R. ROBERTS,
Executive Director.

SECTION-BY-SECTION ANALYSIS

Section 2: This section authorizes funds for the Board to carry out its functions for fiscal years 1978 and 1979. It also deletes the funding operation of a "reserve for foreign currency exchange rates" authorized in fiscal 1977 but for which funds were not appropriated.

Section 3: This section reflects the name change in Radio Free Europe and Radio Liberty accounting for their new corporate consolidation into the entity of RFE/RL, Inc.

By Mr. SPARKMAN (by request):

S. 910. A bill to amend title II of the Foreign Relations Authorization Act, Fiscal Year 1977 (Public Law 94–350; 90 Stat. 829), to authorize appropriations for the fiscal years 1978 and 1979, and for other purposes; to the Committee on Foreign Relations.

USIA AUTHORIZATION ACT, FISCAL 1978 AND 1979

Mr. SPARKMAN. Mr. President, by request, I introduce for appropriate reference a bill to amend title II of the Foreign Relations Authorization Act, Fiscal Year 1977 (Public Law 94–350; 90 Stat. 829), to authorize appropriations for the fiscal years 1978 and 1979, and for other purposes.

The bill has been requested by the Acting Director of the U.S. Information Agency, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD, together with the letter from the Acting Director of USIA to the President of the Senate dated February 23, 1977, and the section-by-section analysis of the bill.

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

S. 910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "United States Information Agency Authorization Act, Fiscal Years 1978 and 1979."

SEC. 2. (a) Section 201(a) of the Foreign Relations Authorization Act, Fiscal Year 1977 (90 Stat. 829) is amended by striking out "1977" and inserting in lieu thereof "1978".

(b) Section 201(a)(1) of such Act (90 Stat. 830) is amended by striking out "$255,925,000" and inserting in lieu thereof "$269,286,000".

(c) Section 201 (a)(2) of such Act (90 Stat. 830) is amended by striking out "$4,841,000" and inserting in lieu thereof "$4,360,000".

(d) Section 201 (a)(3) of such Act (90 Stat. 830) is amended by striking out "$2,142,000" and inserting in lieu thereof "$9,792,000".

SEC. 3. Immediately after Section 201(b) of such Act (90 Stat. 830) add the following new subsection:

"(c) There are authorized to be appropriated for the United States Information Agency for fiscal year 1979, to remain available until expended, such sums as may be necessary to carry out the authorities and purposes stated in section 201 of this Act."

SEC. 4. Section 202 of such Act (90 Stat. 830) is amended by striking out "1977" and inserting in lieu thereof "1978".

U.S. INFORMATION AGENCY,
Washington, D.C., February 23, 1977.

Hon. WALTER F. MONDALE,
President of the Senate.

DEAR MR. PRESIDENT: I have the honor to transmit to the Senate for its consideration a draft of a proposed bill to authorize appropriations for the United States Information Agency and for other purposes.

The proposed bill would amend title II of the "Foreign Relations Authorization Act, Fiscal Year 1977" (Public Law 94-350) to authorize appropriations to be made to this Agency for fiscal years 1978 and 1979. Section 701 of the United States Information and Educational Exchange Act of 1948, as amended, requires that appropriations be previously authorized by legislation.

A section by section analysis is enclosed to explain the proposed legislation.

The Office of Management and Budget advises that the submission of the proposed legislation is in accord with the President's program.

Sincerely,

EUGENE P. KOPP,
Acting Director.

SECTION-BY-SECTION ANALYSIS

Section 1: The proposed Act will amend Title II of the "Foreign Relations Authorization Act, Fiscal Year 1977" (Public Law 94-350; 90 Stat. 829) to authorize appropriations for the fiscal years 1978 and 1979. It may be cited as the "United States Information Agency Authorization Act, Fiscal Years 1978 and 1979." Authorization of appropriations for the United States Information Agency is required by Section 701 of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1476).

Section 2: Subsection 2(a). Amends Section 201(a) of the "Foreign Relations Authorization Act, Fiscal Year 1977" (90 Stat. 829) to provide authorization for appropriations for fiscal year 1978 for the United States Information Agency.

Subsection 2(b). Authorizes appropriations to be made for salaries and expenses, including the special foreign currency program, necessary to carry out international informational activities and programs under the United States Information and Educational Exchange Act, the Mutual Educational and Cultural Exchange Act, and Reorganization Plan No. 8 of 1953, for the fiscal year ending September 30, 1978. The $269,286,000 requested is the amount now included in the President's budget for fiscal year 1978 and will permit continuation of overseas information and cultural programs at essentially present levels.

Subsection 2(c). Authorizes appropriations to be made for expenses necessary to carry out functions under Section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, for the fiscal year ending September 30, 1978. The $4,360,000 requested is the amount now included in the President's budget for fiscal year 1978.

Subsection 2(d). Authorizes appropriations to be made for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and the purchase and installation of necessary equipment for radio transmission and reception; and acquisition of land and interests in land by purchase, lease, rental or otherwise. The $9,792,000 is requested to provide for the first phase of the project to augment the Philippines Relay Station ($6,840,000; an appropriation for this purpose was enacted in fiscal year 1976); for the restoration of the site of the closed-out Okinawa Relay Station ($908,000); for the maintenance and repair of existing facilities ($1,924,000) and for continued technical research ($120,000).

Section 3: This section adds a new subsection (c) to section 201. The new subsection provides authorization of amounts for fiscal year 1979 necessary to support the activities described in the paragraphs of Section 201 of Public Law 94-350. A request for fiscal year 1979 is in keeping with the provisions of the Congressional Budget and Impoundment Control Act of 1974 requiring advance fiscal year authorization of appropriations (P.L. 93-344). The rapidly changing world situation imposes demands for a wide range of information and cultural program responses. The level and mix that will be necessary in fiscal year 1979 cannot now be explicitly forecast. Under these circumstances a flexible authorization of appropriations is required.

Section 4: Makes applicable to the fiscal year 1978 appropriations authorization the section providing transfer authority among the amounts provided in paragraphs (1), (2) and (3) of subsection 201(a).

By Mr. BELLMON:

S. 912. A bill to return Congress, through the implementation of procedural reforms, the ability to insure that rules and regulations promulgated through the administrative process shall reflect the intent of Congress; to the Committee on Governmental Affairs.

REGULATORY CONTROL ACT OF 1977

Mr. BELLMON. Mr. President, today I am introducing legislation which would significantly reform the administrative process by insuring that regulations promulgated by the executive branch conform to congressional intent.

During the past two Congresses, we witnessed a reassertion of congressional authority in several historical confrontations with the executive branch. For example, the Budget Reform Act was approved in order that Congress may have better control over the budgetary process. The Director of OMB is now subject to Senate confirmation. The war powers bill was passed and other legislative measures enacted—all with the stated objective of reasserting Congress' authority in the decisionmaking process and restoring a balance of power with the executive branch.

My proposal would further extend congressional authority over governmental process by requiring that agencies and departments which promulgate regulations pursuant to enabling legislation conform to the congressional intent of that legislation. This proposal requires that when a governmental agency promulgates regulations in order to implement Federal legislation the congressional committee of origin has 60 days to disapprove the proposed regulations.

The need for legislation of this nature is clear. The Senate is aware of the frustration of American citizens who believe that the Federal officials are callous and arbitrary. A system of checks and balances over the Federal bureaucracy is needed to insure that the will of Congress is followed in the regulatory process.

The problems we now face in controlling the agencies and bureaus have evolved over time. When the first regulatory agency, the ICC, was formed in the late 1800's there was no way to predict the eventual expansion of regulatory agencies. Congress has shared its responsibility with the executive branch by giving agencies and departments the power to issue regulations, licenses, and permits if the agency deems it to be "in the public interest."

For example, implementation of regulations concerning the Occupational Safety and Health Act are left to those administrators who for the most part have never worked in private enterprise and do not understand the practicalities and expenses involved in many of the regulations which they require. These regulations apply equally to the giants of industry as well as the smallest, least sophisticated business in the country.

All sections of society, corporations, as well as the workingman and the poor, are affected by these broad generalized grants of authority to administrative agencies. Millions of citizens are in a poor position to defend themselves against arbitrary agency actions. Congress needs to make certain that regulators do not become dictators. Any Member who has attempted to influence a Federal agency in the promulgation of regulations will understand the feeling of futility which is held by citizens across the land.

Many agencies, most notably those which have been granted the authority to disburse money for various Federal programs to individuals, organizations, and to the States, have almost the absolute power to turn on and off the flow of money.

The promulgation of regulations which are extremely complex and confusing to even the well educated are the source of agency power. These rules and regulations are the conduit through which the agency imposes its views upon the general public, and the practical opportunities for protest are limited. Arguably, the opportunities for protest are present because of the Administrative Procedure Act. However, it is difficult and costly for citizens to hire Washington lawyers to represent them before the agencies. It represents the classic David against Goliath situation.

The effect of this legislation would be to provide a check on those agencies. The check would be imposed by the Congress from which the agency's power is initially derived. The values at stake are of constitutional impact and importance. Clearly the public can no longer stand helplessly by while Federal agencies make decisions which affect their very livelihood. Congress can no longer allow

the laws to be misconstrued by the agencies and bureaus which Congress created.

The agencies have promulgated regulations so extensive and so complex that the public is endangered by the Government its taxes support. The effect has been to reduce the respect which the American people have for their Government. When Government is unresponsive to their needs, a sense of frustration and anger overwhelms them. As Winston Churchill remarked:

If you have 10,000 regulations, you destroy all respect for the law.

The purpose of this bill is to restore this lost respect for the law, by providing a check on the regulatory process.

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

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

S. 912

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Regulatory Control Act of 1977".

SEC. 2. That section 301 of title 5, United States Code, is hereby amended to read as follows:

"(a) The head of an executive department or military department may prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use, and preservation of its records, papers and property. This section does not authorize withholding information from the public or limiting the availability of records to the public.

"(b) That upon the promulgation of proposed rules and regulations implementing public laws, the committee of origin, whether in the Senate or in the House of Representatives, shall give approval or disapproval of said rules and regulations within sixty days from the date of submission of said rules and regulations.

"(c) In the event the said committee fails to disapprove the proposed rules and regulations within sixty days, such abstention shall be deemed to be approval of said and regulations."

By Mr. BARTLETT (for himself, Mr. MCCLELLAN, Mr. GOLDWATER, Mr. HANSEN, Mr. LAXALT, and Mr. GRIFFIN):

S. 913. A bill amending section 1951(b)(2) of title 18, United States Code; to the Committee on the Judiciary.

Mr. BARTLETT. Mr. President, the bill which I offer for myself and Senators MCCLELLAN, GOLDWATER, HANSEN, LAXALT, and GRIFFIN would effect a limited, yet significant, change in certain language contained in the Hobb's Act. The Hobb's Act was passed in 1949 in an effort to curb the use of violence in labor disputes. Various unsavory practices had grown up whereby violence and the use of force were used as tools to achieve the objectives of persons involved in labor disputes. The Hobb's Act recognized that such practices could have an adverse effect on interstate commerce, and therefore made it a Federal crime for persons to attempt or to commit extortion or robbery, as defined in the act, where the effect would be to adversely affect commerce.

The term "extortion" as presently defined in the Hobb's Act is "the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right." In the context of labor disputes, the act seems clearly to indicate that force and violence are tools that are not legally available to organized labor for use in achieving union objectives, regardless of whether those objectives are themselves good, bad, or indifferent. Unfortunately, the U.S. Supreme Court has not viewed the Hobb's Act language in the way it seems clearly to have been intended.

In the case of United States against Enmons, the Court was confronted by a situation where certain labor union officials and members had allegedly committed acts of physical violence and destruction of their employer's property. The alleged violence was charged to have been part of their attempts to obtain higher wages for striking employees. In a 5 to 4 decision, the Supreme Court held that the Hobb's Act prohibitions were inapplicable since the objectives of the union officials were legitimate, wholly ignoring the fact that the act's language seems clearly directed at the means being employed to achieve union goals.

Mr. President, this bill would delete the word "wrongful" as presently included in the definition of "extortion" in the Hobb's Act. It was this term upon which the Supreme Court based its tortured reasoning in the Enmon's case. The effect of this bill would be to make it clear that the use of violence or force is illegal under the Hobb's Act regardless of whether it is employed to achieve legitimate or illegitimate purposes.

This bill also adds certain clarifying language to the words "fear" as used in the Hobb's Act. I recognize that the fear of economic loss induced in an employer by the threat of a strike, for example, is a legitimate tool in collective bargaining. The clarifying language makes clear that only fear induced by wrongful means—such as threats of violence or the use of what we commonly think of as blackmail—is intended to come within the proscriptions of the act.

In addition to the changes I have mentioned, my bill adds a short phrase to the definition of "extortion" to make it clear that the existence of Federal restrictions on violence and force in this context are not intended to preempt the field. State or local laws regulating violence would continue in full force and effect. This merely makes explicit the existing state of the law.

In sum, this bill would recognize that the thrust of an extortion statute should be to punish violent extortionate means to obtain the property of another regardless of the legality of the ends sought. This principle should apply in the context of collective bargaining just as it does elsewhere.

In my judgment, this bill does nothing more than to make explicit what was intended by Congress in the first place. Mr. Justice Douglas, dissenting in Enmons, urged the view that the use of violence to obtain higher wages clearly fell within the meaning of the act. His review of the applicable legislative history clearly shows the validity of his position.

Perhaps some mention should be made of what the bill I am offering will not do. It in no way restricts the right of union members to strike or collectively bargain. It in no way prevents them from seeking better wages or working conditions, so long as peaceful and nonviolent means are employed.

Mr. President, the increasing levels of violence existing in connection with labor disputes in this country are well known and should be a source of concern to all of us. The outbreaks of violence that many times occur as the result of inflamed tempers and overzealous individuals are quite properly condemned by both management and labor. The Hobb's Act, as clarified by this bill would once again make clear the Federal Government's unwillingness to tolerate violence to achieve even the most laudable objectives in the labor relations field. I therefore urge its adoption.

By Mr. MCCLURE:

S. 914. A bill to amend the Internal Revenue Code of 1954 in order to tax excess petroleum industry profits, to encourage investments in the expansion of domestic energy supplies, and to create an incentive tax credit for research and development of new or expanded energy sources; to the Committee on Finance.

EXCESS PETROLEUM PROFITS TAX ACT OF 1977

Mr. MCCLURE. Mr. President, we find ourselves as a nation in a dilemma. On the one hand, we have vast untapped domestic fuel sources and the capability to develop the technology necessary to unleash numerous forms of new energy sources. Yet, on the other hand, we are bound by a critical domestic shortage of reliable, acceptable energy sources. Prices for fuel and related products have shot upward. The American people are caught in two ways: by higher prices and by the shortage of domestic fuels.

Meeting our Nation's future energy needs is going to require a tremendous capital investment. The Chase Manhattan Bank has reported that the financial needs of the petroleum industry alone in the 10-year period from 1975 to 1985 will be $1,350 billion. Such a capital expenditure is staggering, even by congressional standards. And where is this money to come from? From the Government? From private industry?

It is all too obvious what the differences between private enterprise and governmental programs are. I refer to efficiency in the use of funds, speed in arriving at objectives, ability to shift programs, and desire for a more competitive product. It is not in our country's best interest to federalize this program of energy expansion. Instead, we should stimulate the skills and efforts of private enterprise to develop for us a new era—one of sufficient energy through expanded technology. Thus, we need to encourage vast sums of investment into expanding our present energy supplies and developing the advanced technology necessary to

unlock new forms of energy and energy sources. And, there is no better way to start than by utilizing the profits of the petroleum industry. This is precisely what my bill is designed to do.

My bill will levy a 90-percent tax on that income of the petroleum industry which is above an average rate of return for all industries. All corporations with an invested capital structure exceeding $2.5 million are covered by the bill, if theirs is a business primarily involved in any level of the petroleum industry, from exploration and extraction to retail sales. The first taxable year will be 1977.

The index to determine what is a fair rate of return would come from the Federal Trade Commission. It would be based on the average percentage rate of return on invested capital for all manufacturing corporations. The FTC is directed to include this information in its quarterly financial reports for manufacturing corporations. Thus the rate of return available to the petroleum industry, without penalty, would float with the economy and at the same time be readily discernible. In this manner, they would remain competitive in their search for new and additional funds.

A special deduction will be allowed when figuring taxable income applicable to the excess profits tax. This deduction will be for new investments made in an effort to increase our domestic energy supply—research, exploration, and development. A 5-year set-aside program is allowed during which these investments must be made, to be free of the excess profits tax.

The opportunity for constructive, and perhaps dramatic action is great. Without attempting to list them all, my bill points to the areas of location, production, transportation, conversion, processing, utilization, pollution abatement, and conservation. Progress can be and must be made in each of these fields having important impact on our total energy supply.

Mr. President, I ask unanimous consent that the text of my proposed legislation be printed in the RECORD.

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

S. 914

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Excess Petroleum Profits Tax Act of 1977."

SECTION 1. Part II of subchapter A of chapter 1 of the Internal Revenue Code of 1954, as amended (relating to corporation income taxes), is amended by adding after section 12 a new section as follows:

SEC. . EXCESS PETROLEUM PROFITS TAX.

"(a) IN GENERAL.—Notwithstanding other taxes imposed by this subtitle, an excess profits surtax is hereby imposed on the taxable income of all petroleum industry corporations for each taxable year beginning after December 31, 1976. The surtax shall be equal to the surcharge as computed under subsection (b).

"(b) SURCHARGE.—The surcharge is equal to 90 percent of the amount by which the taxable income exceeds the surcharge exemption for the taxable year. Section 11 shall only apply to that amount of taxable income which does not exceed the surcharge exemption for the taxable year.

"(c) SURCHARGE EXEMPTION.—For the purposes of this section, the surcharge exemption for any taxable year shall be the percentage rate of return, on the capital investment of a petroleum industry corporation, equal to the average rate of return on capital investment for all manufacturing corporations for that taxable year. Determination of the average rate of return on capital investment, by industry and for all manufacturing corporations, shall be made by the Federal Trade Commission and submitted in its quarterly financial reports for manufacturing corporations, beginning with the quarter following enactment of this bill. The Commissioner is further directed to compile and publish the rate of return on capital investment, by industry and for all manufacturing corporations, starting with the first quarter of 1977 and extending through the quarter in which this bill is enacted.

"(d) EXEMPTIONS.—

"(1) SMALL CORPORATIONS.—This section shall apply to all petroleum industry corporations having an invested capital structure exceeding $2,500,000.

"(2) SET-ASIDE FUND.—The corporation may establish a special fund to be used according to subsection (f) in which yearly income, subject to the surcharge, may be set aside without surcharge consequence. However, such set-aside funds which are not properly invested within five years of the taxable year in which they were earned shall be subject to the surcharge with no further exceptions.

"(e) DEFINITIONS.—

"(1) PETROLEUM INDUSTRY CORPORATION.—For purposes of this section the term 'petroleum industry corporation' means any corporation engaged in the exploration, extraction, refining, transportation, distribution, manufacture, production, and/or sale of any petroleum product as its principal business.

"(2) TAXABLE INCOME.—For purposes of computation of the surcharge imposed by this section, taxable income shall be computed without regard to any deductions allowed by reason of the carryback or carryover of any loss.

"(f) SPECIAL DEDUCTION.—In computing the surcharge imposed by this section, there shall be excluded from income, subject to the surcharge, an amount equal to the investment made in the same taxable year or as authorized under subsection (d)(2), for the following purposes:

"(1) exploration or development of new domestic fuel;

"(2) increased domestic productive capacity;

"(3) research and development of new domestic energy sources, fuels, or uses;

"(4) research and development of energy technology affecting:

"(A) location,

"(B) production,

"(C) transportation,

"(D) conversion,

"(E) processing,

"(F) utilization,

"(G) pollution abatement, or

"(H) conservation: or

"(5) other investment reasonably calculated to increase the domestic energy supply or the more efficient use of such energy supply.".

SEC. 2. (a) Section 48 (a) of the Internal Revenue Code of 1954, as amended (relating to investment tax credits), is amended by inserting at the end of clause (1)(B)(ii) the following:

"(iii) constitutes a domestic research and development facility for new or expanded energy sources, or

"(iv) constitutes tangible property specifically invested in to increase the domestic energy supply or its more efficient use, or".

(b) Section 48 of such Code is amended by redesignating subsection (k) as (l), and by inserting after subsection (j) the following:

"(k) NEW OR EXPANDED ENERGY SOURCES.—

"(1) NEW ENERGY SOURCES.—This term shall include (but not be restricted to) oil shale, tar sand, coal liquefaction, coal gasification, geothermal, solar, hydrogen, and magnetohydrodynamics energy.

"(2) EXPANDED ENERGY SOURCES.—This term shall include (but not be restricted to) the energy sources in (1), plus petroleum, coal, hydroelectric, and atomic energy sources.".

SEC. 3. (a) The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this Act, except as provided for in section 3(b).

(b) The Commissioner of the Federal Trade Commission shall prescribe such regulations and procedures as are necessary to carry out the compilation and publication of rate of return data as directed in section 1(c) of this Act.

SEC. 4. The amendments made by this Act shall become effective with respect to taxable years beginning after December 31, 1976.

By Mr. McCLURE (for himself and Mr. YOUNG):

S. 915. A bill to require an estimate of domestic consumer needs and domestic production of sugar, to provide an annual quota of sugar which may be brought or imported into the United States, and for other purposes; to the Committee on Finance.

SUGAR IMPORT RESTRICTION ACT OF 1977

Mr. McCLURE. Mr. President, today I am introducing the Sugar Import Restriction Act of 1977, a bill designed to limit the amount of sugar imported by the United States to a level where supply will never be greater than domestic demand.

Since the termination of the Sugar Act of 1948, the price of sugar in the United States has seen drastic fluctuations. On July 6, 1976, the New York spot price was $16 per hundredweight. By September 9, that price had fallen to $8.80 per hundredweight, and has only climbed back to $11.28 per hundredweight as of March 2, 1977.

Meanwhile, the cost of production for sugarcane and sugar beets has been estimated at between $18 and $19 per hundredweight. In my State of Idaho, for example, this difference between price and production cost translates into losses of between $180 and $290 per acre for sugar beet farmers. Perhaps this depressing situation can be better stated by those it affects most—farmers.

Two gentlemen from Preston, Idaho, Floyd and Carl Monson, wrote this in a recent letter:

I have a dear friend here in Southern Idaho who is losing $6,000 this year on his sugar beet crop. He has a federal land bank payment due, and money borrowed at the local bank that he has no way of paying back unless prices are increased somehow.

He is losing about $11 per ton on his sugar beets, from ever breaking even, and is now looking for work in Pocatello, Idaho, in order to help pay the interest on his bank loans and other expenses he is behind on.

Mr. Merrill Dean of Rupert, Idaho, wrote this:

Rising costs of producing sugar beets, potatoes and grain in contrast to the very low profits (if any) of these products, leaves the farmer in a bleak situation.

At this time, I'm especially concerned with the condition of our national sugar industry, which is in a depressed state, as you are aware. My calculations show that I stand to

lose approximately $200.00 per acre from the production of sugar beets alone and with such a loss cannot begin to pay operation expenses incurred.

Finally, Wally Blacker, a young Boy Scout and 4–H'er from Burley, Idaho, wrote these lines:

I had a 4–H project of sugar beets and am concerned about the price of sugar. We farm southwest of Burley, Idaho. I know we got very low prices on our sugar beets mainly because imported sugar is so cheap. The price of sugar is decreasing yet the price of things made with sugar is increasing. A couple of months ago they announced the price of a candy bar is going to be 20¢, but the farmers are being paid less now than when a candy bar was 10¢.

I would like to know what congressional action may be taken in the next session of Congress to help us. I am sure most sugar growers in the United States are concerned. Thank you.

I am sure all of my distinguished colleagues from the other sugar producing States have had similarly depressing letters from their constituents.

The primary reason for such losses seems to lie in the fact that the United States is the only major sugar producing nation which does not in some way protect its domestic sugar industry. Sugarcane and sugar beet yields were very high this year and many countries were thus able to dump large quanities of their excess sugar in the United States. The result of this dumping is illustrated above.

If worldwide sugar production remains high during the next season or two, a large portion of our domestic industry will simply become a thing of the past. Many sugar beet and sugar cane farmers have already made plans to get out of the sugar business and several processors intend to do the same.

Foreign producers now supply the United States with 45 to 50 percent of its sugar needs. As domestic production declines, this figure will undoubtedly grow to a point where these producers have control over our domestic sugar market. Our experience with foreign petroleum producers and coffee growers should indicate that this is not a healthy position for the U.S. consumer to be in.

Again, the feelings of those most affected best emphasize the seriousness of this situation.

Mr. Dennis Gleed, another farmer from Rupert, Idaho, wrote this last November:

As a new investor in a farming operation, the lack of profit, naturally, concerns me.

With the present condition of very low sugar prices, there is no way that I, as well as hundreds of farmers, can make a profit substantial enough to survive in the farming business.

A representative of an irrigation company at Mountain Home, Idaho, Mr. John Wissel, added these remarks:

As you know, the continuing, unregulated importation of foreign sugar into the American economy has depressed sugar prices far below American production cost levels. This situation seems to be worsening.

We are writing this letter to you on behalf of our sugar beet producing members who are your constituents. The situation is now critical. Several of our members are on the verge of going out of sugar beet production and due to the overall depressed situation in farming are facing forced liquidation should 1977 be another bad year.

Thus, if the current situation is allowed to continue for another year, sugar production within the United States may become a thing of the past.

We need only to review the current oil situation and OPEC to understand what happens when a necessary commodity is controlled by a very few nations. While we as farmers have an immediate economic interest in avoiding such a situation, all Americans as consumers have a much larger stake. The vision of nations such as Cuba controlling the amounts to be imported and prices to be paid for sugar in the future is sobering.

Lastly, Mr. James Elgin of an Idaho-Oregon Sugar Beet Growers Association expressed these concerns:

Our domestic sugar beet industry, which is a major economic factor in Idaho, is experiencing a severe recession, due to unregulated imports of foreign sugar.

We believe this foreign subsidized sugar is not fairly competitive with our domestic sugar beets, which are not aided by any government program. We are not asking for any "handout," but the many hundreds of farm families depending on this crop find it hard to compete with a subsidized foreign crop "dumped" on the U.S. market.

It is obvious that action must be taken to protect our domestic sugar industry. Producers must have the opportunity to sell their sugar in a market that is not flooded with an excess of foreign sugar. My bill, the Sugar Import Restriction Act, does just that.

Generally speaking, it limits the amount of sugar imported by the United States to a level no greater than the difference between estimated domestic consumption and estimated domestic production. Further, the Secretary of Agriculture is given the authority to alter the import level if there are fluctuations in either production or consumption. Thus, supply of sugar in the United States can never be greater than domestic demand.

As Mr. Elgin stated, sugar farmers do not want a handout from their Government. Rather, they merely desire the ability to sell their sugar in a market which has equal rules for all nations and where they can get a fair price for their crop. Given this, the U.S. sugar farmer can survive.

Planting of sugar beets and some sugarcane begins in late March and April, and it is imperative that corrective legislation is introduced and acted upon. The future of the domestic sugar industry depends entirely on what we do—and how quickly we do it—to aid this Nation's sugar growers.

Mr. President, I ask unanimous consent that the text of my legislation be printed in the RECORD.

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

S. 915

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, This Act may be cited as the "Sugar Import Restriction Act of 1977."

(1) The Secretary shall estimate for each calendar year, beginning with 1978, the amount of sugar needed to meet the requirements of consumers in the United States.

(2) The Secretary shall estimate for each calendar year, beginning with 1978, the amount of sugar which will be produced within the United States.

(3) Such estimates of the sugar requirements of consumers in the United States and of the sugar produced in the United States shall be made during October of the year preceding the calendar year for which the estimate is being made.

(4) The Secretary shall set quotas for each calendar year which limit the amount of sugar which may be brought or imported into the United States for consumption or use therein to an amount not to exceed the difference between the estimated amount of sugar to be produced within the United States and the estimated amount needed to meet the requirements of sugar consumers of the United States.

(5) The Secretary is authorized to revise such quotas when the amount of sugar produced in the United States or the amount of sugar required by consumers in the United States varies from the annual estimate as set forth in part 3.

(6) For purposes of this Act—

(a) The term "consumer" means an individual, partnership, corporation, or association.

(b) The term "sugar" means any grade or type of saccarine product derived from sugarcane or sugar beets, which contains sucrose, dextrose, or levulose; raw sugar or direct-consumption sugar.

(c) The term "quota" means that quantity of sugar which may be brought or imported into the United States and its territories and protectorates.

(d) The term "Secretary" means the Secretary of Agriculture.

(e) The term "United States" means the fifty states, the District of Columbia, the territories and possessions of the United States and the Trust Territory of the Pacific Islands.

By Mr. LAXALT (for himself, Mr. BARTLETT, Mr. CHURCH, Mr. CLARK, Mr. DOMENICI, Mr. EASTLAND, Mr. GARN, Mr. HANSEN, Mr. LEAHY, Mr. MCCLURE, Mr. NUNN, and Mr. TOWER):

S. 916. A bill to amend medicare provisions as they relate to rural health facilities; to the Committee on Finance.

RURAL HEALTH CARE FACILITIES

Mr. LAXALT. Mr. President, in the last Congress, I introduced legislation to amend title 18 of the Social Security Act as it pertains to rural health care facilities. Despite the lateness of the introduction, it was of such importance that some 17 colleagues agreed to cosponsor. I am reintroducing it today together with many of those same Senators.

To participate in the medicare program, providers of health care services are rightly held to very high standards designed to insure the safety of our Nation's patient population. These standards are promulgated by the Secretary of Health, Education, and Welfare to provide for high quality professional staff and the maintenance of an adequate physical plant.

Naturally no one quarrels with the need to provide first-rate technical personnel or safe and sanitary physical plants for our hospitals. But, as many Nevada hospital administrators have complained to me, title 18 regulations are better suited to large urban hospitals with impressive facilities and an abundance of trained personnel than to small rural facilities lacking both of these attributes. Thus, title 18 regulations, although well intentioned, fail to consider the particular problems of rural facili-

ties frequently providing only a limited number of services at small isolated facilities.

Permit me to provide just two examples of the harm which can come when standards well suited to large urban hospitals are applied to small rural ones. In Yerington, Nev., the Lyon Health Center has a 42 bed capacity—24 hospital, 18 skilled nursing. However, because title 18 standards require it, the Administrator at Lyon is forced to undergo a tremendous and needless expense to procure the services of a recreational therapist for her elderly patients. At Nye General in Tonopah, the difficulty in recruiting skilled nursing help is so acute that the administrator there has been desperately seeking to encourage the immigration of Filipino nurses because it has proven impossible to recruit and keep domestic nurses at his isolated facility.

Mr. President, let me reiterate. It is not my intention to weaken the title 18 standards. With the bill I am proposing today, I only seek to add an additional increment of flexibility in order to make those standards better suited to small rural health care facilities.

Furthermore, both the Social Security Administration and the Congress agree that many requirements placed upon rural hospitals were counterproductive. Recognizing the vital nature of the small isolated facilities in providing essential services for our rural areas and the costly nature of some of title 18 regulations, the Social Security Administration has certified certain small hospitals as access hospitals.

The Congress also has recognized the importance of flexibility in the title 18 standards by authorizing the Secretary of HEW to waive the requirement that access hospitals have registered nurses on duty around the clock if there is a health manpower shortage in the area or if the failure of the hospital to qualify for certification would seriously weaken the availability of services to beneficiaries and the hospital continues its attempt to meet nurse staffing requirements. Thus, my bill is simply another step toward the flexibility which both the Social Security Administration and the Congress have acknowledged they wish to see in the medicare regulations.

In esesnce, my bill would amend title 18 of the Social Security Act to ease requirements which have to be met by rural hospitals with 50 beds or less in order to quality for medicare reimbursement. As such, it provides for the following:

Nursing Services.—The Secretary of HEW can waive the 24-hour nurse service provision for 1 year for rural hospitals under the current law. My bill would require that the Secretary establish requirements for nursing services on the basis of regional availability data and it would forbid in any event hospitals from being decertified on the basis of a temporary shortage of nursing personnel.

Health-Safety Requirements.—My bill would require that the Secretary modify existing requirements to insure that personnel requirements are consistent with the availability of technical personnel in rural areas and the scope of services rendered by such rural facilities.

Fire and Safety Code.—My bill would allow the Secretary to deem a rural facility in compliance with fire and safety regulations in the event that facility met sufficiently stringent State fire and safety codes.

Mixed-Use.—My bill would relax the prescription against merging hospitals and nursing home patients in the same facility. Although this requirement makes sense for cost-accounting purposes in large urban facilities, it is extremely costly to implement in small rural ones.

Mr. President, the net effect of this bill is to provide flexibility for rural hospitals in meeting title 18 standards without sacrificing quality of health care to be delivered to rural patients. It would also significantly reduce rural medical costs both to the hospitals and patients alike. I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1861(e) of the Social Security Act is amended by adding the following sentence at the end thereof: "The term 'hospital' also includes a rural health facility of fifty beds or less (whether used exclusively for patients requiring inpatient hospital services or for such patients and patients requiring long-term care services), which meets the requirements of the first sentence of this subsection for waiver of the requirements of paragraph (5) (except that (i) with respect to the requirements for nursing services, such requirements shall be established by the Secretary in regulations taking into account regional data on the availability of nursing personnel, but in no event shall such a rural health facility be precluded from participation because of a temporary shortage of nursing personnel; (ii) with respect to health and safety requirements promulgated under paragraph (9) such requirements shall be appropriately modified by the Secretary for application to such rural health facility so as to assure that personnel requirements are consistent with (A) the availability of technical personnel and the educational opportunities for technical personnel in the area in which the rural health facility, and (iii) with respect to life safety codes, a rural health facility in compliance with all applicable State codes shall be deemed, at the discretion of the Secretary, to be in compliance with the Secretary's regulations relating to fire and safety requirements.".

(b) Section 1861(v) of such Act is amended by adding the following new paragraph at the end thereof:

"(8) Notwithstanding the previous provisions of this subsection the reasonable cost of services furnished in a 'rural health facility' (as described in section 1(a) of this Act) shall be determined without regard to the requirement in subsection (j) relating to a distinct part, and further shall be so calculated as to provide proper payment for services rendered to patients requiring inpatient hospital services and services rendered to patients requiring long-term care services.".

SEC. 2. The Secretary shall, not later than ninety days after the date of enactment of this Act, promulgate regulations implementing the amendments made by the first section of this Act.

MORE FLEXIBLE STANDARDS FOR RURAL HOSPITALS

Mr. CHURCH. Mr. President, I am pleased to join Senator LAXALT in introducing legislation to provide more flexible standards for rural hospitals under the medicare and medicaid programs. Through the enactment of such a proposal, the Congress would require Federal programs to recognize the differences that exist between large urban hospitals and their smaller rural counterparts.

This bill would apply to rural hospitals of 50 beds or fewer. It would allow the Secretary of Health, Education, and Welfare to relax the rules on merging acute and chronic patients in the same facility, such as has been done on an experimental basis in Utah, and allow a rural facility to meet sufficiently stringent State fire and safety codes in lieu of the Federal standards. The measure would also bring personnel requirements in line with the scope of services offered by the hospital and the availability of technical personnel in that area.

More than 60 percent of Idaho hospitals are under-50-bed institutions and would be affected directly by these needed changes. I have met with these administrators frequently regarding their participation in medicare, and it has become obvious to me that the problems of these smaller institutions cannot be solved with the same solutions prescribed for the larger ones.

Further, I have found that the administrators of these hospitals are truly products of the community, and are deeply committed to providing quality care to their patients. This quality is severely hampered, however, when the Federal Government imposes standards on the institutions which are inappropriate to the limitations of its size and situation.

I firmly believe that we can reduce the red tape imposed on our smaller hospitals without jeopardizing the quality of care for the community they serve, and I urge quick and favorable action on this legislation.

By Mr. LAXALT (for himself and Mr. CANNON):

S. 917. A bill to provide for conveyance of certain lands adjacent to the Gund Ranch, Grass Valley, Nev., to the University of Nevada; to the Committee on Energy and Natural Resources.

UNIVERSITY OF NEVADA AGRICULTURE RESEARCH STATION

Mr. LAXALT. Mr. President, on behalf of my distinguished colleague from Nevada, Senator CANNON, and myself, I am today introducing a bill to transfer some 8,040 acres of national resource lands to the University of Nevada to establish, in conjunction with its present deeded properties, a research station capable of examining the many problems involved with managemnt of national resource lands. The results originating from these studies will be applicable to the ultimate management of all Western rangelands, including both the public and the private domain.

Recent legal action—NRDC et. al. against Morton et. al.—has focused attention upon the importance of public

range lands and the role they play in supplying forage for the Nation's beef herds. Today, some 8.4 million cows spend an average of 3 months each year on public lands. The continued use of this resource will be totally dependent upon the establishment of wise and scientifically sound resource management.

Unfortunately, far too few research stations exist under Western conditions which allow the integrated study of the many facets of multiple and integrated use of both public and private lands. Nevada, which is 87 percent public domain, is a most logical State for a concentrated research effort of this nature.

In December 1973, the University of Nevada received a commercial cattle ranch as a gift through the generosity of Mr. George Gund. This property, known as the Gund Ranch, consists of 2,800 deeded acres and an adjoining grazing privilege on Bureau of Land Management lands of 4,700 AUM's. The ranch property is completely surrounded by public lands managed by the Bureau of Land Management. Since obtaining this unit, considerable emphasis has been placed on developing a research program aimed at studying the many and complex problems resulting from the requirement to file environmental impact statements on BLM grazing units.

The Gund Ranch offers a unique opportunity to investigate the multitude of interactions existing between the efficient production of commercial livestock and wildlife management, not only on deeded lands, but perhaps more importantly on national resource lands. In order to accomplish the goal of establishing a truly outstanding research station at the University of Nevada, this measure proposes to transfer 8,040 acres of national resource lands that are presently part of the University's allotment being adjacent to present deeded properties to the University of Nevada. This transfer will allow the existence of sufficient based property to develop a research program capable of studying the many facets of multiple use on deeded as well as the public domain.

Mr. President, the BLM has been very cooperative in providing the background information necessary for this legislation, for which I commend them. Indeed, the BLM supports this land transfer. In a letter to Dr. Dale Bohmont, dean of the University of Nevada's College of Agriculture, the BLM State Director for Nevada said—

> I believe the land transfer to the University for range research purposes can provide us with valuable data on range management and improvement practices which are not now available, and I favor use of the legislative route if it is practical.

In the same letter, there was a list of suggested study/research projects concerning important range management aspects which could be obtained at the Gund Ranch. Mr. President, at this point, I ask that the list of suggested study/research projects for the Gund Ranch be printed in the RECORD. In regard to these study/research projects, the BLM State Director for Nevada said—

> Conclusions reached on these matters could provide valuable information for range land practices on the public lands.

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

SUGGESTED STUDY/RESEARCH PROJECTS FOR THE GUND RANCH

1. Prior to implementing any action or management plans, do a complete inventory of all resources—soils, vegetation, watershed aspects, endangered flora & fauna—and design a land use management plan that includes allocation of forage, proper kind and class of livestock, season of grazing use, suitability or nonsuitability for grazing use by areas, productive potentials that are expected to be realized in the future.

2. Prior to applying any change in management do a complete third order soil survey (according to SCS specifications) to determine specific site vegetative potentials. Then determine what happens vegetatively with grazing management that merely prescribes stocking level and season of grazing use. Then test a form of deferred rotation, i.e., "this pasture will be grazed in the spring one year and in the fall the next year." Then test the principles of rest-rotation grazing management. Determine how much rest is needed by the various vegetative species following their being grazed during their vegetative growing period.

3. Will the Gund Ranch operation include a total year-long livestock operation which may include the remaining NRL as a part of the year-long livestock operation?

4. If there is a potential for wildlife habitat or other public value resource to be achieved, and if so, will it be part of the operational planning and management?

5. The economics, or cost effectiveness, of any action undertaken as related to the benefits derived.

6. The effects of various vegetative grazing levels (light, moderate or heavy) on livestock production, soils, vegetation, other resource values and economics or other recognizable benefits produced on a sustained yield basis.

7. What happens when areas of low vegetative productivity are grazed by livestock? (Areas producing less than 25 lbs. of useable forage per acre/32 acres per AUM). (The effects economically—the cost of fencing and providing water applied against pounds of meat produced, the effects on soils, vegetation, watershed, water quality and the total biomass of the area.)

8. What is the effect on vegetative species in easily accessible areas when forage is allocated in areas of 20% to 30% slope, 31% to 40% slope, 41% to 50% slope and on areas exceeding 50% slope?

9. What is the effect on vegetation within a 2¼ mile radius of water when forage at a distance greater than 2¼ miles from water is allocated for grazing? What is the effect if a 4 mile radius is used?

10. Measuring the effects of grazing near existing water sources after additional water sources are provided; and also on the vegetation contiguous to where the new waters are developed.

11. Does and can salt placement influence livestock distribution—and at what times of the year?

12. When various vegetative species are grazed during their growing period, at what phenological stage of development must grazing be terminated to assure regrowth that will result in production of viable seed, or that will result in 75 or 90 percent restoration of carbohydrate reserves in the plant?

13. What effect does amount and timing of precipitation have on the amount of forage produced per acre? For rangeland forage production, what months are key months in which precipitation is highly important?

14. What kind of soils are subject to soil compaction by grazing animals. What kind of management, rest or climatic conditions are necessary to reduce any impacts that accrue because of soil compaction?

15. What effect does light, moderate and heavy gazing have on overland flow and amount and rate of moisture infiltration into the soil?

16. Achieving vegetative potential through management as compared to treatment such as plowing, seeding, or spraying. (This being the way most improvement will, of necessity, be achieved on national resource lands.)

17. Where it is determined that some type of cultural treatment is necessary, an attempt should be made to re-establish the native vegetative species.

18. Would it be possible to establish seed sources for native vegetative species that could be used on NRL? (ORHYH, SIHY, STIPA, FEID, AGSP, AGSM, ELYMU, CELA (EULA), and others.)

19. Where a variety of vegetative species are available, what preferences are exhibited by different kinds of grazing animals on a seasonal basis? This information would help develop proper use factors (PUFS) and forage acre requirements (FARS) that could be used for establishing proper stocking levels. It would also help identify key species that could be used for determining the desired level of utilization for rangelands.

20. What happens to desirable species when less desirable forage species (greasewood, big sage, rabbitbrush or blackbrush) are assigned a 5% PUF.

21. The Gund Ranch could be used for perfecting methods of range survey and for training people in range survey techniques. It could be used to train university students and agency personnel in the formulation of allotment management plans. And of course, it could be very important as a demonstration area for all agricultural people in the State of Nevada and elsewhere.

Mr. LAXALT. Mr. President, this additional acreage in connection with the ranch already owned by the university would provide an excellent unit for a comprehensive research program on livestock and range management. In the past, we have found that areas set aside as experimental forests, ranges, or watersheds provide invaluable sites for research efforts, and their worth increases with age because of the known history of use, vegetation manipulation, and records of environmental factors. In addition to university scientists, I am sure that scientists in a wide variety of disciplines from the Forest Service, Bureau of Land Management, Agriculture Research Service, Fish and Game, et cetera, could be involved in cooperative studies at the Gund Ranch.

Mr. President, I feel that a transfer of public lands from the BLM to the University of Nevada to be subsequently used for research is justifiable and highly desirable. I urge that the necessary action be taken by the Congress to effect the transfer of this land to the University.

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

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

S. 917

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to the provisions of section 2 of this Act, the Secretary of the Interior is authorized and directed to convey to the University of Nevada, all right, title, and interest of the United States to the following tracts of land

located in the State of Nevada and comprising 8040 acres:

1. East half southwest quarter, section 7, township 24 north, range 48 east, 80 acres.
2. Southeast quarter northwest quarter, section 7, township 24 north, range 48 east, 40 acres.
3. South half northeast quarter, section 7, township 24 north, range 48 east, 80 acres.
4. South half northwest quarter, section 8, township 24 north, range 48 east, 80 acres.
5. South half southeast quarter, section 8, township 24 north, range 48 east, 80 acres.
6. west half, section 16, township 24 north, range 48 east, 320 acres.
7. West half southeast quarter, section 16, township 24 north, range 48 east, 80 acres.
8. southwest quarter northeast quarter, section 16, township 24 north, range 48 east, 40 acres.
9. Entire, section 17, township 24 north, range 48 east, 640 acres.
10. Northeast quarter northwest quarter, section 18, township 24 north, range 48 east, 40 acres.
11. North half northeast quarter, section 18, township 24 north, range 48 east, 80 acres.
12. Northwest quarter northwest quarter, section 20, township 24 north, range 48 east, 40 acres.
13. East half northwest quarter, section 20, township 24 north, range 48 east, 80 acres.
14. East half, section 20, township 24 north, range 48 east, 320 acres.
15. West half, section 21, township 24 north, range 48 east, 320 acres.
16. West half northeast quarter, section 21, township 24 north, range 48 east, 80 acres.
17. Northwest quarter southeast quarter, section 21, township 24 north, range 48 east, 40 acres.
18. West half, section 28, township 24 north, range 48 east, 320 acres.
19. East half, section 29, township 24 north, range 48 east, 320 acres.
20. South half northwest quarter, section 4, township 23 north, range 48 east, 80 acres.
21. Southwest quarter, section 4, township 23 north, range 48 east, 160 acres.
22. West half southwest quarter, section 5, township 23 north, range 48 east, 80 acres.
23. Southwest quarter northwest quarter, section 5, township 23 north, range 48 east, 40 acres.
24. East half southeast quarter, section 7, township 23 north, range 48 east, 80 acres.
25. West half west half, section 8, township 23 north, range 48 east, 160 acres.
26. East half east half, section 8, township 23 north, range 48 east, 160 acres.
27. Southwest quarter, section 9, township 23 north, range 48 east, 160 acres.
28. South half northwest quarter, section 9, township 23 north, range 48 east, 80 acres.
29. Northwest quarter northwest quarter, section 9, township 23 north, range 48 east, 40 acres.
30. West half, section 16, township 23 north, range 48 east, 320 acres.
31. East half east half, section 17, township 23 north, range 48 east, 160 acres.
32. West half west half, section 17, township 23 north, range 48 east, 160 acres.
33. East half, section 18, township 23 north, range 48 east, 320 acres.
34. Southwest quarter, section 19, township 23 north, range 48 east, 160 acres.
35. West half southeast quarter, section 19, township 23 north, range 48 east, 80 acres.
36. Northeast quarter, section 19, township 23 north, range 48 east, 160 acres.
37. West half northwest quarter, section 20, township 23 north, range 48 east, 80 acres.
38. East half, southwest quarter, section 20, township 23 north, range 48 east, 80 acres.
39. Southeast quarter, section 20, township 23 north, range 48 east, 160 acres.
40. East half northeast quarter, section 20, township 23 north, range 48 east, 80 acres.
41. West half west half, section 21, township 23 north, range 48 east, 160 acres.
42. Northeast quarter, section 29, township 23 north, range 48 east, 160 acres.
43. West half southeast quarter, section 29, township 23 north, range 48 east, 80 acres.
44. West half, section 29, township 23 north, range 48 east, 320 acres.
45. Entire, section 30, township 23 north, range 48 east, 640 acres.
46. Entire, section 31, township 23 north, range 48 east, 640 acres.
47. Northwest quarter, section 32, township 23 north, range 48 east, 160 acres.

SEC. 2. (a) Any conveyance of title made pursuant to the first section of this Act shall reserve to the United States all minerals in the lands, together with the right to prospect for, mine, and remove the minerals under applicable law and such regulations as the Secretary of the Interior may prescribe, except that if the Secretary makes the findings specified in section 209(b) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2757; 43 U.S.C. 1719), the minerals may then be conveyed in accordance with the requirements and limitations in such section 209(b).

(b) The conveyance authorized by this Act shall be made upon payment to the United States of the administrative costs of such conveyance, and upon such terms and conditions as the Secretary shall deem necessary to insure proper land use and protection of the public interest.

SEC. 3. The land conveyed by this Act shall be used for the establishment and operation of a rangeland research station and the conduct of associated experimental range management and improvement programs. Title to the land shall revert to the United States if such land is used for other purposes.

SEC. 4. Notwithstanding any other provision of law, the conveyance directed by this Act shall not be subject to any requirements of the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321–4347).

Mr. CANNON. Mr. President, I join with my colleague, Senator LAXALT, in sponsoring legislation to transfer 8,040 acres of public domain land to the University of Nevada as part of its Agriculture Research Station.

The university is already engaged in an extensive research program on lands it already owns at the site. These studies are of utmost value in better understanding how to best utilize the limited natural resources of Nevada in ways which will provide the greatest effective production as well as protection of the land. The requested lands are typical of the public domain land on which most grazing occurs in Nevada and will permit an expansion of the research effort on such lands. The university, in cooperation with the Bureau of Land Management, has already developed a list of important research priorities for property of the type being requested. Our commitment in the Senate to preserving and enhancing our natural resources will be furthered through research and experiment efforts such as this. I fully support the proposal and urge early committee action.

By Mr. RIEGLE:

S. 918. A bill to amend the Consumer Credit Protection Act to prohibit abusive practices by debt collectors; to the Committee on Banking, Housing and Urban Affairs.

CONSUMER PROTECTION ACT AMENDMENT

Mr. RIEGLE. Mr. President, today I am introducing a bill to amend the Consumer Credit Protection Act to regulate the practices of independent professional debt collectors. This legislation is similar to H.R. 13720 which passed the House by a wide margin in the 94th Congress and legislation recently introduced by Senator BIDEN. As chairman of the Subcommittee on Consumer Affairs of the Committee on Banking, Housing and Urban Affairs, it is my intention to make debt collection legislation a top priority.

It is unfortunate but true that deception, harassment, threats, and invasion of privacy are often the tools of those who collect overdue accounts for others. Obviously, not all independent debt collectors resort to such tactics, but I am convinced that these abuses are so common that legislation is essential to curb them.

This bill lists a host of unfair, deceptive, and harassing tactics and strictly prohibits them. Contacts with the debtor, at his home and place of work, are regulated. In addition, the bill prohibits certain procedual tricks which have been used to deny a debtor his day in court.

As in prior legislation, this bill regulates the conduct of independent debt collectors only—not creditors who collect their own accounts. I believe this is a sensible approach, as independent debt collectors are a separate trade, justifying separate treatment. Of great importance, independent debt collectors, unlike creditors, are not restrained from excesses by the desire to protect their good will. And independent collectors account for a disproportionate number of complaints.

Recent television and newspaper accounts have demonstrated all too graphically the high-pressure techniques which are often used to squeeze a debtor's last penny from him. House hearings have also documented the following types of practices:

Impersonation of government officials;

Simulation of legal process;

Profane and abusive telephone calls at all hours;

Obtaining information from friends and neighbors under false pretenses;

Falsely threatening arrest or forcible removal of a debtor's children;

Humiliating a debtor before his employer.

I believe that all citizens share my revulsion for these outrageous practices and agree that they must be put to a stop. I also believe that the legislation I offer today is a fair, effective, and workable approach.

Debt collection regulation ought to be a matter for the States to address, but, unfortunately, they have not done so. Statistics compiled by the House indicate the problem. Nearly 40,000,000 citizens living in 13 States have no legal protection whatsoever against collection abuses. Of the remaining 37 States, only a handful have effective, comprehensive laws. Fourteen States regulate debt collection through the dubious framework of licensing boards which consist of a majority of debt collectors. In addition, even in those States that aggressively police this area, State officials are unable to regulate the activities of debt collectors who operate outside their State

boundaries. All this demonstrates the urgent need for legislation on the Federal level.

Attempts to regulate debt collection excesses are often dismissed as the work of bleeding hearts who care more about deadbeats and "skips" than the need to pay one's debts. Of course, this is nonsense. People should and must pay their debts for our credit-oriented society to prosper. But this does not excuse the types of abuses addressed in my bill, nor does it takes into account the countless legitimate exigencies which generally are the reasons why consumers default. The correspondence received by my subcommittee indicates that it is honest, concerned people—not deadbeats—who too often are the subjects of outrageous abuses.

The bill which I offer today differs somewhat from the bill which the House passed last year and is now considering anew. My bill covers all personal debts, regardless of whether reduced to judgment. In addition, a creditor can be held jointly liable with his debt collector when the creditor has knowledge of the debt collector's violation of the act. And State and local officials are granted enforcement authority along with the FTC. My bill also differs from Senator BIDEN's (S. 656) in that it permits an aggrieved individual to recover actual damages which may include damages for emotional distress of mental anguish, regardless of whether accompanied by physical injury. In addition, the scope of my bill is broader in that it also covers the activities of repossession companies.

Mr. President, it is my intention to conduct hearings on this bill and on S. 656 before the Consumer Affairs Subcommittee next month. It is my hope that all interested parties who wish to testify will contact subcommittee staff. I look forward to thorough and probative hearings and favorable Senate action.

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

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

S. 918

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) is amended by adding at the end thereof the following new title:

"TITLE VIII—DEBT COLLECTION PRACTICES

"§ 801. Short title

"This title may be cited as the 'Fair Debt Collection Practices Act'.

§ 802. Findings and purpose

(a) There is abundant evidence of the widespread use of abusive, deceptive, and unfair debt collection practices by debt collectors Abusive debt collection practices contribute to the number of personal bankruptcies, to martial instability, to mental illness, to the loss of jobs, and to invasions of individual privacy.

(b) Existing laws and procedures for redressing these injuries are inadequate to protect consumers.

(c) Means other than misrepresentation or other abusive debt collection practices are available for the collection of debts.

(d) Abusive debt collection practices are carried on to a substantial extent in interstate commerce and through means and instrumentalities of such commerce. Even where abusive debt collection practices are purely intrastate in character, they nevertheless directly affect interstate commerce.

(e) It is the purpose of this title to eliminate abusive debt collection practices by debt collectors, to insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses.

"§ 803. Definitions

"(a) The definitions set forth in this section are applicable for purposes of this title.

"(b) The term 'Commission' means the Federal Trade Commission.

"(c) The term 'consumer' means any individual obligated or allegedly obligated to pay any debt.

"(d) The term 'creditor' means any person who offers or extends credit creating a debt or to whom a debt is owed.

"(e) The term 'debt' means any obligation or alleged obligation of an individual to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.

"(f) The term 'debt collector' means any person who engages in any business the principal purpose of which is the collection of any debt or enforcement of security interests, or who regularly collects or attempts to collect, directly or indirectly debts owed or due or asserted to be owed or due another, and who uses any instrumentality of interstate commerce in connection with such collections. The term does not include any officer or employee of the United States or any State to the extent that collecting or attempting to collect any debt is in the performance of his official duties.

"(g) The term 'location information' means, with respect to an individual, his place of abode and his telephone number at such place, or his place of employment.

"(h) The term 'State' means any State, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any political subdivision of any of the foregoing.

"(i) The term 'communication' means conveying information directly or indirectly to any person through any medium.

"§ 804. Acquisition of location information

"(a) No debt collector may, in connection with the collection of any debt, communicate other than by telphone, mail, or telegram with any person for purposes of acquiring location information about any consumer.

"(b) Any debt collector communicating with any person other than the consumer for the purpose of acquiring location information about any consumer shall—

"(1) identify himself, state that he is confirming or correcting the address of the consumer, and only if expressly requested, identify his employer;

"(2) not state that such consumer owes any debt;

"(3) not communicate with such person more than once unless requested to do so by such person or unless the debt collector reasonably believes that the earlier response of such person is erroneous and that such person now has correct location information;

"(4) not communicate by post card or other means whereby such communication is visible to persons other than the addressee;

"(5) not use any language or symbol, other than the debt collector's address, on any envelope when using the mail or telegrams, except that a debt collector may use his company name provided that such name does not indicate that the company is in the debt collection business;

"(6) not use any language or symbol in the contents of mail or telegrams that indicates that the communication relates to the collection of a debt, other than the identification of the person as a debt collector; and

"(7) not communicate with any person pursuant to this section, once the debt collector knows the consumer is represented by an attorney."

"§ 805. Communication in connection with debt collection

"(a) COMMUNICATION WITH THE CONSUMER GENERALLY.—No debt collector may initiate communications with a consumer in connection with the collection of any debt without the prior consent of the consumer given directly to such debt collector or the express permission of a court of competent jurisdiction—

"(1) at any unusual time or place or a time or place known or which should be known to be inconvenient to the consumer. In the absence of knowledge of circumstances to the contrary, the debt collector shall assume that the convenient time for communicating with a consumer is after 8 antimeridian or before 9 postmeridian;

"(2) after the initial communication, if the debt collector knows the consumer is represented by an attorney;

"(3) after the initial communication, more than two times during any seven calendar-day period, except as provided in subsection (d).

"(b) COMMUNICATION WITH THE CONSUMER AT THE PLACE OF EMPLOYMENT.—Without the prior consent of the consumer given directly to the debt collector or the express permission of a court of contempt jurisdiction—

(1) a debt collector shall not communicate with a consumer in connection with the collection of any debt at the place of employment of the consumer if the debt collector knows or has reason to know that it is inconvenient to the consumer or the consumer's employer to do so; or

(2) if the debt collector does not know or have reason to know that it is inconvenient to the consumer or the consumer's employer to communicate with the consumer at the consumer's place of employment, the debt collector shall not communicate with the consumer more than one time at the consumer's place of employment.

(c) COMMUNICATION WITH THIRD PARTIES.—Except as provided in section 804 with regard to location information, no debt collector may communicate with any person other than the consumer, his attorney, a credit reporting agency if otherwise permitted by law, or the creditor in connection with the collection of any debt without the prior consent of the consumer given directly to such debt collector, or the express permission of a court of competent jurisdiction, or as reasonably necessary to effectuate a post-judgment judicial remedy.

(d) CEASING COMMUNICATION.—When a consumer refuses to pay or discuss an account a debt collector shall cease further nonjudicial collection efforts with the exception of advising the consumer that the debt collector's further efforts are being terminated and that the debt collector or the creditor may invoke any specified judicial remedies which are ordinarily invoked by such debt collector or creditor, and, if true, that the debt collector or creditor intends to invoke a specified judicial remedy which is ordinarily invoked.

(e) For purposes of subsections (a), (b), (c), and (d), the term 'consumer' shall include the consumer's parent (if the consumer is a minor), child, guardian, executor, or administrator.

"§ 806. Harassment or intimidation

"No debt collector may harass or intimidate or threaten or attempt to harass or intimidate any person in connection with the collection of any debt. Without limiting the

general application of the foregoing, the following conduct is a violation of this section:

"(1) The use or threat of use of violence or other criminal means to harm the physical person, reputation, or property of any person.

"(2) The use of abusive or profane language.

(3) The publication of a list of consumers who allegedly refuse to pay debts, except to a person meeting the requirements of section 604(3) of Title VI of this Act;

(4) The advertisement for sale of any debt to coerce payment of the debt.

(5) The making of harassing or threatening telephone calls or visits to the home or place of employment of a consumer.

§ 807. False or misleading representation

No debt collector may make or threaten or attempt to make any false, deceptive, or misleading representation to any person or engage in any deceptive act or practice in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

(1) Any deceptive act or practice creating the impression that the debt collector is acting for or on behalf of the United States or any State, including the use of any badge, uniform, or facsimile thereof.

(2) The false representation of—

(A) the character, amount, or legal status of any debt; or

(B) any services rendered or compensation which may be lawfully received by any debt collector for the collection of a debt.

(3) The false representation that any individual is an attorney.

(4) The representation or implication that nonpayment of any debt will result in the arrest or imprisonment of any consumer or the seizure, garnishment, attachment, or sale of any property or wages of any person unless such action is lawful and the debt collector or creditor intends to take such action.

"(5) The threat to take any action that cannot legally be taken or that is not intended to be taken.

"(6) The false representation, that a sale, referral, or other transfer of any interest in a debt shall cause the consumer to—

(A) lose any claim or defense to payment of the debt;

"(B) become subject to any practice prohibited by this title.

"(7) The false representation that the consumer committed any crime or other conduct in order to disgrace the consumer.

(8) The statement to any person (including any consumer reporting agency) that a consumer is willfully refusing to pay a debt when the consumer disputes such debts or is unable to pay such debts as they come due.

"(9) The false representation that any writing (including any seal, insignia, or envelope) is authorized, issued, or approved by any court or agency of the United States or any State.

"(10) The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.

"(11) The false representation that any person is seeking information in connection with a survey.

"(12) The false representation that any person has a pre-paid package for the consumer.

"(13) The false representation that a sum of money or valuable gift will be sent to the addressee if the requested information is presented.

"(14) The false representation that accounts have been turned over to innocent purchasers for value.

"(15) The false representation that any debt has been turned over to an attorney.

"(16) The false representation that documents are legal process.

"(17) The use in any communication by any debt collector or his employees or agents of any alias or fictitious name.

"(18) The false representation that the debt collector will communicate adverse credit information to any person.

(19) The false representation or implication that documents are not legal process forms or do not require action by the consumer.

(20) The communication of false credit information to any person, including but not limited to the failure to communicate that a disputed debt is disputed.

"§ 808 Unfair practices

No debt collector shall use unfair or unconscionable means to enforce or attempt to enforce any claim. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

(1) The collection of any amount (including any interest, fee, charge, or expense incidental to the principal obligation) unless such amount is expresly authorized by law;

(2) The solicitation or acceptance by a debt collector of a postdated check or other postdated payment instrument;

"(3) Except as otherwise provided for communications to acquire location information under section 803—

"(A) The use or causing to be used in a debt collector's behalf in connection with the collection of any debt, of any forms, letters, questionnaires, other printed or written material, or other forms of communication which do not clearly and conspicuously disclose that such are used for the purpose of collecting or attempting to collect a debt or to obtain or attempt to obtain information concerning a consumer.

(B) The placement in the hands of others for use in connection with the collection of any debt, of any forms, letters, or questionnaires or other printed or written material which do not clearly and conspicuously reveal thereon that such are used for the purpose of collecting or attempting to collect a debt or of obtaining or attempting to obtain information concerning a consumer.

"(4) The refusal by any debt collector to accept any good faith tender of a partial payment, except that such acceptance alone shall not constitute a waiver of any rights of the debt collector.

"(5) Causing charges to be made to the consumer for communications by concealment of the true purpose of the communication. Such charges include, but are not limited to, collect telephone calls and telegram fees.

(6) The selling of any debt collection form or written demand service which would violate the provisions of this title if used by a debt collector.

(7) Theaten to proceed against collateral or take any nonjudicial actions to initiate or effect dispossession or disablement of collateral—

(A) if there is no present right to possession of the collateral through a valid security interest; or

(B) if there is no present intention to take possession of the property; or

(C) if the property is exmpt by law from attachment, seizure, sales, cr other process.

"§ 809. Validation of debts

"(a) Within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector shall, unless such is contained in the initial communication or the consumer has paid the debt, send the consumer a written notice containing the following information:

"(1) The amount of the debt.

"(2) The name and address of the creditor to whom the debt was originally owed as it appeared in the original credit agreement and the name of the creditor to whom the debt is currently owed.

"(3) A statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed as valid by the debt collector.

"(4) A statement that if the consumer notifies the debt collector in writing within the thirty-day period that the debt is disputed, the debt collector shall cease collection of the debt until such debt collector obtains certification of the validity of the debt or a copy of the judgment from the creditor and a copy of such certification or judgment is mailed to the consumer by the debt collector.

"(b) If the consumer notifies the debt collector in writing within the thirty-day period that the debt is disputed, the debt collector shall cease collection of the debt until such debt collector obtains certification of the validity of the disputed portion of the debt or a copy of a judgment from the creditor and a copy of such certification is mailed to the consumer by the debt collector.

"§ 810. Multiple debts

"If any consumer owes multiple debts and makes any single payment to any debt collector with respect to such debts, such debt collector shall apply the payment as directed by the consumer and shall not apply such payment to any debt disputed by such consumer except as directed by the consumer.

* * * * *

"§ 811. Legal actions by debt collectors

"(a) Any debt collector that brings any legal action on a debt against any consumer shall—

"(1) in the case of an action to enforce an interest in real property securing the consumer's obligation, bring such action only in a judicial district or similar legal entity in which such real property is located; or

"(2) in the case of an action not described in paragraph (1), bring such action only in the judicial district or similar legal entity—

"(A) in which such consumer signed the contract sued upon; or

"(B) in which the consumer resides at the commencement of the action.

(b) Nothing in this title shall be construed to authorize the bringing of legal actions by debt collectors.

"§ 812. Furnishing certain deceptive forms

"(a) No person may furnish any form knowing or having reason to know that such form would be used to create the false belief in a consumer that a person other than the creditor of such consumer is participating in the collection of or in an attempt to collect a debt such consumer allegedly owes such creditor, when in fact such person is not so participating.

"(b) Any person who violates this section with respect to another person shall be liable to such other person to the same extent and in the same manner as a debt collector is liable under section 812 for failure to comply with a provision of this title.

"§ 813. Civil liability

"(a) Except as otherwise provided by this section, any debt collector who fails to comply with any provision of this title with respect to any person is liable to such person in an amount equal to the sum of—

"(1) any actual damage sustained by such person as a result of such failure, including damages for emotional distress or mental anguish suffered with or without accompanying physical injury;

"(2)(A) in the case of any action by any individual, an amount not less than $100 nor greater than $1,000; or

(B) in the case of a class action, (i) such amount for each named plaintiff as could be recovered under section 813(a)(1); and (ii) such amount as the court may allow for all other class members without regard to a minimum individual recovery, not to exceed the lesser of $100,000 or 1 percentum of the net worth of the creditor nor less than $10,000, provided however that no individual

shall recover more than the amount set forth in section 813(a)(1).

"(3) in the case of any successful action to enforce the foregoing liability, the costs of the action, together with a reasonable attorney's fee as determined by the court.

"(b) In determining the amount of award in any class action under subsection (a)(2)(B), the court shall consider, among other relevant factors, the frequency and persistence of failures of compliance by the debt collector, the resources of the debt collector, the number of persons adversely affected, and the extent to which the debt collector's failure of compliance was intentional.

"(c) A debt collector may not be held liable in any action brought under this title if the debt collector shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to assure compliance.

"(d) An action to enforce any liability created by this title may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within two years from the date on which the violation occurs.

"(e) No provision of this section or section 813 imposing any liability shall apply to any act done or omitted in good faith in conformity with any interpretation thereof by the Commission, notwithstanding that after such act or omission has occurred, such interpretation is amended, rescinded, or determined by judicial or other authority to be invalid for any reason.

"(f) If at the time a creditor assigns, sells, or otherwise transfers to a debt collector his right to collect a debt the creditor—

"(1) has knowledge or, from his course of dealing with the debt collector, notice of substantial complaints by consumers of the debt collector's failure to comply with any provision of this title; or

"(2) otherwise knows or has reason to know of the debt collector's failure to comply with any provision of this title,

any action which may be brought under this section against the debt collector may also be brought against the creditor: *Provided*, That any aggrieved person shall be entitled to but one recovery of the damages permitted under this section, and the creditor and debt collector shall have rights of contribution with respect to each other.

"§ 814. Criminal liability

"Whoever willfully and knowingly—

"(1) gives false or inaccurate information or fails to provide information which he is required to disclose by this title; or

"(2) otherwise fails to comply with any provision of this title;

shall be fined not more than $5,000 or imprisoned not more than one year, or both.

"§ 815. Administrative enforcement

"(a) Compliance with this title shall be enforced by the Commission. For purpose of the exercise by the Commission of its functions and powers under the Federal Trade Commission Act, a violation of this title shall be deemed a violation of that Act. All of the functions and powers of the Commission under the Federal Trade Commission Act are available to the Commission to enforce compliance by any person with this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests in the Federal Trade Commission Act, including the power to enforce the provision of this title in the same manner as if the violation had been a violation of a Federal Trade Commission trade regulation rule.

"(b) Compliance with the requirements of this title may also be enforced by any State officials having such functions and powers under State law.

"§ 816. Reports to Congress by the Commission and Attorney General

"Not later than twelve calendar months after the effective date of this title and at one-year intervals thereafter, the Commission and the Attorney General shall, respectively, make reports to the Congress concerning the administration of their functions under this title, including such recommendations as the Commission and the Attorney General, respectively, deem necessary or appropriate. In addition, each report of the Commission shall include its assessment of the extent to which compliance with this title is being achieved, and a summary of the enforcement actions taken by the Commission under section 814 of this title.

"§ 817. Relation to State laws

"This title does not annul, alter, or affect, or exempt any person subject to the provisions of this title from complying with the laws of any State with respect to debt collecting practices, except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency. For purposes of this section, a State law is not inconsistent with this title if the protection such law affords any consumer is greater than the protection provided by this title.

"§ 818. Exemption for State regulation

"The Commission shall by regulation exempt from the requirements of this title any class of debt collection practices within any State if the Commission determines that under the law of that State that class of debt collection practices is subject to requirements substantially similar to those imposed by this title, and that there is adequate provision for enforcement.

"§ 819. Effective date

"This title takes effect upon the expiration of six months after the date of its enactment, and section 808 shall apply only with respect to debts for which the initial attempt to collect occurs after such effective date.".

By Mr. RIEGLE (for himself and Mr. GRIFFIN):

S. 919. A bill to amend the Clean Air Act to establish certain vehicle emission standards, and for other purposes; to the Committee on Environment and Public Works.

MOBILE SOURCE EMISSION CONTROL AMENDMENTS OF 1977

Mr. RIEGLE. Mr. President, this past week, Senator GRIFFIN and I were pleased to announce—together with Representatives JOHN D. DINGELL, JAMES T. BROYHILL, and UAW President Leonard Woodcock—that we had reached a common agreement on a new automobile emission control schedule for model year 1978 and subsequent model years. Today Senator GRIFFIN and I are introducing a bill reflecting this agreement, a bill that we believe presents an emission schedule that is the most balanced in terms of protecting the public health, protecting jobs, and conserving energy.

The bill we are introducing today, "The Mobile Source Emission Control Amendments of 1977," is identical to H.R. 4444, introduced yesterday in the other body by Representatives DINGELL and BROYHILL. It is substantially the same legislation we previously introduced in the Senate and House this year, S. 714 and H.R. 2380.

The only major change we have made in our legislation is in the auto emission schedule, section 2 of today's bill, as follows:

	HC (gpm)	CO (gpm)	NO_x (gpm)
1978–79	1.5	15.0	2.0
1980–81	.41	9.0	2.0
1982 and thereafter	.41	9.0	[1] 1.0–2.0

[1] Suspension or waiver for NO_x based on EPA Administrator decision.

This new emission schedule differs from the original Dingell-Broyhill/Riegle-Griffin in three respects:

First. The hydrocarbon standard for the 1980–1 period is set at the original statutory level of 0.41 gpm instead of 0.9 gpm.

Second. The final carbon monoxide standard which would have been in effect in model year 1982 is instead carried over indefinitely at the interim 1980–81 standard of 9.0 gpm.

Third. A range of NO—between 1 and 2 gpm—is given for the ultimate standard instead of leaving it entirely to EPA discretion.

The figures we are advocating are significant because, if enacted by Congress, they will achieve two crucial goals. First, our set of numbers will enable production of both model year 1978 and 1979 cars to go ahead; 1979 cars are in an important planning stage, and we are rapidly approaching the July 1 deadline by which Congress must act if 1978 cars are to go into production.

Model year 1978 cars are currently being test run at 1977 emission levels that auto manufacturers have no assurance will be approved by Congress. If they are not approved and Congress adopts stricter standards for 1978—or, if Congress simply fails to act on Clean Air Act legislation before the July 1 deadline—Detroit will come to a virtual standstill in auto production. What that will mean in terms of lost jobs and decreased auto sales is ominous to predict. We are talking, however, about a projected loss of at least 230,000 jobs in auto-related industries and as many as 1 million car sales. And we are talking about these losses against a national unemployment figure of 7.9 percent, a Michigan figure of 9 percent, and a Detroit figure of fully 20 percent.

Second. these emissions figures will provide the most desirable air quality and health improvement standards when measured against statutory fuel economy requirements and costs to the consumer.

Projections of the interagency task force report on motor vehicle goals beyond 1980 predict that the proposed 0.41 gpm figure for HC will reduce incidence of individual chest discomfort by some 5,000 cases in the year 2000; the proposed CO level of 9 gpm is more than sufficient to reduce projected excess cardiac deaths and days of discomfort to zero in the year 2000, as emission controlled cars replace older vehicles; and the 2.0 gpm figure for NO_x emissions will significantly reduce attacks of lower respiratory disease in children in the years ahead.

Though a cost analysis of this particular schedule has not yet been completed, it is clear from past research on auto emissions levels that the figures we

are proposing today will create substantial long-term benefits in energy savings, consumer costs, and employment. In fact, major progress has already been made in improving the ambient air quality under current emissions requirements, and EPA maintains that improved air quality benefits of emissions schedules stricter than what we are jointly proposing will be marginal when compared to our figures.

Current emissions standards already represent an 83-percent reduction of HC and CO and a 38-percent reduction in nitrous oxides emissions relative to uncontrolled autos. Continued replacement of obsolete high pollution autos with low emission new cars will reduce mobile source related air pollution well into the 1980's even without the imposition of more stringent standards. And the added air quality benefits obtained from moving to tougher standards are not substantial compared to the fuel and dollar cost that will be required.

Moreover, according to EPA, ambient levels of HC and CO will, in 1990, be no lower under stricter auto emissions schedules than under our schedule. NO_x standards will be only somewhat improved by stricter standards; EPA, in fact, has acknowledged that stationary sources already create the majority of NO_x in many cites and that further reductions can be achieved at lower cost by controlling stationary sources. But regardless of which standards are adopted, exactly 31 air quality control regions are expected to exceed ambient air quality standards in 1990.

Finally, I should note that adoption of our auto emission schedule with the NO_x figure we recommend is the only way to assure that research can proceed on the development of different technologies for alternative. more fuel-efficient, engines. Only catalytic technology appears to have the potential to meet a NO_x standard of less than 1 gpm, while other certainly viable engine alternatives—the diesel, lean burn and stratified charge—appear unable to do so at the present time. Thus, the adoption of tougher standards will prohibit development of these other innovative and fuel-efficient engines while locking in the still unperfected catalytic technology. Under our proposed NO_x standards, crucial research and development programs can continue as auto companies work to meet the 1985 fuel economy goals established by the Energy Policy and Conservation Act of 1975.

For many reasons, then, I am firmly convinced that the auto emissions schedule that we have been able to work out with the leadership of Mr. Woodcock and the UAW is indeed a bottom line schedule. It has required give and take on the part of us all, but, to everyone's credit, we have been able to accommodate conflicting interests, and have established an emissions schedule that all of us who are vitally concerned with this issue can support and, more importantly, can work with. And I feel good about these emissions numbers because I sincerely believe that they are the most balanced in terms of continued clean air improvements, auto fuel efficiency, lower consumer costs, job production and protection, auto model availability, and future research and development potential.

Mr. President, I ask unanimous consent that a section-by-section summary of our new bill be printed in the RECORD.

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

SECTION BY SECTION SUMMARY: DINGELL-BROYHILL/RIEGLE-GRIFFIN MOBILE SOURCE EMISSION CONTROL AMENDMENTS OF 1977

SECTION 1—SHORT TITLE

SECTION 2—LIGHT-DUTY MOTOR VEHICLE EMISSION

The new schedule of emission standards in this section is similar to the Dingell-Broyhill (Train-EPA) provision which was overwhelmingly adopted by the House on September 15, 1976, by a vote of 224 to 169, and which was previously introduced in the 95th Congress, as H.R. 2380 and as S. 714, by Senators Riegle and Griffin. The new standards in this section reflect the agreement reached by Dingell-Broyhill/Riegle-Griffin and Mr. Leonard Woodcock of the United Auto Workers. This agreement provides that automobiles manufactured during model years 1978 and 1979 meet the same emissions standards applicable for model year 1977, that is: 1.5 grams per mile hydrocarbons, 15.0 gpm carbon monoxide, and 2.0 gpm oxides of nitrogen. For 1980 and subsequent model years the hydrocarbon standard requires a full 90 percent reduction from the levels emitted in model year 1970, or .41 gpm hydrocarbons. For 1980 and subsequent model years the carbon monoxide standard is 9.0 gpm. For 1980 and 1981, the oxides of nitrogen standard is 2.0 gpm. For 1982 and subsequent model years, the oxides of nitrogen standard is 1.0 gpm which the EPA Administrator is permitted to revise in a suspension proceeding up to 2.0 gpm if he determines that the 1.0 NO_x standard should be revised upward due to (1) the lack of available, practicable, emission control technology to meet such standard during such period, (2) the cost of compliance with such standard, (3) the impact of such standard on motor vehicle fuel consumption. No such revision may be made if the Administrator determines that such revision of the 1.0 NO_x standard would endanger public health.

Additionally, the Administrator may waive the standard of 1.0 NO_x up to 2.0 during any period of four or more model years beginning after the model year 1981 if he determines that a waiver is necessary to permit the use of an innovative power train technology that can produce a substantial energy saving compared to conventional power trains No waiver may be granted if the Administrator determines it would endanger public health.

Auto Emissions Schedule: Dingell-Broyhill/Riegle-Griffin, Woodcock (UAW)

	HC (gpm)	CO (gpm)	NO_x (gpm)
1978–9	1.5	15.0	2.0
1980–1	.41	9.0	2.0
1982 and thereafter	.41	9.0	*1.0–2.0

*Suspension or waiver for NO_x based on EPA Administrator decision.

SECTION 3—TAMPERING

This section broadens the existing prohibition of the Clean Air Act against knowing removal or tampering with emission controls to cover any person engaged in the business of repairing, servicing, selling, leasing, or trading motor vehicles or engines or who operates a fleet of motor vehicles, and specifies the penalties for violations. This section also provides that the prohibition does not require use of manufacturer parts for maintenance or repair.

SECTION 4—TESTING BY SMALL MANUFACTURERS

This section which originated in the House and was accepted by the House and Senate Clean Air Conference during the 94th Congress, limits certification testing for vehicle manufacturers with projected annual sales of 300 or less to 5,000 miles or 160 hours.

SECTION 5—HIGH ALTITUDE PERFORMANCE ADJUSTMENTS

This section, which includes the same provision approved by the House and adopted by the Conference, exempts the adjustments of emissions control systems of high altitude vehicles from the anti-tampering provisions of existing law, if the adjustment does not adversely effect emission performance. The manufacturer is required to submit to the Administrator adjustment instructions.

In addition, this section adds a new provision which authorizes EPA to conduct a new rulemaking proceeding to determine the most appropriate method of implementing the Act's mobile source emission requirements for model year 1978 and thereafter with respect to light duty vehicles intended for principal use in high altitude areas. EPA is directed to consider the economic impact of any such regulation upon consumers, franchised dealers and the manufacturers, the state of the art of emission control technology, and the probable impact of such regulation on air quality in the affected areas.

SECTION 6—WARRANTIES AND MOTOR VEHICLES PARTS CERTIFICATION

This section provides that the performance warranty under the existing Clean Air Act shall not be invalidated on the basis of the use of parts that have been certified in accordance with regulations which EPA shall promulgate within two years.

This section further provides that the performance warranty mandated by law shall be for a period of 18 months or 18,000 miles, which ever first occurs. It also requires notification in the manufacturer's maintenance instructions that maintenance or repair may be performed using certified parts.

SECTION 7—PARTS STANDARDS: PREEMPTION OF STATE LAW

When the parts certification program provided for in Section 6 is finally implemented, the States, except California, are preempted from adopting or enforcing any requirement applicable to the same aspect of the part.

SECTION 8—SULPHUR EMISSIONS STUDY

This section originated in Senate and was adopted by the Conference. The Administrator is required to conduct a study of emissions of sulfur compounds from motor vehicles and aircraft. Health and welfare effects of such emissions are to be reviewed and alternative control strategies are to be analyzed. This study will be reported to Congress by January 1, 1978.

SECTION 9—DEFINITION OF EMISSION CONTROL DEVICE OR SYSTEM

This section defines, for the purposes of Section 207, the term "emission control device or system" to mean catalytic converters, thermal reactors, or other components installed on or in a vehicle for the purpose of reducing auto emissions.

SECTION 10—ADMINISTRATIVE PROCEDURES AND JUDICIAL REVIEW

This section establishes comprehensive procedures for informal rulemaking under the Clean Air Act, which would apply in lieu of the Administrative Procedure Act. The section (a) specifies the rules and actions to which such procedures will apply; (b) provides for establishment of a rulemaking

docket for each of these rules or actions; (c) describes the material and data that are required for inclusion in the record and mandates that the Administrator must base any rule or other action solely on the information and data contained in the record; (d) establishes the procedures for participation in the rulemaking process, including cross-examination on material issues of disputed fact; (e) provides the standards of judicial review, including the "substantial evidence" test; (f) modifies certain deadlines for promulgation of rules; and (g) extends to 60 days the period of petitioning for judicial review of any such rule.

SECTION 11—AUTHORIZATIONS

This bill authorizes annual appropriations of $200,000,000 for fiscal year 1978, 1979, and 1980.

Mr. GRIFFIN. Mr. President, today, I am joining with the junior Senator from Michigan (Mr. RIEGLE) in introducing a mobile source emissions control bill, which we believe represents a well-balanced approach to the question of automobile emission standards.

Our bill, supported by both the United Auto Workers—UAW—and the automobile industry, contains a strict emissions schedule that is consistent with health requirements and the achievement of federally established fuel efficiency goals. In addition, it imposes demanding but attainable production innovations on the auto industry.

The emissions standards in this bill are undoubtedly tougher than those which the automobile industry would otherwise support. But recent developments demonstrating the commercial feasibility of the three-way catalyst system have made the stricter standards in our bill technologically attainable. With time running out on the existing 1978 model year emission standards—standards which cannot be met—we offer our bill and urge that the Senate act promptly to avoid severe disruption of the Nation's economy.

What is at stake are not just profits but the jobs of millions of workers in the auto and related industries. If we are to avoid this disruption, we must act now because production of 1978 models begins this summer.

I want to emphasize that this bill would not change the goal of clean air. These revised automobile emission standards are part of a continuing effort to reduce automobile pollution—which has already been dramatically reduced since enactment of the Clean Air Act of 1970.

Mr. President, if we are to avoid excessively high consumer costs, encourage new technologies, insure the job security of millions of workers, increase fuel economy and continue pursuit of our goal of clean air, we must have a reasonable, balanced Federal policy of emissions control which does not threaten to bring a vital segment of our economy to its knees. Unfortunately, the present law poses such a threat.

By contrast, the approach taken by the legislation we are introducing today is a reasonable one. I urge my colleagues to support this legislation.

By Mr. BARTLETT:

S. 920. A bill relating to the disposition of certain recreational demonstration project lands by the State of Oklahoma; to the Committee on Energy and Natural Resources.

LAKE MURRAY MINERAL RIGHTS TRANSFER

Mr. BARTLETT. Mr. President, I am pleased to introduce today a bill affecting the title to certain lands located within Lake Murray State Park in the state of Oklahoma. The purpose of this legislation is to remove a reversionary interest held by the Department of the Interior in 2,227.59 acres of land within the park that was donated to the State of Oklahoma by the Federal Government in 1943 as part of a national program related to recreational demonstration projects.

Such a bill was passed by the House of Representatives last session by a margin of 344 to 53, and sent to the Senate. It got tied up here in the traffic jam of legislation at the end of the session.

This bill has received the approval of the Department of the Interior. It has the complete backing of the Honorable David L. Boren, Governor of the State of Oklahoma; of the parks division of the Oklahoma Department of Tourism and Recreation; and of the Honorable Carl Albert, former Speaker of the House of Representatives.

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

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

S. 920

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 3 of the Act entitled "An Act to authorize the disposition of recreational demonstration projects, and for other purposes," approved June 6, 1942 (56 Stat. 326; 16 U.S.C. 459t), the State of Oklahoma is hereby authorized to convey oil and gas mineral leases to the following described lands in Carter County, Oklahoma: those lands situated within the project designated and known as the Lake Murray Recreational Demonstration Area, said project lands being more particularly described in a quitclaim deed of the United States of America executed on February 1, 1943 by Harold L. Ickles, Secretary of the Interior approved on February 2, 1943, by Franklin D. Roosevelt, President of the United States, and recorded in book 186, pages 312 through 320 of the records of Carter County, Oklahoma. Any conditions providing for a reversion of title to the United States that may be contained in the conveyance of such lands by the United States to the State of Oklahoma are hereby released as to oil and gas exploration and development affecting the lands herein authorized to be leased. The State of Oklahoma shall surrender the present deed of conveyance by the United States of the lands described in this Act and the United States shall issue a new deed to the State of Oklahoma for those lands, which new deed shall include oil and gas exploration and development as permitted uses of such lands: *Provided, however,* That it shall be a condition of such new deed that oil and gas exploration and development shall take place on the lands described in this Act only pursuant to plans which have been reviewed (such review to include preparation of a detailed statement of the type specified in section 2(a) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(c)), and approved by the Secretary of the Interior and which will assure that such exploration and development shall be carried out in a manner which to the maximum extent possible will assure the preservation of the natural, scenic, and recreational values of the Demonstration Area: *And provided further,* That the State of Oklahoma shall continue to use such lands in the Lake Murray Recreational Demonstration Area primarily for park, recreational, and conservation purposes.

SEC. 2. The issuance of the new deed described in section 1 of this Act shall take place only upon payment to the Secretary of the Interior by the State of Oklahoma of administrative costs of issuance of the new deed. Moneys paid to the Secretary of the Interior for administrative costs shall be paid to the agency which rendered the service, and deposited to the appropriation then current.

By Mr. HART:

S. 921. A bill to provide a pilot program for review of certain existing tax expenditures, and to provide for systematic review of new tax expenditures and existing tax expenditures which are continued; to the Committee on Finance.

TAX EXPENDITURE REVIEW ACT OF 1977

Mr. HART. Mr. President, the Internal Revenue Code contains over 80 special provisions which give preferential tax treatment to achieve specific economic and social objectives. These provisions, or "tax expenditures," are as much a part of the Federal budget as other forms of Government spending. Viewed as such, they amount to about one-fifth of the Federal budget, costing over $100 billion annually. The only real difference between these expenditures and those which the Congress appropriates through direct budget authority is that they deplete the Treasury automatically, without requiring an act of Congress. Moreover, many of these tax expenditures have never been subject to congressional review, principally because no formal legislative process exists by which it becomes necessary to do so.

I believe it is time to establish such a process, and I am offering today a bill which would provide for the mandatory periodic review of tax expenditure programs.

Last year the Colorado State Legislature passed a law which will require the automatic and periodic termination of State regulatory agencies at which time each will become subject to careful scrutiny by the public and by the legislature. If the agency fails that test, it may not be allowed to continue its life. This termination and review process would continue on a periodic basis for those which remain in effect. The bill I introduce today borrows that "sunset" concept to give the Congress a simple, but effective, means to control Federal tax spending.

The bill has two principal components: A pilot sunset experiment for six specific tax expenditure provisions, and a provision to apply sunset to any new tax expenditure passed by Congress. In both cases, each tax provision must undergo comprehensive review by committees in both Houses of Congress at least every 4 years. On the basis of a detailed study to be prepared by the Congressional Budget Office, and on the testimony of interested parties from the public and from Government, proponents of a tax provision must justify its continued

existence. An important aspect of the entire review process is that the burden of proof in determining the value of a tax expenditure to society should rest with those who benefit from it.

The study and review process should satisfy several criteria:

First, the cost of the tax provision: This, of course, should include lost revenue. An accurate estimate of that amount of revenue which is foregone by continuing or establishing a tax expenditure is essential to a definition of its value to the public. But there should also be an effort to assess the "opportunity" cost, or that which is lost to society by not allocating that spending potential to some other purpose. Taxpayers who do not benefit from a special tax provision are those who are paying for it. Tax preferences for one segment of society add to the tax burden being carried by all others. The cost of a tax expenditure should, therefore, be viewed in light of its cost to other taxpayers.

Second: the benefits of the preference to society. The rationale for each special preference should be identified with specific respect to what segment of the society gains from it, to what extent, for what purpose, and under what circumstances it was originally created. Each review should also determine if such a rationale applies to current circumstances it was originally created. Each review should also determine if such a rationale applies to current circumstances.

Third, its effectiveness: The cost and benefits of each special preference should be considered in the context of its intended purposes, with an effort to ascertain the effectiveness of the provision to fulfill its original design, and to determine the value of its continued existence. In making this analysis, evaluation of the tax expenditure's consistency with clear and current national social and economic objectives should be included.

Fourth, its positive or negative relation to, or effect upon, other or similar programs: If it is established that the cost and rationale sufficiently warrant Government action, a comprehensive effort should then be made to determine the appropriate means. The objectives of the tax expenditure might best be accomplished through alternative fiscal mechanisms. For some of these programs, the tax system offers the best means. Others may be better suited to other, and in particular, direct forms of Federal assistance. It should be the job of those reviewing each tax expenditure to identify the better approach. Also, those reviewing each tax expenditure should identify similar Federal expenditure programs to assess whether it may duplicate, or counteract those efforts in that particular policy area.

Fifth, its impact on the income tax structure as a whole: Some expenditures were created to correct inequities in the Federal tax system. But others, primarily to subsidize disadvantaged segments of society or to give incentives, were created without regard to their impact on the progressiveness or fairness of the system. Those charged with examining tax expenditures should ascertain if an inordinate share of benefit is being gained by business or individuals via the provision. This should be an important part of the review process.

The study required of the Congressional Budget Office should include sufficient data, with analysis, to support a comprehensive and clearly formulated assessment of each of these criteria. It should also supply a specific recommendation for its repeal or revision. Testimony from public or private sources can supplement the information contained in the study.

The committees responsible for conducting review are the Finance Committee in the Senate, and the House Ways and Means Committee. It should be emphasized, however, that other committees in both Houses would be urged to participate. These would not only include the various committees which would have legislative jurisdiction over similar expenditure programs funded by budget authority, but also the Budget Committees in both Houses to assist in providing a comprehensive budgetary view of tax expenditures.

The two principal committees in each House are charged with the responsibility of reporting to the House and the Senate respectively their findings, with recommendations. Only then may a bill be considered to reestablish the tax provision. If no review is conducted, the provision automatically expires.

Mr. President, this bill offers a simple, but no-nonsense approach to periodic review of tax expenditures. Your tax benefit must be justified, or it may be lost. This is not an attempt to eliminate any particular tax provision, nor is it a substitute for the long-awaited comprehensive tax reform which the American people have been promised year after year. The bill does offer a defined process by which to evaluate specific provisions of our tax system, and sets out fundamental criteria to correct inequities and misallocation of Federal revenue in each one.

As such, it offers a tool to reduce unjustified expenditures of tax revenue, and to eliminate inequities of the Federal income tax structure.

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

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

S. 921

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Tax Expenditure Review Act of 1977".

FINDINGS

SEC. 2. The Congress finds that the Federal income tax laws include various special provisions which depart from the fundamental purpose of raising revenue and which are not subject to systematic congressional review. The Congress further finds that, once enacted, such special tax provisions are not subject to automatic termination, but remain as permanent features of the Federal income tax structure without regard to the special circumstances that may have led to their enactment. The Congress believes it necessary to treat such provisions as expenditures subject to periodic review for the purpose of establishing sound fiscal policy. The Congress further believes that the establishment of a system for the automatic termination of each such special tax provision, with provision for detailed and comprehensive review of the justification for its continued existence, is desirable and in the public interest.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) The term "tax expenditures" means those revenue losses attributable to provisions of the Federal tax laws which allow a special exclusion, exemption, or deduction from gross income or which provide a special credit, a preferential rate of tax, or a deferral of tax liability.

(2) The term "tax expenditure provision" means a chapter, subchapter, part, section, or other provision of the Internal Revenue Code of 1954 or any other Federal income tax law the application of which results in a tax expenditure.

TERMINATION OF CERTAIN TAX EXPENDITURE PROVISIONS

SEC. 4. Subject to the provisions of section 5, the following tax expenditure provisions shall cease to apply with respect to taxable years beginning after December 31, 1979:

(1) Section 79 (group-term life insurance purchased for employees).

(2) Section 116 (exclusion of certain dividends).

(3) Section 119 (exclusion of meals and lodging provided for employees).

(4) Section 167(m) (class life system for depreciation).

(5) Section 631 (capital gain treatment for timber, coal and domestic iron ore).

(6) Section 1348 (maximum rate of tax on earned income).

REVIEW BY COMMITTEES ON WAYS AND MEANS AND FINANCE

SEC. 5. (a) The Committee on Ways and Means and the Committee on Finance shall conduct a comprehensive review of those tax expenditure provisions listed in section 4. Such review shall include, with respect to each such tax expenditure provision, an examination of—

(1) its cost, benefit, and effectiveness;

(2) its impact on, and relation to, Federal programs having the same or similar objectives which are funded by budget authority; and

(3) its impact on the Federal income tax structure.

In conducting each such review, such committees shall hold public hearings to receive testimony from representatives of the public as well as of the Government. Each committee of the House of Representatives or the Senate which would have legislative jurisdiction over any such tax expenditure provision if it were a program funded by budget authority may submit its view to the Committee on Ways and Means or the Committee on Finance, as the case may be.

(b) On or before March 31, 1979, or such earlier date as the Committee on Ways and Means or the Committee on Finance may prescribe, the Director of the Congressional Budget Office shall submit to such committees a report on each of the tax expenditure provisions listed in section 4. In addition to the matters described in subsection (a), such report shall include, with respect to each such tax expenditure provision, an examination of such provision within the context of Congressional policy relating to outlays for programs within budget functional and subfunctional categories.

(c) On or before June 30, 1979, the Committee on Ways and Means and the Committee on Finance shall submit to their respective Houses a report, with respect to each tax expenditure provision listed in section 4, setting forth the results of the review of such provision under subsection (a) and

its recommendations with respect thereto, if such recommendations are for the continuation or reestablishment of such provision.

SUBSEQUENT REVIEW OF TAX EXPENDITURE PROVISIONS

SEC. 6. (a) Prior to the termination of the applicability of any tax expenditure provision to a taxable year beginning on or after January 1, 1980 (whether or not such provision is listed in section 4), the Committee on Ways and Means and the Committee on Finance shall conduct a comprehensive review of such provision in the same manner as a review conducted under section 5.

(b) The Committee on Ways and Means and the Committee on Finance shall submit to their respective Houses a report setting forth the results of each review of a tax expenditure provision conducted under subsection (a), and its recommendation with respect thereto, if such recommendations are for the continuation or reestablishment of such provision, and not less than six months before the termination of the applicability of such provision.

CONSIDERATION OF BILLS AND RESOLUTIONS ESTABLISHING OR CONTINUING TAX EXPENDITURE PROVISIONS

SEC. 7. (a) It shall not be in order in either the House of Representatives or the Senate—

(1) to consider any bill, resolution, or amendment which establishes a new tax expenditure or continues an existing tax expenditure provision (whether or not in a modified form) if, under the terms of such bill, resolution, or amendment, such provision is to be in effect for more than four taxable years; or

(2) to consider any bill, resolution, or amendment which establishes or continues more than one tax expenditure provision, or to consider any amendment which establishes or continues a tax expenditure provision to a bill or resolution which establishes or continues a tax expenditure provision.

(b) It shall not be in order in either the House of Representatives or the Senate to consider any bill, resolution, or amendment which continues (whether or not in a modified form)—

(1) any tax expenditure provision listed in section 4 unless the Committee on Ways and Means or the Committee on Finance, as the case may be, has submitted to its House a report on the review of such provision in compliance with section 5; or

(2) any tax expenditure provision subject to a review under section 6 unless the Committee on Ways and Means or the Committee on Finance, as the case may be, has submitted to its House a report on the review of such provision in compliance with such section.

EXERCISE OF RULEMAKING POWER

SEC. 8. The provision of this section and sections 5 (other than subsection (b) thereof), 6, and 7 are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

By Mr. MAGNUSON (for himself and Mr. PEARSON) (by request):

S. 923. A bill to provide for the collection of waterway user charges, and for other purposes; to the Committee on Commerce, Science, and Transportation.

WATERWAY USER CHARGE ACT OF 1977

Mr. MAGNUSON. Mr. President, the Secretary of the Army has submitted proposed legislation to the Congress which would impose certain charges on the users of the waterway facilities. Because of the fact that the Committee on Commerce, Science, and Transportation has jurisdiction over this issue, the legislation was referred to us. As chairman of the committee, I am introducing this bill, by request, along with Senator PEARSON, the ranking minority member of the committee.

I ask unanimous consent that the bill and the letter of transmittal be printed in the RECORD.

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

S. 923

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Waterway User Charge Act of 1977".

SEC. 2. (a)(1) The Congress finds that the varying level of Federal subsidy of differing modes of transportation creates distortions in transportation usage, increasing costs to the Federal taxpayer.

(2) The Congress declares that, as a matter of equity, the users of the waterways of the United States should pay a portion of the Federal navigation-related costs of administering, building, operating, maintaining, and rehabilitating such waterways.

(3) It is the purpose of this Act to establish a system of user charges that will create greater equity and demonstrate the economic feasibility of projects on the waterways of the United States, providing a market test for their need.

(b)(1) Not later than ten months after the date of enactment of this Act, the Secretary of the Army (hereinafter referred to as the "Secretary") shall, after consultation with the Secretary of Transportation, and after conducting public hearings and permitting not less than forty-five days for public comment, publish in the Federal Register preliminary regulations establishing user charges to recover that portion of the Federal navigation-related costs of the administration, operation, maintenance, new construction, and rehabilitation of the waterways of the United States described in subsection (c) of this section. After receiving comments on the preliminary regulations required by this paragraph, the Secretary shall, no later than March 15, 1978, promulgate final regulations establishing a schedule of charges for the waterways of the United States and transmit such regulations to the Congress. Notwithstanding any other provisions of law, such charges shall become effective, as detailed by subsection (c) of this section, except as limited by paragraph (2) of this subsection.

(2) Final regulations promulgated under paragraph (1) of this subsection shall take effect sixty legislative days after the date of such transmittal to the Congress.

(3) The schedule of user charges promulgated under this section shall, to the extent reasonable and equitable, be assessed for each year on the basis of (i) the average annual cost of administering, operating, and maintaining various segments of the waterways of the United States during the three preceding fiscal years; (ii) an annual amount to amortize the costs of each new construction or rehabilitation project as described in paragraph (c)(3) of this section; (iii) the volume of traffic; and (iv) seasonal and other repetitive peak demands for use of the waterways of the United States.

(4) The Secretary, in promulgating final regulations under this subsection, is authorized to employ, but is not limited to, one or more of the following mechanisms to recover Federal navigation-related costs: (i) license fees, (ii) congestion charges; (iii) charges based on ton-miles over a given segment; (iv) lockage fees; and (v) charges based on the capacity of cargo vessels, loaded and unloaded, over various segments of the waterways of the United States.

(c)(1) The Secretary shall, in accordance with subsection (b) of this section, establish final rates which shall be adequate to recover.

(A) At least 50 per centum of the Federal navigation-related costs of the administration, operation, and maintenance of the waterways of the United States and such additional percentages as the Secretary finds practicable and equitable, in accordance with paragraph (2) of this subsection, provided that commercial users shall not be charged more than 50 per centum of such costs.

(B) At least 50 per centum of the Federal navigation-related capital costs of new construction and rehabilitation of the waterways of the United States and such additional percentage as the Secretary finds practicable and equitable, in accordance with paragraph (3) of this subsection: *Provided*, That commercial users shall not be charged more than 50 per centum of such costs.

(2) During the first fiscal year that user charges established under this subsection are effective, such charges shall be equal to 10 per centum of the total costs described in paragraph (1)(A) of this subsection, and shall be increased by 10 per centum of such total costs for each of the succeeding years until the maximum described in such paragraph is reached.

(3)(A) User charges to recover the costs and the level of recovery described in paragraph (1)(B) of this subsection shall be charged the users of any new construction or rehabilitation projects for which construction is initiated after the date of enactment of this Act.

(B) Such recovery shall begin when the new construction or rehabilitation project becomes operational and shall be based upon recovery of the costs described in paragraph (1)(B), of this subsection including interest during construction, over the economic life of the project with interest at a rate determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the estimated economic life of the project.

(d) As used in this section, the term—

(1) "user charges" means a charge established by the Secretary of the Army under the authority in subsection (b) of this section for the purposes described in subsection (c) of this section;

(2) "waterway of the United States" means any Federally improved inland waterway, harbor, or navigation channel, except the Saint Lawrence Seaway.

(e) No later than three years after the effective date of the regulations established under subsection (b) of this section, the Secretary, in cooperation with the Secretary of Transportation, shall submit to the Congress a report on the implementation of the provisions of this section. Such report shall describe—

(1) the economic impact of user charges on the commercial users of and consumers of goods shipped on the waterways of the United States and the impacts upon recreational users of waterways of the United States;

(2) the economic impact of user charges on a regional and national basis;

(3) the effectiveness of user charges in establishing a more balanced national transportation system;

(4) the effectiveness of user charges in promoting the more efficient use of public investments in the Nation's system of waterborne transportation and reliance on the private sector; and

(5) the effectiveness of user charges in providing for the balanced use of the Nation's water resources.

(f) Failure to pay any user charges established under this section shall subject the violator to a fine of not more than $5,000 per day, and prohibit the violator from the use of any lock or other facility on the waterways of the United States during the period of violation of this section.

JANUARY, 19, 1977.

Hon. NELSON A. ROCKEFELLER,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft bill "To provide for the collection of waterway user charges, and for other purposes."

We recommend that the bill be referred to the appropriate Committee for consideration, and that it be enacted.

The proposed bill is modeled after Section 5 of the Water Resources Development Act of 1976 as reported by the Senate Committee on Public Works.

The proposed bill recognizes that varying levels of subsidy to different transportation modes create inefficiencies in transportation usage and investment as well as various inequities. The purpose of the bill is to reduce these inefficiencies and inequities by establishing a system of user charges to recover a portion of the Federal costs of building, operating, maintaining and rehabilitating the waterways of the United States.

The bill directs the Secretary of the Army to promulgate regulations for the partial recovery of the costs of operation and maintenance, and of new construction or rehabilitation projects on which construction is initiated after enactment. The amounts recovered would vary by waterway segment depending upon the costs of each segment.

The bill gives the Secretary discretion to establish practicable and equitable percentages of costs to be recovered with two qualifications:

At least 50% of the total costs must be recovered through user charges; and

Commercial users shall not be required to pay more than 50% of total costs.

The purpose of this discretion is to permit some variation in the recovery rate in accordance with the differing practicability from segment to segment of recovering costs from recreational users of the waterways.

The bill phases in the recovery of operation and maintenance costs over a period of approximately five years. Recovery of 50% of new construction and rehabilitation costs of projects on which construction begins after enactment would start when each new project becomes operational. These capital recoveries would be based upon estimated annual charges necessary to recover, over the life of the project, the desired portion of the capital costs, with interest during construction and during the recovery period. The interest rate would equal the yield, at the time construction is intiiated, on long-term Federal securtieis.

The Secretary is given broad discretion to select the particular mechanisms by which payment is to be made so that he may develop the best combination of mechanisms to deal with the greatly varying circumstances of both commercial and recreational users on the inland waterways, in shallow draft harbors and channels, and in deep draft harbors and channels.

The Secretary is required to hold public hearings on the proposed regulations and to transmit the final regulations to the Congress at least 60 legislative days before they are to take effect. He is also required to report to the Congress within three years on the implementation of the Act.

The bill provides penalties for failure to pay user charges established under the Act.

We believe that enactment of this bill would provide an efficient and equitable way for users to pay for a portion of the costs of the Federally improved waterways of the United States. It would make the treatment of waterway users and users of other transportation modes more equitable. Costs to the Federal taxpayer would be reduced. It would provide for a user charge system which would demonstrate the economic feasibility of projects on the waterways of the United States, providing a market test for their need.

On January 19, 1977, the Office of Management and Budget advised that enactment of this proposal would be in accord with the program of the President.

Sincerely,

VICTOR V. VEYSEY,
Assistant Secretary of the Army
(Civil Works).

By Mr. WILLIAMS (for himself and Mr. JAVITS):

S. 924. A bill to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers and to establish a national framework for collective bargaining in the construction industry, and for other purposes; to the Committee on Human Resources.

COMMON SITUS PICKETING

Mr. WILLIAMS. Mr. President, I am today introducing, for myself and Senator JAVITS, construction industry labor-management reform legislation. This bill comprises common situs picketing legislation as well as legislation to establish a national framework for collective bargaining in the construction industry. It is unfinished business remaining from the 94th Congress due to the unexpected Presidential veto of the bill that the Congress passed in 1975.

Title I of the bill that I am introducing today will legalize common situs picketing. Common situs picketing is a subject that was debated long and hard on this floor during the last Congress. In the end, the debate came down to one single and important point—the right of construction workers to picket their job sites as all other workers are entitled to do under Federal labor law.

In 1947, Congress enacted the Taft-Hartley Act, designed in part to regulate union activity aimed at placing economic restraints upon employers. This was the first time in the history of the Federal involvement in labor relations that union action aimed at neutral employers was restricted.

Within 18 months, the National Labor Relations Board had narrowly defined lawful primary picketing on a construction site. In the Denver Building Trades case, upheld by the Supreme Court in 1950, picketing of an entire construction site to protest the presence of a nonunion subcontractor on the site was found to be secondary activity. As grounds, the Board determined that contractors and subcontractors on a construction project are not necessarily so interconnected that they should all be regarded as one entity.

But, as we stated in the report of the Committee on Labor and Public Welfare on the predecessor common situs picketing bill in the Senate, S. 1479, "the better view, and the one adopted in—the bill," was expressed by Justice Douglas in his dissenting opinion.

The picketing would undoubtedly have been legal if there had been no subcontractor involved—if the general contractor had put non-union men on the job. The presence of a subcontractor does not alter one whit the realities of the situation; the protest of the union is precisely the same. In each the union was trying to protect the job on which union men were employed. If that is forbidden, the Taft-Hartley Act makes the right to strike, guaranteed by § 13, dependent on fortuitous business arrangements that have no significance so far as evils of the secondary boycott are concerned (341 U.S. at 694).

This bill is designed to conform the law "to the realities of the situation" as noted by Justice Douglas; it overrules Denver Building Trades, its spirit and its progeny."

As a result of the holding in Denver, construction workers have been severely restricted. The legitimate purposes of construction worker picketing can be easily frustrated. The application of legitimate economic pressure by workers in the construction industry can be easily thwarted.

Continuous efforts have been made over the years to reverse the Supreme Court's erroneous interpretation of Taft-Hartley in the Denver decision. Four Presidents—Truman, Eisenhower, Kennedy, and Johnson—have spoken in favor of such efforts, as did their Secretaries of Labor. President Jimmy Carter has also pledged his support to this effort.

Employees on an industrial or manufacturing site are not faced with the same problem, however. Under a Supreme Court decision handed down in the early 1960's, the General Electric—GE—decision, the Supreme Court refused to apply the principles of the Denver decision to an industrial site. Instead it adopted a "work relatedness" test: All employers engaged in work at the common situs may be picketed, except those not engaged in work related to the normal operations of the primary employer.

The NLRB and the courts promptly proceeded to brush aside GE principles as applied to the construction industry. Given the principle stated in General Electric, one would have expected that the establishment of separate gates for the general contractor and various subcontractors on a construction site would be treated by the Labor Board as a futile gesture, because the general contractor and subcontractor are all engaged in their normal work at the construction site. Nevertheless, the Board held that the establishment of such gates would prevent a union which was having a dispute with the general contractor from picketing the gates reserved for the subcontractors' employees. This view was

sustained by the Court of Appeals over what was felt to be the compulsion of the Denver Building Trades case. (*Markwell and Hartz* v. *NLRB*, 387 F. 2d 70 (5th Cir. 1967) and *Nashville Building and Construction Trades Council* v. *NLRB*, 383 F. 2d 562 (6th Cir. 1967).

Thus an anomoly was created under existing law. In manufacturing, an independent subcontractor is not immunized from the labor dispute between the manufacturer and his employees if the work performed by the subcontractor is integrated into the normal operations of the manufacturer. On the other hand, in the construction industry, the identical independent subcontractor who performs work integrated into the normal process in the construction industry is immunized from the labor dispute between the prime contractor and his employees.

My bill embodies and gives proper scope to the "connected work" test stated in General Electric and since reaffirmed and implemented in *Steelworkers* v. *Labor Board*, 376 U.S. 492 (1964) (*Carrier*) and *Woodwork Manufacturers* v. *NLRB*, 386 U.S. 612 (1967) (*National Woodwork*). The purpose of the legislation is to apply the primary-secondary dichotomy recognized in those cases to the construction industry in a realistic manner, by treating the general contractor and his subcontractors as a single person for purposes of the secondary boycott provision of the law. This approach reflects the economic realities in the building and construction industry where the contractor and all the subcontractors are engaged in a common venture and each is performing tasks closely related to the normal operations of all the others. The construction of a building is a single, coordinated, and integrated economic enterprise. The contractor can perform the total job, or subcontract various parts. If he decides to subcontract, he chooses the subcontractors with care and exercises overall supervision. If he chooses to subcontract to a nonunion subcontractor who pays less than the prevailing union wage and wins the bid for that reason, the contractor cannot claim "neutrality" when the unions protest by picketing the job site. This view of "nonneutrality" underlies my bill and is its essence. My bill thus conforms the law to what should be the proper application of the primary picketing doctrine to the construction industry and thereby specifically overrules the decision in the Denver case.

In sum, the result of NLRB and court decisions is disparate treatment of similarly situated American workers. Statutory language is misconstrued to ban common situs picketing at construction sites only. This results in an egregious inequity toward construction workers, in effect a special exception under the Taft-Hartley Act for workers engaged in the construction industry. The power to carve out such an exception to the act is a power that resides exclusively in Congress, however, not in the Board, nor in the courts. And there is no evidence in the Taft-Hartley Act or its legislative history to indicate that Congress ever intended such an exception.

During the 94th Congress, this inequitable situation was recognized by my colleagues, and the Congress acted to eliminate the separate standards of conduct between construction site and nonconstruction site picketing. We acted on assurances from then President Ford that he would sign a common situs picketing bill sent to him by the Congress. However, the President did not hold to his assurances, and he vetoed the bill in January of 1976. As a result, the inequity continues to exist, the actual intent of Congress in enacting the pertinent provisions of the Taft-Hartley Act continues to be clouded, and the purpose of the 94th Congress to equalize picketing procedures goes uneffectuated.

It has now been 27 years that construction workers have been faced with this inequity. I think 27 years is too long for such an inequity to exist and for the original and true intent of the Congress to be hidden. The time is long past due for the Congress and the President to recognize this and remedy it.

The bill that I am introducing does, of course, continue certain restrictions placed upon the actions of construction employees. They will continue to be subject to the remainder of the Taft-Hartley restrictions on the use of picketing as an economic weapon, such as those included in section 8(b)(7), as the bill amends only section 8(b)(4).

Also contained within this amendment are certain specified limitations on the use of common situs picketing. The amendment restricts common situs picketing in violation of existing collective bargaining agreements, in furtherance of a labor dispute where the issues in dispute concern only the wages, hours, and other working conditions of employees employed at other common construction sites, or directed at certain employers not primarily engaged in the construction industry. The bill expressly continues the prohibitions against previously defined illegal secondary practices not specifically authorized by the amendment, while not prohibiting practices which were not previously unfair.

My bill also states that common situs picketing cannot be used for the purpose of removing a person from the construction site on the ground race, sex, creed, color, or national origin, or to cause any employer to discriminate against a person to encourage or discourage union membership or to discriminate against a person to whom union membership has been denied or terminated for reasons other than neglect of the periodic tender of dues. The amendment also restricts the use of common situs picketing in furtherance of a dispute over any person dealing in the products or systems of any other producer, processor, or manufacturer.

Further, the amendment requires that at least 10 days notice of intent to strike be given to all employers and unions at a site and also requires a labor organization to obtain written approval from the national or international labor organization with which it is affiliated before common situs picketing can be commenced. If common situs picketing is anticipated at a military or other governmental facility dealing in munitions, weapons, or missiles, a 10-day notice must also be given to the Federal Mediation and Conciliation Service, to any State or territorial mediation agency, and to the governmental agency concerned, in addition to those who are normally required to be informed.

Title II of this bill is entitled the Construction Industry Collective Bargaining Act of 1977. Title II is designed to create a labor relations structure in the construction industry which can reflect and effectively promote the national interest in diminishing inflationary wage settlements, unproductive manpower utilization, and prolonged work stoppages.

The construction industry historically makes a significant contribution to the national economy. In 1976, for example, the construction industry employed just under 3.5 million workers and added nearly $50 billion to the Nation's gross national product.

Despite this sizable contribution, however, it is my strong feeling that the industry's accomplishment, could be improved. As it exists today, the industry is fragmented by nature. There are large numbers of construction firms constantly entering and leaving the industry, the vast majority of which earn less than $1 million a year and which are typically isolated and local. At the same time, the union structure within the construction industry is also highly fragmented. Approximately 2.5 million construction workers are affiliated with national unions organized into more than 10,000 local unions. Seventeen international unions are affiliated with the Building and Construction Trades Department of the AFL–CIO. Local unions are also generally affiliated with subordinate bodies such as local and State building trades councils.

Since construction work does not require a fixed work force for an extended period, and since much construction work is affected by weather conditions, total employment in construction can fluctuate as much as 30 percent between the winter low and summer high. The average worker obtains less than a full year's work from construction, and in the course of the year is employed in many different locations and by many different employers.

In light of these facts, it is not surprising to find that collective bargaining in the construction industry is as fragmented as the industry itself. Bargaining is rarely coordinated among trades, local unions of a single trade, or employer associations, and the national unions and their national officers are generally involved only to a limited extent. As a result, labor relations in the construction industry are characterized by numerous work stoppages and rapidly escalating wage rates. To illustrate, 1975 saw 600 work stoppages in contract construction affecting more than 300,000 employees, and wage and benefit packages increased in fourth quarter 1976 7.1 percent over fourth quarter 1975, which had increased 9.1 percent over fourth quarter 1974.

The bargaining structure typically leads to leapfrogging settlements and comparisons of wage and fringe benefit

packages. This in turn results in high settlements and high levels of compensation spread among crafts and branches of the industry and across broad geographic areas with interconnected labor markets.

In the past, there have been attempts to improve the industry's collective bargaining. In 1969, Executive Order No. 11482 created the Construction Industry Collective Bargaining Commission to develop voluntary procedures to settle labor disputes in the construction industry. When it became apparent that more effective means were needed, Executive Order No. 11588 established the Construction Industry Stabilization Committee—CISC—under the authority of the Economic Stabilization Act of 1970. The CISC was highly effective in achieving long-term stabilization in the construction industry, in large part due to the fact that national union presidents and national contractor association representatives participate in reviewing and working with the local bargaining particpants. The CISC expired in April of 1974 with the expiration of the Economic Stabilization Act. Subsequently, construction industry bargaining reverted to its previous condition.

Most recently, in April 1975, Executive Order No. 11849 established the Collective Bargaining Committee in Construction. This committee is similar to its predecessors in purpose, but like them, lacks the statutory base needed to achieve its most important objective.

The basic purpose of the Construction Industry Collective Bargaining Act of 1977 is to provide that statutory base. This is vital if bargaining in the construction industry is to provide adequately for consideration of wider interests in the local bargaining process.

The bill creates a tripartite Construction Industry Collective Bargaining Committee—CICBC—within the Labor Department composed of 10 labor representatives, 10 management representatives, and up to 3 public members, appointed by the President after consultation with the appropriate national labor organizations and contractor associations. The bill also provides that the Secretary of Labor and the Director of the Federal Mediation and Conciliation Service will be ex officio members of the committee.

Under this new framework, the local labor organization and local contractor are to give written notice 60 days prior to a termination or modification of a collective bargaining agreement to the national organization with which they are affiliated, or in the case of a contractor who is not affiliated with a national contractor association, to the CICBC. This notice is then to be forwarded by the national labor organization and the national contractor association to the CICBC promptly. During the 60-day notice period, the parties to a collective bargaining agreement are required to continue in full force and effect.

Upon receipt of the notice by the CICBC, the bill authorizes that body to take jurisdiction of the dispute when it determines that such action will facilitate collective bargaining, promote construction industry stability, encourage bargaining agreements with more appropriate expiration dates and geographic coverage, promote practices consistent with apprentice training skill level differentials or promote procedures for dispute settlement.

Once the CICBC has taken jurisdiction, it can refer the matter to national craft boards or to national dispute procedures established by the appropriate branch of the construction industry. It may also request the national construction labor organization and the national construction contractor association to participate in the negotiations. If this is requested, no new collective bargaining agreement or any revision of an existing collective bargaining agreement can become effective without the approval of the standard national labor organization with which the local labor organization involved is an affiliate. The bill also limits the civil and criminal liability of national construction labor organizations and national contractor associations which might be imputed to them for the action they take at the request of the CICBC, unless such action willfully authorizes illegal conduct.

The CICBC must assert jurisdiction within 90 days after notice is given, and once it asserts its jurisdiction, no strike or lockout may take place for the full 90-day period unless it releases its jurisdiction sooner.

The bill provides for enforcement of its provisions by allowing the CICBC to direct that the appropriate U.S. district court be petitioned to enforce the provisions. This enforcement includes, but is not limited to, injunctive relief prohibiting any strike or lockout during the 90-day period discussed above, for which the court is not to be limited by the Norris-LaGuardia Act of 1932.

In conclusion, Mr. President, I stress to my colleagues that this legislation comes to us from the last Congress as unfinished business. Essentially identical legislation, H.R. 4250, has just recently been introduced by Congressman FRANK THOMPSON in the House of Representatives and will be moving through that body in the near future.

Both my bill, and the House version, recognize the construction industry for what it is, an integrated operation which should be subject to the same rules of labor law as those applicable to any other integrated operation. It is also an industry unique in its collective bargaining and in need of assistance to establish stability within the industry.

I therefore urge my colleagues to give expedited consideration and passage to this important legislation. It will provide construction workers with the same rights industrial workers now have, equal treatment to which under any rational legal standard, legislative, or judicial, they are surely entitled. It will also provide for a more stabilized system of collective bargaining, benefiting both the construction industry and its principals and the public which relies on the industry to provide its buildings and to stimulate the national economy.

Mr. JAVITS. Mr. President, I join today with Senator WILLIAMS, chairman of the Committee on Human Resources, in introducing legislation to permit common situs picketing in the construction industry. This bill is similar in scope to S. 1479, the common situs picketing bill that Senators WILLIAMS, CRANSTON, and I introduced in 1975. The 94th Congress passed this bill, with a few modifications, as H.R. 5900 which was subsequently vetoed by the President. Minor changes in the language and structure of the current bill have been made to simplify and clarify its purpose.

It is my belief that consideration of the problem of common situs picketing requires also a broad review of collective bargaining in the construction industry. Accordingly this bill also incorporates a construction industry collective bargaining title, essentially identical to title II of S. 1479 passed by the Senate during the last Congress. In this way, the Committee on Human Resources will be able to consider common situs picketing in the framework also of the reform of the collective bargaining structure in the construction industry.

COMMON SITUS

The common situs picketing bill establishes picketing rights for construction workers comparable to those already existing in the industrial sector. The basic purpose of the bill is to treat general contractors and subcontractors at a construction site as a single person for purposes of the secondary boycott provisions of the National Labor Relations Act. Where there is a labor dispute with a general contractor at a construction site, unions will be permitted to undertake strike activity, including picketing, directed not only at the general contractor, but at all the subcontractors at that site as well. Likewise, where there is a labor dispute with a subcontractor at a construction site, unions will be empowered to direct strike activity, including picketing, not only against that subcontractor, but against the general contractor and the other subcontractors at the site of the dispute.

Section 8(b)(4)(B) of the NLRA, the secondary boycott provision of the Taft-Hartley Act. makes it an unfair labor practice for a union to strike or picket where an object thereof is to force an employer to cease doing business with another employer The purpose of such provisions is to protect the business of a third person, a neutral employer, who has no power to resolve a disagreement between another employer and his employees. The secondary boycott provisions are not intended, however, to interfere with a union's right to exert legitimate economic pressure aimed at the employer with whom there is a primary dispute. Such primary activity is not an unfair labor practice even though it may seriously affect neutral employers

Because these distinctions under Section 8(b)(4)(B), and other provisions of the act are not always easy to discern, it has been left to the NLRB and the courts to establish the criteria for differentiating between legal primary and prohibited secondary activity, and thus to resolve the inherent tension between the right to strike and the right of neutral em-

ployers to keep from becoming enmeshed in a dispute with another employer by his workers.

The distinctions drawn by the NLRB and the Federal courts with respect to the picketing rights of labor in the construction industry, as compared with other industries, have been illogical and inequitable, and require congressional modification. This modification is the purpose of this bill.

The errors in interpretation of the secondary boycott provisions with regard to the construction industry sought to be corrected were created by the NLRB and the Supreme Court decisions in the case of *NLRB* v. *Denver Building Trades*, 342 U.S. 675 (1951). The Court there upheld the Board's determiation that because the general contractor and subcontractors on a building site were separate businesses, they were to be treated as neutrals with respect to each other's labor disputes. Accordingly a union involved in a labor dispute with one subcontractor could not picket the other contractors and subcontractors at the job site without engaging in a secondary boycott in violation of section 8(v)(4)(B) of the act.

The better view, and the one adopted in the bill, was expressed by Justice Douglas in his dissent to the Denver Building Trades decision;

> The picketing would undoubtedly have been legal if there had been no subcontractor involved—if the general contractor had put non-union men on the job. The presence of a subcontractor does not alter one with the realities of the situation; the protest of the union is precisely the same. In each the union was trying to protect the job on which union men were employed. If that is forbidden, the Taft-Hartley Act makes the right to strike, guaranteed by § 13, dependent on fortuitous business arrangements that have no significance so far as the evils of the secondary boycott are concerned. I would give scope to both § 8(b)(4) and § 13 by reading the restrictions of § 8(b)(4) to reach the case where an industrial dispute spreads from the job to another front. (341 U.S. at 694)

The bill is designed to conform the law "to the realities of the situation" as noted by Justice Douglas. It permits picketing at a job site which protests the presence of nonunion construction workers and is addressed to employees of all employers at the job site. Thus it overrules the holding of the Denver Building Trades case and in its place substitutes standards for picketing at construction sites similar to those now existing for picketing at industrial sites.

As former Secretary of Labor John Dunlop stated when he testified in support of this legislation before the 94th Congress:

> Both sides in the construction industry have long been of the general view that a construction site should have a common labor relations policy regardless of how many separate contracts of contractors, prime or subcontractors, are involved. The mixing of labor policies is not conducive to industrial peace, productivity, or good management.

I agree with this statement and can only conclude that to construe section 8(b)(4) of the act to prohibit common situs picketing at construction projects flies in the face of sound Federal labor relations policy.

The highly integrated nature of the construction workplace with various interrelated contractors and their employees working in an interdependent situation establishes that the Denver Building Trades case was wrongly decided by the Supreme Court. That it has also created an anomaly between picketing rules applicable to workers at industrial facilities, and those applicable to construction workers, is demonstrated by the Supreme Court's subsequent ruling in a 1961 decision, known as the General Electric case, *Local 761 IUE* v. *NLRB*, 336 U.S. 667.

In General Electric there was a dispute between General Electric and the IUE representing its employees at a large industrial site. The IUE, representing a production and maintenance unit, was engaged in a lawful strike. Its picketing in furtherance of that strike included appeals to the employees of an independent maintenance contractor on the site as a gate reserved for building and construction contractors' employees.

The Supreme Court held that the picketing of independent contractors is permissible, and does not violate the secondary provisions of section 8(b)(4), where the primary dispute is with the industrial employer—GE—and work done by the independent contractor is related to the normal operations of that industrial employer. The Supreme Court, in this case, thus enunciated the "related work" doctrine applicable to employees working at industrial sites. This holding has not, however been applied to construction sites, and the Denver Building Trades case remain to this day the applicable law at a construction site.

The bill embodies and gives proper scope to the "connected work" test stated in General Electric. The purpose of the legislation is to apply the primary-secondary dichotomy recognized in that case—and since reaffirmed and implemented in; for example, *Steelworkers* v. *Labor Board*, 376 U.S. 492 (1964) (Carrier) and *Woodwork Manufacturers* v. *NLRB*, 386 U.S. 612 (1967) (National Woodwork)—to the construction industry in a realistic manner, by treating the general contractor and his subcontractors as a single person for purposes of the secondary boycott provision of the law. This approach reflects the economic realities in the building and construction industry where the contractor and all the subcontractors are engaged in a common venture and each is performing tasks closely related to the normal operations of all the others. The construction of a building is a single, coordinated and integrated economic enterprise. The contractor can perform the total job, or subcontract various parts thereof. If he decides to subcontract, he chooses the subcontractors with care; and exercises overall supervision. If he chooses to subcontract to a nonunion subcontractor who pays less than the prevailing union wage and wins the bid for that reason, the contractor cannot claim "neutrality" when the unions protest by picketing the job site. This view of "nonneutrality" underlies this bill and is its essence. This bill thus conforms the law to what should be the proper application of the primary picketing doctrine to the construction industry and thereby specifically overrules the decision in the Denver Building Trades case.

This legislation contains a number of safeguards designed to insure that common situs picketing is conducted in a responsible manner.

Before engaging in common situs picketing as provided by this legislation, a labor union must first give at least 10 days advance written notice of its intention to strike to all other unions and all employers including the general contractor, at the construction site, and to any national or international labor organization with which it is affiliated. A related requirement is that when the union is affiliated with a national or international labor organization, that organization must give its written approval of the common situs picketing before it may occur.

Read together, these requirements will provide a "cooling off" period during which the local parties and the national labor organization will have the opportunity to resolve the dispute without resort to a work stoppage. These legislative provisions incorporate our trust in the mediating influence of the international building trades organizations which will receive these 10-day common situs picketing notices. I expect that during this 10-day "cooling off" period the international unions will take an active role in attempting to resolve the underlying labor disputes peacefully and thereby eliminate the need to engage in a work stoppage through common situs economic activity." These provisions will also protect against the use of common situs picketing in "wildcat" strike situations.

This bill limits picketing permitted at the common situs to activity directed at employers "in the construction industry." Where the construction site is at an industrial plant—for example, an addition to a manufacturing facility—the owner of the plant will not be treated as a single person with the general contractor who is engaged to perform such construction work. In that situation, when the dispute is with the general construction contractor or one of his subcontractors, the owner of the industrial facility may, by establishing a separate gate for the construction employees, confine the picketing to that gate and thereby insulate his own industrial employees from picketing, in accord with the General Electric decision, 366 U.S. at 681.

This legislation also recognizes and respects provisions of State law which require contracts on public construction projects to be awarded to separate bidders for specific aspects of the job. No common situs picketing will be permitted among the separate contractors mandated by these State separate-bidding statutes.

It further prohibits picketing with the objective of job discrimination against an employee on the basis of sex, race, creed, color, or national origin, or on the basis of that individual's membership or nonmembership in a union.

It protects independent unions not affiliated with national labor organizations by prohibiting common situs picketing which attempts to force them off the job.

In addition, it reaffirms the act's prohibition against recognitional picketing where there is already a lawfully recognized labor organization representing the contractor's employees. And, of course, it does not legalize jurisdictional strikes, which remain barred by section 8(b)(4)(D) of the act.

The bill also contains a provision to insure that, except for the limited and carefully defined authorization to conduct common situs picketing, nothing in S. 1479 is to be construed to legalize any existing conduct constituting an unfair labor practice under the act.

The intense level of debate among interest groups, in the press and in the last Congress was an overreaction to an overdue bill. The bill embodies basic Federal labor policies which rely on the interplay of economic forces to resolve disputes between labor and management over wages and other terms and conditions of employment. This is basic to our system of social and economic justice. This bill corrects a misinterpretation of these sound policies and I will urge its prompt enactment.

COLLECTIVE BARGAINING

The intent of the Construction Industry Collective Bargaining Act of 1977—title II—is to bring about greater labor relations stability by establishing a new national collective bargaining framework for the settlement of labor disputes in the construction industry. The need for such legislation is highlighted by the depressed economic conditions now prevailing in this industry, and by fragmented and chaotic conditions of bargaining over new contract terms that all too often sacrifice the long-term health of the construction industry for short-term gains. This proposal, in the form of S. 2305, which I introduced with Senator WILLIAMS in the last Congress, was combined with the common situs picketing bill on the floor of the Senate and passed as a package by the 94th Congress.

I believe that linking the two bills together is the right approach in this Congress as well.

I emphasize that I feel it is insufficient to define correctly the secondary boycott provisions of the National Labor Relations Act without also seeking to reform the collective bargaining structure of the construction industry. Eliminating the inequitable restrictions on common situs picketing is not the whole answer to the problems which exist in the construction industry. Increased cooperation between labor and management in the context of an improved bargaining structure is also necessary.

The need for such reform has been recognized for years. Title II would continue and expand upon the approach under Executive orders in 1969, 1971, and 1975 which established the Construction Industry Collective Bargaining Commission, the Construction Industry Stabilization Committee, and the Collective Bargaining Committee in Construction. The experience under these groups has been successful enough to warrant a statutory mechanism for accomplishing the objectives of curtailing whipsawing distortions of wage relationships, inefficient manpower utilization, and costly strikes. An enhanced role for national unions and national contractor associations is needed to provide leadership in solving the critical problems that now exist in the construction industry. Title II is designed to establish a mechanism to achieve these objectives through the voluntary collective bargaining process, without resort to wage and price control or other forms of compulsory interference.

Title II applies solely to construction industry national labor organizations and their affiliates, and to contractors and their associations engaged in collective bargaining with them in this industry. It does not apply to bargaining between contractors or contractor associations and independent unions, or to the nonunion sector of the industry.

The title's principal focus is the establishment of a tripartite national Construction Industry Collective Bargaining Committee—CICBC—to oversee bargaining in the industry. The CICBC will be composed of labor, management, and neutral representatives, all appointed by the President. The committee will be responsible for identifying key construction industry collective bargaining situations for their possible pattern-setting impact on bargaining in the industry. Where appropriate, it will intercede before potentially disruptive new settlements are reached by the parties which are likely to lead to widespread wage distortions and costly work stoppages. It will also promote agreements covering more appropriate geographic areas, encourage voluntary procedures for dispute settlement, and take other steps to remedy the underlying labor relations defects in the construction industry.

Title II requires that local labor organizations give 60 days' notice to their national affiliates before the termination or modification of collective bargaining agreements, including those modifications permitted by any reopener provisions in such agreements. Contractors and contractor associations engaged in bargaining with those unions are similarly required to notify their national affiliate or the committee directly.

After receiving the required notice from the national labor or contractor organizations, the committee, in its discretion, may take jurisdiction over the labor negotiations if it determines that such action will further the purposes of this act. The CICBC's decision to assert jurisdiction over a construction industry labor matter is confined to a specific 90-day period consisting of the 60-day required notice period, plus a "cooling off period" of an additional 30 days. During this period the parties may not resort to strikes or lockouts, and the terms of the existing contract are continued, unless the committee earlier releases its jurisdiction.

Once the committee has taken jurisdiction, it may assist the parties by referring the labor matter to a national craft board, or to the national dispute procedures established by the appropriate branch of the construction industry. The committee may also decide to meet with the parties directly. When the CICBC requests the appropriate national construction labor and contractor associations to participate in the negotiations, any new collective bargaining agreement or revision of an existing agreement must be approved by the national labor organization with which the local labor organization is affiliated for the agreement to be of any force or effect. The national union's approval is required for all such agreements regardless of whether they become effective during or after the 90-day jurisdictional period.

As the committee may at any time relinquish its jurisdiction, it may thereby suspend or terminate the requirement that the national union must approve any local agreement before it is permitted to take effect.

The bill limits the civil and criminal liability of national construction labor and contractor associations which might be imputed to them from the actions they take at the request of the CICBC. This limitation is essential if the overall purposes of the bill are to be achieved. Countervailing protections for third parties remain unaffected by the bill, as it does not protect any otherwise unlawful provisions in collective bargaining contracts nor does it protect actions by national organizations that are not part and parcel of its responsibilities as defined by the bill.

In my judgment, responsible action by the Congress in its deliberation of common situs picketing legislation requires simultaneous consideration of reform of the bargaining structure in the construction industry. As the Committee on Human Resources considers these bills together, further changes may be necessary to improve, clarify, and strengthen their provisions. I urge prompt enactment of both titles of this bill as together they represent a comprehesive and equitable approach to reform of labor relations in the construction industry.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 924

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

TITLE I—PROTECTION OF ECONOMIC RIGHTS OF LABOR IN THE CONSTRUCTION INDUSTRY

SEC. 101. (a) Section 8(b)(4) of the National Labor Relations Act, as amended, is amended by inserting bfeore the semicolon at the end thereof ": *Provided further*, That nothing contained in this subsection (b) shall be construed to prohibit any strike or refusal to perform services or any inducement of any individual employed by any person to strike or refuse to perform services or threats thereof, at the site of the construction, alteration, painting, or repair of a building, structure, or other work, which may be directed at a single person in the construction industry at such site and which is directed at any of several persons who are in the construction industry and are jointly engaged as joint venturers or in the relationship of contractors and subcontractors in such construction, alteration, painting, or repair at such site: *Provided further*, That nothing in the above proviso shall be con-

strued to authorize a strike or refusal to perform services or any inducement of any individual employed by any person to strike or refuse to perform services, or threats thereof, (1) in violation of an existing collective-bargaining contract; (2) in furtherance of a labor dispute where the issues in dispute concern the wages, hours, or other working conditions of individuals employed at any other common construction site; or (3) directed at a person who is not engaged primarily in the construction industry, who through individuals regularly employed by that person and represented by a labor organization, is installing or servicing products produced by that person, or is doing construction work at a facility owned by that person: *Provided further,* Except as provided in the above provisos nothing herein shall be construed to authorize any act or conduct which was or may have been an unfair labor practice under this subsection, or to prohibit any act or conduct which was not an unfair labor practice under this subsection, prior to the enactment of such provisos: *Provided further,* That nothing in the above provisos shall be construed to authorize picketing, threatening to picket, or causing to be picketed, any person (1) to remove or exclude from a common construction site any individual employed by that person on the ground of sex, race, creed, color or national origin; (2) to cause or attempt to cause a person to discriminate against any individual employed by that person in a manner prohibited by paragraph 2 of this subsection (b); or (3) under circumstances prohibited by paragraphs 4 (D) or (7) of this subsection (b): *Provided further,* That nothing in the above provisos shall be construed to authorize any picketing of a common construction site by a labor organization to force, require, or persuade any person to cease or refrain from using, selling, purchasing, handling, transporting, specifying, installing, or otherwise dealing in the products or systems of any other producer, processor, or manufacturer: *Provided further,* That in determining whether several persons who are in the construction industry are jointly engaged as joint venturers or in the relationship of contractors and subcontractors at any site, (1) ownership or control of such site by a single person shall not be controlling; (2) where a State law requires separate bids and direct awards to persons for construction, the various persons awarded contracts in accordance with such applicable State law shall not be considered joint venturers or in the relationship of contractors and subcontractors with each other or with the State or local authority awarding such contracts at the common construction site."

(b) Section 8(g) of such Act is amended by redesignating the present section 8(g) as section 8(g)(1), and adding at the end thereof the following:

"(2)(A) A labor organization, before engaging in activity permitted by the third proviso of paragraph (4) of subsection (b) of this section, shall provide prior written notice of intent to strike or to refuse to perform services, or to induce any person to strike or refuse to perform services, of not less than ten days to all unions and the persons at the common construction site and to any national or international labor organization of which the labor organization involved is an affiliate and to the Construction Industry Collective Bargaining Committee: *Provided,* That at any time after the expiration of ten days from such notice, the labor organization may engage in activities permitted by the third proviso at the end of paragraph (4) of subsection (b) of this section if the national and international labor organization of which the labor organization involved is an affiliate gives notice in writing authorizing such action: *Provided further,* That authorization of such activities by the national or international labor organization shall not render it subject to criminal or civil liability arising from activities, notice of which was given pursuant to this subparagraph, unless such authorization is given with actual knowledge that such activities are to be willfully used to achieve an unlawful purpose.

"(B) In the case of any such site which is located at any military facility or installation of the Army, Navy, or Air Force, or which is located at the facility or installation of any other department or agency of the Government if a major purpose of such facility or installation is or will be the development, production, testing, firing or launching of munitions, weapons, missiles, or space vehicles, prior written notice of intent to strike or to refuse to perform services, or to induce any person to strike or refuse to perform services, of not less than ten days shall be given by the labor organization involved to the Federal Mediation and Conciliation Service, to any State or territorial agency established to mediate and conciliate disputes within the State or territory where such site is located, to the several persons who are jointly engaged at such site, to the Army, Navy, or Air Force or other department or agency of the Government concerned with the particular facility or installation, and to any national or international labor organization of which the labor organization involved is an affiliate.

"(C) The notice requirements of subparagraphs (A) and (B) above are in addition to, and not in lieu of, the notice requirements prescribed by Section 8(d) of the Act."

EFFECTIVE DATE

SEC. 102. The amendments made by this title shall take effect ninety days after the date of enactment.

TITLE II—CONSTRUCTION INDUSTRY COLLECTIVE BARGAINING

SHORT TITLE

SEC. 201. This title may be cited as the "Construction Industry Collective Bargaining Act of 1977".

FINDINGS AND PURPOSES

SEC. 202. (a) The Congress finds and declares that the legal framework for collective bargaining in the construction industry is in need of revision; and that an enhanced role for national labor organizations and national contractor associations working as a group is needed to minimize instability, conflict, and distortions, to assure that problems of collective-bargaining structure, productivity and manpower development are constructively approached by contractors and unions themselves, and at the same time to permit the flexibility and variations that appropriately exist among localities, crafts, and branches of the industry.

(b) It is therefore the purpose of this title to establish a more viable and practical structure for collective bargaining in the construction industry by establishing procedures for negotiations with a minimum of governmental interference in the free collective-bargaining process.

CONSTRUCTION INDUSTRY COLLECTIVE BARGAINING COMMITTEE

SEC. 203. (a) There is hereby established in the Department of Labor a Construction Industry Collective Bargaining Committee. The Committee members shall be appointed as follows:

(1) Ten members shall be appointed by the President from among individuals qualified by experience and affiliation to represent the viewpoint of employers engaged in collective bargaining in the construction industry.

(2) Ten members shall be appointed by the President from among individuals qualified by experience and affiliation to represent the viewpoint of the standard national labor organization in the construction industry.

(3) Up to three members shall be appointed by the President from among individuals qualified by training and experience to represent the public interest, one of whom shall be designated by him to serve as Chairman.

(4) The Secretary of Labor, ex officio.

(5) The Director of the Federal Mediation and Conciliation Service, ex officio.

The employer, labor, and public members shall be appointed by the President after consultation with representative labor and management organizations in the industry whose members are engaged in collective bargaining. Any alternate members who may be appointed shall be appointed in the same manner as regular members. All actions of the Committee shall be taken by the Chairman or the Executive Director on behalf of the Committee.

(b) The Secretary of Labor may appoint such staff as is appropriate to carry out the Committee's functions under this title, and with the approval of the Committee, may appoint an Executive Director.

(c) The Committee may promulgate such rules and regulations as may be necessary or appropriate to carry out the purposes of this title, including the designation of "standard national construction labor organizations" and "national construction contractor associations" qualified to participate in the procedures set forth in this title.

NOTICE REQUIREMENTS

SEC. 204. (a) In addition to the requirements of any other law, including section 8(d) of the National Labor Relations Act, as amended, where there is in effect a collective-bargaining agreement covering employees in the construction industry between a local construction labor organization or other subordinate body affiliated with a standard national construction labor organization, or between a standard national construction labor organization directly, and an employer or association of employers in the construction industry, neither party shall terminate or modify such agreement or the terms or conditions thereof without serving a written notice of the proposed termination or modification in the form and manner prescribed by the Committee sixty days prior to the expiration date thereof, or in the event such collective-bargaining agreement contains no expiration date, sixty days prior to the time it is proposed to make such termination or modification. The notice required by this subsection shall be served as follows:

(1) A local construction labor organization or other subordinate body affiliated with a standard national construction labor organization shall serve such notice upon such national organization.

(2) An employer or local association of employers shall serve such notice upon all national construction contractor associations with which the employer or association is affiliated. An employer or local association of employers, which is not affiliated with any national construction contractor association shall serve such notice upon the Committee.

(3) Standard national construction labor organizations and national construction contractor associations shall serve such notice upon the Committee with respect to termination or modification of agreements to which they are directly parties.

The parties shall continue in full force and effect, without resorting to strike or lockout, all the terms and conditions of the existing collective-bargaining agreement for a period of sixty days after the notice required by this subsection is given or until the expiration of such collective-bargaining agreement, whichever occurs later.

(b) Standard national construction labor organizations and national construction contractor associations shall promptly furnish to the Committee copies of all notices served

upon them as provided by subsection (a) of this section.

(c) The Committee may prescribe the form and manner and other requirements relating to the submission of the notices required by this section.

ROLE OF THE COMMITTEE AND NATIONAL LABOR AND EMPLOYER ORGANIZATIONS IN COLLECTIVE BARGAINING

SEC. 205. (a) Whenever the Committee has received notice pursuant to section 204, it may take jurisdiction of the matter, with or without the suggestion of any interested party, by transmitting written notice to the signatory labor organization or organizations and the association or associations of employers directly party to the collective bargaining agreement during the ninety-day period which includes and immediately precedes the latter of: (1) the ninetieth day following the giving of notice under section 204(a); or (2) whichever is applicable, (A) the thirtieth day following the expiration of the collective bargaining agreement, or (B) the thirtieth day following the date proposed for termination or modification of such agreement.

(b) The Committee shall decide whether to take such jurisdiction in accordance with the standards set forth in section 206. When the Committee has taken jurisdiction under this section, it may in order to facilitate a peaceful voluntary resolution of the matter and the avoidance of future disputes: (1) refer such matter to voluntary national craft or branch boards or other appropriate organizations established in accordance with section 207; (2) meet with interested parties and take other appropriate action to assist the parties; or (3) take the action provided for in both preceding clauses (1) and (2) of this subsection. At any time after the taking of jurisdiction, the Committee may continue to meet with interested parties as provided herein.

(c) When the Committee has taken jurisdiction within the ninety-day period specified in this section over a matter relating to the negotiation of the terms or conditions of any collective bargaining agreement involving construction work between: (1) any standard national construction labor organization, or any local construction labor organization or other subordinate body affiliated with any standard national construction labor organization, and (2) any employer or association of employers, notwithstanding any other law, no such party may, at any time prior to the expiration of the ninety-day period specified in this subsection, engage in any strike or lockout, or the continuing thereof, unless the Committee sooner releases its jurisdiction.

(d) When the Committee receives any notice required by section 204, it is authorized to request in writing at any time during the ninety-day period specified in subsection (a) of this section participation in the negotiations by the standard national construction labor organizations with which the local construction labor organizations or other subordinate bodies are affiliated and the national construction contractor associations with which the employers or local employer associations are affiliated.

(e) In any matters as to which the Committee takes jurisdiction under subsection (a) of this section and makes a referral authorized by subsection (d) of this section, no new collective bargaining agreement or revision of any existing collective bargaining agreement between a local construction labor organization or other subordinate body affiliated with the standard national construction labor organization, and an employer or employer association shall be of any force or effect unless such new agreement or revision is approved in writing by the standard national construction labor organization with which the local labor organization or other subordinate body is affiliated. Prior to such approval the parties shall make no change in the terms or conditions of employment. The Committee may at any time suspend or terminate the operation of this subsection as to any matter previously referred pursuant to subsection (d) of this section.

(f) No standard national construction labor organization or national construction contractor association shall incur any criminal or civil liability, directly or indirectly, for actions or omissions pursuant to a request by the Committee for its participation in collective bargaining negotiations or the approval or refusal to approve a collective bargaining agreement under this title.

(g) Nothing in this title shall be deemed to authorize the Committee to modify any existing or proposed collective bargaining agreement.

STANDARDS FOR COMMITTEE ACTION

SEC. 206. The Committee shall take action under section 205 only if it determines that such action will—

(1) facilitate collective bargaining in the construction industry, improvements in the structure of such bargaining, agreements covering more appropriate geographical areas, or agreements more accurately reflecting the condition of various branches of the industry;

(2) promote stability of employment and economic growth in the construction industry;

(3) encourage collective bargaining agreements embodying appropriate expiration dates;

(4) promote practices consistent with appropriate apprenticeship training and skill level differentials among the various crafts or branches;

(5) promote voluntary procedures for dispute settlement; or

(6) otherwise be consistent with the purposes of this title.

OTHER FUNCTIONS OF THE COMMITTEE

SEC. 207. (a) The Committee may promote and assist in the formation of voluntary national craft or branch boards or other appropriate organizations composed of representatives of one or more standard national construction labor organizations and one or more national construction contractor associations for the purpose of attempting to seek resolution of local labor disputes and review collective-bargaining policies and development in the particular craft or branch of the construction industry involved. Such boards, or other appropriate organizations, may engage in such other activities relating to collective bargaining as their members shall mutually determine to be appropriate.

(b) The Committee may, from time to time, make such recommendations as it deems apropriate, including those intended to assist in the negotiations of collective bargaining agreements in the construction industry; to facilitate area bargaining structures; to improve productivity, manpower development, and training; to promote stability of employment and appropriate differentials among branches of the industry; to improve dispute settlement procedures; and to provide for the equitable determination of wages and benefits. The Committee may make other suggestions, as it deems appropriate, relating to collective bargaining in the construction industry.

MISCELLANEOUS PROVISIONS

SEC. 208. (a) This title shall apply only to activities affecting commerce as defined in sections 2(6) and (7) of the National Labor Relations Act, as amended.

(b) Nothing in this title shall be construed to require an individual employee to render labor or services without the employee's consent, nor shall anything in this title be construed to make the quitting of labor by an individual employee an illegal act; nor shall any court issue any process to compel the performanec by an individual employee of such labor or services, without the employee's consent, nor shall the quitting of labor by an employee or employees in good faith because of abnormally dangerous conditions for work at the place of employment of such employee or employees be deemed a strike under this title.

(c) The failure or refusal to fulfill any obligations imposed by this title on any labor organization, employer or association of employers shall be remediable only by a civil action for equitable relief brought by the Committee in a district court of the United States, according to the procedures set forth in subsection (d) of this section.

(d) The Committee may direct that the appropriate district court of the United States having jurisdiction of the parties be petitioned to enforce any provision of this title. No court shall issue any order under section 205(c) prohibiting any strike, lockout, or the continuing thereof, for any period beyond the ninety-day period specified in section 205(a).

(e) The decisions and actions of the Committee, pursuant to this title, may be held unlawful and set aside only where they are found to be arbitrary or capricious, in excess of its delegated powers, or contrary to a specific requirement of this title.

(f) Service of members or alternate members of the Committee may be utilized without regard to section 665(b) of title 31, United States Code. Such individuals shall be deemed to be special Government employees on days in which they perform services for the Committee.

(g) In granting appropriate relief under this title the jurisdiction of United States courts sitting in equity shall not be limited by the Act entitled "An Act to amend the Judicial Code to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932 (29 U.S.C. 101 et seq.).

(h) The Committee may make studies and gather data with respect to matters which may aid in carrying out the provisions of this Act.

(i) Notwithstanding anything in subchapter II of chapter 5 of title 5, United States Code, in carrying out any of its functions under this title, the Committee shall not be required to conduct any hearings. Any hearings conducted by the Committee shall be conducted without regard to the provisions of subchapter II of chapter 5 of title 5, United States Code.

(j) Except as provided herein, nothing in this title shall be deemed to supersede or modify any other provision of law.

(k) In all civil actions under this title attorneys appointed by the Secretary may represent the Committee (except as provided in section 518(a) of title 28, United States Code), but all such litigation shall be subject to the direction and control of the Attorney General.

COORDINATION

SEC. 209. (a) At the request of the Committee, the other agencies and departments of the Government shall provide, to the extent permitted by law, information deemed necessary by the Committee to carry out the purposes of this title.

(b) The Committee and the Federal Mediation and Conciliation Service shall regularly consult and coordinate their activities to promote the purposes of this title.

DEFINITIONS

SEC. 210. (a) The terms "labor dispute," "employer," "employee," "labor organization," "person," "construction," "lockout," and "strike" shall have the same meaning as when used in the Labor-Management Relations Act, 1947, as amended.

(b) As used in this title the term "Committee" means the Construction Industry Collective Bargaining Committee established by section 203 of this Act.

SEPARABILITY

SEC. 211. If any provision of this title, or the application of such provision to any person or circumstances shall be held invalid, the remainder of this title, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

AUTHORIZATION OF APPROPRIATIONS

SEC. 212. There are authorized to be appropriated such sums as may be necessary to carry out this title.

REPORTS

SEC. 213. (a) No later than one year following the date of enactment of this title, and at one-year intervals thereafter, the Committee shall transmit to the President and to the Congress a full report of its activities under this title during the preceding year.

(b) No later than June 30, 1982, the Committee shall transmit to the President and to the Congress a full report on the operation of this title, together with recommendations, including any recommendations for legislation as the Committee deems appropriate.

EFFECTIVE DATE

SEC. 214. This title shall take effect on the date of its enactment.

ADDITIONAL COSPONSORS

S. 106

At the request of Mr. HUDDLESTON, the Senator from North Carolina (Mr. HELMS) and the Senator from Oklahoma (Mr. BELLMON) were added as cosponsors of S. 106, the Land and Water Resources Conservation Act of 1977.

S. 243

At the request of Mr. NELSON, the Senator from Maine (Mr. HATHAWAY) was added as a cosponsor of S. 243, to amend the Small Business Act and the Small Business Investment Act of 1958.

S. 265

At the request of Mr. MCINTYRE, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 265, the Elderly and Handicapped Persons Transportation Act of 1977.

S. 310

At the request of Mr. MATSUNAGA, the Senator from New Hampshire (Mr. DURKIN) was added as a cosponsor of S. 310, to provide for the inclusion of licensed practical nurses under medicare and medicaid.

S. 364

At the request of Mr. HART, the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 364, to provide for judicial review of administrative determinations made by the Administrator of Veterans' Affairs.

S. 384

At the request of Mr. HATHAWAY, the Senator from Massachusetts (Mr. BROOKE), the Senator from Alaska (Mr. GRAVEL), the Senator from Oregon (Mr. HATFIELD), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maryland (Mr. MATHIAS), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 384, the Commercial Fisheries Improvement Fund Act of 1977.

S. 506

At the request of Mr. HUMPHREY, the Senator from Kentucky (Mr. HUDDLESTON) and the Senator from Minnesota (Mr. ANDERSON) were added as cosponsors of S. 506, the Wage Supplements for Handicapped Individuals Act.

S. 514

At the request of Mr. RIBICOFF, the Senator from Hawaii (Mr. MATSUNAGA) and the Senator from New York (Mr. JAVITS) were added as cosponsors of S. 514, to amend title XVIII of the Social Security Act.

S. 528

At the request of Mr. WILLIAMS, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 528, relating to collective bargaining contracts.

S. 551

At the request of Mr. HUMPHREY, the Senator from Nevada (Mr. CANNON) was added as a cosponsor of S. 551, a bill to provide for grants to States for the payment of compensation to persons injured by certain criminal acts and omissions, and for other purposes.

S. 555

At the request of Mr. RIBICOFF, the Senator from Minnesota (Mr. ANDERSON) and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of S. 555, a bill to establish certain Federal agencies, effect certain reorganization of the Federal Government, to implement certain reforms in the operation of the Federal Government and to preserve and promote the integrity of public officials and institutions, and for other purposes.

S. 615

At the request of Mr. HANSEN, the Senator from Wyoming (Mr. WALLOP) was added as a cosponsor of S. 615, to amend title II of the Social Security Act.

S. 616

At the request of Mr. DOLE, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 616, to provide a tax credit based on the creation of new jobs and increased employment.

S. 725

At the request of Mr. RANDOLPH, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 725, to extend certain programs under the Education of the Handicapped Act.

S. 753

At the request of Mr. HUMPHREY, the Senator from South Dakota (Mr. ABOUREZK) was added as a cosponsor of S. 753, a bill relating to disability benefits for the blind.

S. 788

At the request of Mr. HUMPHREY, the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. ANDERSON) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 788, the Agricultural Emergency Assistance Act of 1977. I regret that through a clerical error, these Senators were not listed as cosponsors upon the introduction of this bill.

S. 800

At the request of Mr. HART, the Senator from Connecticut (Mr. RIBICOFF), the Senator from Minnesota (Mr. ANDERSON), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of S. 800, to promote the use of energy conservation, solar energy, and total energy systems in Federal buildings.

S. 801

At the request of Mr. MCINTYRE, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of S. 801, a bill to amend title I of the Housing and Community Development Act of 1974 for the purpose of providing that units of general local government which are not metropolitan cities or urban counties and which are receiving grants under the hold-harmless provisions of such title shall be entitled, after fiscal year 1977, to continue to receive at least the amount to which they are presently entitled under such provisions.

S. 826

At the request of Mr. RIBICOFF, the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 826, the Department of Energy Organization Act.

SENATE CONCURRENT RESOLUTION 11—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO WAGE AND PRICE CONTROLS

(Referred to the Committee on Banking, Housing, and Urban Affairs.)

Mr. TOWER submitted the following concurrent resolution, which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. CON. RES. 11

Whereas business, labor, consumers, and investors are concerned over the possibility of economic controls; and

Whereas economic controls are inconsistent with and detrimental to the functioning of the United States economy: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) Mandatory wage and price controls should not be imposed;

(2) standby authority to impose wage and price controls should not be sought;

(3) the authority to require pre-notification of wage and price changes, or to impose a delay on announced wage and price changes, should not be sought; and

(4) official guideposts regarding the appropriate rate of changes in wages or prices by sector, industry, or firm should not be developed.

Mr. TOWER. Mr. President, the time has obviously come to clear the air about wage and price controls. Business, labor, consumers, and investors are concerned over the possibility that controls may be reimposed on the American economy. They are also concerned over the possible form of such controls.

President Carter has been talking about a "voluntary" approach to controlling inflation. What is meant by this is left to the imagination, but there has apparently been some serious consideration of requiring the "prenotification" of wage and price increases.

All of this discussion is causing apprehension and confusion in the private sector. It is preventing possible price reductions or wage modifications in certain sectors of the economy, and it is complicating long-run planning for the future. It is a major reason why many businesses have delayed or reduced plans for capital investment. It is counterproductive to sustained long-run economic growth and expanding employment.

It is difficult to believe that wage/price controls or guidelines are even being considered. Such efforts in the past have been nothing short of disastrous.

Wage/price controls or guidelines cause gross inequities. They cause shortages and inefficiencies, and they inevitably lead to controls on exports and other economic activities. They hide inflation rather than deal with the underlying causes of overly stimulative fiscal and monetary policies and other factors, such as the weather, that are out of our control. Indeed, they take the pressure off efforts to remain vigilant against irresponsible fiscal and monetary policies. It should come as no surprise that wage and price controls are being discussed at the very time when the Federal deficit appears headed for an all-time record high.

Wage/price controls or guidelines, voluntary or otherwise, have never solved the problem of inflation in the past. They will not work now and they never will.

For that reason, I am introducing a resolution that would discourage the use of wage/price controls or guidelines in any form whatsoever. This resolution would state a sense of the Congress against mandatory wage/price controls or standby authority to impose such controls. It also would state a sense of the Congress against seeking authority to require prenotification of wage and price increases or authority to delay increases in wages and prices. It would also state a sense of the Congress against wage/price guidelines for particular sectors or industries in the economy, such as those in use during the Kennedy and Johnson administrations.

The purpose of this resolution would be to put to rest the possibility that wage/price controls or guidelines will be imposed on the American economy.

This does not mean to say that the inflation problem is not a serious one. The rate of inflation is far too high, even though considerable progress has been made in reducing it. The current rate of inflation is about 5 to 6 percent, roughly half of what it was in 1974. But, this is still too high to be acceptable over the long-run.

The rate of inflation must be reduced even more if we are to provide a stable environment for capital investment and economic growth. No factor is so disruptive to increasing employment as inflation, and the effect that rapid inflation has on reducing employment should never be ignored.

The resolution is not meant to downplay the seriousness of inflation. It simply means that inflation must be controlled by some means other than wage/price controls or guidelines.

There appears to be fairly widespread agreement that mandatory controls should be avoided. President Carter recently stated his opposition to a "mandatory" program. Earlier, the Senate Committee on Banking, Housing and Urban Affairs had noted, in a report on the Council on Wage and Price Stability, that it saw "* * * no useful purpose in supplying the President or the Council even with standby authority to apply mandatory controls."

Even though mandatory controls, even on a standby basis, may be ruled out, however, there are other forms which controls or guidelines could take. The resolution I am introducing is intended to discourage the use of any or all forms of controls or guidelines.

The Council on Wage and Price Stability is the Federal agency that would most logically be given enhanced authority to handle a controls program. If efforts are made to beef up the Council's authority to interject itself into private wage and price decisions, I believe every effort should be made to abolish the Council. Even today, the Council's mere existence provides a strong temptation to institute some form of a controls program for it to administer.

It may be argued by some, of course, that a limited controls program, or even a set of "voluntary" guidelines, would not be so disruptive to the economy. But, even a limited program of controls is bound to fail, and disenchantment with such efforts is bound to lead to demands for more stringent controls.

The history of our most recent experience with a controls program in this country bears out the pattern. Small efforts have had a way of snowballing into monumental disasters.

The process which led up to full-blown controls in 1971 has been outlined well by Marvin Kosters in a new publication entitled "Controls and Inflation: The Economic Stabilization Program in Retrospect." He writes:

> In June 1970, the President established the National Commission on Productivity and the Regulations and Purchasing Review Board, and announced that periodic "inflation alerts" would be prepared by the Council of Economic Advisers. In January of 1971, the President directed the Cabinet Committee on Economic Policy to analyze conditions in the steel industry in the wake of announced price increases for some steel products. The Council of Economic Advisers was to report immediately to the committee any "exceptionally inflationary wage or price developments" so that appropriate federal action could be considered. The Construction Industry Collective Bargaining Commission had been established in September 1969, and federal action had been taken to reduce construction spending and encourage training of more skilled construction labor, but there had been no relief during 1970 from increasingly large construction wage increases and the pressures they created for similar wage increases in other sectors. On 29 March 1971 the Construction Industry Stabilization Committee was established to place mandatory controls on construction wages. After a review of the economy by the administration in June, decisions were announced not to apply additional stimulus to demand and not to establish an incomes policy. These statements proved to be the last strong official reaffirmation of the game plan. Larger trade deficits and the increased vulnerability of the dollar to massive conversion into other forms of reserves were added to continuing disappointing news on prices and production, triggering the President's dramatic announcement of the New Economic Policy on 15 August 1971.

It was a fruitless search in little steps for a solution to inflation that led to the disastrous wage/price control program that followed.

This Nation's struggle with inflation will not be an easy one over the period ahead. We should not delude ourselves into believing it will be. But, we should not also delude ourselves into thinking that it can be dealt with by the "magic wand" of economic controls or guidelines. As the famous 18th century economist, Adam Smith, noted in his "Wealth of Nations":

> The statesman, who should attempt to direct private people in what manner they ought to employ their capitals, would not only load himself with a most unnecessary attention, but assume an authority which could safely be trusted, not only to no single person, but to no council or senate whatever, and which would nowhere be so dangerous as in the hands of a man who had folly and presumption enough to fancy himself fit to exercise it.

If there is any lesson we should have learned in our first 200 years as a nation, it is this one.

AMENDMENTS SUBMITTED FOR PRINTING

ADDITIONAL DISTRICT COURT JUDGES—S. 11

AMENDMENT NO. 55

(Ordered to be printed and referred to the Committee on the Judiciary.)

Mr. MUSKIE (for himself and Mr. HATHAWAY) submitted an amendment intended to be proposed by them jointly to the bill (S. 11) to provide for the appointment of additional district court judges, and for other purposes.

AMENDMENTS NOS. 56 AND 57

(Ordered to be printed and referred to the Committee on the Judiciary.)

Mr. MORGAN submitted two amendments intended to be proposed by him to the bill (S. 11), supra.

NOTICES OF HEARINGS

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS

Mr. McINTYRE. Mr. President, the Subcommittee on Financial Institutions of the Committee on Banking, Housing and Urban Affairs will conduct oversight hearings on the report recently submitted entitled "EFT and the Public Interest."

The hearings will be held in room 5302 of the Dirksen Senate Office Building on March 21 and 22. Both hearings will begin at 9:30 a.m.

Anyone wishing information concerning these hearings should contact William R. Weber, Counsel, Subcommittee on Financial Institutions, room 5300 Dirksen Senate Office Building, 202-224-7391.

COMMITTEE ON HUMAN RESOURCES

Mr. WILLIAMS. Mr. President, I wish to announce that the Committee on Hu-

man Resources has scheduled a hearing on Monday, March 7, 1977, at 2 p.m., in room 4232, Dirksen Senate Office Building, on the nominations of Robert J. Brown, to be Under Secretary of Labor, Carin Ann Clauss to be Solicitor of Labor, Donald Elisburg to be Assistant Secretary of Labor for Employment Standards, and Ernest Green to be Assistant Secretary for Employment and Training.

Persons wishing to testify or submit statements, please contact: Ian Lanoff, Counsel Labor Subcommittee, Committee on Human Resources, 4233 Dirksen Senate Office Building, Washington, D.C. 20510. Telephone number (202) 224–7655.

COMMON SITUS PICKETING

Mr. WILLIAMS. Mr. President, I wish to announce that the Labor Subcommittee of the Committee on Human Resources will hold hearings on S. 924, a bill to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers and to establish a national framework for collective bargaining in the construction industry, and for other purposes. These hearings are scheduled for Thursday, March 17, 1977, at 10 a.m., and will be held in room 4232 of the Dirksen Senate Office Building. Any person wishing to testify or submit a statement for the record contact Ian D. Lanoff of the Labor Subcommittee staff at room G–237, Dirksen Senate Office Building.

ADDITIONAL STATEMENTS

LABOR GOVERNMENT IS NOT THE ANSWER

Mr. LAXALT. Mr. President, London is not burning. Worse, it is slowly decaying. On the surface, it is still the marvelously vibrant and civilized place it has always been. But beneath, it is being consumed, as is the rest of Britain, by the creeping malaise of the welfare state.

It is sad to see the decline of such a great nation. But it is frightening to think that our own country could be headed in a similar direction. Paul Harvey, the distinguished radio commentator, has argued that the British course, since 1945, is an excellent example of what to avoid. I agree. And for the information of my colleagues, I ask unanimous consent that the full transcript from Mr. Harvey's recent commentary entitled "Labor Government is Not the Answer" be printed in the RECORD.

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

LABOR GOVERNMENT IS NOT THE ANSWER

(By Paul Harvey)

London is in a lather.

The bottom has dropped out from under England's money.

Under Britain's last Conservative government the value of the Pound stabilized.

Under this Labor Government, it has shrunk by almost one-third in eighteen months.

Britain is an excellent example of what not to do.

"Unemployment" was the battle cry of British election of 1945

Britain's Laborites were demanding and promising "full employment."

And on that promise they got elected.

In the in-and-out years since, during their "in" years, the Labor Government has taken over—nationalized—railways, public utilities, coal mines, the steel industry and most truck transport.

The results have been a total disaster for the consumer, the worker and country.

Consumer prices in nationalized industries have increased much faster and higher than in private industries. In a span of thirteen years the average price increase of the products in government-run industries increased ninety-five percent. In private manufacturing, only eighteen percent.

And in the run-down of the nationalized industries, thousands of British workers lost their jobs.

Britain, of all places, is now having to import coal.

Further, the Labor Government had promised to improve the condition of the poor. Now there is an endless wait for hospital beds. You'll wait two years for a cataract operation. And so Britain's doctors are leaving Britain twice as fast as British medical schools are producing more.

The Socialists promised "housing," with the result that millions of former home owners have been taxed out of homes, and are now condemned to live in large tower blocks, to which the tenant is virtually bound for life.

Council tenants consider themselves as shackled in their "cells" as were Britain's medieval serfs.

Twenty percent of Britain's adult males are now unemployed, at least half of them because the pay and fringe benefits for not working add up to more than the wages for working.

The resultant corruption of the spirit contributes there, as anywhere, to all manner of crime and violence.

In wartime, Britain's government upkeep amounted to forty-nine percent of that country's gross national product. Today the government take is sixty-four percent.

Britain's Prime Minister Callaghan says the trouble is that the British people have not been EARNING their standard of living for years. Now both their fiscal welfare and their freedom are at stake.

Here is a Labor leader, in effect telling them that they will either go back to work or they will have to be PUT to work by a dictator.

WORLD FOOD CRISIS—A CONTINUING THREAT

Mr. HEINZ. Mr. President, for several years now we have been confronting a world food crisis of great magnitude, one that has produced dangerously low food supplies threatening millions with starvation.

Population growth and poor weather conditions have been the major factors contributing to these conditions, though high energy—and therefore fertilizer—prices, worldwide inflation, and poor development decisions have also been considerations. The result has been an increased responsibility for the United States and other food-rich nations in helping to meet worldwide needs.

We Americans have a history of providing humanitarian assistance to less fortunate nations. We have had the good judgment not to stand idly by in a world in which two-thirds of the people are malnourished and the other one-third overfed. Obviously our actions have not solved the problem—that is a generations-long battle, but we have made the commitment which is the necessary first step.

Under the Marshall plan, for example, between 1948 and 1954, we shipped over $10 billion in agricultural commodities to war-ravaged Europe. Since 1954, we have assisted millions of starving people in needy countries around the world by providing nearily $21 billion in agricultural commodities under the food for peace program. Although the administration of these programs left room for improvement, it was a demonstration of our concern for our fellow man as well as a contribution to world stability. Now we are faced with a new round in the same old battles, as many countries face famine, pestilence, and death as a result of worldwide food shortages.

Responding to this crisis, our Government has increased its assistance to agricultural production programs in other countries, and its spending for food shipments to needy nations. I applaud these efforts and strongly believe that the United States has the capability to provide food aid as needed to meet specific short-term emergencies. For example, the Department of Agriculture should develop plans which will enable the United States to provide increased food aid when needed without increasing domestic inflation. The United States has an important humanitarian role to play in reducing hunger in the world but we cannot fulfill this obligation alone. All nations, including industrial, food-exporting, and oil-exporting countries, must join in the effort to combat food shortages.

Short-term relief, in times of extreme crisis, however, is not enough to win the battle, as recent events have shown. The crisis has eased somewhat since 1974, drawing attention away from the world food situation. Yet, serious long-term problems remain. It is practically certain that food crises will occur in future bad weather, and that food will reemerge as a volatile issue.

In order to deal with the long-term problem, we must not delude ourselves that we can unilaterally prevent hunger in the world, because of our unique agricultural bounty. Such raised expectations could result in encouraging developing nations to continue to rely on U.S. aid and not increase their own efforts to involve small farmers in more modern agricultural programs, almost certainly guaranteeing a more widespread and destructive famine in the years to come. A policy in which we simply provide money and food to needy nations would, in my opinion, be shortsighted and foolish. We must also share our agricultural and technological expertise with the rest of the world and encourage all nations to develop their more accessible and, as yet, uncultivated arable acreage everywhere in the world. Although we have already taken steps toward helping the food-deficient nations achieve self-sufficiency, a much greater effort is needed. The most significant contribution that we can make to the world food shortage is to help the developing countries grow enough food to feed themselves.

Emphasis on appropriate small technology and on indigenous agricultural research, such as that proposed by Congressman FINDLEY and included in the last Congress' foreign aid legislation, will go far in encouraging intelligent, and ultimately independent, development.

At the same time, however, it is imperative that we make progress toward the establishment of a world food reserve program that will help to insure adequate supplies of food during periods of crisis. Such a system could take numerous forms, and I recognize that questions of ownership of reserves, possible intervention in pricing patterns, and storage of reserves are all controversial issues that must be resolved with full input from the American farmer, who is after all, the source of our surplus. It is my firm belief, however, that such questions can be resolved in a way that will lead to an effective reserve system, and that through such a system we can continue our commitment to world food needs.

In conclusion, then, our job is clear. We must state our policy in no uncertain terms that the United States is willing to assist those developing countries in need—both on a short-term and a long-term basis—but they in turn must be willing to practice the best agricultural methods available to help themselves.

SUBCOMMITTEE ORGANIZATION OF COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MAGNUSON. Mr. President, The Committee on Commerce, Science, and Transportation has now organized its subcommittees and I ask unanimous consent that the subcommittee makeup be printed in the RECORD.

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

SUBCOMMITTEES

AVIATION SUBCOMMITTEE

Cannon, Chairman; Inouye, Stevenson, Zorinsky, Melcher, Stevens, Goldwater, Packwood.

COMMUNICATIONS SUBCOMMITTEE

Hollings, Chairman; Magnuson, Cannon, Inouye, Ford, Durkin, Zorinsky, Riegle, Griffin, Stevens, Packwood, Schmitt, Danforth.

CONSUMER SUBCOMMITTEE

Ford, Chairman; Durkin, Melcher, Packwood, Danforth.

MERCHANT MARINE AND TOURISM SUBCOM.

Inouye, Chairman; Magnuson, Long, Griffin, Stevens.

SCIENCE AND SPACE SUBCOMMITTEE

Stevenson, Chairman; Ford, Long, Hollings, Zorinsky, Riegle, Schmitt, Goldwater, Griffin.

SURFACE TRANSPORTATION SUBCOMMITTEE

Long, Chairman; Cannon, Hollings, Stevenson, Durkin, Riegle, Melcher, Danforth, Goldwater, Schmitt.

THE DETROIT ECONOMIC CLUB: THE NATION'S IDEA FORUM

Mr. GRIFFIN. Mr. President, the bedrock of democracy is the free flow of ideas. Only by keeping abreast of changing ideas and concepts can a democratic society change itself and thereby remain viable and effective.

For the process to work, those who wish to speak—and those who want to listen—must have a forum in which to exchange ideas.

As the New York Times has recognized, the leading private forum in the United States for political and economic leaders is the Economic Club of Detroit. Since its founding in 1934, it has provided outstanding spokesmen from all corners of the Nation and the globe with a forum to be heard on timely and important topics.

As a Senator from Michigan and as a member of the organization, I am proud of the Detroit Economic Club and the wide respect it has earned from many quarters, including leaders in larger cities like New York, Chicago, or San Francisco. Once again, it proves that you do not have to be the biggest to be the best.

I ask unanimous consent that a January 23, 1977, New York Times article about the Detroit Economic Club, entitled "A Very Important Club," be printed in the RECORD.

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

[From the New York Times, Jan. 23, 1977]

A VERY IMPORTANT CLUB

(By Reginald Stuart)

DETROIT.—A few days before W. Michael Blumenthal boarded a plane for Washington at the Detroit Metropolitan Airport, the Treasury Secretary-designate stopped downtown for lunch with the members of a very important club.

In a speech that was widely monitored, he sketched out his Washington agenda, and there was no doubt that he was testing the waters of the American industrial heartland with some of the thoughts of the Carter Administration on economic policy.

If roll had been called, the logic behind Mr. Blumenthal's appearance before the Economic Club of Detroit in his last major public address prior to Inauguration Day would have been evident even to the naivest of observers.

For the club is perhaps the leading private forum in the United States for speechmaking by political and economic leaders and it has held this unofficial position for many years, despite the acknowledged prominence of similar clubs in New York, Chicago and San Francisco.

Among the members on hand for Mr. Blumenthal's presentation were Henry Ford 2d, chairman of the Ford Motor Company, Thomas A. Murphy, chairman of the General Motors Corporation, and Lee Hills, chairman of the Knight Ridder newspaper chain. There was Leonard Woodcock, president of the United Automobile Workers of America, and his heir-apparent, Douglas Fraser.

Roy Chapin, chairman of the American Motors Corporation, listened attentively, as did Wade H. McCree Jr., Solicitor General-designate, Arthur Seder Jr., chairman of American Natural Resources, and Robert M. Surdam, chairman of the National Bank of Detroit. There were more than a dozen other names of prominence in business and finance sitting at the head table at the luncheon—all members of the same club. And there were more than 1,000 other members, representing the worlds of business, labor, academia and government, sitting in the audience.

The roster of speakers in the last year has been impressive. Yitzhak Rabin, the Prime Minister of Israel spoke last February. Two weeks later Senator Edmund S. Muskie, then still a Presidential candidate, was here. The next week it was James T. Lynn, director of the United States Office of Management and Budget. He was followed a week later by Benjamin F. Ballar, the Postmaster General. The month of May was pure vintage. President Ford spoke one week and the next week it was Ronald Reagan. The month was capped off with a speech by William T. Coleman Jr., then Secretary of Transportation.

By last fall the list included: Carla Hills, Secretary of Housing and Urban Development; Thomas C. Reed, Secretary of the Air Force; Clifton C. Garvin Jr., chairman and chief executive officer of the Exxon Corporation (who was introduced by Mr. Murphy of General Motors); candidate Jimmy Carter, and John D. deButts, chairman of the American Telephone and Telegraph Company.

Name-dropping around this club is not merely for the purpose of impressing people. It is frequently so you'll know who's been here, who's running or who's sitting next to you.

People aren't exactly sure what it is that makes the Detroit Economic Club such hot stuff when compared with the Economic Clubs of New York or Chicago or with the Commonwealth Club in San Francisco. All benefit from the proximity of many corporate headquarters, a substantial media presence and a community of concerned citizens. Some say it's the fact that the club started in 1934 with 36 Monday luncheons a year and has stuck with that schedule never letting its guard down in pursuing the best speakers. Chicago holds only seven meetings a year and New York only four.

Others suggest that the Detroit Club simply fills a vacuum in that there really are not many forums from which those in the know can say what they think to a body that can have some influence. Russel A. Swaney, president for the last seven years, suggests that "a lot of people like to come and shake hands with Henry Ford and Tom Murphy."

"What they do when they have something to say, is come to us," says Ray W. Macdonald, the present chairman of the club. "A speech before the Economic Club seems to get that broad notice," he adds, as is evidenced by the frequent presence of local news media and wire service reporters and photographers. Mr. Macdonald is also chairman and chief executive officer of the Detroit-based Burroughs Corporation.

Industry executives decided long ago that they would actively support the club and show up for meetings, not just lend their names to the numerous letterheads, brochures and handbills cranked out by the club from its offices downtown. It is not uncommon to see the chairmen of 14 or 15 companies, including the chiefs of the four major domestic auto producers, all gathered on a Monday at Cobo Hall, the city's civic center and convention complex, for a not very impressive meal and an unusually impressive speaker. To obtain an audience with the makers and shakers of the auto industry alone is probably enough to attract most speakers.

Added to that is the presence of labor, including the United Auto Workers, and woven in are prominent local figures in religion, education, government and communications. Many of these people don't agree on much of anything, except that they support the club.

Despite this diversity and the fact that there are enough people in the Detroit area to support a number of similar clubs, there are no other clubs in the city trying to do just what the Economic Club is doing—provide a forum without taking a position on the subject being discussed.

"Every night in New York you can attend something," said Elliot M. Estes, president of General Motors. "But they're not as organized and consistent as the Detroit Economic Club."

So when the club meeting comes to order, many are present, sometimes as few as 600

people, usually just over 1,000 and on occasion as many as 3,000, such as when Henry Kissinger spoke. Things move fast, too. A brief reception for the speaker at 11:30 a.m., lunch at high noon, the speech around 12:30, questions and answers about 1:15 and a mad dash out of Cobo Hall at 2 p.m. at the latest.

Another factor that may have kept the club going and growing over the last seven years has been the persistence of the energetic Mr. Swaney, who took early retirement as senior vice president of the Federal Reserve Bank here. He is regarded as a hard worker and is credited with maintaining the high standards set by his predecessors in seeking and getting the most prominent speakers.

"We just try to get the top speakers for our members," said Mr. Swaney, who at age 69 is out-walking and out-talking many of his peers. "Sometimes we have to wait and sometimes we have to make extra efforts, but we usually get who we want," he said with a proud grin.

Perhaps his best story to date is about his Henry Kissinger project. Repeated attempts to schedule Mr. Kissinger to speak here were proving fruitless, so he flew to Washington and asked Mr. Kissinger's appointments secretary what he was doing wrong.

"He said we needed someone to put in a good word for us," recalled Mr. Swaney during a recent interview. "I thought for about a minute and then asked was the President good enough." Mr. Kissinger arrived here several months later.

The club's stature developed, of course, long before Mr. Swaney's arrival. The driving force for 28 years was Allen B. Crow, who played a prominent role in founding the club in 1934 and who remained its president until 1962. Mr. Crow, treasurer of a local lumber company, was a dedicated man who put the club's interests first for many years, providing a continuity of leadership highly unusual for such an organization.

When the club held its first meeting its members looked pretty much like the city's power structure—white, Republican, male and conservative. The first speaker was Professor H. J. Wilmes, then chairman of the department of economics at the University of Detroit, who spoke on "Personal Experience With Inflation in France and Germany, and Present Tendencies in the United States," a timely topic even today.

But as the labor movement grew in power, labor leaders were invited to join and address the organization. With the advent of strong emphasis on civil rights, blacks were invited into the fold in the 1950's. The first woman did not join until 1973, with the admission of then-Representative Martha W. Griffiths.

Despite the club's elite image, it says it is open to anyone. That is, if you are interested in the affairs of the nation and world primarily from an economic or political point of view. There are five categories of membership, with the highest annual dues set at $225 for "sustaining members," usually corporate chieftains. The lowest dues are $40 for associate, junior executive and nonresident members (those who live and work at least 30 miles from Detroit). Regular members pay $85 a year.

For their money, they get to hear many of the leading economic and political figures of the day—who in turn get the opportunity to make acquaintances among the people who make the wheels turn in American industry. Perhaps it is this symbolic relationship that accounts for so much of the club's prominence.

DR. T. E. HICKS HONORED

Mr. McCLELLAN. Mr. President, I ask uanimous consent, to have printed in the RECORD a recent story from the Star Herald of Pocahontas, Ark., which recognizes honors recently bestowed upon a native of that city by the University of California at Los Angeles—UCLA. Dr. T. E. "Tom Ed" Hicks was an outstanding product of his native city. He directed the UCLA Nuclear Energy Laboratory and served as a member of the faculty of the school of engineering and applied science for 21 years.

In memory of Dr. Hicks, who died at the age of 54 in 1975, UCLA recently dedicated a new Thomas E. Hicks Nuclear Reactor Facility.

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

[From the Pocahontas (Ark.) Star Herald, Nov. 11, 1976]

DR. HICKS RECOGNIZED BY UCLA

A new nuclear reactor facility at the University of California in Los Angeles, has recently been named the Thomas E. Hicks Nuclear Reactor Facility in ceremonies at UCLA dedicating the new building to the Pocahontas native.

Dr. T. E. (Tom Ed) Hicks was director of the UCLA Nuclear Energy Laboratory and served as a member of the faculty of the School of Engineering and Applied Science there for 21 years.

An authority on the design and analysis of nuclear reactor systems, with special emphasis on safety and reliability, Dr. Hicks organized UCLA's Nuclear Reactor Program and Laboratory in the 1950s and early 1960s. Dr. Hicks died at the age of 54 in 1975.

Dedication ceremonies included a luncheon, an address by W. Kenneth Davis, vice-president of Bechtel Power Corp. of San Francisco, the unveiling of a dedicatory plaque, and announcement of the Dr. Thomas E. Hicks Scholarship Memorial Fund.

Dr. Hicks was born in Pocahontas and received his Bachelor's degree from the Univ. of Arkansas and his Ph. D. from the Univ. of California, Berkeley. He served in the US Navy during World War II and as a consultant to various areospace companies during his professional career.

NOMINATION OF ROBERT L. HERBST FOR ASSISTANT SECRETARY OF THE INTERIOR FOR FISH, WILDLIFE AND PARKS

Mr. ANDERSON. Mr. President, the Senate on March 3 received from the White House the nomination of Mr. Robert L. Herbst for Assistant Secretary of the Interior for Fish, Wildlife and Parks.

Bob Herbst has had a distinguished career in conservation matters and Senator HUMPHREY and I support his nomination wholeheartedly. He has served the State of Minnesota for 6 years as Commissioner of Natural Resources. Prior to that position Mr. Herbst was the executive director of the Izaak Walton League of America.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter to Senator JACKSON and Senator JOHNSTON from a variety of Minnesota interest groups supporting the nominations of Bob Herbst. These are the people and groups that know Bob Herbst and are in the best position to judge his contributions to the conservation of our Nation's natural resources.

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

FEBRUARY 11, 1977.

Hon. HENRY M. JACKSON,
Chairman, Senator Committee on Interior and Insular Affairs.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Subcommittee on Parks and Recreation, Dirksen Office Building, Washington, D C.

DEAR MESSRS. CHAIRMEN: The undernamed individuals, environmental-protection and public interest organizations and state officials in Minnesota, urge that the U.S. Senate Committee on Interior and Insular Affairs recommend that the United States Senate consent to President Carter's nomination of Robert L. Herbst as Assistant Interior Secretary. Bob Herbst is a dedicated advocate of environmental protection. His accomplishments in preserving wetlands, protecting unusual or critical natural resources, protecting and improving habitat for wildlife, waterfowl and fish, acquiring and managing lands for parks and recreation promoting environmental education, and actively supporting improvements in state environmental laws, attest to Bob's commitment to the preservation, protection and wise use of natural resources. As Commissioner of Minnesota's Department of Natural Resources, Bob Herbst is a proven and capable administrator who has effectively dealt with a wide variety of complex and sensitive public issues. Moreover, he is the deserved recipient of many awards, honors and testimonials, which further attest to his recognized leadership in public and civic affairs.

We have worked with Bob Herbst; we have the advantage of knowing him. All of us have not always agreed with his every decision or action. But on balance, Bob Herbst has exercised reasoned judgment in his decisions and he has performed with distinction. We are confident that Bob will serve the Nation with the same sense of commitment, dedication and integrity that he has served Minnesota.

Respectfully submitted:

State Rep. Willard Munger, Duluth, Chairman, House Committee on Environmental Protection and Natural Resources; State Sen. Gerald L. Willet, Chairman, Senate Committee on Agriculture and Natural Resources; Sigurd Olson, Ely, noted author and ecologist, wilderness advisor, the Izaak Walton League of America, past consultant to the Secretary of Interior and to the Asst. Secretary for Fish, Wildlife and Parks, and to the Bureau of Outdoor Recreation, past president, the National Parks Assn., past president, the Wilderness Society; Peter Vanderpoel, Chairman, Minnesota Environmental Quality Council (EQC); Dr. Gerald Christenson, Commissioner, Minnesota Department of Finance, Former EQC Chairman; Sandra Gardebring, Director, Minnesota Pollution Control Agency, EQC Member; John Millhone, Director, Minnesota Energy Agency, EQC Member; Jon Wefald, Commissioner, Minnesota Department of Agriculture, EQC Member; Dr. Warren Lawson, Commissioner, Minnesota Department of Health, EQC Member;

James Harrington, Commissioner, Minnesota Department of Transportation, EQC Member; Grant J. Merritt, Former Director, Minnesota Pollution Control Agency; Peter L. Gove, Former Director, Minnesota Pollution Control Agency; Milton Pelletier, President, Minnesota Conservation Federation, (The Federation, consisting of 75 environmental organizations, is affiliated with the National Wildlife Federa-

tion.); David Zentner, Duluth, National President, The Izaak Walton League of America; Dr. Don Skinner, President, Minnesota Environmental Control, Citizens Association (MECCA); Dr. Steve Chapman, Board Director, Clear Air-Clear Water Unlimited; Arnold Overby President, Save Lake Superior Association; Dr. Jan Green, Chairwoman, Conservation Committee, Duluth Audubon Society; and Eugene L. Felton, Chairman, Advisory Committee for the Charles L. Sommers Wilderness Canoe Base, Boy Scouts of America, Ely.

Mr. ANDERSON. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Honorable Cecil M. Andrus, Secretary of the Interior, regarding the nomination of Robert Herbst by President Carter.

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

ANDRUS PRAISES NOMINATION OF HERBST AS ASSISTANT SECRETARY OF INTERIOR FOR FISH AND WILDLIFE AND PARKS

Secretary of the Interior Cecil D. Andrus today expressed pleasure at President Carter's nomination of Robert L. Herbst, commissioner of the Minnesota Department of Natural Resources since 1971, to be the Assistant Secretary for Fish and Wildlife and Parks in the Department of the Interior.

In this post Herbst will have supervision over the National Park Service, U.S. Fish and Wildlife Service, and Bureau of Outdoor Recreation.

"Mr Herbst comes highly recommended by Vice President Mondale, by my good friend Senator Wendell Anderson, and by a broad spectrum of knowledgeable conservationists," the Secretary said. "We feel he will be a highly effective member of our team."

Herbst, 41 (born October 5, 1935, in Minneapolis) and his wife, Evelyn, make their home in Bloomington. They have three children.

Prior to appointment as commissioner of the Minnesota Department of Natural Resources, Herbst was national executive director of the Izaak Walton League of America, 1969–1971. He worked for the Minnesota Conservation Department, 1957–1963, and was deputy commissioner and acting commissioner of that Department, 1966–1969. During 1963–1966 he was executive secretary of Keep Minnesota Green, Inc.

A 1957 graduate of the University of Minnesota with a major in Forest Management and minor in Wildlife Management, Herbst also served one school year as an instructor at the University. He was employed by the U.S. Forest Service, 1954–1955.

He is the recipient of many awards, including the "Best Conservation Education Program in the Nation" from the American Association for Conservation Information, 1974. He was a delegate to the First International Conference on Human Environment in Northern Regional World at Sapparo, Japan, in 1974.

Mr. ANDERSON. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by Robert Herbst on his many accomplishments the past 6 years as Commissioner of Natural Resources of the State of Minnesota.

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

STATEMENT BY ROBERT L. HERBST

As evidence of my efforts to improve wildlife in Minnesota and to protect and enhance habitat, the following are some of the more substantial efforts I have carried out since 1971 as Commissioner of Natural Resources:

(1) As head of the Minnesota Department of Natural Resources, I administer 8½ million acres of state land consisting of state parks, state forests, wildlife management areas, etc. This is probably the largest acreage of administration by any state agency in the United States.

(2) Not only have I administered one of the largest ownerships, I have recommended and have been successful in one of the largest acquisition efforts in the United States. Two years ago, I proposed an acquisition program called Resource 2000 to acquire wildlife areas, parks, forests, scenic rivers, etc. The program called for $100,000,000 of acquisition in a six-year period. During the current biennium, the legislature provided approximately $20,000,000 for the first phase, and we have been using this $20,000,000 during the current fiscal period to acquire land.

(3) Minnesota was the first state to institute the wetlands acquisition program, and we have acquired 600,000 acres of wetlands.

(4) I recommended legislation for a $2 wetland surcharge on the hunting licenses, which was approved and raises approximately $550,000 each fiscal year.

(5) I created a Natural and Scientific Area Program and Advisory Committee.

(6) I proposed a state Wild and Scenic Rivers Act, which passed and is a model in the nation. Since its passage, I have designated three rivers and four additional rivers are underway.

(7) One of my greatest personal achievements was being instrumental in setting aside of lands on the St. Croix River for preservation and recreation. Also, the passage of protection of the St. Croix under the Federal Scenic Rivers System. Important in this program was the donation of lands on both sides of the river by Northern States Power.

(8) I proposed that the black bear be designated a game animal so that it would be protected and managed. (It was formerly unprotected.) The act passed; and since that time, I placed restrictions on taking of cubs and shooting within a quarter of a mile of dumps.

(9) I have probably issued the most stringent restrictions on waterfowl seasons in order to protect wildlife in Minnesota.

(10) In 1971, I closed the deer season in Minnesota to protect the deer population so that they had a chance to come back.

(11) I have recommended to this session of the legislature protected status for the fox in Minnesota (which is unprotected presently).

(12) I was instrumental in the passage of the Critical Area Act in Minnesota.

(13) I was instrumental in the creation of an Environmental Quality Council and a state Environmental Impact procedure.

(14) During my administration, I increased interpretive programs in state parks from 13 to 35.

(15) Nesting areas for herons and other species of animals have been purchased for habitat protection.

(16) During 1976, the worst fire season in 65 years occurred in Minnesota. I placed on the state, the most unprecedented restrictions on outdoor recreation in the history of our state including the closing of hunting and fishing and access to all state lands. At the close of the year, I had controlled the explosive situation with no holocaust, no appreciable amount of property lost, normal acreage per fire and no lives lost.

(17) I proposed and have underway a comprehensive inventory of public waters. Recommendations on "underground water study" have been made. I have initiated and carried out one of the finest Shoreland Management and Floodplain Management in the United States.

(18) I served as Chairman of the International Association of Game, Fish and Conservation Commissioners, Legislative Committee which lent support to the passage of the Endangered Species Act.

(19) I was instrumental in the passage of a State of Minnesota Endangered Species Act.

(20) I initiated the development of a management program to serve Endangered and Threatened plants and animals, which resulted in a publication entitled, "The Uncommon Ones."

(21) When I came into the office, there was no Environmental Education Program in the schools of our state. I successfully initiated legislation and funding for Environmental Education, which has resulted in our program being rated the best in the nation.

(22) I initiated the program and staff to work on the Minnesota nongame species of wildlife for the first time.

(23) I was instrumental in the passage of the Voyageur's National Park and was the Administrative leader at the state level, which provided the enabling legislation and the transfer of state lands to the park service.

(24) To cooperate with the park service and to complement the park policy on no hunting and trapping in Voyageur's National Park, I issued a Commissioner's Order making the park a game refuge under my authority.

(25) I initiated a waterfowl program for shallow lakes in Southern Minnesota.

(26) In the area of the highly complex Reserve Mining Case, I have opposed the dumping of tailings in Lake Superior which has been upheld by the court. I opposed the Palisades site for dumping, which was upheld by the court, and I denied permit applications for the Mile Post 7 site, which is currently under litigation.

(27) I have opposed mining in the Boundary Waters Canoe Area. Recently, we were successful in state legislation to ban mining and peat harvesting in the Boundary Waters Canoe Area.

(28) I opposed the development of the copper nickel resources of the State of Minnesota and peat resources of the state, until a comprehensive environmental, social and economic study has been made of both resources. The Legislature has agreed and has funded the evaluation studies, which are well underway.

(29) I supported the creation of the Federal Minnesota River Wildlife Area.

(30) I initiated a program on the management of state forests (56 forests comprising 3,000,000 acres of land) that is comprehensive and includes a full evaluation and planning for wildlife.

(31) I conducted three moose seasons in Minnesota that have been successful in protecting the population levels of moose.

Mr. ANDERSON. Mr. President, in the weeks preceding the nomination of Mr. Herbst by the President, several wildlife protection groups questioned Mr. Herbst's position on the protection of the eastern timber wolf. I believe it would be helpful for my Senate colleagues to have the facts on the eastern timber wolf population in Minnesota and Bob Herbst's involvement in the management of timber wolves. Accordingly, I ask unanimous consent to have printed in the RECORD a recent statement by Robert Herbst on the eastern timber wolf.

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

EASTERN TIMBER WOLF

I have supported and still support the objectives and purposes of the Endangered Species Act. It is a sad commentary on society when any species of life disappears from this earth.

The eastern timber wolf, which was once found in 26 of the lower 48 states, is now

only found in Northern Minnesota. Its presence in Minnesota is a valuable part of our north country wilderness and must be preserved. In the past, I have opposed the taking of wolves by poison, snares, and by airplane. I have also opposed bounty payments. In 1972, I tried to have the protection upgraded by a joint management plan of the Minnesota Department of Natural Resources, U.S. Forest Service, and U.S. Fish and Wildlife Service. However, the wolf came under the protection of the Endangered Species Act and a recovery team study. In October of 1974, I petitioned the Department of Interior to consider reclassification so that an approved management plan could be carried out by the state to preserve the eastern timber wolf and at the same time regulate population growth where proven predation on domestic animals and wildlife (primarily deer) beyond the balance of nature occurred. Regulation of the method and number of animals to be taken would be necessary.

At the time I became Deputy Commissioner of the Minnesota Department of Natural Resources in 1966, the eastern timber wolf population numbered approximately 600 in Minnesota. Today the population is estimated to be 1200–1500 (at least doubled in 11 years). Therefore, there has been no decrease in the population of the species during my administration—in fact, it has substantially increased.

That increase in numbers, the saturation of their main range, and expansion into agricultural areas, indicate that at present, the timber wolf is not endangered in Minnesota. The population level is above, in my opinion and the recovery team's opinion, the level needed for preservation. I would like to see management for habitat and for a population level of at least 1000 and perhaps 1200 retained. We have in the past, and are willing in the future, to help reestablish timber wolf populations in other states.

It should also be noted that Alaska and Canada have populations of eastern timber wolves.

Mr. ANDERSON. Mr. President, I also ask unanimous consent to have printed in the RECORD several letters of support for the nomination of Robert Herbst that have been brought to my attention.

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

STATEMENT BY LONNIE L. WILLIAMSON
CONSERVATIONISTS SUPPORT HERBST FOR WILDLIFE-PARK POST

Prominent national conservation and environmental organizations today applauded President Carter's appointment of Robert L. Herbst of Minnesota to be Assistant Secretary of the Interior for Fish, Wildlife and Parks. Responsibilities of the post include the U.S. Fish and Wildlife Service, National Park Service, and the Bureau of Outdoor Recreation.

Herbst currently is the Commissioner of the Minnesota Department of Natural Resources, a position he has held since 1971. He served as the Deputy Commissioner beginning in 1966 and formerly was executive director of the Izaak Walton League of America.

Organizations joining in support of the President's appointment include the American Fisheries Society, American Forestry Association, Ducks Unlimited, International Association of Fish and Wildlife Agencies, Izaak Walton League of America, Sport Fishing Institute, Wildlife Society, and Wildlife Management Institute.

The conservationists pointed to Herbst's administrative experience with the Minnesota DNR as an important qualification. As Commissioner, he has been responsible for agencies managing fish and wildlife, parks, forests, minerals, environmental planning, and law enforcement. The Minnesota agency is responsible for 8½ million acres of state parks, forests, and wildlife management areas.

The conservationists endorsing Herbst pointed to his laudable resource management achievements in Minnesota. When he became deputy commissioner, the eastern timber wolf population numbered approximately 600. Today it is estimated at 1200–1500.

Herbst successfully proposed a state wild and scenic rivers act, which is a model in the nation. Three rivers have been designated under the act and four more are in process. He instituted a variety of programs to benefit fish and wildlife, including a vigorous habitat acquisition program. A $2 surcharge on hunting licenses proposed by Herbst now raises about $550,000 a year for wetlands acquisition. About 600,000 acres of important wetlands have been bought thus far.

Herbst was instrumental in creating Minnesota's Environmental Quality Council and its environmental impact procedure. He has improved forest management programs in the state and fought to improve mining practices, making them more compatible with other land uses. He was a strong leader in the effort to halt further contamination of Lake Superior by the Reserve Mining Company. Herbst led efforts in the Minnesota Legislature to win required endorsement of the new Voyageur's National Park and won approval of a bond issue to finance the purchase of more than 35,000 acres of land, which have been conveyed to the Federal Government for the new park.

WILDLIFE MANAGEMENT INSTITUTE,
Washington, D.C., March 1977.

Hon. JENNINGS RANDOLPH,
Chairman, Senate Environmental and Public Works Committee.

MR. CHAIRMAN: I am Daniel A. Poole, president of the Wildlife Management Institute, with headquarters in Washington, D.C. The Institute's program has been devoted to the improved management of natural resources in the public interest since 1911.

It is a pleasure to endorse the nomination of Robert L. Herbst for Assistant Secretary of the Interior for Fish and Wildlife and Parks.

I have known Mr. Herbst for many years, both personally and professionally, and I have the highest regard for him. Because of his background in private, federal and state employ and his involvement in regional, national and international conservation activities, Mr. Herbst is keenly aware of and well informed about conservation and environmental issues. His record as a natural resources administrator is broad, imaginative and successful.

I wish to leave one thought with the committee. I have had the privilege of knowing and working with Assistant Secretarys of the Interior since the position was created back in the 1950's, when Secretary Fred Seaton chose Ross Leffler of Pittsburgh as the first person to hold the post. None of his predecessors has come to that important post better equipped than Robert Herbst.

As the principal officer of a large and vigorous state resources agency, Mr. Herbst is broadly experienced in administration, policy development, and program execution. He worked closely and well with his State Legislature in developing conservation and environmental legislation. I expect him to work similarly with Congress. He has been responsible for an important state agency with a budget of many millions of dollars, hundreds of employees, and program authority for forests, fish, wildlife, parks and recreation, minerals, water and soil, ecological surveys, and law enforcement. He is a conscientious and dedicated professional.

The Administration has chosen well in this appointment. Any Administration, in fact, should be proud to have persons of this caliber on its team.

[From the Princeton, Minnesota, Union-Eagle, Feb. 3, 1977]

AN ENDORSEMENT OF ROBERT HERBST

It is reported that Robert Herbst is under consideration for a position as assistant secretary of the Department of the Interior, which would include supervision of the National Park Service. His appointment is being opposed by some of the environmentalist groups who object to positions Herbst has taken on matters relating to Minnesota's Boundary Water Canoe Area and the Voyageurs National Park. We find this opposition disappointing.

Selecting people for office should be based on their fundamental qualifications, not their position on narrow issues. Bob Herbst is a dedicated conservationist, he is a fully qualified professional, and has had the benefit of long and tough experience. He headed the Izaak Walton League of the country which gave him exposure to national problems, he has managed our own natural resources department ably. Most important of all, he is an honest man of deep committment to public service. He seems to us admirably equipped and excellently motivated to have an important responsibility in the Interior Department.

We do not agree with some of his positions. We recognize that he may be correct and we in error. If we are right, we have confidence that his good sense and professional objectivity will bring him around. In an area of great political sensitivity we are certain he will keep that influence to a minimum. We hope he stays in Minnesota, but if he is needed in Washington and is willing to go, he has our earnest endorsement. He will be another outstanding Minnesotan in an important national assignment.

[From the Grand Rapids Herald-Review, Feb. 4, 1977]

BOB HERBST COULD HELP DEPARTMENT OF INTERIOR

It will be a shame if a handful of conservation organizations howl wolf loudly enough to prevent the appointment of Robert L. Herbst to the number 2 post in the Department of Interior.

Herbst is being lambasted because he has requested that the eastern timber wolf be removed from the federal endangered species list in Minnesota where he is the highly-respected commissioner of the Department of Natural Resources. It was generally accepted that Herbst would be the Assistant Secretary of the Interior until the hub-bub broke loose.

No DNR commissioner is acceptable to everyone. But Herbst has performed well throughout critical and controversial issues in recent years in Minnesota. Most people who have had personal contact with the commissioner have respect and admiration for him. He has been straightforward and reasonable in the conduct of his office and has not dodged difficult decisions. It's too bad that a few single-interest groups are overlooking his ability and fighting his appointment.

On the other hand, if Herbst joins the Carter administration, it will be difficult to replace him in the Department of Natural Resources.

Gov. Rudy Perpich has declared that he will use a screening committee of private citizens for all major appointments, allowing anyone interested to apply and present qualifications to the screening group. The commissioner of the Department of Natural

Resources should not be appointed for political reasons—it is far too complicated and difficult a job to be handed to someone as a reward. If Herbst does go to Washington, it is reassuring to know that the governor has indicated that major appointments will be carefully researched.

Few DNR commissioners have entered office with Herbst's qualifications. A graduate in forestry from the University of Minnesota, he served in the field, worked for Keep Minnesota Green and was a deputy commissioner of the DNR. He left that job in 1966 to become executive secretary of the Izaak Walton League of America, a position he left in 1971 to return to Minnesota as commissioner of the DNR.

Herbst has extensive knowledge in virtually all fields of conservation. His record in Minnesota is excellent, and he has presided over the smooth reorganization of the department.

Any commissioner who closes hunting and fishing seasons in the fall is bound to arouse the wrath of many, no matter how sound the reasons behind the action. He has had to take positions on complex problems such as the Reserve Mining company case and Indian hunting and fishing rights. We have not always agreed with the commissioner. But there has never been a time when we questioned his integrity or the sincerity of his determination to do what he believes is right for the state and nation.

Bob Herbst would be an excellent addition to the Department of Interior. Although we would hate to see him leave, he is precisely the type of man who should be serving as assistant secretary. We wish him well, whether he goes to Washington or remains in Minnesota.

Mr. ANDERSON. Mr. President, I also ask unanimous consent to have printed in the RECORD an article about Robert Herbst from the Minneapolis Star of March 3, 1977, by Gerry Nelson of the Associated Press. Mr. Nelson is dean of the Capitol Press Corps at the Minnesota State Capitol in St. Paul and a seasoned and thoughtful observer of Minnesota State government.

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

ROBERT HERBST, FORMER DIRECTOR OF DNR, OCCUPIES ANOTHER HOT SEAT

(By Gerry Nelson)

Robert Herbst, named yesterday to the No 2 post in the U.S. Department of Interior, says the job is one of the "hot seats" in the federal government.

But Herbst, 41, has weathered some hot times in six years as commissioner of natural resources for the state of Minnesota, including the closing of popular fishing and hunting seasons and bumping heads with environmentalists over protection of timber wolves.

The wolf problem will follow Herbst to the new job in Washington, D.C., but he may have to shuffle it off to someone else for a decision because of a conflict of interest. He says wolves don't need federal sheltering in Minnesota.

Herbst was appointed by President Carter as assistant secretary of interior for fish, wildlife, parks and recreation. In that $50,000-a-year post, he will run the National Park Service, the U.S. Fish and Wildlife Service and the Bureau of Outdoor Recreation.

He will serve under Interior Secretary Cecil Andrus.

"It is the glamor position of Interior but it is also the hot-seat position of Interior," Herbst said in an interview.

The job will be not unlike the one Herbst handled in Minnesota.

When it comes to hunting, fishing, snowmobiling and camping, everyone who participates is his own expert and has an opinion. Herbst has been praised and damned in about equal measure in Minnesota, but is viewed as one of the strongest personalities to have headed the Minnesota Department of Natural Resources.

The pipe-smoking outdoorsman will bring with him to Washington one of the most booming voices ever heard around state government halls.

In his early days as a forester at Cambridge, Minn., the daily routine included a weather check with the Moose Lake station, 50 miles away.

"They used to tell me they could turn off the radio and hear me just about as well," Herbst recalls.

He says the Minnesota job has been "kind of a balancing act," between the wants and needs of outdoor fans and the ability of natural resources to handle those needs.

"I've always viewed the commissioner of natural resources position, without trying to brag or blow smoke, as one of the toughest positions in state government," Herbst says.

He says the federal job "is an extension," dealing with the same issues on a vastly greater scale.

Herbst's appointment was known in Minnesota for more than a week but was held up for final clearance checks.

Herbst said he and the president have found common ground in a love of hunting and fishing. Carter likes to hunt quail and woodcock, and fish for bass in the farm ponds of Georgia.

Herbst is more likely to be found in the northern Minnesota woods on a deer hunt, or on any nearby lake or river in quest of walleyes, northern pike or panfish.

Herbst says his best deer kill was a 14-point buck that dressed out at 259 pounds in 1968. He's caught bass over five pounds, northerns up to 20 pounds and his first muskie last year, a 14-pounder.

Herbst has been battling with the Interior department since 1974 over the protected status of the eastern timber wolf, listed as an "endangered species" by the government but considered numerous enough to be a nuisance in northern Minnesota.

Herbst wants wolves to be reclassified to "threatened" status in Minnesota, so controlled trapping can be allowed and wolves can be shot on sight if caught killing livestock.

Herbst and his agency contend there were only 600 wolves in Minnesota a few years ago, but three times that many now. There are another 15,000 or so in neighboring Ontario.

Under state control, he says, wolves can be kept at manageable numbers, livestock farmers can be appeased and wolves can be kept from spreading into farming areas. A 6,000 square-mile sanctuary would be established in forested areas.

He says the Interior department is ready to make a decision, but may not allow him to participate since he would be wearing a new hat but dealing with the same issue.

Herbst says his toughest decisions in Minnesota have included closing the deer season in 1971 because of poor conditions, closing vast portions of the state to all outdoor activities last fall because of fire danger, and signing an agreement with a Chippewa Indian band in 1973 for joint control of hunting and fishing on the Leech Lake Reservation.

The Indian dispute resulted in threats on his life, he says.

Herbst was a central figure in the long court battle over Reserve Mining Co.'s dumping of taconite tailings into Lake Superior. Herbst rejected the company's permits for one on-land site, urging the company to take its disposal basin farther inland. The case is still in court.

Herbst and his wife, Evelyn, live in suburban Bloomington. Their son, Eric, 19, is a college student; another son, Peter, 17, is a high school junior, and a daughter, Amy, 12, is in elementary school.

Herbst is a native of Minneapolis and a 1957 graduate of the University of Minnesota with a degree in forest management. He was national director of the Izaak Walton League from 1969 to 1971. He was named head of the Minnesota agency Jan. 4, 1971, by former Gov. Wendell Anderson.

ENGINEER'S WEEK

Mr. CASE. Mr. President, recently my colleague from the neighboring State of Delaware, Mr. ROTH, spoke to a group of Delaware Valley engineers meeting in Philadelphia. His message was directed to a large audience, however, and I would like to share it with others. To that end, I ask unanimous consent that Senator ROTH's speech be printed in the RECORD.

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

STATEMENT OF WILLIAM V. ROTH, JR.

Thank you Mr. Everett. President Myerson, distinguished guests, ladies and gentlemen:

It is truly a privilege to have been invited to address an organization whose membership includes some of the most respected business leaders, educators, and engineers in the United States. And it's especially pleasing to have this opportunity to meet with you in this historic museum.

Museums, as you know, have many honored traditions; but the tradition that particularly appeals to me is the one that insists on a prompt closing time. You might say that a museum is the one place in which speechmaking would be timed to self-destruct promptly after 20 minutes. I just wish I could sell that basic idea in Washington, but since the generation of hot air seems to be one of that city's basic traditions—the other is spending other people's money—I have no illusions about my success.

Anyhow, I promise you that I'll try very hard to speak less than 20 minutes, even though the subjects I want to discuss are diverse and complex. I'd like to look beyond tonight, beyond next week, and consider some of the long-range problems confronting our country and the need for common-sense solutions.

But before we look at where we're going, we should first examine where we are. And since it's a sad fact of life that our national health is measured primarily in economic terms, we should first remind ourselves that our economy is once again showing serious signs of sluggishness. Unemployment is much too high; the bitter winter and its accompanying energy crisis have dampened production and caused severe physical and economic damage in many areas, and inflation—fueled by the expectation of more government spending and even higher government deficits—remains a constant threat.

It is small wonder, then, that the American people—belabored as they have been by the economic pressures—may have lost sight of the basic dynamics of our free society—of the principles that have made and kept our country great. In my travels, I have found that people are confused and seem overly ready to reject long-term solutions to our economic problems in favor of the quick fix—the soothing nostrum that promises pocket money today, and never mind the tomorrows. The pet project, the boondoggle, the instant and easy solution, have become cracks in the walls of our system. And the majority of the American people, either through apathy or lack of economic savvy,

seem ready to accept these easy answers. The fact that they are so inclined should give us all pause for serious thought and concern.

Washington is now entering the first phase of the annual economic and political battle between the Congress and the President. As always, the issues are what we should do and where we should be heading in the coming year on spending, on taxes, on energy, and a host of important problems, foreign and domestic. And, as always, the decisions that will be made will affect us all, not for just this year, but for many years to come.

It's an either or situation. Either we choose programs that lead us back to the healthy growth and expanded opportunities that have made us a beacon of hope and inspiration for peoples everywhere, or we opt for a course that could lead us deeper into the economic quagmire—with renewed inflationary spirals, chronic, unemployment, and compounding energy shortages.

This winter's energy crisis, the second we've faced in less than four years, offers an excellent example. Either we make some tough decisions on energy or we continue to take the ostrich-eye view, in which the energy problem will go away if we pretend it isn't there.

Survival dictates, of course, that we go with the tough choice. And first, we must recognize the fundamental issue: Do Americans have the grit and determination to develop new sources of practical and economical energy by the year 2000? We all know that the amount of oil and gas in the earth is finite. If it is not exhausted within the next two or three decades, it is likely that it will have become so scarce as to be too expensive for practical use. There is only so much oil and gas, and no amount of wishful thinking on the part of the American people, the Congress of the United States, or the Sheiks of Middle East is going to change that simple fact.

Recently, for instance, the news media have been filled with dark speculation, suggesting that during the depths of the natural gas crisis some major producers were hoarding gas supplies, waiting for the price to rise so they could make a killing.

If that indeed happened, and if some laws were indeed broken, then let's find the criminals, try them in a court of law, and jail them. But let's not fool ourselves into believing that by merely tossing some executives in jail we can magically produce new supplies of oil and gas. Jails and criminals notwithstanding, the supply of oil and gas is limited and we are running out.

Dozens of experts have told us, time and time again, that the energy problems must be solved, but as a nation we persist in drifting indifferently toward disaster. Worse, we are even being sped along on this aimless course by certain of my colleagues in the Congress who refuse to recognize that a solution is desperately needed. Every week's delay is but one more nail in the coffin of our economy and our national strength.

Let me give you an example of how another nation has responded to the energy crisis:

I recently returned from Japan, where the country has undergone sobering changes in the use of energy. After a crisis precipitated by the oil embargo, there was a strengthening of Japanese resolve, and the nation's attention turned towards cost cutting and conservation. As a result, the Japanese economy *gained* 3.1 percent between Fiscal Years 1974 and 1975, while the country's energy consumption *dropped* four percent.

Specifically, we require a simultaneous, two-pronged attack on the energy problem: on one flank we should exploit every means of conserving energy, while on the other flank we should sustain a concerted effort to develop new sources of energy. Conservation may be a stopgap measure, but it is a necessary one and we should pursue it with utmost vigor. Likewise, a national policy to develop all alternate potential energy sources—coal gasification, wind, solar, and nuclear power—may be viewed as expensive and unnecessary, but it is critical to the future of our country.

I support the creation of a Department of Energy to work towards these goals. I also support, and have worked hard for, the gradual phase out of government economic restrictions and controls which impede the development of energy sources such as oil and natural gas. Two years ago, the Senate came within a few votes of approving a gradual oil decontrol plan coupled with windfall profits taxes and tax cuts for the consumers. And as far back as two years ago, I personally introduced a bill to allocate supplies of natural gas to ensure that each state receive its fair share in a crisis. I also proposed that in leasing public lands, the Federal government should have the right in the national interest to require maximum production of oil and gas.

If we had taken these steps two years ago, I am convinced we would have been able to respond more adequately to the crisis we experienced this past winter.

Our energy problems are inextricably interwoven with our economic problems. One contributes to the other, each is a cause of both. And so, it's most important that, when we tackle our specific economic problems, we do so with the same long-term thinking we bring to bear on energy.

Today's economic problems have a haunting familiarity about them. Remember the early 1960's, when economic growth was stagnating, when unemployment rates were at historically high levels and when private investment was falling? At that time a newly-elected Democratic President was searching for ways to keep his campaign pledge "to get the country moving again."

Today—16 years later—another newly-elected Democratic President and a Democratic-dominated Congress are traveling the same trail, seemingly oblivious to the "discoveries" made by their predecessor.

Today, the President and Congress want to "put the country back to work." As before, the economy is sputtering, unemployment is at intolerable levels, and private investment is at low levels. But while the same economic problems that threatened the start of the "New Frontier" now threaten the "New Spirit," the similarities end right there.

The new Kennedy Administration wanted sustained economic growth in the private sector, and therefore, its first major tax proposal was for a 15 percent tax credit to encourage business investments. This proposal, along with subsequent moves to provide permanent, across-the-board tax cuts for individual taxpayers and businesses, did indeed stimulate the economic growth and private investment needed to create jobs and get the country "moving again."

But, the lessons of history are currently being ignored, and a Rube Goldberg package of tax rebates and Government make-work jobs programs is being offered by both Democrats and Republicans as "the best way" to stimulate the economy.

The major provision of the Administration's proposed economic stimulus package is a $50 rebate check, described as a "quick, one-shot stimulus" to the economy.

But the manner in which the $50 rebate checks will be distributed by the Government can more accurately be described as a "buck shot" stimulus. Most, but not all taxpayers, and most, but not all non-taxpayers, will receive a $50 check from Uncle Sam, and if there are some people who receive two rebate checks, there will be others who will receive no check at all.

Reasonable Americans can see that the tax rebate proposal is an ineffective gimmick, and a substantial body of expert (and Democrat-leaning) economic opinion underscores this public skepticism with its own doubts as to the economic effectiveness of temporary tax rebates.

Instead of tinkering with the economy with ineffective and temporary gimmicks, I believe it is essential that we take steps to restore the nation's confidence in the economy and the future.

I have called on Congress to reject the Administration's tax rebate approach and instead enact a substantial and permanent reduction in taxes for business and individuals.

These tax cuts should provide real relief to middle-income taxpayers and they should not be limited to people earning under $15,000–$20,000, as so many members of Congress have proposed. The Democrats idea of tax relief is $50 rebates. Many of my Republican colleagues want to center tax relief on those earning under $18,000. Why are we so timid about rewarding the most productive members of our society—the great majority of middle-income Americans who have worked hard and earned a break from their government.

So, while it is unlikely that it will ever happen, it is nonetheless clear that Congress should put the tax rebate idea in mothballs, and then enact permanent, across-the-board reductions in all tax rates, both individual and business. Permanent tax cuts are needed to offset the inflation-induced tax increases of the past few years, to increase consumer purchasing power enough to insure economic expansion, and to encourage the business production and investment needed to create permanent, tax-paying jobs.

Middle-income families as well as lower-income families, deserve and need permanent tax relief. For as long as taxpayers are forced to send more and more of their income to Washington, the more sure there will be less money spent, saved, and invested in the private economy. A permanent tax cut would effectively increase consumer incomes and purchasing power, stimulate business expansion and investment, and truly get this country moving again.

And so, my friends, it's quite clear that every American has a responsibility to preserve and enhance the free competitive economic system that has served this country so well. And, as I've emphasized Government has a responsibility to reject the easy solutions and instant cures.

I must also, in the moments that remain, deal head-on with another serious political crisis. The fact is, the American way of life still stands in terrible jeopardy—Why? Because inflation, unemployment, higher taxes, and energy shortages have increased the prospects of downward mobility for the great majority of Americans.

The liberal-oriented magazine, *The New Republic*, interestingly enough, recently made this same point. Let me read you an excerpt from a recent editorial in that magazine:

"If not quite accurately and certainly unevenly, the economy once had the appearance and some reality of being a particularly heady version of Jacob's ladder. For generations, waves of immigrants succeeded in pushing the country westward and their children upward . . . Now the great success story seems to have ground to a halt, perhaps even to have reversed itself. It may be for the first time in history, depressions aside, when middle-class Americans can reasonably anticipate for their children the long-range prospect of downward mobility."

I believe the magazine has shown us an X-ray that reveals an alarming spot in our national character—a spot that has all the earmarks of a debilitating, perhaps fatal, cancer.

And if Washington continues to ignore this crisis, I seriously believe we face a pro-

spective revolution among America's middle class. The people who make up this great center of political gravity are not concerned about what the Government will give them; they are worried, rather, about what the Government is taking away from them. So, we must redress the balance and inject a dose of common sense into the way we solve our problems. We must reject those policies which promise less for all, and develop programs which restore the opportunity for the great promise of upward mobility that has been cherished for so long by all Americans.

Do we dare do less? Are we afraid to espouse programs that will help the economy grow, and thus provide more for all? Are we afraid today to reward the "Energetic American" for his contribution to our Nation?

Should not the most productive, the most hard-working not enjoy more of the benefits of their labor? Are we going to permit America to move, like England to an egalitarian society where there is less for all? Or are we going to build a society in which performance and ability is rewarded.

I say we must do the latter Our Nation was built on the premise of excellence, of performance, of productivity. We cannot permit it to drift into a rut of mediocrity, no-growth and egalitarianism. We must stop this slide of downward mobility of the middle class, as foreseen by the *New Republic*.

We've got to bring serious and inventive thought to bear on the problems that belabor the great, hard-striving, gutsy men and women and youngsters who make up middle-class "Energetic America."

The answers, in the final analysis, lie in the minds and hearts of men and women like you. The Presidency, the Congress, the Federal bureaucracy, the state governments are only what you permit them to be. Government is not an entity unto itself nor is it a monster that breathes and moves as the result of an infusion of unholy power from some nebulous Frankenstein. It's a group of men and women. They are only as capable and constructive and inventive as their intelligence permits them to be. You have chosen them; you have given them their conglomerate of life; you will decide on their conglomerate destiny. If they fail you and their failure persists uncorrected, then the failure is truly yours.

I dare say that if you apply to our national problems the great courage, dedication, talent, and skill you've demonstrated in your climb to professional success, then we have nothing nothing at all to fear.

Thank you, and good night.

DEVIL'S ADVOCATE ON ARMED SERVICES PANEL

Mr. NUNN. Mr. President, I should like at this time to insert in the RECORD a recent article published in the St. Louis Post-Dispatch on my good friend and colleague, Senator JOHN CULVER of Iowa. The article is written by Richard Dudman and is entitled "Devil's Advocate on Armed Services Panel." I believe it accurately captures the tremendous contributions that Senator CULVER has made to the resolution of defense issues within the Senate Armed Services Committee.

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

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

DEVIL'S ADVOCATE ON ARMED SERVICES PANEL

(By Richard Dudman)

WASHINGTON.—Three generals and an admiral, with a total of 16 years among them, faced the junior Senator from Iowa across the table.

Senator John C. Culver asked Adm. James L. Holloway III, chief of naval operations, how it had happened that the navy had "dropped 31 ships through the cracks" since last May.

Culver had spotted that Adm. Holloway was reporting the fleet would drop to 462 ships by Sept. 30, 1978, whereas then-Secretary of Defense Donald H. Rumsfeld had testified last May that the fleet would grow to 493 ships by that date.

The admiral attributed the discrepancy mainly to delayed delivery of ships under construction.

"You are not going to have them," Culver pressed further. "In case the Russians are coming, they are not going to be ready?"

"Not that year," said Adm. Holloway.

"The Russians are not going to wait," Culver told him.

"Yes sir; I understand that," said the admiral. "It is not something I want to see happen. I agree with you."

In a day of exchanges like that, the Iowa Democrat was performing a role he has cut out for himself on the Armed Services Committee, where there is occasional skepticism about military claims and demands but where the predominant atmosphere is one of support and co-operation, if not outright porkbarrel politics.

He is not hostile to defense in general, but he is a well-informed and sometimes harsh critic of particular weapons programs and military programs that he considers unwise or inefficient.

Culver has had some effective company in his two years on the committee. Until last December, he often was allied with Senator Stuart Symington (Dem.), Missouri, who did not seek re-election, and Senator Patrick J. Leahy (Dem.), Vermont ,who now has shifted to the Appropriations Committee.

He finds himself siding often with Senators Gary W. Hart (Dem.), Colorado, and Dale Bumpers (Dem.), Arkansas, and sometimes with other members against the more conventional majority led by the chairman, Senator John Stennis (Dem.), Mississippi.

Culver has some special things going for him. For one thing, he is built like a tank; he played fullback on the Harvard football team (class of 1954). For another, he has a bullhorn voice that doesn't interrupt easily. For a third, he comes prepared, having mastered the facts and background on whatever it is he wants to quiz the Pentagon's top brass and braid about.

Still another factor that sets Culver apart as a member of the Armed Services Committee is Iowa's low ranking as a state with defense industries or contracts.

Iowa has only one defense plant, an Army ammunition plant at Burlington. In addition, some Iowans work at the Rock Island Aresenal, across the line in Illinois.

There is one major defense contractor in the state the Collins Radio Co. in Cedar Rapids, a subsidiary of Rockwell International, prime contractor for the B 1 bomber.

Culver has received several hundred letters about the B 1, of which he was an outspoken opponent. A majority joined him in opposition, but among a few hundred from Collins Radio the greater number supported the bomber program.

Even among the Collins employes, however, many wrote that as American taxpayers they thought the B 1 was a waste of money. Some of these reported that Rockwell had provided writing materials and stamps for its employes throughout the country to write to their Senators about the plane.

Culver asked general counsel of the Department whether this practice might be an illegal use of Government funds for lobbying purposes, but the official concluded that there was no violation.

Culver's preference for committee assignment for foreign relations—he had studied at Cambridge University in England after receiving his bachelor's degree at Harvard College and he was on the Foreign Affairs Committee, now the International Relations Committee, during his 10 years in the House of Representatives.

But Senator Dick Clark (Dem.), Iowa, Culver's former administrative assistant in the House, had taken a chance against Richard M. Nixon's landslide and had run for the Senate in 1972. Clark won. And he was assigned to the Foreign Relations Committee, two Senators from the same state and the same party cannot serve on the same committee.

In the recent hearing, Culver wanted also to know why the Navy was planning to decommission twice as many ships in the next two years as it had expected only last May.

Adm. Holloway said that would save overhaul expenses, but Culver expressed the suspicion that the Navy was trying to show a continued decrease in the size of the fleet. He brought out also that the United States was selling two or three dozen Navy ships to foreign governments, including some that were less than 10 years old.

Fleet readiness was another of Culver's worries. He asked the admiral how it was that the Navy was seeking 6.5 billion dollars for new ships and nearly 4 billion dollars for new Navy airplanes and yet could not find $200,000,000 for badly needed overhaul and maintenance work.

Culver brought out, too, that roughly half the Navy's planes were not in shape to carry out all their missions. Adm. Holloway agreed that 35 per cent of the F 14 fighters were not flown because of spare parts problems alone.

The Senator said he drew some comfort from testimony that the Russians were still worse off in military readiness. But he asked, "How screwed up are they if they are doing worse than we are in this area?"

Zeroing in on the Soviet military threat, which the Pentagon had been stressing, Culver asked what was the principal Soviet air threat to the U.S. transatlantic sea lanes. The admiral replied that it was the antiship cruise missile, delivered by Soviet long-range or Navy planes.

Having laid that groundwork, Culver asked: "Is it correct that well over 80 per cent of the planes that are devoted to sea denial missions are the 1950 Air Badger bombers which probably do not have the range to reach the main shipping routes without overflying NATO countries?"

Adm. Holloway conceded that Culver's figure was "in the ballpark" and that from Soviet bases the Soviet planes would have to fly over areas such as Norway and Denmark to reach the Atlantic.

The Senator had questions also for Gen. Bernard W. Rogers, chief of staff of the Army; Gen. David C. Jones, chief of staff of the Air Force, and Gen. Louis H. Wilson, commandant of the Marine Corps.

His big question was aimed at Gen. Rogers. Culver asked whether money for "exotic apples" such as the B 1 bomber could be used better elsewhere.

Culver told the general that one B 1 bomber cost as much as 150 M 60 tanks or 14,000 TOW antitank missiles.

But the general said he had taken this into account and "I believe we are going in the right direction."

That was a few days before President Jimmy Carter announced his revisions of the Ford Administration's budget, however, including a cutback in the B 1 program from eight planes to six.

The new President, with his policy of cutting back moderately on defense spending and questioning some of the proposed advanced weapons programs, has a potential ally in the junior Senator from Iowa.

NOMINATION OF MARY E. KING TO BE DEPUTY DIRECTOR OF ACTION

Mr. JAVITS. Mr. President, today Mary E. King appeared before the Human Resources Committee for a hearing on her nomination to be Deputy Director of ACTION, the Federal volunteer service agency.

I support her nomination and believe she is a dedicated and intelligent woman who will bring a refreshing and innovative perspective to her important work at ACTION.

I believe we have only just begun to perceive the potential of ACTION to attract volunteers to perform useful services throughout our country. Two of my particular interests are the establishment of a Urban Service Corps of volunteers to work with the disadvantaged and handicapped and others in cities which have sustained material diminution in their capacity to deliver public services, and the expansion of the current VISTA program that works with recent immigrants from the U.S.S.R., South America, and elsewhere to facilitate the process of adjustment to the mainstream of American life.

Mr. President, I ask unanimous consent to have printed in the RECORD of these proceedings, the statements of Mary E. King before the Foreign Relations and Human Resources Committees.

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

STATEMENT OF MARY E. KING, NOMINEE FOR DEPUTY DIRECTOR OF ACTION, TO THE FOREIGN RELATIONS COMMITTEE, FEBRUARY 24, 1977

I appreciate the opportunity to appear before you. I look forward to working with you during the next four years. You have been provided with biographical information, but prior to answering your questions, I have a brief prepared statement.

Much of my life has been spent working for civil rights, an end to poverty, betterment of public health, and equal rights for women.

The agencies of ACTION were born in American idealism. Perhaps it was the ministerial and nursing backgrounds of my parents which attracted me to the arena of volunteer social action.

Of one thing I am certain. At home and abroad, the best part of the American character is found in our private citizens, and their willingness to work hard. I look forward to serving my country and our uncommon ideals. I hope that I too, working with you and Sam Brown, can help generate a new American spirit which—although as old as the dreams of Thomas Jefferson—says to the poor of the world: We know, we care; we will help you help yourselves to a better life in a more just and democratic world, and we will learn as we do.

Thank you.

STATEMENT OF MARY E. KING, NOMINEE FOR DEPUTY DIRECTOR OF ACTION TO THE HUMAN RESOURCES COMMITTEE, MARCH 4, 1977

Mr. Chairman, members of the committee:

Much of my life has been spent working for civil rights, an end to poverty, betterment of public health and equal rights for women. I feel a deep empathy with people who want and work for responsible social change.

The separate programs of ACTION were born out of the strong traditions of idealism and collective voluntary endeavor that created America. In the first decade of their existence, the Peace Corps and VISTA were a source of substantial material help to many thousands; of hope and inspiration to millions. Volunteers at home and abroad worked long and hard to help alleviate the twin burdens of poverty and powerlessness.

Now there is hope for a new climate of restoration and positive action. Inspiration is replacing negation in our country. As the principal federal vehicle for Americans who want to get involved to help solve their own problems, ACTION can and should capitalize on this feeling of renewal.

Every government agency likes to call itself a people's agency, but ACTION precisely fits this description. Through such programs as RSVP and Foster Grandparents, it directly delivers services to people who need them most. As such, ACTION is not a bureaucracy of elitists trying to impose solutions from above but the federal agency uniquely centered on the conviction that, given the proper support, people can best solve their own problems. An agency such as ACTION, in the pursuit of its larger goals, must care about people helping themselves. It must foster and support innovative, responsive efforts by those who want to gain greater control over their individual and collective lives.

A revitalized ACTION agency can do much to help restore the validity and integrity of self-help and hard work, both here and abroad.

As you know, the President has also appointed me as Special Adviser on Women. All of ACTION's concerns have a direct link here. For instance, the principal activities of Peace Corps Volunteers are in agriculture, health and education. Worldwide, women are the chief producers and preparers of food, and dispensers of primary health care. Their lack of education puts a burden on all society. The Peace Corps can substantially upgrade the status of women because its volunteers are in intimate daily contact with their lives and problems. Domestically, VISTA volunteers can have a similar impact.

Volunteers have made a significant difference in the past, whatever their programs, wherever they have served. But what of the future? If we are to be effective, if we are to use our financial and human resources wisely and productively, we must have programs that reflect the needs of local communities and creative plans that respond to their problems and their hopes.

We must also broaden the volunteer base to include and involve those who may now feel left out of our complex society: the elderly, the unemployed teenager, the forcibly retired, displaced homemakers, the very poor and the illiterate.

In my estimation, the major question we face as a society is what kind of people are we when we are at peace; when we have relative domestic tranquility; even after our basic values have withstood severe testing and have survived? The programs of ACTION provide some of the answers to these questions.

Volunteer activism is one of our richest heritages. I hope to see the agency become one catalyst for redefining our sense of purpose and for helping renew our national priorities. Perhaps in the future, successful ACTION programs may serve as models for a people dedicated to volunteer service at all levels of our national life.

I hope that I, too, working with you and Sam Brown, can help regenerate that unique spirit of voluntary action upon which America was founded.

Thank you.

PROPOSAL TO CHANGE TENURE FOR U.S. JUDGES

Mr. HARRY F. BYRD, JR. Mr. President, the Federal courts continually give additional meaning for a constitutional amendment which would require the reconfirmation of Federal judges every 8 years.

Just a few weeks ago, U.S. District Judge Frank Gray carried the principle of integration and equal opportunity to absurdity by requiring the fusion of the University of Tennessee and Tennessee State University. The former is mostly white, the latter mostly Black. But both schools have open admissions policies.

The Dallas Morning News accurately stated that "This is a breathtaking order, even by Federal standards."

This action is, however, no more breathtaking than a judge in Mobile altering that city's form of municipal government, or a Federal judge suspending elections in Richmond.

In view of this type of Federal judiciary activity by a few activist judges, it can hardly be any surprise that a growing number of editorialists are lending their support to my proposal.

Most recently, the Baton Rouge, La., State Times has urged that hearings be held on the periodic reconfirmation of Federal judges. Citing Thomas Jefferson's famous dictum about the danger of Federal judges isolated from accountability, the State Times asks if it is not in fact time to bring full national debate to this flaw in our Constitution first spotted by its chief architect.

It points out that 49 of the 50 States now have fixed terms for their own judiciary. Yet, few would argue that State judges are any less independent than their Federal counterparts.

Mr. President, I ask unanimous consent that the full text of the Baton Rouge State Times editorial be printed in the RECORD.

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

BYRD'S PLAN TO CHANGE TENURE FOR U.S. JUDGES

"At the establishment of our Constitutions, the judiciary bodies were supposed to be the most helpless and harmless members of the government. Experience, however, soon showed in what way they were to become the most dangerous . . . In truth, man is not to be trusted for life, if secured against all liability to account."

This quotation is at the heart of a proposal by Sen. Harry F. Byrd of Virginia to amend the U.S. Constitution to subject federal judges to be reconfirmed by the Senate every eight years. And the man he quotes in support of his proposed change was the foremost architect of the Constitution—Thomas Jefferson.

Sen. Byrd believes that Jefferson's recognition of a mistake in the original Constitution to allow appointment of federal judges for life has widespread support now, as this nation begins its third century of life. "There is a well-founded sentiment that some members of the federal judiciary are exercising a considerable amount of will, armed wtih too much force, and given to less than a full measure of judgment," Sen. Byrd said. "There is widespread dissatisfaction with the existing system, under which

some judges are exercising dictatorial powers."

Sen. Byrd's proposed amendment would allow federal judges to serve in an office for eight years, at the end of which term they would be nominated automatically for reconfirmation by the Senate. If reconfirmed, they would serve another eight-year term, and then again be subject to reconfirmation.

Sen. Byrd has a powerful ally from the past, and a wealth of precedent now for what he proposes. Forty-nine of the 50 states now have fixed terms for their own judiciary, with Rhode Island the lone state with life tenure for its judges.

But we have lived with the present system for some 188 years, and one might well ask why a change is necessary now. Sen. Byrd's answer to this is to point to the "activist" federal courts beginning in the 1950s, when the unwritten canon of judicial restraint was cast aside, first by the Supreme Court, and later by lower courts.

Decisions of this era have promoted complaints that the federal courts have gone beyond the sphere of interpreting the law and into the domain of the legislative branch of government of making the law. "Judges who are accountable to no one are invading the sphere of the elected representatives of the people," Sen. Byrd said.

Still, a change in the federal constitution is not the same casual affair as a change in ordinary laws. Sen. Byrd has outlined a reasoned need for a change, and his proposal merits careful study and debate before it is made a part of the Constitution. The amendment process requires this debate, before both Congress and the state legislatures.

Sen. Byrd's proposal is not new. He submitted it to Congress years ago, where it has suffered mainly from inattention rather than opposition. Isn't it time to bring to full national debate this flaw in our Constitution first spotted by the chief architect of that document, Thomas Jefferson?

FEDERAL FUNDS AND THE NORTHERN ECONOMIC DECLINE: SETTING THE RECORD STRAIGHT

Mr. THURMOND. Mr. President, several politicians are claiming that the economic problems of the Northeast and the industrial Midwest are being caused by an unfair share of Federal funds going to the South and West. This charge is reflected by several accounts which have appeared in the media. For example, Business Week published, "The Second War Between the States," last May; and the National Journal published, "Federal Spending; the North's Loss is the Sunbelt's Gain," last June. Other articles with similar titles and along the same vein have appeared in subsequent months. Several politicians representing Northeastern States have announced their intention to seek changes in aid formulas to channel more Federal funds in their direction and away from the South.

The charge that the current economic problems of the Northeast can be laid at the doorstep of the Sunbelt is both false and misleading. In order to help publicize the true situation I would like to bring attention to the briefing which Mr. E. Blaine Liner, executive director of the Southern Growth Policies Board, held for staff members of Republican Senators last February 16 and also to the article, "The Sunbelt: Is Success to be Thwarted?" authored by A. C. Flora, Jr. who is professor of economics at the Baptist College at Charleston.

Mr. President, the main thrust of Mr. Liner's presentation is that the economic difficulties which the Northeastern States are suffering have largely been self-inflicted. These States have all too often adopted policies of heavy taxation and onerous regulation. Such policies have made it difficult for businessmen, wage earners, consumers, and homeowners to conduct their affairs and remain solvent. Now, Mr. President, I do not necessarily disagree with the motives that led these States to adopt such policies. However, I do disagree with the actual effects of these policies. And I most certainly disagree with the attempt to attribute the resulting economic difficulties to an unfair bias in taxing and spending by the Federal Government.

The entire notion that either the decline of the Northeast or the ascendency of the South can be explained by fiscal policies of the Federal Government is repugnant. It is high time that we recognize that the source of wealth and well-being is not located in Washington, D.C. It instead resides in the productive capacity of each and every American. All that Government can do is set the basic ground rules which either let that productive capacity express itself or, instead, stifle that capacity and prevent it from reaching its potential. Those States now encountering economic difficulties would be better advised to explore the policies set by their own State and local governments for the source of their problems. We in the South take great pride in the strides which we have made in our State economies. We, quite frankly, resent the charge that these accomplishments were not made though our own efforts but instead through the charity of both the Federal Government and taxpayers residing in the North.

Mr. Liner, in his presentation, brought attention to a study entitled, "A Myth in the Making; the Southern Economic Challenge and Northern Economic Decline," done by Dr. Carol L. Jusenius and Dr. Larry C. Ledebur for the Economic Development Administration. This study contains several facts which are helpful in putting the entire matter into proper perspective. The authors discuss trends in population, income, poverty, employment, and distributional aspects of Federal fiscal policy.

It is often alleged that people are being drained from the Northeast by the Sun Belt, leaving the poor and disenfranchised behind. Now, it is true that a net migration from the North to the South has occurred between 1970 and 1975. Yet even though more people have moved from the North to the South, a substantial number have relocated to the North from the South. Obviously, the North continues to be a very attractive place to live for many people. Even if no net migration had occurred, the South would have increased more rapidly in population than the North, because of a higher birthrate. Drs. Jusenius and Ledebur point out that the northern tier continues to contain 41 percent of the total U.S. population, and the South 30 percent of the population. In the face of these statistics, it is difficult to take seriously the charge that there has been a "flood tide" of the northern population to the South.

Another claim, frequently made, is that the South is draining the North of businesses and jobs. Drs. Jusenius and Ledebur make quite clear that the employment changes between the two regions has as its major cause, not the migration of firms from the North to the South, but instead the death of companies in the North and the expansion of already existing companies in the South. It is highly misleading, therefore, to view the employment gains made by the South as being made at the expense of employment in the North. A hard look at the data suggest that there are separate causes for these employment changes. It is erroneous to think that employment in the North would now be higher if the South had been prevented from achieving its gains in employment.

Mr. President, we in the South have tried hard to be responsive to the needs of employers. As Professor Flora explains, this is a major reason for our pace of economic growth. Fortunately for the North, we have no monopoly on this formula for success. I would be most surprised if such a policy would not produce similar results in the North. I would be delighted at such a development for both the North and South would gain and neither would lose. For example, a stronger and more vigorous North would buy more goods manufactured in the South creating even more employment opportunities. I would not look upon associated employment gains in the North as being made at the South's expense. Quite the contrary is true.

Professor Flora, in his article, points out that the South continues to lag the North in terms of per capita income. Much of the gap has been removed in large measure to the aggressive and innovative "game plan" we have pursued, but we still have considerable ground to make up. In 1929, the per capita income in South Carolina was 38 percent of the national average, 58 percent of the national average in 1940, 60 percent in 1950, and 73 percent of the national average in 1975. Even when per capita income figures are adjusted for cost of living differentials and compared as a percent of the U.S. average, they are—on the whole—lower for the South than for the North.

As an example, per capita income for 1975 in South Carolina, adjusted for the cost of living is 87 percent of the national average. Most Northern States enjoy adjusted per capita incomes in excess of 100 percent of the national average. Furthermore, Drs. Jusenius and Ledebur make clear that, even with greater Federal expenditures in the South, per capita incomes in the Sunbelt-South are generally lower than those in the Northern Tier. Furthermore, they point out that the impact of Federal taxes has not been to decrease significantly the regional per capita income gap, or to offset this "gap," as implied by much of the current literature. Even with changes in relative income shares, 44 percent of the personal income generated in the United States

in 1975 accrued to the industrial North compared with the 25.5 percent which went to the Sunbelt-South. The distribution of both national wealth and the number of wealthholders in the Nation is skewed in favor of the Northern Industrial Tier. And as Professor Flora observes, the incomes of people in New England continue to grow even with some loss of jobs in manufacturing because employment opportunities exist in other sectors such as in research and services.

Professor Flora makes the excellent point that much of the alleged "tilt" of Federal taxing and spending practices in favor of the Sunbelt are not the result of a bias against the Northeast but because it has been, and continues to be, Federal policy to help areas lagging in economic development. Our progressive Federal income tax is based on the judgment that those more affluent should pay a larger proportion of their income in taxes in order to help provide governmental services to the less fortunate. It is because the South has lagged behind the North in economic development that these Federal policies have helped the South more than the North. But as we in the South continue to make progress in closing the gap in per capita incomes, and in other measures of economic well-being, those very same policies will reduce, and ultimately phase out, these advantages now received by the South. Professor Flora observes that—

> If the Northeast reverses the flow of Federal dollars we would be in the peculiar situation where the poorer parts of the Nation would be subsidizing the development of the more affluent sections of the country.

Professor Flora continues—

> This would be the same as a poor man subsidizing a rich man because the income of the former (though much less than the latter) is growing faster.

Mr. President, it is misleading in the extreme to talk about a North and a South or a Snowbelt and a Sunbelt and assume that every State within each of these categories is like every other. There are many differences between States in the Northeast. To try to find aid formulas that will channel Federal dollars to one region and away from another, irrespective of these differences, is not only illogical but also unfair, because the relative needs for the dollars cut across sectional lines.

In conclusion, Mr. President, the mentality that would pit the North against the South in a battle for Federal dollars is the same sort of mentality that sees our economic system as one which necessarily pits one interest group against another, consumers against businessmen, labor against management. Our Nation, just as our economy, is actually structured on cooperation between all segments of society The contribution of labor is just as important as the contribution by management, and yet would be made worthless if management is prohibited through misguided policies from making its contribution. The same principle holds true for our Nation. It is just not productive to view the gains enjoyed by one region as being also the loss suffered by another region. They are not two sides of the same coin. Drs. Jusenius and Ledebur conclude in their study—

> The current debate which focuses on the rate of growth of the Sunbelt as a partial explanation of the economic difficulties of the Northern States is detrimental to the goal of achieving national policies that facilitate overall growth among all regions of the United States.

Professor Flora expresses a similar thought. He states:

> To develop a national policy for economic development of the North or the South in isolation would be poor policy. To speak of a Federal stimulus to the South alone or to the North alone . . . is meaningless. There are actually problem areas in both North and South that are economically depressed in comparison to the nation. Our policy should be selective in nature—assisting lagging areas wherever they may be whether in the North, South, East or West.

Mr. President, so that I may share with my colleagues the article by Professor Flora, which appears in the January, 1977 issue of the Baptist College Business and Economic Report, 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:

THE SUNBELT: IS SUCCESS TO BE THWARTED?
(By A. C. Flora, Jr.)

As originally conceived, this article was to have been an in-depth analysis of the improving income position of Charleston and the state vis-a-vis the rest of the nation. The September 1975 issue of the Baptist College Report gave a detailed statement of income changes since 1929. This information could have been made more current since county data for a more recent year (1974) has now just been released by the Department of Commerce.

However, while considering such an article providing a detailed updating it came to the attention of this writer that important discussions concerning the economic success of the South are taking place which need to be revealed. Consequently, even though this article deals basically with income, the facts to be presented will be less detailed and the subject matter to be covered will be of a more general and more subjective nature than originally conceived. The writer will have to express some opinions—hopefully informed opinions but opinions nevertheless.

Having informed the reader that what follows is a combination of statistical fact and opinion, let us proceed to discuss the economic success of the South and a growing chorus of Northern criticism of that success as expressed in a number of recent articles in national publications.

PLANS FOR SOUTHERN PROGRESS

Late in a football game the play-by-play announcer is often heard to say that the team which is significantly behind on the scoreboard "must now play catch-up." This is usually interpreted as meaning that the losing team must pull out all the stops, throw caution to the wind, abandon its earlier game plan and engage in daring, innovative and perhaps unexpected strategy.

The conditions described in this sports terminology are closely akin to the economic conditions of many Southern states during recent decades. The economy of the South has been playing "catch-up" for many years. Using South Carolina as a typical example our people had a per capita income of only 38 percent of the national average in 1929. We had a lot of catching up to do! Across the South, after World War II, the various state and local governments pulled out the stops and began to engage in an innovative game plan. In an attempt to attract local industry (and expanding outside industry) the states provided tax incentives, financial assistance, professional developmental and locational assistance, manpower training at state expense and other enticements to industry, not the least of which were the right-to-work laws.

South Carolina joined in those innovations and even took the lead in manpower training for industry—and for good reason. Our people on average were poor. As recently as 1940 our average South Carolinian earned only half as much as the average U.S. citizen—51 percent of the national average. Although this was considerably above the 38 percent figure of 1929, it was still terribly low.

We were in transition from an agricultural to an industrial economy. Mechanization of agriculture was creating unemployment or underemployment for thousands of rural people. We did not have the industry to employ them and they in turn did not have the skills needed by many industries. Thousands left the state searching for better opportunity elsewhere.

These were the conditions faced by our state when we determined to play "catch-up." In addition to the innovative elements of the aggressive game plan described above, the states of the South possessed certain definite attractions, among the most important being the presence of a large supply of readily available labor which was eager to work. There were also the advantages of climate (assisted later by almost universal air conditioning), plentiful industrial sites and generous supplies of water.

The climate attracted not only businesses but retired people who moved south and brought money with them. In addition, World War II had brought many military installations and Federal money to the South. By 1950 our per capita income was 60% of the national average. In the 1950's the attempt to generate industry and business went into high gear.

NATIONAL ECONOMIC POLICY

Although the South began to grow, playing catch-up is slow business. In the 1960's it became a part of the national policy to give special attention to the development of geographic areas which lagged behind the nation. Many of those areas were in the South. The reader may recall the Area Development Administration (ADA) which attempted to stimulate development of poorer areas of the country. This agency was later replaced by the Economic Development Administration (EDA). The 1960's also saw the special legislation creating the Appalachian Regional Commission charged with the economic improvement of Appalachia. Legislation creating a number of the Regional Commissions, including our own Coastal Plains Regional Commission (head-quartered in Charleston) was enacted in the 1960's. All of these programs and others aimed at providing Federal assistance to areas which needed a boost to help them join the mainstream of the American economy as equal partners and equal participants.

The reasoning behind this sort of action seems in line with our progressive tax system, under which the more affluent people on the income ladder pay progressively higher tax rates and thus help provide governmental services to the less fortunate. Our tax structure has not, in recent times, been one in which each individual pays an equal share or a proportional share of governmental expenditures.

It makes good sense, then, that the nation should assist the economic development of the southern states, most of which have been far behind the national levels of economic development. This Federal assistance has actually occurred. It seems generally agreed

that during recent years the average southern state has received more Federal dollars in various Federal programs than its people have paid in taxes. These states have been net recipients of Federal dollars. This has helped stimulate the economies of the southern states.

THE SOUTH GAINS BUT STILL LAGS

In spite of Federal assistance, state innovations and natural advantages, most of the southern states (excepting Florida and Virginia) are till far behind the national average in the per capita income measure, which is the best measure for measuring well being of people in different areas. As an example, in 1975 the per capita income of South Carolina was 78 percent of the national average. Playing catch-up is frustrating. We have been at it actively now for 20 or 30 years and we are still 22% short of attaining incomes equal to the nation as a whole. See table I for a revealing 10 year comparision of income levels in the major geographic divisions of our country. This data was released in the August 1976 issue of "The Survey of Current Business."

TABLE I—*Regional Per Capita Incomes in the United States, 1965 and 1975*

	1965	1975
United States	$2,785	$5,902
New England	2,988	6,098
Mid East	3,159	6,433
Great Lakes	3,026	6,121
Plains	2,655	5,785
Southeast	2,141	5,055
Southwest	2,383	5,487
Rocky Mountain	2,532	5,576
Far West	3,170	6,481

NORTHERN UNEASINESS

It is clear that in each of the 2 years (1965 and 1975) the per capita incomes of the states included in the Southeast and the Southwest are lower than those of any other region of the country and are still substantially below the average for the nation. Yet it is the states of these two poorest regions of the United States (the Southeast and Southwest) that are generally included in what has come to be known as "The Sunbelt." A number of recent articles have revealed that "The Sunbelt," a large region stretching across the Southern borders of our nation, is an area of growth in which population, employment and economic activity is increasing. These articles also point out an apparent uneasiness among the leaders in the Northeast and Midwest that the Southern growth presents a threat to their well-being. Recently, as seldom before, one sees these Northern areas of our country actively competing for business with a new game plan. But that is not all. The leaders of these areas are heard to complain that their states pay more to the Federal Government than they get back in Federal expenditures while the reverse is true in the South and West and that in the process . . . "the South and West get a disproportionate share of the government programs that tend to foster economic activity, such as big construction projects and military contracts." [1] Political leaders of these regions have recently formed a coalition of their members to stem the flow of population, employment and Federal aid to the South.

This writer obviously agrees that the South is growing and has been growing for some years. The data clearly shows this. But this writer does not agree that New England and the Midwest are undergoing hardships which create a need for reversing our public policy. These two more northern regions of our country have continued to grow as proved in Table I.

As pointed out in a number of recent articles the population and the number of manufacturing jobs is growing faster in the Sunbelt than in the New England and Midwestern areas. A migration of population into the South is an indication of job opportunities and, of course, growth of manufacturing jobs is a measure of economic progress but not the only measure. If manufacturing is moving south, which clearly seems to be the case, the South may be gaining many manufacturing jobs, but if the New England states are gaining jobs in research, service areas such as banking and insurance, and other higher paying businesses, the incomes of the New England people can continue to grow even with some loss of manufacturing. It is certainly true that incomes in New England have continued to increase while manufacturing jobs have declined. The income data presented in Table I makes this quite clear.

REVERSE ECONOMICS

If the political leaders in the Northeast are able by political muscle to stem the flow of Federal funds to the South, they will be defeating the whole idea of public policy in recent years: that the nation should assist those areas which lag behind the nation. The South is growing, but it still lags behind the nation. If the Northeast reverses the flow of federal dollars we would be in the peculiar situation where the poorer parts of the nation would be subsidizing the development of the more affluent sections of the country. This would be the same as a poor man subsidizing a rich man because the income of the former (though much less than the latter) is growing faster. This writer fails to see the economics and the logic of this. Even an equalizing of the flow of dollars wherein each state gets back exactly what it pays would defeat the ideas of economic development—since the government would be taking a neutral position. Either of these alternatives would slow the pace of Southern growth well before our people come anywhere near to an income on par with the nation.

THE CASE FOR A REGIONAL POLICY

In fact, to develop a national policy for economic development of the North or the South in isolation would be poor policy. To speak of a Federal stimulus to the South alone or to the North alone (as the coalition would prefer) is meaningless. There are actually problem areas in both North and South that are economically depressed in comparison to the nation. Our policy should be selective in nature—assisting lagging areas wherever they may be whether in the North, South, East or West.

The concept of regionalism as expressed in the development efforts of the Coastal Plains Regional Commission and a number of other regional commissions around the country (including one in New England) is to do just that—to assist in the development of lagging regions wherever they may be.

On balance, however, there are more underdeveloped areas and subpar incomes in the South than elsewhere in the nation and on balance the South needs more assistance from the nation. For instance, the Southern Rural Health Conference was recently told that nearly half of the nation's poor live in 13 largely rural Southern states in remote areas where it is hardest to get doctors.[2] Dr. Ray Marshall, an economist at the University of Texas: "We hear a lot of talk about how prosperous the South, the so-called Sunbelt, has become. That conceals the fact that we have whole areas that seem to be completely left out of this progress." [3]

The South Carolina economist writing this article suggests that the evidence he provides backed up by such writers as Dr. Marshall makes a firm case for Regional Economic Development and for continued assistance to the South as a part of selective national policy.

An interesting article appeared in the October, 1976 "Monthly Economic Letter," of the New York Citibank. The writer of the article points out that the South is growing (which we all agree) but goes on to say that "the South's current economic advantages—unlike the diamonds in the advertisements—are clearly not forever. The list (of current advantages) includes lower wages and taxes than elsewhere: fewer and weaker unions; less stringent regulations for the protection of the environment; lower welfare costs; lower building costs and the blessing of a milder climate. Yet the South's edge in these areas is narrowing—largely because markets work." [4] The author is saying that temporary economic advantages such as lower costs are eventually lessened or wiped out by forces of supply and demand. Market forces will protect New England in the long run, if indeed it needs protecting.

The Citibank author concludes: "Despite the narrowing of its competitive edge, there is no doubt that the South has risen again and will continue to grow rapidly for some time to come. And its success will work to the benefit of the nation as a whole." [5] This South Carolina writer thinks this to be an interesting observation by a New York writer at a time when New England politicians are taking political action which would "head off at the pass" the development of the poorer areas of the country—the South and Southwest—by blunting one of the forces which has assisted the regions in their long and partially successful, yet unrealized, attempt to attain the fruits of equal development with the nation. Is this goal of equality to be thwarted by politics? Are market advantages plus the advantage of a little boost from the Federal Government to be negated or blunted by the Northeast-Midwest Political Coalition?

CRS REPORT ON FOREIGN OIL INCOME

Mr. DECONCINI. Mr. President, I recently requested the Congressional research Service of the Library of Congress to study the question of the taxation of foreign oil income.

Both the Tax Reduction Act of 1975 and the Tax Reform Act of 1976 addressed themselves to foreign oil income. My question to the CRS was to review what had been done in these two pieces of legislation and to identify other problem areas that Congress might wish to consider. I also asked the Library to suggest some possible policy alternatives.

I ask unanimous consent, Mr. President, that the report be printed in the RECORD for the benefit of all my colleagues. I would further like to commend Ms. Jane Gravelle, who prepared the report, for her excellent analysis.

There being no objection, the report

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[1] "In Northeast: A Challenge to the Growing Muscle of the Sunbelt," *U.S. News and World Report*, 18 October 1976, page 66.

[2] *Charleston News and Courier*, 17 October 1976. 13c.

[3] *Ibid.*

[4] "Jobs and Sunshine—A Winning Combination," *Monthly Economic Letter*, Citibank, October 1976, page 14.

[5] *Ibid*, page 15.

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

PROSPECTIVE TAX LEGISLATION RELATED TO FOREIGN OIL INCOME

(By Jane G. Gravelle)

Although the question of tax treatment of foreign source income has had general attention, particularly in the past few years, the tax treatment of foreign source income from oil production has involved somewhat different problems from those relating to the general question of taxes on foreign earnings. These problems arose from several sources: the particular economic and political institutional setting in which the oil companies operate abroad, some generous tax treatment of capital recovery in oil extraction by the United States tax system and problems in translating the foreign tax credit as it is designed to apply into practical terms.

Some recent changes in the Tax Reduction Act of 1975 and the Tax Reform Act of 1976 were designed to deal in part with these problems. New ownership arrangements in the oil producing countries will modify the problems. To describe these changes and their purposes as well as the remaining problems in the area of U.S. taxation of foreign source oil extraction income, the problems as they existed prior to the 1975 Act and changed ownership patterns will be described.

The United States levys a tax on net income. In determining the base against which this tax is applied, all costs including other taxes are deductible. However, when the tax is applied to foreign source income, income taxes levied by the foreign country are creditable against the U.S. tax due. The purpose of this provision is to avoid double taxation of income.

In order to prevent this credit from reducing U.S. tax on domestic source income (and in order to protect Treasury Revenues), there is a limit on the foreign tax credit. Under this limit, foreign tax credits cannot exceed 48 percent of total taxable income from foreign sources. This limit, called the overall limit, still allows a taxpayer who operates in more than one country to use excess foreign tax credits in one country (which imposes a rate higher than the U.S. rate) to offset U.S. taxes on income in another country (which levies tax rates lower than the U.S. rate). Prior to 1975, for oil companies, and 1976 (for other firms), a firm could adopt another type of limit called the per country limit which allowed a limit on the credit taken for taxes paid to be applied on a country by country basis. This limit was advantageous in the case of branch operations when a taxpayer sustained a loss in one country and had income in other countries. Use of the per country limit allowed him to deduct this loss against U.S. taxable income in general without reducing taxable income in other countries and thereby reducing the foreign tax credit.

As will be explained subsequently, both of these problems had particular significance for foreign oil extraction income. However, the general problem with the area of foreign oil extraction income derives from the more basic institutional setting of foreign oil extraction activity.

Under normal market arrangements, the wellhead price of crude oil reflects three different basic costs: the labor and other costs of operating the oil well (such as rental of drilling rigs), the payments to the owner of the oil deposit and the return to capital investment. If all of this activity occurred in the United States, all of these earnings would be taxed in one way or another (in an approximate sense). Labor income is taxed to workers, payments to the owner of the deposit are taxed to the owner (who may be the oil company) and the return of capital is taxed, in the case of a corporation, under the corporate income tax. If such oil were produced abroad, the United States would only claim taxes on its citizens: a tax would be imposed on the corporate income of the firm, but not on the owners of the deposit or workers unless they happened to be U.S. citizens. A foreign tax credit would be allowed for any income taxes levied by the foreign government.

However, this was not precisely what occurred in the foreign oil producing countries. The oil deposits are owned by the national government itself in many cases. Therefore, opportunity existed for collecting rents and royalties on these deposits in the form of taxes. If these taxes were couched in the form of income taxes and were large enough, the result would be that no taxes were paid on foreign oil production even though the taxes applied were not strictly income taxes.

In fact, something of this nature has occurred in foreign oil extraction. Many major foreign oil producing countries imposed a tax which was nominally called an income tax. However, the foreign country also set a "posted price" or tax reference price which was the basis for the income tax. Given a commodity with relatively fixed unit costs, this type of tax is in essence a fixed per barrel income to the producing country.

These taxes were allowed as credits against U.S. income due on foreign source income. The result was that oil companies have paid little or no U.S. tax on their foreign income. Apparently, the decision to allow crediting these taxes rather than deducting them was made by the State Department and the Treasury Department who agreed to the crediting of taxes based on foreign policy considerations in part.[1]

The pricing arrangement in the Middle East created further problems. Not only did it result in a fixed per barrel payment, but the use of posted prices for computing the limit on the foreign tax credit created the potential for shielding domestic source income from U.S. tax. In regard to this problem, M. A. Adelman states: [2]

"Posted crude oil prices are merely a means of roundabout calculation of what comes close to a per-barrel tax on production. Transfer prices from one to another division of the same corporate entity are simply bookkeeping notations to permit the corporations to minimize its total tax bill."

John Blair states: [3]

"The value of the tax credit was enhanced by the use in its derivations of the inflated "posted price" which by the latter 1960's had become an artificial construct as a result of the decline in the true or arms-length price."

Stanford Ross [4] indicated that the Internal Revenue Service has questioned these payments and, on the basis of compromises reached, substantial payments were made.

Peggy Musgrave [5] discusses the problem of transfer pricing in her study of foreign direct investment. She states:

"Vertical integration . . . combined with the multinational character of such companies permits extensive use of discretionary transfer pricing to give the greatest tax advantage."

Musgrave notes that in 1970 while 75 percent of net worth of multinational oil companies was located in the United States, only 25 percent is located abroad. Yet, only 29 percent of gross income is realized in the United States while 76 percent is realized abroad. Even more striking is the fact that 8.5 percent of investment was located in Africa, the Middle and Far East and Latin America, while 62.7 percent of gross income was realized there. Net income of 53.5 percent was derived from these same areas.

Such ratios are substantiated by tax return data, Musgrave notes. She also notes that very low levels of income are reported in those countries which are primarily refining and consuming locations, noting that only 3.7 percent of gross income was located in foreign jurisdictions of this type (such as Europe), while 12 percent of direct investment occurred in these countries. Yet, the share of investment in these seemingly "unprofitable" operations rose from 1966 to 1970.

Recognition of transfer pricing was made by the Commerce Department in 1974 when it reduced reported foreign earnings of petroleum firms downward to reflect the posted price adjustment. These adjustments were not small in magnitude, amounting to $1,130 million in 1972 and $1,747 million in 1973. The tax savings are, therefore, $540 million in 1972 and $840 million in 1973 (posted price adjustment x .48). Since the revenue loss from crediting rather than deducting the foreign tax credit can be roughly estimated at about $2 billion in 1972 and around $3 billion in 1973, this particular feature represented from 25 percent to 30 percent of the revenue loss.[6]

Thus far, two basic problem areas in the tax treatment of foreign source oil income have been identified. One is the problem of identifying what is actually an income tax. The second is the problem of transfer pricing. As will be noted subsequently, these problems may well continue in various aspects under the new ownership arrangements which have developed or are developing in the Middle East.

Two other problems having to do with the overall and per country limitations were dealt with in large part by the Tax Reduction Act of 1975 and the Tax Reform Act of 1976. One problem was that the very high rates of the payments allowed to be credited resulted in the use of excess tax credits to offset other income by use of the overall limitation. The second was that under the per country limitation, branch losses could be used to offset domestic source income, with full credits occurring in future years. These losses (under the U.S. tax structure) occurred in large part because of the ability of firms to deduct intangible drilling costs and dry hole costs in the year incurred rather than capitalizing them and deducting them over the useful life of the wells. Given the use of subsidiary and affiliate relationships, a parent could benefit from advantages of both limitations.

The Tax Reduction Act of 1975 took steps in preventing these effects. First, it required the use of the overall limitation for oil income, thereby reducing the ability to use foreign losses. Secondly, it required that overall foreign losses be recaptured as taxable income is earned in future years. Thus, even though a company could still manipulate affiliate arrangements to take advantage of losses, such advantages might be short lived.

To limit the use of excess credits, such credits will be limited to 48 percent of oil extraction income. This prevents the use of excess credits to offset other income of the companies, although it still allows them to use excess credits in one production activity in one country to offset income in another country also related to production. (The Tax Reduction Act of 1975 set this limit slightly higher, it was reduced to 48 percent in the Tax Reform Act of 1976.)

The Act did not take the more direct approach of requiring capitalization of intangible drilling costs (or dry hole costs). While now such a change might have a limited revenue impact, it does involve a somewhat more direct approach to the problem of losses—since such losses largely reflect accounting provisions of U.S. tax law.

The whole area of the foreign tax credit for oil companies is in transition now because of the changing and somewhat un-

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Footnotes at end of article.

clear new ownership arrangements developing the foreign oil producing countries. Given these changing relationships, it is very difficult to formulate tax policy in this area.

The Treasury Department would have been, understandably, reluctant to change long-standing practice as to the crediting of taxes without an indication from Congress, even though this treatment originally derived from regulation rather than legislation.

However, there have recently been some indications of a changing attitude both in legislation and regulation. One such example is the provision in the Tex Reduction Act of 1975 which disallowed foreign tax credits for payments made to foreign governments in relationship to oil in which the taxpayer had no economic interest unless the oil were sold at fair market value. Another is the addition of Section 907(d) which specified the use of fair market value for oil.

Another such example occurred with respect to certain types of production sharing income in Indonesia when the Internal Revenue Service disallowed part of the payment as a foreign tax credit. Although consideration was given in the Senate to legislatively reversing this decision for a substantial period of time, only a temporary reversal was adopted. In the same legislation, a proposal to allow a credit for certain payments made in the Iranian consortium (which were denied due to the non-equity rule in the Tax Reduction Act of 1975) was not adopted.

Problems in the tax treatment of foreign oil extraction income may become more complex because of the changing production arrangements in the oil exporting countries. Many of the important features of past arrangements may cease to apply and the problem may take care of itself in part.

Nevertheless, past treatment of foreign source oil income is still important for a variety of reasons. Although relationships between the oil companies and the producing countries are changing substantially, and the countries themselves are exercising greater market power, past history indicates a willingness of these countries to structure arrangements with the oil companies in a manner consistent with minimizing these companies' U.S. tax liabilities. Indeed, it is in the economic interests of these countries to do so. Additionally, the existence of vertically integrated companies results in opportunities for transfer pricing and reallocating income in order to minimize tax liability.

The new arrangements developing in producing countries primarily involve the purchase of the producing facilities by the countries with the oil companies in the role of marketing agents and managers. Payment to these companies can take place in a variety of manners. For example, the oil companies may be paid a per barrel or fixed fee for management and marketing services. Alternatively, countries may sell oil to the firms at a discount or compensate companies by providing a right to purchase a share of crude oil (with obvious problems of valuation). Companies may still be involved in oil exploration as well, being paid a set fee per barrel of oil discovered or a right to purchase oil (or a portion of oil) discovered.

In addition, a continuance of the type of operations described earlier which have been common in the past may occur or may develop with production in previously unexploited or less exploited jurisdictions (such as Indonesia).

Determining the problems which might arise in the future is highly speculative. In addition, because of the substantial excess credits earned in 1974 by the oil companies, data on their payments and effective tax rates which reflect these new arrangements will not be available for several years.

The prospect of continued problems in this area is quite possble, however. Such prospective problems can be illustrated with a simple example, presented by Glenn Jenkins in testimony before the Ways and Means Committee in 1974. Suppose a company requires $10 million profit to run a certain facility or manage the marketing operations. If the foreign country pays them $10 million (above costs) directly and imposes no tax, they will have a U.S. tax liability of $4.8 million. However, if the country pays them $40 million (above costs) and imposes a 75 percent tax then no tax will be paid to the United States on the $10 million.

Furthermore, it is possible that this income would be classified as oil-related income (rather than oil extraction income) and excess tax credits could be used to offset other oil related income (such as refining); whereas, excess credits on oil extraction income cannot offset oil related income. In addition, those credits will be eligible for carry-forwards (which excess credits related to oil extraction income are not eligible for).

These types of arrangements might minimize the transfer pricing problem, particularly if the governments specifically state the price at which resale is to occur to European countries.[7] However, to the extent that this does not occur, some opportunity for transfer pricing may still exist. Companies might find this to their advantage (1) as long as they have substantial excess foreign tax credits to use, (2) if arrangements are made to structure payments for marketing services in such a way as to generate high rates of tax or (3) if operations are reorganized into foreign subsidiaries and deferral can be used. (Please note in this regard that for example, ARAMCO transfers oil to its owners (U.S. oil companies) in the Middle East so that a transfer is taking place abroad between related companies.)

Problems may still remain with regard to production sharing and other types of relationships. For example, the delay of the revenue ruling regarding the Indonesian production sharing contracts will reportedly allow time to renegotiate the contract so that payments made to Indonesia will be creditable taxes.[8]

Another problem with transfer pricing was also brought up by Jenkins in his testimony. This problem related to the possibility of transferring income into shipping operations which are largely exempt from U.S. tax. While amendments adopted in 1975 which subjected this income to current taxation unless the proceeds were reinvested in shipping may place some restraints on such income transfers, it could still be used. In addition, some refining is done in countries with low tax rates (which could be organized as subsidiaries) and income might be transferred into these operations.

Unfortunately, solutions to these problems are, if anything more complex than the problems themselves. The following are some options which might be considered, ranging from a major change in the taxation of foreign oil income to more minor provisions.

(1) Denial of the credit.

Perhaps the most significant change is simply to deny the foreign tax credit for oil related income or for income in certain jurisdictions. Such a change might deal with taxes which are not actually in the nature of income taxes and limit the ability of companies to use transfer pricing to lower their taxes. However, such an approach may be criticized as unfair as long as the foreign tax credit in general is retained, since it does not discriminate specifically between standard normal foreign income tax structures and those which are collected as royalties or involve methods of structuring taxes felt to be artificial constructs.

(2) Limiting the credit to standard income taxes.

Another approach would be to attempt to restrict credits to those which are in the nature of income taxes. Under such an approach, credits might only be allowed for taxes on oil income if that income is subject to the same income tax as is imposed on other forms of corporate income in the foreign country. Such a change was contained in the Senate version of the Tax Reform Act of 1976.

(3) Dealing with potential excess credits.

If a primary concern is the potential use of excess credits related to oil related income, one approach is to allow the taking into account for purposes of the foreign tax credit of no more than 48 percent of taxes imposed in any one country (or even in any one type of operation in a country). The overall limitation could then be applied to oil income just as it is presently.

(4) Dealing with foreign oil losses more directly.

To deal more directly with foreign losses when companies are engaged in exploration and development, intangible drilling costs on foreign operations could be required to be capitalized. A similar option might apply to dry hole costs although this change presents more administrative difficulties than intangible drilling costs.

(5) Dealing with transfer pricing.

The Congress expressed its concern with transfer pricing when it added Section 907 (d) to the Internal Revenue Code (which required the use of fair market price). Transfer pricing will nevertheless remain primarily in the realm of administration rather than legislation. As noted earlier, recent changes in ownership of producing facilities in the oil producing countries may significantly reduce this problem. However, the possibility of shifting income into shipping or refining operations would be restricted if income of foreign subsidiaries were taxed on a current basis. A more limited approach would be to include shipping income in Subpart F.

All of these options will generate substantial controversy and their discussion is intended as a selection of possible changes which might be investigated. Some of the options discussed above might present substantial administrative difficulties. Others might be criticized on more general grounds such as the ability of U.S. oil companies to compete abroad.

FOOTNOTES

[1] The manner in which the crediting of taxes developed is documented in the 1974 Hearings before the Foreign Relations Committee on Multi-national Corporations and U.S. foreign policy, January 30, 1974. The problem of crediting taxes which are not strictly in the nature of income taxes has been widely discussed, in these hearings and in other works. See, for example, Gerard M. Brannon, Energy taxes and subsidies, Balinger Publishing Co., Cambridge, Mass., 1974; J. E. Hartshorn, Politics and world oil economics, New York, Praeger, 1962; Raymond F. Mikesell, Foreign investment in the petroleum and mineral industries, Johns Hopkins, 1971; John Blair, The Control of Oil, Pantheon Books, New York, 1976.

[2] M. A. Adelman, The World petroleum market, Baltimore, Johns Hopkins, 1972, p. 161.

[3] Blair, *op. cit.*, p. 202.

[4] See Hearings on Multinational corporations and U.S. foreign policy, *op. cit.*, Part 4, pp. 120–121.

[5] Peggy Musgrave, Direct Investment abroad and the Multinationals: Effects on the United States Economy, Committee on Foreign Relations, U.S. Senate, 1975.

[6] This amount assumes the IRS uses posted price for determining tax liability. To the extent that it adjusts these prices downward, such estimates are too high. On the other hand, the Commerce Department indicates that some companies already made price ad-

justments before reporting to them; therefore, the reported figure for posted price adjustments was too low.

[7] Note that the Tax Reduction Act of 1975 specified that fair market value is to be used in general and not posted price. While this is an indication to the IRS as to Congressional concern with the problem, if there is no fair market price observed, there is obviously an administrative problem.

[8] For a discussion of these negotiations, see "Indonesia Ready to Offer Foreign Firms New Incentives to Boost Oil Exploration", Wall Street Journal, February 7, 1977.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

Mr. PELL. Mr. President, the recent appointment of the chairman of the Committee on Human Resources, the Senator from New Jersey (Mr. WILLIAMS), to the Board of Trustees of the John F. Kennedy Center for the Performing Arts gives me great pleasure.

As chairman of the Senate Special Subcommittee on Arts and Humanities since its inception more than 13 years ago, and now of the Subcommittee on Education, Arts and Humanities, I have long benefited from Senator WILLIAMS' advice and counsel. And our country has benefited from his leadership in these cultural areas which mean so very much to us all.

I know that his knowledge and wisdom will be of great value to the Kennedy Center in enhancing its stature as our Nation's focal point for excellence in the arts.

Let me also add that Senator WILLIAMS' charming wife, Jeanette, has a keen interest in the cultural development of our country. She adds her knowledge and charm to the accomplishments of her distinguished husband.

RENAME CLARK HILL LAKE IN HONOR OF THE LATE SENATOR RICHARD B. RUSSELL

Mr. TALMADGE. Mr. President, the Georgia House of Representatives, now in session in Atlanta, has adopted a resolution which, for myself and my colleague, Senator NUNN, I bring to the attention of the Senate, and ask unanimous consent that it be printed in the RECORD.

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

A RESOLUTION

Urging Congress to enact such legislation as may be necessary to rename Clark Hill Lake in honor of the late Senator Richard B. Russell; and for other purposes

Whereas, serious questions have arisen about the advisability of construction of the proposed Richard B. Russell Dam on the Savannah River; and

Whereas, President Carter has recommended to Congress that the funding of the proposed Richard B. Russell Dam be eliminated; and

Whereas, Clark Hill Lake is the largest man-made lake in the State of Georgia; and

Whereas, the late Richard B. Russell was an outstanding statesman whose commitment to fiscal responsibility and the wise use of public funds is well known; and

Whereas, the proposed dam is embroiled in controversy and would not be a fitting tribute to the late Senator Russell; and

Whereas, renaming the lake in honor of the late Senator Russell would mean a lasting tribute to one of this State's most outstanding citizens.

Now, therefore, be it resolved by the House of Representatives of the State of Georgia that this Body hereby urges Congress to enact, without delay, such legislation as may be necessary to rename Clark Hill Lake in honor of the late Senator Russell.

Be it further resolved that the Clerk of the House of Representatives is hereby authorized and directed to transmit an appropriate copy of this Resolution to each member of the Georgia Congressional Delegation.

AMERICA'S FISHERMEN AND THE 200-MILE LIMIT

Mr. McINTYRE. Mr. President, earlier this week the United States took control of all commercial fishing activity occurring within 200 miles of our coastline—a historic step that will end the foreign plundering of our marine reserves and assert American control over a precious national resource: Our coastal fisheries.

The Members of this Chamber hardly need to be reminded why it was necessary to take this action. The indiscriminate "vacuuming" of the sea by huge Russian, Japanese, and East German "factory" trawlers severely depleted such once-plentiful fisheries as cod, haddock, herring, and yellowtail flounder. By the early 1970's, the domestic share of the total catch off New England alone had fallen to a mere 10 or 11 percent. In the last two decades, the percentage of fish imported into this country increased from less than a quarter of the total to nearly two-thirds of all the fish consumed in the United States—most of them caught by foreign fishermen right off our own shores. Our fishermen were being put out of business and marine reserves being depleted at a continued and mounting cost to our balance of payments.

By passing the Fishery Conservation and Management Act of 1976, Congress took responsible action to end this intolerable situation. In the coming years we can expect to see a resurgence of economic vitality among our domestic fishermen as they expand their operations into areas formerly dominated by the foreign fleets. This will mean jobs and more business for our seaports and an end to the balance-of-payments drain.

This will not happen without the continued vigorous attention of the Congress, however. We must make certain that the intent of Congress is enforced and that foreign offenders are not allowed to disregard the 200-mile law with impunity. We must make certain that the Coast Guard is supplied with sufficient funds and personnel to enforce the law. To this end I have today written to Adm. Owen Siler, commandant of the U.S. Coast Guard, requesting information from him on the Coast Guard's capability to monitor foreign fishing activity within the 200-mile zone and to enforce the penalties embodied in the law for violators. It is essential to the success of the 200-mile conservation zone concept that we have a strong enforcement capability to demonstrate to foreign governments that we mean business this time and that the 200-mile law is not just words on paper.

Just as important, we must also remember that American fishermen will need financial and technical assistance if they—and the Nation as a whole—are to fully realize the benefits of the 200-mile act. We need to help them modernize their fishing vessels and equipment; develop new market and fisheries; and generally upgrade their operations to take advantage of this vast new resource. These small businessmen have been the subject of government neglect and unfair foreign competition for so long that we can hardly expect them to spring back overnight without a helping hand.

I, therefore, urge my colleagues to join with me in supporting S. 384, Senator HATHAWAY's Commercial Fisheries Improvement Fund Act of 1977. This bill would establish a $200 million fund from which long-term, low-interest loans could be made to fishermen for the purchase, construction, and rehabilitation of fishing vessels and shoreside facilities. It is a worthy bill and I ask each of my colleagues to give it their attention.

The Congress recognized the needs of our domestic fishermen in 1976 by passing the Fishery Conservation and Management Act. Let us not now resume the old policy of neglect and indifference and neglect our fishermen's need for assistance to fully exploit the splendid opportunities opened up by the 200-mile limit.

RULES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JACKSON. Mr. President, I ask unanimous consent that the rules of the Committee on Energy and Natural Resources, adopted at the committee's organization meeting today, be printed in the RECORD.

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

RULES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

GENERAL RULES

Rule 1. The Standing Rules of the Senate and provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, to the extent the provisions of such Acts are applicable to the Committee on Energy and Natural Resources and as supplemented by these rules, are adopted as the rules of the Committee and its Subcommittees.

MEETINGS OF THE COMMITTEE

Rule 2. (a) The Committee shall meet on the third Wednesday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

(b) Business meetings of any Subcommittee may be called by the Chairman of such Subcommittee, Provided, That no Subcommittee meeting or hearing other than a field hearing, shall be scheduled or held concurrently with a full Committee meeting or hearing, unless a majority of the Committee concurs in such concurrent meeting or hearing.

OPEN HEARINGS AND MEETINGS

Rule 3. (a) Hearings and business meetings of the Committee or any Subcommittee shall be open to the public except when the Committee or such Subcommittee by majority vote orders a closed hearing or meeting.

(b) A transcript shall be kept of each hearing of the Committee or any Subcommittee.

(c) A transcript shall be kept of each business meeting of the Committee or any Subcommittee unless a majority of the Committee or the Subcommittee involved agrees that some other form of permanent record is preferable.

HEARING PROCEDURE

Rule 4. (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee or any Subcommittee at least one week in advance of such hearing unless the Chairman of the full Committee or the Subcommittee involved determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the Committee or Subcommittee involved concurs. In no case shall a hearing be conducted with less than twenty-four hours notice.

(b) Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee or Subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

(c) Each Member shall be limited to five minutes in the questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness.

(d) The Chairman and ranking Minority Member or the ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman and the ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5. (a) A legislative measure or subject shall be included on the agenda of the next following business meeting of the full Committee or any Subcommittee if a written request for such inclusion has been filed with the Chairman of the Committee or Subcommittee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee or Subcommittee to include legislative measures or subjects on the Committee or Subcommittee agenda in the absence of such request.

(b) The agenda for any business meeting of the Committee or any Subcommittee shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is so published except by the approval of a majority of the Members of the Committee or Subcommittee. The Staff Director shall promptly notify absent Members of any action taken by the Committee or any Subcommittee on matters not included on the published agenda.

QUORUMS

Rule 6. (a) Except as provided in subsections (b), (c), and (d), six Members shall constitute a quorum for the conduct of business of the Committee.

(b) No measure or matter shall be ordered reported from the Committee unless ten Members of the Committee are actually present at the time such action is taken.

(c) Except as provided in subsection (d), three members shall constitute a quorum for the conduct of business of any Subcommittee.

(d) One Member sall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committe or any Subcommittee.

VOTING

Rule 7. (a) A roll call of the Members shall be taken upon the request of any Member.

(b) Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only upon the date for which it is given and upon the items published in the agenda for that date.

(c) Each Committee report shall set forth the vote on the motion to report the measure or matter involved. Unless the Committee directs otherwise, the report will not set out any votes on amendments offered during Committee consideration. Any member who did not vote on any roll call shall have the opportunity to have his position recorded in the appropriate Committee record or Committee report.

SUBCOMMITTEES

Rule 8. (a) The number of members assigned to each Subcommittee and the division between majority and minority members shall be fixed by the Chairman in consultation with the ranking minority member.

(b) Assignment of members to subcommittees shall, insofar as possible, reflect the preferences of the members. No member will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

(c) Any Member of the Committee may sit with any Subcommittee during its hearings and business meetings but shall not have the authority to vote on any matters before the Subcommittee unless he is a Member of such Subcommittee.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 9. Witnesses in Committee or Subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking Minority Member of the Committee or Subcommittee deems such to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any member, any other witness shall be under oath. Every nominee shall submit a statement of his financial interests, including those of his spouse, his minor children, and other members of his immediate household, on a form approved by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. A statement of every nominee's financial interest shall be made public on a form approved by the Committee, unless the Committee in executive session determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a statement of their financial interests in the form required in the case of Presidential nominees under this rule.

CONFIDENTIAL TESTIMONY

Rule 10. No confidential testimony taken by or confidential material presented to the Committee or any Subcommittee, or any report of the proceedings of a closed Committee or Subcommittee hearing or business meeting, shall be made public, in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 11. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee or Subcommittee hearing tends to defame him or otherwise adversely affect his reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 12. Any meeting or hearing by the Committee or any Subcommittee which is open to the public may be covered in whole or in part by television broadcast, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the seating, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 13. These rules may be amended only by vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, That no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least three days in advance of such meeting.

ROUTE 72 BRIDGE

Mr. TALMADGE. Mr. President, the Georgia General Assembly, now in session in Atlanta, has adopted a resolution which, for myself and my colleague, Senator NUNN, I bring to the attention of the Senate, and ask unanimous consent that it be printed in the RECORD.

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

A RESOLUTION

Urging the United States Corps of Engineers to build a four-lane bridge connecting Georgia Route 72 and South Carolina Route 72 in the area of the Richard B. Russell Dam and Reservoir project; and for other purposes

Whereas, currently Georgia Route 72 and South Carolina Route 72 meet at the boundary of Georgia and South Carolina adjacent to Elbert County, Georgia; and

Whereas, the construction of the Richard B. Russell Dam and Reservoir project on the Savannah River will inundate portions of these highways; and

Whereas, the future growth and prosperity of this region of Georgia and South Carolina depend in part on these highways; and

Whereas, a four-lane bridge connecting these highways will be needed in the near future to adequately handle the traffic on these routes to ensure the continued growth and prosperity of this area of Georgia and South Carolina.

Now, therefore, be it resolved by the General Assembly of Georgia that the members of this body hereby urge the United States Corps of Engineers to construct as part of the Richard B. Russell Dam and Reservoir project on the Savannah River a four-lane bridge connecting Georgia Route 72 and South Carolina Route 72.

Be it further resolved that the Clerk of the House is hereby authorized and directed to transmit appropriate copies of this resolution to the United States Corps of Engineers, to the members of the Georgia Con-

gressional Delegation, to the Georgia Department of Transportation, and to the South Carolina State Highway Department.

WINTER WORK IN MAINE

Mr. MUSKIE. Mr. President, this has been a winter of cold and struggle for people across the country. In Maine, which suffered unusual cold along with most of the Nation, people long ago learned not to fight winter head-on. It has been valuable knowledge this bitter year.

In the construction industry, Maine people realized that progress could not afford to await the spring thaw. So they have adapted, and work goes on despite the cold and wind.

A recent article in the Portland, Maine, Evening Express demonstrates the kinds of adjustments these men must make during a Maine winter. To share it with my colleagues, I ask unanimous consent that the article be printed in the RECORD.

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

IN DEEP OF WINTER THE WORK GOES ON

(By Jim Saunders)

Despite the bright afternoon sun the chill factor is near zero as a stiff north wind whips billows of snow across the Back Cove work site.

Lincoln Dennison and Norm Adams are heavily clothed, helmeted and spattered with muddy rock particles as drills churn deep into ledge, making holes for dynamite charges. The men seem oblivious to the elements and the roar of the track-mounted drilling rigs.

Nearby where a backhoe opens a trench for advancing sewer pipe, two other workmen are crouched over a small box. Other workmen and engineers clear the site.

"Fire in the hole" comes the warning cry for the blast. Then from below ground comes a sharp "KA-RUMP!"

Icicles hang down the black earth walls of the deep trench where Bob Dudley and Phil Lowe work behind a probing backhoe shovel. They prepare a gravel bed for the next section of the 7,200-foot sewer pipe that Cianbro Corporation is laying along the north and west shore of Back Cove.

It's deep into a Maine winter and this is winter construction, surely a test of men and machines if there ever was one: weeks of subzero nights and dawns, the relentless cutting north wind, deep frost, deep snow, icy footing, snow flurries, snowstorms, everything the longest season can dish out—and is dishing out.

But the work goes on.

The Portland Water District is responsible for putting a sewage treatment system into operation for Portland in two years. Four contractors, which began work last fall and summer, are building most of the system.

Cianbro Corp. of Pittsfield, one of the contractors, has the $860,000 contract for the first part of the Back Cove interceptor.

"The big storms will shut us down for a day or so, otherwise we work right along," declares bundled-up Jim Leavitt, his voice raised over the roar of a diesel engine. As job superintendent, Leavitt leads a seven-man pipe laying crew. Framed by helmet and ear flaps, his face like the other men's was red with the cold but warmed with good humor.

"It's a tough season all right," said Leavitt of Kezar Falls. "The biggest thing has been the cold weather," not the storms. "We've about had our fill of it." The cold weather means bulky clothes and balky machines. Heavy machinery starts hard after subzero nights, though some big diesels have gasoline engines to crank them. "You have to warm them up," Leavitt says, "and it's a lot harder to avoid breakdowns.

Contractors learn to work around the cold.

Passing traffic sees only a crane and some piled supplies at the Baxter Boulevard Pumping Station. But under the shelter of a polyethelene roof is a huge room, its walls going up within a great excavated cylinder of interlocked steel sheathing.

The of station is one of three being built by Seaward Construction Co. of Kittery under a $4.085 million contract.

Foreman Jim Kennard of Biddeford heads 11 carpenters and laborers who are erecting and tieing heavy steel reinforcing rod for the two-story walls. The outer wood forms are in place and the inner ones will go up soon. The two-foot thick base is in place.

For a job that started Dec. 6, the big pumping station, all underground, is moving right along.

Yet winter can assist builders, too, observes Victor J. Layton, inspecting engineer for Camp Dresser & McKee system design engineers.

The deep blanket of ice and snow shields marsh areas where material from the trench is temporarily piled. In May marsh grasses will be planted in the disturbed areas.

The contractor's challenge Layton says, is knowing that work can be done profitably in the winter. An experienced contractor does not fight winter head-on. Some days you just have to let Mother Nature rage.

FOOD STAMP REFORM

Mr. MCGOVERN. Mr. President, I am very pleased to have joined again with my colleague, Senator DOLE, in introducing a major food stamp reform measure, S. 845. This bill will strengthen and improve the food stamp program.

The most important change S. 845 would make is to eliminate the purchase requirement. Last year the Senate Agriculture Committee failed to recommend this provision on a 7–7 tie.

It would work very simply:

Every four-person family participating in the food stamp program, for example, now receives an allotment of $166 in food stamps per month. For this allotment of $166, all participating families, except those few with no income at all, must pay a purchase price.

A typical family of four with a net income of $350 per month currently pays $95 a month for the allotment of $166 in food stamps. Therefore the benefit or "bonus" equals $71—$166 minus $95 equals $71.

Eliminating the purchase requirement would provide the "bonus" food stamps to the eligible family without requiring a cash transaction. Our typical four-person family mentioned earlier would simply receive the $71 in food stamps.

Currently the most significant obstacle to participation in the food stamp program for those now eligible but not participating is the cost of the stamps. Although the food stamp program was enacted to aid the needy, many of the neediest find themselves too poor to participate.

This situation cannot create great respect for the institution of government. Once the Congress has decided who is eligible for food stamps—who is so poor that they cannot afford an adequate diet—we should make every effort to see that those who are eligible can participate in the program.

Eliminating the purchase requirement would also solve the problems caused by the need to handle, safeguard, and account for, billions of dollars annually.

Last year, because of concern about the accounting practices of some food stamp vendors—those businesses authorized by the States to sell food stamps—we passed the Emergency Food Stamp Vendor Accountabiliy Act. This Act ensures that food stamp vendors properly account for the cash and food coupons in their charge.

However, some States have reported that the additional requirements of that act have caused banks and other vendors to drop out of the program and have greatly increased the cost to the State for those vendors who remain in the program.

It is clear that the whole situation is fraught with complications. Eliminating the purchase requirement would eliminate the need for cash exchanges and for the elaborate and costly cash accounting system set up in the Vendor Accountability Act.

In addition to eliminating the purchase requirement, the Dole-McGovern bill establishes a standard deduction of $100 for all families. An additional deduction of 20 percent of all earned income for those families with a working member is provided to insure that working households do not have a work disincentive.

For those households in which child care is necessary in order for a parent to take a job, the bill provides a deduction of up to $85 for child care costs. The deduction for child care, which is currently allowed under the food stamp program, allows a parent in an eligible household who must have child care, to continue to work and receive food stamps.

Under this bill, the Secretary of Agriculture is also authorized to allow an additional deduction of up to $50 for areas which are determined to be suffering unusual hardship conditions. This would permit the Secretary to allow a greater deduction, for example, in areas which suffer a severe winter which drives up the cost of heating a home.

The bill also contains provisions to improve State administration of the program and to insure that eligible families are certified promptly and receive their stamps without undue delay. We have attempted to integrate, as much as possible, the application process for the food stamp program with the application process for public assistance and SSI.

I feel that this bill is a balanced reform of the food stamp program—one which eliminates the possibilities for abuse, but which allows the needy, for whom the program is intended, to participate.

I ask unanimous consent that an analyisis of S. 845 and the text of S. 845 be printed in the RECORD at this point.

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

ANALYSIS OF S. 845—THE DOLE-McGOVERN FOOD STAMP BILL

DEFINITIONS

Section 1(a) redefines "household" in such a way as to remove the requirement that household members under 60 be related (this clause was declared unconstitutional) and to eliminate the requirement that a household have cooking facilities. The cooking facilities requirement now prevents some of the poorest households from participating in the food stamp program, even though there are many nourishing foods sold which require no cooking.

This section also repeals the SSI cash-out provision inserted under PL 93-86 which has never been implemented because of the enormous administrative difficulty it would cause. SSI cash-out is provided in a simpler manner under 3(c) of this bill.

This definition of "household" retains the requirement in current law that households be a single economic unit and that they purchase food in common.

Section 1(b) allows food co-ops to accept food stamps. It prohibits drug addiction or alcoholic treatment centers from cashing food stamps at banks. Section 1(b) was contained in S. 3136 which passed the Senate last year.

Section 1(c) redefines "elderly person" to remove any reference to cooking facilities, consistent with the changes made in Section 1(a).

Section 1(d) adds a new term, "adjusted semiannually" which will be used in updating net income limits and standard deductions.

Elimination of the purchase requirement

Section 2 eliminates the purchase requirement in the food stamp program. Under this provision the amount of the food stamp benefit, or bonus, will be granted to eligible households without requiring them to purchase additional stamps.

This section also repeals the provisions of the Helms Emergency Food Stamp Vendor Accountability Act dealing with the handling of cash by food stamp vendors. Since there would be no cash involved in the transaction, there would be no need for these safeguards.

Eligible households

Section 3(a) amends section 5(b) of the Food Stamp Act which sets the standards of income and resources households must meet to be eligible for the program. Standards set are to be the same for public assistance households, removing categorical eligibility for public assistance households.

The maximum net income limits (net income is income after deductions) is set at the poverty line, presently $5,500 for a family of four. These are the limits set in S. 3136 which passed the Senate last year. These income limits are to be updated semiannually, as specified in S. 3136.

Limitations on assets a household may own are to be set by the Secretary of Agriculture and updated every year. S.3136 contained a similar provision—without the update, but forbade the Secretary to change the asset limitations now prescribed by regulation, until after a study of assets held by participating households. This study is retained in section 8 of this bill.

The deductions a household is allowed from gross monthly income are also specified in this section. These include a standard deduction of $100 for all households, and two types of deductions for working households—20% of all earned income to compensate for taxes, mandatory payroll deductions, and work expenses, and child care costs up to $85 per month. Child care is taken separately because it is a deduction which affects very few households, but which for those households amounts to a large expense over which they have little control. Child care is now deductible from income under current food stamp regulations.

The final deduction is an amount, up to $50, which the Secretary may allow at his discretion to households during times of hardship, such as severe cold spells which drive up the cost of heating a home.

The time period over which income is to be measured is defined in subsection (5).

In determining eligibility for the food stamp program, certification workers are to take into account both the income received over the past thirty days and the changes in this income which can be anticipated during the certification period. The only exceptions are for households, such as farmers or students, which receive a lump sum which is meant to cover several months, for whom this income is to be averaged over the time period it is meant to cover.

Household income is specified with certain exclusions in this section also. The exclusions are basically the same as those passed in S.3136.

The provision of emergency standards of eligibility is similar to current law, except that in this bill the Secretary is not required to disregard a household's income and resources. This will permit a more flexible approach to emergency certification and prevent some of the current problems.

Section 3(b) sets out the work registration requirements an applicant household must meet in order to be eligible for food stamps. This section differs in several ways from S.3136 passed last year by the Senate.

First, this section disqualifies only the noncomplying individual from the food stamp program, not the entire household. This bill also allows mothers of children under 18, rather than twelve, to be exempt from work registration.

In addition, it exempts from food stamp work registration requirements a person already subject to work registration under the AFDC program, or the unemployment compensation system. An exemption is also provided for a person who is already working and earning the equivalent of the minimum wage times thirty hours a week.

This section contains a requirement that food stamp applicants actively look for jobs through the state employment service. It does not force applicants to take jobs which are less than thirty hours per week, which pay less than the minimum wage, or which require them to join, resign from, or refrain from joining any legitimate labor organization.

Individuals who do not comply with this section may be disqualified from the food stamp program for up to a year.

Section 3(c) adds several new subsections to the law. Illegal aliens are to be prohibited from receiving food stamps and households cannot be certified unless they cooperate with the State agency.

Students will no longer be eligible if they are dependents of a household which could not qualify for food stamps (this provision was passed in S. 3136 and is also in current regulations).

SSI households are to continue to be cashed out in the two states (California and Massachusetts) in which they are already cashed out.

Change for food stamp purchases

Section 4 of this bill allows food stamp shoppers to receive their change at the grocery store rather than in store scrip. Because this scrip is usually only good at the wno must depend on friends and neighborr store which gives it out, food stamp users for transportation to stores often accumulate large amounts of unused scrip.

Study of the thrift food plan

Section 5 deals with the Thrifty Food Plan. S. 3136 mandated use of the Thrifty Food Plan in determining coupon allotments for food stamp households. However, questions remain on the validity of this food plan as a basis for allotments. This section simply requires that the Secretary study the problem for not longer than six months before making a final decision.

Administration

Section 6 makes several changes in the administration of the food stamp program:

States would be required to provide regular staff training.

The "insure" clause is removed from the outreach section, but states are required to notify all recipients of SSI, AFDC, Social Security, and unemployment compensation of the food stamp program and its benfits.

States would be required to allow households which try to apply for the food stamp program to submit an application and to act on that application within thirty days.

Recertifications would have to be handled promptly so that there is no interruption in an eligible household's receiving its coupon allotment.

Authorized representatives would be allowed to stand in for households in which members cannot get out to be certified themselves, as is now allowed by regulation.

Where feasible, applications for food stamps would be taken along with AFDC or general assistance applications.

Certification and issuance offices would have to provide locations and hours which allow eligible households to participate in the program.

Multilingual personnel and forms would be provided.

Emergency issuance procedures would be set up to provide households with no income stamps within two days.

Households which had been denied their food stamps through no fault of their own could be restored through a lump sum payment.

Section 6 also provides that elderly persons, as well as disabled persons regardless of age, may use their food stamps to purchase meals-on-wheels. This section does not extend eligibility for the program, it merely provides that those who are eligible for both food stamps and meals-on-wheels may use the stamps to purchase the meals.

This section provides, in addition, that households who receive SSI payments may be certified for food stamps on the basis of information already on file with the SSI office.

States are further required to open their state plan of operation to public comment.

Fines as an alternative to disqualification of retail food stores and wholesale food concerns

Section 7 provides civil penalties as an alternative to disqualification for food stores that violate provisions of the Food Stamp Act.

Besides tightening up the retailer end of the program, this provision allows recipients in an area where there is only one retail store to have access to the program even though the retailer has been found guilty of a violation.

Research demonstration and evaluations

Section 8 provides research and demonstration authortiy to the Secretary, authortiy which is not now in the law. In addition, it specifically provides for a study of the assets held by recipients of the program in order to provide a basis for the assets limits the Secretary must set under section 3 of this bill.

Appropriations

Section 9 extends the authorization for the food stamp program for five years.

Commodity distribution program

Section 10 provides continued authority for USDA to purchase commodities under section 32 for the family commodity program on Indian reservations, the supplemental commodity program, schools, institutions, summer camps, elderly feeding programs, and for disaster relief.

S. 845

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

DEFINITIONS

SEC. 1. (a) Subsection (e) of Section 3 of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"(e) 'Household' means an individual or group of individuals who (1) are not residents of an institution or boarding house (except that residents of federally subsidized housing for the elderly and narcotics addicts or alcoholics who live under the supervision of a private nonprofit organization or institution for the purpose of regular participation in a drug or alcoholic treatment and rehabilitation program shall not be treated as residents of institutions), (2) live together as one economic unit, and (3) purchase, store, and prepare food for home consumption either alone in the case of the individual or in common in the case of the group of individuals."

(b) Subsection (f) is amended by striking out the period at the end of the second sentence and inserting in lieu thereof the following: ", or any private nonprofit cooperative food purchasing venture in which the members pay for food purchased prior to receipt of such food. Such private nonprofit cooperative is authorized to redeem members' food coupons prior to receipt by the members of the food so purchased. Organizations and institutions specified in section 10(i) of this Act are not authorized to redeem coupons through banks.".

(c) Section 3(1) is amended to read as follows:

"(1) The term 'elderly person' means a person sixty years of age or over who is not a resident of an institution or boarding house."

(d) Section 3 is amended by adding at the end thereof a new subsection (p):

"(p) The term 'adjusted semiannually' means adjusted effective every January 1, and July 1, to the nearest dollar increment to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics in the Department of Labor for the preceding six months ending September 30 and March 31, respectively."

ELIMINATION OF THE PURCHASE PRICE

SEC. 2.(a) The first sentence of section 4(a) of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"The Secretary is authorized to formulate and administer a food stamp program under which, at the request of the State agency, eligible households within the State shall be provided with a supplement to their incomes, through the use of a coupon allotment, sufficient to provide such households with an opportunity to obtain a nutritionally adequate diet.".

(b) The section head of section 7 of the Food Stamp Act of 1964 is amended by striking out "and charges to be made".

(c) Section 7(a) of such Act is amended by striking out that portion preceding "adjusted semiannually." and inserting in lieu thereof the following:

"The face value of the coupon allotment which State agencies shall be authorized to issue for any period to any household certified as eligible to participate in the food stamp program shall be in such amount as the Secretary determines to be the cost of nutritionally adequate diet, reduced by an amount equal to 30 per centum of such household's income: *Provided*, That the minimum allotment shall be $10. The coupon allotment shall be adjusted semiannually as that term is defined in section 3(p) of this Act.

(d) Section 7(b) and 7(d) of the Act are repealed.

(e) Section 7(c) is redesignated as 7(b) and the following is deleted: "which is in excess of the amount charged such household for such allotment.".

(f)(1) Clause (6) of the second sentence of section 10(e) is repealed.

(2) Clause (7) of the second sentence of section 10(e) is redesignated as (6) and is amended to read as follows:

"(6) notwithstanding any other provision of law, the institution of procedures under which any household participating in the program shall be entitled to have its coupon allotment distributed to it with any grant or payment to which such household may be entitled under title IV of the Social Security Act, except in areas in which the Secretary determines that such distribution of coupons is impractical because of the risk of theft of coupons, or of danger to mail carriers, and".

(3) Clause (8) of the second sentence of section 10(e) is redesignated as (7).

(4) Section 10(g) of the Food Stamp Act of 1964 is amended to read as follows:

"(g) If the Secretary determines that there has been gross negligence or fraud on the part of the State agency in the certification of applicant households, the State shall upon request of the Secretary, deposit into a separate account established in the Treasury a sum equal to the face value of any coupon issued as a result of such negligence or fraud. Funds deposited into such account shall be available without fiscal year limitation for the redemption of coupons.".

(g)(1) The third sentence of section 16 (a) of the Food Stamp Act of 1964 is amended to read as follows:

"Such portion of any such appropriation as may be required to pay for the value of the coupon allotments issued to eligible households shall be transferred to and made a part of a separate account maintained in the Treasury of the United States and such deposits shall be available, without limitation to fiscal years, for the redemption of coupons."

(2) Subsections (b) and (c) of section 16 of such Act are repealed and subsection (d) is redesignated as subsection (b).

(h)(1) Subsection (m) of section (3) of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"(m) The term 'issuance authorization card' means any document issued by the State agency to an eligible household which shows the face value of the coupon allotment the household is entitled to be issued on presentment of such document."

(2) Subsection (b) of section (14) is amended by deleting the words "authorization to purchase cards" wherever such words appear and inserting in lieu thereof the words "issuance authorization cards".

ELIGIBLE HOUSEHOLDS

SEC. 3. (a) Section 5(b) of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"(b)(1) The Secretary shall establish uniform national standards of eligibility for participation by public assistance and nonpublic assistance households in the food stamp program and no plan of operation submitted by a State agency shall be approved unless the standards of eligibility meet those established by the Secretary, and no State agency shall impose any other standards of eligibility as a condition for participating in the program.

"(2)(A) The income standards of eligibility in every State (except Alaska and Hawaii) shall be the income poverty guidelines for the nonfarm United States prescribed by the Office of Management and Budget, as adjusted in accordance with clause (B) of this paragraph. The income standards of eligibility for Alaska and Hawaii shall be the nonfarm income poverty guidelines established for those two States respectively by the Office of Management and Budget, as adjusted in accordance with clause (B) of this paragraph."

"(B) The income poverty guidelines shall be adjusted semiannually, as that term is defined in section 3(p) of this Act, pursuant to section 625 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2971d). However, the first adjustment under this paragraph shall take effect on July 1, 1978, and shall be made by multiplying the income poverty guidelines published as of May 1, 1978, by the changes between the average 1977 Consumer Price Index and the Consumer Price Index for March 1978.

"(3) The Secretary shall also prescribe additional standards of eligibility with respect to the amounts of liquid and nonliquid assets a household may own. These limits shall be adjusted annually to reflect changes in the overall Consumer Price Index published by the Bureau of Labor Statistics in the Department of Labor."

"(4)(A) Household income for purposes of the food stamp program shall be the gross income of the household, as defined in paragraph (7) of this subsection, less (i) a standard deduction of $100 a month applicable to all households, except that the standard deduction for Puerto Rico, the Virgin Islands, and Guam shall be $60 a month; (ii) a deduction of 20 percentum of all earned income to compensate for taxes, mandatory deductions, and work expenses; (iii) a deduction, but not to exceed $85 a month per household, for the actual cost for payments necessary for the care of a dependent when necessary for a household member to accept or continue employment or training or education which is preparatory to employment, and (iv) an amount not to exceed $50 to be added by the Secretary for such time and in such project areas that the Secretary determines to be suffering extraordinary conditions of hardship.

"(B) Effective July 1, 1978, the standard deduction shall be adjusted semiannually reflecting changes in the special indicator Consumer Price Index less food published by the Bureau of Labor Statistics in the Department of Labor. Such adjustment shall be rounded to the nearest $5 increment.

"(5) All income shall be calculated for the purpose of determining household eligibility by focusing upon the income reasonably anticipated to be received by the household in the certification period for which eligibility is being determined and the income which has been received by the household during the thirty days preceding the filing of its application for food stamps so as to ascertain as nearly as possible the income that will be actually available to the household during that certification period, except for (1) that those households who by contract or self-employment derive their annual income in a period of time substantially shorter than one year, income shall be calculated by being averaged over a twelve-month period, and (2) those households who receive educational loans, scholarships, fellowships, grants, and veterans' educational benefits, except to the extent they are used for tuition and mandatory fees, income shall be calculated by being averaged over the period for which it is provided.

"(6) Notwithstanding any other provision of law, gross income for purposes of the food stamp program shall include, but not be limited to, all money payments (including payments made pursuant to title I of the

Domestic Volunteer Services Act of 1973) and payments in kind, excluding—

"(A) payments for medical costs made on behalf of the household;

"(B) income received as compensation for services performed as an employee or income from self-employment by a child residing with the household who is a student and who has not attained his eighteenth birthday;

"(C) payments received under title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

"(D) income of a household in a quarter which is received too infrequently or irregularly to be reasonably anticipated: *Provided*, That such infrequent or irregular income of all household members does not exceed $30 during any three-month period;

"(E) all loans, except deferred educational loans to the extent they are not used for tuition and mandatory fees at an institution of higher education or school for the handicapped;

"(F) all scholarships, fellowships, grants, and veterans' educational benefits, except to the extent they are not used for tuition and mandatory fees at an institution of higher education or school for the handicapped:

"(G) training allowances to the extent they are used for tuition and mandatory fees in a training program recognized by any Federal, State, or local governmental agency which is preparatory to or associated with employment;

"(H) housing vendor payments made directly to landlords under programs administered by the Department of Housing and Urban Development;

"(I) payments received under the special supplemental food program for women, infants, and children authorized by section 17 of the Child Nutrition Act;

"(J) vendor or in kind payments derived from government benefit programs including, but not limited to, school lunch, medicare, and elderly feeding program, and any payments in kind which cannot reasonably and properly be computed;

"(K) the cost of producing self-employed income;

"(L) Federal, State, and local income tax refunds, retroactive payments under the Social Security Act and other non-recurring lump sum payment: Provided, That the full amount of such refunds, credits, or payments shall be included in household resources; and

"(M) any income that any other law specifically excludes from consideration as income for the purposes of determining eligibility for public assistance programs.

"(7) The Secretary may also establish temporary emergency standards of eligibility for the duration of the emergency for households that are victims of a disaster which disrupts commercial channels of food distribution when he determines that (A) such households are in need of temporary food assistance, and (B) commercial channels of food distribution have again become available to meet the temporary food needs of such households."

(b) Section 5(c) of the Food Stamp Act as amended, is amended to read as follows:

"(c) No individual who is a member of or constitutes a household that is otherwise eligible to participate in the food stamp program under the preceding subsections of section 5 shall be eligible to participate in the food stamp program as a member of that or any other household if he or she is (1) a physically and mentally fit person between the ages of eighteen and sixty, other than (A) a person who is already subject to a work registration requirement under title IV of the Social Security Act, as amended, or the Federal-State unemployment compensation system; (B) a parent or other member of a household with responsibility for the care of a dependent child under eighteen or of an incapacitated person; (C) a parent or other caretaker of a child or of an incapacitated person in a household where there is another able-bodied person who is subject to the requirements of this subsection; (D) a bona fide student who is enrolled at least halftime in any recognized school or training program; (E) a regular participant in a drug addiction or alcoholic treatment and rehabilitation program; or (F) a person who is already employed for at least thirty hours per week or earning per week at least the equivalent of the minimum hourly rate under the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(a)(1), multiplied by thirty hours) and (2) either (A) refuses at the time of application or reapplication to register for employment in a manner designated by the Secretary, or (B) thereafter refuses to fulfill reasonable inquiry requirements, as imposed by the Secretary for jobs that are available through, and can be assigned by, the state employment service, or (C) refuses without good cause to accept an offer of employment (i) for more than thirty hours per week, (ii) at a wage no less than the highest of the applicable State or Federal minimum wage, the applicable wage established by Federal regulation, or the wage that would have governed had the minimum hourly rate under the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206 (a(1)), been applicable to the offered job, (iii) at a site or plant not then subject to a strike or lockout, and (iv) that does not require the person to join, resign from, or refrain from joining any legitimate labor organization: Provided, That such eligibility disqualification shall remain in effect for one year or as long as such individual or household member acts in accordance with clauses 2(A), 2(B), or 2(C), of this subsection, whichever is earlier. To the extent that the State employment service is given responsibility for administering these provisions it shall comply with regulations which the Secretary of Labor shall issue jointly with the Secretary, which regulations shall conform as closely as possible to the work incentive program requirements set forth under title IV of the Social Security Act and shall take into account the diversity of the needs of the food stamp work registrant population. In the event of failure to comply with the regulations, the Secretary of Labor is authorized to assume the responsibilities of the State employment service involved.

(c) Section 5 is amended by adding at the end thereof new subsections (e) through (h) as follows:

"(e) No individual shall be eligible to participate in the food stamp program unless he is a resident of the United States, and is either (1) a citizen or (2) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 203(a)(7) or section 212(d)(5) of the Immigration and Nationality Act).

"(f) No household shall be eligible to participate, or to continue to participate, in the food stamp program, if it refuses to submit to the State agency necessary information for a determination as to the household's eligibility to participate in the program.

"(g) No individual shall be considered a household member for food stamp program purposes if such individual (1) has reached his eighteenth birthday; (2) is enrolled in an institution of higher education, and (3) is properly claimed or could properly be claimed as a dependent child for Federal income tax purposes by a taxpayer who is not a member of an eligible household.

"(h) No individual who receives supplemental security income benefits under title XVI of the Social Security Act, State supplementary payments described in section 1616 of such Act, or payments of the type referred to in section 212(a) of Public Law 93–66, as amended, shall be considered to be a member of a household or an elderly person for purposes of this Act for any month, if, for such month, such individual resides in a State which provides State supplementary payments (1) of the type described in section 1616(a) of the Social Security Act and Sec. 212(a) of Public Law 93–66, and (2) the level of which has been found by the Secretary of Health, Education, and Welfare to have been specifically increased so as to include the bonus value of food stamps.".

CHANGE FOR FOOD STAMPS PURCHASES

SEC. 4. Section 6(b) of the Food Stamp Act, as amended, is amended by adding at the end thereof the following: *"Provided further* That eligible households using coupons to purchase food may receive cash in change therefore so long as the cash received does not equal or exceed the value of the lowest coupon denomination issued."

STUDY OF THE THRIFTY FOOD PLAN

SEC. 5. Section 7 of the Food Stamp Act of 1964, as amended, is amended by adding at the end thereof the following new subsection:

"(c) The Secretary shall undertake a study to determine whether the Thrifty Food Plan as devised in 1975, is calculated to provide eligible households with reasonable access to a nutritionally adequate diet, and whether the current allotments are calculated to provide substantially all eligible households with an ability to obtain the Thrifty Food Plan. The Secretary shall report his findings to the Committees of jurisdiction in the Congress within six months after the enactment of this subsection, and shall take whatever actions are necessary and authorized under this Act."

ADMINISTRATION

SEC. 6(a). Section 10(c)(2) of the Food Stamp Act, as amended, is amended to read as follows:

"(2) that the State agency shall undertake the certification of applicant households in accordance with the general procedures and personnel standards prescribed by the Secretary in the regulations issued pursuant to this Act and shall provide a continuing, comprehensive program of training for all personnel undertaking the certification of applicant households;".

(b) Section 10(e)(5) is amended to read as follows:

"(5) that the State agency shall inform low income households concerning the availability, eligibility requirements, and benefits of the food stamp program including, but not limited to, notification of all recipients of social security, aid to families with dependent children, supplemental security income, and unemployment compensation;".

(c) Section 10(e) is amended by adding to the second sentence thereof the following new clauses:

"(8) that each household which contacts a food stamp office in person during office hours to make what may reasonably be interpreted as an oral or written request for food stamp assistance shall receive and shall be permitted to file an application for participation in the food stamp program on the same day that such contact is first made;

"(9) that the State agency shall thereafter promptly determine the eligibility of each applicant household so to complete certification of and provide an opportunity to obtain coupon allotments to any eligible household not later than thirty days after its filing of an application pursuant to subsection (8);

"(10) that the State agency shall insure that each participating household that seeks to be certified another time or more times

thereafter by filing an application for such recertification no later than fifteen days prior to the day upon which its existing certification period expires shall, if found to be still eligible be able to obtain its coupon allotment no later than one month after the receipt of the last cards issued to it pursuant to its prior certification;

"(11) that any applicant household may be represented in the certification process and that any eligible household may be represented in coupon issuance or food purchase by a person other than the head of the household so long as that person has been clearly designated as the representative of that household for that purpose by the head of the household or the spouse of the head and, where the certification process is concerned, is sufficiently aware of relevant household circumstances to aid in the completion of that process;

'(12) that, to the maximum extent feasible, the application for participation for households in which all members are included in a federally aided public assistance or state and local general assistance grant, shall be contained in the public assistance application form and certification shall be based on information in the public assistance case file regardless of the household's eligibility for public assistance.

"(13) for points of certification and issuance and hours of certification and issuance that allow reasonable access to the program, so that eligible households are not unduly impeded in their efforts to participate in the program;

"(14) that in such areas wherein numerous potentially eligible persons speak a language other than English, appropriate multilingual personnel and printed material shall be used in the administration of the program;

"(15) for emergency issuance procedures which, at a minimum, shall insure that households with no income (as defined under Sec. 5(b)(4)(A) of this Act) available at the time of application receive the opportunity to obtain their food stamp allotments no later than two days after application for program participation by such households;

"(16) for the prompt payment to households of the bonus value of any coupon allotment which has been wrongfully denied, delayed, or terminated as a result of any administrative error on the part of the State agency.".

(d) Subsection 10(b) is amended by striking out the first sentence and inserting in lieu thereof the following:

"Subject to such terms and conditions as may be prescribed by the Secretary in the regulations issued pursuant to this Act, household members who are elderly, housebound, feeble, physically handicapped, or otherwise disabled to the extent that they are unable to prepare adequately all of their meals, may use coupons issued to them to purchase meals prepared for and delivered to them by (1) a political subdivision; (2) a private, nonprofit organization which is operated in a manner consistent with the purposes of this Act and is recognized as a tax-exempt organization by the Internal Revenue Service; or (3) a private establishment that has contracted with the appropriate State agency to offer home-delivered meals at concessional prices to persons who are elderly, housebound, feeble, physically handicapped, or otherwise disabled."

(e) Section 10 is amended by adding at the end thereof the following new subsections (j) and (k):

"(j) The Secretary, in conjunction with the Secretary of Health, Education, and Welfare, shall promulgate regulations permitting households in which all members are recipients of Supplemental Security Income to apply for participation in the food stamp program by executing a simplified affidavit at the Social Security Office and be certified for eligibility based on information contained in files of the Social Security Administration.

"(k) Before the submission of an annual state plan of operation, the State agency shall obtain and consider comments from recipients of the program and other interested persons."

FINES AS AN ALTERNATIVE TO DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS

SEC. 7. Section 11 of the Food Stamp Act, as amended, is amended by inserting after "disqualified from further participation in the food stamp program" the words "or subjected to a civil penalty of up to $10,000,".

RESEARCH, DEMONSTRATION, AND EVALUATIONS

SEC. 8. The Food Stamp Act of 1964, as amended, is amended by adding at the end thereof the following new section:

"Sec. 18. (a) The Secretary shall, by way of making contracts with or grants to public or private organizations and agencies, undertake research that will help improve the administration and effectiveness of the food stamp program.

"(b) The Secretary shall conduct a survey of households participating in the food stamp program for the purpose of determining the average assets and distribution of assets held by participants. The Secretary shall submit a written report to the Congress within one hundred and eighty days after the date of enactment of this section, disclosing the results of such survey. The report shall include such explanations and comments as the Secretary deems appropriate.

"(c) In carrying out the provisions of the Act, the Secretary is authorized to carry out on a trial basis, in one or more areas of the United States, experimental projects for purposes of increasing the program's efficiency and improving the delivery of benefits to eligible households: *Provided*, however, That no project shall be implemented which shall have the effect of reducing of terminating benefits to households eligible for assistance under this Act.

APPROPRIATIONS

SEC. 9. Subsection (a) of Section 16 of the Food Stamp Act, as amended, is amended by striking out "June 30, 1977" and inserting in lieu thereof "September 30, 1982".

COMMODITY DISTRIBUTION PROGRAM

SEC. 10. Notwithstanding any other provision of law, the Secretary of Agriculture shall until September 30, 1982, (i) use funds available under provisions of section 32 of Public Law 320 Seventy-fourth Congress, as amended (7 U.S.C. 612c), to purchase, without regard to the provisions of existing law governing the expenditure of public funds, agricultural commodities and their products of the types which may be purchased under section 32 (which may include seafood commodities and their products) to maintain the traditional level of assistance for food assistance programs as are authorized by law, including but not limited to distribution to needy families pending the transition to the food stamp program, institutions, supplemental feeding programs wherever located, disaster relief, summer camps for children, and elderly food programs, as well as to provide a nutritionally adequate family commodity distribution program on any Indian reservation requesting to continue or reinstate the family commodity distribution program, and (ii) if stocks of the Commodity Credit Corporation are not available, use the funds of the Corporation to purchase agricultural commodities and their products of the types customarily available under section 416 of the Agricultural Act of 1949 to meet such requirements.

STUDENT DISCIPLINE PROCEDURES

Mr. TALMADGE. Mr. President, the Georgia State Senate, now in session in Atlanta, has adopted a resolution which, for myself and my colleague, Senator NUNN, I bring to the attention of the Senate, and ask unanimous consent that it be printed in the RECORD.

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

A RESOLUTION

Relative to bureaucratic bungling by the Office for Civil Rights of the Federal Department of Health, Education, and Welfare; and for other purposes

Whereas, the Office for Civil Rights of the Federal Department of Health, Education and Welfare, with its recently mandated forms relative to student discipline procedures, provides a perfect example of bureaucratic red tape that discredits government in the minds of our citizens; and

Whereas, one of these forms consists of nine pages, with an original and six copies, of detailed questions in small print; and

Whereas, these forms were received in mid-December, 1976, and were to be completed by approximately 16,000 school districts for each school within the districts by February 1, 1977; and

Whereas, the fact that an agency of the Federal government could indulge in such a monumental waste of time, money and resources while diverting hundreds of thousands of man-hours from constructive educational endeavors is as disgusting as it is incredible; and

Whereas, it would literally require an army of people to receive these completed forms and extract the detailed information they will contain, and that information, once extracted, will have little, if any, value to anyone for any purpose other than giving the bureaucrats responsible for this folly an excuse for their existence; and

Whereas, immediate steps should be taken to bring such absurdities to a halt,

Now, Therefore, be it resolved by the Senate, That the members of this body do hereby protest such bureaucratic monstrosities from Federal agencies as that described in this Resolution and urge President Jimmy Carter and the United States Congress to take such steps as may be necessary to stop such an irresponsible waste of the taxpayer's money and working people's time.

Be it further resolved, That the Secretary of the Senate transmit an appropriate copy of this Resolution to Honorable Jimmy Carter, President of the United States, each member of the Georgia delegation to the United States Congress, Honorable Bert Lance, Director of the Office of Management and Budget and to Honorable Joseph Califano, Secretary, Department of Health, Education, and Welfare.

SENATOR PHILIP A. HART

Mr. WILLIAMS. Mr. President, when we search our minds and our hearts for words of eulogy for a beloved friend and colleague, it is remarkable how seldom we can find better than words written by William Shakespeare more than four centuries ago. This is, perhaps, testimony to how very little the human condition changes with the passing of the ages.

When Phil Hart died at Christmas, this Nation, the State of Michigan, his peers in this body, and tens of millions of Americans lost a man of immense stature. Truly:

His life was gentle, and the elements
So mix'd in him that Nature might stand up
And say to all the world, "This was a man!"

In its nearly two centuries of existence, this Chamber has known men of surpassing legislative excellence. It has seen men of surpassing compassionate humanism. But only occasionally has it seen a man who combined both of these qualities in such measure as to win unqualified respect, admiration, and deep affection of his peers as were so unreservedly accorded the senior Senator from Michigan.

Phil Hart's gentleness and courtliness, his quiet demeanor, and his unfailing politeness gave scant indication of the depth of his determination and the strength of his will when a matter of principle or social justice was at stake. While some have disagreed with him, there was none who ever doubted his integrity of purpose, or his dedication to the highest ideals of public service.

That I served with Phil Hart for 18 years in the Senate of the United States has been one of that service's greatest rewards. None of us who had the privilege of being his friend will ever forget him. Whatever may be the successes and the satisfactions for me, personally, or for this body in the years that lie ahead, there will be missing that spark of inspiration that reflected from his presence among us.

To Jane and his children, with whom Phil enjoyed a mutuality of love, respect, and a great depth of human understanding, our hearts go out in sympathy.

For an epitaph, we might say, with Robert Hillyer:

We whom life changes with its every whim
Remember now his steadfastness. In him
Was a perfection, an unconscious grace,
Life could not mar, and death can not efface.

THE RETIREMENT OF SMITH BLAIR, JR.

Mr. RANDOLPH. Mr. President, I call to the attention of Senators the retirement of Smith Blair, Jr., who has been the Director of the Office of Congressional Relations of the General Accounting Office since 1973. The Comptroller General will miss Smitty's sound advice and devoted efforts to help make the audit and analytical review activities of the General Accounting Office—GAO—meet the needs of the Senate.

Smitty began his working career in the trust department of a local bank. While employed full time, he attended law school at night and earned his degree with honors. He became an FBI agent and spent 9 years with the FBI. Later, Smitty worked on the staff of a House committee before joining the GAO in 1952.

At GAO, Smitty was assigned to the European branch office and within 2 years became Director of the European branch. In 1959, Smitty returned to the United States to become Dallas regional manager. From 1964 to 1968 he was assistant to the Inspector General in the Department of Agriculture.

In early 1968, Smitty returned to GAO as legislative attorney and he was well prepared for the challenges to come. GAO was then conducting a comprehensive review of the poverty program which Congress had directed GAO to perform. I remember the intense and extensive legislative interest in that review, and it fell to Smitty to be on the front line. A man with less experience and sensitivity of judgement could not have accepted such a responsibility and discharged it so well.

The 9 years since then have been marked with the same kind of dedication and perseverance which has enabled Smitty to make an indispensable contribution to a Congress which is more effective and independent.

Smitty has worked diligently to help GAO become increasingly sensitive to the special needs of each committee and Member of Congress while preserving its position as an objective and impartial agency. The Congress needs an effective GAO to aid in developing legislation and in exercising oversight of Government programs and activities.

It is our hope that Smitty's retirement will bring the rewards which should follow such a varied and distinguished Federal career.

FORMER LABOR SECRETARY USERY TELLS SOUTHEASTERN AUDIENCE WORKING MEN AND WOMEN ARE RESPONSIBLE FOR U.S. EDUCATION SYSTEM

Mr. RANDOLPH. Mr. President, last Sunday at a special convocation Southeastern University awarded an honorary doctor of laws degree to W. J. Usery, Jr., former U.S. Secretary of Labor.

In accepting the degree, Mr. Usery praised Southeastern's latest effort to provide education for working people who "yearn to learn." Like Southeastern, he said, the labor movement has struggled to make better education available to more people.

"Workers gave their time, their talent, and their treasuries to support virtually every program that has had as its root the greater availability of better education for all people," Mr. Usery noted.

In presenting the degree, Southeastern University president Dr. Barkev Kibarian said the former Secretary exemplified the stated mission of the Labor Department:

To foster, promote and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment.

He cited Mr. Usery's valuable role in the field of labor-management negotiation and mediation.

The convocation marked the initiation of a new "Sundays only" masters program. The institution, chartered by Congress in 1879, seeks to provide educational opportunities to men and women who wish to work and also continue their education. Many Southeastern University graduates have distinguished careers in business and Government and the legal profession.

Mr. President, it is a point of personal joy to recall that during my early days in Congress I taught at Southeastern. I have been privileged to serve as a member of the board of trustees since 1966.

I feel the university's unique contributions to the educational community of Washington should be acknowledged. The enlightening thoughts of Mr. Usery on the role of labor in education is a matter of paramount importance today. I ask unanimous consent that the citation of the honoree by President Kibarian and Mr. Usery's address be placed in the RECORD.

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

CITATION

William J. Usery, Jr.—Fifteenth Secretary of Labor in the history of the United States, nominated and confirmed for that appointment within the administration of President Gerald R. Ford.

You have provided this Nation with distinguished leadership in a broad range of responsibilities, perhaps best identified in the specific mission of the Department of Labor itself: to foster, promote and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment.

Certainly, your name is synonymous with the terms "labor-management negotiation" and "mediation," repeatedly achieving resultant harmony among diverse factions.

You are a native Georgian, educated at the Georgia Military College and Mercer University. You have been honored by the University of Louisville with the honorary doctor of social science degree in 1975.

You have served as a member of the National Commission for Industrial Peace, the National Commission on Productivity, the Collective Bargaining Committee in Construction, and as chairman of the working party on industrial relations under the Organization for Economic Cooperation and Development.

You served as director of the Federal Mediation and Conciliation Service, prior to assuming the cabinet responsibility. In addition to serving as Secretary of Labor, you continued to serve as special assistant to the Prseident for labor-management negotiations, coordinating the government's mediation and other labor-management relations activities involving the public and private sectors of the economy, including the airline and railroad industries and federal, state, able employment.

Southeastern University takes great pride in associating you with this institution and we are pleased to confer upon you the honorary degree of doctor of laws.

BARKEV KIBARIAN, Ph.D.,
President.

REMARKS BY W. J. USERY, JR.

President Kibarian, Earl Cocke, distinguished guests and those who are honored to be participants in the first class of the Sunday masters program of Southeastern University—I am pleased, proud, and honored by the honor that you have presented to me today.

I say this in the face of the unrefuted fact that ex-Secretaries of Labor—and there are now seven of us—are always pleased to be recognized, let alone sought as a speaker and presented with this magnificent honorary doctor of laws degree.

I do hope that all of you who have worked so long and hard for your undergraduate degrees—and who are now committed to giving more than 70 Sundays to the pursuit of a master's degree—will forgive me for this display of pride and pleasure.

I'm reminded of that premier cynic from

Baltimore, H. L. Mencken, who reacted to honorary degrees in the following words:

"No decent man would accept a degree he hasn't earned. Honorary degrees," he continued, "are for corporate presidents, bishops, real estate agents, Presidents of the United States—and other such riffraff."

Well, I'm none of the above, so if it's okay with you, I'll continue to feel privileged that Southeastern University has chosen to present me with this honor.

In spite of Mencken, I think I'm in rather good company.

Through my own research, I learned that the first honorary degree awarded in our nation was presented to George Washington by those far-sighted Yankees at what was then Harvard College. That was way back in the first year of the American Revolution—in 1776.

I might add that Harvard has been swimming in Federal grants ever since.

Now I don't want to dwell on this subject too long, but another observation or two might be proper.

First, I have to confess that I especially appreciate an honorary doctor of law degree.

I appreciate it because most of my working life my endeavors have been involved with the law.

In carrying out many of my responsibilities over the years I have had to make interpretations of various laws.

In fact, while serving as Secretary of Labor, I was responsible for administering 135 laws and executive orders and in carrying out this responsibility, there were 435 lawyers who reported to me.

I have spent much time trying to fully appreciate and understand our laws.

But having said that, I have at times been somewhat leery of lawyers, especially in the field of labor management relations and contract negotiations, to the point that I have kidded them a little every time I had the opportunity.

I remind them, for example, that Tnomas Jefferson, one of the Presidents who was not a lawyer, took note of that fact during one of his more frustrating moments with Congress. Jefferson said, and I quote his words:

"If the present Congress errs in too much talking, how can it be otherwise in a body to which people can send 150 lawyers whose trade it is to question everything, yield nothing, and talk by the hour"?

Since none of you are pursuing a law degree, I think it's safe to repeat a story that involves an attorney and his wife.

They were cruising in the Gulf of Mexico on his yacht when a severe storm came up. The attorney was tossed overboard by the heavy seas.

His boat drifted away from him. And as it did, a school of eight sharks closed in.

He was certain that the Lord had called his number.

But instead of using him as their lunch, the sharks formed in two lanes—and escorted him back to the yacht.

The amazed attorney climbed aboard, looked at his wife and shouted: "Honey you've just witnessed a miracle."

"No," she answered, "It wasn't a miracle. It was just professional courtesy."

Well, what I really wanted to talk with you about today was neither sharks, nor lawyers, nor Bill Usery, for that matter.

What I do want to discuss with you are some of my reflections upon hearing of this new, progressive step that Southeastern University has taken to meet a need—a need for greater educational availability for people who yearn to learn.

The story of the struggle to make better education available to more people parallels the grand history of freedom's development in America where the working people have played a major role in both.

As former Secretary of Labor, and someone involved in and concerned about working peoples, problems for many years. I feel I am qualified to speak briefly for you the often-overlooked part that working people have played in making our educational system as great as it is today.

It really began in 1829. Andrew Jackson was President.

A group of men in New York City established the workingmen's party, and two young mechanics established a newspaper—the workingman's advocate, they called it.

Through this publication, workers took their programs to the public. They wanted an end to debtors' prison and other injustices.

They also wanted a school system for their children. They wanted a school system, they said—and I quote: "That shall unite under the same roof the children of the poor man and the rich, the widow's charge and the orphan, where the road to distinction shall be superior industry, virtue and acquirement without reference to descent."

The idea was not the most popular item within the establishment of that time, of course. And when it reached Rhode Island, it was considered to be so radical that the state legislature said it would keep such "wild schemes" out of their state . . . at bayonet point, if necessary.

Nor did the free press of that day look kindly upon the desires of working people to get an education.

A New York newspaper told its readers that members of the Workingmen's Party were, and I quote, "lost to society, to Earth, and to heaven, godless and hopeless" . . . that their organization "emerged from the slime."

As to public education, the Philadelphia Gazette responded that, and I use its words:

"The peasant must labor during those hours of the day which his wealthy neighbor can give to abstract culture of his mind."

Yet there was, within America then as now, the freedom to push for what might even be considered an unpopular cause—and even a chance, then as now, to win.

Through their publications and their effective political action, they convinced the Pennsylvania State legislature to pass a law in 1834 saying that school districts could, if they wanted, furnish free education.

Just four years later, New Jersey established a public education system open to all children, though parents were taxed in proportion to the number of children they had in school.

Other States followed. And workers kept demanding—"more."

They presented arguments containing strong logic. Let me give you an example.

At the founding convention of the American Federation of Labor in 1881—just two years after the young Men's Christian Association opened the doors of this fine school, southeastern university—labor's delegates passed a resolution saying, in effect that if the States wanted people to follow the law, then it was the duty of States to educate people so they could understand the law.

But even as the public school system grew, it was of little value to children who were working 12 hours a day—the children of the poor.

So in 1887, the American Federation of Labor began its campaign for compulsory education.

And it did so armed with the slicing oratory of its president, Sam Gompers, listen to just two of his sentences, if you will:

"The damnable system which permits young and innocent children to have their lives worked out of them in factories, mills, workshops and stores, is one of the very worst of the working man's grievances.

"We shall never cease our agitation until we have rescued them, and placed them where they should be—in the schoolroom and the playground."

Through such clear calls for decency, compulsory education and child labor laws became the pillars upon which Americans set out to build a great nation.

And while others joined their campaign, workers gave of their time, their talent, and their treasuries to support land grant colleges . . . the junior college system . . . adult education . . . Federal aid to education . . . the GI bills . . . Headstart . . . the Teacher's Corps—to virtually every program that has had as its roots the greater availability of better education for all people.

Has the battle been won? You know the answer, as I do.

It will not be won so long as we have—as we do today—schools in urban ghettos where teachers face hostile classes numbering 40 or more each morning and pray to survive the day . . .

It will not be won so long as we have—as we do today—hundreds of thousands of high school students bearing "functional diplomas" that attest not to the completion of academic courses, but to the fact that they sat through a dozen academic years . . .

Nor will it be won so long as we have, as we do today, armies of high-school dropouts, and untold thousands of youngsters unable to find the money required to meet the expense of higher education.

And yet the crusade is continuing—with the support of labor, and of business, and of government, and of the millions of dedicated educators across our land.

Today, on this first Sunday morning, you and Southeastern University are making your contribution to the great crusade for enlightenment.

And in doing so, you are helping all of us to win a race—the race that historian H. G. Wells referred to when he said, and I quote:

"Human history becomes more and more a race between education and catastrophe."

The words were written 56 years ago—before the Atom bomb and possibly just as important, before the end of the days of natural abundance.

Before we were, as a Nation—as a world—truly concerned about our children having fresh air to breath . . . having clean water to drink and to fish and swim in . . . and before we were endangered by the uncertain effects of new-found chemicals being accidentally unleashed on the trusting, the unsuspecting.

These are among the primary problems of today and tomorrow.

And as in the past, we will depend upon those with knowledge to solve them—people who have the desire, the determination to make the sacrifices required to learn more—people like yourself.

And in closing, may I call upon each and everyone to do their very best in protecting the heritage that is ours. For no other society in the entire history of the world has been able to enjoy and protect for 200 years the liberty that is ours.

We Americans alone have been able to create, develop, defend, and enhance a democratic system that has stood for two centuries.

The third century will depend upon people like yourselves who will give of your time to grow in knowledge and understanding, en-

abling our Nation and the World to have the best in leadership and guidance.

Yes—we are depending on you and I congratulate each of you, Southeastern University and all who have made this Sunday master program possible.

COMMON SITUS

Mr. BARTLETT. Mr. President, it is apparent that we will once again be confronted with legislation designed to legalize common situs picketing—the picketing of all contractors and subcontractors on a construction site although only one union in a specific craft is actually involved in a dispute with its employer. It is unfortunate that we must confront this legislation again. After Congress considered this legislation in the 94th Congress, the White House was swamped with one of the greatest expressions of public feeling in history. Several hundred thousand Americans contacted the President urging a veto of the bill. This was a dramatic indication that the public at large does not support common situs picketing when they know what is at stake.

There are indications that proponents of this legislation will seek to force it through the Congress in a hurry, before the public fully realizes that common situs picketing is back on the national agenda. A few newspapers, including the Tulsa Daily World, have begun to spread the word. Mr. President, I ask unanimous consent that an editorial appearing in the Tulsa Daily World on February 23, 1977, entitled "Labor's First Target," be printed in the RECORD.

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

LABOR'S FIRST TARGET

AFL–CIO leaders have prepared an omnibus labor law package which they expect will meet with Congress' approval.

With new Labor Secretary Ray Marshall openly fronting for the unions and President Carter obligated to George Meany, organized labor's President, the time may appear propitious for passage of at least some of this legislative program.

Labor's first target will be the common situs picketing measure which would allow strikers to picket an entire construction site in a dispute with one sub contractor. This legislation will be sought separately. A bill was introduced in the House last week similar to the one which President Ford vetoed in 1975.

If anything this year's fight will be more intensified. The National Right To Work Committee says 45 Senators and 198 Representatives have indicated they will oppose the situs legislation. The group includes almost the entire Georgia delegation.

Both Oklahoma Senators, Henry Bellmon and Dewey Bartlett are against the bill. They are joined, in the House by Reps. Tom Steed, Glenn English and Mickey Edwards. Reps. Wesley Watkins, Ted Risenhoover and James R. Jones are "unlisted."

President Carter has promised to sign the legislation legalizing coercive picketing if it reaches his desk.

The 198 House votes are 20 short of the 218 needed to give Right To Work supporters a majority.

The outcome will lie with the many uncommitted Representatives and Senators. The House Labor-Management subcommittee has scheduled hearings on the bill, March 1, 2 and 3.

We agree with the Right To Work Committee's statement that "the bill boils down to nothing more than a scheme for turning the construction industry into a nationwide closed shop. Only those willing and permitted to join the union will be allowed to work."

(This concludes additional statements submitted by Senators today.)

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

EXECUTIVE SESSION

NOMINATION OF PAUL C. WARNKE TO BE AMBASSADOR—SALT NEGOTIATIONS

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider the nomination of Paul C. Warnke to serve with the rank of Ambassador for the SALT negotiations.

The nomination will be stated.

The second assistant legislative clerk read the nomination of Paul C. Warnke, of the District of Columbia, to be Ambassador for the United States Arms Control and Disarmament Agency.

RECESS UNTIL 1:31 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess for 1 hour.

The motion was agreed to, and the Senate, at 12:31 p.m., recessed until 1:31 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. MATSUNAGA).

NOMINATION OF PAUL C. WARNKE TO BE AMBASSADOR—SALT NEGOTIATIONS

The Senate continued with the consideration of the nomination of Paul C. Warnke to be Ambassador during his tenure of service as Director of the U.S. Arms Control and Disarmament Agency.

Mr. CRANSTON. Mr. President, we are now in executive session. The nomination of Mr. Warnke to be Ambassador to the SALT negotiations is the pending matter.

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

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

Mr. McGOVERN. Mr. President, the nomination of Paul Warnke to be Director of the Arms Control and Disarmament Agency and chief SALT negotiator has touched off a new round of near hysteria over the relative power of the United States and the Soviet Union.

We need to keep in mind that this is not a new phenomenon. Indeed, it is almost a routine that we are frightened out of our wits at least once a year, when the military budget is due for consideration in Congress.

What is unusual, however, is the duration of the current panic. We have had an unrelenting barrage of scare stories for more than a year. There has been hardly any respite at all from the stream of reports about Soviet monster missiles, dramatically boosted estimates of Soviet defense spending, Soviet efforts to overtake us on nuclear technology, the mammoth Soviet navy, and assorted other clear and present dangers to our national safety.

The heralders of security gaps have been with us for a long time. In the early 1950's we were told of a "bomber gap," which we later learned was a myth. But we nonetheless beefed up our B–47 and B–52 forces. Between 1957 and 1961 there were leaks of secret studies pointing to a "missile gap," which also was a myth. But we nonetheless vastly expanded the deployment of Minuteman missiles. In the 1960's there were civil defense and ABM "gaps," and we launched programs in those areas—only to realize that they were largely worthless.

But now the gaps are doubling up. I suppose in an era of multiple warheads someone has perceived the need for "multiple gaps." So we now have not only a "throw-weight gap," but another "civil defense gap" to go along with it. Moreover, these gaps are stressed in an outside analysis of the national intelligence estimates which have been conveniently and selectively leaked.

I must say, parenthetically, Mr. President, it has always struck me as somewhat ironic that some of those most concerned about protecting security information from the public are the ones most skillful in leaking these stories designed to scare Congress and the American public into support for increased military outlays.

I doubt that either the timing or the magnitude of the scare has been accidental. For this time the target was not only Congress, which only reviews and occasionally adjusts arms spending requests; but also 1976 was a Presidential election year. At stake was the authority to decide what the request would be in the first place that comes to Congress.

The various proclamations of American inferiority have been admirably calculated not only to influence Congress, but to shape the framework for debate in the Presidential campaign, then to influence the President's appointments, then to thwart any significant revisions in the departing administration's fiscal 1978 arms spending plans, and finally to define the arms posture and policy of the next 4 years.

The Warnke nomination simply adds one more element. Mr. Warnke, we are told, is not properly fearful of the Soviet threat. So now the cry is raised not only that we are in second place and fading, but that President Carter has appointed a negotiator who might sell us out in SALT. As stated in an anonymous memorandum—which we now know was prepared by a little group with a big title—

the so-called Committee for a Democratic Majority:

. . . it is hard to see how the American side in SALT can be effectively upheld by someone who advocates, as Warnke does, the unilateral abandonment by the United States of every weapons system which is subject to negotiation at SALT (as well as many others which are not under discussion).

Since the Warnke nomination has become a focal point for the prophets of our strategic demise, its pendency is also an appropriate context for a response. I propose to discuss this afternoon the strategic defense issue in two parts: First, I will examine today the present and prospective balance in strategic arms; then in a second address I will offer some thoughts on the kind of military and negotiating posture which could produce meaningful, enforceable limits on the nuclear arsenals of both the United States and the Soviet Union.

But analysis in my remarks this afternoon support these conclusions:

The size and mix of nuclear forces the United States needs should be calculated according to the limited national purposes these weapons can perform. In this realm the term "superiority" has no relevance at all; in fact, neither does the term currently in vogue, "essential equivalence." Rather, we should speak exclusively in terms of "sufficiency," "adequacy," or words of equivalent meaning, always in the context of our ability to perform specific essential missions.

Mr. CHURCH. Mr. President, will the Senator yield at this point or does he prefer to wait until he completes his remarks?

Mr. McGOVERN. I am happy to yield to the Senator from Idaho.

Mr. CHURCH. First of all, I say to the Senator that I read his address and consider it to be brilliant, perhaps the most thorough and probing analysis of the issue that faces the Senate ever to have been presented to this body.

I know of the many contributions the distinguished Senator from South Dakota has made in the way of learned discourse over the years. So I do not compliment him lightly. This speech should be the framework for the entire debate. If every Senator were to approach the issue in as thoughtful and thorough a way as the able Senator from South Dakota, the country would be well served.

I first refer to the Senator's statement that once two countries such as the United States and the Soviet Union have amassed nuclear arsenals so large that if they were ever detonated in anger both nations would be utterly incendiarized, then what sense does it make to continue to speak of strategic superiority? Why charge Mr. Warnke with being an advocate of unilateral disarmament because he had made the observation that, in this situation of rough equilibrium, neither side can use its strategic nuclear force to accomplish rational political objectives.

So I am glad that the Senator from South Dakota has mentioned this point first. It was the opening salvo against Mr. Warnke in the Committee on Armed Services. Witnesses were asked among them certain generals, whether the United States should endeavor to retain strategic nuclear superiority? They responded that we must indeed do this, using as an example the Cuban missile crisis, at a time when the United States possessed marked advantages in terms of the size and effectiveness of its nuclear arsenal vis-a-vis the Soviet Union.

But I ask the Senator whether that is a supportable example for anyone to point to who is endeavoring to demonstrate the advantage that supposedly accrues from so-called strategic superiority.

I cannot imagine in those days—and the Senator and I have lived through them—those hairy days when the world teetered on the brink of a confrontation, a war perhaps, between the Soviet Union and the United States, that it was seriously thought either in Washington or in Moscow that we would respond to the Soviet decision to place nuclear missiles in Cuba by resorting to our strategic nuclear superiority, firing off missiles for the purpose, say, of demolishing Leningrad, Moscow, Kiev, and Vladivostok in exchange for their lesser capacity to retaliate by only destroying Chicago and New York.

It is unthinkable that either side, even in the crunch of that crisis, seriously thought about resorting to the use of nuclear weapons. What was it that made the Russians back down? Why did Mr. Khrushchev decide to withdraw the missiles when faced with an American ultimatum?

The answer, I think, is plain. We need not distort history to suggest the strategic nuclear superiority the United States possessed at that time was the factor which determined the Soviet decision. One need only look at Cuba, 90 miles from our coast. Who was in control of the territory? We had the conventional forces to dominate the air over Cuba, to surround the island with our Navy, indeed to invade and conquer the island with the use of our conventional forces. It was this apparent conventional superiority, which existed because of the proximity of Cuba to the United States, that gave us the advantage and forced the Russians to reconsider and withdraw their missiles.

Would not the Senator agree that this is far more plausible than to suggest it was the possible exchange of four Russian cities for two American cities in a nuclear war which brought about the Russian withdrawal?

Mr. McGOVERN. First let me thank the Senator for his overly generous assessment of my efforts here this afternoon, considering all the initiatives he has taken in this field, though I am very grateful for his commendation.

Let me just say that I fully agree with the Senator's analysis of the Cuban missile crisis in 1962. I suppose none of us will ever know for certain what led Mr. Khrushchev to back down, but I cannot conceive of the fact that either side was at the point of using nuclear missiles to destroy the other society at that time. In any event, it was the clear show of our naval superiority that the Soviets had to deal with, and some other people who may be more familiar with these facts than I have advanced that one of the reasons the Soviets went into a naval buildup after 1962 is that they had been shown up in that area of military strength. I suppose it also has something to do with the fact that they increased their missile capability after that.

But what seems to me to be most important about the Cuban military crisis is that both sides looked at the possibility of a nuclear showdown, and saw what a disaster it would be for the world. I think it was Admiral Rickover who said some months after that that the world looked into a nuclear abyss in 1962, and the cold war was never the same afterward. That is almost a verbatim quotation.

By that he meant, of course, that for the leadership of both countries to confront even the possibility of a nuclear exchange over any nation was something that they did not want to face again. And I suspect it had something to do with the fact that the following year we negotiated a limited nuclear test ban with the Soviets, we began to move into discussions with them on other issues, and an effort was made to establish a cultural relationship. We even established a hot line, and did other things to reduce the danger of a nuclear exchange.

Mr. CHURCH. If the Senator will yield just once more. It would appear to me the lesson to be drawn from the Cuban missile crisis is that at a time when everyone conceded the United States then possessed what is now called strategic nuclear superiority, there was no way we could use it. It gave no advantage to the United States. The fact of the matter remained that the Russians possessed sufficient nuclear forces to have made a resort to our nuclear weapons an action of insanity.

I would have thought that the whole argument over strategic nuclear superiority might have been settled by that experience. It demonstrated the first point of the Senator's remarkable speech: that in an age where the two sides have assembled arsenals capable of destroying each other many times over, it is no longer meaningful to talk about strategic superiority.

Mr. McGOVERN. The Senator's point is very well taken. Once it is clear to the leadership of both countries that no matter who strikes first the other has the capacity to retaliate with a society-destroying blow, then anything beyond that on either side is simply refining the dust a little more finely.

The one thing that the doctrine of strategic superiority does do is insure that if both sides embrace it, there is no end to the arms race. In other words, if our strategic planners assume that we have to be ahead in nuclear capability, and the Soviets make the same judgment, then obviously we have a formula for indefinitely piling more weapons on top of weapons, even after we have passed the overkill point. There is no way they can both be superior, but if they both try, then you get the senseless accumulation of overkill on both sides, and that, of course, is the condition Mr. Warnke was warning against in the article in the Foreign Affairs Quarterly some months ago

called, as I recall it, "Two Apes on a Treadmill."

I thought it was a fairly good description of what is going on. I know there are some people who do not like to have our strategic planners referred to as apes, but at least he was bipartisan about it; he put both the Pentagon and the Kremlin in the same category.

I thought the argument was unanswerable; if we go down that road of the strategic planners in both countries trying to get ahead of each other, there is nothing but waste and disaster ahead of us.

I might add that as far as making the Soviets behave better is concerned, I have always thought they were most belligerent and most difficult to get along with when we had a nuclear monopoly, from 1945 to 1950. It was some time after they developed a nuclear capability of their own and began to move toward parity with us, although I do not think they have ever achieved parity, that they began to move toward détente.

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

Mr. McGOVERN. I yield.

Mr. SCOTT. In the article the distinguished Senator referred to, "Apes on a Treadmill," as the Senator may recall, the concluding paragraph of that article indicated there was no risk if we would practice restraint for a period of 6 months, with the thought that at the end of that 6 months period, the Soviet Union might also practice restraint, and it would be a reasonable gamble for us to take.

It just happened that a couple of days ago, as a witness before the Subcommittee on Manpower and Personnel of the Senate Armed Services Committee, we had General Haig, the Commander in Chief of NATO Forces, and, without mentioning the Warnke nomination in any sense, I posed that identical question to him, and asked him if he agreed there would be no risk.

He answered in one word, "No." He then put the matter in an affirmative position, and said it would be a very risky thing for us to do.

I just mention this as the view of one individual who does happen to be the Commander of the NATO forces. I appreciate the Senator's yielding.

Mr. McGOVERN. I thank the Senator. Let me just say with regard to General Haig that while I am sure he is a very able general, I do not really expect to meet very many generals who will ever agree they have got enough. Probably we would not, either, if we had those stars, because it is in the nature of the business that when you are in the command of troops, you never admit you have enough. No football coach is ever going to tell his management he has all the money he needs to recruit new talent. They never think they have enough. That is why we have civilian authority making these judgments in the long run, because we have to have some judgment as to what the various needs of the country are. We cannot let the military write their own ticket, any more than we let HEW write its own ticket, as to what they need.

We have a higher judgment, and that is to look at the different requirements of the country, to look at our needs here at home, to look at other areas of national strength, the health and education of the American people, the quality and the availability of food supplies, and other things that have to do with national strength.

Mr. CHURCH. Mr. President, will the Senator yield for a comment?

Mr. McGOVERN. I yield.

Mr. CHURCH. I am glad the subject of unilaternal restraint has surfaced so early in this debate, because, quite apart from whatever General Haig may have said to a question, however framed, we have an instance in our own recent history where the United States practiced unilateral restraint. I wonder at the outcry against it when, in this instance, it worked so well.

I refer, of course, to the historic address made by President Kennedy at American University. At that time, we were hoping to secure some kind of test ban agreement with the Soviet Union that would put an end to the slow poisoning of the air and the water on this planet. At American University, the President announced that then-Chairman Khrushchev of the Soviet Union, Prime Minister MacMillan of the United Kingdom, and he had agreed to initiate a high level discussion in Moscow "looking toward early agreement on a comprehensive test ban treaty."

He then stated that the United States was unilaterally stopping atmospheric nuclear testing, and I again quote the President, "To make clear our good faith and solemn convictions on the matter." The President coupled this unilateral declaration with the announced expectation of mutual restraint on the part of the Soviet Union.

So, one does not have to resort to theory or count the number of stars upon a general's shoulder to examine the question of unilateral restraint. Here is an example where we tried it. The President had the courage and the foresight to set the example of our own good faith and, as the Senator knows, within a few months we had secured a limited test ban agreement with the Soviet Union, putting an end to the testing of nuclear weapons in the atmosphere, under water, and in outer space. And the terms of that agreement have been kept by both sides to this day.

I am simply not alarmed to the point of throwing my hands in the air or pulling my hair when I hear it said that Mr. Warnke has suggested, on occasion, it might be in the national interest of the United States to set an example by prudent restraint and then see if that did not elicit a response from the Soviet Union. A few years ago, that is what happened, and today, we have a limited test ban treaty as a result.

Mr. McGOVERN. I think the Senator's point is well taken. When one considers the enormous overkill capability there is on both sides, both the Soviet Union and the United States are in a position to take a few unilateral initiatives without sacrificing in any way their deterrent capability.

I might just say that this works the other way, too. When we take the lead in a new change in the strategic balance, where we are building up our own capacity to destroy, that results in countermeasures on the other side. I remember a few years ago, when we were debating the question of whether we ought to go ahead on the MIRV system, converting our missiles to multiple warheads. The argument was made that we needed to do that as a bargaining chip, that this would give us more power and more leverage in persuading the Soviet Union to agree to a limitation on nuclear weapons. It did not work that way at all, of course. What happened is that the Soviet Union saw us putting multiple warheads on our missiles and they did the same thing.

So the strategic balance has not changed very much, except that it has moved up to a higher and much more expensive level. I sometimes wonder if that is not the purpose of this arms race, to see who can bankrupt the other side first. In any event, it did not result in more restraint on the part of the Soviet Union. It triggered another round in the arms race.

Somewhat later, Secretary Kissinger, who, at the time, had favored going to the MIRV system, as the Senator from Idaho knows, came back after he saw the results of this and very frankly said that he was wrong and that he wished we had exercised more restraint in delaying a decision on the MIRV; because, if we had done that, it might very well be that that is one of the issues we could have laid on the table in the SALT talks and neither side would have had to go ahead on these very expensive outlays.

Mr. HART. Will the Senator yield for a question?

Mr. McGOVERN. Yes, I yield to the Senator from Colorado.

Mr. HART. The Senator from South Dakota responded to a question by the Senator from Virginia regarding General Haig's statements correctly, I believe. I was at that hearing where General Haig suggested that there might be some dangers involved in unilateral restraint. Like the Senator from South Dakota, I was not particularly surprised to hear that, because I think, as the Senator has indicated, that is the job of military officers, to be on the ready and to seek more support wherever they can whenever they can. On the contrary, it seems to me that when one looks to the possible negotiation of an arms control agreement, or arms limitation agreement, conversely, one would look to a person who had a commitment in that area, in the same way a military officer would have a commitment to building up military forces.

Whereas, in much of the discussion that has gone on regarding the Warnke nomination, the critics of Mr. Warnke have faulted him for having a commitment to arms control limitation, that seems to me exactly the kind of person you would hire to negotiate an arms control limitation agreement. I do not think you would hire a person who wanted to

disband the military as the Chief of Staff or the Chairman of the Joint Chiefs. On the other hand, I do not think you would hire a person who is committeed to building up more nuclear weapons, or conventional weapons, to negotiate an arms control limitation agreement.

I wonder if the Senator has any response to those who say that Mr. Warnke is unqualified or disqualified for this position because he has a strong standing commitment to control the arms?

Mr. McGOVERN. I think the Senator's point is very well taken and it is hard to draw any conclusion other than the one he draws. As I have read the criticism directed at Mr. Warnke, I have had exactly the same reaction the Senator from Colorado has. We are witnessing a debate in which the critics of this nomination seem to be saying, "We don't want anybody to run the Arms Control and Disarmament Agency who believes in what that Agency is supposed to do."

Mr.HART. Precisely.

Mr. McGOVERN. That is to bring about some realistic control on the arms race and, hopefully, to work toward controlled disarmament.

It is almost as if we were examining a nominee for, let us say, the Office of Education and the critics were trying to prove that that person favored education, that they want somebody in that office who is opposed to education. I think we can afford to have at least one person working in the U.S. Government who believes in arms control and who believes in disarmament. It might be a good idea to put him in the office that is charged with that responsibility.

I think the Senator's point is well taken.

Mr. HART. As the Senator well knows, the legislation authorizing the Arms Control and Disarmament Agency, in its preamble, has language that is much stronger, to my knowledge, than any statements that Mr. Warnke has made about the unilateral, if you will, commitment by the Congress of the United States at that time to limitation and control of armaments, particularly in the nuclear field. It seems to me that all this quibbling about what Mr. Warnke wrote in an article in 1972 or 1975 about believing there was some interest on the part of our country in controlling arms, does not even begin to approach the strength and the purpose and the direction of this language which Congress put in the laws of the United States about the commitment of this country to controlling arms. I think if one is to fault Mr. Warnke for his commitment, one is going to have to fault the Congress of the United States and, certainly, the incumbent President of the United States for that sort of commitment.

I thank the Senator from South Dakota for yielding.

Mr. McGOVERN. I thank the Senator from Colorado for his comments.

Mr. President, to continue with the point I was making before I yielded to the Senator from Idaho, I was beginning to summarize the conclusions on which my remarks today are based; that is, the basic postulates that I wanted to put before the Senate. The second of those is that, barring any unforeseen technological breakthrough, there is not the slightest cause for doubt, either now or in the foreseeable future, about the ability of United States strategic forces to accomplish everything that nuclear weapons can accomplish in support of our national security. As the Senator from Idaho has emphasized here several times this afternoon, when you reach a point where each side has the capability of destroying the other, anything beyond that becomes superfluous and wasteful.

I might just say on that point that I remember some years ago, when the distinguished nuclear scientist, Dr. Leo Silard, was alive, he argued that with as many as 40 or 50 well-placed nuclear delivery systems, we had an adequate deterrent. At a later point, Secretary McNamara argued that, allowing room for misfires and miscalculations, perhaps the figure might go as high as 400. Today, we have 8,500 strategic warheads that we are capable of delivering to the Soviet Union, each one of them more powerful than the two bombs we dropped 30 years ago on Japan, which incinerated two cities in a second's time.

When one just thinks about the enormous, excessive capability that we have in those systems, it makes us wonder why, each day, we add another three or four warheads to the system. By the end of this week, we will have 20 more than we had last week, and so it goes.

By meaurements that have any practical meaning, the United States has a dramatic lead over the Soviet Union in strategic arms. I shall elaborate on that point, as I did the others, in more detail later. The claim that the United States has shown excessive restraint in strategic programs in recent years is wholly fictitious. The opposite is true.

There is nothing unduly alarming in current Soviet strategic programs. While they may warrant adjustments in the U.S. posture in the interest of stability, those Soviet programs—including the much-discussed civil defense—do not pose a threat to the sufficiency of U.S. strategic forces.

The new doctrines devised to justify more spending on strategic arms are wholly implausible; further, their authors are engaged in a dangerous and irresponsible process of suggesting that nuclear war can be an acceptable option.

In terms of our overall international posture, the United States does not suffer from any insufficiency of nuclear arms or programs; we must, however, concern ourselves with the possible misperceptions or miscalculations which could be inspired by groundless proclamations of American weakness.

I just emphasize that point, Mr. President. I hope that Senators and those in the executive branch and others will think very carefully about the impact of our standing in the world of these constant announcements about how weak we are and how dangerous our position is vis-a-vis the Soviet Union.

I do not think that serves the national interest to be promoting a view around the world of a weakness that does not exist here in the United States.

We do not want to be boasting, either, about power that goes beyond what we have or what we are willing to use, but some degree of restraint in the rhetoric might be in order.

When the goal is to fight or deter a conventional war, the term superiority does have meaning. Even there it is hard to measure. But in a conventional context, if quality is equal, more can be better.

That may explain why there has been such a strong tendency to carry the superiority concept on over into the realm of nuclear weapons. It is simply the application of the same planning doctrines that prevailed throughout all of our prenuclear experience.

But it makes no sense, however, when we try to transfer these same terms to strategic weapons because with weapons of such overwhelming power, we have at last acquired the capacity for total destruction of any opponent. The excess can only refine the dust finer. If a 300-pound person and a 350-pound person went walking together, it would be obvious to the most simple-minded observer that both were overweight. It should be obvious to the most simple-minded observer that both the United States and the Soviet Union have massive overkill.

With conventional weapons the concept of "essential equivalence" also makes sense. If two sides have equal forces, any attack would probably produce a stalemate. Since a conventional attack is unlikely if the attacking side cannot expect to win the exchange, "essential equivalence" can be a relevant standard by which to measure the conventional balance of forces.

But, again, where nuclear weapons are concerned, the concept makes no sense. If two people both weigh 400 pounds, they both have more fat than they need.

Some argue that if we have superior nuclear forces our allies will be reassured and nonalined or hostile third countries will be impressed. I frankly think that argument is the last refuge of those who have no real case. It is an attempt to fabricate a value for nuclear weapons that they simply do not have.

Does anyone really believe that the leaders for the people of the Third World regard overkill as a measure of practical national strength?

If both sides have forces they need to deter war—and they do—then the relative numbers should have no bearing at all in any other context, whether it is influence in the Third World or bolstering the confidence of our allies. And if there is any political problem in connection with our nuclear forces, it is that other countries might believe the groundless claims of today's clarions of American weakness.

But, Mr. President, the point is that terms like "superiority," "equivalence," or nuclear forces "second to none" may sound well in patriotic speeches. But they only confuse and distort the national security debate. The essential question is not whether we are ahead, behind, or in parity; the question is whether the realistic national security purposes of our nuclear arsenal can be served, re-

gardless of who has the most missiles and bombs.

Once a judgment is reached that we have sufficient strategic power to serve any reasonable purpose of those weapons, then anything that goes beyond that is a waste of the resources of this country and a betrayal of our responsibility to protect those resources and use them wisely.

The overriding purpose of our nuclear weapons is to deter a nuclear attack. That point sometimes gets lost in the discussions of scenarios and warfighting strategies. But if these weapons ever have to be used, their principal purpose will have failed. We do not even know with any certainty what would happen if both sides unleashed their full nuclear arsenals. It is conceivable that beyond the disappearance of both combatants as viable societies, humanity itself would not long survive the consequences. Clearly deterrence is our first order of strategic business, not only as patriotic Americans but as responsible human beings.

The way we accomplish deterrence is to convince any potential attacker that we could and would inflict unacceptable damage in return—damage that would far exceed anything he could hope to gain by launching the attack. There are other war-fighting and -planning doctrines associated with our nuclear forces. But this one—usually called assured destruction—has the most direct bearing on the size of the force we need.

What do we need for deterrence? The chief constraint is the fact that at some point you run out of worthwhile targets. In economics there is a principle called the point of diminishing returns—where each new incremental investment begins producing a smaller return than the one before. Precisely the same notion applies to nuclear deterrence—except in this case I think there is an obvious point not only of diminishing returns but of disappearing returns.

Since deterrence is as much a state of mind as a physical process, there is no way to calculate exactly how much of the Soviet Union we must be able to destroy in order to deter an attack. If we turn the issue around, I cannot conceive of a foreign policy goal for which an American President would find it acceptable to pay with the incineration of even one American city.

Remember, that was only a Daily News headline during New York City's financial crisis; President Ford did not really tell New York to "drop dead." And even if he had said it, it would be wrong to take it literally. Moreover, if the Soviets had only one missile, he could not be certain that they would target New York. Perhaps they would aim at Detroit instead.

So a good case can be made that there is abundant deterrence even in a very small force of nuclear weapons. Just a few of these warheads can destroy and contaminate whole metropolitan areas. An American President would not, under any conceivable circumstances, find acceptable the certain destruction of New York, Chicago, Los Angeles, Dallas, St. Louis, Washington, D.C., or any other of our major cities. Neither could a Soviet Premier accept the loss of Moscow, Leningrad, Kiev, Vladivostok, Kharkov, Odessa, or others of that country's metropolitan or industrial centers.

But if precise calculations are not possible, there are some rough ways to determine when the point of diminishing returns has been reached. The Soviet Union has some 219 cities with populations in excess of 100,000 people. And if a Soviet leader will not be deterred by the guaranteed destruction of those cities, he is not likely to be further deterred by our ability to destroy smaller communities and villages.

The last attempt at official calculations on this issue was in the early 1960's. Pentagon experts then determined that as few as 400 one-megaton nuclear weapons would kill 60 million Russian citizens and destroy 75 percent of that country's industrial capacity. Such a force would literally destroy the Soviet Union as a modern society. Certainly that should be sufficient for maximum deterrence against the maximum threat.

There have been reports in the press in recent days that President Carter asked Secretary of Defense Harold Brown and Gen. George Brown, Chairman of the Joint Chiefs of Staff, to prepare a report on the minimum force which would be necessary for deterrence. The request is supposed to have sent tremors of alarm through the Military Establishment. I do not know whether the reports are accurate or not, but I hope they are. It would be extremely useful to update the old studies of the 1960's, so we will know how much of our present force serves the basic deterrence function and how much is there for other reasons. And that is exactly the right starting point for any intelligent debate on these issues.

But it does not take any new study to calculate that we have far more than we need for deterrence.

First. The planned U.S. strategic force for the end of this fiscal year will include 1,000 Minuteman intercontinental ballistic missiles, ICBM's, plus 54 of the older and larger Titan II ICBM's. Five hundred and fifty of those are Minuteman III missiles equipped with multiple independently targetable reentry vehicles, or MIRV's, which means that each of those 550 missiles can strike 3 separate targets. The other 450 are equipped with multiple reentry vehicles, MRV's, which are not independently targetable but which separate before detonation to create a pattern, not unlike a shotgun effect, to spread more destruction over a wider area than a single warhead would accomplish.

With the Minuteman II's alone we could fire two missiles with clustered warheads at every Soviet city of over 100,000 people. Beyond that, with the Minuteman III's, we could drop eight more warheads on each of those cities. In the Minuteman force alone, we have at least 10 warheads for each of 219 Russian population centers. Then we could take the 54 largest cities and throw in a Titan for good measure. There is dramatic overkill capacity in the ICBM force alone.

Second. We will have at the end of this year 656 submarine launched ballistic missiles, SLBM's. When the Poseidon conversion program is completed early in 1978 there will be 31 Poseidon submarines and 10 Polaris submarines, with 16 SLBM launch tubes each. The 31 Poseidon boats will be MIRV'ed. The 10 Polaris boats are scheduled to be retired as the new Trident submarines enter the force. But in the existing submarine force, including the Poseidon MIRV's, we have a total of 5,000 independently targetable warheads. That gives us another 22 warheads for each Soviet city of over 100,000 people. In the ballistic missile category that brings us up to 32 total warheads for each city.

But there is still a third force—the long-range bombers. The planned force for this year is 418 strategic bombers—the B-52's plus four squadrons of FB-111's. The payloads vary according to the kind of mix of gravity bombs and stand-off missiles loaded on the planes. But we have almost 1,400 more warheads in that force. That is another 6 or 7 warheads for each of the 219 biggest Soviet cities; again, more than enough in this force alone to destroy those cities.

The grand total is 8,500 nuclear warheads—38 for each of the 219 major cities, with 178 to spare.

Of course, all the bombers are not always on alert, and perhaps 20 percent of the force could be lost to air defenses. All the submarines are not always on station. Some of our ICBM's could conceivably be destroyed prior to launch. And this is only an illustration on how we might target our weapons if we chose to concentrate exclusively on striking major population and industrial centers; it is not the way our warheads are targeted now.

But the analysis does make at least this unassailable point—that we have gone as far as we can go, and many multiples beyond it, in building the weaponry for the first and foremost nuclear mission, which is the deterrence of nuclear war. If we were to double our force, it would not make the Soviet Union one iota less likely to launch an allout attack; if we halved our force, it would not make them a shred more likely to do so. Either way, the attacker would be wiped out.

There are, of course, secondary and related nuclear missions. One, whose most articulate spokesman was Defense Secretary James Schlesinger, has a logical foundation. It holds that we must have the capacity for a flexible response—that massive retaliation is not a credible deterrent to an attack which might be less than total. The Soviet Union probably does not believe that we would retaliate against their population and industry if, for example, they launched a small number of missiles against a single Minuteman site, or perhaps against a U.S. base overseas or American shipping at sea. They might also doubt if we would respond in such fashion if they threatened a third country—such as Japan or a European ally—that is under our nuclear umbrella. The Schlesinger doctrine says that we must be able to respond in kind to lesser attacks, in order to deter the full range of nuclear threats.

That, too, is something we can do. In recent years a number of our missiles

have been retargeted, and the command and control systems have been altered, to permit retaliation against a variety of targets. Obviously we do not need an entirely separate or additional force for that purpose. Given the character of our arsenal, the capacity to deter smaller attacks is included in the capacity to deter all-out war.

Another mission assigned to our nuclear weapons makes far less practical sense. As opposed to population and industry, or "countervalue" targeting, it is the damage limitation or "counterforce" role. As opposed to deterrence, this is a doctrine for fighting a nuclear war. The premise is that if deterrence fails, we can limit the damage to the United States by striking some of the Soviet missiles before they are launched, or by at least destroying the silos so they cannot be reloaded. In the 1960's this mission led many military experts to propose the creation of a vast antiballistic missile system, to intercept incoming Soviet missiles. But the SALT I treaty prohibits ABM's and they would not work anyway. Now the doctrine is used to justify new warheads with pinpoint accuracy, for "silo-busting" purposes.

Admittedly the concept is attractive. It has a moral foundation—we would greatly prefer to strike at an adversary's capacity to make war, and to avoid attacking civilians except as a last resort. And is it not our duty to plan for the worst, and to take whatever steps we can to save all the American lives we can if war does come?

But no matter how attractive on those levels, I think these strategies and preparations are not only ineffectual but dangerous. Much as we might want to avoid it, I think it is time we come to terms with a painful but inescapable truth about nuclear weapons—that the people of each country are in fact the hostages of the leaders of the other. That doctrine is central to the strategy of both sides. And any step we might take to interfere with what the Soviets see as the "assured destruction" they need for deterrence can and will be countered. They may simply add more weapons. Worse, they may move to a "launch on warning" posture, which would increase the risk of accidental war and also guarantee that it will be total if it happens. Mutual assured destruction has been characterized by its acronym—"MAD." But counterforce doctrines are madder still. In the long run they will not save any lives; they will only add to the mad momentum of arms spending which dashes any hope for nuclear stability and bleeds both societies white.

In listing American strategic forces I have not, as yet, totaled up the Soviet arsenal. The separation is deliberate. It underscores that our goal should not be the arbitrary one of matching their forces, but to match our own forces with our own essential missions. The size and character of Soviet preparations are relevant only to the extent that they may inhibit our ability to perform those missions.

In that respect three Soviet systems in particular are considered to have a bearing—their bomber defenses, their IBM's, and their civil defenses.

On the first, there is no doubt that our existing bombers can penetrate Soviet airspace. The Russians have been "expected" for many years to develop a "look-down, shoot-down" capability that could intercept strategic bombers. But upon questioning, it usually turns out that the expectation is purely hypothetical, with no evidentiary basis. Most Soviet surface-to-air missiles, many of which are obsolete, were designed to intercept aircraft flying at high altitudes. They would be of no avail against the capability we began developing nearly 20 years ago, in the latest model B–52's to fly in at low altitudes, out of sight of the radar "eyes" of the defense.

Further, if the Russians did adopt look-down, shoot-down air defenses, they could still not deny us the ability to inflict overwhelming destruction with manned aircraft. We would only be denied the privilege of doing so with gravity bombs. We would have to use standoff missiles instead. But in either case, the manned aircraft portion of our deterrent has and will retain an unimpaired capacity to deliver a knockout nuclear punch.

A second, main concern has been the deployment of Soviet missiles with very large payloads, coupled with the beginning of a Soviet MIRV program. The Soviet Union presently has an estimated 1,450 ICBM launchers—down from 1,550 last year. The most worrisome of those are the 40 SS–17 missiles which can carry 4 MIRV's, 50 larger SS–18's with room for as many as 8 to 10 separable warheads, and the 140 SS–19's with 6 MIRV's. These missiles could also be deployed with larger single warheads, but with MIRV's each one could hit more targets. The numbers presently deployed do not, of course, constitute a major counterforce threat. The planners worry about the "momentum" of the Soviet program.

Let us assume that the Soviet Union does someday possess what could be taken as a land-based force sufficient to knock out our ICBM's in their silos—and let us also assume that we take no steps to counter that, such as the development of mobile missiles. Will they then be more likely than now to launch an attack?

The scenario suggests that the Soviets might fire their ICBM's exclusively at our ICBM's; then, once they had destroyed our capacity to respond with land-based missiles, they would hold us up for blackmail with the remainder of their ICBM's and their sea-based and limited airborne nuclear weapons. If they could undertake such a first strike, according to Secretary of Defense Rumsfeld's last posture statement, there would be a "dangerous asymmetry." Secretary Rumsfeld argued, as Secretary Schlesinger did, that:

> Much of the U.S. capability for deliberate, controlled, selective responses resides in the Minuteman force. If much of that force were eliminated, the Soviets would preserve their flexibility while that of the United States would be substantially reduced. The Kremlin would still have options; the choices open to a President would be limited.

The rationale for this doctrine rests heavily on the notion that the Soviets could strike our ICBM's while avoiding any significant collateral damage to cities and population. Otherwise, why would they bother to leave a separation between the war against missiles and a war against people? In either case we would certainly respond massively.

That notion itself has a curious history. It rests upon a set of mushy Pentagon calculations, so obviously slanted as to raise doubts about all the numbers they send us.

In September of 1974, then Secretary of Defense James Schlesinger told the Foreign Relations Subcommittee on Arms Control that a strike against the 6 U.S. Minuteman fields would produce only 800,000 fatalities, and that total casualties—including radiation sickness from fallout—would "approach" 1½ million.

The subcommittee then secured an independent assessment from the Office of Technology Assessment, which showed that a minimum, a strike against the Minuteman force would produce 3.5 million fatalities, and that the likely total would reach 22 million.

It was a useful exercise. Now we know that neither we nor the Soviets should lightly consider such options. The war game writers have a habit of forgetting about the nature of these weapons. A counterforce attack would be no simple pinprick, no mild provocation. It would be mass slaughter.

And what must be considered by a Soviet leader who might contemplate such a slaughter?

First. He must be certain—and he cannot be—that we have retained our ICBM's in an exclusively rataliatory posture. Our policy now is not to launch those weapons until we have actually been struck. That is a proper, stable posture, since ICBM's cannot be recalled, and we do not want to launch an accidental attack. But the point is that a Soviet leader can never have a guarantee that we have not moved to launch on warning. If we had, his missiles would strike empty holes and the full range of ICBM targets in the Soviet Union would be destroyed. In my view this one condition defeats the whole counterforce doctrine.

Second. The Soviet planner must worry about fratricide. The flight times of his missiles will vary. The ones that hit first will create enormous explosions. And if those explosions can destroy our ICBM's in hardened silos, they will have a much easier time of it destroying the unprotected Soviet missiles which are coming in seconds behind to strike other Minuteman silos in the same field. Unless the attack is spaced—giving us time to launch most of our ICBM's even if we do not go to launch on warning—it is likely that the attacker will blow up more of his own missiles then he will of ours. The "dangerous asymmetry" Secretary Rumsfeld talked about would run against the attacker.

Third, the Soviet decisionmaker must assume—and he cannot—that we would react in a restrained, accommodating fashion to the slaughter of as many as twenty-two million Americans. Perhaps the authors of this counterforce doctrine would regard that as something we could accept without unleashing our own nuclear forces against Soviet cities. But the Soviet planner can never know that our response would be so confined. And if there is someday some prospect that under ideal conditions a first counterforce strike could destroy many of our missile silos, it would not and could not do much of anything about the SLBM force, which alone has 22 warheads for each Soviet city of 100,000 or more. It would not do much of anything about the bomber force, which has another six or seven warheads for each of those cities. In the face of such uncertainty about our response—which could bring as much devastation as a full scale conflict—I submit that a Soviet planner is no more likely to launch a "limited" counterforce attack than he is to launch an all-out nuclear holocaust. The controlling truth must be that no sane human being is going to unleash any kind of nuclear war on the off-chance that his society will not be totally destroyed by the response.

This leads to the question of civil defense—the third Soviet system which bears on our nuclear missions, and another current scare about developments in the Soviet Union. Are they working now to save their population—to limit deaths and destructin to "acceptable" levels if war comes?

Ordinary people in the Soviet Union do not think so, at least according to a recent report by David Shipler of the New York Times. He reported from Moscow that one standard joke goes:

> What do you do when you hear the alert?
> Put on a sheet and crawl to the cemetery—slowly.
> Why slowly?
> So you don't spread panic.

Our professional scaremongers raise the Soviet civil defense issue in the same context as a limited counterforce attack. The argument goes that they cannot only strike our ICBMs in their silos, thus creating an asymmetry and limiting our options: they can also employ civil defenses to limit the effect of any U.S. bomber and SLBM retaliation, to continue functioning through those thousands of warheads, and thereby to "win" the war.

The premise is just as ludicrous as counterforce itself, and for the same reason. It simply neglects the effects of nuclear weapons.

Even the most ardent believers in Soviet civil defense agree that shelter programs in their urban areas would be of little use. They contemplate a massive evacuation into the countryside, an effort that would take a minimum of 3 days. But they also contemplate a situation in which our ICBM's are knocked out by a surprise counterforce strike. Well, how would they keep it a surprise, if we saw the Soviet citizenry evacuating the cities en masse? Would they tell us the whole country was given a vacation? If, in the interest of stability, we would not go to a continuous launch on warning posture solely on the basis of their missile developments, we could certainly go to a launch on warning posture for the duration of any such emergency. And in the meantime we could retarget our missiles to follow the evacuation. That, alone, throws all of these calculations about Soviet survival of a nuclear war into a cocked hat. For they all assume that our ICBM's—with the greatest capacity against even hardened industrial and military targets—would be gone.

But let us assume for purposes of argument that they could save a substantial portion of their population from the effects of the initial blast. What would happen next?

Under the leadership of Prof. Alfred O. C. Nier of the University of Minnesota, the National Academy of Sciences recently issued a report on "The Long-Term Worldwide Effects of Nuclear Weapons." The Academy was asked by the Arms Control and Disarmament Agency what would happen if a substantial proportion of all the world's nuclear weapons—as many as half—were detonated.

On the assumption that all detonations would occur in the Northern Hemisphere, these distinguished scientists did agree that quite a number of human beings and other living forms would survive—most of them in the Southern Hemisphere. In a follow-up article in the New York Times, the President of the Academy, Philip Handler, emphasized these points:

> . . . the depletion of stratospheric ozone resulting from multiple detonations would be global in scope . . . and would persist for years, resulting in such intense ultraviolet irradiation of the earth's surface as to cause crop failure by direct damage to plants and by major alterations of climate, and to induce intense sunburn in a few minutes and markedly increase the incidence of skin cancer in those exposed.
>
> The same global effect would be achieved if one superpower were to use all of its weapons or both were to use half of their weapons or, indeed, if many lesser powers were to release an equivalent megatonnage scattered more widely over the earth's surface.

Mr. Handler concluded:

> If this assessment is essentially correct, then there can be no escape from the consequences of such an event.
>
> In addition to the uncertain remaining retaliatory capability of the target country, no nation can deliver what is intended as a massive pre-emptive strike without automatic catastrophic natural consequences to itself.

Even a sheltered Soviet population would be subject to these sustained effects. They could not stay in their shelters forever. Moreover, a massive share of the detonations would occur in their atmosphere. The effects would be concentrated.

When the Soviets did dig out, they would find all cities and small towns leveled. Food and water stocks would be contaminated. Insects, with greater resistance to radiation than other species, would abound, and the entire ecology would be wholly unbalanced. With the ozone layer depleted, the Sun's ultraviolet rays would devastate a Soviet agriculture which is already incapable of feeding the Russian population—and there would, of course, be no chance to import American wheat. Over time most of the survivors of the blast and the radiation would likely starve. Instead of emerging as a viable society, the Soviet Union would be the prostrate; instead of emerging as a world power it would emerge crippled, subject to dismemberment by hostile neighbors and to a total loss of influence anywhere in whatever portions of civilized society remained in the world. The living truly would envy the dead.

Soviet leaders know about these consequences. Lest either we or they forget, one of our principal objectives should be to repeat as often as we can the horror that any nuclear adventurism would entail. That—and not these attempts to claim that nuclear war can be good, clean fun—is the duty of responsible officials and knowledgeable people.

I think it is time we called our architects of death to account for their behavior. Those of us who take issue with these scenarios, and who want to limit our arsenal to the real need are generally dismissed as dreamers or unilateral disarmers. More often we are simply ignored—the real credibility on these issues belongs to the military, to the hardnosed academics, and to the think-tankers who can bring a sort of cool detachment to the process of figuring out how it might be acceptable for one side or the other to use their nuclear weapons.

Hence, Paul Warnke was obliged to run a double gauntlet, and appear before the Armed Services Committee, which has no jurisdiction over his confirmation, to explain his conduct and his views on the side of arms limitation. Paul Nitze—one of the authors of the Gaither report and the missile gap of the 1950's, and a chief proponent of the more recent throw-weight and civil defense gaps of the 1970's, is given a ready forum and a serious audience to inflict his paranoia on the public mind. Theodore Sorrensen was discredited as a "leaker" because he took classified papers with him to work on his book—even though no one has been able to suggest that he ever leaked anything. And of course we all know the furor and investigations that followed when the Pentagon papers were published. But Mr. Nitze was on the panel of outsiders—"team B"—who worked on the latest national intelligence estimates. That highly classified information has been selectively leaked. Where is the outrage? Where are the demands for investigation? I suppose that is reserved for those cases where the whole document is leaked and the American people get the full picture.

We must consider carefully what has been happening. I suggest that those who claim they are only warning us of possible dangers are in fact increasing the risk of nuclear war. Counterforce doctrines, bomb shelter gaps, and the like are in effect methods of promoting the view—both here and in the Soviet Union—that nuclear war can be an acceptable and responsible option. When the analysis supporting such premises is

so poorly done, and when it is based upon such wild hypotheses, it is hard to escape the view that it is done not by analysts but by advocates, who think it is a tragic waste that we have all these weapons lying around with no one willing to set them off.

Why, then, is the Soviet Union making all of these preparations—civil defenses, heavy ICBM's, MIRV's, and all the rest?

On civil defenses, one possible reason that has been suggested is that they know they cannot hope to escape the huge American force, but that they could possibly survive a nuclear exchange with China, whose nuclear force is much smaller. It is not an unreasonable supposition. At one point we were planning the Sentinel area-coverage ABM against the same projected threat. It has also been noted that the estimated Soviet civil defense budget of $4 per person per year is not out of line with spending by other European countries.

But there is a still more obvious reason for these preparations. It is also the one reason which is most rarely, if ever, suggested. I think they have become convinced that a nuclear war is going to happen. I think they believe the United States is going to start one. And while it is almost entirely futile, they are nonetheless attempting to limit the damage.

The notion of a limited counterforce first strike is not, after all, a concept which has been announced by the Soviet Union as their strategy. It has been invented by our own strategic "thinkers," who have then ascribed it to the Soviet Union. And it would not be irrational, therefore, for Soviet hawks to argue that the American authors of this doctrine are in fact advocating it as a course their own country ought to pursue.

Such fears could only be reinforced by American deployments in recent years.

One of the great myths currently circulating in Washington is that we have been restrained in our strategic programs in doctrines. One Senator who attended the Foreign Relations Committee hearings on the Warnke nomination said that the United States:

> . . . has followed just such a policy of restraint for nearly the past decade now, and we have absolutely no evidence of any emulating reciprocity on the side of the Soviet Union.

Secretary Rumsfeld made the same point on strategic programs in his posture statement:

> . . . whatever the motives for the past Soviet strategic expenditures, it should now be evident that the Soviets have taken the initiative in a wide range of programs, *that restraint on our part* (whatever its reason) has not been reciprocated—and is not likely to be—and that the behavior of the Soviets indicates an interest—not in the more abstract and simplistic theories of deterrence—but in developing their strategic nuclear posture into a serious war-fighting capability. (Emphasis added.)

What restraint?

Over the past 10 years the Pentagon spent $115.3 billion on new strategic programs. The AEC and ERDA spent another $12.2 billion on weapons and related nuclear materials. Nearly $81 billion of the Pentagon's share alone has been for offensive weapons. Where is the restraint in that?

In the early 1970's we began deploying MIRV's on both land-based and sea-based missiles. There was no Soviet MIRV program then; it is barely underway now, and falling farther behind the Pentagon projections each year. Between 1970 and 1975 we added 4,500 more weapons to our nuclear force—4,500 weapons capable of striking separate individual targets. In just 5 years, that amounted to more than a doubling of the number of weapons in our arsenal—a doubling, to 8,500, in the number of targets we could hit. What kind of restraint is that?

But there is concern about a "throw-weight" gap. Soviet missiles are bigger. Are they not, therefore, more effective against hardened targets, such as missile silos?

On the contrary, they are less effective than ours. The size of a warhead is far less important than accuracy in determining its hard target or silo-busting capacity. Explosions are not flat, they are spherical. If you double the volume of an explosion, you do not thereby double the radius of destruction. Increasing the yield eight times increases the radius of destruction by only half as much. But for the same sized warhead, a threefold increase in accuracy will improve the kill capacity by the square of that, or nine times. It is not terribly impressive to build missiles with giant throw-weights and giant warheads; on the contrary, they are inefficient compared to smaller missiles. The important factor is accuracy. And in that realm, too, we have a commanding lead. The Soviets lag behind.

This accuracy gap might well make the Russians especially nervous about our intentions. Aside from the greater efficiency of smaller weapons—and we already had redundant warheads for deterrence—there never was any plausible reason for going ahead with MIRV's after the 1972 SALT Treaty prohibiting ABM's was signed. MIRV was initially promoted as a method of overwhelming an ABM defense. With a Soviet ABM ruled out, why did we need it?

Presumably the Kremlin's counterparts of our own scaremongers concluded that we continued to build it and refine it as a first strike weapon, designed to hit their ICBM's in the silos. That conclusion would clearly be reinforced by the fact that we now see—and obviously the Kremlin sees—a headlong American rush to improve accuracy and to design and deploy new silo-busting warheads. We have had proposals for new maneuverable reentry vehicles, or MARV's, that can be corrected in flight. The new MK–12A warhead will, according to published sources, be accurate to within 600 feet, and it will also double the yield of the Minuteman III missile. We are testing air-launched and sea-launched cruise missiles that can use terminal guidance systems to carry a warhead within the low tens of feet of the target—and in that sophisticated guidance technology the Soviet Union is an estimated 10 years behind us.

The distribution of the Soviet force must make these developments far more alarming to them than their current efforts should be to us. For they have fully 75 percent of their forces tied up in their ICBM's, with the rest on submarines and aging bombers. In our case the proportion is reversed—only 25 percent of our deterrent force is on ICBM's, and 75 percent is on bombers or on invulnerable nuclear submarines at sea. So their strategic hawks could argue that we were planning a first strike capability that would wipe out three-fourths of their deterrent forces, while retaining three-fourths of our own with which to blackmail their cities.

Nor have we been restrained in the capacity of our delivery vehicles. Some of us have tried to slow down or stop these excessive programs. We have not been successful. Four new Trident submarines are under construction, and a fifth has been funded; eventually there will be 10. Each will have 24 missile launching tubes, compared to 16 on the Polaris subs they will replace. They will also carry bigger missiles with bigger warheads. In another category, the B–1 bomber is widely regarded as a follow-on to the B–52's. It is not. At least until the 1990's it is planned as a supplement to the 250 G's and H's and to some 70 FB–111's. And if it is built it will increase the total payload of our strategic bomber force by two and one-half times. Where is the restraint in those programs?

The plain truth is that we have not held back at all on the most threatening strategic programs. Instead, we have built up and continued to pursue a commanding lead.

So this is the absurd condition of the debate. Some American strategists came up with a way they said we could have a nuclear war with "acceptable" damage to the side striking first. Then we began spending billions of dollars to build exactly the kind of forces—MIRVs and highly accurate warheads—that would be needed to carry that strategy out. And now those same strategists are pointing in terror at the Soviet Union. At what in the Soviet Union? Why, at their bomb shelter programs, of course.

This does not make the general Soviet buildup either acceptable or necessary. They need nothing beyond what they already have to deter any rational American commander.

This is where the examination of Soviet forces belongs. By the end of this fiscal year they are expected to have total force loadings of 4,000 warheads. Even if we could knock out all of their ICBM's in their silos, they would still have 880 submarine launched ballistic missiles—4 for every American city of more than 100,000 people. While it is an aging fleet dominated by turboprop planes, perhaps some of their bombers would also get through. And the limited counterforce scenario is just as impractical for us as for them, and for the same reasons—the launch on warning possibility, fratricide, and uncertainty about the reaction. We have to assume that the most likely result of an American "limited" counterforce first strike would be 4,000 warheads of

Russian overkill raining down on this country.

We may have some individuals in the arms establishment of the type recently described by Averell Harriman as "psychopaths" who think it is worth a try anyway. But they do not have their fingers on the nuclear button. Fortunately, there are still checks in the decision-making system to prevent even a suicidal president from taking the world along with him.

Finally, even if the most tormented Soviet planners have lately been holding sway on Soviet arms budget decisions, there is no call or cause for the United States to gallop out further ahead. There is nothing either in being or on the horizon that threatens our capacity to deter either limited nuclear adventurism or full-scale nuclear war. If the Soviets are foolish enough to build far more than they need, we can still be wise enough to stop when our needs have been abundantly filled.

My point today has been simply that the latest scare reports are—like earlier versions—both unwarranted and irresponsible. They escalate the risk of nuclear war, and they give the world a totally false picture of American weakness and unreliability.

But there is another set of questions which we need to consider. With our great comparative wealth and scientific talent, the United States can quite certainly retain a strategic advantage, no matter how hard the Soviet Union might try to catch up.

But that is an acceptable course only if one loves these weapons for themselves—if one actually prefers them over the homes and schools and transportation systems and medical attention and energy research and pollution control and other human programs the same money might otherwise buy. Personally, I despise them, both for what they could do to our planet and for what they deny our people and other people around the world—including those in the Soviet Union.

That is why I maintain that we must set our defense posture not only on the basis of what we need for deterrence, but according to what posture will best serve the cause of negotiated limits and eventual reductions on these horrendous arsenals of missiles and bombs. Beyond simple deterrence, I propose serious arms control negotiations as a first national American priority—not bargaining to stay ahead so we can boast of a meaningless lead, but bargaining for mutual advantage, so both sides can lessen the burdens of preparing for nuclear war and the danger that it might come to pass.

Proposals to implement that priority will be the subject of a second address.

Mr. President, it is my understanding that other Senators are anxious to become involved in the discusion at this time. I have held the floor for some time. I shall yield the floor and then perhaps at a later time this afternoon I will have more to say on this subject.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that Norvill Jones and George W. Ashworth of the staff of the Foreign Relations Committee be granted privilege of the floor for the remainder of the consideration of the Warnke nomination.

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

Mr. GRIFFIN. Will the Senator yield to me for the same request?

Mr. SPARKMAN. Yes.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that Robert Turner and Peter Holmes of my staff have privilege of the floor.

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

Mr. SPARKMAN. Mr. President, I am pleased to have the opportunity to bring before the Senate today and to speak in favor of the nomination of Paul C. Warnke to be Director of the Arms Control and Disarmament Agency and to have the rank of Ambassador during his tenure as Director of that Agency. Mr. Warnke is to be an Ambassador in order to serve as Chairman of the U.S. Strategic Arms Limitation Talks—SALT—delegation.

As most Senators are aware, the nomination of Mr. Warnke has occasioned substantial public discussion. The Committee on Foreign Relations held two hearings—rather lengthy hearings—on Mr. Warnke's nomination, and his critics were afforded ample opportunity to explain their opposition to the members. I think every member of the committee and those who attended the committee hearings would say they were intensive hearings.

The Armed Services Committee has also had hearings on Mr. Warnke. On behalf of the Committee on Foreign Relations I had extended an offer to the chairman of the Armed Services Committee and any other interested Members to participate in the hearings held by the Committee on Foreign Relations, which has jurisdiction over these nominations. I was glad to see that Senator CULVER and Senator HART responded to that invitation.

Mr. President, the committee has issued a report on these nominations together with individual views of two of the members, the Senator from Michigan, Mr. GRIFFIN, and the Senator from Missouri, Mr. DANFORTH, who at that time was serving on the Foreign Relations Committee in a temporary position. He has gone from that committee now and in fact, this was his last act on the committee.

The committee report explains in full just why 15 of the 16 members supported Mr. Warnke to be Director of the Arms Control and Disarmament Agency and 14 of the 16 favored his being named Ambassador to serve as Chairman of the SALT team.

These votes came after long, careful, good hearings.

The questions properly to be considered in regard to Mr. Warnke's nomination are simply these: First, should one man serve as ACDA Director and SALT negotiator; and, second, is Mr. Warnke the proper choice for SALT negotiator alone or both jobs?

With regard to the first question, at my request, the staff of the Committee on Foreign Relations prepared a memorandum on the role of the Director of the Arms Control and Disarmament Agency in arms control negotiations. According to that memorandum, directors of that Agency have played key roles in the negotiations of significant arms control agreements since the Limited Test Ban Treaty of 1963.

The first Director of the Arms Control and Disarmament Agency, William G. Foster, who served from October 6, 1961, until December 31, 1968, was also the U.S. representative to what was then known as the 18-Nation Disarmament Conference, now known as the Conference of the Committee on Disarmament. In that capacity, Mr. Foster laid the groundwork for the Limited Test Ban Treaty of 1963, and played the primary role until the final breakthrough when Averill Harriman was sent as President Kennedy's representative to Moscow to iron out details within a matter of days.

In the mid-1960's, Mr. Foster and Adrian Fisher, his deputy, negotiated at the 18-Nation Disarmament Conference the Nonproliferation Treaty. Later the Assistant Director of ACDA, James Leonard, who was U.S. representative at the Conference of the Committee on Disarmament from 1969 to 1971, negotiated the Seabed Arms Control Treaty and the Biological Weapons Convention.

Since the SALT process had not started while Mr. Foster was in office, he did not head a SALT delegation. However, his successor, Gerard C. Smith, was both Director of ACDA and chief negotiator at SALT. The SALT negotiating team carried the process to the final point of the Moscow summit meeting in 1972.

When the SALT II process began in 1973, the executive branch decided to have a foreign service officer as the chief SALT negotiator. Accordingly, the Senate was asked to confirm U. Alexis Johnson as Ambassador-at-Large to serve as the SALT negotiator.

This was the exception to the rule of ACDA involvement in negotiation of arms control agreements.

A subsequent arms control treaty, the proposed treaty of the limitation of nuclear peaceful explosions, was negotiated by Walter Stoessel, who was also U.S. Ambassador to the Soviet Union. However, the operating chief of the delegation, which worked out the peaceful nuclear explosions treaty, was Robert W. Buchheim of ACDA. The Standing Consultative Commission created by the SALT I ABM treaty and interim agreement has had as chief commissioner an ACDA employee since its inception.

Congress specified in section 2(b) of the Arms Control and Disarmament Act that ACDA's authority includes "the preparation for and management of United States participation in international negotiations in the arms control and disarmament field."

Similarly, section 34 refers to the Director's consultation and communication

with other governments and international organizations "for the purpose of conducting negotiations concerning arms control and disarmament."

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

Mr. SPARKMAN. I yield.

Mr. CHURCH. Mr. President, I congratulate the distinguished chairman of the Committee on Foreign Relations for making the point that it was always intended the Director of the Arms Control and Disarmament Agency should have a negotiating role. Indeed, two of the most important arms control treaties that we have entered into, the nonproliferation treaty and the ABM treaty, were negotiated in large part by the directors of the Arms Control and Disarmament Agency at the time—William Foster and Gerard C. Smith, respectively.

In fact, I point out to the chairman that Gerard C. Smith wrote to me in connection with the very point raised by certain critics of Mr. Warnke that he should not wear two hats. In his letter, he made this observation:

> When one of my hats was temporarily donned by a White House aide, a result was that, because of executive privilege, the Congress was unable to receive testimony from that negotiator. I wonder if the proponents of severance of the two hats have considered that a repetition of that situation might be one result if their efforts were successful.

I know that "one man, one hat" has an appealing ring, but we should not forget that our greatest successes in the past in the field of arms control agreement have come when an able person wore both hats.

That is all we are proposing for Mr. Warnke, who is obviously a man of exceptional talents.

Mr. SPARKMAN. The Senator is correct.

Senator CHURCH will recall that in the committee, we voted on two different questions. One involved wearing one hat, and the other involved wearing both hats. On the one-hat proposal, the vote was 15 to 1; on the two-hat proposal, the vote was 14 to 2. So it shows that the Committee on Foreign Relations—the committee that has jurisdiction over this matter; no other committee has jurisdiction over this matter—performed its duty in hearing testimony, not only the testimony of Mr. Warnke, but of others as well. The committee considered the messages, such as the one from Mr. Smith, and then had a very one-sided vote in Mr. Warnke's favor.

It seems to me that that should be very persuasive to those who have not had the opportunity to hear the testimony or perhaps even to read fully the testimony that was taken. I hope Senators will keep that in mind, because I think it is important.

Mr. Smith was one of our very best representatives. We had many good representatives over there, and he was one of the best. Mr. Smith, who was both Director of ACDA and Chairman of the SALT negotiating team, wrote several letters in support of designating Mr. Warnke to be Director and negotiator. He wrote to Senator CHURCH, I believe. He wrote to Senator HUMPHREY. He wrote for the benefit of the committee as a whole. Portions of his letter to Senator HUMPHREY are included in our report, a copy of which is on the desk of each Senator.

In his letter, Mr. Smith cites one very pertinent advantage of having the Director of the Arms Control and Disarmament Agency conduct SALT. As Mr. Smith points out, Dr. Henry A. Kissinger was heavily involved in the final negotiations of SALT I, but he was not made available to Congress because he was then the President's National Security Adviser and not yet Secretary of State. Although the Committee on Foreign Relations made a strong effort to have Mr. Kissinger appear in open session with regard to the agreement, he did not do so and felt that it would not be proper for him to do so.

In retrospect, I believe very strongly that it is critically important that all persons involved in such negotiations should be available to Congress, without question or quibble, for full questioning and exploration of the issues at stake.

Mr. President, there is no doubt that the administration strongly supports Mr. Warnke's selection for these two posts. The President himself has said: "I know Mr. Warnke very well. I have met him several times to discuss his attitude on disarmament matters. I have complete confidence in him."

If I recall correctly, he has repeated that statement at other times.

Many of the people who oppose Mr. Warnke are in reality attacking the President, who has nominated this man, has strongly urged his approval, and has said that he wants him over there, working for him and for the United States. They do not believe in arms control and they would like to frustrate the President's attempts to achieve it—despite the fact the President was elected by an American public aware of—and very interested in—the President's strong advocacy of arms control.

I would like to remind my fellow Members that there is no question that the Congress will have an opportunity to review any outcome of the SALT negotiations.

Any SALT agreement will be the result of an executive branch process involving all interested factions and which has received the most thorough and exacting review by Congress. I would support only an agreement which is in the national security interest of the United States, and I am sure that most of my fellow Senators would agree with that criterion. I am satisfied that Mr. Warnke shares that view.

With these checks, I believe it would be capricious to deny to the President of the United States his nominee, the man he is asking to serve in this matter.

I believe that any President is entitled to his nominee barring compelling reasons for the Senate to say no. I see no such compelling reasons in this case. On the contrary, I believe that Mr. Warnke is a splendid choice.

From September 1966 through July 1967, Mr. Warnke served as General Counsel of the Department of Defense. He then became Assistant Secretary of Defense for International Security Affairs and served in that position until February 15, 1969.

I remember quite well when he was serving in that capacity and I knew then the very fine work that he did.

His lengthy service for two former Secretaries of Defense, Mr. Robert S. McNamara and Mr. Clark M. Clifford, has won him their strong endorsement. In a February 14 letter to me, Mr. McNamara and Mr. Clifford wrote:

> We believe Mr. Warnke is an ideal choice to assume these important responsibilities, and we believe the President was wise in deciding to combine the tasks of arms negotiator and disarmament administrator in one man, for they are closely related if not interdependent. We urge his confirmation for both positions.

I cannot think of two better and more reliable persons to endorse Mr. Warnke than Secretary McNamara, who has served this country so well, and Clark Clifford, who likewise has served this country so well, and who has been representing us in one of the most perplexing problems that we are confronted with today—the Cyprus question. He was sent over especially as a negotiator there. I have known Clark Clifford through the years, and I know the capacity of the man. I know Mr. McNamara. I remember when he was Secretary of Defense. I know of the very responsible position that he holds now in the international field, and as I say I can think of no two better endorsers than these two gentlemen.

Mr. CHURCH. Mr. President, will the Senator yield for a observation?

Mr. SPARKMAN. I yield.

Mr. CHURCH. I think it is noteworthy that the principal service of Mr. Warnke in the past has been for the Department of Defense. It was there that the Secretaries of Defense, Robert McNamara and Clark Clifford, came to know his work. No one has suggested that either of these Secretaries would be unmindful of the national security interests of the United States. As the chairman has well pointed out, based upon the work Mr. Warnke did for the Defense Department, two former Secretaries of Defense have strongly endorsed him for this position and have said in doing so that he ought to be both the Director of the Arms Control and Disarmament Agency as well as the principal negotiator in the upcoming SALT talks.

Mr. SPARKMAN. And that no better man could be found, remember?

Mr. CHURCH. Yes.

Mr. SPARKMAN. Let me say this as just a personal note.

I came to know more about Mr. Warnke's work in the period in which he was serving on the International Security Agency. That agency was a board. As I recall there where three persons on it.

My son-in-law, who at the time was an admiral in the Navy, was a member of that board, and he used to tell me about their work and what an able man was Paul Warnke.

That is where I came to know about him first, and since that time I have had occasion to know of him, to review his record, and I am glad to have the oppor-

tunity today to speak in favor of his confirmation.

Mr. President, I believe getting SALT back on the track and concluding a comprehensive, broad agreement is in the supreme national interest of the United States. after all, that is what we are talking about—the interest of the United States.

There is still time to achieve a good SALT agreement if we and the Soviets are willing. This administration has deferred decisions on the new MX missile and the B–1 bomber. The cruise missile has not yet been deployed. We must use these opportunities to try to achieve stability and guarantee our own national security through arms control.

I am not one who separates interest in arms control from interest in national security. I think they are one and the same. Arms control can and should enhance our national security. I would never approve an arms control agreement which weakened our national security. Yet, I will be in the forefront of those who ask that we endeavor through arms control to find solutions to national security problems. When we embark upon new weapons programs, we should only do so if they answer a problem which strong, verifiable arms control solutions cannot solve.

The Soviet Union should understand that arms control offers a means of limiting and eventually ending the arms spiral.

If the Soviet Union is interested in a stable strategic environment and a lessening of the dangers of nuclear war, then the Soviet side will cooperate in trying to find mutually beneficial solutions.

I fear that, too often, in our discussions of weapons systems, their capabilities and characteristics, we become lost in the hardware and lose sight of the fearful implications of the kind of war these instruments are capable of inflicting upon us and mankind.

As Richard Rhodes wrote in his article, "The Nuclear Age Turns 30," which appeared in the Atlantic magazine in November of 1975:

> But they are what they seem, our tens of thousands of nuclear weapons, for all their increasing sophistication, as the men and women of Los Alamos who built the first crude models knew. They are fire and earth and the end of the human world, and they brood in their dark silos and tubes and racks and bays in a silence so shrill it has almost deafened us. Unless momentarily roused by crisis or threatening alert, who among us thinks of nuclear war any more? The bomb shelters are dismantled, the survival biscuits shipped off to feed starving Africans and even at Los Alamos the civil defense signs have been taken down. No people can live eternally threatened by doom, but whether we think about it or not, we still feel the threat, down at the bottom of our nightmares, and in subtle ways it has changed us.

There have been numerous studies on the effects of all-out nuclear war and of so-called limited nuclear war. We know enough from these studies to conclude that the initiation of nuclear war or the response to a nuclear attack would be cataclysmic.

The strategic nuclear arsenals on the two sides contain an explosive force roughly equivalent to four tons of high explosive for every man, woman, and child in the world.

One B–52 aircraft can drop bombs and missiles with an explosive force substantially greater than that expended by the Allies in the bombing of Axis Europe and Japan during World War II.

These comparisons apply to the strategic forces alone. We sometimes overlooked our forward-based and other tactical forces. As former Senator Stuart Symington noted in March of 1974:

> The significance of our nuclear weapons stockpile in Europe becomes all too apparent when one realizes that the destructive force, in TNT equivalent, of the nuclear weapons we have currently stockpiled on European soil alone is more than twenty times that of the combined total force of all the air ordnance expended in World War II, the Korean War, and the war in Vietnam.

Atomic weapons have only been used twice as instruments of war. That use occurred in 1945 in the final days of World War II when the United States demolished the Japanese cities of Hiroshima and Nagasaki. Nearly 100,000 people were killed by the bomb in Hiroshima. Those who survived saw more death than they had ever imagined possible. In their book, "No High Ground," Fletcher Knebel and Charles Bailey describe the effects of the Hiroshima bomb:

> The initial flash spawned a succession of calamities. First came heat. It lasted only an instant but was so intense that it melted roof tiles, fused the quartz crystals in granite blocks, charred the exposed sides of telephone poles for almost two miles, and incinerated nearby humans, so thoroughly that nothing remained except their shadows. After the heat came the blast, sweeping outward from the fireball with the force of a five-hundred-mile-an-hour wind. Only those objects that offered a minimum of surface resistance—handrails on bridges, pipes, utility poles—remained standing. Otherwise, in a giant circle more than two miles across, everything was reduced to rubble. Heat and blast together started and fed fires in thousands of places within a few seconds.

That was how it was when one 14-kiloton nuclear device was detonated. In the more than 30 years since, we have become very sophisticated about nuclear weapons to the point at which we can now describe possible attacks involving thousands of weapons against our submarine bases, bomber bases, and our 1,054 missile silos as "limited nuclear warfare."

My fellow Senators will remember several years ago there was much serious talk about preparing for a limited nuclear war. At that time the Senate Foreign Relations Committee asked the Office of Technology Assessment to work with the committee and the Department of Defense to get much better information on just what limited nuclear war would mean.

We found that earlier Pentagon estimates that the Russians could attack our missiles and kill 800,000 people were wrong. The new estimates showed that up to 22 million Americans would be killed if the Russians attacked our Minuteman bases. Similarly high numbers could be expected to die in a comprehensive attack.

The improved figures showed that 800,000 Canadians who had not been considered earlier would also be fatalities in an exchange between the Soviet Union and United States involving military targets. These figures did not even tell the full story. Witnesses before the committee pointed out that the Department of Defense needed to be much more precise with its calculations if we were to understand the true import of a so-called limited nuclear war.

I say to my fellow Senators, there is no such thing as a limited nuclear war. The destructive power is so great that once started, it becomes deadly and deathly to thousands of people. And when we compare the nuclear force that our Nation has and those other nations have, we cannot get much comfort out of it.

I remember one time we had testimony before the Foreign Relations Committee, and one witness testified that the Russians had enough nuclear power to destroy us 14 times. Another witness said in effect, "Maybe they can destroy us 14 times, but we can destroy them 15 times."

I asked the witness this question: "What difference does it make? One time is enough."

We cannot get comfort out of the superiority of our attack.

Mr. McGOVERN. Mr. President, will the Senator yield to me for just a moment?

Mr. SPARKMAN. Yes, I shall be glad to.

Mr. McGOVERN. Mr. President, I have been impressed with the Senator's argument here today on the enormous strength that exists both in the United States and in the Soviet Union, and the obvious excess that exists on both sides. The Senator in his speech refers to a posture statement put out by former Secretary of Defense Robert S. McNamara a few years ago, indicating that with 400 nuclear weapons of a megaton or more, the United States would be capable of destroying some 74 million Russians, or roughly one-half of their then population.

Since that estimate was made, as I am sure the Senator from Alabama knows, the United States has increased the number of nuclear weapons in our arsenal to 8,500. These are not my figures; they are the figures of the Department of Defense posture statement for fiscal year 1977.

The Defense Department estimates that we have 8,500 of those nuclear weapons, and the Soviet Union has about 4,000, so we have a little better than a 2-to-1 margin in the number of weapons.

Considering the fact that the Soviet Union has 219 cities of 100,000 people or more, if you divide that into 8,500 weapons systems, it means we are capable of dropping 38 nuclear warheads on each one of those 219 cities. Even if you assume that half of them might not fire or for some reason or other we could not deliver them, you could still say we

could hit every Soviet city with 20 nuclear warheads, each one of them larger than the nuclear warhead that destroyed Nagasaki or Hiroshima.

Does not the Senator think that is a reasonable level of relative strength in terms of what we need in the way of deterrence, if the Soviets know we have 38 of those enormous weapons for every one of their cities over 100,000 in size?

Mr. SPARKMAN. I would say I think they are bound to know it. They have their intelligence, just as we have ours.

Mr. McGOVERN. Even though they have only 4,000 of those warheads they are capable of throwing at us, can the Senator imagine an American President who would get into a conflict, or a Soviet leader who would get into a conflict, knowing that that kind of enormous power was awaiting them in the event that kind of an exchange took place? In other words, do we not have enough?

Mr. SPARKMAN. I think the reasoning of the Senator is correct. I am not in favor of weakening our position except as it can be worked out on a mutual basis.

Mr. McGOVERN. Yes.

Mr. SPARKMAN. But I think we ought to strive toward that.

Mr. McGOVERN. But would we be any greater threat to the Soviet Union, or deter them any more, if we developed the size of our nuclear arsenal that we now have, with the capability—as the Senator's speech points out, if 400 warheads was enough a few years to deter the Soviet Union, is there any reason to think, now that we have 8,500, that we would be better off with 19,000 or 20,000, as the case might be? Does it really make any difference after you get to this size in terms of our strike power?

Mr. SPARKMAN. No. As I have stated, when you get enough to destroy the whole country, what is the need of more?

I do want to say, though, that I am not in favor of a unilateral reduction in force, but I am in favor of trying to work out agreements.

Mr. McGOVERN. I thank the Senator.

Mr. SPARKMAN. One particularly telling point was made by the distinguished geneticist, Dr. James Neel, of the University of Michigan, who pointed out that one of the Department of Defense scenarios projected 5 million nonfatal injuries in a limited nuclear attack. Although this figure is less than one-half of the total annual nonfatal injuries in the United States, in testimony before the Arms Control Subcommittee of the Senate Foreign Relations Committee in September 1975, Dr. Neel noted:

> Gentlemen, there is simply no comparability between the fractures and sprained backs and minor lacerations spread out over a year's time included in that figure of 5,000,000 and the casualties from atomic weapons.
>
> Most of you have some familiarity with the problem of severe burns. The major medical center with which I am associated at the University of Michigan has a special burn unit which receives referrals from all over the state; it can handle exactly ten acute patients at a time. Try to visualize the problem of distributing the casualties from atomic weapons throughout the United States so they will receive adequate care.
>
> You are less familiar with radiation sickness. Its principal manifestations result from destruction of the blood-forming elements, resulting in hemorrhage and tendency to infection. Treatment is with antibiotics and transfusions. The need for whole blood will far, far outrun the supply, especially given the burn situation, and people will simply die untreated.

An attack on the U.S. population would be even more devastating than a so-called limited nuclear war involving strikes. According to a report of the Arms Control and Disarmament Agency entitled, "Worldwide Effects of Nuclear War . . . Some Perspectives," it has been estimated that an attack on U.S. population centers by 100 weapons of 1-megaton fission yield would kill up to 20 percent of the population immediately through blast, heat, ground shock, and instant radiation effects—neutrons and gamma rays; an attack with 1,000 such weapons would destroy immediately almost half the U.S. population. These figures do not include additional deaths from fires, lack of medical attention, starvation, or the lethal fallout showering to the ground downwind of the burst points of the weapons.

Such a war would destroy the fabric of our society. The surviving institutions would be hard pressed if able to meet the public needs. Undoubtedly there would be widespread chaos, crime, and hunger and many would perish simply because of the inability to obtain the basic needs of life, even though they emerged from war unscathed.

Much more has been estimated in regard to the effect of nuclear war upon the United States than upon the Soviet Union. However, we do know that a nuclear war would be devastating upon the Soviet Union as well.

In 1968, then Secretary of Defense Robert S. McNamara projected certain effects upon the Soviet Union in his annual posture statement. The Department of Defense then calculated that the equivalent of 400 1-megaton warheads would kill, in a 1972 attack, 74 million Russians or nearly one-half of their population and would destroy three-fourths of their industrial capacity. To put that 400-megaton attack into perspective, I should point out that the United States now has in its nuclear arsenal many times that force.

While total nuclear exchange would more directly affect the countries under attack, the rest of the world would suffer incredibly as a result of a nuclear war.

The ACDA study noted:

> Allowing for uncertainties about the dynamics of a possible nuclear war, radiation-induced cancers and genetic damage together over 30 years are estimated to range from 1.5 to 30 million for the world population as a whole. This would mean one additional case for every 100 to 3,000 people or about one-half percent to 15 percent of the estimated peacetime cancer death rate in developed countries . . . there could be other, less well understood effects which would drastically increase suffering and death.

On worldwide effect according to the National Academy of Sciences, would be the depletion of the ozone layer—as much as 30 to 70 percent—from the Northern Hemisphere and as much as 20 to 40 percent from the Southern Hemisphere.

The resultant increase in ultraviolet radiation would also cause prompt incapacitating cases of sunburn in the temperate zones and snow blindness in northern countries and could be accompanied by a drop in the average temperature. Such a drop would have a tremendous impact on the world's agriculture production. For instance, a cooling of 1 degree centigrade would eliminate commercial wheat growing in Canada.

In short, scientists believe we would reckon with complex and subtle processes, global in scope, and nearly unimaginable.

The terrible consequences of nuclear war—whether "limited" or all-out—are such to impel us to achieve nuclear agreements with the Soviet Union and other nations which would increase world stability and lessen the dangers of nuclear war. I believe the highest priority should be attached to achieving a broad, comprehensive and verifiable SALT II agreement.

What I have seen and heard of Paul C. Warnke in the last several weeks only serves to reenforce my conviction that he is the man for the jobs in question. It is very important that the Arms Control and Disarmament Agency have a capable, intelligent and energetic Director who can put the Agency back on its feet again and guide it well in dealing with the tremendous arms control problems facing the country and the world today. I strongly believe that the Director of ACDA can handle the job of negotiating the SALT agreement and I believe that we will have a better SALT agreement and more effective Agency under such an arrangement.

If we fail to achieve a good SALT agreement, we will have to buy more weapons programs. I support and shall continue to support, as I have done in the past, a strong national defense. For the moment, we have the time, the opportunity, and the talent available to try to bring about a new SALT II agreement. I believe we would be derelict if we did not give Paul Warnke and SALT a chance.

I want to add just another word, Mr. President. I have always supported a strong national defense. I voted for the B–1 with a lot of the Senators who probably now talk about weakness. I voted for the B–1. I voted for the Trident. I have voted for every defense measure that has come before the Senate and I shall continue to do so, because I believe in a strong national defense.

Mr. DANFORTH. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. Yes, I yield.

Mr. DANFORTH. Is it the Senator's view that if Mr. Warnke receives less than a two-thirds vote for his confirmation, he could do an effective job as a SALT negotiator?

Mr. SPARKMAN. I am not going to speculate on what vote he might get or might not get. I just say this, without qualification: I think Paul Warnke could do a magnificent job, both as the Arms Control Director and also as our negotiator in connection with the SALT talks.

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

Mr. SPARKMAN. Yes.

Mr. CHURCH. I simply rise to commend the distinguished chairman of the Committee on Foreign Relations for the excellence of his remarks this afternoon. Everyone in this Chamber knows that he has always been a strong and consistent proponent of our armed forces. I have known him for 20 years. It is also my privilege to know his son-in-law, who was an admiral in the fleet.

I was struck by the case the chairman made to the effect that our national security is enhanced if we can secure arms control agreements and that, on the contrary, it is an enormous cost to both sides if this nuclear arms race continues to spiral upward. The level of danger rises still higher to both sides. Neither is advantaged, only disadvantaged. So it seems to me the case made by the distinguished Senator is quite irrefutable.

We need arms control. The United States needs it. The Soviet Union needs it.

Mr. SPARKMAN. The world needs it.

Mr. CHURCH. It serves the mutual advantage of both.

The distinguished chairman has anticipated me: The whole human race needs it.

I am in favor of Mr. Paul C. Warnke, because I believe that he understands that and that he will be the ablest man that this country could choose for negotiating with the Soviet Union toward the possibility of new agreements that can lower the level of danger to both sides and thus serve the interests of both countries and humankind at large.

Mr. NUNN. Will the Senator yield?

Mr. SPARKMAN. I fully agree with the Senator.

I am very glad to yield.

Mr. NUNN. Before Senator CHURCH added that last sentence, I was going to stipulate that all on both sides of this question would agree that arms control is in the best interest of the world. I still stipulate that. I do not think that is part of the disagreement here.

The disagreement is who is best capable of achieving those lofty goals with which we all agree. Arms control, if it is a proper agreement, with equity and with verifiability, is in the best interests of the United States, the Soviet Union, and the world. I think we can all stipulate that. We do not have to quarrel with that in the next few days.

Mr. CASE. Will the Senator yield?

Mr. SPARKMAN. The Senator is right. I just want to add this one word, then I am through.

Mr. CASE. Will the Senator yield?

Mr. SPARKMAN. Yes, I yield.

Mr. CASE. I knew he would yield if he knew what I am going to say, which is to join my colleague from Idaho in expressing the admiration and commendation that the Senator from Alabama is entitled to receive on the basis of his presentation this afternoon, and also, the authority with which his years of support of a strong military posture and strong defense of our country entitles him to have. While that has never been in question, it is a good thing to have on the side of someone who takes the position that he is the leading exponent of this afternoon.

I look forward to the success of this venture, in which I join. The question is not really is this the best man for the job, because that is not our function. I do not know how you pick the best man for any job. Our function, however, is to consider a recommendation made by the President of the United States to determine whether, all things considered, it is a good, acceptable recommendation and, if so, to approve and, if not, to disapprove. That makes our job a little bit less awe-inspiring than it would be if we were committed to go out and find the best man for the job.

I suppose I could consider that maybe SCOOP JACKSON would be the best man for the job if I were doing it. He would certainly be a terribly good one because of his great experience and great interest. I can consider a good many others who would perhaps be the best person.

What we are considering here is the kind of nomination that, in the interest of the country, ought to be approved. I do not have any doubt about that. I fully respect the views of those who disagree on this matter. I have considered them at great length, both in our hearings and, since then, in the documents that have been presented to us, and they do not trouble me. Rather, I am reassured that we have an unusually good person here.

If Paul Warnke had had no record, I think, probably, he would not have the experience that justifies his carrying this important responsibility for our Government. He has such a record. All elements of it I do not agree with.

At the time that he made a number of statements, I think they were probably a good deal more acceptable and more compatible and reasonable and even a sounder position than they would be today, and I think he rather freely admits this. Matters do change. I think we are going to be very satisfied with the job that he is going to do.

There is one specific point that the Senator from Missouri raised that, of course, has been in people's minds: the question of whether, from the standpoint of either impressing people with whom he is going to negotiate on the one hand, or bringing back with authority to the country the kind of treaty that they will be willing to accept as in the best interests of the country, Paul Warnke meets the requirements in that respect. I used to think that it was more important to have—well, a good example of the kind of thing I think he is reaching for, and quite understandably, is the kind of thing that General Eisenhower brought to suggestions that he made for handling atomic weapons, or handling things of that kind. People said, "Well, of course, he can say it and get away with it because everybody knows that he is experienced and sound, so we are going to take his word for it."

Mr. President, and my chairman, I have come to think it may be just as well that we do not have big guys to tell us what is good here, that we have to take things and study them for ourselves and decide on the merits of the product, rather than on the prestige of the individual who traded it out for us, as to whether it is a good thing for the United States or not. So, even though it might very well be that a SCOOP JACKSON would have been a better man to send on a mission like this because he would come back and everybody would know that good old SCOOP would never turn this country around, we had better take what he says, that would not have been, necessarily, the best thing from the standpoint of having the Senate and the country as a whole accept the products as sound and in the best interests of the country.

Beyond that, I do not know what we could say. If the treaty is presented to us as right, we will ratify it and, if not, we will not. That is the way I think it should be. We would have to rely on what the treaty does, its own terms, and upon our own judgment, the best advice we can get from all sources, as to what our actions should be.

So I do not feel that the suggestion that some person could have had an easier time selling the country on the product of these negotiations is a good reason not to confirm his nomination.

I thank the Senator.

Mr. SPARKMAN. I thank the Senator for his thoughts, wise as always.

Mr. President, along somewhat the same line, on these Presidential nominations that come up for confirmation, it is an executive position and the President recommends. We cannot recommend or, at least, we cannot submit a name.

We might think we know someone who could do a better job, but that is not our job.

The President selects a man that he thinks can best do the job and then it is up to us to take into consideration the appointment from the President of the United States and decide it on that basis.

Mr. President, I ask unanimous consent that the portion of the Foreign Relations Committee report on Mr. Warnke, supported by the overwhelming majority of the Members who voted for his confirmation, as I said, 15 to 1 in one instance and 14 to 2 in the other, be printed in the RECORD following my remarks.

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

REPORT

The Committee on Foreign Relations, to which was referred the nomination of Paul C. Warnke to be Director of the Arms Control and Disarmament Agency, and to have the rank of Ambassador during his tenure of service as Director of the Arms Control and Disarmament Agency, having considered the same, reports favorably thereon and recommends that the nomination be confirmed.

COMMITTEE ACTION

The nominations of Paul C. Warnke to be Director of the Arms Control and Disarmament Agency, and to have the rank of Ambassador during his tenure of service as Director of the Arms Control and Disarmament Agency were received, respectively, on February 4, 1977, and February 8, 1977. A public hearing was held on February 8 with Mr. Warnke. Representative Samuel Stratton, of New York, also appeared before the Committee on that day testifying in opposition to Mr. Warnke. On February 9, the Committee heard testimony in opposition to the nominations from Senator James A. McClure of Idaho; Mr. Richard Cohen of the U.S.

Labor Party, Mr. Mark Lockman representing the Liberty Lobby, Hon. Paul Nitze, former Deputy Secretary of Defense, and Mr. Penn Kemble, executive director of the Coalition for a Democratic Majority.

Although the Committee on Foreign Relations has exclusive jurisdiction over these nominations, in the interest of comity, on behalf of the Committee, the Chairman extended an invitation to the chairman and members of the Committee on Armed Services to participate in the hearings. In response, two members of that Committee participated, Senators Culver and Hart. Senators Hatch and Schmitt also participated.

On February 22, the Committee took separate votes on the nominations, approving them by margins of 15–1 and 14–2. Voting for Mr. Warnke's nomination as Director of the Arms Control and Disarmament Agency were Senators Sparkman, Church, Pell, McGovern, Humphrey, Clark, Biden, Glenn, Stone, Sarbanes, Case, Javits, Pearson, Percy, and Griffin. Voting against was Senator Danforth. Voting for Mr. Warnke's nomination to the rank of Ambasador during his tenure as Director of the Arms Control and Disarmament Agency were Senators Sparkman, Church, Pell, McGovern, Humphrey, Clark, Biden, Glenn, Stone, Sarbanes, Case, Javits, Pearson, and Percy. Voting against were Senators Griffin and Danforth.

COMMITTEE COMMENTS

The President intends that Mr. Warnke serve in two positions. He was nominated both as Director of the Arms Control and Disarmament Agency and to the rank of Ambassador during his tenure of service as Director. The purpose of the second nomination is to allow Mr. Warnke to serve as Chairman of the U.S. delegation to the Strategic Arms Limitation Talks.

The Committee's consideration of the nominations centered around whether one person should serve in both positions and whether Mr. Warnke was the appropriate choice for either or both posts.

A native of Massachusetts, Mr. Warnke is a graduate of Yale College and the Columbia Law School. He served as a Coast Guard officer during World War II in the Atlantic and Pacific theaters and participated in the landings in the Philippines and Borneo. From September 25, 1966, until July 31, 1967, he was General Counsel for the Department of Defense. He then became Assistant Secretary of Defense (International Security Affairs) and served in that position until February 15, 1969. At present, he is a partner in the Washington law firm of Clifford, Warnke, Glass, McIlwain & Finney.

The Committee heard more than 4 hours of testimony from Mr. Warnke at a hearing on February 8. Opponents of the nomination were also heard at that session and on the following day. The primary questions raised about Mr. Warnke were essentially that (1) Mr. Warnke supports unilateral arms reductions to levels far below those being proposed in current arms limitation talks; (2) his stand against various weapons programs would make him an ineffective bargainer with the Russians at the Strategic Arms Limitation negotiations; (3) the views he expressed before the Committee were inconsistent with the views he expressed in the past in regard to arms control and weapons programs; and (4) substantial nuclear superiority would not be a decisive factor in a political confrontation today.

In an unsigned memorandum circulated in the Senate and later identified as the work of the Coalition for a Democratic Majority, it was argued:

"Warnke supports unilateral arms reductions to levels far below anything being proposed in current arms limitation talks. He doubts the usefulness of such talks, preferring to see unilateral U.S. initiatives."

In a 1975 article in the spring issue of Foreign Policy magazine, Mr. Warnke raised the question whether:

"Insofar as formal agreements are concerned, we may have gone as far as we can now go. . . .

"What is needed most urgently now is not a conceptual breakthrough but a decision to take advantage of the stability of the present strategic balance. It's futile to buy things we don't need in the hope that this will make the Soviet Union more amenable. The Soviets are far more apt to emulate than to capitulate. We should, instead, try a policy of restraint, while calling for matching restraint from the Soviet Union."

In testimony before the Committee, Mr. Warnke agreed, in response to a question from Senator Javits, that he would not advocate a U.S. policy of restraint except "consistently with the complete ability to be equally prepared, taking into account leadtime, technology, technical advice, technical resources, every conceivable consideration."

Mr. Warnke elaborated as follows:

". . . when you are at a time of active negotiations, I would not advocate taking any sort of restraint action except on the basis of concrete measures of parallel restraint which had been talked out with the Soviet Union. In other words, I do not think that in a negotiating context I would advocate the kind of approach that I suggested in my 1975 article."

At another point in the hearing, Mr. Warnke said, "I reject any concept of unilateral disarmament on the part of the United States."

Mr. Warnke was asked whether we should now reduce our conventional capabilities:

"No; I don't think that we should have a reduction in our conventional capabilities because at the present time the CIA estimates are that the Soviet Union is spending more money than we anticipated on them, and, as a consequence, we would be rash, particularly at a time when we are trying to reach arms control agreements, to cut back on our actual capability."

In 1974 congressional testimony and in the spring 1975 article in Foreign Policy magazine, Mr. Warnke had suggested a considerable reduction in the 7,000 nuclear weapons in Europe. A formal proposal to reduced U.S. tactical nuclear warheads was made in December 1975, at the Mutual and Balanced Force Reduction talks. Asked to respond for the record in regard to his proposal, Mr. Warnke said:

"The United States and its allies have now offered in the MBFR negotiations to reduce the number of the U.S. nuclear weapons based in Europe—as well as some U.S. nuclear-capable aircraft and Pershing missile launchers—as part of an agreement in which the East would reduce its offensive forces, I would support this sort of initiative."

In a February 7, 1977, letter to the Committee, Mr. Paul Nitze charged that Mr. Warnke "has been one of the most active, vocal and persistent advocates" of the view that as Mr. Nitze put it:

"The problems of the past had arisen largely from our own errors springing from over-emphasis on foreign policy, and particularly its defense aspects. Those taking the latter view believed our true strategic interests were limited to Western Europe, Japan and Israel; that the U.S.S.R. presented our only military threat and that that threat could be deterred with forces less capable than those that had already been authorized. Therefore—so the argument ran—significant cuts could and should be made in a wide range of defense programs requested by the executive branch. It was hoped that the Soviet Union would agree to make certain parallel cuts, or at least reciprocate by restraining the pace of its own programs."

Mr. Nitze also cited Mr. Warnke's testimony before the Senate Committee on the Budget on March 9, 1976.

Mr. Warnke responded to Mr. Nitze's letter to the Chairman of the committee, dated February 11, 1977, which read in part, as follows:

"I can only conclude that Mr. Nitze listened to and thereafter read my testimony of March 9, 1976 before the Senate Committee on the Budget with something less than his usual meticulous attention. Nothing in this testimony remotely suggested that I regard the prospect of our first use of tactical nuclear weapons against the Soviet Union as constituting the principal deterrent protecting Europe, the Middle East and Japan. Nor do I advocate any such policy. Instead, (p. 203), I expressed my agreement with Mr. Nitze that what best stops the Soviet Union is that we have a conventional war capability. I stated also my belief that deterrence of an all-out attack on Western Europe is strengthened by the existence of our tactical nuclear weapons and the Soviet recognition that we would use them if needed to protect our vital interests. I submit that this view is completely consistent with established NATO doctrine and that, if it is incorrect, then our tactical nuclear weapons in Europe serve no purpose and should all be removed. I do not believe that they should all be removed because, though not the principal deterrent, these weapons constitute, as I stated in my testimony (p. 204), a part of "the spectrum of deterrents."

"My recognition of the essentiality of U.S. conventional capabilities was further emphasized in my suggestion that a greater risk than an all-out attack might be a "quick Soviet strike" for a limited objective and that "we should review our defense structure and make sure we have the capability to respond to that kind of contingency." (pp. 204, 206). I believe that similar concern about the adequacy of our conventional forces in Europe was recently expressed in a report by Senators Nunn and Bartlett. My firmly held and expressed position, therefore, is premised on the need for a flexible response capability and is the antithesis of the doctrine of massive nuclear retaliation."

In his testimony in opposition to Mr. Warnke, Representative Samuel Stratton said that Mr. Warnke ". . . has at each step of the way over the last eight years, when you look at the record, repeatedly and consistently opposed every new weapon or improved military capability that we have undertaken."

Senator McClure told the Committee:

"Note that I am not accusing Mr. Warnke of favoring unilateral disarmament, but instead of urging the United States to abstain from the arms race with the Soviet Union, believing that strategic superiority is meaningless, naturally Mr. Warnke has opposed every new program that has been proposed in the past decade. He has participated on panels that have recommended against the development of the B–1 bomber, the Trident submarine, the MX missile, the cruise missile, and the MIRVing of existing weapons. In short, he has already opposed the development and deployment of nearly every system of defense that could have any meaningful bargaining power with the Soviet Union in the SALT negotiations. Also he has curiously charged that any new American program would destabilize the arms balance. Yet at the same time he ironically claims that the strategic balance is irrelevant."

In his testimony, Mr. Warnke agreed that he has questioned a number of military weapons systems, some on the basis of whether the right choice was being made, others on the basis of whether the decision needed to

be made immediately. He reaffirmed to the Committee his support of the system of three separate strategic forces known as the Triad, and affirmed his support for a strong conventional defense.

Mr. Warnke told the Committee:

"I think it should also be recognized that some new weapons system developments can help, rather than hinder, the objectives of sound arms control. By the time that long range nuclear armed ballistic missiles had appeared, the development of the submarine launched ballistic missile on nuclear submarines had a positive effect. It improves stability because of the invulnerability of this weapons system and has a consequent stabilizing effect on the strategic balance. The direction of arms control policy must be toward greater stability at lower levels of destructive potential in both conventional and nuclear arms. This will be the philosophy by which I would be guided if confirmed as ACDA Director.

"It's been suggested that I have become a symbol of a certain philosophic position. I'm flattered at the attention but I have to reject the characterization. I don't believe that I represent a fixed philosophical position on the issues of arms control. I'm a strong advocate of arms control. I'm also a strong advocate of a strong national defense. I believe the two to be totally consistent and indeed, complementary.

"But I believe that if anybody does think that I represent a fixed philosophical position, then some of them will be surprised, and some others will be disappointed."

In the course of the discussion, much was made of a 1972 statement by Mr. Warnke in a debate with former Sen. James Buckley, as follows: "Even substantial nuclear superiority, short of nuclear monopoly, could not be a decisive factor in any political confrontation betwen the United States and the Soviet Union."

On this point, Mr. Warnke replied:

"I said, and I believe it to be the case, that no sane American President would start a nuclear war in order to gain the political advantage in some sort of noncrucial confrontation with the Soviet Union. I believe that that would be an obvious statement, perhaps too obvious even to be made. But to the extent that that statement has been interpreted as a suggestion that I believe the Soviet Union could safely be given strategic nuclear superiority over the United States, I regard that as being an incorrect construction, both of my statement and certainly of my views.

"I have suggested repeatedly and I would continue to take the position that we could not yield, strategic nuclear superiority to the Soviet Union.

"That is my position."

In regard to his approach to negotiations, Mr. Warnke said:

"I believe, and I have said repeatedly, that we cannot yield superiority either in strategic or conventional arms to the Soviet Union.

"I believe, however, that if you try and be number one across the entire board, you then foreclose any chance of effective arms control negotiations because the other side will not accept that kind of position.

"We have to recognize that nobody is going to negotiate themselves into a position of inferiority if they have the means to prevent that from happening, and that, therefore, if you pursue arms control initiatives, you have to recognize that what you are really going to end up with is an agreement which is satisfactory to both sides. If the arms control agreement is not satisfactory to both sides, you are not going to have any agreement. And if you get one, it will not be viable because the side that finds that it has been outtraded, obviously will repudiate it."

In regard to the question as to whether Mr. Warnke should serve as both Director of the Arms Control and Disarmament Agency and Chairman of the U.S. SALT negotiation, the Committee determined that directors of that agency have played key roles in the negotiation of significant arms control agreements beginning with the Limited Test Ban Treaty of 1963.

The first Director of the ACDA, William G. Foster, who served from October 6, 1961, until December 31, 1968, was also the U.S. representative to what was then known as the Eighteen-Nation Disarmament Conference, now known as the Conference of the Committee on Disarmament. In that capacity, Mr. Foster laid the groundwork for the Limited Test Ban Treaty of 1963, and played the primary role until the final breakthrough when Averill Harriman was sent as President Kennedy's representative to Moscow to iron out details within a matter of days.

In the mid-60's, Mr. Foster and Adrian Fisher, his deputy, negotiated at the Eighteen-Nation Disarmament Conference the Non-Proliferation Treaty. Later the Assistant Director of the ACDA, James Leonard, who was U.S. representative at the Conference of the Committee on Disarmament from 1969 to 1971, negotiated the Seabed Arms Control Treaty and the Biological Weapons Convention.

Since the SALT process had not started while Mr. Foster was in office, he did not head a SALT delegation. However, his successor, Gerald C. Smith, was both Director of the ACDA and chief negotiator at SALT. The SALT negotiating team carried the process to the final point of the Moscow summit meeting in 1972.

When the SALT II process began in 1973, President Nixon decided to have a foreign service officer as the chief SALT negotiator. Accordingly, the Senate was asked to confirm U. Alexis Johnson as Ambassador-at-Large to serve as the SALT negotiator. This was the exception to the rule of ACDA involvement in negotiation of arms control agreements.

A subsequent arms control treaty, the proposed treaty on the limitation of nuclear peaceful explosions, was negotiated by Walter Stoessel who was also U.S. Ambassador to the Soviet Union. However, the operating chief of the delegation, which worked out the PNE Treaty, was Robert W. Buchheim of ACDA. The Standing Consultative Commission created by the SALT I ABM Treaty and interim agreement has had as chief commissioner an ACDA employee since its inception.

Congress specified in section 2(b) of the Arms Control and Disarmament Act that ACDA's authority includes "the preparation for and management of U.S. participation in international negotiations in the arms control and disarmament field." Similarly, section 34 refers to the Director's consultation and communication with other governments and international organizations "for the purpose of conducting negotiations concerning arms control and disarmament."

The Honorable Gerard C. Smith, in a February 14 letter to Senator Humphrey, provided his comments on the merits of naming the ACDA Director to serve also as chief SALT negotiator. Mr. Smith wrote:

"As I understand it, the President in designating Warnke to be Director and negotiator is merely trying to carry out the law. In addition to this legal interpretation it seems to me that the records shows that the two-hat procedure produced results, witness Bill Foster's success with the NPT and my work on the ABM Treaty.

"When one of my hats was temporarily donned by a White House aide, a result was that, because of "executive privilege," the Congress was unable to receive testimony from that negotiator. I wonder if the proponents of severance of the two hats have considered that a repetition of that situation might be one result if their effort is successful."

Asked how he would handle both positions, Mr. Warnke said:

"I would need, obviously, strong support both here in Washington and at the talks in Geneva in the form of a very strong deputy. I would anticipate splitting my time between Geneva and Washington, and as a consequence would ask that the President appoint somebody who would be able to negotiate when I was not there. I would anticipate being there, however, when the key decisions were made on the negotiating front."

Mr. Warnke's major governmental service in the past was with the Department of Defense. While there, he worked for former Secretaries of Defense Robert S. NcNamara and Clark M. Clifford. In regard to the nominations, Mr. McNamara and Mr. Clifford wrote the Chairman of the Committee the following letter:

FEBRUARY 14, 1977.

Hon. JOHN J. SPARKMAN,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: During the recent confirmation hearings before the Foreign Relations Committee on the nomination of Mr. Paul C. Warnke, our names were mentioned and linked, and some question was raised as to whether Mr. Warnke had been directly responsible to us when we were Secretary of Defense and he was Assistant Secretary of Defense for International Security Affairs. The implication of the question thus raised was that others were better placed than we to assess Mr. Warnke's character, judgment, and abilities.

He was of course directly responsible to us during his period of service at the Pentagon, and we affirm without reservation that he is a man of impeccable character and integrity, intellectual force, and exceptional ability. He was a wise and thoughtful counselor, and he demonstrated efficiency and stamina in carrying a wide range of heavy responsibilities. In particular, the Senate should understand that the position filled by Mr. Warnke at the Pentagon is charged with advising the Secretary of Defense on the full range of political-military affairs and on the arms control problem in particular. Rarely, if ever, therefore has a nominee for the role of U.S. arms negotiator had a better grounding in the perspectives and problems of both defense and foreign affairs.

In the same hearings, one witness alleged that the arms negotiator has great latitude in determining the substance of the negotiations. While the quality of the negotiator and his team are of course critical elements, we know from our own experience that the President, the State and Defense Departments, and all other relevant agencies are continuously involved, intimately and completely, in the formulation of arms control policy and in the negotiating process.

We believe Mr. Warnke is an ideal choice to assume these important responsibilities, and we believe the President was wise in deciding to combine the tasks of arms negotiator and disarmament agency administrator in one man, for they are closely related if not interdependent. We urge his confirmation for both positions.

Sincerely,

ROBERT S. MCNAMARA.
CLARK M. CLIFFORD.

It has been the practice of the Committee to recommend confirmation of senior executive branch nominees, absent strong and compelling reasons otherwise. Most Members of the Senate have traditionally taken the view that a President is entitled to assemble his own team.

The President is clearly placing a great degree of trust and confidence in Mr. Warnke by naming him to serve as both Director of the Arms Control and Disarmament Agency and to be his chief negotiator in the SALT talks.

On the basis of a thorough examination of Mr. Warnke and of the points raised in opposition to his nominations, a great majority of the members of the Committee on

Foreign Relations believe that Mr. Warnke is an excellent choice for the posts of Director of ACDA and Chairman of the U.S. SALT delegation and that he will perform both duties in a creditable fashion.

Mr. Warnke's testimony reflected changes in his perceptions of America's national security requirements with the passage of time and events, but members believe that these changes reflect the honest reevaluation of an informed and intelligent person.

The Committee concurs with Mr. Warnke's view that his fundamental judgments have been consistent. As Senator Javits commented,

"My own judgment is that Mr. Warnke has not changed either way; that is, that within the framework of the types of negotiations on disarmament that we have and within the framework of historical development in respect to disarmament, his basic principles have remained the same. He does not want to lower America's guard, but he does want to reduce the unbelievable burden of these armaments, and he believes that another way to do it may be in given, specific, tailored situations, by our example, to induce a corresponding response from the Soviet Union. I am convinced that he does not intend any such idea where it would make us vulnerable."

The Committee desires to strengthen the role of the Arms Control and Disarmament Agency. On the basis of Mr. Warnke's testimony, the majority of the Committee is convinced that he would be an innovative and forceful Director of the Agency.

They also conclude that there is much merit, based on past achievements, in having the same person as Director and chief SALT negotiator. They are convinced that the American people will ultimately benefit and that the cause of world peace will be advanced.

The Committee recommends confirmation of Mr. Warnke with trust in his capabilities and dedication, but with an awareness that the SALT negotiating process will be complex and difficult. These negotiations will be monitored closely by the Committee.

The Committee was reassured by Mr. Warnke's commitment to work closely with the Congress:

"Above all, in the development of arms control policy and in the negotiation of international agreements, the Director of ACDA must remain in very close touch and consult regularly with the Congress, the representatives of the American people. The ACDA Act provides that the Director shall advise the Congress on arms control. If confirmed, I shall do so on a regular and continuing basis, because certainly, no arms control policy can succeed unless it has the solid support of the American people as expressed through their elected representatives."

The Committees shares the hope that the strategic arms limitation negotiations will be successful and that they will be followed by still further initiatives to control and reduce the strategic armaments of the United States and the Soviet Union and to, at last, turn the tide in the world arms race. What is needed now is not lip service to the cause of arms control, but broad and comprehensive arms control initiatives so that more of the world's energies and resources can be turned to the accomplishment of the many critical social tasks which confront mankind.

Mr. SPARKMAN. Mr. President, I yield the floor.

Mr. JACKSON. Mr. President, after several days of Senate hearings and an exhaustive examination of the record I have concluded that I cannot, in good conscience, support the nomination of Mr. Paul Warnke to serve as the Chief Negotiator for the United States at the Strategic Arms Limitation Talks.

I have come to this conclusion despite the fact that I strongly support the approach that President Carter has taken to the SALT II negotiations.

Mr. President, the issue is not, in my judgment, whether Mr. Warnke's views, expressed over many years, are consistent with my own. They are not; but that alone would not justify opposition to the President's nominee.

The issue is not whether, or to what degree, one supports a serious effort to obtain stabilizing arms control agreements. I support such efforts; and I am as concerned as anyone, perhaps more than many, that the American delegation to the SALT negotiations be headed by a man of intelligence, judgment, clarity, and candor.

Mr. President, I believe the record of Mr. Warnke's past views and recommendations raises a serious question as to the quality and reliability of his judgment in matters affecting national security. I believe it to be a record of imprudence; of careless advocacy often reflecting cavalier and summary judgments rather than careful, deliberate, and precise analysis. It is a record marked by a glib and superficial appreciation of issues that are far too complex to justify Mr. Warnke's easy certitude.

But, what troubles me most about entrusting the leadership of the U.S. SALT delegation to Mr. Warnke is my belief that the lack of clarity and candor that he has demonstrated, privately and in hearings before the Senate, would make it difficult or impossible to hold him to account in his future dealings with the Congress.

Mr. Warnke's views on our defense programs and on arms control matters, expressed over many years and in many different forums, are—or I should say, were—well known to the Senate. He has been a tireless advocate of deep and I believe irresponsible cuts in the defense budget; of unilateral restraints in our defense programs as a means of inducing the Soviets to show restraint in theirs; of the notion that nuclear superiority is meaningless; of the view that an ability to damage the civilian population of the Soviet Union should be the strategic basis of our national defense; of the notion that Soviet strategic nuclear weapons have been largely a response to our own, and that they mindlessly and mechanistically "ape" the United States.

When Mr. Warnke came before the Senate to be confirmed for the two posts to which he has been nominated he had, of course, the honorable option of defending his long-nurtured views. He had the opportunity to elaborate. He was free to continue the uninterrupted advocacy of positions with which he has long been associated. He could have stood up for, and by, his convictions. He chose not to do so. Rather he chose to describe his views in quite different, and often contradictory, terms.

This was no mere change of emphasis. First the Committee on Foreign Relations, and then the Committee on Armed Services, had before them a new Mr. Warnke. We sat and listened to a man who no longer believes that unilateral restraints are wise; who no longer believes that "inferiority need not be a cause of concern or even embarrassment"; who believes that our deterrent must provide for real, not merely cosmetic, equivalence in military capabilities; who does not still subscribe to the view that the Soviet strategic program originates largely from a mechanistic "aping" of ours; who now takes a serious view of the Soviet civil defense program; who shares the view of the Joint Chiefs of Staff that we could be in jeopardy if current trends continue; who can no longer find $26 billion to cut from the fiscal year 1978 defense budget.

Mr. President, the issues raised by the transformation of Mr. Warnke are compounded by his stubborn refusal to acknowledge any difference between his earlier and his present view. Sitting through the hearings was like watching a statue perform somersaults. Even Mr. Warnke's supporters on the Armed Services Committee remarked on the manifest change; while Mr. Warnke himself denied that one had taken place.

The question, in my judgment, comes down to this: Is what we have heard a change of heart or a change of line? The notion that it is the former is undermined by Mr. Warnke's insistence that there has been no change at all. Mr. President, I am thus forced to the conclusion that Mr. Warnke has adopted the line he thinks most likely to secure his confirmation. And that disturbs me most of all.

I cannot vote to confirm as our Chief Negotiator a man who has shattered my confidence that I know where he stands, that I know what he believes. I do not know where Mr. Warnke stands. I do not know what he believes. And I do not expect to be able in the future to place confidence in the explanations he will be called upon to make when we have before us a treaty whose meaning derives as much from the negotiating record as from its necessarily incomplete and partial language.

Confidence in the Nation's Chief Negotiator on strategic arms is the crucial issue; confidence that he will be told, in a clear and forthright manner, what happened at, and what was agreed upon in, these vital negotiations; confidence that the record of the negotiations is consistent with what our Chief Negotiator will lay before us; confidence, Mr. President, that Mr. Warnke's testimony to the Congress will make it difficult for him to earn.

Mr. President, I yield to the Senator from Georgia.

Mr. NUNN. Mr. President, I cannot support the nomination of Mr. Paul Warnke to serve as our chief negotiator at the strategic arms limitation talks. The formulation of arms control policy within the executive branch is a quite different task from that of negotiating arms control agreements with a powerful potential adversary.

My concern over the nomination of Mr. Warnke to serve as Ambassador to

the SALT talks is twofold. First, during the past 8 years, Mr. Warnke has opposed most of the U.S. strategic nuclear programs whose fate will be affected if not conclusively determined by the outcome of the current negotiations.

As Admiral Moorer, former Chief of Naval Operations, former head of the Joint Chiefs of Staff, testified in urging the rejection of Mr Warnke as U.S. SALT Ambassador, Mr. Warnke has devalued his chips before the poker game has even started. For this reason his nomination could be misinterpreted by the Soviet Union, to say nothing of our allies, as a signal of U.S. willingness to make concessions on issues which in fact we may not be prepared to make. Mr. Warnke's past positions will not be forgotten by the Soviet negotiators, and I fear that an inherently difficult negotiation will become more difficult by reason of this appointment.

Second. Mr. Warnke's nomination appears to have stimulated on his part a sudden revision of long-established views on fundamental defense and arms control issues. I find no fault with the views expressed by Mr. Warnke before the Senate Foreign Relations Committee and before the Senate Armed Services Committee during the past 3 weeks. However, I am disturbed by the remarkable degree to which his postnomination views differ from his prenomination views, and I think one must ask when comparing the prenomination Warnke views to the postnomination Warnke views—what will be the postconfirmation Warnke views?

Prior to February 8, when Mr. Warnke appeared before the Senate Foreign Relations Committee for hearings on his confirmation, he had for a long period of time, including the years during which the SALT and MBFR negotiations have been in progress, argued vigorously for unilateral U.S. force reductions and for cancellations and postponements of various U.S. weapon programs in the hope that these might stimulate reciprocal measures on the part of the Soviet Union. Since his nomination, however, Mr. Warnke told the Senate Foreign Relations Committee and the Senate Armed Services Committee that he no longer believes unilateral U.S. initiatives should be undertaken during the course of negotiation.

Before his nomination, in numerous articles, books, and appearances before the Congress, Mr. Warnke dismissed as "totally meaningless" the political significance of strategic nuclear superiority short of nuclear monopoly. Since his nomination, he has been at pains to assure congressional audiences that strategic nuclear superiority has substantial political significance.

Before his nomination, Mr. Warnke manifested little, if any concern over the dramatic buildup in Soviet strategic nuclear capabilities, which has been underway for almost a decade. Since his nomination, he has adopted the position of the Joint Chiefs of Staff that these same trends in the strategic nuclear balance between the United States and the Soviet Union, if unchecked, would gravely threaten the security of our country.

Before his nomination, Mr. Warnke was a prominent opponent of increasing the flexibility of U.S. strategic nuclear forces through the development of a counterforce capability. He characterized as "self-deluding nonsense" the arguments of those who felt that the United States must respond to the development of Soviet counterforce capabilities. Since his nomination, he has claimed that flexibility in our strategic deterrent is not only desirable but necessary. In a book published in 1972, Mr. Warnke stated, and I quote,

> As far as I am concerned, flexibility in nuclear weapons is perhaps the worst thing that you could have as far as the fate of the world is concerned and as far as American security is concerned. Flexibility in nuclear weapons just means a greater chance that nuclear weapons will be used. At the present time there is only one threat to our physical security, and that is the Soviet Union. The only way that we can deal with the USSR's nuclear arms is with the concept of assured destruction. And if the Russians are not deterred from a first strike because they think we won't make a second strike because we are afraid of a third strike, then there is no possibility of deterrence. But that, I submit, would be insanity on the part of the Soviet leaders. And I am not prepared to ascribe insanity to them. If I did, I would lose my own sanity—and I think we all would.

That was the position of Mr. Warnke in 1972. Yet, in responding to a question on this issue I posed to him last week, Mr. Warnke said of growing Soviet counterforce capabilities, and I quote,

> That is, of course, the ultimate threat to our strategic capability. If we were in a position which they, by striking first, could take out so much of our missile force as to make it unlikely that we would be willing to respond for fear that their counterstrike would be devastating, then we would be deferred; they would not be deterred.

He went on to say, "we should have an ability to respond with flexibility with something less than an all out response."

Before his nomination, Mr. Warnke labelled the Vladivostok Accord of 1974 as "the antithesis of arms control". Now he calls it "a sound basis for future arms control and reductions."

Before his nomination, Mr. Warnke evidenced little if any concern over massive Soviet investment in civil defense. Since his nomination, he has suddenly become worried by Soviet civil defense programs, calling them "potentially destabilizing to the current strategic balance."

Before his nomination, Mr. Warnke dismissed the B–1 bomber as "the wrong bomber at the wrong time." Since his nomination, Mr. Warnke has discovered the B–1 as a "potentially useful adjunct to our strategic forces."

Before his nomination, Mr. Warnke repeatedly proposed unilateral cuts in U.S. troops in Europe and their subsequent demobilization—even though the MBFR talks had been underway for some time. Since his nomination, he has discovered that unilateral U.S. troop withdrawals from Europe could well torpedo any chance for a meaningful MBFR agreement.

Before his nomination, Mr. Warnke time and again proposed the unilateral withdrawal of most of our theater nuclear weapons in Europe. Only since his nomination has he opposed cuts in the absence of Soviet reciprocity—at least for the time being.

I might point out that during the past 8 years, Mr. Warnke has also opposed MIRV's, MARV's, the submarine-launched cruise missile, the Trident submarine and the Trident II missile. If the United States had followed Mr. Warnke's advice on all of these issues and programs, it is doubtful whether there would be anything left to negotiate in SALT II.

But perhaps the most disturbing aspect of Mr. Warnke's performance during the last 3 weeks is his refusal or inability to recognize that he has changed his views on these issues. Regardless of the specific merits of his views on particular issues, his refusal or inability to admit publicly that some of his opinions have undergone fundamental change is perhaps the fundamental issue before us here today.

Either the Vladivostok agreement was the antithesis of arms control or it was a sound basis for future arms control. It cannot be both. The B–1 is either the wrong plane at the wrong time or it is a useful adjunct to our strategic deterrent. It cannot be both. Strategic nuclear superiority is either politically significant or it is not. It cannot be both.

I, of course, have no objection to anyone changing this mind on anything. I certainly have no objection to changes in opinion in a direction more compatible with what I believe to be in the best security interests of this country. What perplexes me, however, is Mr. Warnke's refusal to concede that he has changed his mind on the numerous issues I have just cited.

If, in fact, he is not aware that he has changed his views, serious questions arise as to his ability to maintain a consistent perspective upon the various issues now before the SALT talks. If, on the other hand, he is aware that he has changed his mind on fundamental issues but is unwilling to admit it publicly, questions then arise as to his intellectual integrity.

Mr. President, I cannot in good conscience vote to confirm Mr. Warnke as our Ambassador to the SALT talks. Confirmation could be interpreted by the Soviets as a signal that the U.S. Senate would be willing to endorse a SALT II Treaty containing concessions which, in fact, we would not be willing to endorse. Such Soviet miscalculations could do grievous harm to our relations with the Soviet Union, to the stability of the strategic balance, and to the orderly execution of our arms control policies.

We are at a critical stage in the evolution of the strategic nuclear balance between ourselves and the Soviet Union. During the past 8 years the Soviet Union has undertaken an impressive array of new strategic programs which threaten to put them within sight of strategic nuclear superiority over the United States. This is not the time to send to Geneva a man who, until 3 weeks ago, discounted the emerging Soviet threat and vigorously opposed most of the programs by

which this country has sought to counter it.

I believe that an equitable and verifiable SALT II agreement is in the best interest of the United States and the world. I believe that the appointment of Paul Warnke as Ambassador to SALT II and chief U.S. negotiator makes it less likely that such a SALT II agreement can be reached with the Soviet Union. I believe his appointment will make it more difficult for Congress, for our allies, and for the American people to have confidence in whatever agreement may be reached.

I should like to say that I have complete confidence that President Carter will involve himself more deeply in the SALT negotiation than any past President, and that he will master the complexities of arms control with considerable expertise. What is at issue here is not President Carter's policy but the suitability of Mr. Warnke to negotiate that policy.

Mr. President, in closing I might add that I will vote for the nomination of Mr. Warnke to serve as Director of the Arms Control and Disarmament Agency even though I have some doubts in this regard. Deliberations within the executive branch on military and national security affairs must be accompanied by proper and constant consideration of the arms control implications of our defense programs and weaponry.

Mr. Warnke has been an advocate of arms control during the past decade, and he can potentially make an ongoing contribution in this regard.

Mr. President, I yield the floor to Mr. MOYNIHAN.

Mr. CHURCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington had the floor, and he yielded to the Senator from Georgia.

Mr. CHURCH. The Senator from Washington has left the floor. The Senator from Georgia is now perhaps about to leave the floor and pass the mantle on to the Senator from New York. Somewhere within this sequence, I should like to be recognized for a few brief remarks. I have addressed the Chair in the hope that I might be recognized in my own right.

Mr. NUNN. Does the Senator have a question, because if he has a question I am glad to yield.

Mr. CHURCH. I have a question and a comment. But I wish to hold the floor for a minute or two.

The PRESIDING OFFICER. Does the Senator yield?

Mr. NUNN. Who has the floor, Mr. President?

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, do I have the floor to the extent that I can yield the floor to another Senator?

Mr. CASE addressed the Chair.

Mr. CHURCH. A point of order, Mr. President.

The PRESIDING OFFICER. The Senator from Georgia does have the floor at the present time.

Mr. NUNN. I will be glad to yield for a question.

Mr. McGOVERN. I wonder if the Senator will yield to me for a question?

Mr. NUNN. I am glad to yield for a question. Is that what the Senator from Idaho is asking?

Mr. CHURCH. If we are going to do it that way, I would like to ask a question, too.

My question is this: I have listened with great interest to the Senator's explanation of the reasons why he is opposed to Mr. Warnke as our negotiator in the SALT talks. He has pointed to many inconsistencies or reversals in position, a number of which I think can be clarified in the course of this debate. Nevertheless, the Senator is entitled to his opinion of Mr. Warnke as a negotiator and, of course, entitled to vote against him.

We have heard the Senator from Washington make the same argument; and I anticipate we shall soon hear a similar case from our new colleague, Mr. MOYNIHAN, whom we welcome so warmly to this Chamber.

I frankly cannot understand the logic behind the case. I could understand if the Senator has such misgivings about Mr. Warnke that he would simply oppose him as both the Director of the Arms Control and Disarmament Agency and the principal negotiator in the upcoming SALT talks. But to say that he is going to oppose him for the latter role but support him for the former makes no sense to me, and I would like to tell the Senator why.

Mr. NUNN. Also, before the Senator goes any further, let me say that in my statement I said I had considerable doubts about the position that I stated in supporting him and if the Senator wishes to pursue the argument to a great degree he might talk me out of my support in that position.

Mr. CHURCH. I think the Senator's position would be much more consistent and more persuasive if he were to oppose Mr. Warnke for both positions, given the doubts that he has expressed about the gentleman's competence. But the point I wish to make——

Mr. NUNN. If the Senator would be persuaded if I changed my view and opposed him in both hats, then the Senator from Georgia will reconsider his position of support for the latter hat.

Mr. CHURCH. Very well. However, I believe this ploy is one not really supportable in good logic. The statute establishing the Arms Control and Disarmament Agency makes its Director the Chief Adviser to the President of the United States on all matters relating to arms control. If we cannot trust Mr. Warnke to negotiate with the Soviet Union for a treaty which would have to secure the approval of the Secretary of State and the President of the United States, as well as ratification by two-thirds vote of the Senate—if with all of those protections we cannot trust Mr. Warnke to be the negotiator, then it is beyond me how we can trust him to be the President's Chief Adviser under the law for all matters pertaining to arms control.

Mr. NUNN. Is the Senator going to ask the question?

Mr. CHURCH. I have asked it.

Mr. NUNN. If that is a question, I shall be glad to address it.

I think there is a considerable amount of difference between sending a person with Mr. Warnke's past views and background, particularly the 180-degree switches we have seen in the last 3 weeks, to negotiate with the Russians than it is sending him in a position to advise the Secretary of State. I believe that Secretary Vance is much more capable of digesting Mr. Warnke's views on arms control than the Russians are of being able to negotiate with him without some preconceived notions about his past positions which might lead the Soviets to believe that if they simply wait long enough and if they simply negotiate tough enough eventually, instead of the President's policy prevailing, Mr. Warnke's personal views will prevail.

I believe that that is a valid reason for, on the one hand, opposing him, I must say, rather vigorously as a negotiator and, on the other hand, supporting him with a great deal of doubt as the Arms Control and Disarmament Agency chief.

Mr. CHURCH. Mr. President, will the Senator yield for one more observation?

Mr. NUNN. I yield.

Mr. CHURCH. I have never known a time when the distinguished Senator from Georgia did not make an argument for his position. He has made one, albeit a highly tenuous one. I would say that if I had to choose, on the one hand, between placing a man concerning whom I had such doubts in the position of general adviser to the Secretary of State and the President on arms control policy and, on the other hand, placing him as negotiator subject to the direction of the Secretary of State and ultimately to the directions and consent of the President for any agreement that is reached, which agreement, in turn, must be brought to the Senate for a two-thirds vote before it can be ratified and binding on the United States, I would far prefer to see him negotiate than to serve as the general adviser of the President. I find it hard to follow the Senator's reasoning.

Therefore, it seems to me that this is a ploy directed toward an attempt to get a maximum vote against Mr. Warnke in the Chamber in hopes that this might be disabling to him afterwards.

Mr. McGOVERN addressed the Chair.

Mr. NUNN. Let me say this to the Senator. I am not trying to disable Mr. Warnke in any capacity. If the majority of the U.S. Senate agrees with my position, Mr. Warnke will not be the negotiator with the Soviet Union. I do not know what the majority of the Senate is going to do, and I am not in any way trying to influence anyone except by whatever influence my remarks might have in the Chambers.

But I do not agree with the Senator's logic. I think there is one chief negotiator with the Soviet Union. There are many advisers on arms control. The Arms Control and Disarmament Agency has

only one voice among many voices in determining what the position of the United States of America will be on the development of weapons.

For instance, Secretary Vance does not make the final decisions on weapon development. The primary adviser to the President on weapon development is the Secretary of Defense. Of course, the President himself makes the final decision. So Mr. Warnke as Arms Control and Disarmament Agency head would be only one voice of many that would be commenting on weapons development.

I think there is a legitimate role for one who has consistently been in favor of strong consideration of the implications of any weapon on the negotiating position in arms control in the world.

I must say that I would be more comfortable with the support of Mr. Warnke in that position had he been consistent before our committee, and I must also say before this debate is over I have read very carefully the remarks the Senator from South Dakota made. If the Senator from South Dakota will look very closely at the testimony of Mr. Warnke before the Committee on Armed Services, he will find that on many very significant points, Mr. Warnke now disagrees with the Senator from South Dakota because of his rather precipitate and sudden change on many issues. I will be pointing those out in the course of the debate.

I wonder if the danger is that we may have some of those who are supporting Mr. Warnke most vigorously now, when they closely examine the record as to what his present position is on arms control they may have very serious doubts about their own support. But we will let the course of the debate determine that.

I yield.

Mr. McGOVERN. Will the Senator yield?

Mr. NUNN. I am glad to yield for a question.

Mr. McGOVERN. Mr. President, I do not know whether this question or these questions should be addressed to the Senator from Georgia or the Senator from Washington. Perhaps one or the other would be willing to respond.

I am wondering, first of all, what the Senators are talking about when they refer to Mr. Warnke advocating what I think they described as irresponsible cuts in our strategic weapons system. What were those recommendations? I think the Senator from Washington made some reference to that.

Mr. NUNN. I do not believe I made that statement, although I would agree with it. But I will let the Senator from Washington answer.

Mr. McGOVERN. I think the Senator was talking about the past record of Mr. Warnke, when he said he has a record of careless judgments and calling for irresponsible cuts in our strategic weapons system. I think that the Senator, who is a fair man, will want to elaborate on what he has in mind before a charge like that is made.

Mr. JACKSON. Certainly. His proposed budget cuts would have meant a cut for the coming fiscal year, fiscal year 1978, of $26 billion. I do not think that is a responsible cut.

Mr. McGOVERN. When did he make such a recommendation?

Mr. JACKSON. That was in his 1974 recommendations on cutting the budget over a period of years. And that is what it computed out to be. He does not dispute it.

Mr. McGOVERN. In all fairness, did not Mr. Warnke say, when the Senator from Washington interrogated him on points such as that, that speaking in 1974 and 1973, whenever these statements were made, he was projecting what he then saw to be the situation and that he is responding in 1977 to conditions today? Conditions do change. The Senator from Georgia made the point that he has full confidence in President Carter and he is glad he is keeping an eye on these negotiations.

I think I remember President Carter saying a few months ago that he did not think we ought to be wasting resources on what he referred to as exotic weapons systems like the B–1. It is my impression that he has somewhat modified that position since then. But be that as it may, do not circumstances change, and is not a man entitled to maintain that he has been constant and consistent in his commitment to the defense of the United States, without always having exactly the same posture statement that he might have had 3 or 4 years earlier?

Mr. JACKSON. Mr. President, if I might respond, the problem that Mr. Warnke suffers from is that these changes were so sudden as to raise serious questions as to what in fact prompted them.

Specifically, Mr. Warnke recommended:

Against the B–1.

Against the Trident submarine and the Trident II missile.

Against the submarine-launched cruise missile.

Against the AWACS program.

Against the development of a mobile ICBM—by the United States.

Against MIRV deployment.

Against improvements to the U.S. ICBM force, including improved guidance and warhead design.

Against the development of the XM–1 tank and for reductions in the procurement of the M–60 tank.

For the reduction of U.S. tactical nuclear weapons in Europe from 7,000 to 1,000.

For the withdrawal of 30,000 troops from NATO without waiting for the conclusion of an MBFR agreement.

For holding the Army at 13 rather than 16 divisions—after improved efficiency made the creation of 3 new divisions possible within existing manpower ceiling.

For a $14 billion cut in the defense budget in the fiscal year 1974 submission and an $11 billion cut in fiscal year 1975.

For a reduction in fiscal year 1975 dollars of 3 percent per year in the defense budget—with the result that, applied to the fiscal year 1978 budget, the total reduction would amount to some $26 billion from the Carter recommendations to Congress.

I must say that this series of recommendations—and there are others—gives precious little evidence of foresight. That is a key factor here; and I just want to say to the Senator—and this is the thing we pursued, and the heart of the controversy—Mr. Warnke had this well-known record. I follow arms control matters fairly closely, and he has his point of view, to which he is entitled. But the point I want to make, and this goes to the heart of the whole controversy, is that these views were held consistently—and that is his right—right down until his nomation. He has not been able to present, from the public record, convincing evidence of when he made this change other than when he was nominated.

That is the issue before the Senate as I see it. There it is.

Mr. McGOVERN. Yes. It is difficult for me to argue each one of these points with the Senator as to the exact date when Mr. Warnke may have modified his position, other than to say this: Let us just take the MIRV system, because I think I remember the arguments that Mr. Warnke made before the Senator's committee.

When he was under interrogation about that, he said that at the time we were considering MIRVing our missiles, he thought it was a mistake, that he thought it was unnecessary, that it would lead to a counterreaction on the other side, and that is precisely what happened. Once we went to the MIRV system, the other side did respond with an attempt to mimic the U.S. position.

Now it is my understanding that what Mr. Warnke is saying now, when the Senator from Washington and others ask him if he would throw away the MIRV system, he is saying, "No, now that we have made this decision and invested billions of dollars in the MIRV, and the Soviets have done the same thing, we are not going to give it away without some concession on the other side."

It seems to me that Mr. Warnke is being intellectually sound and being responsible in reaching that judgment. It also seems to me very likely—and the Senator from Washington has been a Member of this body a lot longer than I have, and has interrogated nominees for high office over many years—that a private citizen might take a particular position on an issue before the country that he would have to modify to advance the interests of the administration he is going to serve, and that there might be some explanation there for his reluctance to explain changes of opinion on his part. He also might not want to telegraph everything he has in mind to the Soviet Union before he goes into negotiations.

But, as the Senator knows, Mr. Warnke served with distinction in the Department of Defense, I think appointed to that post by the late President Johnson; he has been forthright and candid in his positions on public issues, and I think he held very consistently to the view that what he was trying to do was adjust his own views to the demands of the administration, and that he was also trying to adjust his own views to changing circumstances in the world. But he repeatedly said that he would represent the interests of the administration and the

interests of the country, and I cannot see any evidence in the way he responded to the Senator's questions of irresponsibility or defensiveness or lack of candor. It seems to me it is the kind of exchange one would expect, under these changing circumstances that face us today.

Let me again remind the Senator, with regard to these budget cuts, that President Carter himself, as a private citizen campaigning for the Presidency of the United States, talked during his campaign about a $5 billion to $7 billion reduction in military spending. Maybe I misunderstood him, but I thought what he had in mind was that we were spending $5 billion or $6 billion more than was necessary, and that if he were elected President of the United States we would get a budget for fiscal 1978 $5 billion to $7 billion below the budget he was talking about then.

Instead of that, we get a military budget that is almost $12 billion above what it was in fiscal year 1977. I suppose there is some explanation for that. Maybe one explanation is that he is now the Commander in Chief as President of the United States. But I have not heard Senators stand up and say they have lost faith in his candor and his credibility.

It does seem to me that this whole attack on Mr. Warnke has held him to a much higher standard than we hold for ourselves. We reserve the right to change our minds, and explain it to our constituents on grounds that circumstances have changed, that world conditions have changed.

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

Mr. McGOVERN. Yes.

Mr. JACKSON. The Senator is saying, and I agree, that people have a right to change their minds. But Mr. Warnke says he has not changed his mind; and that is the issue. I just want to state it as clearly and concisely as I can: the issue before the Senate is, when did Mr. Warnke change his position on these various strategic arms matters, and where in the public record can it be found? That is the matter before the Senate, Mr. President. That was the central issue before the Armed Services Committee.

We can talk about weapons systems and all the catastrophic implications, so horrifying we do not even want to think about them, that grow out of any scenario for nuclear war. But the issue goes to the credibility of the negotiator. That is the issue.

We gave Mr. Warnke every opportunity—every opportunity—to corroborate his new views that he made known before the Committee on Foreign Relations and the Armed Services Committee, by prior public statements. His record of public statements on these other matters is all very clear, but the record, as of this moment, still shows that there was this complete turn around once he was nominated.

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

Mr. JACKSON. I yield to the Senator from New York.

Mr. MOYNIHAN. I thank the Senator from Washington for yielding. I would like to associate myself with the views stated earlier by my distinguished friend and neighbor, the Senator from New Jersey, who spoke of the extraordinary integrity with which the views of the Senator from Washington are regarded in this Chamber, the integrity which is a condition precedent of moral authority, so that when such a man comes before us and speaks of his concern, it commands far more than ordinary attention.

I congratulate the Senator from Georgia, who has attained, at such an early stage in his career, such an enviable reputation for his work in the Armed Services Committee, the basis of which was so much in evidence in his analysis—his cogent, careful, and altogether responsible analysis of the issue before us.

Mr. President, it is important and significant that the Senate now turns to the subject of strategic arms limitation. This is the first aspect of foreign policy to become a subject of extended and intensive debate in this session of Congress. Just as President Carter, as early as his inaugural address, stressed the supreme importance of securing greater controls on strategic arms, we in the Senate will now have the opportunity to express our own support for this objective by the prompt consideration of the President's first substantive recommendation in this field—the nomination of Mr. Paul Warnke to be Director of the Arms Control and Disarmament Agency, and simultaneously to be the leader of the U.S. delegation to the strategic arms limitation talks.

I should like first to state, with Senator JACKSON and others, that I strongly support the approach that President Carter has taken to the SALT II negotiations.

Let me go further to affirm that not only do I support the President's approach, but that I am confident he will achieve his objectives. In the course of last year's Presidential campaign, I repeatedly told audiences in the State of New York that no stronger case could be made for Governor Carter's candidacy than the extraordinary fact that he would be the first President of the nuclear age with a hands-on knowledge of the atom, and the weapons that have been fashioned to exploit its incomparable power for purposes of destruction. Time has only strengthened my conviction in this respect.

It is all the more difficult, then, to state that while I will support Mr. Warnke for head of the Arms Control and Disarmament Agency—and indeed welcome him to that post—I cannot support him for chief negotiator. This makes it all the more necessary that I should offer a full account of my reasons.

There are those in this present debate—two have already spoken—who will speak to the technical issues of disarmament. I am not nearly so well prepared as they, and am not a little eager to defer to greater experience and study in a field of intimidating complexity.

Instead, I shall speak to the prior question of the state of world politics. For it appears to me that one's view of strategic arms limitation is informed by, in truth should be controlled by, one's prior judgment about the state of world politics, and the nature of the relations between the Soviet Union and the United States.

Here I would begin as did Paul H. Nitze, a member of the negotiating team which concluded the SALT I accords—and a public man of the largest achievement—in a recent letter to the distinguished chairman of the Committee on Foreign Relations:

> When, some ten years ago, it became increasingly clear that the United States had become strategically and politically overcommitted in Vietnam, two schools of thought began to emerge as to the proper future direction of our national security policy. In one view, U.S. foreign and defense problems would continue, indeed might become more serious as a result of Vietnam, and could well call for even more emphasis and greater prudence than had been devoted to them in the past. In the contrasting view, the problems of the past had arisen largely from our own errors springing from overemphasis on foreign policy, and particularly its defense aspects. Those taking the latter view believed our true strategic interests were limited to Western Europe, Japan and Israel; that the USSR presented our only military threat and that that threat could be deterred with forces less capable than those that had already been authorized. Therefore—so the argument ran—significant cuts could and should be made in a wide range of defense programs requested by the Executive Branch. It was hoped that the Soviet Union would agree to make certain parallel cuts, or at least reciprocate by restarting the pace of its own programs.

Few, I think, would argue with Mr. Nitze's judgment that Mr. Warnke "has been one of the most active, vocal, and persistent advocates of the second point of view". I am one of those who holds to the first. This is a large difference, one which permeates political society in the United States, and which is fully reflected in this Chamber. It is an elusive difference, however, even a confusing one, for it entails not only a change of opinion by many persons, but something approaching a realinement of political forces. May I put it that many of the very persons who conceived and carried forward the war in Vietnam are in the second camp, while many who opposed the war from early on are in the first?

I am happy to see my distinguished friend, the Senator from Idaho, enter the Chamber, as I reach a point about which he inquired earlier when he refered to the service in the Pentagon of Mr. Warnke during the Vietnam war.

I believe, for example, that I would be recorded among those who opposed the war. In the spring of 1968, as a member of the national board of Americans for Democratic Action, I voted not to endorse President Johnson for reelection. I worked for the candidacy of Robert F. Kennedy. I signed political advertisements. In a somewhat undemonstrative way, I suppose I demonstrated. And yet, in truth, what impelled me most and what impelled me first was a conviction that there existed a growing totalitarian threat to the free nations of the world, and that this threat was becoming ever

more menacing as a result of the confusion the Vietnam war was bringing to American perceptions of the nature of that threat.

It has been the ironic but, if I may say, not unpredictable course of events that very different judgments evolved among many of those who were then in charge of the war. Mr. Warnke, I believe, is one such person. He was then, of course, an Assistant Secretary of Defense, clearly committed to the course of our then military policy, just as in subsequent years, he grew to be clearly opposed to the premises on which it had been based. In truth, he became, as so many like him, an advocate of the second view which Paul Nitze describes—the theorem that our national security problems were largely self-generated.

A decade has passed, and we must ask which view seems most in conformity with the facts as we know them. I believe it is the first view—the view that "U.S. foreign and defense problems would continue and could well call for even more emphasis and greater prudence."

Specifically, it is my view that the world today is in a state of transition from the assumption of American dominance to the presumption of American decline. I believe the balance of world power is changing, and that this change has been precipitated by the inevitable and calamitous failure of arms in Southeast Asia.

Mr. Warnke holds a different view. The source of our differences, as I see it—and I wish to be fair to him; I wish to assert my respect for him—is that he, like so many others, was so shaken by the failure of American strategic and military power in Vietnam that he came to feel it must equally fail, that it must prove equally futile, in other circumstances and other places. He presents this view of the world with deep sincerity and unparalleled eloquence, yet I am forced to say I think it a total misreading of the international scene. Indeed, America's flirtation with the views which Mr. Warnke urges is already having its effects.

I believe that other nations are beginning to respond to the expectation of further decline in the American position, that the world over allies and uncommitted alike are commencing a process of accommodation to Soviet power unlike anything we have seen since the immediate aftermath of the Second World War, when Eastern Europe fell under Soviet domination.

Is there not a lesson to be learned, for example, from the contrast between the devolution of the British and French and Dutch colonial empires a generation ago, and that of Portugal just recently? A generation ago one after another new nations were formed; with scarcely exception they modeled themselves on Western democracies. Came the break up of the Portuguese empire in Africa and what did we get: four of the five successor states have become Marxist-Leninist dictatorships. Piteous indeed is the experience of a people that goes from fascism to communism without a day of freedom in between, but that is the pattern in the world today, a world in which there are barely three dozen democratic societies left alive.

The counterpart of the decline of American power is the rise of Soviet power. Last spring, writing in the New Republic in the aftermath of a European Communist gathering, Adam B. Ulam, former director of the Russian Research Center of Harvard University observed:

> The Soviet Union has under Brezhnev achieved—it would be both dangerous and ungracious for us to deny it—the leading, if not yet the dominant position in world politics.

There was no reason, he continued, for Brezhnev or his successors to doubt that their next congress in 1980–81 "would see them in an ever more advantageous, if not clearly dominant, position in world politics."

This very weekend, in the New York Times Magazine, Walter Laqueur, director of the Institute for Contemporary History in London, observed:

> Allowing for uncertainties, it still seems doubtful that the Soviet Union already possesses overall military superiority. But there is no doubt that the Russians believe in such superiority, that they seek to attain it and that, if present trends continue, they will do so in the early 1980's.

It is in this context—admittedly not of final and conclusive proof, but one of growing conviction—that we must assess the import of Mr. Warnke's views. It is in this same context that we must judge his fundamental assertion: that somehow the balance of forces and weapons between the Soviet Union and the United States has reached the point where neither side can any longer contemplate any meaningful advantage—any actual, usable superiority—such that, in effect, "numbers don't matter." In this view, having conceded equality to the Soviets in the 1960's—as indeed we did while caught up in the travail of Southeast Asia—we need have no concern that the Soviets might somehow wish to go on to superiority, for there can be no superiority. Writing from Paris, Raymond Aron, a distinguished political writer, registered the concern with which many Europeans, no less than Americans, must view this position:

> If the Soviets know that Americans don't attach any importance to the details of SALT, they will easily get the upper hand in the bargaining. He who has devalued beforehand the stakes of the dialogue gives his partner a decisive advantage.
>
> According to the U.S. press, the man whom Carter has chosen as head of the Arms Control Agency, the man who will conduct the team of negotiators, Paul Warnke, professes under an extreme form the doctrine that, in nuclear matters, superiority does not exist or does not matter.

I stress this point, Mr. President, for I believe that Mr. Warnke's account of the nature of the political relationship between ourselves and the Soviets is simply inconsistent with the facts as we know them. In the spring of 1975, Mr. Warnke published an article in Foreign Policy, entitled "Apes on a Treadmill."

I must agree with the distinguished Senator from South Dakota, that Mr. Warnke did refer to the Americans and to the Soviets alike as apes.

This metaphor is hardly accidental, for it describes his basic perception of Soviet-American strategic relations. Mr. Warnke wrote:

> As its only living superpower model, our words and actions are admirably calculated to inspire the Soviet Union to spend its substance on military manpower and weaponry.

Mr. Warnke's careful elaboration of this thought only stresses the seriousness with which he takes it. This presumed process of the superpowers aping one another becomes for him the basic explanation of their behavior. His meaning seems clear: the process is imitative and reactive and convergent, rather than the expression of fundamentally differing goals, basic conflict and a growing disparity of condition.

Mr. Warnke contends that the relationship is symbiotic: I contend that it is nothing of the sort, that what is presented as a conflict of objectives, is indeed a conflict of objectives. The common interest in avoiding nuclear warfare is true enough, but that describes man's condition. It does not necessarily describe the ideology of a Marxist-Leninist state. We have only to listen to spokesmen for the People's Republic of China to realize how wholly disparate the views of such ideological regimes can be from those of the democratic governments.

Let us then ask: how accurate, in fact, is the notion that the Soviets will take their military cues from the United States? Our colleague, Senator NUNN, has pointed to one test of the Warnke hypothesis. He reminds us that the leveling off of Western forces in NATO has been met not by an imitative Warsaw Pact response, but rather by an accelerated Warsaw Pact arms buildup.

The Soviet Union and the United States are not, in my view, two apes on a treadmill, and I reject as false this image of imitativeness and mindlessness. America's military power is built up not out of mindless reactions or baseless fears. It has been built up, and must be preserved, because we face a determined and powerful foe who will exploit our weaknesses to advance interests adverse to ours and political beliefs we find abhorrent. I cannot support, as SALT negotiator, a nominee who minimizes or dismisses the profound differences in the arms control motives and objectives of the Soviet Union and the United States. Thus, while I will vote to confirm Mr. Warnke as Director of the Arms Control and Disarmament Agency, I will vote against him as the U.S. chief negotiator at the strategic arms limitation talks.

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

Mr. MOYNIHAN. I yield.

Mr. JACKSON. Mr. President, I salute the distinguished Senator from New York for this, his maiden speech in the United States Senate.

Much has been said in recent years to the effect that the quality of our debate in this body has declined. After hearing what the distinguished Senator from New York has said today, I think we are going to have some truly effective debates on issues that are of tremendous concern to the cause of freedom everywhere in the world.

I wish to mention, of course, the obvious fact that the speech of the distinguished Senator from New York was just not another speech. It was indeed a scholarly effort. I have nothing but praise for the Senator's brilliant remarks, and I think it bodes well for the legislative process in the United States Senate. We are mighty proud of the Senator from New York.

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

Mr. MOYNIHAN. I yield to the Senator from Idaho.

Mr. CHURCH. First of all, I compliment the Senator from New York for a very eloquent expression of his views. He knows how joyously I welcome him to the Senate and how much I, too, believe he will add to the quality of debate in this Chamber.

However, as I listened to the Senator describe his positions 10 years ago and his position today, I must say, in all candor, that I rather prefer his positions 10 years ago.

He makes the argument that we are faced with a Soviet Union determined to gain a dominant political and military position in the world. I had never thought, Mr. President, that the Russians ever had any other intention but to do all in their power to increase their influence to the maximum extent possible; nor have I ever thought that it was not the purpose of the United States to do everything we can to maintain the dominant position we have enjoyed since the end of World War II.

However, I do take issue with the Senator when he suggests that—whatever the reasons may be for any perception in Africa or elsewhere—that the Russians are on the rise, I cannot believe it to be based upon any perceived imbalance in the nuclear arsenals presently possessed by both nations.

The Senate could debate for weeks as to whether or not the Russians are really increasing their influence in the world at large, whether they are really as strong as the Senator suggests they are becoming. Arguments—good ones—can be made on either side of that proposition. There are other learned observers of the world scene who feel that just the opposite is occurring, as the Senator well knows.

However, whatever the merits of that argument, I cannot relate it to the present balance of nuclear power that exists between the two nations.

The reason why we build Polaris submarines is so that they never will have to be used. The reason why we have more than a thousand ICBM missiles is so that we never will have to launch them. The reason why we maintain an intercontinental bomber fleet capable of dropping more bombs on the Soviet Union than necessary to destroy its whole people, as just one element of our strategic force, is so that they never will have to fly such a mission.

I fully agree with the Senator that the Soviet society is malevolent, as judged by the values I hold dear, and I would not for a moment suggest—nor do I believe Mr. Warnke intended to suggest, except as it pertained to the nuclear treadmill—that our two countries were as much alike as two apes. For I believe ours to be a society far different from that of the Soviet Union.

Mr. MOYNIHAN. The Senator knows that I share that judgment in this respect, and I entirely respect his views.

Mr. CHURCH. So, having agreed on that, the next question is, Are the Russian leaders rational when it comes to the question of unleashing this awesome nuclear power? I must believe they are.

When it seemed to them to serve their own interests, as we felt it served ours, to enter into a limited test ban treaty, they did so. They have kept the terms of that treaty to the present day, not because they are good and decent and honorable by our standards but because they still judge the treaty promotes their national interests. When they entered into the nonproliferation treaty and the antiballistic missile treaty, they did so, in my judgment, because they felt it was equally in their interest, as we felt it to be in ours, to do so.

If the Russians are not rational, then it is hard for me to understand why they should enter into such treaties and keep them. Yet such has been our experience.

Furthermore, it is impossible—it is quite beyond my comprehension—given our capacity to destroy them 30 times over, that they would launch an initial strike against us and thus invite certain suicide, in the witchfire of the nuclear holocaust that would follow, upon themselves and all civilization.

But if I am wrong, if the Russian system is not only evil but also led by irrational men, then there is nothing whatsoever on which to base the theory of deterrence. The whole game is up. There is no reason to spend another dime on a nuclear weapon if what we have assembled today is not sufficient to deter them. We might as well stop the terrible waste now and run for the caves.

However, because the Russians are human beings, have a human interest in survival, and have to know a thermonuclear exchange to be wholly suicidal, I have some confidence in the concept of deterrence; and I believe that any adjustment we make in lowering the level of nuclear weapons on both sides will not affect the relative power or influence of either country in its dealings with the outside world.

I would worry much more about the weapons we construct that we can use, which are intended for use, which have been put to use, the conventional weapons that are being developed by the Soviet Union. In my assessment of our defense needs, I would look much more carefully at those weapons which are usable and not dwell upon the strategic forces in a nuclear arms race that becomes increasingly less rational for both sides.

Our respective nuclear arsenals cannot possibly be put to use without the mutual destruction of both civilizations. That is why, as much as I admire the Senator and the eloquence of his argument, I respectfully disagree.

Mr. MOYNIHAN. I thank the Senator.

(At this point, Mr. HARRY F. BYRD, JR., assumed the chair.)

Mr. LONG. Mr. President, I congratulate the Senator on an extremely thoughtful and provocative statement. It is also a courageous statement for the Senator to make here as his first presentation in this body.

I—for one—at this point, do not know how I shall vote on this matter. But he has certainly given me an enormous amount of food for thought which I will ponder over in the days ahead during debate with my colleagues.

I honestly feel the Senator is going to make a tremendous contribution to this body. I am very proud he chose to apply for membership on the Finance Committee where we will have a chance to exchange views.

The views he has presented here, like some of the others, get us to the point that it is not really a question of who is right, but what is right that we are seeking to determine.

We all strongly hope that we can avoid nuclear war. But the type issues to which the Senator directed our attention here today have obviously been some matters he has had occasion to meditate at considerable length in his service at the United Nations. We all are much the richer for the presentation he has made here today.

Mr. NUNN. Will the Senator yield for a brief comment?

Mr. MOYNIHAN. Yes.

Mr. NUNN. I join my colleague from Louisiana and my colleague from Washington in commending the Senator from New York for what I think has been an excellent presentation, a thought-provoking presentation. Needless to say, it was an articulate presentation.

I believe that the Senator from New York, in spite of the fact that this is his maiden speech on this floor, has really, in effect, joined the issue as far as the real decision on this nomination. I believe that his speech has set forth the difference of viewpoint between sincere men about the state of international affairs. I think that it has really started a meaningful and I hope fruitful debate for our Nation, not just on this nomination, but indeed, on the future of the United States of America in the free world.

The Senator's maiden speech was a wonderful speech and I think it has joined the issue on this nomination and, indeed, on many other decisions that this body will have to make in foreign international affairs in coming months.

Mr. MOYNIHAN. I thank the Senator.

Mr. GRIFFIN. Mr. President, I, too, want to commend the distinguished junior Senator from New York for the very brilliant statement. I wish all our colleagues could have been here to hear it, but I certainly hope that they will read it in the RECORD.

Mr. President, I shall at the appropriate time seek the floor in my own right.

I thank the Senator and commend him for an outstanding job.

Mr. MOYNIHAN. I thank the Senator.

Mr. McGOVERN. Mr. President, I do not think there has ever been any ques-

tion about the eloquence of the Senator from New York.

For whatever it is worth, I add my word of commendation for his eloquence, if not for his conclusions.

I am puzzled by the conclusion the Senator comes to after his look at this problem that is before us. It does not seem to me that the question at all turns on the respective goals of the United States and the Soviet Union as societies.

There is not any Member of the U.S. Senate, so far as I know, who prefers the ideology or the values that the Soviet society has over American society.

I do not think the Senator from New York would suggest for one moment that Mr. Warnke does not appreciate the difference in values between our two societies.

Mr. MOYNIHAN. May I say, not for one moment.

Mr. McGOVERN. Yes.

But to argue, as Mr. Warnke did in the article in the Foreign Affairs Quarterly, to which the Senator from New York referred, that each side is frightening the other, that the Soviet Union and the United States are frightening each other by these large outlays for strategic weapons systems, seem to me almost beyond dispute.

I am surprised that the Senator from New York would challenge that basic thesis, that a buildup on our side causes some repercussions on the part of strategic planners in the Kremlin, and that the reverse is also true.

It seems to me that the point Mr. Warnke was making in that article, and that he tried to defend before the Armed Services Committee and before the Foreign Relations Committee, is that, regardless of the obvious differences between the two societies that we ought to be able to agree on one thing, and that is that with the Soviets in possession of some 4,000 nuclear warheads and the United States in the possession of some 8,500, that either side has the capacity to inflict unacceptable damage on the other, no matter who strikes first.

Given that situation, what puzzles me in the Senator's speech here today was the seeming implication that we are confronted with an enormous danger which we can only offset by increasing accumulations to our nuclear strategic system.

It would seem to me all the evidence points the other way, that we ought to be going in the spirit of what Mr. Warnke has said over the years of looking for the areas where we can take initiative in turning this nuclear arms race around and beginning to move toward more sensible defense throughout.

I would be interested in what the Senator has to say on that basic point.

I think the Senator could at least accept the figures that the Defense Department has given us that for fiscal 1977 we now have something over twice the number of nuclear weapons systems that the Soviet Union has, roughly 8,500 to 4,000 in our favor.

Is that not a rather safe position to be in—if there is any safety in this balance of nuclear deterrent?

Mr. MOYNIHAN. I believe the Senator spoke of nuclear weapons systems—he means warheads?

Mr. McGOVERN. That is correct.

Mr. MOYNIHAN. I thank the Senator for the question, which is fairly put and a serious one. I would like to make the distinction between a judgment which I think both he and I would share and one which we would not.

The Senator stated, is it not self-evident or to be presumed that in the confrontation of the two sides, when one side escalates the other will do the same?

I think the Senator thinks that would happen. I think that would happen; it would be normal.

The question that faces us is, What happens when one side declines? Will the other side decrease accordingly?

I say the other side, if it is the Soviet Union and it finds itself in a situation of advantage over the West, will not decrease, it will immediately move to make use of that superiority. I think I would.

But if I may use this occasion to do so, I would say that it is regarding the notion of automaticity and of mindlessness, the image of two apes without real political intent, but mere psychological response—that it is here that we have such a different view, not necessarily the Senator and I, but Mr. Warnke and I and those who feel this, as I do.

The distinguished Senator from Idaho, whom I should like to thank for his generous remarks, as I should like to thank the Senator from South Dakota for his generous remarks, seemed to me to verge ominously near to the proposition that superiority does not matter. He asks, can it be that the Soviets are led by men whose ideology is not merely evil but men who are themselves mad? No, sir, I do not think them to be mad; I think them to be evil and sane, and they seek to achieve a superiority and they know what they will do with it. They will intimidate the world around them, the process known as Finlandization, the learning to live with the presumption of Soviet superiority, not to occupy, not to conquer but to prevail over; and the question is, if they do not think nuclear superiority is worth it, why do they keep seeking it?

Mr. McGOVERN. I can only say to the Senator I do not find the evidence in his speech or in anything else presented to this body that it is the Soviet Union that enjoys superiority. It seems to me all the evidence is on the other side.

Over the last 7 years, since 1970, we have deployed six times as many new nuclear weapons as the Soviet Union has. This is not to say they are a society that is acting with restraint always in the nuclear field. It is to say, as Mr. Warnke has argued, that both sides have gone beyond any reason in the development of nuclear weapons.

Mr. NUNN. Mr. President, will the Senator from South Dakota yield?

Mr. McGOVERN. I do not have the floor.

Mr. NUNN. Will the Senator from New York allow me to comment on one statement?

Mr. MOYNIHAN. Of course.

Mr. NUNN. The Senator has made the comment several times today that he sees no evidence whatsoever that the United States has a deteriorating position or that the Soviet Union is making gains; is that a fair statement?

Mr. McGOVERN. What I have argued is that the United States is in a clearly superior position, which does not mean all that much, because both sides—even if we cut our nuclear force in half we would still have such a society-destroying capability that the Soviet Union would have to be totally mad to attack this country. If we doubled it it would not make that much difference. That is what I said.

Mr. NUNN. Is the Senator advocating that we cut it in half?

Mr. McGOVERN. No; I am not advocating we cut it in half. I am simply saying that when Mr. Warnke argued a few months ago that we had enough on margin so that in certain selected areas we could in 6 months' time restrain any further deployment of that particular system to see what the response is on the other side, he is not making an irresponsible recommendation because the margin is now so great in our favor.

Mr. NUNN. Well, the Senator has said several times today the margin is so great in our favor, and he is supporting the nomination of Mr. Warnke.

I might point out on page 10 of the testimony before the Armed Services Committee Mr. Warnke would go in a different direction than the Senator from South Dakota because he states very clearly, and I quote him:

> I believe at the present time that a condition of rough equivalence exists. But if current trends continue our position could be in jeopardy at some point in the future.

Now, that testimony brought a great deal of questions because it was a change in Mr. Warnke's at least perceived position for many of us on the committee.

In questioning Mr. Warnke, we found that over and over again he, in his recent appearances as opposed to his previous position, agrees that the trends are going in favor of the Soviet Union. I believe that is a totally different position from the position the Senator from South Dakota has articulated here today.

I also submit, as I did earlier, that is a totally different position from the position Mr. Warnke has held up until about 3 weeks ago.

Mr. BUMPERS. Will the Senator be kind enough to state what Mr. Warnke's position was a few weeks ago?

Mr. NUNN. I have never heard him express alarm about the trends in the Soviet Union until he appeared before the Senate Armed Services Committee. He really, as Paul Nitze agreed the other day, has circled Mr. Nitze on the right.

Mr. BUMPERS. Is it not possible the reason he has stated it for the first time is that it is the first time he has perceived it?

Mr. NUNN. I think he perceived it when he was nominated to be the SALT II negotiator, I think the evidence indicates that. But he has studied it for 8 years, and I wonder why the coincidence of perception.

Mr. BUMPERS. Mr. President, will the Senator from New York yield to me?

Mr. McGOVERN. I would like to make a unanimous-consent request. This is testimony of Mr. Warnke obviously ex-

tending over a period of a good many days, and is obviously going to raise a good many points about what he said and what he did not say. But I ask unanimous consent to have printed in the RECORD at this time, so Senators can examine it, the statement that Mr. Warnke sent to Chairman STENNIS of the Armed Services Committee on February 28 in which he replied to a number of these charges about what he had said or whether he had changed his position.

This is a 37-page document. I think if Senators will take the time to read it they will see that what Mr. Warnke was trying to do before the Armed Services Committee was to explain how a man living in a changing world has to modify his positions from time to time without in any way sacrificing his basic convictions.

I am satisfied, after reading this document, that that is the position Mr. Warnke is in.

I ask unanimous consent that the entire matter be printed in the RECORD.

Mr. GRIFFIN. Mr. President, reserving the right to object and, of course, I shall not object, as a member of the Foreign Relations Committee—and I assume many Members of the Senate as well—I received a copy of this 37-page document. I have a brief statement of, perhaps, 5 minutes in length addressing myself to a lot of the points, in fact, the first point Mr. Warnke makes in that 37-page statement, and I would like very much, if it were possible, to get some recognition at some point after a reasonable time, and I wonder if I could ask that I be recognized when the Senator from New York is finished with his statement.

The PRESIDING OFFICER. The Chair will state the Senator from Michigan is at the top of the list. But at the moment the Senator from New York has the floor, and it is up to him to determine whether or not he will yield the floor.

Mr. GRIFFIN. I am glad to know I am next on the list. I thank the Chair. I shall not object.

Mr. MOYNIHAN. I thank the Senator.

Will the Senator from Arkansas allow me to make a quick statement? I would like to express my appreciation to the Senator from South Dakota for his kind remarks.

I think he may have misheard me with respect to the question of Soviet superiority. If I recall my words they are, in fact, if the Soviets do not believe there are uses to superiority, why do they continue to seek to achieve it? I believe the Senator may have heard me saying they have achieved it.

Mr. McGOVERN. I do not deny for 1 minute the Soviets would like to have superiority. What I am saying is if both sides are going to proceed on this assumption that it is desirable to be superior, I do not see any hope for ever curbing the arms race. We cannot both be superior. I would hope on both sides that the reality would eventually dawn on them that after you reach the point where you could utterly destroy the other society, superiority becomes a rather meaningless term. That is the only point I make.

Mr. MOYNIHAN. There is not a difference between us, and I want to correct the RECORD. I did not say they had achieved superiority; I said they were seeking it.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. MOYNIHAN. Yes.

Mr. LONG. Might I just explore with the Senator a point that he made? Is it fair to say that the Senator's view would be that what the Soviet Union is after is not a nuclear war; what the Soviet Union is after is domination of this planet without a war?

Mr. MOYNIHAN. Exactly, sir.

Mr. LONG. If that be their objective, if they are able to convince the people of this Nation that such a war would be one that we must not fight at any cost, and that we would lose if we did, that this Nation might well be persuaded that the better part of wisdom would be to back down?

Now I, for one, am not impressed by the capability of our forces in Europe compared to what the Soviet Union has available to them on that continent. Not only the disparity in numbers concerns me but I am much aware of the fact that we are organized on a democratic sort of basis with the trend in our services toward a decline in discipline.

We know very well that the Russian Army is organized in such a fashion that if the troops do not move forward they are shot from the rear by their own officers or the soldiers in the ranks behind them. The United States just does not do business that way.

We simply have not learned to fight quite that tough. But there was a time when the United States found that we had to fight about that way if we hoped to win. For example, back at the time of the War of 1812 we had one general who could win battles. His name was Andrew Jackson. The reason he could win battles was that any man who ran when confronted by the enemy would be definitely killed if Andy Jackson ever got his hands on that man again. When he ran for President the opposition made quite a thing of showing pictures of black figures in the shape of corpses of men who had been put to death by Andy Jackson because they did not show sufficient courage when facing a foreign enemy. We have seen what discipline can do.

What in my judgment keeps the Soviet Union from taking the kind of risk that I hope they will never take is the fact that they do not know what the final outcome would be. They cannot and are not in a position to answer the $64,000 question: assuming that they overrun the area and assuming that we do use some restraint at the outset, how is the whole thing going to come out in the end? As long as they do not feel reasonably certain about that, they know they are taking a very grave risk to jeopardize all they have.

But the Senator's point I believe makes clear something that was not clear in the beginning of this debate, and that is that in terms of the objectives, what both sides are after, we both hope to avoid a nuclear war.

Mr. MOYNIHAN. Certainly.

Mr. LONG. And both of us hope to avoid it without fighting. Both nations hope to prevail in its essential position without fighting such a war. The problem is: if we unwisely permit the other side to attain a superiority such that our people view that to contest the matter with the enemy would be disastrous and hopeless for us and the other side feels not only would we back down but they would prevail if the disaster occurred, then I must admit that that would be a very bad prospect for this Nation.

That is the type of situation that the Senator has thought about from time to time, I take it, as he performed his duties at the White House and at the United Nations before coming here.

Mr. MOYNIHAN. I thank the Senator and I appreciate his remarks. The distinguished Senator from Arkansas.

Mr. BUMPERS. I thank the Senator very much.

The PRESIDING OFFICER. Will the Senator delay a moment? The Senator from South Dakota made a unanimous request that certain material be printed in the RECORD. Is there objection?

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

WASHINGTON, D.C.,
February 28, 1977.

Senator JOHN C. STENNIS,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: At the hearing of the Committee on February 23, 1977, I was asked by Senator Jackson to supply for the record my responses to a list of nine supposed instances of conflict between the statements I made in my confirmation hearing before the Committee on Foreign Relations, or in the hearings before your Committee, and my previous public statements. He asked that I corroborate specifically when and where, prior to my nomination, I had expressed publicly the views that I had stated in these hearings.

I have reviewed the full text of the statements referred to in these allegations, together with other previous public statements in testimony and speeches, and I find that no inconsistency exists in fact. Any apparent conflict derives from taking out of context either my recent testimony or my previous statements, or both. In at least two cases, the allegations contain misquotations of my previous statements.

I will first take up each of the nine listed items, providing earlier instances of public statements consistent with the views I expressed in the hearings. I will then add some supplementary observations and citations corroborative of my basic positions.

ALLEGATION 1

You said in your confirmation hearing that at the time of the 1972 Interim Agreement you were concerned about the numerical disparity in the levels of offensive weapons on the U.S. and the Soviet side. The record of your testimony at the time shows the opposite—it shows that you welcomed the agreement precisely as a recognition that numbers do not matter.

MY RESPONSE:

At my confirmation hearing I testified that at the time of the 1972 Interim Agreement, "I was concerned, first of all, about the numerical disparity because it seemed to me that that made the agreement perceptually

vulnerable. Any agreement which appears to give the Soviet Union a numerical lead is not one which is going to be very well received by our friends." (*Source*: Hearings before the Senate Foreign Relations Committee, February 8, 1977, p. 45.)

Contrary to the allegation that in 1972 I "welcomed the agreement precisely as a recognition that numbers do not matter", in my testimony before the Senate Foreign Relations Committee in 1972, I stated that "the principal accomplishment" of SALT I was the ABM treaty and that, as to the Interim Agreement, "I find the coverage at the present time disappointingly small." I specifically stated that "numerical superiority which is not translatable into either any sort of military capability or any sort of *political* potential has no purpose." (Source: Hearings before the Senate Foreign Relations Committee, 28 June 1972, pp. 178–179, emphasis added.) I carefully differentiated between military capabilities and political perceptions. At that time, in 1972, our lead in MIRVed delivery vehicles and accuracy was so significant that it could not be erased during the limited lifetime of the Interim Agreement.

Contrary to some suggestions made at the hearing before your Committee, I have never minimized Soviet military capabilities or suggested that we could yield the Soviet Union any meaningful military superiority. The 1972 McGovern Panel on National Security (of which I was co-chairman) declared that "The loopholes in the Interim Agreement must be closed", and "Every effort should be made to achieve control of MIRVs whose acquisition by the Soviets could, if they were sufficiently accurate and numerous, cause concern that they might be a threat to the landbased portion of our deterrent." (Source: Report of the McGovern Panel on National Security, 21 September 1972, p. 13.)

At hearings before the Senate Budget Committee in March 1976, I stated:

"I think there is no question about that. There are only two military superpowers in the world, the Soviet Union obviously is going ahead building up its military capacity, and we can't put ourselves in the position in which there is one military superpower, and that is the Soviet Union."

Source: Hearings before the Senate Budget Committee, 9 March 1976, p. 165.

As for political perceptions, two weeks prior to my 1972 appearance before the Senate Foreign Relations Committee, I spoke at an on-the-record press briefing sponsored by the Arms Control Association. In a newspaper article headlined "Arms Pact Called Too Permissive," I was quoted as saying that the Interim Agreement was so permissive that it was "slightly worse than having none at all." I stated that the offensive agreement—as opposed to the defensive treaty covering antiballistic missile systems—allowed the Russians ceilings, particularly in missile-firing submarines, that "were so high that they would allow the Pentagon to point to those potential Soviet forces, rather than the ones in being or likely to be fielded, and to use those future ceilings as a lever to increase substantially several of our own military projects." (Source: The Washington Post, 9 June 1972, p. A–4.) Thus I made it publicly clear immediately after SALT I, as I did in my confirmation hearings, that I was disturbed by the perceptions that would be created by the high Soviet ceiling on submarine-launched missiles.

I have frequently expressed concern about potential Soviet superiority. In a 1972 debate with Senator Buckley, I stated:

"Regardless of absolute capacities, our forces should not be allowed to fall into a position of imbalance so gross as to have adverse political connotations. This does not mean that we must match the Soviet nuclear arsenal missile-for-missile and megaton-for-megaton. It does mean that the disparity should not become so great as to lead the Soviets to misjudge their freedom to act in opposition to our interests or to lead our friends to doubt our willingness to respond to the most severe provocation."

Source: Strategic Sufficiency, American Enterprise Institute, 1972, p. 31.

In the same debate I also said:

". . . our size, our strength and our pervasive international presence put us, for better or for worse, in a position much different from that of modern-day England. We could not, as I see it, be comfortable with a situation in which we possessed no more than the theoretical minimum needed to destroy some predetermined percentage of Soviet society. Neither could our friends overseas. We could not be sure that, in a true crisis, some Soviet planners might not argue persuasively that we had miscalculated on the low side and thus that we would not dare rely on the deterrent efficacy of our strategic forces. Perhaps even more serious might be the impact of such minimal retaliatory deterrent strategy on Soviet adventurism and the perception of other countries as to who holds the whip hand. Certainly in terms of the political objectives for which strategic sufficiency is maintained, we could no longer count confidently on our ability to protect smaller allies from nuclear blackmail and political coercion. Even if the retaliatory strength were deemed adequate to prevent a nuclear strike against the United States, would it in fact be sufficient in the eyes of other countries to permit them to resist possible Soviet pressures for accommodation or capitulation?

As I see it, we should not permit the development of so gross a numerical discrepancy as to lead, even arguably, to this kind of situation."

Source: *Id.*, pp. 29–30.

Appearing before the Senate Budget Committee in 1975, I testified: "I would also agree with Mr. Nitze that some sort of gross disparity might vary in the minds of people, but it is a subjective determination." (Source: Hearings before the Senate Budget Committee, March 1975, p. 975.)

More recently, in testimony before the same Committee, Mr. Nitze, speaking about what persuades the Russians to enter into arms control agreements, said, "And I don't think it will be to their interest to do so unless we demonstrate that we will do what Paul Warnke says we should do, and that is to see to it that they do not have superiority and could then dictate to us. I think I quote you correctly, Paul." To which I responded, "Yes, you do, sir." (Source: Hearings before the Senate Budget Committee, 9 March 1976, p. 176.)

"Your testimony yesterday before this Committee indicated that you are concerned about the growth of Soviet strategic forces, that at some point in the future we could be in jeopardy. But just a year ago you told the Senate, in an exchange with Senator McClure, that even if the Soviets completed all their programs the situation would still be stable. And on many occasions before that you testified in a similar vein."

MY RESPONSE

As I explained in my testimony on February 22:

"What I was talking about at that point [with Senator McClure] . . . is that if they went ahead with their 17s, their 18s and their 19s, used them to replace the SS–11s and SS–9s, we would still be in a position in which we had strategic equivalence with them and therefore the basic strategic balance would not be changed. What I have indicated today . . . is we have to assume that having done that they would thus go ahead with further modifications in those forces and since they have greater throw weight and since they have larger re-entry vehicles as a consequence of those modifications, greater accuracy, improved guidance, they would then be in a position where they had more hard target kill capability than we do."

Source: Hearings before the Senate Armed Services Committee, 22 February 1977, pp. 2–62, 2–63.

The distinction between the consequences of Soviet completion of programs underway in 1976 and of the undertaking of follow-on programs seems to me quite clear.

On a number of previous occasions I have pointed out that while particular weapons systems would not de-stabilize the nuclear balance, unless we achieved effective arms control, we would eventually come to a situation of dangerous instability:

"The fact is at the present time we have a highly unsatisfactory situation in which security depends on the fact that the other side would be committing suicide if it attacked you, a mutual assured deterrent. The current concept is certainly not one anyone can contemplate with any degree of satisfaction, but how could you make it better. The only way would be in a highly idealistic situation in which we would eliminate all nuclear weapons. We can't do that, so we are faced with the possibility that we and the Soviet Union will continue to pour more money into our defense systems, and the best that we can hope for is that some hundreds of billions of dollars later we may not be much worse off than we are today."

Source: Hearings before the House Budget Committee, 11 September 1975, p. 75.

And in 1972 I noted that:

"The risk we face today in the strategic field is not that our forces may be insufficient. The risk is instead that, while understanding the criteria for sufficiency, we may spend too much and build too much and end up with not much greater but less true national security. The acquisition of unnecessary strategic systems to gain bargaining strength in negotiations with the Soviet Union will mean only a comparable response from the other side and the conversion of the arms limitation talks into a spur to the arms race rather than a medium for reciprocal restraint. More MIRVs, more ABMs, more new systems, more technological improvement can only mean a less effective and less protective arms control agreement."

Source: Strategic Sufficiency, American Enterprise Institute, 1972, pp. 36–37.

I believe that we are now close to that threshold of danger.

On the issue of the dangers in Soviet superiority, I said on 9 March 1976:

"Now, that doesn't mean that we can ignore what the Soviet Union is doing, and it doesn't mean in my opinion that we can ignore the cosmetic impact of heavy defense expenditures. There is a question of perception as well as a question of actual military capability, and in the strategic field in particular, but also in the conventional field the perceptions are important because, of course, the primary mission of our military might is to prevent war, so that the ultimate test of deterrence is what the other side thinks you are capable of doing, and what your allies think that you are capable of doing.

"From that standpoint obviously we couldn't let any gross disparity develop, either in terms of our strategic weapons programs or, I am afraid, in terms of our overall defense expenditures."

Source: Hearings before the Senate Budget Committee, 9 March 1976, p. 167.

Several other statements on this subject are quoted in my response to Allegation 1.

ALLEGATION 3

You told the Foreign Relations Committee in your confirmation hearing that you did not believe that unilateral initiatives should be made in a negotiating context—during

the course of negotiations. But the record shows that you recommended troop withdrawals from NATO while MBFR was in progress. You recommended withdrawing tactical nuclear weapons from Europe while MBFR was in progress. You recommended halting a number of programs as a unilateral initiative in 1972 as SALT II was getting underway. In May, 1972, while SALT I was under negotiation, you recommended unilateral restraint. In March, 1975, while SALT II was underway, you again recommended unilateral restraint. And in your 1975 article in Foreign Policy you again called for unilateral restraint.

MY RESPONSE

What I actually said, in a colloquy with Senator Javits in the confirmation hearing, was that "if you were actively negotiating with the Soviet Union, it would strike me as being poor negotiating tactics to take a unilateral, not previously announced initiative of that kind." (Source: Hearings before the Senate Foreign Relations Committee, 8 February 1977, p. 28, emphasis added.)

I distinguished this kind of initiative from the kind of approach that I suggested in my 1975 Foreign Policy article ("Apes on a Treadmill"). That approach, as I pointed out in my testimony, was offered at a time when, according to the original Vladivostok communique, serious negotiations were not contemplated until 1980 or 1981 with no actual reductions from the very high Vladivostok ceilings until the mid-1980's. I felt that some means should be sought to keep arms control from being stalled for ten years.

This proposal did not contemplate unilateral restraint, but a process of matching restraint. In 1971, in hearings before the Subcommittee on Arms Control of the Senate Foreign Relations Committee, I called for mutual restraint in referring to "restraint in the course of the SALT negotiations" as offering "the best chance of turning the SALT talks into the kind of continuing strategic dialogue that can bring about progress toward control of the arms race even while the talks continue, and before anything in the way of a formal agreement is reached." (Source: Hearings before the Subcommittee on Arms Control of the Senate Foreign Relations Committee, 14 July 1971, p. 210, emphasis added.) This is the only reference I can find to the procedural handling of restraint initiatives in the context of negotiations.

I have frequently noted that general restraint in the development and deployment of new systems, as distinguished from specific cutbacks, is in our national interest, and I believe I am in good company in holding this view, which was succinctly stated by then Deputy Secretary of Defense Packard in hearings before the Subcommittee on Arms Control of the Senate Foreign Relations Committee in 1971 when he said ". . . no one has a greater interest in the successful outcome of SALT than does the Department of Defense. That is one reason why an essential element of our policy with regard to strategic deployment has been restraint." (Source: Hearings before the Subcommittee on Arms Control of the Senate Foreign Relations Committee, 13 July 1971, p. 169.)

My recommendation for a 30,000 man cut in NATO support forces was based on my conviction that this cut would not diminish and could in fact improve the combat capability of our NATO forces. This Committee itself recommended, and the Congress approved, a cut of 20 percent in our NATO non-combat troop strength in 1974. And the Senate Armed Services Committee report made it permissive for the Secretary of Defense to replace these non-combat forces with combat troops, but did not make the recommendation mandatory.

As you know, I have consistently opposed the Mansfield Amendment. In a lecture before the National War College on 23 May 1972 I declared that:

"I do not believe that there is any substitute for a substantial American military presence in Europe. I think, moreover, that if we were to make the kind of drastic reductions that have been suggested in various versions of the Mansfield Amendment this would be extraordinarily unsettling, not only to our allies but perhaps also to the Soviet Union. They would have to give considerable thought to just what the implications of that were, whether it meant that we were going back to total reliance on a doctrine of massive retaliation or whether we were, in fact, abandoning any commitment to Western Europe."

Source: Lecture before National War College, 23 May 1972, p. 13.

Similarly, my recommendation on withdrawal of tactical nuclear weapons from Europe was based on my belief that the "number and variety of our tactical nuclear weapons in Europe is dangerously excessive and that their pattern of deployment is undesirable." (Source: Hearings before Subcommittee on Arms Control of the Senate Foreign Relations Committee, 14 March 1974, p. 65.) I was then and still am in agreement with Jeffrey Record, one of the recognized experts in this field, that "present NATO doctrine, efficacious or not, is ill-served by the current deployment of [tactical nuclear] weapons at the disposal of the Atlantic Alliance." (Source: U.S. Nuclear Weapons in Europe, Issues and Alternatives, Brookings Institution, 1974, p. 45.)

ALLEGATION 4

You said yesterday that you have "testified against removing our tactical nuclear weapons from Europe." The record shows that you have argued for withdrawing as many as 6,000 out of 7,000 of our tactical nuclear weapons from Europe; and as recently as four months ago you called for removing tactical weapons from Europe—a recommendation that Secretary Vance saw fit to dissent from.

MY RESPONSE

As I have stated, I have consistently recommended that we retain an adequate tactical weapons capability in Europe. Before the Senate Budget Committee, in March 1975, I stated that "I don't think we ought to bring all of the tactical nuclear weapons home but I think there are certain categories of them that serve no purpose, that are far too vulnerable, and we could reduce that number very substantially." (Source: Hearings before the Senate Budget Committee, March 1975, p. 984.) In hearings before the same committee in March 1976, I asserted the deterrent value of our tactical nuclear weapons:

"I think that they would have to recognize that in that kind of war we would have a vital interest at stake, and we would not be prepared to yield that vital interest if we had any capability of stopping it. And that as a consequence there would be the risk of our use of tactical nuclear weapons."

Source: Hearings before the Senate Budget Committee, 9 March 1976, p. 204.

A recent study by the General Accounting Office, reported in the New York Times, concluded similarly that it would be desirable to reduce or eliminate "marginally useful" or "highly vulnerable and destabilizing" theatre nuclear weapons, and to provide nuclear forces less vulnerable to attack. (Source: The New York Times, 21 February 1977, p. 10.) Mr. Nitze also, in his testimony of 9 February 1977, said that he tended to share my view that there are not adequate storage places today for our 7,000 tactical nuclear weapons or proper plans on how "to get them out from under an attack." (Source: Hearings before the Senate Committee on Foreign Relations, 9 February 1977, pp. 148–49.)

It is also quite correct that I have argued that we have far too many of these weapons in Europe and deployed in dangerous ways (see my response to Allegation 3.). It is not correct that ". . . four months ago [I] called for removing tactical weapons from Europe." The facts are that four months ago I joined in the report of the United Nations Association Panel on conventional arms control, which recommended that "In MBFR, NATO should continue to seek . . . a reduction of some of its tactical nuclear weapons in exchange for a reduction of Warsaw Pact armored forces." (Source: Controlling the Conventional Arms Race, UNA–USA, November 1976, p. 38.) The Panel also recommended that "If MBFR negotiations remain stalled without significant progress, then a reduction or redeployment of U.S. tactical weapons in Europe should be sought outside the MBFR context after thorough consultations with our NATO allies." (Source: Ibid.) The Report goes on to point out that "It is not sound defense policy to maintain obsolete useless or dangerous weapons simply as a potential 'bargaining chip.' Such a course of action would neither serve U.S. national security nor promote meaningful arms control." (Source: Ibid.)

The allegation refers to a "reservation" expressed by Cyrus R. Vance stating: "I do not agree with this recommendation, which implies that now we should unilaterally withdraw some U.S. tactical nuclear weapons from Europe." I did not express a similar reservation because I do not read the recommendation as implying that we should now undertake any unilateral withdrawal of tactical nuclear weapons. Those joining in the report without any reservation on this recommendation include retired general officers Bruce Palmer, Jr. and Matthew B. Ridgway and Former Secretary of the Army, Frank Pace, Jr.*

ALLEGATION 5

You testified yesterday that ". . . an agreement which is unverifiable or is questionably verifiable does not comport with our national security." You even said that verifiability is a sine qua non of an agreement. Yet as recently as four months ago you joined in recommending that "a one-year reduction of 5 to 10 percent in military expenditures by the U.S. and the Soviet Union through 'mutual example' should be explored." Now I think it is clear that there is no way such a reduction could be verified—we can't even get a verifiable estimate of current Soviet expenditures that would enable us to verify a 5 to 10 percent reduction.

RESPONSE

The comments about possible budgetary limitations in the Report of the UNA-USA National Policy Panel on Conventional Arms Control are in no way inconsistent with my expressed position on the necessity for verification of arms control agreements. The Panel Report explicitly recognized the major problems involved in mutual reductions in

* The full membership of the UNA–USA National Policy Panel on Conventional Arms Control consisted of Thornton F. Bradshaw (Chairman), Cyrus R. Vance (Vice-Chairman), Harvey Brooks, Barry E. Carter, Harlan Cleveland, John T. Connor, Lynn E. Davis, Gaylord Freeman, Richard N. Gardner, Richard L. Garwin, Robert Kleiman, Charles McC. Mathias, Jr., Paul W. McCracken, Vice Admiral Gerald E. Miller, Waldemar A. Nielsen, Frank Pace, Jr., General Bruce Palmer, Jr., General Matthew B. Ridgway, Robert V. Roosa, Joseph M. Segel, Ivan Selin, K. Wayne Smith, Frank Stanton, Paul C. Warnke.

military expenditures. Among those noted in the Report, at page 19, are "questions of definition and comparability." Another is the fact that an over-all budget agreement might permit each party to choose which forces to reduce and thus could lead to "a less stable force posture." The Report further states: "Finally, verification would present a major problem" and "the budget approach has the disadvantages of verification, comparability and arms control utility." (Source: Controlling the Conventional Arms Race, UNA-USA, November 1976, pp. 19–20.)

Accordingly, the Panel (see Allegation 4 for a list of its membership) recommended unanimously only that the idea of a one-year reduction of 5% to 10% in military expenditures should be "actively explored" and warned that: "Though the Soviets have frequently expressed support for the general concept of military budget reductions, they have shown little willingness to elaborate the details of how their proposals might be implemented." (Source: Id., p. 25.)

The Panel suggested that "the United States should probe Soviet intentions and interests in this area more fully." An interesting consequence of such exploration might be the obtaining of more reliable information about Soviet defense expenditures. (Source: Ibid.)

I have consistently expressed my concern about verification prior to my confirmation hearings. Indeed, my opposition to the initiation of some weapons programs, such as MIRV and mobile ICBMs, was based, in part, on the problems they would pose for verification and for reaching sound, verifiable arms control agreements if they were developed.

In 1971, I said:

"You would also then, of course, have the advantage of a complete ICBM ban if that could be brought about, which would simplify some of the problems that otherwise would exist with regard to verification. I would hope that perhaps negotiations could head in that direction at least as a start."

Source: Hearings before the Subcommittee on Arms Control of the Senate Foreign Relations Committee, 14 July 1971, p. 217.

In 1976, I said:

"The more we do in the way of modernization of nuclear forces and the more we do in terms of protecting the survivability of the ICBMs, the more chance there is that we will end up with a situation in which no verifiable agreement can be reached. That is the difficulty I have with the concept of having 10 shelters, for example, for each launcher and moving them around in some sort of a strategic shell game. It would be an effective means of preventing a counterforce attack, but it would be inconsistent with the concept that was written into the SALT I agreement, that neither side would take action to prevent the other side from knowing where the forces were and what it was doing. It seems to me that the difficulty with these programs is that they say, in effect 'We have given up hope of achieving a strategic arms agreement.'"

Source: Hearings before the Senate Budget Committee, 9 March 1976, p. 168.

In 1976, I also said:

"I don't think we can say that SALT has failed. I believe we have had one good SALT agreement, which was the limitation of antiballistic missile defenses, and I think there is still a chance that we can achieve some kind of—not perfect—but at least better than nothing type of SALT agreement, and that that type of SALT agreement ought to be sought before we go in for the kind of measures that would make verification of a tight agreement impossible."

Source: Hearings before the Senate Budget Committee, 9 March 1976, p. 175.

ALLEGATION 6

Yesterday you told Senator Hart that ". . . having a counterforce capability improves deterrence by improving the number of options that the President would have in the event of war." In the past, however, you have argued against the added flexibility of even limited counterforce capability for the United States. Indeed, you are on record as saying: "...to talk about some other potential, some other capability, with regard to our strategic forces is self-deluding nonsense." Or again, you are on the record as follows: "... flexibility in nuclear weapons is perhaps the worst thing that you could have . . . flexibility in nuclear weapons just means a greater chance that nuclear weapons will be used."

MY RESPONSE

I have supported certain types of flexibility in our strategic forces and opposed other types. The above quote on flexibility is taken from my debate with Senator Buckley in 1972 and cannot be correctly understood unless read in context. In the sentence immediately following those quoted in the allegation, I explained the type of flexibility I was referring to and was opposed to when I added:

"And the real problem with getting nice, neat, clean, flexible nuclear weapons is that unless you give the other side an equal supply, it comes back and hits you with a big, ugly, dirty nuclear weapon."

Source: Strategic Sufficiency, American Enterprise Institute, 1972, p. 74.

In the same debate (in fact on the next page) in answer to a follow-on question by Orr Kelly relative to my previously stated third criterion for sufficiency, the following exchange explained that I favored flexibility which did not require the President to respond to any nuclear aggression with all-out retaliation.

ORR KELLY. Washington Star: Mr. Warnke, how does your third criterion for sufficiency fit what you have just said, about maximum deterrent efficacy against limited nuclear attack warranting possesion of the ability to respond with less than our Sunday punch? Are you talking about the use of some sort of small weapons, a little nuclear war?

Mr. WARNKE. No. What I am talking about—and I think I have spelled it out perhaps with more poetry than accuracy in my paper—is the ability to push one button rather than the entire console. We should not have—on this point I agree with Senator Buckley and President Nixon, in that order—[Laughter]—just the one course of going all-out, firing everything we have in an effort totally to devastate the Soviet Union in response to a less-than-total attack on its part.

And I went on to say:

". . . that this requires no change in our forces. What it requires instead is a refinement of command and control procedures and the ability to strike at less than the total number of available targets in the Soviet Union . . . But what I am saying is that with our existing force, which constitutes, as far as I am concerned, a perfectly adequate deterrent, we should have instead a sufficient sophistication in command and control so that we could do less than the ultimate in response to a provocation which is less than the ultimate provocation."

Source: Strategic Sufficiency, American Enterprise Institute, 1972, pp. 75–76.

In my response to Senator Hart before the Senate Armed Services Committee I intended similarly a reference to the desirability of the President having options in the event of war other than being required to respond with a massive spasm retaliation. I continue to believe, as I said in 1972, that, "given the capacity each nation has to destroy the other side, even after a first strike, to talk about some other potential, some other capability, with regard to our strategic forces is self-deluding nonsense." (Source: Strategic Sufficiency, 1972, p. 62.) Our forces should have, and have had for many years, the flexibility to attack some military targets; however, for us and the Soviet Union to have the type of counterforce capability which can threaten a significant portion of the other's deterrent would be destabilizing. I have always said this; it is still my view, and I did not mean to imply anything different in my response to Senator Hart. Thus, as Senator McIntyre observed in these same hearings, I have voiced my opposition to the development of the counterforce ICBM. As Senator McIntyre said, I am not alone in that position. Secretary Laird in November 1970 assured Senator Brooke:

"We have not developed, and are not seeking to develop, a weapon system having, or which could reasonably be construed as having, a first strike potential.

Source: Letter, Secretary Laird to Senator Brooke, November 1970.

Furthermore, the Senate in 1971 rejected a proposal to authorize funds for providing a "counterforce capability for the Minuteman III system." On that occasion, the Chairman of the Senate Armed Services Committee said:

"The explanation of this amendment includes the word 'counterforce'. Those familiar with these terms know that essentially means a first-strike capability. We have stayed within the terms of deterrence, deterrence, deterrence. That is what we are talking about at the SALT talks. . . .

". . . I stand squarely on that ground. It is not often that the Department of Defense comes out against an amendment that would put more money in a bill.

". . . we do not need this type of improvements in payload and guidance now, the type of improvements that are proposed, in order to have the option of attacking military targets other than cities. Our accuracy is already sufficiently good to enable us to attack any kind of target we want, and to avoid collateral damage to cities. The only reason to undertake the type of program the amendment suggests is to be able to destroy enemy missiles in their silos before they are launched. This means a U.S. strike first, unless the adversary should be so stupid as to partially attack us, and leave many of his ICBM's in their silos for us to attack in a second strike."

And on this same issue, the Defense Department said:

The Defense Department cannot support the proposed amendments. It is the position of the United States to not develop a weapon system whose deployment could reasonably be constructed by the Soviets as having a first-strike capability. Such a deployment might provide an incentive for the Soviets to strike first.

Source for these two quotations: Congressional Record, U.S. Senate, October 5, 1971, pp. 35060–35064.

ALLEGATION 7

You testified at your confirmation hearing that some step to insure the viability of our ICBMs would have to be taken if they become vulnerable, and that one step that would have to be explored is the mobile missile. In the past you have opposed the development of a mobile missile, and as recently as September, 1975 you said that you would not be prepared to spend even a billion dollars to create the third leg of the Triad. In fact you went on to say that: "If we had at the present time nothing but submarine launched ballistic missiles and our strategic bomber force, I think that alone would be a very effective deterrent."

MY RESPONSE

My testimony of September 1975, read as a whole, squarely supports the ICBM element of our strategic nuclear Triad. First, the quoted language talked of creating an entirely new leg of the Triad from scratch, not scrapping an existing force. Second, I referred to a cost of "billions of dollars," not "a billion dollars." Third, on the following page of the September 1975 testimony, I went on to express opposition to giving up any leg of the Triad. In fact, my statement, in its entire context, concludes that it is necessary to maintain the Triad including the ICBMs and that therefore, by clear implication, we cannot afford to have any major portion of the Triad become vulnerable.

As long ago as 1971 I expressed concern about vulnerability of any part of our Triad:

"At the present time, as Secretary Packard has pointed out, the Soviet Union lacks the capability to destroy any substantial part of our Minuteman force. It is apparently true that if the Soviets deploy about 100 additional SS–9s and if they test and deploy MIRVs for these missiles and if they can make these MIRVs very accurate, then they could pose a threat to much of our Minuteman force. Even in this contingency, either our submarine-based force or our bomber force would still be capable in itself of destroying the Soviet Union. Despite this fact, despite the existence of the Triad, we certainly would not want to have even one of our strategic systems highly vulnerable and, accordingly, we should continue actively to seek agreement at SALT that might prevent this threat from materializing."

Source: Hearings before the Subcommittee on Arms Control of the Senate Foreign Relations Committee, 14 July 1971, p. 207.

Furthermore, the quotation on submarine-launched ballistic missiles and our strategic bomber force, as cited in this allegation, does not reflect the sense of my September 1975 comments which are quoted in full below:

Mr. LEGGETT. Mr. Chairman, I wonder if we could explore the witness' views on the triad system of the national defense. I don't know whether we have come to that or not. Could you give us a few words with regard to the triad.

Mr. WARNKE. You mean with regard to the strategic forces?

Mr. LEGGETT. Yes.

Mr. WARNKE. Again, it is a question of what you would do if you could face the problem anew as compared with what you do when you have the existing situation. I don't think that I would be prepared to spend billions of dollars in order to create the third leg of a triad.

If we had at the present time nothing but submarine-launched ballistic missiles and our strategic bomber force, I think that alone would form a very effective deterrent, and I think in addition to that, it has the advantage of being, for the foreseeable future, almost invulnerable.

Mr. GIAIMO. Are you suggesting that they are the two strongest powers of the triad?

Mr. WARNKE. Yes, I am. Mr. Chairman. It seems to me that the ICBM's are far less desirable than the other two because of their vulnerability. When we talk about the possibility of a counterforce strike, really what we are talking about is the fact that to some extent that leg of our triad could be degraded by a preemptive strike by the Soviet Union, and from that standpoint there are some who argue that it is a source of crisis instability. If we had only the two less vulnerable systems, you might have a marginally more stable situation in time of crisis.

Mr. LEGGETT. The two less vulnerable would be?

Mr. WARNKE. Submarines and the strategic bomber force.

Mr. LEGGETT. Do you think the strategic bomber force is more reliable that the ICBM force?

Mr. WARNKE. It is not more reliable in terms of being able to deliver a weapon on target, but as a deterrent, it is less subject to preemptive attack.

Mr. GIAIMO. Is it less enticement?

Mr. WARNKE. Yes; in a sense a less attractive nuisance. There are some who say over a period of time we should phase out the intercontinental ballistic missiles.

Mr. LEGGETT. There is no capacity at the present time on the Soviets for an effective preemptive strike?

Mr. WARNKE. No, but it is always something posed as a threat in the future. That is why I don't favor eliminating our ICBM's now. We have them. We spent a lot of money for them. In my opinion, at the present time they contribute incrementally at least to our strategic deterrent. Since we have the three legs of the triad, I am not in favor of giving one up.

Source: Hearings before the House Budget Committtee, 11 September 1975, pp. 71–72.

In addition, in March 1975 before the Senate Budget Committee, I stated the following:

"I find at the present time there is no reason to abandon the Triad concept. Maybe if we only had two systems, I wouldn't say we had to invent a third at this stage in order to have extra nuclear capability."

"We have the ICBM's, which have been held at 1,000 now for some period of time. The question that we have been addressing with respect to counterforce capability is whether we have somehow to improve the accuracy or the yield or a combination of both in order to have the capacity to attack the missile silos in the Soviet Union. At the present time we—I don't see that necessity.

"With regard to the second part of the Triad, perhaps the most important part because it is the least vulnerable, that is our nuclear missile submarines. What I have suggested is that in my view, the Trident submarine is an undesirable concept. It does not add enough to the military capability to be worth the cost. In terms of the additional range of the Trident 1 missile, that can be achieved by retrofitting into our Polaris-Poseidon fleet, and we don't have to go to the cost of $1.5 billion per Trident unit, which is what it costs with its 24 missiles.

"We can instead, continue to maintain that part of the nuclear deterrent Triad by continuing with our Polaris-Poseidon fleet and by developing a less costly substitute until such time as it becomes necessary to replace some of the existing submarines.

"Third, with regard to the manned bomber part of the nuclear Triad, I don't think that the B–1, again, is a sound weapons program. It is immensely expensive. The present cost is now approaching $100 million each, and I don't think that we need that costly a substitute for the B–52, as they reach the end of their useful life.

"I think that, as Mr. Nitze has pointed out, the Soviet Union has put much more money into air defense than we have. Under those circumstances, it seems to me that there is no reason to pitch our deterrent against the other side's strength. It would be better, instead of going ahead with a B–1 bomber which is so expensive because of the cost of achieving that kind of penetration capability, instead to go toward the concept of a replacement for the B–52 which would be more of a standoff bomber, something that would have a relatively long-range missile, which would have more penetration capability than the bomber itself.

"I think that could be achieved at less cost than the figures that are currently projected for the B–1 bomber."

Source: Hearings before the House Budget Committee, 11 September 1975, pp. 71–72.

As regards my opposition to the mobile ICBM, the Executive Branch and the SALT negotiating team—in their advocacy of the SALT I Interim Agreement—maintained vigorously that mobile missiles would be inconsistent with that agreement. This position was put forward by Paul Nitze, as a member of SALT I delegation, in his testimony before the Senate Armed Services Committee on June 20, 1972. The Congress accepted the Interim Agreement with this understanding.

I have opposed the development of mobile missiles in the past because they are inconsistent with the Interim Agreement and because they make verification, a vital part of any arms control agreement, much more difficult.

The testimony I gave during my confirmation hearing comports with my previous statements on the mobile missile. I noted that a decision on whether or not to develop the mobile missile should be made based (1) on our success in negotiating an arms control agreement and (2) on whether our ICBM's might become vulnerable in the future. Recognizing these two important variables, I stated that the development of mobile missiles ought to be "explored." I did not endorse them. The entire quotation went as follows:

"My position on that, Senator, would depend upon how successful we are in negotiating an arms control agreement.

"Obviously, if our ICBMs were to become vulnerable over a period of time, we would have to take some step to ensure their viability and one that would have to be explored would be the mobile missile.

"Now it has certain problems, of course, in terms of verifiability if you do succeed in getting an arms control agreement. So it's a question of whether you can get the arms control agreement in time to make it unnecessary to develop the MX, and that, of course, depends on the progress itself."

Source: Hearings before the Senate Foreign Relations Committee, 8 February 1977, p. 54.

ALLEGATION 8

Yesterday and again today you told this Committee that we could in the future be in jeopardy as a result of the Soviet strategic buildup. I have already mentioned that. But no one has suggested that our submarine force is now or in the future will become vulnerable. Presumably it is our land-based ICBM force, in particular, that is increasingly vulnerable. Your new concern strikes me as quite different from your past view that ten Poseidon boats can alone perform the deterrent function. Prior to your confirmation, in 1972, you told the Foreign Relations Committee that: "10 surviving Poseidon submarines could aim 1,600 warheads at the Soviet Union. They would run out of targets before they ran out of missiles . . . the continuation of the missile numbers game is a mindless exercise."

MY RESPONSE

My concern over the vulnerability of our ICBM force is not new. In 1971 I said:

"At the present, as Secretary Packard has pointed out, the Soviet Union lacks the capability to destroy any substantial part of our Minuteman force. It is apparently true that if the Soviets deploy about 100 additional SS–9s and if they test and deploy MIRVs for these missiles and if they can make these MIRVs very accurate, then they could pose a threat to much of our Minuteman force. Even in this contingency, either our submarine-based force or our bomber force would still be capable in itself of destroying the Soviet Union. Despite this fact, despite the existence of the Triad, we certainly would not want to have even one of our strategic systems highly vulnerable and accordingly, we should continue actively to seek agreement at SALT that might prevent this threat from materializing."

Source: Hearings before the Subcommittee on Arms Control of the Senate Foreign Relations Committee, 14 July 1971, p. 207.

In 1972 I joined in endorsing the following statement:

"Every effort should be made to achieve control on MIRV's of whose acquisition by the Soviets could, if they were sufficiently accurate and numerous, cause concern that they might be a threat to the land-based portion of our deterrent."

Source: Report of the McGovern Panel on National Security, 21 September 1972, p. 13.

In 1972 I also said:

"Any program that threatens the retaliatory capability of either side should be rejected. I refer, of course, specially to such things as anti-submarine warfare programs or anything else that might have the same impact as an anti-ballistic missile defense in appearing to challenge the retaliatory capability of either side."

Source: Hearings before the Senate Foreign Relations Committee, 28 June 1972, p. 182.

In 1975, in the context of a statement on mutual restraint, I again noted my concern over the potential vulnerability of our ICBMs:

"But as long as they limit the size of the missiles that they MIRV, so that they don't have any more of an ability to destroy our land-based missiles than we have to destroy theirs, then we are not faced with the necessity of taking further, more expensive, I think more dangerous initiatives of our own."

Source: Hearings before the Senate Budget Committee, March 1975, p. 976.

My concern over the destabilizing effects of possible or perceived vulnerability of either side's ICBM force has led me to oppose large-scale development of counterforce weapons. In 1975, for example, I stated:

"Right now, what might lead to the mutual acquisition of first-strike capability? It would require that you develop what is now referred to as the counterforce capability which Secretary Schlesinger has addressed from time to time. Let's assume we acquire that counterforce capability and the Soviet Union did. Would our situation be safer than it is today? I say it would be far less safe, because a missile with counterforce capability poses more of a threat to the Soviet Union than our present-day missiles pose. There would be more incentive to strike first, because it would be just as easy to destroy a more sophisticated counterforce optimized weapon as it is to destroy today's weapon. So at a time of crisis we would have less stability rather than more."

Source: Hearings before the House Budget Committee, 11 September 1975, pp. 74–75.

Furthermore, I have consistently expressed concern over possible vulnerability of other parts of our Triad of strategic forces. One of my principal reasons for opposing the Trident submarine program was that by putting more of our "eggs" in fewer "baskets," the Trident fleet could be potentially more vulnerable to future Soviet ASW threats than a larger force of smaller submarines. Indeed, I joined in the following statement in 1973:

"The Polaris submarines will remain seaworthy until well into the 1990s, and at the present time the nature of any ASW threat to Polaris cannot even be predicted. When and if it arises, the Trident fleet could be more vulnerable than the present Polaris one because its greater unit size and its smaller number of ships could make it easier to destroy in a surprise attack, using some now unknown technology. The decision to place the $500 million Trident base in Bangor, Washington, still further reduces the value of this new ship by initially foreclosing its operation in the Atlantic."

Source: "Military Policy and Budget Priorities, FY 1974," p. 16.

My long-time concern about the vulnerability of our land-based ICBM force is indeed a different subject from that addressed in my language as quoted from the 1972 hearings in this allegation. There I was speaking to the value of the ABM Treaty in eliminating the possibility of a successful first strike by either side. The actual quote reads: "In thus assuring retaliatory capability, the ABM Treaty makes continuation of the missile numbers game a mindless exercise." (Source: Hearings before the Senate Foreign Relations Committee, 28 June 1972, p. 179, emphasis added.) I went on to discuss the problem of assuring the survivability of our land-based deterrent and the value of the Interim Agreement in that connection. The reason we need an effective, permanent agreement is to assure that the Soviets accept the proposition that, with the ABM Treaty, the missile numbers game is in fact mindless.

I have consistently sought a ceiling on missile numbers, and I still believe that such a ceiling would be useful. Indeed, I support Senator Jackson's 1975 proposal for substantially lower ceilings on the number of missiles permitted each side, a proposal which would appear to support my contention that continuation of the missile numbers game by going to ever higher numbers is a mindless exercise.

ALLEGATION 9

At your confirmation hearing and again in your remarks yesterday you expressed concern about the Soviet civil defense program. In the past you have not taken their civil defense program seriously.

MY RESPONSE

I do not recall any statements I have made in the past about Soviet civil defense. I have, however, consistently said that any defense that could erode either side's strategic deterrent should be a subject of great concern. In 1972, when I testified on the SALT I accords, I stated:

"Any program that threatens the retaliatory capability of either side shoud be rejected. I refer, of course, specially to such things as antisubmarine warfare programs or anything else that might have the same impact as an antiballistic missile defense in appearing to challenge the retaliatory capability of either side."

Source: Hearings before the Senate Foreign Relations Committee, 28 June 1972, p. 182.

Secretary Rumsfeld's last report to the Congress notes that: "While the evidence is still coming in, and we cannot make firm judgments on either the magnitude or potential effectiveness of Soviet civil defense, the available information suggests a strong Soviet interest in damage limitation." (Source: "Annual Report of the Secretary of Defense, FY 1978," p. 64.) If the Soviet civil defense program in fact ever threatens to degrade our deterrent, then we should take it very seriously indeed.

In addition to responding to the specifics of these allegations, I would like to deal with the over-all contention that, until my testimony at the confirmation hearing, I had not taken a forthright public position on the nature of the Soviet threat, the significance of perceptions of superiority, the importance of our forces in Europe, or on the need for adequate defense spending by our country. To corroborate the consistency of my positions, I have assembled a series of quotations from my public statements over the last seven years.

WITH REGARD TO THE NATURE OF THE SOVIET THREAT

"I would agree that we have to assume that the Soviet Union would like to have military superiority, and under those circumstances you have to do one of two things, or do both:

"You have to see to it that they don't get it, either by maintaining the kind of military capability that will prevent them from having it, or by getting some kind of agreement with them that will limit the competition."

Source: Hearings before the Senate Budget Committee, 9 March 1976, p. 184.

First of all, I don't think that there is any way that we can know what the Soviet intention is. The best we can do is apprise ourselves of Soviet capability, and I think that we have to assume that their intentions would be malevolent. There is no way in the world we could rest content with anything more sanguine than that."

Source: Hearings before the Senate Budget Committee, 9 March 1976, p. 173.

"If Tito were to die, circumstances might exist where they believed they could get a quick victory by something else than all-out war. I think we should review our defense structure and make sure we have the capability to respond to that kind of contingency. I am not sure we do."

Source: Hearings before the Senate Budget Committee, 9 March 1976, p. 204.

"Insofar as the Soviet Union is concerned, what we need is the military power that would prevent the Soviet Union from using or threatening to use its own military power against the United States or against those countries whose security is actually integral to our own."

Source: Testimony before the House Budget Committee, 11 September 1975, p. 62.

"I feel that our role in NATO is still an important one in light of the uncertainties as to the Soviet succession of power and of the possible political ambitions of a future Soviet Government."

Source: Hearings before the Subcommittee on Arms Control of the Senate Foreign Relations Committee, 14 March 1974, p. 51.

Obviously at the same time we should maintain strategic nuclear forces that give us the assured retaliatory capability that would deter a nuclear attack either on the United States or on the territory of our Western European allies.

"I believe also that we ought to consider the possibility that short of other acts of war the Soviet Union at some point might, for political reasons, for blackmail, for a variety of objectives, seek to interfere with sea communication to Europe, and our NATO forces ought to be maximized to see to it that they could prevent this sort of interdiction ahead of time."

Source: Id., p. 58.

"At the present time there is only one threat to our physical security, and that is the Soviet Union. The only way that we can deal with the USSR's nuclear arms is with the concept of assured destruction."

Source: "Strategic Sufficiency, American Enterprise Institute, 1972, p. 37.

"What little we know of the Soviet power structure and what little we can see of China's internal struggles can give us no confidence that the foreign policy of either country will eschew the use of military force for the balance of this century. Russia and China have the manpower and means, and their motives are sufficiently obscure so that we must retain the military might to deter or to defend against their overt aggression."

Source: Warnke and Gelb, "Security or Confrontation," *Foreign Policy*, 1970–71, p. 9.

"Unfortunately we have had too few instances in which we have been able to reach effective agreement with the Soviet Union. I certainly feel that is the fault of the Soviet Union more than the fault of the United States.

"I don't think that the intentions of the Soviets have been anywhere near the beneficient or disinterested in the genuine sense, as ours. I think that we genuinely wished

the world well. I don't believe that the record of the Soviet Union is any such record."

Source: Testimony before the House Foreign Affairs Committee, May 1970.

WITH REGARD TO THE SIGNIFICANCE OF PERCEPTIONS OF SUPERIORITY

"There is a good deal of unhappiness about the potential costs of systems like the Trident and the B–1, but there is no disagreement with the proposition that we have to have survivable forces of sufficient strength, and sufficient perceived strength, to deter the Soviet Union from ever attacking us."

Source: Lecture given before the Industrial College of the Armed Forces, 23 August 1974. Reprinted in "Perspectives in Defense Management," Winter 1974–75, p. 42 (published by the Industrial College of the Armed Forces, Washington, D.C.).

"I would agree that it is vital that our nuclear and conventional forces must not only be strong enough but that they be known to be strong enough to deter the Soviet Union from the use or the threatened use against us and those whose security is integral to our own. I continue to believe, however, that a lead in numbers or size that can be seen to be insignificant will have political consequences only if the other side concedes them a meaning they would otherwise lack. When we know that a new Soviet weapons program or a Soviet lead in numbers or throw weight or some other dimension is not militarily important, it is neither important nor desirable to engage them in a mindless contest for purely cosmetic superiority.

"We must, I am convinced, continue to maintain the strategic nuclear forces that make impossible any Soviet ability to use its nuclear forces for physical attack or political advantage. We should retain the conventional capability to keep at the vanishing point any Soviet aspirations for territorial conquests, particularly in Western Europe. The strong response of the noncommunist parties in Portugal would surely have been far less likely if Soviet forces could have been moved into that country as readily as they were moved into Czechoslovakia seven years before."

Source: Lecture before the Industrial College of the Armed Forces, 18 September 1975.

"Our strategic nuclear forces must not only be strong enough. They must be known to be strong enough to deter the Soviet Union from using its strategic nuclear forces against us or our allies."

Source: "Apes on a Treadmill," Foreign Policy, Spring 1975, p. 24.

"I think we have also to recognize that, even if we were to conclude that there is virtually no likelihood of the use of Soviet military power, we have to be concerned about the perceptions of our allies. In other words, it is not enough that we be confident. It is also important that Western Europe be confident. Western Europe at the present time is not confident that they are safe from Soviet attack. I think it is very important that we see to it that we maintain our alliance with Western Europe because, of course, of the economic, cultural, and other ties that we have."

Source: [Incomplete.]

WITH REGARD TO OUR FORCES IN EUROPE

"All right, what is the best way to deter Soviet aggression? I would suggest that the best way to do it is to have at least a substantial fraction of your forces and to spend at least a substantial fraction of your dollars in the one place where it is most likely, however unlikely it is, that Soviet aggression would occur, which is in Europe.

"So unless we are going to spend virtually nothing on anything except strategic forces, it seems to me that it is only prudent, reasonable, and economical to spend such of your money as you are going to spend in conventional forces on NATO defense.

"I have raised with Senator Symington before the question whether if we need ground forces at all don't we need them in Europe, which is the place where it would be most in our interest to use them, and the place where, among a whole set of unlikely contingencies, aggression and the first stirrings of major conflict would be most likely.

Now, I don't find anyone in the United States, or at least no one who represents any substantial population factor, who says that we should give up defense expenditures. I think there is still a broad constituency for substantial defense expenditures.

"Even if we were to cut the defense budget in half, it seems to me that it would still be only reasonable and logical and prudent to spend something close to what we are presently spending for the defense of Western Europe."

Source: Hearings before the Subcommittee on Arms Control of the Senate Foreign Relations Committee, 14 March 1974, p. 123.

WITH REGARD TO THE NEED FOR DEFENSE SPENDING

"There are, however, in my opinion, some readily defensible, easily framed, and widely supported reasons for us to maintain a strong defense posture. I think no one in Congress would deny the proposition that we need a secure retaliatory capacity in strategic nuclear weapons. Some would argue about the structure of the forces needed for that purpose, or the particular capabilities that our missiles should have. But I find that in Congress there is no disposition to cut back substantially on the amounts we spend now for strategic nuclear forces. There is a good deal of unhappiness about the potential costs of systems like the Trident and the B–1, but there is no disagreement with the proposition that we have to have survivable forces of sufficient strength, and sufficient perceived strength, to deter the Soviet Union from ever attacking us. The debate is over the question whether such objectives as increasing counterforce capability might be destabilizing or stimulate the arms race; or whether the Trident submarine is the best way to spend the funds available to us in the foreseeable future.

I think there is also general acceptance of the proposition that we have to maintain sufficient forces to prevent, and if necessary, repel, any sudden Soviet action in Europe. There is wide disagreement, of course, as to whether that purpose requires 300,000 Americans to be stationed in Europe, and whether the Europeans can carry more of the burden. But hardly anyone denies that we must have forces capable of responding to that kind of contingency."

Source: Lecture given before the Industrial College of the Armed Forces, August 23, 1974. Reprinted in "Perspectives in Defense Management," Winter 1974–75, p. 42 (published by the Industrial College of the Armed Forces, Washington, D.C.).

"There may be some who feel that national defense is something that we can almost forget about so that we can spend all of our money on social programs and so forth, but I don't agree with that. I do feel that there has to be a proper balance found between the social needs and what is imperative with respect to national security."

Source: Hearings before the Senate Appropriations Committee, May 30, 1974, p. 2.

"There can be no argument about our need for strong defense forces. These have been provided and must be maintained."

Source: Id., p. 3.

"I do not have any expectation that we could end up with very significant cuts in the defense budget. It just does not seem to me that it is either politically feasible at the present time, or a propitious time to do it in view of all the Soviet activity.

"What I have suggested is that I see no reason for the kind of alarm that should require that we increase our defense expenditures."

Source: Hearings before the Senate Budget Committee, 9 March 1976, p. 196.

"I don't think we are going to be able to avoid a quite substantial defense budget for the foreseeable future and, until we reach a stage at which we can actually begin to talk about force reductions with the Soviet Union on some kind of a meaningful basis, that we aren't going to be able to get a defense budget substantially below the current levels."

Source: Hearings before the Senate Budget Committee, March 1975, p. 966.

I am happy to have had this opportunity to put my views on the record again.

Sincerely yours,

PAUL C. WARNKE.

Mr. BUMPERS. Mr. President, I say, first of all, I feel like a middle child because I was deprived of hearing what was obviously a very eloquent, what we would call in Arkansas, barn-burning speech by the distinguished Senator from New York, and I look forward to reading it in the RECORD.

I could say very concisely that I probably disagree with his conclusions, and I wish to make a few comments.

No. 1, when it comes to the question of domination, I think it would be fair to say that the United States has sought and, for most of the time since World War II, has achieved domination in this field. On the Committee on Armed Services, we have had considerable discussions as to what is superiority. If the Soviet Union had 8,000 warheads as accurate as our 8,000 warheads, does this give them superiority? If it does, I want someone in this Chamber to describe the scenario by which either side could win, assuming the President, after the other side's first strike, does not turn to pablum, that is, does not have the will to retaliate.

Mr. NUNN. I will be glad to answer.

Mr. BUMPERS. If the Senator will, go ahead.

Mr. NUNN. I will be glad to tell the Senator what Mr. Warnke's current position on that is if I can find his testimony here.

Mr. BUMPERS. Let me proceed and then the Senator can respond to that.

Mr. NUNN. I will find that, and he responded directly on that point. Of course, again, this is a different viewpoint than he expressed 3 weeks ago, but I think his present view on that would answer the Senator's question.

Mr. BUMPERS. I asked Mr. Warnke——

Mr. NUNN. Here, it is here, if I might read it to the Senator.

I asked him the question:

Do you see that they could put us in a position, if these trends continue, that we would not be able to retaliate after absorbing a preemptive attack by them? Is that the kind of jeopardy you are talking about?

Mr. Warnke. That is, of course, the ultimate threat to our strategic capability. If we were in a position which they, by striking first, could take out so much of our missile force as to make it unlikely that we would be willing to respond for fear that their counterstrike would be devastating, then we would be deterred; they would not be deterred.

That is the argument that Jim Schlesinger made on counterforce and responding to the Soviet counterforce and that the Senate agreed with the Schlesinger position on. That is totally diametrically opposed to Mr. Warnke's previous position. But I do think it directly answers the Senator's question.

Mr. BUMPERS. As I read Mr. Warnke's response which the Senator has just read, Mr. Warnke said if they could do these things and if we perceived at that point that we would not retaliate, then we might be deterred.

So let me follow that with another question. At what point in time does the Senator foresee this occasion happening?

Mr. NUNN. Mr. Warnke's statement was that if the present trends continue, as soon as the Soviets get through with their present programs, he fears that they will improve their missiles to the point that—I do not know what date he would set, but my timetable would be something like the early 1980's; that is, that they would have counterforce capability and that we might not be able to adequately respond if they were to eliminate our land-based missiles without attacking our cities.

But the dialog on pages 94, 95, 96, and 97 directly with Mr. Warnke on that point, I think develops the case that has been made in the past by Defense Secretary Schlesinger that that would be a very dangerous situation.

I do not believe that is going to happen because I hope that we will not allow it to happen. But the trends are the worrisome situation.

Mr. BUMPERS addressed the Chair.

Mr. MOYNIHAN. I yield to the Senator from Arkansas for a question.

Mr. BUMPERS. I shall respond, if I may, to what Senator NUNN has said and the distinguished Senator from Louisiana raised as a question on domination. The United States, according to Mr. Nitze, who is the principal antagonist to the nomination of Mr. Paul Warnke, testified the other day in the Committee on Armed Services that the United States had what he would describe as a nuclear monopoly from the end of World War II until about 1957 and from 1957 to 1971 had a clear superiority. If the United States did not dominate the world from a strategic point from that time it never will. And if we attribute just the slightest flaw to the national ethic, then we may be fairly accused at some point during that time of trying to impose our own wishes on certain areas of the map. I point out that during that time China fell, the Russians blockaded Berlin, they built the Berlin wall, Cuba fell, the Russians invaded East Germany to put down a revolt, they invaded Czechoslovakia to put down a revolt, and we found ourselves involved in a hopeless situation in Vietnam. So I ask, with that kind of superiority we obviously did not find that it bought us anything. More is not necessarily better when it comes to this particular field.

Mr. JACKSON. Mr. President, will the Senator yield for a question?

Mr. NUNN. Let me respond that if the Senator is arguing that we in the United States of America did not achieve domination of the world when we enjoyed nuclear superiority, the Senator from Georgia would agree with him. But if the Senator is further arguing because we did not achieve world domination when we had strategic nuclear superiority that, therefore, we should not fear Soviet nuclear superiority because they would not abuse their superiority, then the Senators from Georgia and Arkansas are on entirely different wavelengths.

Mr. BUMPERS. That is not my point. I am saying that the Soviet Union was not deterred because they were vastly inferior, any more than the United States will be deterred under the same set of circumstances, which would never occur.

Mr. NUNN. We are concerned about their superiority.

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

Mr. MOYNIHAN. If the Senator from Arkansas does not mind, I yield to the Senator from Washington.

Mr. JACKSON. I think this dialog is rather interesting. The comments that the Soviets were not deterred raises, of course, the obvious issue of what conventional forces had during the period of the blockade and the Hungary affair? What was the situation in terms of conventional forces? How many American troops were there in Berlin vis-a-vis the Soviet forces? The Soviets had overwhelming local superiority in that area. But in Cuba we had local superiority. I think it was an entirely different situation.

Let me just make this observation:

If you want to lose all sense and direction about the importance of maintaining a strategic nuclear balance, just start talking about a nuclear exchange, and the catastrophic and horrendous implications that flow from it. That misses the whole point. I do not think the Soviets want to get involved in a nuclear exchange any more than we do, but I do relate strategic power to its political implications. Numbers do matter. If numbers did not matter, neither would SALT, which is about numbers.

If the argument is that numbers do not matter, then I will say to my colleagues that the French force de frappe is a most formidable force. If numbers do not matter, let them deter the Soviet Union. Now, who believes that the force de frappe in France, or the British strategic force, is credible?

Numbers do matter. And may I just observe that the real concern here, as I view it, goes beyond the idea of a nuclear exchange. I think it is the drive on the part of the Soviet Union for hegemony, for primacy, that they are after. Some call it Finlandization. They do not have to land any troops. Nations will soon conform to the new order of power on their side, and if one cannot see through that clear, long-term strategic objective, then I hope that as many of our colleagues as possible will spend a little time in China, talking to those who have been associated with the Soviets as comrades in arms as well as, now, as adversaries; and I think they will have a clearer strategic picture.

I believe very strongly and very deeply that what we are up against here are the political implications of the drive for hegemony, the drive for primacy over a given area, whether it is the Middle East, Europe, or wherever else their interests may lie. I think it is clear that the relationship of power to political goals is the real question that we have to face when we discuss—I hope intelligently, Mr. President—strategic doctrine.

Several Senators addressed the Chair.

Mr. MOYNIHAN. Mr. President, I would like to record my total agreement with what the Senator from Washington has said.

I yield to the Senator from Arkansas.

Mr. BUMPERS. Mr. President, may I just continue for a couple of moments?

I just wonder—and I certainly do not ascribe any such motives to my colleagues, why our office has been flooded with mail. I suspect most of us on this floor and probably every Member of this body can make the same statement. It makes me wonder whether the issue here is Paul Warnke, or whether it is arms control.

We had an interesting thing happen in the Armed Services Committee the other day, when we found two New York Times stories from November 1963 which reported three present members of the Armed Services Committee as saying the same critical things about Paul Nitze, when John Kennedy nominated him to be Secretary of the Navy. That is, that Mr. Nitze's appointment was an open invitation to the Soviet Union to take advantage of his weakness—Paul Nitze, now Mr. Warnke's principal antagonist.

So I see that at least some people seem to feel that there just is not any way to deal with the Soviet Union.

My point is simply this: I do not know of any civilization that has ever engaged in the kind of arms race that will certainly occur between the United States and the Soviet Union if there is not some sort of limitation put on those weapons, quantitatively and qualitatively. There has never been a civilization that did not use its weapons.

I see it, Mr. President, in very simple terms. I am not saying, and Paul Warnke did not say, that any agreement is better than no agreement. He precisely said the very opposite, and also said that any agreement that did not have absolutely certifiable verification would not be worth the paper it was written on.

As a matter of fact, Paul Warnke said everything I like to hear any decent, sensible man say who does not want to see his children and grandchildren incinerated.

And yet, Mr. President, that is the alternative. And no Member of this body can out-anti-Russia any other Member. Sometimes I think this great deliberative body engages in that one-upmanship sort of thing.

This debate on strategic war is also tied to the immoral international escalation of sales of arms that the United States has been engaged in. It is tied to what we all know is just a hairline separating us from incineration every day.

Almost everybody in this country knows that "country A," which may be some underdeveloped country that lays its hands on a weapon, can somehow or other explode it on the United States, and the United States will assume it

came from the Soviet Union, and we will decimate them and they will decimate us, while the third country—country A—laughs all the way to the bank.

Everybody in this body who has ever been briefed knows how many "broken arrows" we have had in this country—nuclear incidents that came within a hairline of creating a disaster. The people in Spain know it, and the people in our State of Georgia know it.

I am just simply saying I think my position is the toughest to champion. I think it is very difficult to try to talk rationally and sensibly about such a serious subject, because all of us have normal apprehensions and fears of the future.

I intend to vote to confirm Paul Warnke, and I want to reiterate here that I was as impressed with him and the way he handled himself in that committee as any witness who has ever appeared before any committee on which I have participated.

I am pleased that this debate is taking place. I am impressed that a man whose career has been so illustrious as that of my distinguished colleague from New York would come here and take the position he has taken. I hope in the next 3 days there will be more Senators on this floor to listen to this debate. There is not one much more important that could come before this body, even though it may not be very scintillating to a lot of people. I intend to spend as much time as I can here, and I thank the Senator from New York for yielding to me to say these few words.

Mr. CRANSTON. Mr. President, will the Senator from New York yield?

Mr. MOYNIHAN. I yield to the Senator from California.

Mr. CRANSTON. I would like to join those who have praised the Senator from New York for a very eloquent and forceful maiden speech, even though, like some others, I do not agree with all the conclusions. Actually it was not the Senator's maiden remarks on this floor; I happen to have been present when he made some hilarious remarks about our friend, Mr. Rockefeller, when he was leaving this Chamber.

The Senator stated he agreed that because the way events happen in the real world, if one nation builds up another nation will build up. He did say he was not certain whether, if we exercised our restraint and went downward, the Soviet Union would do likewise, and that was his gravest question.

That, of course, is a question, but I do not think we have to depend on their good faith in showing us; and certainly that is not what the Warnke debate is about or the arms control debate is about.

We are discussing the nomination of a man who, under instructions from the President, will seek to obtain arms control agreements of a verifiable nature whereby each party will agree to stand still, or hopefully scale down, if that is the nature of the agreement.

This will not be based upon any blind trust. I do not think anyone in this Chamber would trust the Soviet Union to turn downward voluntarily—without some inducement from the other side—nor would any Member of this body trust nonverifiable agreements to lead to both of us turning downward.

What we are seeking to negotiate, after we get a SALT Ambassador, is verifiable and, where possible, inspectable agreements that involve both turning downward. That is really what this is all about.

As to the apes on a treadmill article by Paul Warnke and the question of the Senator from New York about whether or not there is action and reaction, he seemed to accept that thesis generally when he stated that if one builds up, in all logic, the other will build up. Let me simply ask the Senator about a few of the steps that have occurred in the nuclear arms race.

Is it not true that we were the first to possess nuclear weapons and then were followed by the Soviet Union?

Mr. MOYNIHAN. We were not only the first to develop and test nuclear weapons at a time when we alone, as the Senator will recall, possessed the atom bomb; we went to the United Nations and proposed that this awesome power be turned over to the world body and that, gradually, we would devolve onto it all of the weapons we then possessed.

Mr. CRANSTON. Right.

Mr. MOYNIHAN. We not only proposed, in effect, total disarmament, we proposed to disarm ourselves. Would it be a disservice to remind this Chamber that when we proposed to turn the atom over to the United Nations, it was the Soviet Union that said no, because they proposed to get one of their own? And they did.

Mr. CRANSTON. I well remember that. That is proof of the point that when one achieves some breakthrough of a major nature in a weapons system, the other is apt to wish to have the same weapon before they negotiate. We have seen the same routine with so-called bargaining chips.

Going on from that event, if the Senator differs with anything in this analysis, I hope he will please interrupt me. But I think this is the way it runs. On the ICBM, the Soviet Union was first with a ballistic missile at the time of Sputnik, and it caused great concern in this country. We then proceeded to deploy the first field of ICBM's. The Soviet Union followed us.

On ABM's the Soviet Union was first; we followed them. Next came MIRV. We were first; they followed us.

Next came cruise missiles. The U.S S.R. developed the short range and then we proceeded to develop more sophisticated long range cruises.

Then came the mobile land-based missile. Both sides are developing mobile ICBM's, and the Soviets are beginning to deploy intermediate-range mobiles.

Then came the nuclear submarines with nuclear weapons aboard them—the United States first, the U.S.S.R. following.

Finally, on strategic bombers, we were first; they followed.

So there apparently is at least some action-reaction, buildup followed by buildup. Today the Secretary of Defense, Harold Brown, testifying before the Committee on the Budget, stated that when we build up in this way and each does it, neither of us gets more security.

Mr. MOYNIHAN. I thank the Senator from California, who, to the best of my knowledge, has accurately described a process which I recognize, as he does. There will be a reactive response to a seeming increase of one side by another. There has been through the long postwar period; or, there had been. Then came the failure of American arms in Vietnam. Then there entered into the souls of so many of the very men who had conceived that conflict and had waged that war this extraordinary conviction that power is meaningless, that superiority is unavailing.

I do not wish to detain the Chamber, but I would like to recall, if I may, this one passage of my speech, in which I said that we see the world—

> * * * in a state of transition from the assumption of American dominance to the presumption of American decline. I believe the world balance of power is changing, and that this change has been precipitated by the inevitable and calamitous failure of arms in Southeast Asia.
>
> Mr. Warnke holds a different view. The source of our differences, as I see it, is that he, like so many others, was so shaken by the failure of American strategic and military power in Vietnam that he came to feel it must equally fail, that it must prove equally futile in other circumstances and other places.

Therein lies the source of our profound unease.

Mr. CRANSTON. I understand the unease. I have unease for many reasons—lack of knowledge about what the Russians may be up to, for example. I share the concerns of the Senator from Arkansas, who so eloquently stated the dangers that all of us—this country, the Soviet Union, and everyone else—face when nuclear weapons are on the loose.

As to motives, I do not think we can understand what motivates others. We may even be unclear as to what motivates us, individually or as a nation, to take certain actions.

I did have an opportunity today to ask the Secretary of Defense, Harold Brown, at a Budget Committee hearing, and also, in effect, to ask the chairman of the Joint Chiefs of Staff, General Brown, when did the Soviet buildup begin?

Harold Brown answered and, had General Brown dissented, he would have dissented because that is the way they were operating before the committee. The Secretary of Defense said it began with the Cuban missile crisis when the Russians were embarrassed by our superior strength and forced to back down. That is when they began their buildup. He stated it has been a steady buildup since then. They have been spending about 12 percent of their gross national product on arms each year. That has been steady. As their gross national product expands, hence, their military expands.

He stated that they have made some technological advances in their economy and, therefore, they are more effective in that respect. But he said there has been

no sudden increase in recent years. It has been a sort of steady growth along those lines since the Cuban missile crisis.

This can lead, I believe, to two different interpretations, if we simplify it: one, that the Soviets are out to dominate the world by overwhelming military superiority, with the hope that we will not stay with them in that race. That may be what they are up to.

The other interpretation, and who is to say which is correct, is that they simply have been trying to catch up, that they now have so much momentum that if we do not start doing certain things to match them, they will be out in front.

We shall find the answer to that question about what motivates them by seeking to negotiate verifiable, sound arms control agreements. If they accept such proposals, if they are convinced that they make sense and can be verified, then, plainly, they are not out at that point to dominate the world by overwhelming military superiority. We have an opportunity for a breakthrough that can increase the security of both and reduce the dangers for all human beings of a nuclear arms race. That is what we would like to do.

I would like to state, as the Senator from California, that if this is not done, if we do not succeed in this, I recognize that there will be a major increase in the U.S. defense budget to begin the process of matching their buildup. Both will suffer in terms of less security—all the world will. Both nations will suffer in terms of less ability to meet the domestic consumer needs of both societies and their people, and that will be unfortunate for both.

That is what this is all about. We will test. It will not be a good-faith test. It will be hard negotiating, subject, first, to verifiable procedures; subject, second, to ratification in this Chamber. If we do not like what comes back, we will, of course, not approve it. If it is a bad deal, I shall be joining the Senator from New York in voting against the treaty.

Mr. MOYNIHAN. I say to the Senator from California that if it is a bad deal, it is I who shall be joining him, because he will be the first to see it, perceive it, and so act.

Perhaps it would be appropriate for me to conclude my remarks with these observations: I think we have begun to clarify our situation. I think debate is bringing into being a measure of agreement that has not existed in this Chamber, I believe, and certainly has not existed in American political society—a measure of agreement concerning facts which, as the distinguished majority whip described it just now, General Brown and Secretary Brown agreed to in testimony today before the Committee on the Budget. They were asked. when did the Soviet buildup begin? They said it began after the Cuban missile crisis of 1962, 14 years ago.

What has been its order?

It has been of a very powerful order, with their GNP regularly going on and on.

The Senator said there were two interpretations of this persistent matter that goes back three or four Presidents. The first is that the Soviets are intent upon achieving world domination. The second is that they merely wish to catch up. In 14 years they have done a lot of catching up. But the first possibility which conforms to the known facts ought to be the one that commands our attention. I put it to the Members, it is our responsibility to think first of that possibility. I consider it a probability.

I say to you, Mr. President, that the power of the Soviet Union has increased, is increasing, and ought to be decreased, and this decrease can only come about from a firm and implacably tough-minded negotiation of a strategic arms limitation. We do not feel the negotiator the President has proposed in this case would bring about that objective which we all share. I thank you, Mr. President.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan (Mr. GRIFFIN) is recognized.

Mr. GRIFFIN. Mr. President, I yield 2 minutes to the Senator from Idaho.

Mr. McCLURE. I thank the Senator for yielding.

Mr. President, it seems to me that one of the arguments just made that the cause of the Russian buildup was the fact that we were so superior and they were forced into backing down in Cuba, the Cuban missile crisis being the genesis of all of their buildup, would dictate in logic that we should have lost there, that we would have been more secure had the Russians not been forced to back down in the Cuban missile crisis. I hope that is not the logic to which we are being forced in this debate.

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

Mr. GRIFFIN. I yield briefly.

Mr. CRANSTON. Of course, there is no logical conclusion to be drawn. I would like to state that there are a number of people who have very strong records in military matters, former Secretaries of Defense, former heads of the CIA, great experts in military matters, who have never been labeled doves in their entire lives, who are strongly in support of Paul Warnke for this ambassadorial nomination. In the course of time, those names will be placed in the RECORD.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a unanimous consent request? I know the Senator has waited long and patiently.

Mr. GRIFFIN. I yield, Mr. President.

ORDER FOR RECESS UNTIL 1 P.M. MONDAY, MARCH 7, 1977

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 1 p.m. on Monday.

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

NOMINATION OF PAUL G. WARNKE TO BE AMBASSADOR—SALT NEGOTIATIONS

The Senate continued with the consideration of the nomination of Paul C. Warnke to be Ambassador during his tenure of service as Director of the U.S. Arms Control and Disarmament Agency.

Mr. GRIFFIN. Mr. President, as a member of the Committee on Foreign Relations I sat through the hearings when Mr. Warnke appeared before our committee and answered questions. I have examined his speeches and statements made over the years. I have set forth my views at length in some 22 pages which are included in the committee's report which is on every Senator's desk, beginning on page 11.

I feel very strongly that to send a person with Mr. Warnke's views to Geneva to negotiate for us with the Russians would be something like a person who wants to sell his house hiring a real estate agent who has already publicly declared that the house is only worth half of what is being asked for it.

I will not repeat the arguments that I made in the report, but now something new has come to my attention, and I feel it is worth some comment.

As has been indicated, the Senator from South Dakota has inserted in the RECORD a 37-page document submitted by Mr. Warnke to the chairman of the Armed Services Committee (Mr. STENNIS) in which he responds to certain questions which were put to him by the Armed Services Committee.

I regret, Mr. President, that it is necessary to point out that in trying to rebut some of the charges of inconsistency resulting from his recent testimony before the Foreign Relations and Armed Services Committees, Mr. Warnke has demonstrated a shocking willingness to tamper with the public record of his earlier positions.

Because he is a lawyer, who is expected to be careful in the use of words—especially if he hopes to be our SALT negotiator—this disturbing development raises a new and very serious concern.

Like many other Senators, earlier this week I received a copy of that 37-page document in which Mr. Warnke endeavors to establish "that no inconsistency exists in fact" between his recent testimony and his previously expressed views.

Since the very first point made by Mr. Warnke in response to a question which, as I understand, was submitted by Senator JACKSON concerns an exchange Mr. Warnke had with me during his confirmation hearings before the Senate Committee on Foreign Relations, I cannot in good conscience allow what he has said to go unchallenged.

The simple fact is that a key quotation from the public record cited by Mr. Warnke in his rebuttal has been altered in a way that changes its meaning.

Time and again, both before and after the SALT I agreements were consummated in 1972, Mr. Warnke testified before committees of the Congress that the nuclear "numbers game" was "meaningless." He argued it was "totally irrelevant" that the Russians had more missiles than the United States: and even if they were to double their ICBM force, he contended, we should not be concerned.

But now, with his confirmation as our

chief SALT negotiator pending, Mr. Warnke has changed his tune.

Now he wants the Senate to believe that he was worried back in 1972 about the numerical disparity between the United States and the Soviet Union.

Asked by Senator JACKSON to explain this inconsistency, Mr. Warnke responded in writing last week and sent me a copy. His answer reads in part:

I specifically stated [in 1972] that "numercial superiority which is *not translatable into either any sort of military capability or any sort of political potential* has no purpose."

Mr. Warnke added the emphasis, and said the quote could be found on pages 178–179 of the hearings before the Senate Foreign Relations Committee, June 28, 1972.

I have read those hearings, and here is what Mr. Warnke really said on those pages. After arguing that the ABM treaty leaves both sides "open to nuclear attack even in a second strike," he stated:

Under those circumstances, it seems to me . . . that the continuation of the missile numbers game is in fact a mindless exercise, that *there is no purpose in either side's achieving a numerical superiority, which is not translatable into either any sort of military or any sort of political potential.* That is why, in my opinion, the ceilings that are placed in the interim agreement on both land-based and sea-based missiles should not be the cause for any concern on our part. [My emphasis.]

The difference in meaning is subtle—but enormous.

By quoting himself out of context, by rearranging words inside the quotation marks, and by eliminating a comma, Mr. Warnke—as if by magic—is transformed from a man who shrugs off Soviet numerical superiority to one who is worried about it.

In the 1972 original, Mr. Warnke clearly argued that the "numbers game" is a "mindless exercise" because numerical superiority is not important either militarily or politically.

In the 1977 alteration, however, the "mindless exercise" phrase has vanished and—for want of a comma—Mr. Warnke is suddenly qualifving his lack of concern about numerical superiority. He now finds no purpose in numerical superiority unless it has political or military value.

It is one thing to change your mind and then to acknowledge that you have done so. But scholarship and ethics demand that you not rewrite the public record to gild your past views—or to pretend that your mind has not changed after all.

In this instance—as in others—it appears that Mr. Warnke has misrepresented his past positions. If this is the way he would deal with the Senate if confirmed, it is well that we learn it now.

As a member of the Foreign Relations Committee, I voted in favor of Mr. Warnke's nomination to become ACDA Director; however, this latest development forces me to reconsider that decision.

One thing is clear. A crisis of confidence surrounds his two nominations—and that crisis is growing perceptibly every day.

Mr. President, I would have asked that the entire 37-page document be inserted in the RECORD; but since Mr. MCGOVERN already has done that, I ask unanimous consent to have printed in the RECORD a collection of relevant excerpts from the public record—excerpts which I believe establish conclusively that, despite his recent testimony, Mr. Warnke was not concerned with the numerical disparity in the SALT I agreements back in 1972, as he now suggests.

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

[Appendix. Excerpts from the public record.
Item A.—*Warnke Testimony to Foreign Relations Committee July 13, 1971, p. 205*]

STATEMENT OF PAUL C. WARNKE, FORMER ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL SECURITY AFFAIRS

Mr. WARNKE. Thank you, Mr. Chairman and members of the committee. I appreciate the opportunity to testify before this subcommittee on the subject of the arms control implications of deploying MIRVs and ABMs. There are no more important decisions facing Americans and people throughout the world than those that affect the relative likelihood of strategic nuclear war or peace. The objective of preventing nuclear war is the controlling issue of our time. In our concern with other questions it is necessary that we keep in the forefront the fact that all of civilization can be destroyed within an hour if we fail in that objective.

ELEMENTS OF STABLE STRATEGIC RELATIONSHIP TO DETER NUCLEAR WAR

We have come far, I believe, toward a national concensus—and indeed, an international consensus—as to the key elements of the stable strategic relationship that can deter nuclear war. *There appears to be considerable agreement that "nuclear superiority" has become a meaningless and irrelevant criterion in desiging strategic forces. The argument continues to be made, however, that a numerical lead which is militarily meaningless may somehow be exploitable politically. I feel this is a fallacy and can lead to weapons overdesign and the escalation of the arms race.* [Emphasis added]

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(Item B. Warnke Testimony to House Foreign Affairs Committee May 31, 1972, pp. 72–75]

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Feeling as I do with respect to this third attribute, *I welcome the SALT agreement which was concluded last week by President Nixon.*

I think it was a realistic recognition of the fact that the Soviet Union gains nothing from its 1,600 ICBM's that we do not have in abundance with our 1,000. I think that it recognizes that the numerical edge in submarine-launched ballistic missiles is of no significance as long as we possess the ability to destroy the Soviet Union even if they were first to strike. To me the big attribute is the recognition and acceptance of the mutual ability of self-destruction. Certainly the Soviet Union has recognized they would be destroyed in retaliation if they were to launch a nuclear attack.

With the restriction on antiballistic systems, both sides have recognized their total vulnerability to a retaliatory strike. *As long as that ABM restriction exists, then the accumulation of more and more nuclear war heads, more and more missiles, more and more bombers is really just an indication of the myth* to which Winston Churchill referred, *that* unfortunately, *with regard to nuclear weapons, some people like to see the rubble bounce.* All these redundant weapons could do would be to bounce the rubble in the event of a nuclear exchange.

* * * * *

What I regard as the third myth is the political value attributed to possession of military hardware in excess of any practial need. Repeatedly, our civilian and military leaders refer to the political as distinguished from the military consequences of our defense posture. *We are told by Admiral Moorer that, regardless of the reality of the strategic balance, "the mere appearance of Soviet strategic superiority could have a debilitating effect on our foreign policy." His argument is that this could "erode the confidence of our friends and allies . . . even if their superiority would have no practical effect."* We are invited to worry about the increased number of sailing hours chalked up by a Soviet fleet in the Mediterranean and about the impact that a show of the Russian flag on the Indian Ocean may have on those who inhabit the littoral states.

In my opinion, where a numerical advantage in any part of the arms arsenal is without military meaning. it should have no real political potential. The Soviet Union gains nothing from its 1,500 ICBMs that it would not have far fewer. Whether they have 1,500 or double that number, our more than 1,000 land-based missiles are more than enough to deter any Soviet nuclear strike. An attempt by us to maintain an edge across the entire range of weapons would exhaust our resources and add nothing to our national security. It might be noted that the Soviet Union displays relative equanimity although 16 aircraft carriers comprise the core of our naval forces and they have none. A policy of reasonable restraint could change the pattern of superpower aping and save us billions while enhancing our security. [Emphasis added.]

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[Item C. Warnke Testimony to Foreign Relations Committee June 28, 1972, pp. 179–181]

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LOGIC INHERENT IN ABM LIMITATION

The question, however, is whether both sides will accept the logic that I find to be inherent in the ABM limitation. In all logic the ABM Treaty should eliminate any fear that the other side can achieve a first-strike capability. Because of the narrow limitations on the ABM system that either side can deploy, each is, in fact, open to nuclear attack even in a second strike. The surviving forces would be far more than sufficient totally to devastate the attackers' side.

NO PURPOSE IN ACHIEVING NUMERICAL SUPERIORITY

Under those circumstances, it seems to me, Mr. Chairman and Senator Cooper, *that the continuation of the missile numbers game is in fact a mindless exercise, that there is no purpose in either side's achieving a numerical superiority, which is not translatable into either any sort of military capability or any sort of political potential. That is why, in my opinion, the ceilings that are placed in the interim agreement on both land-based and sea-based missiles should not be the cause for any concern on our part.* They do give the Soviets an apparently large mathematical edge. They are permitted, as I read it, some 2,350 missile launchers to our 1,710, but either figure is a flagrant example of military redundancy. In the light of the abandonment of any forlorn hope of an ABM defense, either number affords more missiles than the other side affords in the way of targets.

So, accordingly, *we should not be concerned about the existing mathematical edge nor should we be concerned about any at-*

tempts that the Soviet Union might make to add additional, useless numbers to their already far more than adequate supply.

I suggest in my statement that *were the Soviet Union to do this, we might perhaps feel some relief that they have not expended their funds for militarily more meaningful and potentially more mischievous purposes.*

INTERIM AGREEMENT PROVIDES SOME CONTROL

Now, I believe that sensibly construed, the Interim Agreement does provide some measure of control which is useful in assuring the survivability of our land-based missile systems for the indefinite future. It does limit, in a quantitative way, the numbers of large missiles that the Soviet Union can construct. It confines them to some 313 instead of the magic number of 500 which at times has been suggested as the figure that would give the Soviets a counterforce capability against our land-based missiles.

With this limitation, it seems to me apparent that even with the Minuteman part of our offensive triad alone, enough Minuteman missiles would survive to inflict unacceptable damage to the Soviet Union. But I believe that a sensible construction of the Interim Agreement requires that we recognize that acceptance of the numerical imbalance is possible because, *in fact, numbers are totally irrelevant to our security in the strategic nuclear arms field.*

If missile numbers were a valid measure of national strength, then the Interim Agreement would be improvident; but since they are without significance, there is nothing for which we need compensate.

Accordingly, I feel that we should focus on the fact that arms control must not be allowed to become the new medium for fueling the arms race and this, in my opinion, could be the result if the Congress were to accept any one of three arguments which, as I read them, are currently being presented as justification for new strategic weapon systems.

LINKING APPROVAL TO FUNDING OF NEW STRATEGIC WEAPON SYSTEMS

The first and, I think, the most flagrant of these is the argument that approval of the Interim Agreement and the ABM Treaty should be linked to the funding of new strategic weapon systems. It has been suggested by Secretary Laird that the price for Pentagon support of the Moscow accords will be the agreement by Congress to fund the new programs for a manned, strategic bomber and for an underwater-launched missile system which includes a submarine which is more expensive than our nuclear carriers and approximately the same size as the largest Soviet surface ship.

There has also been a suggestion that a submarine-borne cruise missile should now be perfected because of the fact that this is not forbidden by the Interim Agreement.

In my view, if the SALT agreements mean that we must now spend more money to build more strategic weapon systems and continue the offensive arms race, then the SALT agreements should not be approved by the Congress. Instead, they should be sent back to the drawing board with directions that the job be done again and that it be done better this time.

I was gratified to see that President Nixon has asserted that the arms control agreements—the ABM Treaty and the Interim Agreement—should be approved on their merits. He stated in his news conference on June 22 that he would not have signed them unless he believed that standing alone they were in the interest of the United States; but, at the same time, and I feel somewhat inconsistently, he has contended that failure to approve the new offensive weapon programs would seriously jeopardize the security of the United States and jeopardize the cause of world peace.

As I understand his position, it appears to be based on two arguments that differ somewhat from Secretary Laird's contention that the agreements and the new funding for additional weapon systems must be linked.

ACCUMULATION OF ADDITIONAL DEFENSIVE WEAPONS BY SOVIET UNION

The first of these is an argument which I believe is based more on military cosmetics than it is on military capability. President Nixon has emphasized the fact that the Soviet Union proposes to go ahead with programs in areas from which they are not foreclosed under the Interim Agreement. But since both countries are confined to what I regard as token ABM defenses, *these new offensive systems add nothing to the Soviet ability to deter or in any way to utilize blackmail against the United States.*

In my view, the Soviets have always lagged behind the United States in their appreciation of the realities of nuclear logic. Since I feel that way and since they have now begun to move in a direction which I regard as being the desirable direction, I don't think that we should substitute their judgment for our common sense when it comes to the further accumulation of offensive nuclear weapons.

We should accept, in fact, the reality that the ABM Treaty assures our deterrent for the years to come. We should not yield to the temptation to get back into a numbers race and, as far as any political disadvantage is concerned stemming from the appearance of mathematical superiority, this can be prevented by a sound, rational explanation of our views to our own people, to our allies and to those who might be disposed to be hostile to us.

Since the accumulation of additional offensive weapons by the Soviet Union will give them nothing that they do not now have and will challenge nothing that is important to our national security, it seems to me that we should not, by apparently attributing some military significance to any such gesture, put ourselves at a political disadvantage. This will occur if, and only if, we bad mouth our own strength. [Emphasis added.]

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[Item D. Warnke Confirmation Hearings, Foreign Relations Committee, February 8, 1977, pp. 44–46]

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Senator GRIFFIN. Mr. Warnke, you testified against the SALT I agreement.

Is that correct?

Mr. WARNKE. I did not testify against the SALT I agreement; I testified in favor of the ABM treaty limiting the ABM sites. I regarded that as a constructive move toward strategic stability. And I raised certain questions with respect to the interim agreement on control of offensive arms.

MR. WARNKE'S PAST CONCERNS ABOUT SALT I

Senator GRIFFIN. Could you summarize what your concerns were then about SALT I?

Mr. WARNKE. About the interim agreement on control of offensive arms? Yes. I was concerned about a number of thngs.

I was concerned, first of all, about the numerical disparity because it seemed to me that made the agreement perceptually vulnerable. Any agreement which appears to give the Soviet Union a numerical lead is not one which is going to be very well received by our friends.

I was concerned about that. I was also concerned, of course, about the fact that in many instances it did not cover some of the programs which, it seemed to me, ought to be covered. I thought the agreement probably was reached too soon and in that respect, as well as in many respects, was full of loopholes.

I think also I was concerned about the fact that some of the more important aspects were dealt with in the form of unilateral declarations. Now a unilateral declaration, it seems to me, is a built-in source of later recrimination and complaints because of unilateral declaration is, by definition, a statement that I am now prepared to say something that the other side will not agree with or will not say it agrees with.

Senator GRIFFIN. Mr. Warnke, your expressed concerns about the earlier interim agreement of course put you in an interesting position as our negotiator with the Soviet Union, as well as your reappraisal of the cruise missile.

You've said that one of your concerns about the interim agreement was the numerical disparity. You told me that in your office and then I got out your testimony and read it. I would like to read some of the testimony that you gave and have you comment on it.

You say here at one point:

"Under those circumstances, the continuation of the missile numbers game is in fact a mindless exercise, that there is no purpose in either side achieving a numerical superiority which is not translatable into either any sort of military capability or any sort of political potential.

"That is why, in my opinion, the ceilings that are placed in the interim agreement on both landbased and seabased missiles should not be the cause of any concern on our part."

At another point you say this:

We should not be concerned about the existing mathematical edge—

Referring to the mathematical edge the agreement gives to the Soviet Union—

"Nor should we be concerned about any attempts that the Soviet Union might make to add additional useless numbers to their already far more than adequate supply."

Then at another point in the testimony:

"But I believe that a sensible construction of the interim agreement requires that we recognize that acceptance of the numerical imbalance is possible because, in fact, numbers are totally irrelevant to our security in the strategic nuclear arms field. If missile numbers were a valid measure of national strength, then the interim agreement would be improvident. But since they are without significance, there is nothing for which we need compensate."

As I understand it, you indicated that one of your major concerns at SALT would be the numerical limits.

Would you care to comment on your earlier testimony?

Mr. WARNKE. Yes, sir, I would be happy to.

First of all, as I said earlier on we have to be concerned both with military capability and with political perceptions. Now from the standpoint of political perceptions respective numbers are of significance, and I believe that there was a degree of political vulnerability because of the numerical edge that the SALT I interim offensive arms agreement had in effect.

More than that, however, missile numbers back in 1972 were less important than they are today because the Soviet MIRV program had not really reached its momentum.

Now at that point we had a very, very significant lead in nuclear warheads and, as former Secretary of State Kissinger said, "You aren't hit by missile launchers; you're hit by warheads."

Now the MIRV program, as time has gone on, has reached the point at which, if you continue with the present trend, they begin to cut down on our missile warhead lead. And therefore, if they have more missile launchers and some of those missiles are of heavier throw weight, they could end up with a MIRV lead.

Accordingly, an interim agreement might have been good for a couple of years. It is endurable for 4 or 5 years. But at this point

it ought to be replaced by something which sets ceilings which are equivalent.

In other words, numbers have become more important as time has gone on because of the Soviet MIRV development.

Senator GRIFFIN. Do I understand that in your statement this morning you said that numerical imbalance was one of your concerns?

Mr. WARNKE. It is one of my concerns today.

Senator GRIFFIN. In 1972?

Mr. WARNKE. In 1972, I was concerned about the numerical imbalance in political terms; yes.

Senator GRIFFIN. And you still made this statement [indicating]?

Mr. WARNKE. Yes, because I said that if you look at it from the standpoint of military capability, the imbalance that existed at that time in missile launches was without military significance because we had such a significant lead both in accuracy and in numbers of nuclear warheads.

But perceptually, it obviously has been a source of concern.

MR. WARNKE'S 1972 TESTIMONY BEFORE COMMITTEE

Senator GRIFFIN. Mr. Chairman, I think in fairness to Mr. Warnke, the testimony that he delivered before the committee in 1972 on the interim agreement ought to be reproduced in the hearings on his nomination at this point.

* * * * *

[Item E. Warnke Response to Questions Submitted for the Record, Senate Armed Services Committee, February 28, 1977]

* * * * *

Allegation 1:

"You said in your confirmation hearing that at the time of the 1972 Interim Agreement you were concerned about the numerical disparity in the levels of offensive weapons on the U.S. and the Soviet side. The record of your testimony at the time shows the opposite—it shows that you welcomed the agreement precisely as a recognition that numbers do not matter."

My Response:

At my confirmation hearing I testified that at the time of the 1972 Interim Agreement, "I was concerned, first of all, about the numerical disparity because it seemed to me that that made the agreement perceptually vulnerable. Any agreement which appears to give the Soviet Union a numerical lead is not one which is going to be very well received by our friends." (*Source:* Hearings before the Senate Foreign Relations Committee, 8 February 1977, p. 45.)

Contrary to the allegation that in 1972 I "welcomed the agreement precisely as a recognition that numbers do not matter", in my testimony before the Senate Foreign Relations Committee in 1972, I stated that "the principal accomplishment" of SALT I was the ABM treaty and that, as to the Interim Agreement, "I find the coverage at the present time disappointingly small." I specifically stated that "numerical superiority *which is not translatable into either any sort of military capability or any sort of political potential* has no purpose." (*Source:* Hearings before the Senate Foreign Relations Committee, 28 June 1972, pp. 178–179, emphasis added.) I carefully differentiated between military capabilities and political perceptions. At that time, in 1972, our lead in MIRVed delivery vehicles and accuracy was so significant that it could not be erased during the limited lifetime of the Interim Agreement. [Emphasis Warnke's.]

* * * * *

(At this point, Mr. MOYNIHAN assumed the Chair.)

Mr. GRIFFIN. Mr. President, I am glad to yield to the distinguished Senator from California.

Mr. HAYAKAWA. I thank the Senator. Mr. President, I wish to say a few words in support of what my distinguished colleague from Michigan has just said about the subtle shift in meaning that is involved in the evidence presented by Mr. Paul Warnke to show that no inconsistencies exist between the statements he has made in his confirmation hearings in 1977 and statements he made earlier, in various contexts, in 1972 and at other times.

Like him, and like the distinguished Senator from Washington, I am both bewildered and fascinated by Mr. Warnke's continued insistence that he has not changed his mind when he so clearly has. Therefore, in addition to what might be called the macroanalysis of Mr. Warnke's views so ably presented by the distinguished Senators from Idaho and Washington and my learned friend and academic colleague from New York, I should like to present a close microanalysis of how Mr. Warnke presents a changed point of view while firmly asserting that he is saying what he has been saying all along.

Senator GRIFFIN has quoted Mr. Warnke as saying in reply to a query by Senator JACKSON:

I specifically stated [in 1972] that "numerical superiority *which is not translatable into any sort of military capability or any sort of political potential* has no purpose."

Hence, says Mr. Warnke, his views of 1977 remain unchanged from those he had expressed in 1972. The "which" clause—"which is not translatable into any sort of military capability or any sort of political purpose"—is underlined by Mr. Warnke himself, as if to clinch the matter.

But, as Senator GRIFFIN has observed, the quotation does not prove what Mr. Warnke wants us to believe it does. Senator GRIFFIN has already pointed out that there is an important, though subtle, difference between his 1972 statement and his 1977 quotation of that statement. In order to make this difference clear, let me supplement Senator GRIFFIN's analysis with one of my own.

In order to make clear my views, let me explain what may seem a tedious grammatical point—it certainly proved tedious to my students in freshman English through many decades of my teaching career I refer to the difference between a nonrestrictive clause, which is set off with commas, and a restrictive clause, which is not.

Here is an example of nonrestrictive clause, commas and all: "Automobiles (comma), which have four wheels (comma), are more stable than motorcycles." In this instance, the clause ("which have four wheels") is not restricted in its application to some automobiles, but applies to them all.

On the other hand, there is the restrictive clause, as in:

"Automobiles which have defective brakes should not be driven." No commas. In this instance, the clause "which have defective brakes" restricts the meaning of the sentence as applying to some automobiles, but not to others.

In the passage from Mr. Warnke's remarks in 1972 on the subject of "numerical superiority"—that is in nuclear weapons—the phrase is followed by a comma, so that what follows is a nonrestrictive clause. What he says is:

It seems to me . . . that there is no purpose in either side's achieving a numerical superiority (comma), which is not translatable into either any sort of military capability or any sort of political potential.

In brief, Mr. Warnke said in 1972 that nuclear superiority cannot be translated into military or political advantage and therefore has no purpose.

But what in 1977 he said he said in 1972 omits the comma, as Senator GRIFFIN has observed. The result is a restrictive cause.

I have not had so much fun teaching grammar in 20 years. [Laughter.]

Permit me to quote the passage again:

I specifically stated [in 1972] that "*numerical superiority which is not translatable into any sort of military capability or any sort of political potential* has no purpose."

Again, the emphasis is Mr. Warnke's own.

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

Mr. HAYAKAWA. I yield.

Mr. LONG. I have followed the Senator's statement very closely, and I think he is making a very good point. However, I think it would help us to know this: Was that a statement the man made orally, or did that appear in a written article? Was it made orally?

Mr. HAYAKAWA. It is written.

Mr. LONG. It was written?

Mr. HAYAKAWA. Indeed, it was.

Mr. LONG. Most of us, when we make a speech, do not say the comma. We say, "Automobiles which have bad brakes should not be driven." I admit that, for the benefit of a secretary, it is sometimes good to put in the comma. We might be disappointed the way it comes out, otherwise.

Mr. GRIFFIN. Mr. President, will the Senator allow me to add a word?

I say to the Senator from Louisiana that he was referring here by page number to the record of his testimony before the Committee on Foreign Relations in 1972. In his document, he referred to the pages of that testimony. So he was referring to the printed record.

Mr. LONG. I can well understand the importance of the precise way and the manner in which it was punctuated, because sometimes those words can make a great deal of difference.

For example, a man may read an ad in the paper, "What do you think, Sibley sells tomatoes for nothing?" So he might go down to get the tomatoes and be told, "You read it wrong. It reads, 'What, do you think Sibley sells tomatoes for nothing?' "

So, obviously, where you place the emphasis or where you put the question mark or the comma can make all the difference. I believe the Senator definitely has a point there.

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

Mr. HAYAKAWA. I yield.

Mr. CRANSTON. I think the Senator

from Louisiana asked a very appropriate question.

My colleague from California gave one answer. The Senator from Michigan gave another answer which seemed to me, did not clarify but confused. The Senator from Michigan stated that what was being quoted was testimony given by Mr. Warnke sometime ago before the committee. So it was then presumably an oral statement. Was that the written statement at the outset, or was that a statement he made in answer to a question? The punctuation may be something that came from the transcriber, rather from the exact words or intention of Mr. Warnke.

Mr. GRIFFIN. The point is that in his response to the Armed Services Committee, he specifically refers to pages so-and-so of the record of these hearings. One would think that he would properly provide the quotation or at least explain that there was some mistake.

It is very unfortunate to find a situation in which a man would come back and give you the wrong quotation and actually has changed around some of the words.

Mr. CRANSTON. On this particular point, as to whether or not a comma was there. Mr. Warnke, not being a semanticist like my colleague from California, may not have looked at that carefully, to see where the comma was, when he was endorsing the general statement or explaining it.

Mr. HAYAKAWA. If my colleague from California will permit me to carry on, let me say that the 1977 version of this is in written form, in response to an inquiry from Senator JACKSON.

Mr. McCLURE. Mr. President, will the Senator yield for a moment?

Mr. HAYAKAWA. I yield.

Mr. McCLURE. I think there has been some attempt here to make it appear as though the placement of a comma may have been inadvertent. In his earlier testimony, we could look to other evidences of what his intentions were and how he felt, not just the one record.

We can look at inserts in the CONGRESSIONAL RECORD and his dialog with Senator Buckley in 1971, in which he repeated virtually the same sentiments.

We do not have to wonder about whether he wanted that comma in there in the earlier record. It is amply evidenced that his intention was as has been indicated by the able Senator from California (Mr. HAYAKAWA).

Mr. HAYAKAWA. So it comes down to this: In 1972 Mr. Warnke said quite clearly that nuclear superiority in nuclear weapons cannot be translated into military or political advantage. Now he is saying that in 1972 he was merely talking about the numerical superiority that cannot be translated into military or political advantage—and, presumably, leaving for later discussion the kind of numerical superiority that can be translated into such advantage.

I offer these remarks not merely as grammatical analysis. In 1972 Mr. Warnke's position was quite clear. Whether Russia had more nuclear weapons than the United States, or the United States more than Russia, did not matter, he said at that time, because nuclear weapons cannot be translated into military capability or political power. He was quite scornful of those who thought otherwise, even as recently as 1975, when in a source already quoted he likened the nuclear arms race to "apes on a treadmill"—which he described as mindless rivalry in which the people are vying with each other in the accumulation of pointless destructive capacity.

Like Mr. Warnke I wish there were an alternative to the nuclear arms race. Like him I wish more of our resources could be poured into socially more constructive channels than weaponry. If we cannot stop the arms race, I wish we could at least slow it down—and that is what the Arms Control and Disarmament Agency is for. But I must confess I remain uneasy about Mr. Warnke's suitability for the positions for which he has been nominated. To change one's mind in the light of increasing knowledge and experience is one thing; to claim that prior statements are consistent with present statements when they clearly are not—this to me is really strange.

In negotiations such as Mr. Warnke is destined to go into, is this the quality of mind we really want representing us?

Therefore, despite my respect for Mr. Warnke's experience in negotiations, his wide-ranging thoughtfulness, and his long record of public service, I have regretfully decided to vote against his confirmation as Director of the U.S. Arms Control and Disarmament Agency and Ambassador. I have spoken at length about only one of the many points in his testimony that have left me uneasy, that leave ambiguities. There are many more points like that, that on close analysis, leave doubts undispelled, questions unanswered, ambiguities unclarified. These I leave for my colleagues to discuss.

I thank the Chair.

Mr. McCLURE. Mr. President, I want to amplify for a moment more on the point I tried to make just a few minutes ago.

Mr. President, in regard to the mere meaning of the statement he made earlier and whether or not there was inadvertence in the presence or absence of a comma, I think the Senator from California (Mr. HAYAKAWA) was very ably illustrating the differences in terms of construction. I do not think any doubt should be left as to whether or not any difference in construction is real.

What did he mean when he said earlier in the context of the comma or without the comma?

Certainly, what he said in the construction that has been attributed with the comma present is absolutely consistent with other statements he made at the same period of time. In 1971 in his debates with Senator Buckley, he made a comparison between the United States strength and the Soviet strength in the same terms he would look at the strength of the deterrent capacity of the British. He quoted from Denis Healey, and this again I quote from his words:

> The former British defense minister, Denis Healey, has given his opinion that Britain's relatively small strategic forces in fact constitute an adequate retaliatory capacity against the Soviet Union because they include ballistic missile submarines. On reflection, I believe that he is right.

That is consistent with what he said earlier. It is inconsistent with what he says now.

On July 20, 1971, on page 26294 of the CONGRESSIONAL RECORD, Mr. Warnke is quoted as saying in his statement opposing both MIRV's and the development of an American ABM system, and I quote:

> There appears to be a considerable agreement that "nuclear superiority" has become a meaningless and irrelevant criterion in designing strategic forces.

Those are consistent with the construction placed upon his earlier statement by the able Senator from California (Mr. HAYAKAWA) and totally inconsistent with what he now says he said then.

Mr. HELMS. Mr. President, before the able Senator from Idaho takes his seat for good, I wonder if in assessing all of the various comments of Mr. Warnke he is reminded of Humpty Dumpty's comment in Louis Carroll's "Through the Looking Glass." I hope I can quote it reasonably accurately.

> When I use a word, it means just what I choose it to mean—nothing more nor less.

I sat in the Armed Services Committee, I say to the able Senator from Idaho, with Mr. Warnke's record of statements before me. I listened to what he was saying, then sitting before us, and my reaction was one of astonishment.

He is a very pleasant man. He is certainly articulate. Undoubtedly intelligent. But when a man sits before us and has read to him, as was done by each of us on the Armed Services Committee, his words of the past and then have these statements contrasted to what he is saying today in seeking confirmation for his nomination, and looks at us and says, "Senator, I see no contradiction," then I am inclined to think he needs a white cane because the man is a study in contradictions.

I commend the Senator from Idaho on his comments and clarification of some vital points.

Mr. President, I cannot support confirmation of Mr. Paul Warnke to be this Nation's strategic arms limitation negotiator.

We live in a time when there is serious doubt in the minds of the American people as to the security position of the United States vis-a-vis the Soviet Union. A recent Opinion Research Corp. poll shows that 65 percent of the public feels that the United States should be militarily superior to the Soviet Union. Americans are concerned that we are not superior.

In this climate of opinion, and in light of an increasing body of information to the effect that the Soviet Union is moving rapidly and unhesitatingly toward meaningful superiority in strategic nuclear weapons, the United States cannot afford to have as its arms limitation negotiator a man whose record clearly discloses an unfortunate inability to see these trends and respond to them in an appropriate manner.

As indicated earlier, my opposition to

Mr. Warnke's confirmation is in no way personal. I simply do not feel that Mr. Warnke will be the tough bargainer that the United States needs at this point in our Nation's history.

Mr. Warnke often has been juxtaposed with his former colleague Paul Nitze. Indeed, Mr. Nitze has come forward to oppose Mr. Warnke's confirmation as strategic arms limitation negotiator. In the past, Mr. Nitze has shared many of Mr. Warnke's views, as a number of Mr. Warnke's supporters have been quick to point out.

Mr. Nitze's views have changed. Over a period of 5 years as a SALT negotiator, Mr. Nitze faced his Soviet counterparts on numerous occasions. He learned firsthand about Soviet negotiating style, methods, and techniques. He had 5 years of on-the-job training. He began that training at a time when the United States was in a position of strategic superiority.

This is not the case today. With the trends moving toward Soviet strategic superiority, the United States can ill afford to give our strategic arms negotiator a similar period of on-the-job training so that he, too, can face the reality of conducting negotiations with the Soviets, and then change his views accordingly.

Nor am I certain that Mr. Warnke can change his long-held views—not only about weapon systems per se, but also about the real interests involved in arms limitation negotiations with the Soviets.

Mr. Warnke's supporters have argued that the President should have whomever he wants to staff the executive branch and that the Senate should approve the President's nominees, unless some question of an ethical nature is raised. There are those who accept this view without question. I do not. The Constitution of the United States is too precise, it is too unmistakably clear about a Senator's duty to advise and consent.

The security of the United States is the issue here, not Mr. Warnke's personality, not his intelligence, not whether or not he is an articulate man, not that he happens to share the views that most people have that he favors disarmament. I doubt that there is a Senator in this body who would not make haste to support a real two-way street on this proposition, with verification.

What is at issue here is are we going to be snookered again by the Soviet Union? The issue is whether we are going to send a weak negotiator to sit down with the tough negotiators surely to confront us in SALT talks.

No, sir, Mr. President, I cannot accept the thesis that the President is entitled to have whomever he wishes for positions which require the advice and consent of the Senate of the United States. If we are not supposed to exercise our judgment about the best interests of this country, then we need to take that provision out of the Constitution.

Because of this, Mr. President, I find myself unable to support the confirmation of Mr. Warnke, as I have found myself unable to support the confirmation of a number of Presidential nominees, not only those submitted by Mr. Carter, but also of the two predecessors who were in office since I have been in the U.S. Senate. National security is just too crucial to be entangled with partisan politics.

Many Americans, including myself, would like to see a national debate on the future of our national security posture. Unfortunately, the nomination of Mr. Warnke has not generated a proper debate because it is difficult to know exactly what Mr. Warnke really believes.

There is little doubt, Mr. Warnke's protestations to the contrary notwithstanding, that in his appearance before the Armed Services and Foreign Relations Committees he has drastically changed many of his previously stated, well-publicized, unquestioned positions. This is obvious to anyone applying minimal standards of rational consistency. This all might be taken at face value except that Mr. Warnke strangely insists that his views have not in fact changed, that only circumstances have changed, and that his present opinions only reflect the present facts.

But I submit, Mr. President, that anybody who believes that will believe anything because this denial of the obvious raises one of several interesting possibilities: First, he is quite correct in stating his views have not changed, and that we, therefore, ought not to take at face value his sudden concern for national security and a strong defense posture; or second, his views have changed to fit the pragmatic considerations of the moment, which is discomforting itself; or third, Mr. Warnke's conversion is genuine, but he feels compelled to deny that such a change has taken place lest such an admission would disturb his pacifist constituency; or fourth, Mr. Warnke still adheres to his old views, but, setting aside his personal views, he is stating his client's—the President's—case; or fifth, then again, by not expressly disavowing his old views, he may be stating his client's case; or sixth, Mr. Warnke is not really sure what he believes, but rather scurries about from issue to issue on an ad hoc basis; or seventh, only Mr. Warnke knows what he really believes, and he has deliberately obfuscated the record so that no one will know for sure what policy we are endorsing should the Senate confirm his nomination.

When all these possible interpretations of Mr. Warnke's positions are coupled with the fact that Mr. Warnke is obviously an articulate and intelligent man, we have, in my view, grave cause for concern about this nominee's general veracity, and whether we can ever expect clear and unambiguous statements from him concerning the progress of the SALT negotiations.

Mr. Warnke's appointment—or more accurately, the possible policy approach reflected in Mr. Warnke's appointment—is of the gravest concern for the future of this Nation, indeed all of Western civilization. I believe the Senate and the American people are entitled to know precisely where Mr. Warnke and the Carter administration stand on arms negotiations. While I might respect Mr. Warnke's agility in skipping up, around, over, and under the issues, I cannot and will not vote for a nominee who refuses to be forthright in his presentation about such important matters.

In short, I guess I am saying the American people are entitled to ask: "Will the real Mr. Warnke please stand up?" They are entitled to know which is the real Mr. Warnke.

Does Mr. Warnke still believe there are no basic differences between the United States and the Soviet Union, that we are but, as he put it, "two apes on a treadmill?" I do not know. Has he finally learned the lesson of Munich and that appeasement leads only to disaster? I doubt it. These and countless other fundamental questions have not been answered. Yet the U.S. Senate is being asked to vote on a nominee who will be intimately concerned with issues involving the ultimate and final fate of this Nation. I believe the Senate should know what we are voting for—and about. As of the present moment, the Senate simply does not know.

I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. MATSUNAGA). The time of the Senator has expired.

The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, President Carter has intensified the ongoing debate on national security by nominating Paul C. Warnke as Director of the Arms Control and Disarmament Agency and chief American negotiator at the SALT talks. Mr. Warnke has long been an outspoken advocate of major defense cuts, with particular hostility toward new weapons systems.

Under the charter of the Committee on Armed Services, as provided for in the Senate rules, this committee has the responsibility to "study and review, on a comprehensive basis, matters relating to the common defense policy of the United States."

Therefore, the committee membership, bearing in mind these responsibilities, requested Mr. Warnke to appear for hearings. This request was made because the weapon systems subject to negotiation at the strategic arms limitation talks are the same systems which this committee authorizes in carrying out its duties to the Nation to provide for our national security.

Under the advise and consent powers provided in the Constitution the Senate has a well-defined responsibility to approve or disapprove the nominations of the President. It has been my long-held view that a President is entitled to have as his advisers in the executive branch those individuals he chooses. This position should apply, except in those extraordinary cases where the Senate finds, in exercise of its advise and consent powers, that the individual nominated is especially unsuitable for the duties chosen.

In those instances, the Senate has an equal responsibility to oppose such nominations, and the history of the Senate is replete with just such examples where a President has been denied his choice under the advise and consent powers provided in the Constitution.

My opposition to the nominee is based on his position in three major subject areas. They are as follows: First, weapon systems procurement; second, research and development; and third, unilateral initiatives.

His record in these three areas make him entirely unsuitable for either post. Further, I am troubled by an obvious change in position since his nomination, coupled with his unwillingness to acknowledge that change.

Finally, I see the critical post of SALT negotiator as more than a spokesman or message carrier for the President. In that key position, he will play a greater role in the formulation of our final position than any other individual.

Now, for the benefit of my colleagues in the Senate, I wish to discuss as briefly as possible Mr. Warnke's position on weapon systems procurement, research and development and his often-stated promotion of unilateral initiatives. Before concluding comments on these points, it will be my purpose to also provide for my colleagues, comments from witnesses who are disturbed, as I am, by the change in his position since his nomination.

In conclusion, it will be my purpose to discuss briefly the two posts to which he has been nominated and summarize my views as to why his nomination should be disapproved for both positions.

Testimony by Mr. Warnke substantiated his opposition over a long period of time to both research and development as well as procurement of various weapon systems recommended by past Presidents and Secretaries of Defense, and subsequently approved by Congress.

Mr. Warnke's position on these matters was effectively summarized in two brief periods of questioning, first as to procurement in response to questions by Senator HENRY JACKSON, and second as to research and development, in response to my own questions.

WARNKE PROCUREMENT POSITION

The record shows, on page 17, a statement by Senator JACKSON and a response by Warnke as follows:

Just to set the record straight, and setting aside for the moment your current view on these prior recommendations, I want to read a list of the programs on which you have made recommendations in the past. When I have completed the list, which runs to 13 items, I would like you to tell the committee whether I have accurately summarized your prior recommendations on these U.S. programs.

Here is Senator JACKSON telling Mr. Warnke this:

You recommended:

(1) Against the B–1.

(2) Against the Trident submarine and the Trident II missile.

(3) Against the submarine-launched cruise missile.

(4) Against the AWACS programs.

(5) Against the development of a mobile ICBM, by the United States.

(6) Against MIRV deployment.

(7) Against improvements to the U.S. ICBM force, including improved guidance and warhead design.

In other words, to make them more accurate, Mr. President.

(8) Against the development of the XM–1 tank and for reductions in the procurement of the M–60 tank.

(9) For the reduction of U.S. tactical nuclear weapons in Europe from 7,000 to 1,000. I believe you just said a moment ago that you did not recommend a reduction in nuclear weapons in Europe.

(10) For the withdrawal of some 30,000 troops from NATO without waiting for the conclusion of an MBFR agreement.

Mr. President, on this point, I simply want to say that it would be wonderful if both sides could reduce, reduce in soldiery, that is the numbers, and also reduce in weaponry. But the idea of reducing on our side without a reduction on the other side is perfectly ridiculous. That would be unilateral reduction. What we need is bilateral reduction, reduction on both sides.

(11) For holding the army at 13 rather than 16 divisions, after improved efficiency made creation of three new divisions possible within existing manpower ceilings.

Mr. President, if we can make 16 divisions without additional costs in manpower, why not do it? Why would Mr. Warnke oppose having 16 instead of 13 divisions?

(12) For a $14 billion cut in the defense budget in the fiscal year 1974 submission and a $11 billion cut in fiscal year 1975.

Mr. President, if we had done that, if we had come up with $14 billion from our defense program in 1974 and $11 billion in 1975 where would we be today? I simply ask the Members of the Senate what would have happened to our country? Do we care about our power balance? Do we care about our survival as a free nation? Do we want to keep our people free?

(13) For reduction in fiscal year 1975 dollars of 3 percent per year in the defense budget, with the result that, applied to the fiscal year 1978 budget, the total reduction would amount to some $26 billion from the Carter recommendations to Congress.

Mr. President, those are the questions that were put to Mr. Warnke by Senator JACKSON. Was Senator JACKSON correct in those matters or not? Listen to Mr. Warnke's answer. It is very brief.

Mr. WARNKE. Yes, sir, Senator, that is absolutely correct.

Mr. President, if that is correct, and Mr. Warnke said it is correct, how could the Members of this Senate support a man for that position who has opposed all of these important weapons that mean the very survival of our Nation?

WARNKE OPPOSITION TO RESEARCH

Later in the hearings I propounded questions as to Mr. Warnke's position as to research and development of various weapon systems. These remarks began as follows:

Senator THURMOND. In testimony yesterday, I believe you acknowledged opposition to over 13 major weapon systems in the past few years. You further stated that you often proposed alternatives. However, the record shows that you opposed even research and development of many systems now vital to our conventional and strategic posture.

This opening statement was followed by a series of questions pointing to previous positions taken by Mr. Warnke in opposition to even research and development of the strategic cruise missile, the airborne warning and control system—AWACS—the mobile ICBM, a phased array radar for warning against submarine launched missiles, the XM–1 tank, the B–1, the Trident submarine, the SAM–D air defense missile, and multiple independently targeted reentry vehicles for our ICBM's and SLBM's.

At the conclusion of these questions, this exchange between myself and Mr. Warnke took place:

Senator THURMOND. Mr. Warnke, you have opposed all of these weapons to which I have referred. There is no question about that, is there?

Mr. WARNKE. That is correct.

Again I say, to substantiate the fact that he had opposed all of these weapons, not only to Senator JACKSON, but to my line of questioning also.

It must be stated for the record that Mr. Warnke said that in some cases he proposed alternatives. However, the public record fails to reveal more than one or two such alternative programs. He now takes the position that he favored a smaller missile submarine in place of the Trident, and that he has in recent years supported the F–18 aircraft as a substitute for the F–14. However, the F–14 is principally a fleet air defense weapon system, while the F–18 is a combination air superiority and ground support system.

CONSISTENT DEFENSE OPPONENT

Thus, over the years, Mr. Warnke has a consistent and proliferous record of opposition to the very systems which allow us today to claim a rough equivalence in the face of the massive buildup of strategic and conventional forces by the Soviet Union.

This long-held position of opposition to so many major weapons systems by Mr. Warnke was well documented throughout the 3 days of hearings before our committee. It reveals a naiveté in what constitutes a sufficient defense, and equally disarming, a willingness to take unilateral weapons decisions which would at best leave our military power vis-a-vis the Soviets in serious question.

Adm. Thomas Moorer, former Chief of Naval Operations and Chairman of the Joint Chiefs of Staff, in answer to a question summed it up well when he stated:

I agree, that everyone has a right to be opposed to a particular weapon system. I think the key point here is that Mr. Warnke has been opposed to all of the weapon systems. There is a difference.

Mr. President, that is the former Chief of Naval Operations and Chairman of the Joint Chiefs of Staff, for whom everyone has respect that I know of, if they have respect for any military man, because there is none finer than he or more knowledgeable than he, and that is his statement:

I think the key point here is that Mr. Warnke has been opposed to all of the weapons systems.

How can the Senate vote for a man like that?

UNILATERAL INITIATIVES

In the past few years, Mr. Warnke has taken the position that the United States should in some cases bargain with the Soviets by proposing unilateral initiatives.

In testimony, he revealed that such actions would take the form of unilateral steps by the United States in various weapons systems seeking to encourage

the Soviets to follow suit. If they did not act in about 6 months, then the United States should resume its own efforts. In testimony before our committee, he stated that he sees this approach as a means to break stalemated talks.

Thus, he is holding out the hope to the Soviets that if they refuse to deal with us in reaching a fair SALT agreement, then we should unilaterally halt development of the mobile ICBM or some similar system as a move to break the stalemate.

It would appear that at just such a time unilateral initiatives would be especially dangerous. This would be the wrong approach, because it would merely give the Soviets more time to move ahead of us in a given system or delay its eventual deployment by the United States should our SALT efforts fail.

Admiral Moorer, in his testimony, described two unilateral initiatives which the Soviets seized upon to press their advantage.

First, he cited President John F. Kennedy's decision to unilaterally cease atmospheric nuclear tests. While it is true, he stated, that the Soviets eventually agreed to a test ban, the Soviets tested for some time after the United States halted its own tests.

Admiral Moorer concluded by declaring that the net effect of the unilateral U.S. standdown permitted "the Soviets to acquire knowledge about their weapons which the United States does not possess with respect to our weapons."

As a second example, the futility of dealing with the Soviets through unilateral initiatives was described by Admiral Moorer in SALT I when the Soviets refused to negotiate with respect to mobile missiles. The United States, nevertheless, stated during SALT I that we would not go forward with a mobile land-based missile.

Admiral Moorer declared that during this period:

> The Soviets have had ample time to demonstrate a willingness to follow our unilateral action. However, true to form, they have now moved forward with the SS–20 (mobile missile). They have stated that unilateral statements in an agreement are meaningless.

The dangers of unilateral initiatives, particularly during a period of rough equivalence, are quite evident. Since they would apply mainly to development programs, it must be recognized that a delay of 6 months during development can delay a new systems entry into the inventory by up to 2 years.

WARNKE'S VIEWS CHANGE?

While the three above-cited areas of concern—weapons systems procurement, research and development, and unilateral initiatives—are sufficient reasons for opposition, a new element is added. That element is Mr. Warnke's sudden change in attitude toward his previous positions. While it appears he is now more concerned about a strong defense position, he nevertheless holds to the belief that his position is unchanged from past pronouncements.

This turnabout is noted and described in the prepared testimony of the witnesses who appeared at the committee's invitation to testify on this nomination. Mr. Paul Nitze, former Navy Secretary and for 5 years a member of the SALT negotiating team, describes this change as follows:

> What is important is that Mr. Warnke had earlier recommended the rejection of almost all the proposals advanced by the Executive Branch designed to offset the growing Soviet strategic nuclear potential. Today he says that he was merely suggesting that these programs be studied on cost effectiveness grounds. I believe any objective study of the record will demonstrate that that is not what he then said.

Admiral Moorer, another witness, describes the change as follows:

> I find it difficult to reconcile the statements he has made before the Senate Foreign Relations Committee and the totally different statements he has repeatedly made in the years gone by.

Thus, it is reassuring to hear Mr. Warnke testify in support of many of the systems he opposed in the past, but equally disturbing when he refuses to acknowledge any change in his previous position.

With this background, and in conclusion, I would like to state for my colleagues why my vote will be cast against Mr. Warnke for both positions for which he has been nominated.

ACDA DIRECTOR

This post calls for an individual who can look into the future and make proposals which will form the basis for a negotiating position designed to control arms, but at the same time insure our national security.

Mr. Warnke's past positions on weapon systems procurement and development clearly show a lack of understanding of the needs of this Nation in the years ahead. Had we followed his advice, our position today would be greatly undermined to say the least.

His past statements that numbers are not important in negotiating agreements and that a position of inferiority is not necessarily an unacceptable posture illustrate his confused approach. They also raise serious doubt as to his understanding of Soviet goals and what consists of a proper military balance for a valid SALT agreement.

SALT NEGOTIATOR

As for the position of SALT negotiator, I find the prospect of his service in this capacity totally—I repeat, totally—without merit.

The idea that the SALT negotiator is merely the advocate of the President's position fails to recognize the responsibilities of this important assignment. Certainly, the negotiator works from the President's position, but in the give-and-take, he proposes to the President ways to break deadlocks and more than any other one person living, brings the final agreement into shape.

Mr. Nitze in his testimony stated:

> It is my belief that 90 percent of the constructive work which finally ended up in the ABM Treaty—had its initiation in the delegation itself rather than coming by instruction from Washington.

Admiral Moorer testified along the same lines. As a participant in past talks he declared:

> The Chief negotiator, on the other hand, should in effect be an adversary, insofar as the Soviets are concerned and endeavor to make absolutely certain that the goal should be maintaining the defense of the U.S., rather than simply achieving an agreement resulting in some kind of reductions in arms.

Mr. Warnke's past record, in opposing many key weapons research and development programs, and his position as an advocate of unilateral initiatives, support my belief that he lacks either the background or understanding to handle tough negotiations with the Soviets.

In conclusion, I urge the Senate to study the record of the hearings before both the Senate Committee on Foreign Relations and the Senate Armed Services Committee. Each member must also bear in mind that today, we deal not from a position of clear superiority over the Soviets as in SALT I, but in an environment of rough equivalence. This is not the time to take "unilateral initiatives" in an effort to break stalemated talks. It is not a time to send to Moscow an individual who has proposed more U.S. defense cuts than even the Soviets have dared to suggest.

This is a time of danger. It is a time when practically all leaders in this field acknowledge that Soviet momentum in defense spending, if unmet, could give them a lead in the balance of power. It is a time when numbers of strategic systems do count, when a position of strength is essential, if the blessings of this Earth are to be preserved for all free societies.

STRATEGIC ARMS—CRITICAL CHOICES AHEAD

Mr. LAXALT. Mr. President, I am opposed to Paul Warkne's confirmation as either head of our SALT delegation or Director of the Arms Control and Disarmament Agency. My position has nothing to do with Mr. Warnke's character or his evident ability. But, it has everything to do with his policy stands on issues which literally are life-and-death propositions.

What course are we to follow in strategic arms? Can we afford to take any chances of national destruction? Are we to experiment with something called "unilateral restraint"? Because, it is possible that today, for the first time in history, national destruction of a major power could result from one erroneous basic choice. We must ponder these basic questions as we chart our future strategic course.

There are also disturbing trends that must be factored into our decision equation. The Soviets continue to pursue a rapid and intense armaments program, devoting to defense a much greater share of their national product than does the United States. Western efforts to assess the level and burden of Soviet defense spending are seriously hampered by major differences in accounting methods, the artificial value of the ruble, and the lack of information and reliable data. However, CIA estimates of Soviet defense spending in the 1963–73 period put the growth rate at about 3 percent, compared to about 1 percent for the United States. Last year, the CIA concluded that defense efforts absorb 11 to 13 percent of the Soviet Union's gross national product. The portion of the U.S. product absorbed by defense efforts has

declined from 10 percent in 1955 to about 5.5 percent today.

In terms of the strategic nuclear balance, the United States has gone, in just three decades, from a monopoly in nuclear forces, to what is now hopefully described as rough tactical and strategic equivalence with the Soviets. In the past decade, Soviet gains have been dramatic. At the beginning of the decade, the United States had 1,702 warheads to 309 for the Soviets. This included a four-fold advantage in SLBM's—submarine-launched ballistic missile; a three-fold advantage in ICBM's—intercontinental ballistic missile; and an absolute advantage in Polaris SLBM's, which contained three MIRV's—multiple independently targetable reentry vehicle—although these had not yet been deployed. The Soviets have overtaken the United States in almost every category. The United States continues to maintain a tenuous lead only in accuracy, in warheads on target, and an advantage in number of warheads.

The United States and the Soviet Union have been talking about limiting nuclear arms since the initial round of strategic arms limitation talks, SALT, in November 1969. These negotiations have produced the 1972 SALT I agreement and the 1974 Vladivostok Accord that is a part of the still incomplete SALT II, and have given rise to talks of a SALT III.

The 1972 agreement restricted the number of missile defense systems and the number of offensive nuclear weapons. Under the agreement, the Soviets were allowed to have more missiles than the United States—Soviet 2,400; U.S. 1,700. The agreement did not prevent the Soviets from replacing some of their smaller missiles with larger ones carrying more and bigger warheads. Consequently, they acquired their numerical advantage in number of missiles, in the weight of warheads these missiles can throw onto their targets, and in the explosive megatonage of their warheads.

Since the 1972 agreement, technology has brought the Soviets an assortment of new devices. These include a range of new missiles—the new SS-18, with unprecedented explosive power, can destroy any known fixed target; the new SS-20, likely to be deployed aboard a mobile launcher, may defy satellite verification—the new Backfire bomber, and their own MIRV multiple warheads. The United States, during this time, has developed MIRV multiple warhead, and the easily concealable, low flying, cruise missile.

The 1974 Vladivostok negotiations led to guidelines for SALT II which provided for an exact equivalence between United States and Soviet strength in strategic weapons. Each nation was to be limited to 2,400 strategic nuclear weapons—a 700 increase for the United States over SALT I. However, the United States agreed to count its smaller missiles as equal to the Soviets larger ones, giving the Soviets a three-fold lead in missile throw weight which might ultimately be translated into a lead in warheads.

Of the 2,400 weapons, up to 1,310 could be MIRV's or made to contain several warheads capable of striking more than one target. Each nation was to be allowed to constitute its strategic forces in any combination of ICBM's, SLBM's, heavy bombers, or air-launched missiles as desired.

One major unresolved issue for SALT II involves the Soviet Backfire medium-range bomber and the U.S. cruise missile. Each side wants its particular weapon excluded from SALT II on the grounds that its range is too limited for it to figure in any count of strategic weapons. The Soviets have the medium-range Backfire bomber in squadron service, whereas, U.S. operational commitments for the cruise missile—whether either sea-launched, air-launched, or both—have not yet been made. A key concern is that the Backfire bomber becomes an intercontinental weapon if it is refueled in mid-air.

It is against this background that we are tasked with the responsibility for confirming the future chief American SALT negotiator and Arms Control and Disarmament Agency Director. The nominee, Paul C. Warnke, advocates a policy of temporary unilateral restraint on the part of the United States. He asserts that a U.S. lead in technology and warheads make it possible for us to take this initiative without undue risk.

Mr. Warnke's proposal is rooted in the proposition that today the prime impediment to arms control is "superpower aping," each nation reflexively responding to the other. He argues that nothing short of nuclear monopoly can give significant political leverage to either the United States or the Soviets in time of crisis. He believes that the proposition that we must remain ahead of the Soviet Union in most if not all perceivable elements of military power is a fallacy that inflates defense spending. He suggests that what is needed most urgently now is a decision to take advantage of the stability of the present strategic balance. Finally, he concludes that insofar as formal agreements are concerned we may have gone as far as we can go now.

As we judge the merits of this man and the policy to which he is pledged, we must weigh the risks carefully. All recognize the importance of the upcoming SALT II negotiations. We are all hopeful they will succeed. The outlook of the chief negotiator will obviously have a major impact on the shape of whatever agreement emerges. Does Paul Warnke have the background of experience necessary to be a competent judge of military requirements, weapons capability and strategy? Is it appropriate for Mr. Warnke to head the Arms Control and Disarmament Agency—the primary arms control advocate within the Government—and to serve at the same time as chief strategic arms control negotiator? Can he serve as an impartial representative of the President in arms control negotiations?

Is there any evidence that the Soviets will respond to a U.S. initiative of restraint? The evidence of the past several decades suggests they will not. In the late 1960's, the United States delayed deploying antiballistic missiles in the hope it would produce reciprocal restraint on the part of the Soviets. It did not. During the past two decades, the United States has gradually decreased the percent of its gross national product devoted to military spending. All indications are that the Soviets have not done likewise. More recently, in Angola, the Soviets took decisive advantage of the American pullout from Southeast Asia and our reluctance to be drawn into another Vietnam.

The Joint Chiefs of Staff recently testified that they now share the judgment that Soviet programs are aiming at strategic superiority, and that if current trends continue, the Russians will soon reach their goal. Leonid Brezhnev said, at the 25th Congress of the Communist Party this past year, that—

Détente does not in the slightest way abolish and cannot abolish the laws of class struggle. Capitalism is a society without a future.

There can be no doubt that the Soviets have developed and maintained the largest military establishment in the world. The Soviet leadership have proven themselves to be tough and implacable in their relentless drive for military superiority. Their technology almost yearly produces an ever-increasing array of cunning new devices. Against this background can we afford even a moment's delay in moving toward operational commitments for our advantage, such as the cruise missile? I think not.

History has clearly shown that wars normally confound the most confident plans of strategists. Whether or not one superpower has true superiority, the appearance of inferiority—whatever its actual significance—can have devastating consequences. Is the risk of delay—when that risk may include national destruction—acceptable? Is this idea of temporary unilateral restraint an idea whose time has come? I, for one, do not think so. I believe it is essential for the security and welfare of this Nation that we pursue those policies that will permit us to retain a "defense capability second to none." I, therefore, urge my colleagues to reject Mr. Warnke's nomination.

ORDER FOR RECESS ON MONDAY, MARCH 7, 1977, UNTIL TUESDAY, MARCH 8, 1977, AT 9:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, the Senate will recess in executive session. On Monday, it will be in executive session when it convenes.

I ask unanimous consent that, when the Senate completes its business on Monday, it stand in recess until the hour of 9:30 a.m. on Tuesday.

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

Mr. ROBERT C. BYRD. Mr. President, the convening hours may be changed, depending upon the circumstances, from day to day next week.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE AND SENATOR SPARKMAN ON TUESDAY, MARCH 8, 1977

Mr. ROBERT C. BYRD. Mr. President, on Tuesday, there are two requests for special orders. I ask unanimous consent that, immediately after the two leaders

are recognized on Tuesday, Mr. PROXMIRE and Mr. SPARKMAN be recognized, each for not to exceed 15 minutes. After the orders for recognition of Senators on Tuesday have been consummated the Senate will immediately go into executive session.

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

ORDER FOR RECESS ON TUESDAY, MARCH 8, 1977, UNTIL 9 A.M. ON WEDNESDAY, MARCH 9, 1977

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday, it stand in recess until the hour of 9 a.m. on Wednesday.

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

Mr. ROBERT C. BYRD. Mr President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ACTION AGENCY

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Senate proceed to consider the nomination of Mary King to be Deputy Director of the ACTION Agency.

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

The second assistant legislative clerk read the nomination of Mary Elizabeth King, of the District of Columbia, to be Deputy Director of the ACTION Agency.

Mr. CRANSTON. Mr. President, this is an outstanding nomination by President Carter of an outstanding woman to be the deputy chief of the ACTION Agency. Mary King has had great experience in volunteer activities in our country. She was an outstanding leader in the civil rights struggle in the South. She is a woman who can perform superbly. She was reported unanimously by the Committee on Human Resources today. There is great support there, as there will be great support in the Senate and in the country, for her in this role.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. CRANSTON. Mr. President, I move that the President be notified immediately of the confirmation of this nomination.

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

PROGRAM

Mr. CRANSTON. Mr. President, the Senate will convene at 1 o'clock on Monday. Immediately after the two leaders or their designees have been recognized, the Senate will return to consideration of the nomination of Paul C. Warnke to be ambassador to the strategic arms limitations talks. There could be rollcalls of a procedural nature, but that is unlikely. There could be rollcalls on other matters that are cleared for action and come to the Senate floor during Monday.

RECESS TO MONDAY, MARCH 7, 1977, AT 1 P.M.

Mr. CRANSTON. 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 1 p.m. on Monday.

The motion was agreed to; and at 6:28 p.m., the Senate recessed in executive session until Monday, March 7, 1977, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate March 4, 1977:

DEPARTMENT OF STATE

Richard M. Moose, of Arkansas, to be Deputy Under Secretary of State.

Douglas J. Bennet, Jr., of Connecticut, to be an Assistant Secretary of State.

Hodding Carter III, of Mississippi, to be an Assistant Secretary of State.

Richard N. Gardner, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Italy.

DEPARTMENT OF THE TREASURY

Bette Beasley Anderson, of Georgia, to be an Under Secretary of the Treasury, vice Jerry Thomas, resigned.

Anthony Morton Soloman, of Virginia, to be Under Secretary of the Treasury for Monetary Affairs, vice Edwin H. Yeo III, resigned.

Gene E. Godley, of the District of Columbia, to be a Deputy Under Secretary of the Treasury, vice Harold F. Eberle, resigned.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Jay Janis, of Florida, to be Under Secretary of Housing and Urban Development, vice John B. Rhinelander, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 4, 1977:

ENVIRONMENTAL PROTECTION AGENCY

Douglas M. Costle, of Virginia, to be Administrator of the Environmental Protection Agency.

Barbara Blum, of Georgia, to be Deputy Administrator of the Environmental Protection Agency.

ACTION AGENCY

Mary Elizabeth King, of the District of Columbia, to be Deputy Director of the ACTION Agency, vice John L. Ganley, resigned.

DEPARTMENT OF JUSTICE

Daniel J. Meador, of Virginia, to be an Assistant Attorney General.

Wade Hampton McCree, Jr., of Michigan, to be Solicitor General of the United States.

Barbara A. Babcock, of California, to be an Assistant Attorney General.

Benjamin R. Civiletti, of Maryland, to be an Assistant Attorney General.

Drew S. Days III, of New York, to be an Assistant Attorney General.

Patricia M. Wald, of Maryland, to be an Assistant Attorney General.

DEPARTMENT OF DEFENSE

Thomas B. Ross, of the District of Columbia, to be an Assistant Secretary of Defense.

R. James Woolsey, of Maryland, to be Under Secretary of the Navy.

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.

IN THE ARMY

The following-named officer for reappointment to the active list of the Regular Army and Army of the United States, with grade as indicated, from the temporary disability retired list, for a peirod of 1 day, under the provisions of title 10, United States Code, sections 1211, 3442, and 3447:

To be major general, Regular Army and general, Army of the United States

Bruce Palmer, Jr., [redacted].

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be general

Bruce Palmer, Jr., [redacted].

IN THE NAVY

Rear Adm. Robert R. Monroe, U.S. Navy, having been designated for commands and other duties of great importance and responsibility commensurate with the grade of vice admiral within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

The following-named captains of the Navy for temporary promotion to the grade of rear admiral in the staff corps indicated subject to qualification therefor as provided by law:

MEDICAL CORPS

Roger F. Milnes
George E. Gorsuch
Eustine P. Rucci

SUPPLY CORPS

Shirley D. Frost
Gerald J. Thompson

CIVIL ENGINEER CORPS

William M. Zobel

DENTAL CORPS

Julian J. Thomas, Jr.

IN THE MARINE CORPS

The following-named brigadier general of the Marine Corps Reserve for appointment to the grade of major general under the provisions of title 10, United States Code, section 5902:

Hugh W. Hardy

IN THE AIR FORCE

Air Force nominations beginning Fred L. Bauer, to be major, and ending Jack M. Shuttleworth, to be a permanent professor, U.S. Air Force Academy, which nominations were received by the Senate on February 15, 1977, and appeared in the Congressional Record on February 21, 1977.

IN THE NAVY

Navy nominations beginning Merrill E. Schlegel II, to be a permanent lieutenant and temporary lieutenant commander, and ending George D. Kahnk, to be ensign, which nominations were received by the Senate on February 15, 1977, and appeared in the Congressional Record on February 21, 1977.

Navy nominations beginning James R. Abbey, to be commander, and ending Elizabeth G. Wylie, to be commander, which nominations were received by the Senate on February 15, 1977, and appeared in the Congressional Record on February 21, 1977.

Navy nominations beginning John W. Ackerman, to be chief warrant officer, W–3, and ending Adrian L. Hanna, to be chief warrant officer, W–4, which nominations were received by the Senate on February 16, 1977, and appeared in the Congressional Record on February 21, 1977.

EXTENSIONS OF REMARKS

PRESIDENT CARTER'S ENERGY REORGANIZATION PLAN

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, Norbert Weiner, the father of cybernetics, once observed that the "environment might best be conceived as a myriad of 'to whom it may concern' messages, putting emphasis on the necessity for selection." I do not believe his remarks were intended for those who must struggle with President Carter's energy reorganization proposal, but the thrust of Dr. Weiner's comments targets their problem. Over the next few weeks, we will all be involved in sorting out the myriad of messages pertinent to a sound energy policy and an equally sound energy organization. In doing so, the Congress hopes that by putting appropriate labels and addresses on them, a new, streamlined, one-step system for delivery of energy-related government services will result.

There is a general feeling today that our governmental machinery lacks the capacity to respond effectively to national energy problems and needs. In large measure, this is traceable to the fact that energy problems cannot be compartmented and made to fit into traditional governmental organizational attempts at solution. On the contrary, the present systems are equipped to deal with problems in a manner and on a scale in which they no longer occur.

To overcome this condition, President Carter has proposed a reorganization plan for energy affairs, featuring a number of interlocking elements, which if combined, can produce effective remedy.

First, he has proposed the consolidation of like or related functions as a means of attaining efficiency and decisiveness in dealing with the whole energy system.

Second, significant portions of his plan, if adopted, can provide for more responsiveness and reduced citizen frustration with the bureaucratic systems of the past.

Third, he has proposed a prominent role for advocacy as a major function in order that protective needs such as energy conservation be balanced properly with those involving its development, management, and use.

Fourth, his plan provides for improved public participation through the merger of numerous advisory and administrative boards.

Mr. Speaker, this list can be extended, but the important fact is that energy production and management have tended more and more to be viewed as a series of interconnected policies, procedures, and programs. Congress recent action, authorizing expanded public investment in conservation, is firm evidence of the realization that problems respond to treatment only if seen in their totality rather than as fragmentary parts of the whole. The need to establish a process by which this series of interrelationships can be energized is readily apparent to those concerned with energy affairs. As a goal, energy independence has tended to suffer through the process of selective and often unrelated approaches to solution and by aggregating a number of activities without visible degrees of commonality.

Mr. Speaker, the key to changing Government's energy responsibilities rests within the unification of programs and policies dealing with energy, for by combining programs, administrators can be encouraged to look not only for logical interrelationships, but also seek out interprogram priorities for implementation. Until that occurs, the myriad of messages will continue to be issued on a "to whom it may concern" basis.

Mr. Speaker, I hope this Congress will act quickly on President Carter's proposal for reorganization of our administrative and governmental system for energy.

AGRICULTURAL INDUSTRY IN MICHIGAN SUFFERS FROM PBB CONTAMINATION

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. RUPPE. Mr. Speaker, since 1974, the State of Michigan's agricultural industry has suffered through a nightmare that I sincerely hope confronts no other State in this Nation.

In that year, it was discovered that a small but potent quantity of a fire retardant known as Firemaster and containing the chemical poison polybrominated biphenyl or PBB was accidentally mixed with a cattle feed nutriment known as nutrimaster.

Since that horrendous accident occured over 3½ years ago, hundreds of beef and dairy farmers have had herds condemned and the Michigan public has been frightened by the prospect of potentially dangerous chemicals being present in their food supply.

Unfortunately, not much is known about PBB except that it is extremely persistent in the environment. Long after the original contaminated feed has been removed from Michigan farms and Michigan grain elevators, traces of the PBB chemical are still found in new herds which never ate of the original tainted feed.

Thus, my colleagues and I from Michigan have been searching for answers to a problem about which there are presently few definite conclusions.

The people of our State have asked for prompt action to protect Michigan's food supplies. They have asked us to help return damaged farms to full production with the help and resources of the Federal Government.

Frankly, there are some areas where all the powers and resources of the Federal Government cannot produce change. It cannot, for example, change the fact that PBB is in the Michigan ecosystem and that only time will eliminate all traces of the chemical. It cannot remove the chemical traces from the bodies of thousands of Michigan citizens who have eaten PBB-contaminated foodstuffs in various quantities for different lengths of time.

Nor can action by the Congress speed the determination of legal responsibility for the PBB disaster. Only our Federal courts and those of the State of Michigan can make those determinations.

While there are areas where the Federal or State Governments are powerless to change the existence of PBB in the Michigan environment, there are actions that can be taken to both relieve the suffering of Michigan citizens and to provide protection for citizens of other states which may in the future encounter a PBB-type experience. Indeed, the Federal Government through its health agencies has already moved to provide an indepth and detailed analysis of any adverse effects to humans that may arise.

At my urging, and that of my distinguished colleague from Michigan, Mr. CEDERBERG, the Food and Drug Administration, the National Center for Disease Control, the National Environmental Health Center, and the National Cancer Institute have embarked on a study of 5,000 Michigan citizens to determine what, if any, ill effects in humans are caused by the consumption of PBB-laced foodstuffs.

This study will take 5 years to complete. It is now in its second year, and should provide us with the first detailed knowledge about the effects of PBB contaminated foods on the human system.

Yet additional action remains to be taken by the Federal Government, specifically by this Congress. Farmers whose herds have been contaminated with PBB have been by the hundreds forced out of production. Many of these individuals are operators of the already threatened family farm.

The PBB saga in Michigan can also be a lesson for other States and should express the need for preventive action by the Federal Government.

To provide aid to these helpless farmers, caught in circumstances well beyond their own influence, and to provide a program for helping States which, like Michigan, experienced chemical contamination problems in the future, I am introducing with several of my Michigan colleagues two pieces of legislation.

Along with Congressmen CEDERBERG, BROOMFIELD, and STOCKMAN, I am reintroducing a bill passed by the Senate last year but never acted on by the House.

This legislation would provide low interest loans to any farmer who is forced from production due to any chemical contamination over which he has no con-

trol. The bill provides loans up to $250,000 at a 3 percent interest level.

This low interest loan program merely extends to the victims of chemical catastrophes the same measures of protection and assistance we now provide to farmers who experience losses due to natural disasters. It provides that should any farmer through legal proceedings recover damages from the producer or distributor of the chemical, the Federal Government would be repaid its loan in full no later than 3 months after the date of recovery.

The aim of this loan program is simple: to return those farmers who have been forced from production to supplying the agricultural needs of Michigan and the Nation.

The second bill I am introducing today, which is cosponsored by Congressman BROOMFIELD, would add a new section to the Toxic Substances Control Act which we enacted last year.

Last year's act provided for the testing of chemicals before they are marketed so that we may know which chemicals are likely to harm humans, what effects they have on humans, and how to correct the presence of the chemical should it get into the food supply system.

This amendment to the Toxic Substances Control Act, called the Toxic Substances Injury Assistance Act, would provide and authorize Federal grants to States if the chief executive of the State determines there is present in the State's environment a chemical which may cause injury to the health of citizens or animals.

The grants provided for under this section would only become available if the Governor of the State orders the impoundment or condemnation of livestock or food crops and provides indemnity from State funds for persons harmed by impoundment. In any case, Federal grants would be limited to 75 percent of the cost of the indemnity program.

Other sections of the bill provide for the recovery of the grants through subsequent legal action, for grants to the States to monitor chemical substances and grants to cover the medical expenses incurred by individual citizens due to chemical contaminant.

One of the many tragedies of the Michigan PBB incident has been the inability of those who have suffered from PBB to receive any compensation. This fund, authorized for 3 years at a level of $50 million per year, would help provide that interim assistance until legal situations are settled.

No one who has studied the PBB incident in Michigan doubts that it has been an economic disaster and a human tragedy. Merely because it was caused by human error rather than by acts of nature is not sufficient justification to refuse action.

Michigan's polybrominated biphenyl problem of today could be confronted by each one of its 49 sister States in the future. In fact, the odds are probably pretty strong that other States will face a similar situation at some point in the future.

The question we in Congress must ask ourselves is: Are we going to be prepared to deal with the problems caused by chemical contamination of our environment so that those innocent victims of chemical contamination have recourse to adequate assistance? I hope that Michigan's experience will help us devise a plan that will provide such assistance to other U.S. citizens should the need arise.

AWARDED THE PRIME MINISTER'S MEDAL OF THE STATE OF ISRAEL

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. WAXMAN. Mr. Speaker, Mr. Harry Groman, a distinguished citizen of Los Angeles, will be awarded the Prime Minister's Medal of the State of Israel at the annual salute to the business and financial communities of Los Angeles. This tribute dinner dance, on behalf of state of Israel bonds, will be held on Sunday, February 27 at the Century Plaza Hotel. I am gratified to be able to bring to the attention of the Members the many accomplishments of this exemplary American. His concerns for his fellow men are well known to leaders in finance, industry, government, education, and religious endeavors.

Until 1938, Harry Groman held positions with State and local government agencies. Since then he has been involved in a number of businesses connected with real estate and mortuaries, serving on many clubs and committees having to do with the maintenance of high standards in his fields of endeavor. However, it is Harry Groman's involvement with community service which leads us to do honor to him and his lovely wife, Peggy Jean.

Harry Groman is former president of the Sunair Home for Asthmatic Children, a trustee of the City of Hope, vice president of the Jewish National Fund, and is an active member of numerous organizations, among which are the Criterion Club, Eastern Star Ionic Chapter, Jewish Big Brothers Association, Jewish Home for the Aged, Westwood Shrine Club, and Alan Catain Leukemia Fund. Mr. Groman is also a director of the Variety International Boys' Club and Variety Club Tent 25, and participates actively in the Footprinters and Forresters, the Los Angeles Jewish Community Federation Council, the American Jewish Committee, and several Shrine Clubs. He is a charter member of Moose Lodge No. 29. A number of synagogues also claim Harry Groman's membership.

We must recognize Mr. Groman also for his philanthropy: a campsite to the Jewish Community, a bungalow to Camp Hess Kramer, a classroom to Hillel Academy in Los Angeles, a community social room at the Farband Community Center in Dimona, Israel, a room at Mt. Sinai Hospital, and athletic equipment to the Israeli Army. Together with Mr. William Tamkin, he gave land and buildings to the Sunair Home for Asthmatic Children. He has established the Groman mortuaries rabbinical loan fund at Hebrew Union College and planted 2 miles of trees in Israel near the Gaza Strip. In memory of William Tamkin, Mr. Groman has contributed laboratories to the Massachusetts Institute of Technology, Boston, Mass. He has shared so much with so many that it is impossible to enumerate all of his generous gifts and contributions. Because of the equality of his achievements in in the service of his fellow men and women, I ask the Members to join me in paying tribute to this most valued citizen, Harry Groman.

THE DRUG ACT OF 1977

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. RANGEL. Mr. Speaker, if existing methods and institutions no longer serve a functional existence, or if attempts at bringing the separation between a profession of commitment and the actual compliance thereof prove futile, then certainly a reexamination of the issue will call for a new approach.

We are all well aware of the vicious and degenerating influence now permeating the fabric of our society in the form of narcotics. It is the moral and legal responsibility of the elected representatives in government to foster and promote such legislative action as would render inoperative the drug-trafficking elements in our Nation.

To this end, I have introduced H.R. 4321, a bill that I hope my colleagues will pay particular attention to, for it is my belief that the present dual jurisdiction regarding narcotic violations enters Congress into an assumption of responsibility for this problem. Citing this act as the Drug Enforcement Act of 1977, it offers Federal assistance to local law enforcement agencies, be they city, county, town, or of other such jurisdiction, in the form of a special Federal drug force, composed of persons skilled in uncovering narcotics violations and arresting violators pursuant to the Controlled Substances Act.

Mr. Speaker, prompt action must be taken to effectively stem the tide of the narcotics flow. I believe this bill offers a realistic approach and answer to the issue of drug abuse.

H.R. 4321 creates a special "drug force" composed of trained and experienced investigators knowledgeable in the field of narcotics, and also federally appointed attorneys skilled in the prosecution of criminal narcotics violations.

Should a State or local government decide that they are unable to enforce narcotic laws and limit drug trafficking, then they may request that the Attorney General dispatch the aforementioned drug force to assist them in the enforcement of the law. A board, composed of the Attorney General, the Assistant Attorney General in charge of the Criminal Di-

vision of the Justice Department, the Administrator of the Drug Enforcement Agency—DEA—the Regional Director of the DEA, and the U.S. attorney in which judicial district the drug force request was submitted, determines the eligibility of the unit of government submitting the request in accordance with guidelines established by the Attorney General.

A drug force entering a unit of government shall, after 120 days, be reviewed by the board to determine if the continued existence of the drug force is still warranted. All Federal agencies will be required to submit whatever information necessary requested by the Attorney General in assisting the enforcement efforts. I ask my colleagues to examine this bill and to join me in supporting this desperately needed legislation.

DO NOT GET PERSONAL WITH THE PRESIDENT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. MAZZOLI. Mr. Speaker, the following article by Erma Bombeck in her January 21 column of the Louisville Courier-Journal was sent to me by a constituent who asked that I share these thoughts with you. I believe these words reflect the thoughts of many Americans:

DON'T GET PERSONAL WITH THE PRESIDENT

(By Erma Bombeck)

The 39th President of the United States has taken office.

There are a lot of things I don't want to know about him.

I don't want to know his golf scores, his tennis scores, his bowling scores or see his spills if he is a skier. (It makes me nervous to see a president fumble a ball on first base.)

I don't want to see his scars if he has had surgery, especially if it involves taking off his necktie.

I don't want to know if he and his wife share a double bed or go singles. (I like to believe that a president's sex life is like that of my biology teacher whom I had a crush on in the 8th grade . . . nonexistent.)

I don't want to see him stumbling off of Air Force One or falling asleep during a commencement exercise at which he is the featured speaker.

I don't care what sign he was born under or whether or not he cheated in college. (It's too late to do anything about either one of them.)

I don't care to know what the First Family has for dinner or what they bought one another or where and if they attend church services on Sundays.

I don't want to know about the men/women who crept into their lives through back doors and secret meetings.

I don't want to know how he felt about Rhett Butler or whether or not he would have married Melanie or Scarlett.

I don't want to know what dress designer his wife patronizes or particularly what size she is.

I don't have to know what their living quarters in the White House look like or what books they read and where they go when they leave for a weekend.

I don't want to intrude for a moment on their joy, their grief or the dignity of their private lives, which some feel they owe us.

What I do want to know are the men and women he picks to surround him, his stand on major decisions, his feelings for people, his concern for us and our problems and how he intends to carry out those 35 words that he spoke yesterday:

"I 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."

That's really all the president owes us.

PERSONAL TRIBUTE TO THE HONORABLE J. JOSEPH CURRAN, SR.

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Ms. MIKULSKI. Mr. Speaker, today is a sad day not only for me, but for many people from Baltimore who have lost a friend in Joe Curran, my former colleague from the Baltimore City Council, who passed away Wednesday. I have always had a great deal of respect for him and held him in high esteem.

Councilman Curran was an integral part of the northeast section of Baltimore, and without his assistance and political knowledge that section of the city would be sorely lacking. I wish to extend my sympathies to the entire Curran family at this difficult time. The following are three articles from the Morning and Evening Sun of Baltimore detailing the important work accomplished by Joe Curran:

J. JOSEPH CURRAN, SR., DIES: 20-YEAR CITY COUNCILMAN

City Councilman J. Joseph Curran, Sr., a plain-speaking Democrat who represented Northeast Baltimore for more than 20 years, died last night at Mercy Hospital after a short illness. He was 72.

Mr. Curran was admitted to the hospital last Wednesday after he complained of chest pains. He had been in and out of the hospital since a May, 1976, shooting spree at the temporary City Hall in which Councilman Dominic M. Leone (D., 6th) was killed and Councilman Carroll J. Fitzgerald and two others were wounded.

Mr. Curran first entered the political arena in 1946 when he ran for the House of Delegates at the urging of an old high school friend, James J. Lacy, who was the state comptroller. He lost by 70 votes.

Bitten by the political bug, Mr. Curran worked hard and climbed upward in a Horatio Alger fashion to earn his place on the City Council the hard way.

For the next few years after his loss, Mr. Curran was a ward heeler for an assortment of Northeast Baltimore politicians. Then he hit upon a happy alliance with a local lawyer, Hugo L. Ricciuti, and former Mayor Thomas J. D'Alesandro, Jr.

The organization he helped form, the Third District United Democrats, became one of the major political powers in the Northeast section of the city, and often was preeminent there.

Mr. Curran's major strength was politicking. He maintain his popularity among his constitutents through civic interests and belonged to many civic organizations.

Although a conservative, Mr. Curran at times displayed liberal tendencies and had a good rapport with the poor and blacks in his district.

He was elected to the city Democratic Central Committee in 1950. In 1953, he was appointed by Mayor D'Alesandro to the City Council to fill the term of Walter Dewees, who had died.

Up until that time, Mr. D'Alesandro had been unable to count on one firm vote from the Third district delegation. Mr. Curran's nomination was opposed by Mr. Dewees's widow, Mary, but the Mayor mustered the votes and the Council voted Mr. Curran in, 15 to 3.

In his maiden speech, he thanked the Council and said he was "not awed" by his position.

He lost the seat in 1959, a year of radical change in municipal political affairs. Six new councilmen were elected that year as J. Harold Grady swept into the mayoral seat. But Mr. Curran was elected again in 1963 and had served on the Council since that time.

During most of his years on the Council, Mr. Curran served on and was chairman of the Budget and Finance Committee.

He was known to be precise in his handling of hearings, no matter how long or tiring they were.

He called first on technicians to explain the intricacies of certain matters, and then made sure that every councilman who wanted the floor got a chance to speak.

During his years on the Council, Mr. Curran became noted for his straightforward explanations of Council issues.

Over the years, he introduced such measures as the legal aid bill, a charter amendment limiting the fiscal autonomy of the education department, raises in pensions for city employees and a tough sign-control law.

A native of Baltimore, Mr. Curran was a graduate of Loyola High School. His parents died when he was attending Loyola College, and he left school so he could work to support himself and two younger brothers.

Mr. Curran went to work for the United States Fidelity and Guaranty Company in 1923. At the beginning of the depression, the insurance firm sent him to West Palm Beach, Fla., to manage the company's properties there.

Upon his return, he was loaned to the Security Storage Company, a local moving firm. Mr. Curran left U.S.F. & G. Co. in 1949, and became manager of the St. Vincent DePaul Society of Baltimore.

He was a member of the Friendly Sons of St. Patrick, the Holy Name Society, the Knights of Columbus.

He was also a former director of the Northwood Association and the Covans Community Council.

Mayor Schaefer last night issued a statement, saying, "The sudden and totally unexpected death of Councilman J. Joseph Curran is a great loss to the city of Baltimore, and a personal loss to me as well. He was not only a dear friend to me, but a close and trusted confidant. But most of all, Joe Curran was a man for all people.

"He served in the City Council not only as an elected representative from the Third district, but also as chairman of its budget committee and ultimately as its vice president. In these roles, he was an effective voice not only for his constituents, but for all Baltimoreans, for the citizens of Baltimore were always closest to his heart."

Mr. Curran is survived by his wife, the former Catherine Clark, who he married in 1930; three sons, state Senator J. Joseph Curran, Jr., Martin E. and Robert W. Curran, all of Baltimore; a daughter, Sister Mary Margaret, SSND, of Baltimore, and seven grandchildren.

Funeral arrangements were incomplete last night.

CURRAN EULOGIZED IN CITY, CAPITAL

Councilman J. Joseph Curran, Sr., the political patriarch of Northeast Baltimore who died Tuesday night at the age of 72, was eulogized yesterday in Annapolis and in Baltimore, where he served on the City Council for 20 years.

The State Senate in Annapolis and the Board of Estimates here adjourned in his honor.

In Annapolis, Governor Mandel and several senators praised the veteran politician who was distinguished by his flair for politics in the old tradition, and an abundance of energy that kept him working to the week he died and astounded his colleagues.

Governor Mandel called him "a good friend as well as a devoted servant of the city of Baltimore."

"As a member of the City Council," Mr. Mandel said, "he was a constructive leader and spokesman for the interests of the people he served so well throughout his years in public life."

"Members of the state Senate, where Mr. Curran's son, J. Joseph Curran, Jr., is a member, eulogized the councilman for about 15 minutes before calling for an adjournment in his memory. They also agreed to send a committee to the funeral.

Senator John Carroll Byrnes (D., 44th, Baltimore), who represents half of Mr. Curren's councilmanic district, called him a man who "combined integrity with politcal strength."

"He had a very much needed large vision for our city and a very much needed narrow concern for his constituent neigbors."

The Board of Estimates yesterday also agreed to adjourn in Mr. Curran's memory and passed a resolution praising him as "a valued friend and an able, faithful and diligent associate in the administration of the affairs of Baltimore city."

Councilman Frank X. Gallagher (D., —) said yesterday that the process of selecting a replacement for Mr. Curran will not begin until next week.

Unless a political fight develops, the remaining two members of the Third district delegation—Mr. Gallagher and Carroll J. Fitzgerald—would recommend a single candidate for the entire council to approve.

Mr. Curran's and Mr. Gallagher's organizations had a long history of being at political odds in the fight for votes in Northeast Baltimore, but in the last two councilmanic elections, they ran together on the same ticket with Mr. Fitzgerald, who was a political unknown when they picked him up in 1971.

Several City Hall sources speculated yesterday that Mr. Curran had wanted one of his two other sons to take his seat if he led.

They are Martin E. Curran and Robert V. Curran, each of whom has served as his father's council clerk.

J. JOSEPH CURRAN, SR., GRAND OLD MAN OF CITY COUNCIL, DIES AT 72

J. Joseph Curran, Sr., the old-school politician who became the grand old man of the Baltimore City Council, died in Mercy Hospital last night from a heart ailment. He was 72.

Mr. Curran, a religious, jovial and straightforward man, represented northeast Baltimore's heavily Roman Catholic Third district for 20 years, in the current Council he has been vice president, the Schaefer administration's floor leader and chairman of the Budget and Finance Committee.

The councilman was admitted to the hospital eight days ago complaining of chest pains. He had been in and out of the hospital since May, 1976, when he suffered a heart attack during the City Hall shooting spree in which a gunman killed Councilman Dominic M. Leone (D., 6th) and wounded Councilman Carroll J. Fitzgerald (D., 3d) and two other persons.

Mr. Curran's death brought immediate eulogies from Mayor Schaefer and Walter S. Orlinsky, Council president.

Mayor Schaefer said Mr. Curran "was not only a dear friend to me, but a close and trusted confidant. But most of all, Joe Curran was a man for all the people . . . He was an effective voice not only for his constituents, but for all Baltimoreans, for the citizens of Baltimore were always closest to his heart."

"I will always remember Joe for his very elemental decency as a human being," Mr. Orlinsky said. "Somehow, he just always managed to hold onto that, no matter how involved the battle, no matter what the subject matter, no matter whether he was for or against an issue. He always remembered that he was dealing with human beings and always gave them that respect."

In the Council chambers, Mr. Curran occupied the front-row center seat, where he often leaned back in his chair, hands folded, to pivot and listen to other council members speaking from the floor.

If he disagreed with their views, or simply had something to say, he would peer over the top of his glasses, raise a hand to the president on the podium, rise to his full, bulky height and begin a long, elaborate explanation of the views of his "esteemed colleague."

That invariably was a clue that the colleague was about to be verbally ripped apart.

Mr. Curran entered politics in 1946 as a candidate for the Maryland House of Delegates at the urging of James J. Lacy, then state comptroller and an old school chum. He lost that election by 70 votes. The experience gave him the urge to compete politically.

He spent the next few years pumping hands and organizing votes as a ward heeler for a series of northeast Baltimore political politicians, then aligned with former Mayor Thomas J. D'Alesandro, Jr., and Hugo L. Ricciuti, a local lawyer.

The Third District United Democrats, an organization Mr. Curran helped to form, quickly became a major political power in the district.

Mr. Curran became popular—and retained that popularity—by politicking among his constituents and through civic interest and membership in several civic organizations. Although he thought of himself as a conservative, a label which surfaced annually during the Council's budget deliberations, he displayed liberalism and was well liked by the poor in his district.

He was elected to the city Democratic State Central Committee in 1950.

Three years later, Mayor D'Alesandro chose him to fill a City Council seat vacated by the death of Walter Dewces. Mr. Curran's nomination was apposed by Mr. Dewces's wife Mary, but the Mayor collected enough votes to select Mr. Curran, 15 to 3.

Mr. Curran lost the seat in 1959 as six new councilmen were elected and J. Harold Grady captured the mayor's seat. But Mr. Curran was re-elected in 1963, and he held his seat until his death.

The strength of Mr. Curran's political organization was constantly tested by the Gallagher-Coggins faction, which put Frank X. Gallagher in a City Council seat. But in 1970, the two men formed a loose alliance against a growing number of primary candidates and, after adding Mr. Fitzgerald to their ticket, won all three Council seats. That alliance became formal for the 1975 election.

As the Council's budget chairman, Mr. Curran was noted for his patience in explaining complex fiscal matters to the electorate at public hearings and his fiery insistence that city bureaucrats justify their constant requests for more money.

Over the years, he introduced such Council measures as the legal aid bill, a charter amendment limiting the fiscal autonomy of the city school system, pension raises for city employes and a tough sign-control law.

As he grew older, age sometimes appeared to make him tired. But when he returned to work last year after the City Hall shootings, he remarked, "Home is nice, but I'm not made for the rocking chair. I'm mighty glad to be back."

A native Baltimorean, Mr. Curran was a Loyla High School graduate and he attended Loyola College. He left school to work and support himsef land his two younger brothers.

He worked for years for insurance firms in Baltimore and Florida, then became manager of the St. Vincent DePaul Society Collections Bureau in Baltimore.

Mr. Curran was a member of the Friendly Sons of St. Patrick, the Holy Name Society and the Knights of Columbus. He also was a former director of the Northwood Association and the Govans Community Council.

Mr. Curran is survived by his wife, the former Catherine Clark, whom he married in 1930; three sons, State Senator J. Joseph Curran, Jr., Martin E., and Robert W. Curran, all of Baltimore; a daughter, Sister Mary Margaret, SSND, of Baltimore, and seven grandchildren.

Funeral arrangements are incomplete.

ON THE NEED TO RECOGNIZE THE POLISH LEGION OF AMERICA AS REPRESENTATIVES OF VETERANS CLAIMS

HON. CHRISTOPHER J. DODD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. DODD. Mr. Speaker, today I am introducing legislation to recognize representatives of the Polish Legion of American Veterans as claims agents for claims arising under laws administered by the Veterans' Administration, in the same way as representatives of the Disabled American Veterans, the Veterans of Foreign Wars, the United Spanish War Veterans, the American National Red Cross, and the American Legion are recognized.

The Polish Legion of American Veterans is a growing veterans' organization which has been in existence since 1931 and currently has a membership of over 15,000 veterans. It has made tremendous contributions to this Nation's veterans, their widows and orphans.

The legislation that I and nine of my colleagues are introducing would provide another avenue for many of our veterans who need assistance in dealing with the Veterans' Administration. Through enactment of this legislation, representatives of the Polish Legion of American Veterans could go before the Board of Veterans Appeals for a member of the organization to present the veteran's case.

The veterans of this country are clearly deserving of every bit of assistance the Congress can provide to work through the bureaucracy of the Veterans' Administration. There has been a great deal of publicity over the last few years of the failure of the Veterans' Administration to adequately provide services to the veteran. This legislation which I have introduced would help fill this gap. I urge Members of Congress to support this important legislation.

The text of the legislation follows:

H.R. 4503

A bill to amend title 38 of the United States Code relating to the recognition of representatives of the Polish Legion of American Veterans as claims agents for claims arising under laws administered by the Veterans' Administration

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3402(a)(1) of title 38, United States Code, is amended by inserting "the Polish Legion of American Veterans of the United States of America," immediately after "the Veterans of Foreign Wars,".

ESTO PERPETUA: THE SIGMA PHI SOCIETY SESQUICENTENNIAL CELEBRATION

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. SEBELIUS. Mr. Speaker, flags are flying today over the U.S. Capitol in honor of the founding of the Sigma Phi Society 150 years ago at Union College in Schenectady, N.Y. This weekend brothers of the Sigma Phi from around the country are convening at the Hall of the Alpha of New York to celebrate the society's long record of friendship and the unique and enviable position it holds in the history of Greek letter fraternities. They will be joined in spirit by those brothers unable to attend.

Because of the reticence of the four founders of Sigma Phi and the necessary caution of a period when all secret societies were regarded with suspicion in New York State, the earliest stirrings of the society in 1826 are unchronicled and now unfortunately are beyond finding out. It is known only that in that year undergraduates of Union College recognized their need for a companionship more intimate than one comprising the college's entire student body and more general than one comprising only a few neighbors on the floor of the dormitory. Those four were Charles Thorn Cromwell, Thomas and John Bowie, and Thomas Witherspoon. Because their own friendship was warm and their spirits high and their youth radiant—they ranged from 18 to 22—these four decided to widen the circle which gave them pleasure and admit to it a select group of their fellow students.

Forthwith they chose six more of similar qualities of good mind and lofty character and cordial manners and then, presumably to make sure that their own brotherly ideal should have abiding form and guiding pattern, they determined to make of these 10 not merely a shortlived group of happy young fellows but a society dedicated to friendship. There were other ideals, suggested by the written record and by the founders' own lives in later years, but they were contributory to the stated ideal—friendship which should last through life. To that end, the four held a formal initiation ceremony in the college room which two of the company occupied that year, its very location unrecorded and now unknown. The dates of the preparatory discussions are lost too, but the date of the first initiation, March 4, 1827, is secure. That the founders wished it to be the society's remembered birthday was made evident one year later when they held on that now memorable day a celebrating anniversary banquet, brightened with toasts which are chronicled in the surviving archives.

The society having been formed, its mechanism, so far as it had any, adjusted itself automatically to its work. Very soon, lines of principle and conduct appeared, as if spontaneously, and determined its character; and from these there has been no departure. In this regard Sigma Phi has experienced neither loss nor accretion. It is unconscious of development.

At an early day it became manifest that the college life of such a society could be only its infant life; and the experience of 150 years has demonstrated this conclusion. In college its office has ever been to exercise a true guardianship. Afterward, it becomes, in the world, an unseen, unsuspected force, quiet, watchful, selfcontained. It lives and is felt in the turmoil of cities, in the quiet of village homes, and in the seclusion of country life. It "vaunteth not itself"; and yet sorrow and bereavement find it faithful. In moments of sudden and sharp disaster the response of its loving sympathy is instant, cordial, and unfailing.

Sigma Phi was not the first Greek letter fraternity. Phi Beta Kappa long preceded it, but with an aim wholly toward the fostering of scholarship. The first for more markedly fraternal purposes was Kappa Alpha, also founded at Union, but in 1825. Sigma Phi was soon followed by Delta Phi, and these three, by their pioneering, became known as the Union Triad, thus distinguished from several others which sprang from Union's fertile soil in later decades. But while the others remained for many years as Union College fixtures, Sigma Phi's flame soon spread outward.

Chapters were founded in Clinton, N.Y. at Hamilton College, 1831; in Williamstown, Mass., at Williams College, 1834–1964; in New York City at New York University, 1835–48; in Geneva, N.Y., at Hobart College, 1840; in Burlington, Vt., at the University of Vermont, 1845; in Princeton, N.J., at Princeton University, 1853–58; in Ann Arbor, Mich., at the University of Michigan, 1858; in Bethlehem, Pa., at Lehigh University, 1887; in Ithaca, N.Y., at Cornell University, 1890: in Madison, Wis., at the University of Wisconsin, 1908; in Berkeley, Calif., at the University of California, 1912, and in Charlottesville, Va., 1954.

Its conservative record as to expansion should not be deemed proof that the society is antagonistic to the establishment of a limited number of new chapters during the second century of its existence. But the requirements are high, the standards set in 1827 must and will be maintained.

Fortunate is a society like the Sigma Phi, whose traditions remain supreme, whose secrets are those of the heart inspired by the soul; whose brotherhood is so simple, so lofty, yet so democratic that it fears no change in the outward machinery of life, for its justification and its glory lie close to the center of man's being.

Few have worn its badge who have not retained its influence—not as a memory merely—but as a living force, sometimes dormant, but ever ready to waken to earnest activity.

LORD ACTON REVISITED, OR THE DEMOCRATS TRY THEIR HAND AT ETHICS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. HYDE. Mr. Speaker, I have seldom experienced such utter frustration as when I listened to nearly 8½ hours of debate over ethics reform.

It has been said that Dr. Johnson, in asserting that "patriotism is the last refuge of a scoundrel" never considered the possibilities of the word reform. Under the sacred mantle of reform the majority forced us all to take it or leave it by imposing a gag rule severely limiting the number of amendments to their lopsided package.

It was instructive to hear the gentleman from Missouri respond to our objections by calling this body a "Democratic Congress" in justification of refusal to let duty-elected members of the Republican Party have a hand in shaping this legislation's final form.

Well. it was surely a member of the majority party whose transgressions aroused the press and hence galvanized the majority into this so-called ethics reform, but it is of more than passing interest that not one line of this legislation touches upon the flagrant patronage abuses that created this flurry of sanctimony.

I was proud to serve on the House Republican Task Force on Reform. Our proposals, which we were prohibited from offering by the majority party, showed a sincere desire to effectively reform the House of Representatives, not just in the area of Members' personal finances, but primarily to provide accountability of taxpayers' funds with the elimination of the widescale abuses still evident in the system of House allowances.

The House Republican Task Force on Reform included a propsal for full accounting and public disclosure of the financial and personnel operations of the House of Representatives.

A review and audit procedure of all House and committee accounts is absolutely necessary. Every effort should be made to discover and correct abuses, with a review of all records, accounts and other information pertaining to the expenses of the House of Representatives reported to the 95th Congress at the earliest possible date.

Members were bribed into accepting the $5,000 increase in office allowances, in exchange for abolishing unofficial office accounts, which less than half of the Members maintained.

Title VI of the bill ought to receive the Heisman Trophy for outstanding hypocrisy. A specious distinction between earned and unearned income can only favor the wealthy Members who have investment income and unfairly penalize those Members who, as time allows, can earn some additional income.

Of course, I support a reasonable limitation on outside earned income, but the committee's figure of $8,625 makes no sense at all. For example, a Member who has substantial stock dividend income

from Rockwell International is "ethical," but a lawyer who practices in his hometown on weekends and earns $10,000 a year is "unethical."

The real vice of this artificial and unrealistic ceiling on earned income is that it deprives many Members of that indispensable ingredient for good government, independence. As one Member said in debate, he never wants to be in the position of having to get reelected to feed his family or pay the rent. The highest and best service a Member of Congress can perform is to vote his or her conscience on controversial legislation. Only a reasonable measure of financial independence can guarantee this political independence.

Total disclosure of any and all financial interests is the best answer, so the electorate can be informed about the possible conflicts of interests their elected officials might have.

The response to this given by the Democratic majority was in effect "what do the people know anyway."

Well, we Republicans trust the people a lot more than the elitists who, by their "gag rule" and stampeding tactics have given us the "sheep's clothing of reform," with the wolf of arrogant patronage and power abuse still prowling this Hill.

For 44 of the last 46 years the Democratic Party has ruled Congress. It is presumptious to try and improve on Lord Acton, but if "power corrupts and absolute power corrupts absolutely," then I suggest "permanent absolute power corrupts permanently."

INTERNATIONAL TERRORISM

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. GILMAN. Mr. Speaker, on January 19, 1977, I introduced House Concurrent Resolution 72, urging the President to take certain measures against countries supporting international terrorism and persons engaging in international terrorism, and to seek stronger international sanctions against such countries and persons. The need for this legislation is acute, in light of recent terrorist activities, and in light of the fear that international terrorists instill throughout the world.

After I introduced this legislation, some of my colleagues indicated their interest in this legislation and I am reintroducing this measure which is cosponsored by 40 Members of the House.

LIST OF COSPONSORS OF CONCURRENT RESOLUTION 72

Mr. Addabbo of New York.
Mr. Baucus of Montana.
Mr. Blanchard of Michigan.
Mr. Bonior of Michigan.
Mr. Buchanan of Alabama.
Mr. Burgener of California.
Mr. Burke of Florida.
Mr. Butler of Virginia.
Mr. Cohen of Maine.
Mr. Collins of Texas.
Mr. Corrada of Puerto Rico.
Mr. Derwinski of Illinois.
Mr. Edwards of California.
Mrs. Fenwick of New Jersey.
Mr. Fish of New York.
Mr. Glickman of Kansas.
Mr. Gradison of Ohio.
Mr. Hollenbeck of New Jersey.
Mr. Horton of New York.
Mr. Hughes of New Jersey.
Mr. Lagomarsino of California.
Mr. Lehman of Florida.
Mr. Levitas of Georgia.
Mr. Long of Maryland.
Mr. Markey of Massachusetts.
Mr. Mazzoli of Kentucky.
Mr. McHugh of New York.
Ms. Mikulski of Maryland.
Mr. Moakley of Massachusetts.
Mr. Neal of North Carolina.
Mr. Ottinger of New York.
Mr. Pepper of Florida.
Mr. Roe of New Jersey.
Mr. Rosenthal of New York.
Mr. Scheuer of New York.
Mr. Solarz of New York.
Mrs. Spellman of Maryland.
Mr. Waxman of California.
Mr. Whitehurst of Virginia.
Mr. Zeferetti of New York.

CAMBODIA: THE MURDER OF A GENTLE LAND

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. KEMP. Mr. Speaker, over the past several days I have read into the RECORD excerpts from an article in the current issue of Readers Digest, entitled "Murder of a Gentle Land." This article is by John Barron and Anthony Paul, with research associates Katharine Clark and Ursula Naccache. It relates what has happened in Cambodia since its fall to the Communists in April of 1975. The first part can be found in the RECORD of March 2, at pages 5986–5988; the second in the RECORD of March 3 at pages 6277–6279.

The concluding part of this article is as follows:

STARVATION DIET

The Wheel of History, Angka Loeu's missionaries habitually warned, would grind down anyone who disobeyed or flagged. References to the mystical Wheel of History were endlessly repeated. A student recalls: "The words induced us to think of a huge roller with unimaginable weight behind us all the time, and ready to crush any one of us into powder should we happen to slow down for any reason."

There were strictures against all things foreign, against music and dance, against sex, against traditional family relationships. Parents might "request" a certain form of behavior, but their children were free to disregard the request. And children were singled out for the most intensive brainwashing. In the village of Khna Sar, university student Ung Sok Choeu observed: "The only subjects being taught were revolutionary thinking and the aims of the Khmer Rouge struggle, and how to detect the enemies of both. As a result, all the children turned into little spies, reporting everything that was said at home."

In Ampil Pram Daum, the children's reports led to numerous Kosangs. Some children derived a heady sense of power from the knowledge that they could place the life of any elder in jeopardy. In time, the mere sight of them made Ngy afraid.

During the first six to eight weeks after evacuation of the cities, Angka Loeu generally succeeded in distributing a ration of about nine ounces of rice daily to each person. But by midsummer many villagers were receiving only half a milk can of rice, insufficient to sustain life. Epidemics of malaria, cholera and typhoid spread. Approximately 1,000 people inhabited the New Village of Ta Orng; about 200 died in June. Sambok Ork contained 540 people when organized in late April; in July and August, two to five died daily, according to philosophy professor Phal Oudam, who was drafted to file biweekly reports of deaths to Angka Loeu. Out of roughly 800 inhabitants in Phum Svay Sar, about 150 died in the summer.

By September, Ngy and the people of Ampil Pram Daum had stripped the jungles of crabs, snails, bamboo shoots, bindweed and all else edible. People looked like skeletons draped with a thin, sickly cover of skin. Of the original 215 in Ngy's group, about 15 percent had died and only ten were strong enough to do their jobs. Ten men had been executed. Three were former soldiers who upon arrival had naively told Comrade Mon the truth about their past. One morning, a communist squad appeared in the field and escorted them into the forest, where Ngy later saw their bullet-punctured bodies. Children spies overheard two police inspectors discussing their former work. Both men were clubbed to death with hoes.

On September 14, the village committee ordered Ngy to patrol the area in the evening after the workday ended. He pleaded that he was so weak he could barely work during the day. A few hours later, *Angka Loeu* gave him his second *Kosang*. Comrade Mon shouted, "Stop going against the Wheel of History. Stop refusing orders given by *Angka Loeu*. There is no reason why you cannot do night duty."

Before Ngy's work group departed for the fields the next morning, a committee member casually mentioned that soldiers would accompany them. Ngy instantly knew what their presence meant. He sneaked back to his hut, put some valuables in his money belt and slipped his flute into his trousers. Then, kneeling before his mother and putting her feet on his head for the traditional Khmer benediction, he stole into the forest.

Through the deathly summer of 1975, the serfs of the New Villages looked to the fall harvest for some relief from their misery. But in the autumn, *Angka Loeu* once more convulsed the population by instituting another great migration. More than half a million people suddenly were lifted out of settlements they had built in the south, and scattered anew to start all over again in the north and northwest.

Among those swept away were Ang, the winsome pharmaceutical student from Phnom Penh, her sister Anna, and their two brothers, Kim and Tam. After 30 hellish hours first in Chinese trucks, then in suffocating freight cars, they staggered off a train in Sisophon. Seeing that the two brothers were so sick they scarcely could stand, an *Angka* functionary unexpectedly took pity on them and all four wound up in Zone 5 Hospital.

The hospital, established in an old brick schoolbuilding, was filthy. Serum was stored in open soft-drink bottles and a liquid potion was kept in used penicillin bottles and given to all patients, no matter what their malady. Most of the "doctors" and other personnel were illiterate. They made no effort to diagnose the ills of individual patients, treating all with the same mishmash of pills, herb medicine and serum.

Kim knew he was dying. Toward the end, he could only stare vacantly at his sisters and faintly squeeze their hands. When he died, his body was dumped into a cart along with the other dead of the day and, as Ang and Anna watched, trundled away toward a communal burial pit.

Three days later, the sisters left the hospital hoping to catch a fish for Tam in the

river. They returned to find his bed empty. "Oh, he's dead," said an attendant. "We've already buried him."

In November, the sisters attempted to escape to Thailand in the company of a bandit. Her foot cut by barbed thorns, her reserves gone, Ang repeatedly fell and, upon ascending a barren mountain, could walk no farther. "If I stay with you, we must all die," the bandit said.

Forcing her tearful sister to go on with the bandit, Ang lapsed into deep sleep. When she awoke she felt stronger, and began wandering westward, satisfying her thirst by licking dew from the foliage. On the ninth morning, she awoke by a cow trail near a village, and, when two men passed, decided to take a chance.

She ran out, grabbed the older man by the hand and said, "I've just escaped from Cambodia!" Both men were startled by the bedraggled forlorn figure standing before them. "Is she human?" the younger man asked. He spoke in Thai. She was free.

In a refugee camp, Ang heard that the bandit escorting Anna had stepped on a mine near the border. Badly hurt, he managed to crawl into Thailand. Behind he left the body of a young woman dismembered by the explosion.

THE HUNTED

Nothing so provoked the wrath and cruelty of *Angka Loeu* as an escape attempt. Escapees seldom received any quarter.

Once triumphant, *Angka Loeu* began sealing off the entire border with Thailand—a 449-mile frontier that curves through mountains and jungles, across rivers. Villages and settlements were evacuated to create a no-man's-land about three miles wide all along the border. The crossings, their approaches and jungle trails were seeded with mines and boobytraps.

Phal Oudam, the philosophy professor, slipped out of the disease-ridden village of Sambok Ork on the evening of September 4, 1975. With five other men, he headed into the jungle toward Thailand. They had walked along a trail perhaps an hour when a boobytrap exploded underfoot, injuring four of them.

Phal climbed a tree. At dawn he looked down on a grisly scene. "I could see countless groups of bodies, five, ten yards apart, the corpses piled on top of each other. Later as I picked my way along the track, I saw more: some swollen bodies; some only skeletons. Groups of 5, 20, 3, 2. The Khmer Rouge would put two sticks in the ground, then tie a string between them to the grenades' firing pins. If you walked carefully, you could see the traps, but at night it was impossible."

Throughout the border region, *Angka Loeu* patrols roamed the jungles and mountains hunting escapees. Keo Kim Taun, a former government soldier, was one of 37 people who tried to escape from the village of Soeur. A patrol spotted them cooking rice in a jungle clearing and opened fire with AK-47 machine guns, killing 21, the youngest of whom was five years old. Keo and the other 15 survivors reached Thailand 12 days later. En route, they saw innumerable corpses of people slaughtered by such patrols.

Abdul Hadji Mohammad, who was one of the few to escape the persecution of Muslims, remembers: "We walked for ten nights, moving only when it was dark. All along the way, the jungle smelled of rotting corpses; we could not get away from that smell."

Ouk Phon, who escaped from Phum To Tea in the Samrong district, reports: "In one spot I saw about 50 corpses tied together with rope, and elsewhere, under a tree, the skeleton of a child, its hands still tied. On the way to the border, I suppose I passed 500 bodies. Some paths were so thick with skeletons the bones could cut my feet."

Yet despite all the dangers, the will to be free of Angka Loeu was so inextinguishable that each month thousands tried to escape. Although the first waves contained a disproportionate number of students, intellectuals, formerly prosperous tradesmen, civil servants and military personnel, by autumn of 1975, as British journalist Jon Swain put it, the overwhelming proportion was made up of "humble country folk, recognizable by the heavy tattooing of their bodies, dark skins and coarse hands and feet—the people one would think best suited for the rigors of peasant revolution."

Ngy Duch, who, back in Pailin—long ago, it now seemed—had welcomed the peace with melodies from his flute, made it, too, and was taken to a refugee camp in Thailand. "At the camp, the only thing I had left was my flute," he remembers. "I played it every day, and all the unfortunate Khmers listened and dreamed of the country they had lost."

A NEW DARK AGE

By 1976, Angka Loeu's domination of Cambodia was beyond challenge. The population, socially atomized and physically enfeebled, was utterly at the mercy of its new masters. And the New Villages, hewn from the wilderness, were, in their fashion, functioning. The December rice crop, described by the communists as "not a bumper one but sufficient for self-supply," had been harvested. Now Angka Loeu seemingly could afford to stabilize the country and ameliorate the deathly rigors. But that was not to be.

In October 1975, monitors abroad listened as the communist commander in Sisophon received radio orders to prepare for the extermination, after the harvest, of all former government soldiers and civil servants, regardless of rank, and their families. Soon word spread among the communist soldiers that teachers, village chiefs and students were to be included in the toll.

The killing began during early 1976. Before, the organized slaughter largely had been confined to officers and senior civil servants. Now the lowliest private, the most humble civil servant, the most innocent teacher, even foresters and pubic health officials, became prey.

Father François Ponchud, a French authority on Cambodia, reports that on January 26, a communist official in the Mongkol Borei district declared: "Prisoners of war [people expelled from the cities and villages controlled by the Lon Nol government on April 17] are no longer needed, and local chiefs are free to dispose of them as they please." And after that, the killing rose steadily as Angka Loeu strove to obliterate every human trace of the old government by the first anniversary of its victory.

Ponchaud lived in Cambodia from 1965 to 1975, studying Buddhism and Cambodia, and becoming one of the foremost religious writers in the Khmer language. His calculations are unlikely to be biased by political considerations. After interviewing Cambodian refugees given asylum in France and studying the daily broadcasts of Radio Phnom Penh, Ponchaud concluded that between April 1975 and February 1976, at least 800,000 Cambodians died as a consequence of famine, disease and execution. Last summer, after one month in Thailand eliciting fresh data from refugees, he concluded that his earlier evaluation was now "far below reality."

The authors, on the basis of their interviews, estimate that, at minimum, 1.2 million men, women and children died in Cambodia between April 17, 1975, and December 1976 as a consequence of the actions of Angka Loeu.

If any question remains, listen to Angka Loeu leader Khieu Samphan. As Cambodian chief of state, Khieu attended the Colombo conference of non-aligned nations last August and, while there, was interviewed by the Italian weekly magazine Famiglia Cristiana: "In five years of warfare more than one million Cambodians died. The current population of Cambodia is five million. Before the war the population numbered seven million."

The interviewer asked: "What happened to the remaining one million?"

"It's incredible," Khieu replied, "how concerned you Westerners are about war criminals."

After the desolation of the cities, the early massacres and in the midst of the first famine, one of the Angka Loeu bosses, Ieng Sary, flew to a special session of the United Nations General Assembly. He left behind a country without universities, commerce, art, music, literature, science or hope. As one young refugee said, "There is no love anywhere."

Upon landing in New York, Ieng Sary boasted, "The towns have been cleaned." And when he appeared at the United Nations, delegates from around the world applauded.

Otherwise, the world largely has remained silent. No outraged students protest on campuses. There is no great outcry in Congress. No one demonstrates on Pennsylvania Avenue, the Champs Elysées or Trafalgar Square about what "peace" has brought to Cambodia.

And in the jungles, in the thousands of New Villages, under the guns of Angka Loeu, the Cambodians each evening try to sleep, knowing that the next day will be as dark as the night that has enveloped them.

TROUBLE IN FEDERALLY SUPPORTED RETIREMENT PENSIONS AND THE GROWTH OF THE FEDERAL CONTINGENT LIABILITY

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. VANIK. Mr. Speaker, in examining the Treasury Department's recent report to the Congress on the contingent liability of the Federal Government, I am deeply concerned over the continued, growing deficit of federally run and sponsored retirement systems. Between the end of fiscal year 1972 and fiscal year 1976, the actuarial deficit—the amount which will have to be paid out in benefits versus the amount which will be collected in contributions and taxes to the pension funds—for these 14 pension and retirement funds increased from $251 billion to $4,638 billion. In 1 year, between fiscal year 1975 and fiscal year 1976, the deficit increased from $2.6 trillion to $4.6 trillion. Of course, the major portion of this increase comes from the Social Security Administration's retirement and disability funds. It is estimated that about 50 percent of the deficit in these funds can be eliminated by a fairly easy correction of the law.

Nevertheless, this incredible growth in pension liabilities must be corrected. We are promising more for the future than we are today planning to pay for those promises. In time, the piper must be paid. We must begin, now, to examine the reasons for these continuing, incredible increases in pension costs and take steps to limit our promises to what we or our children will be willing to pay.

The data from the Department of the Treasury is as follows:

Agency and program	Actuarial deficiency (−) or surplus (+) (in millions) As of June 30, 1972	As of June 30, 1975	As of Sept. 30, 1976
Department of Commerce: National Oceanic and Atmospheric Administration: Retired pay, commissioned officers	−$25	−$26	−$27
Department of Defense: Retired pay	−126, 385	−169, 228	−170, 000
Panama Canal Company and Canal Zone Government: Retired benefits to certain former employees	NA	0	0
Department of Health, Education, and Welfare: Social Security Administration: Federal old-age and survivors insurance trust fund	136, 017	−1, 495, 000	−3, 073, 000
Federal disability insurance trust fund	4, 234	−605, 000	−1, 104, 000
Federal hospital insurance trust fund	12, 671	−12, 586	−115, 144
Department of Labor: Federal Employees' Compensation Act	−936	−1, 899	−6, 397
Pension Benefit Guaranty Corp.	NA	NA	NA
Department of State: Foreign service retirement and disability fund	−539	−930	−1, 067
Veterans' Administration: Compensation and pension funds	−214, 556	−201, 112	−53, 864
Veterans insurance and indemnities	−594	−318	−41
Civil Service Commission: Civil service retirement and disability fund	−63, 481	−97, 234	−107, 000
Railroad Retirement Board: Railroad Retirement System	2, 135	−9, 822	−8, 205
Tennessee Valley Authority: Retirement System: Fixed benefit fund	−92	−93	69

In addition, there has been an equally serious "explosion" in the growth of contingent liabilities.

Contingent liability includes guarantees, insurance programs, et cetera. The total contingent liability is the amount for which the taxpayer would be liable if all of these guarantees and insurance demands "came due." Short of all-out nuclear war, it is obvious that most of these liabilities will never have to be covered by the Treasury and the taxpayer. Nevertheless, some of these programs—such as the guaranteed student loan program—have a relatively high rate of default, and it is reasonable to assume that some portion of the liability may have to be paid. Nevertheless, there appear to be absolutely no controls or review over the growth of this contingent liability.

From data supplied to the Ways and Means Committee over a period of years, I found that the contingent liability of the United States as of June 30, 1971, was $933.4 billion.

Five years later, on September 30, 1976—the end of fiscal 1976—the contingent liability had grown to $1,872 billion, an increase of a little over 100 percent in 5 years. Within that figure, insurance commitments—for items such as FHA mortgages, Price Anderson nuclear indemnity programs, and so forth—increased from $773 billion at the end of fiscal year 1971 to $1,629 billion by the end of fiscal year 1976.

If only 1 percent of these guarantee and insurance commitments "come due," the taxpayer will be faced with a bill of $17 billion. If 5 percent "came due"—as well might happen with a serious natural disaster—then the Treasury would be presented with a bill for $85 billion.

Many activities would not be undertaken without these insurances and guarantees. They constitute part of the activities of the Federal Government, and they ought to be subject to budget reviews and controls.

The present budget is only part of the iceberg. It is more than the tip, but it is far less than the whole. Only if the public and the Congress understand the full range of Federal activities can we intelligently debate the role and future of the Federal Government in our economy and society.

If the American people and the Congress are to be fully informed on the status of the public debt, contingent liabilities must also be included as part of the debt report. I therefore propose that the congressional budget estimate include a full recapitulation of the total contingent debt liability and that a reserve be developed for the payment of at least 1 percent of the contingent liability.

In addition, in the area of loan guarantees, on November 10, the Economic Stabilization Subcommittee of the House Banking and Currency Committee—Representative WILLIAM MOORHEAD, chairman—the Tax Expenditures Task Force of the House Budget Committee—Representative SAM GIBBONS, chairman—and the Ways and Means Committee's Oversight Subcommittee held a joint hearing on the growth of credit under federally insured and guaranteed loan programs.

The hearing developed the information that the current level of outstanding guaranteed loans is $212 billion, and, according to Treasury Assistant Secretary Robert Gerard, this figure may double within the next 5 years, placing continuing strains upon the Nation's credit markets.

We are currently drafting legislation which would help place some controls and review on the phenomenal growth of these loan guarantees.

CASIMIR PULASKI

HON. RAYMOND F. LEDERER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. LEDERER. Mr. Speaker, Casimir Pulaski, outstanding Polish statesman, military hero, and patriot is one of the few men in history who fought and gave his life for liberty and free government on two continents. When his beloved Poland fell under the heel of an aggressor and the time was not opportune to throw off the shackles, Pulaski went to France. Through Ben Franklin, he contacted Gen. George Washington and volunteered for service in the cause of the American Colonies.

He first distinguished himself at the Battle of Brandywine, and then in subsequent encounters with the enemy, he continued to demonstrate exceptional bravery and superb leadership under the stress of fire. Casimir Pulaski fought at Washington's side, first as a brigadier general in command of the Revolutionary calvary and later as founder and leader of the famous Pulaski Legion. He died gallantly in the American cause at the Battle of Savannah, Ga., on October 11, 1779.

Two hundred and twenty-nine years have passed since the birth of this great patriot of the American Revolution. Today, the nation of General Pulaski's father is in the throes of deep trouble and desolution. It is one of the satellite nations under the control of Russia. Today the millions of Polish-American citizens continue to hold high the torch of freedom. If we are to pay loyal tribute to the memory of Pulaski today, we should dedicate ourselves to the preservation of the freedom for which he fought and died. All Americans owe Pulaski a great debt, a debt we can repay by helping Poland in her desperation today. Just as General Pulaski made a tremendous contribution to the freedom of America so let us resolve to strive toward the liberation of Poland.

BERLINERS GIVE LARGE GIFT OF FRIENDSHIP TO VICTIMS OF WEATHER IN THE UNITED STATES

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. BENNETT. Mr. Speaker, sometimes a newspaper article comes to attention that seems to cry out for more exposure than it has received. The following Associated Press dispatch from Berlin is just such a case. We all should be working for the brotherhood of mankind; and these fine people in Berlin have given a prime example of that in their concern for needy Americans who suffered from the extreme weather of this winter. All America is grateful for this. It brings the brotherhood of mankind a bit more toward reality.

BERLINERS GIVE $575,000 TO UNITED STATES

BERLIN, March 2.—The West Berlin drive to help American victims of this winter's bitter cold netted $575,000 in February, President Peter Lorenz of the City Assembly announced today.

Lorenz, who launched the campaign Feb. 1, presented a symbolic check for the amount to the U.S. commandant in Berlin, Maj. Gen. Joseph C. McDonough. Lorenz said the West German Red Cross had already delivered the money to the American Red Cross.

Lorenz, who said further donations could still be made, emphasized that most of the contributions were small, and few came from the rich or large firms. He said the fund drive was an expression of thanks for what America did to help West Berlin's 2 million people after World War II.

The money will be spent "for those most severely affected by the disaster, particularly orphans and old people," the assembly president said.

ENERGY SHORTAGE

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. YOUNG of Alaska. Mr. Speaker, how much evidence does our Federal Government need to prove that a legitimate energy shortage of critical proportions exists in this country and that action must be taken and taken soon to remedy this dire emergency? In recent months, we have imported more than 50 percent of our crude oil and we have seen more than 1 million American workers idled by our shortage of natural gas. Yet the response of the Federal Government has generally been inaction, a call for further studies, and the proposal of legislation that would reduce our prospects for achieving energy independence by forever prohibiting development of some of our Nation's greatest energy reserves.

Let me cite a few examples of our inability to grasp the seriousness of our energy shortage. In recent weeks, we have witnessed the suspension of a major nuclear plant already in construction in New England by EPA's reversal of its initial approval, the introduction of H.R. 39 by Congressman UDALL which will forever deny the Nation access to most of the vast energy and mineral resources contained in the State of Alaska, and the commencement by the Department of Interior of a probe dealing with the natural gas shortage that may take as much as 8 months and involve as many as 1,000 people.

Today I would like to focus on our misplaced emphasis on unneeded and repetitive studies which almost inevitably replace decisive action as the Government's response to serious problems. The energy problems that this country possesses have been well-known to experts and many laymen both inside and outside the Government for a long time. The Government itself has studied and studied our energy problems, issued reports, and generally ignored its own findings.

One particular report dealing with energy shortages deserves to be brought to the attention of our Nation once again. Several years ago, former Alaska Gov. Walter J. Hickel was appointed Secretary of Interior. Governor Hickel is a man of tremendous insight, great perceptions, and a profound understanding of the truly important problems facing our country. While serving as Secretary of Interior, Governor Hickel put together a blue-ribbon panel of energy specialists who were assigned the task of reporting to him and to the Nation about the status of our energy problems and the most practical solutions for resolving those problems. The panel to which I refer was entitled the "Advisory Committee on Energy to the Secretary of Interior". It was composed of Dr. John J. McKetta, Jr., chariman, of the University of Texas; Willis A. Strauss, vice chairman, of Northern Natural Gas Co.; Thomas M. Lydon, vice president of Peabody Coal Co.; William F. Kieschnick, Jr., vice president of Atlantic Richfield; James F. Sorensen, a consulting engineer from Visalia, Calif.; Dr. Richard Gonzales, a consulting economist from Houston, Tex.; Dr. Michael T. Halbouty, a consulting geologist and petroleum engineer also from Houston, Tex.; and Francis P. Cotter, vice president of Westinghouse Electric Corp. in Washington, D.C.

On June 30, 1971—almost 6 years ago and more than 2 years prior to the oil embargo—this panel issued its report to the Secretary of Interior. This study is one of the most revealing documents covering our energy dilemma that I have read. No only did it forecast and pinpoint the problems that we are wrestling with today, but it recommended solutions that are still, fully 6 years later, under active consideration but not yet adopted. This report is a perfect example of our Government's fondness for commissioning high-quality studies and then ignoring the findings and solutions put forth in such studies.

I would like to extract a few quotations from the Hickel report to demonstrate both its quality, accuracy, and the warning signals it should have provided to all of us:

1. "Pressures of foreign demand and recent actions of foreign energy-producing countries are bringing to an end the abundant and cheap energy supplies from foreign sources." (Page 1.)

2. "The risks of interruption of supplies delivered from overseas must also be taken into account in comparing the long-run cost of energy from domestic and foreign sources." (Page 1.)

3. "The nation now faces the prospect of serious and costly shortages of energy in the near future. Only prompt measures taken to encourage expansion of secure supplies at a rate in keeping with the requirements of our economy can minimize energy shortages that will adversely affect consumers and the nation." (Page 2.)

4. "Because the complexity of energy problems in terms of technology, economics, and environment require coordinated, analytical examinations on a continuing basis, primary governmental responsibility for analysis of energy policies should be placed in the hands of one entity knowledgeable about all energy problems." (Page 4.)

I have requested that the body of this insightful 1971 study be printed in the CONGRESSIONAL RECORD at the close of these remarks. I hope that it is read and heeded for the message it contains. Once again, that message is that we have studied the energy problems we continue to face, we have adequate and practical solutions before us, and now we must act in a coordinated, organized, and decisive fashion to insure that today's energy shortages will be ameliorated and perhaps eliminated by increased domestic exploration, devolopment, and production coupled with sensible conservation initiatives.

The report follows:

REPORT TO THE SECRETARY OF THE INTERIOR OF THE ADVISORY COMMITTEE ON ENERGY, JUNE 30, 1971

U.S. ENERGY—A GENERAL VIEW

Preface

Inanimate energy has been and continues to be of major importance for economic progress and welfare. The average citizen in the United States enjoys much higher standards of living than earlier generations and than most people in other countries because the equivalent of hundreds of low-cost energy servants are working to increase his productivity and to make his life more pleasant.

Consumers, investors, and the government share a common interest in abundant, assured, and attractively priced supplies of energy required for full employment and continued economic and social progress. They also share common concerns about the quality of environment, particularly in the large metropolitan areas where the majority of the population now resides and works.

Pollution has been the by-product of past pressures to meet consumer demands for abundant energy at the lowest possible cost. But we have learned that the nation need not forego a high-energy society in order to achieve a healthy, enjoyable environment. American technology is equal to the task of reducing pollution from energy to acceptable levels. Indeed, more, rather than less, energy will be needed to fight pollution through new transportation and industrial operations as well as recycling devices to clean air and water.

The alternatives are a reduction in employment, in comfort, and in living standards generally. Public reaction to the limited shortages of electricity and natural gas show that this alternative is not acceptable. The nation must now face choices among different goals and decide what the public can and should pay for a better environment within the limits of providing full employment and rising standards of living to reduce poverty.

Fortunately, a prosperous society can afford to devote substantive sums to reduction of pollution within the limits of benefits exceeding costs. The real problem will arise in defining the desirable balance between economic and environmental goals and devising policies to bring about realization of various desirable economic, social, and environmental objectives.

As the representative of the public, government has a major responsibility for promoting intelligent solutions to these problems. The task will be difficult and involve some trial and error, but it must be dealt with promptly. In the absence of clearly defined solutions, neither consumers nor investors will be in a position to make economically sound decisions with respect to facilities to use and produce various forms of energy. Unnecessary uncertainties which will be expensive to many individuals and to the nation should be avoided by a clear definition of national energy policies that will serve the public well now and for the long-run.

The government and the public must have a good understanding of the position and problems that the nation faces with respect to energy. This report concentrates on providing information useful for that purpose.

I. Position

1. The U.S. enjoys greater production of energy now than ever before. The past decade energy demands have grown more rapidly than output or productive capacity.

2. With less than 6 percent of world population, the U.S. now uses about 33 percent

of world energy, or about eight times as much energy per capita as the rest of the world. That difference explains our much higher standard of living, for energy makes us more productive, and also adds to our comfort and enjoyment of life.

3. The rapid increase in demands for energy exerts sharp upward pressures in prices, as evident from developments in the United States and abroad during the past year. Pressures of foreign demands and recent actions of foreign energy-producing countries are bringing to an end the abundant and cheap energy supplies from foreign sources.

Those developments are likely to limit the amount of foreign energy available for use in the United States and make that energy as expensive as domestic supplies. In addition, risks of interruption of supplies delivered from overseas must also be taken into account in comparing the long-run cost of energy from domestic and foreign sources.

4. For the past decade, U.S. energy consumption has increased at a rate of 4.4 percent a year, a rate which would result in a doubling of use in sixteen years. While the rate of growth of demand may decrease, the United States will surely need more energy than it uses now for several decades to come if adequate and secure supplies can be secured. The risks and costs to the nation resulting from errors with respect to future demands are greater from underestimating.

5. Historically, the Federal Government has not considered coordinated national energy policies necessary because the United States has enjoyed a fortunate position in energy. Until recently, energy supplies have been abundant and cheap, with declining real prices measured in dollars of constant purchasing power. Interfuel competition modified only by state conservation regulations to prevent waste and to protect the interests of small operators served consumers well for decades as the nation shifted from reliance primarily on coal to oil and gas. For 1970, the total U.S. energy consumption was supplied 43.5 percent by oil, 32.5 percent by gas, 20 percent by coal, and 4 percent by hydro and nuclear power. Oil and gas are joint products of petroleum producing operations, and U.S. wells supply more energy in the form of wet natural gas, including liquids extracted from it, than in the form of crude oil, a matter of environmental significance because gas is an ideal fuel for low pollution.

6. The United States is a large net importer of liquid fuels (23 percent of consumption in 1970 was met by imports and the figure would have been higher but for the disruption of international oil movements which caused crude oil imports to be lower than in 1969). It exports coal, principally for metallurgical use under long-term contracts.

7. About 25 percent of the total energy consumed in the United States is used in transportation. The rest is used in industry and homes. Liquid fuels have an advantage in cost and convenience of use for transportation purposes. For most other purposes a variety of fuels can be used. Therefore availability and cost of one form of energy necessarily affects other forms of energy.

8. Consumers have invested billions of dollars in appliances and equipment requiring energy for their use and enjoyment. The use and satisfaction that can be derived from those investments by all citizens depends on assured supplies of energy at all times.

II. Problems

1. The nation now faces the prospect of serious and costly shortages of energy in the near future. Only prompt measures taken to encourage expansion of secure supplies at a rate in keeping with the requirements of our economy can minimize energy shortages that will adversely affect consumers and the nation.

2. There have been a number of developments that have worked to discourage expansion of new investments to develop new energy supplies. This in spite of the fact that it was becoming apparent that governmental policies should be encouraging expansion. These developments include (1) Federal regulation of the price of natural gas at artificially low levels which caused demand to exceed supply; (2) added taxes on petroleum imposed by the Tax Reform Act of 1969; (3) the effect of the Federal Mine Health and Safety Act on the cost and availability of coal; (4) uncertainty as to import policies dealing with energy which affect coal as well as oil and gas; (5) delay in the leasing of Federal acreage on the Continental Shelf; (6) indecision as to Federal policy with respect to leasing of shale lands for extraction of oil and gas; (7) attacks on price increases for energy even though the increases still left real prices of fuels lower than a decade ago; (8) uncertainty as to the effect of changing environmental standards on the long-run value of prompt investments designed to improve the quality of air and water; (9) the delay and prospect of further delay in bringing oil from the North Slope into the U.S. economy; and (10) construction delays and licensing problems of nuclear plants and hydroelectric plants. All of these developments combined to discourage needed expansion of new investments for additional capacity to produce energy.

3. The lack of recognition of the long lead time of five to ten years for any major expansion of capacity for any forms of energy poses serious difficulty. Ordinarily, economic adjustments for many industries are viewed in terms of one year for the short-run and five years for the long-run, but for energy production, the short-run is five years and the long-run is 15–25 years. This long lead time emphasizes the importance of prompt and timely actions designed to assure consumers and the nation of a balance between energy demand and supply.

4. The needed reduction of the undesirable side effects of the use of energy on the quality of air and water presents a major problem. While the way in which energy has been produced and used in the past under pressures to meet demands of consumers at the lowest possible prices contributed to pollution, the nation need not forego the benefits of a high-energy society in order to achieve a healthy, enjoyable environment.

Undesirable emissions from fuel combustion in industrial operations and automobiles can be reduced sharply at reasonable cost provided that environmental regulations take into account the years required for an efficient transition to new standards. In fact, the quality of air in many cities, such as Pittsburgh and St. Louis, has been improved greatly by use of cleaner fuels and by installation of equipment to reduce the emission of particulates.

Protection of the interests of consumers and the nation requires that environmental regulations take into account their impact on the availability and cost of energy. Otherwise, the public may discover too late that the cost of taking some remedial measures may be unreasonable in terms of the additional benefits. The choice is not between energy and a better environment, but how to achieve a good environment at reasonable cost without adverse consequences for living standards and the national welfare.

5. Energy is needed to help reduce poverty and improve living standards for millions in America and billions throughout the world. But the production of this energy in adequate amounts and reliable form places a continuing stress on the environment.

6. The joint nature of exploration and development of oil and gas requires careful analysis in view of the value of domestic supplies of natural gas in reducing air pollution. Energy supplied in the form of wet gas from domestic wells exceeds that supplied as crude oil. Therefore, the proper comparison of domestic and foreign supplies is not of crude oil alone, but of the combined cost of imported crude oil and liquefied natural gas with domestic crude oil and natural gas.

III. Outlook

1. The U.S. has sufficient potential energy resources from most sources to rely on continuing expansion of production as required to meet growing needs and to remain largely self-sufficient in energy provided it chooses to do so and follows policies designed to achieve that objective.

2. To meet the needs of the nation for progress toward solution of economic, social, and environmental problems, it will be necessary to provide ample supplies of energy from conventional fuels and new sources of energy when needed by consumers. Nuclear power is already well on the way to becoming an important source of energy which can be utilized in a manner consistent with a good environment. Synthetic fuels from coal, oil shale and tar sands can be a significant source of liquid and gas hydrocarbon in the 1980's. Geothermal power, new techniques for effective use of solar power and better methods for generating electricity may also, in time, make some contribution to energy supplies. It should be noted, however, that these new fuels will come into use only gradually as a means of meeting part of the additional requirements and not to the extent that major displacement of the fossil fuels as chief energy sources would be immiment. It appears that we will need more fossil fuels plus all the energy that can be expected economically from new sources in order to meet total needs for energy in the next 10–15 years. Unfortunately, there are no easy panaceas for securing most supplies of energy in desirable forms at low cost without unwanted side effects.

3. Because of past mistakes in governmental energy policies and the long lead time required for major expansion in capacity, the U.S. cannot escape some shortages of energy, as is now the case in the shortages in supplies of natural gas. Electric power shortages may also occur in some cases due to delays in expansion of capacity or to inability to secure enough supplies of fuels for various reasons, including machinery delivery delays, strikes or inadequacy of facilities for delivering available fuels.

IV. Recommendations

1. The interrelation of all forms of energy means that effective U.S. energy policies must be formulated broadly and on a long-run basis in order that consumers and investors may make intelligent decisions about the use and production of various competing fuels.

2. Because the complexity of energy problems in terms of technology, economics, and environment requires a coordinated, analytical examination on a continuing basis, primary governmental responsibility for analysis of energy policies should be placed in the hands of one entity knowledgeable about all energy problems, such as the proposed Department of Natural Resources.

3. Policy with respect to reliance on domestic sources of energy versus dependence on imports should be defined clearly for the long run to promote increased development of supplies of domestic oil, gas, coal, and uranium, as well as development of alternate fuels from coal, shale, and tar sands so that consumers may have sufficient options among secure domestic supplies.

4. Governmental energy research efforts and support of private research should be enlarged for those crucial areas of energy development and use that involve greater benefits socially than to individual companies. Research programs promoting more efficient use of energy deserve special attention by the government.

KERSHNER ON INFLATION

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. COLLINS of Texas. Mr. Speaker, down in Texas I think the average person has a better feel for practical economics than folks have in Washington.

Here in Washington many statesmen do not yet understand that Government spending is the major cause of all of this inflation.

What is even more alarming is the fact that we are draining investment capital as we spend too much money on Government welfare programs.

I was very much impressed with the recent economic report of Dr. Howard E. Kershner of Northwood Institute. In his report Dr. Kershner emphasizes the importance of investment capital. I include his two key paragraphs.

In another section of his report, he refers to Bill Simon and we all are cognizant of how much we are going to miss Bill Simon here in Washington.

Dr. Kershner is a great Texan because he has so much common sense. Read his comments and consider the future:

A year ago the Economist declared that "America is set for industrial senility unless its industrial investment goes up from a British rate of just over 10 percent of GNP to a Franco-German rate of about 15 percent."

The U.S. ranks sixth in economic growth, ahead only of Britain, and had the lowest investment rate of the seven industrial nations. Last year we saved only 6.4 percent of our disposable personal income. Industry cannot be financed with savings that low.

It takes about $35,000 of invested capital to supply one good job.

The United States Treasury has prepared a time capsule which is to be opened in the Tricentennial year, 2076. It is on display in the Cash Room of the main Treasury building. It contains an important message from Treasury Secretary William E. Simon, of which one paragraph reads as follows:

"In the early 1930's, government at all levels—federal, state, and local—accounted for about 12 cents of every dollar spent. Today, government accounts for more than 35 cents, and our projections indicate this will reach 60 cents of every dollar by 2000—unless the trend is deflected."

We look back upon The South Sea Bubble, The Tulip Bulb Craze, The French Assignats, and numerous inflations, with wonder that the rulers of nations could have been so stupid. Our descendants will regard us in the same light, and will wonder how we could have allowed government to absorb 60 percent or more of our income.

It has nearly reached that point in Sweden already, where the tax rate now averages about 59 percent and where some people with important capital gains must also pay what amounts to a capital levy. Sometimes taxes take more than 100 percent of a Swede's income.

There is ample reason to believe this is coming in America as well.

One hundred years from now, if the people are allowed to read Secretary Simon's comment, they will be astonished that their self-governing grandfathers would have permitted this to happen. Once more it reveals the accuracy of Kershner's First Law:

"When a self-governing people empower their government to take money from some and give it to others, the process will not stop until the last bone of the last taxpayer is picked bare."

TESTIMONY ON BEHALF OF NATIONAL WILDLIFE FEDERATION

HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. EDGAR. Mr. Speaker, yesterday I inserted into the RECORD a portion of the testimony of Thomas L. Kimball, Kenneth S. Kamlet, and Peter L. Sullivan on behalf of the National Wildlife Federation at hearings before the Public Works Water Resources Subcommittee on amendments to the Federal Water Pollution Control Act. Today, I would like to insert the concluding portion of their testimony:

VALUE TO THE NATION OF WETLANDS AND WATERWAYS LEFT UNPROTECTED BY H.R. 3199

At the heart of conservationists' concerns—and the concerns of millions of average citizens—about changes in Section 404 are the effects of such changes on the protection of important inland and coastal wetlands. Wetlands perform all of the following functions at no cost and without depleting our energy resources:

(1) provide spawning and nursery areas for commercial and sport fish;

(2) provide natural treatment of waterborne and airborne pollutants;

(3) recharge the groundwater for water supply;

(4) provide natural protection from floods and storms;

(5) provide essential nesting and wintering areas for waterfowl;

(6) constitute a high-yield food source for aquatic animals; and

(7) provide an important filter system for lakes and streams.

Coastal wetlands (both fresh- and saltwater) play an essential role in the lives of fish and shellfish. Two-thirds or more of the cash value of species harvested on the Atlantic and Gulf coasts are estuarine dependent. Dr. Eugene Turner of Louisiana State University has shown that on a worldwide basis there is a direct relationship between the offshore harvest of shrimp and the total area of the salt marsh upon which that fishery depends. The production of blue crabs, clams, and shrimp—which rely on coastal wetlands—was down 7 to 8 percent in 1975, compared with 1974. As more coastal wetlands are drained, paved over, and destroyed, seafood production and marine life generally, can be expected to decline further.

Shrimp was the most valuable commercial seafood species in 1975, with a landed value approaching $226 million. Ironically, Texas—the State from which has come much of the pressure to curtail the Section 404 program—led the states in the shrimp catch for 1975: $87.9 million in landed value. These figures do not include the additional profits and jobs associated with handling, transporting, processing, and marketing this seafood.

In addition to commercial uses of the coastal zone, sports fishing in some areas is of even greater economic importance. For example, Louisiana alone has two million licensed fishermen. The average each coastal sports fisherman spends each year on sport fishing, according to a recent Georgia study, is $80. On this basis, $160,000,000 a year is spent in Louisiana for sport fishing.

Other important estuarine-and wetland-dependent species are menhaden, striped bass, bluefish, and spotted sea trout. Menhaden landings topped the 1975 statistics for commercial fish, white striped bass, bluefish and spotted sea trout ranked 1, 2, and 3 in recreational fishing statistics. White perch, weakfish, redfish, mullet and black drum also depend on coastal wetlands at key stages in their life cycles.

As an example of the importance of wetlands to fishery production in New England, the commercial fishing industry is one of the most stable and productive industries in the State of Maine, with a 1975 harvest valued at $48.5 million. Ninety-eight and a half percent of this harvest consisted of species dependent on estuaries for at least part of their life-cycles. Without estuaries, particularly the associated coastal marshes, three species—lobster, clams, and shrimp—which make up three-quarters * * *.

In short, coastal wetlands are the basic link in the marine food chain that produces high quality, protein-rich seafood for man. These wetlands literally fertilize the sea for the benefit of man, waterfowl, fish, and wildlife.

Inland, freshwater wetlands also perform vital ecological functions—despite the all-too-common misconception that only coastal wetlands are very important. For example, inland wetlands offer vital breeding, feeding, resting, molting, and wintering grounds for all migratory waterfowl. The waterfowl of North America are, physically and legally, an international resource which the United States (under treaties with Great Britain, Mexico and Japan) is bound to protect. The critical factor in sustaining these waterfowl is the amount of available wetland habitat.

Waterfowl are important to and benefit not only the numerous hunters in the country and those who enjoy the taste of roast duck or goose, but the even more numerous birders, recreationists, and other outdoor enthusiasts who are uplifted by the sight of wild birds on the wing. Who among us wishes to deprive future generations of Americans of this opportunity?

Freshwater wetlands are also essential to many species of non-avian wildlife. Fish and Wildlife Service Circular 39 lists, for example, 19 species of small game, 7 species of big game—including bear, deer, elk and moose, and 11 species of fur-bearing animals—e.g., beaver, fox, mink, otter—which inhabit and depend upon wetlands.

Wetlands, in short, provide a valuable recreational resource for fishing, hunting, bird watching, hiking, and appreciation of nature. Data collected by the U.S. Fish and Wildlife Service show greater than 27 million fishing license holders and in excess of 16 million hunting license holders in 1974. In addition, wetlands of all sizes offer a recreational and educational experience for adults and children. The aesthetics of wetlands, with flourishing fauna and flora, may be "as close to nature" as some of us ever get.

The loss of habitat is the most serious threat to wildlife in the United States today. Wetlands are vital nursery areas for many forms of wildlife, fish and fowl; yet marshes, fens, bogs, and swamps across the Nation are being drained and modified at an alarming rate.

In addition to the fish and wildlife benefits from both freshwater and salt water wetlands, however, all wetlands provide other "public services".

Wetlands play a major role in the hydrologic cycle. They hold back storm waters and reduce the severity of flooding, hurricanes, and ocean storms. At the same time, they play an important role in groundwater and aquifer recharge. Thus, wetlands act as hydrological buffers or reservoirs, releasing water during dry periods and holding it back during heavy rains and floods. Even small bogs, potholes and bottom lands can trap significant volumes of water following torrential rains or ice-thaws. Because of their water storage role, wetlands—undrained and in-

tact—benefit farmers and ranchers who rely on wells for water supply.

According to one study by two Massachusetts geologists, "[a]t least 60 Massachusetts cities and towns have municipal water production wells in or very near wetlands." Dredged and fill material discharge in these wetlands will diminish the quality of these wetlands aquifers. The value of such wetlands was estimated in another paper by two agricultural economists.

They concluded that "a municipality can afford to pay $60,000 or more per acre for wetlands which have a high potential for municipal water supply." In the case of Massachusetts, "as much as 50%" of the wetlands fall in this category.

Wetlands provide their flood control and water supply service without charge to U.S. taxpayers. Flood damage alone presently amounts to $3.8 billion a year (excluding the loss of 50 lives). Better care of now defunct wetlands might have prevented much of this damage. For example, a recent study of the 1973 Mississippi River flood concluded that its severity was attributable to waters being locked within channels instead of being allowed to spread over the floodplain and wetlands areas.

Wetlands also play a vital role in pollution control. They trap, retard, or transform materials, such as pesticides, toxic metals, organic matter, and silt. The microorganisms found in wetlands break down air pollutants (e.g., sulfates) and water pollutants (e.g., nitrates). Wetlands act as living filters, removing nitrates and phosphates and storing these nutrients in their vegetation and bottom mud. At the same time, wetlands generate important amounts of oxygen—by way both of their plant-life and their nitrogen fixing and sulfate-reducing bacteria.

A recent study demonstrated that a 512-acre marsh in Pennsylvania was able to reduce 7.7 tons of biochemical oxygen demand ("BOD"), 4.9 tons of phosphate, and 4.3 tons of ammonia-nitrogen, while producing 20 tons of oxygen—in a single day! Human technology can partially remove phospates and nitrates from wastewater—but only by means of very costly advanced waste treatment facilities.

Another study found that a 10-mile Georgia swamp forest had cleansed a polluted stream of organic matter and caused coliform counts and dissolved oxygen values to return to a more favorable level.

A third study concluded that "a marsh of 1000 acres may be capable of purifying the nitrogenous wastes from a town of 20,000 or more people."

There are limits, of course, to the pollution-absorbing capabilities of a wetland. Excessive pollution (or changes in its physical make-up) can totally disrupt a wetland's ecological balance and transform it from an aesthetic, healthy and valuable resource into a smelly, polluted, mosquito-ridden liability.

Related to their treatment of chemicals, wetlands are important in trapping and retaining silt. Wetlands retain silt and sediment carried by flood waters which otherwise would wind up in navigation channels (necessitating costly maintenance dredging) and shellfish beds. These silt particles often carry pesticides and other pollutants. Wetlands help keep these out of the water. Keeping even pure silt particles out of the water is also important because suspended silt blocks sunlight, reducing photosynthesis and the growth of bottom plants and phytoplankton. Increased turbidity also hinders feeding by many fish and may impair migratory and reproductive behaviors. A thin layer of silt, for example, can prevent oyster larvae from attaching and can suffocate fish eggs after spawning. Sediment accumulation on river bottoms can also adversely impact other bottom dwelling organisms.

What is an acre of wetland worth—not in terms of real estate values, but in terms of benefits to man? The answer is surprising. Drs. Odum, Gosselink, and Pope have estimated the total social value of coastal wetlands as ranging from $50,000 to $80,000 per acre. These estimates are based on detailed studies. Dr. Orie Loucks, a University of Wisconsin botanist, has found that one acre of freshwater wetland can be worth up to $50,000, based on the cost of replacing all of the functions these wetlands now perform.

Why isn't this high value of wetlands reflected in the marketplace? Why doesn't it encourage private conservation efforts? The answer is a familiar one: the dollar benefits apply to society as a whole, not to individual landowners. No spendable benefit accrues to the private owner who leaves wetlands alone to work for society.

In short, wetlands will survive to benefit society if government protects them (or altruistic private citizens acquire them for preservation). Government protection is as much needed for wetlands not covered by the H.R. 3199 as it is for those that are. Unfortunately, unless the Federal Government provides this protection, no other governmental unit will do so (at least in the vast majority of States).

Inland streams and watersheds—even non-"navigable" ones—also perform a number of "public service" functions, including: (1) serving as the first step in retarding and holding back floodwaters; (2) preventing soil erosion; (3) providing spawning and nursery grounds for fish inhabiting larger streams and rivers; and (4) determining in many ways the water quality of downstream waters.

Of these, probably the most important role of small streams is in fish production. Most river fish throughout the country swim upstream to spawn, frequently moving into the smallest tributaries and small streams. In addition, the anadromous fish—salmon, shad, river herring—depend on the upper reaches of small streams and tributaries. Of these fish, salmon was listed as second in value among 1975 commercial fish landings.

Thus, the exclusion of waterways as well as wetlands by H.R. 3199 could have disastrous consequences—not only for the environment, but also for the economy.

WETLAND LOSSES IN THE UNITED STATES

Two hundred years ago, what are now the lower 48 states contained an estimated 127 million acres of wetlands. Twenty years ago at least 45 million acres of our primitive marshes, swamps, and seasonally flooded bottomlands had been lost to dry land uses through clearing, drainage, and flood control. Within the last 20 years, an additional 6 million acres have been lost.

Although estimates vary as to the proportion of original wetland acres remaining, some authorities believe more than half have been lost, and at least one (Dr. Kai Curry-Lindahl, an internationally reknowned ecologist) has stated that: "Of the 127 million acres of wetlands existing in the United States in Colonial times, more than 100 million acres have been drained."

Of the 6 million acres of wetlands destroyed in the last 20 years, about one-half of this area, had significant value to waterfowl. Thus, important waterfowl breeding grounds and habitat areas in North and South Dakota and Minnesota were lost during the mid-1960's at the rate of 35,000 acres a year. Between 1964 and 1974, Minnesota alone lost over 40% of its prime waterfowl habitat, representing 24% of its remaining wetland acreage. In the Dakotas, 100,000 to 150,000 wetland acres were drained between 1960 and 1970, so that by 1970, the wetland acreage in North Dakota had declined from an original 3 million to 2 million.

A recent study conducted for the National Park Service (entitled, "Inland Wetlands of the United States"), surveyed 358 significant inland wetlands in the lower 48 states.

After summarizing the environmental encroachments on these wetlands, the survey concluded that the picture presented was "alarming." Among the encroachments described were the following:

1. Lincoln Marshes, Nebraska.

Acreage: 2000 estimated.

Encroachment: "City may fill these areas. Salt Lake in Lincoln has already been taken over for a housing development."

2. West Virginia.

"Innumerable threats have been reported on the limited wetland resources of this state."

3. Delaware.

"Major threats include cutting, draining, and development. In 1955, 76% of the state's wetlands were considered safe, but by 1959 only 23% were in this category (USDI, 1959)."

The U.S. Fish and Wildlife Service's 1970 National Estuary Study concluded that 73% of the estuaries having significant fish and wildlife value were moderately to severely degraded by 1969. Nearly 666,000 acres of coastal habitat were destroyed as a result of dredging and filling operations alone between 1950 and 1969, including 427,000 on the Gulf coast.

The highest rate of loss was found in California where 12% of its coastal wetlands were destroyed during this 20-year period, leaving less than a third of California's coastal marshes intact today. Total wetland losses (coastal and other) in California have been even greater, with only 400,000 remaining of some 3.5 million acres.

By 1969, more than 70% of the original 24 million of flooded bottomland hardwood timber of the Mississippi Delta had been cleared and drained. Clearing and drainage is presently taking place at a rate of 200,000 acres every year. The future looks bleak for the one-third of the Mississippi Flyway's wintering waterfowl which depend on these flood bottomlands.

In the Southeastern United States, 3 to 4 million acres of bottomland forest floodplains have been destroyed since 1950 by federal projects alone.

By the 1960's 65% of the rainwater basin wetlands and 15% of the sandhill wetlands in Nebraska had been lost on an acreage basis.

In Wisconsin, 54% of the wetland acreage had been drained in its southeastern counties by 1958. Another 7% were lost between 1959 and 1968.

Between 10 and 15 percent of the true estuaries environment had been wiped out in New York, New Hampshire, Connecticut, and New Jersey, by the late 1960's.

At least fifty percent of Connecticut's tidal marshes have been obliterated, with the destruction continuing to eat into the remaining 14,000 acres at the rate of about 200 acres every year.

These statistics—which are just some of the ones we were able to find on short notice—paint a truly bleak picture. The Nation's wetlands are in trouble. The last thing we need is to relax further what controls now exist to protect these vital national treasures.

SUMMARY AND CONCLUSIONS

In conclusion, the wetlands and waterways excluded from federal protection by H.R. 3199 represent valuable and irreplaceable national resources. They perform vital functions in producing and supporting fish, wildlife, and waterfowl. They provide free pollution control, flood protection, and water supply benefits. They are worth protecting, in short, for sound economic as well as environmental reasons.

Moreover, the same properties of wetland soils that make them efficient removers of pollution, also make sediments dredged from

the bottoms of polluted rivers and harbors a potential threat to human health as well as to other organisms. Pollutants, such as toxic heavy metals and chlorinated hydrocarbons (e.g., kepone), adhere to the dredged material and may not only be harmful to the organisms where the dredge spoil is dumped, but may also contaminate the food chain. This is why it is essential that the Federal Government retain jurisdiction over the disposition of polluted dredged material.

Fill material deposited in a wetland or waterway may be dangerous as well.

Apart from its physical destruction of habitat, the fill may be polluted or may itself be a toxic pollutant.

For example, according to Dr. Jack Blanchard, Chief of EPA's Kepone Task Force, one of the sources of kepone in the James River was a low, marshy area adjacent to Bailey's Creek—a non-navigable tributary of the James (i.e., one which would not be covered under H.R. 3199. Dry kepone which failed to meet industrial standards was dumped in this area and contributed to contamination of the James River. Under H.R. 3199, this material could be deposited as a fill outside of navigable waters or adjacent wetlands and be exempted from both dredge and fill discharge (Section 404) and pollutant discharge (Section 402) requirements.

Despite passionate urgings to the contrary, the fact is that the Congress fully intended that discharges of dredged and fill material into all waters of the United States—and not simply "navigable waters" in the classical sense—should be regulated. And it is equally true that the Court's decision in NRDC v. Callaway faithfully interpreted Congress's expressed intent, despite no less passionate urgings that the judicial branch was manufacturing law and usurping legislation prerogatives.

Congress's original instincts were correct and the wisdom of its action in passing the 1972 Water Act amendments remains unrefuted. If some fine-tuning of Section 404 is required, it should be done with a scalpel rather than a meat-cleaver. And it should be done only after specific problems legitimately identified have been subjected to careful public and congressional scrutiny.

Much of the hysteria surrounding the Section 404 program can be traced directly back to a May 6, 1975, News Release issued by the Office of the Chief of Engineers and disseminated by all of the local Corps of Engineer districts. That release announced the issuance of proposed Section 404 regulations. In doing so, it stated that, under the proposed alternatives, "Federal permits may be required by the rancher who wants to enlarge his stock pond, or the farmer who wants to deepen an irrigation ditch or plow a field, or the mountaineer who wants to protect his land against stream erosion." To make sure this hits home, the release went on to note that "under the broad interpretation of the 1972 FWPCA amendments, millions of people may be presently violating the law." Readers were reminded that "convicted offenders may be subject to fines of up to $25,000 a day and one year imprisonment." The reaction was immediate and predictable. The Corps was deluged with over 5,000 angry letters.

The Release enraged and alarmed not only farmers and ranchers.

On May 12, I wrote the Secretary of the Army to denounce the statements in the May 6 Release as "untrue" and as a "tactic to scare farmers and ranchers into suoport for the narrowist definition of the Corps' responsibility possible" (which is of course the position the Corps favors). On May 16, the then-EPA Administrator, Russell Train, wrote the Chief of Engineers, attributing most of the confusion and misunderstanding surrounding the implementation of Section 404 to the Corps' "seriously inaccurate and misleading press release." He expressed EPA's concern over the release's false implication that "farmers must obtain permits whenever they plow a field," and that "millions of people may be presently violating the law."

On June 5, Senator Muskie denounced the release as "what appears to be a deliberate attempt to distort Federal water pollution policies for purposes which I do not understand." He characterized the announcement that the NRDC v. Callaway court decision would have the effect of placing thousands of farmers in violation of Federal law, as false and malicious: "Nothing could be further from the truth and the Corps knows it." Senator Muskie publicly called upon the Secretary of the Army to retract "the press release which has already caused so much concern and confusion." Many other individuals and organizations, including Members of both Houses of Congress, added their voices to these calls for retraction of the Corps' mischievous and unwarranted press release.

On May 23, 1975, the Chief of Engineers responded to the EPA letter. He stated the following: "Many have interpreted the press release to mean that all farmers must obtain permits whenever they plow a field. That, of course, would not be required." Shortly thereafter the Secretary of the Army expressed his sincere "regret that the Corps' news release was misleading."

When the Corps issued its interim final regulations on July 25, 1975, in the Secretary's words, they expressly exempted from permit requirements all "normal farming, ranching, and forestry operations, such as plowing, seeding, cultivating, and harvesting"; "conservation or erosion control" practices; and "maintenance and emergency repairs of dikes, dams, levees, rip-rap, breakwaters and causeways."

Since then, the Corps and the Department of the Army have repeatedly emphasized their determination "to use moderation and a reasonable approach" in the administration and enforcement of the Section 404 program. They have also repeatedly pledged to issue so-called general permits, which provide blanket authorization for comparable activities with no significant adverse environmental impact in designated areas, "as much as possible," in order "to make the program more manageable and practical by reducing the number of permits required."

Despite all of the retractions, apologies, explanations, assurances, and reassurances from the Corps and the Department of the Army, the falsehoods in the Corps' May 1975 press release have done their damage. Despite the demonstrated reluctance of the Corps to administer an expanded Section 404 program in the first place, despite the Corps' expressed intent to employ moderation, despite the Corps' demonstrated commitment to emphasize the use of broad, easy-to-obtain general permits, and despite express exemptions in the Corps' published regulations for many activities of concern to farmers, ranchers, and foresters—despite all of these things, there are many, including some Members of Congress who believe the Corps wants to inject its authority into the activities of private citizens to a ludicrous degree.

These concerns are unfounded and have been repeatedly shown to be unfounded.

We, and the numerous citizens across the Country for whom we speak, respectfully urge this Subcommittee not to be swayed by rumors and misinformation. Section 404 is a vital section of a critical piece of pollution control legislation. The agencies charged with administering it have demonstrated that they will not abuse their authority. They should be given a chance to carry on.

Section 404 was design to control water pollution and to protect water resources. Its purpose was not, is not, and must not be limited to, maintenance of commercial navigation.

The future of an irreplaceable national treasure rests in your hands.

THE YEAR OF THE PEANUT

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. MATHIS. Mr. Speaker, the 17th Annual Convention of the National Peanut Council which was held in San Francisco, February 23–26, has designated 1977 "The Year of the Peanut." As the representative of the largest peanut producting area in the Nation, I want to recognize the NPC for its contribution to the peanut industry and to partially recount, as reported to me, the convention's activities designed to increase the peanut's role as a major source of human nutrition.

The NPC is the major spokesman for all segments of the peanut industry. Headquartered in the Washington area, its membership consists of growers, shellers, processors, peanut butter and confectionery manufacturers, foreign buyers, brokers, and others directly involved in the industry. Other members include banks and agribusiness enterprises with an interest in serving the peanut industry. The NPC is a completely private organization and is not connected with any governmental body. In addition to the regular members, representatives of the press, the U.S. Department of Agriculture, and the House Agriculture Committee were present at the convention as guests.

The annual convention provides practically the only opportunity for all persons interested in the peanut business to meet and share their views and experiences on events that interest them. Most participants feel the annual convention contributes significantly toward brightening the future of the industry for the benefit of all concerned.

The list of this year's guest speakers was particularly impressive. Mr. Juan del Castillo, Director of the Food Distribution Division of the Department of Agriculture's Food and Nutrition Service, spoke on the use of peanuts in the school lunch program. The dollar value of peanuts used in the program has continued to increase on the basis of the Federal Government's confidence in peanuts as an important source of high quality protein for the Nation's schoolchildren.

Because of their highly nutritious characteristics, peanuts do not belong exclusively in the snack category but perform as part of a well-balanced meal, whether in the form of peanut butter or the nuts themselves. Of increasing importance are peanut flakes, a patented peanut product used as a protein extender for other foods or even as the key ingredient in simulated meat and poultry dishes.

The NPC's public relations counselors—Smith, Bucklin & Associates—gave a presentation on the promotion of peanut products, including new and traditional peanut recipes publicized in national magazines and on television. The connection between peanuts and the recent Presidential election has dramatically increased public interest in peanuts, it was pointed out, and the NPC has been deluged with inquiries about all phases of the industry.

An example of the heightened interest was an invitation to Mr. John Currier, the NPC's executive director, to appear on the "To Tell the Truth" television program. One convention participant suggested that we are entering not just "The Year of the Peanut" but "The Age of the Peanut."

On a more academic level was the discussion of trends in the supply and demand situation for the world oilseeds market. Mr. Josh Mogush, the assistant vice president for the Domestic Soybean Crushing Division of Cargill, Inc., explained the dynamics of the international oilseeds market.

Peanuts are valued not only for their use in edible products but also for crushing into oil and meal, with the meal serving as a high quality livestock feed.

For various reasons, peanuts have declined sharply over the last decade as a world source of vegetable oil and meal. The decline in the use of peanuts for these purposes has been attributed to sharp increases in exports of foreign produced palm oil and the growth of the Brazilian soybean industry.

Mistaken U.S. policies have contributed to this development by U.S. subsidies to foreign palm oil development through World Bank loans and export embargoes on U.S. soybeans that forced foreign buyers to rely on Brazil for their soybean needs. No upturn in the world demand for U.S. peanut oil and meal is being predicted as palm and soybean products capture ever larger shares of the market.

Fortunately, the outlook is brighter for exports of peanuts for food uses. A spokesman for the Department of Agriculture's Foreign Agricultural Service told the NPC's Export Committee that the FAS is considering upgrading its foreign market development program with emphasis on the European market. The leading importers of U.S. peanuts now are Canada, Japan, the Netherlands, and the United Kingdom. The FAS believes that markets in these countries can be enlarged and that new major markets can, with a well-executed program, be built in France, West Germany, and the Scandinavian countries.

In the past, the FAS has deemphasized market development for peanuts in favor of cotton, grains, and soybeans, but now feels peanuts offer greater potential than was true in recent years. The export committee indicated a willingness to cooperate with FAS in formulating a workable market development plan to be implemented later this year, if finally approved by the Department of Agriculture.

With regard to the Japanese market, Mr. Nobuo Kada of the giant worldwide Japanese trading firm, Mitsui & Co., acknowledged that import barriers limited the entry of U.S. peanuts into the Japanese market. Although Japan's peanut production is small, it involves thousands of small farmers, and the government's attempts to encourage their switching from peanuts to other crops have not been successful. The import restraints will probably remain unless the United States can negotiate their removal during the Multilateral Trade Negotiations now underway in Geneva.

The development of the patented process for peanut flakes could create a great new market for peanuts according to Mr. Adolph Toigo, president of the World Protein Corp., the licensee for the product.

Numerous food manufacturing concerns have expressed an interest in peanut flakes and are conducting tests which Mr. Toigo is confident will confirm his company's own test results indicating the utility of peanut flakes in a myriad of foods, new and old. For example, popular foods such as cookies, cakes, and possibly soft drinks that have little nutritional value could, if manufactured with peanut flakes, assume a new role as high protein foods. The epithets "junk food" and "empty calories" would no longer be applicable to such protein enriched foods.

The official round of guest speakers, committee meetings, and business sessions were supplemented by morning breakfasts, three evening receptions, and the annual banquet. Additionally, the NPC press party on the opening day of the convention attracted considerable interest and received a writeup in the San Francisco Chronicle. These activities provided a unique opportunity for the exchange of ideas among those in attendance and were just as important to the success of the convention as the formal discussions.

The variety of planned activities and stimulating speakers at this year's convention proved that the peanut industry will continue to assume its rightful place among the great sectors of American agriculture. Two years ago, the NPC had as its keynote speaker an obscure peanut warehouser named Jimmy Carter, an indication of the industry's foresight and ability to analyze future trends.

Mr. Speaker, in conclusion I want to congratulate the National Peanut Council for its efforts in making 1977 "The Year of the Peanut" and wish it every success in planning for the next convention, which is to be held here in Washington. Many of my constituents are members of NPC and were able to attend the annual convention. The thousands of people in my district connected with the peanut industry are indebted to those who are contributing their time and effort to making the peanut industry even greater and more prosperous.

WHAT AMERICA MEANS TO ME

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. FLOWERS. Mr. Speaker, I am proud to announce that one of my young constituents—David Norsworthy of Selma, Ala.—has been selected as first place winner for the State of Alabama in the VFW's Voice of Democracy contest.

This is only the latest in a series of accomplishments by this outstanding young man. He finished second in the same contest last year, was second in the 1975–76 State Civitan oratorical contest, and recently was awarded the degree of special distinction by the National Forensic League.

David is the son of Lieutenant Colonel and Mrs. Norsworthy and is a senior at Selma High. His father is an Air Force chaplain stationed at Craig Air Force Base there.

I would like to share with my colleagues David's winning speech:

WHAT AMERICA MEANS TO ME

(By David Norsworthy)

The cold, dreary day in December of 1903 seemed to stifle all activity around the little North Carolina community. The overcast skies and threat of rain made everything seem dull. But two brothers felt otherwise. On that day in December in Kitty Hawk, Wilbur and Orville Wright were to fly the first airplane and unknown to them, would change the course of history. When the Wright brothers had completed their flight, they were to reflect upon its characteristics. They knew that to handle in the air, their craft must be flexible, so they installed bendable wings into the airplane. There was present also a cognizance of the strength achieved through flexibility.

America, two-hundred years after her birth, is equally aware of the strength achieved through flexibility, the capacity to bend, to change, to adapt. Foundations of governments are set on nothing less than the strength of their people, and citizens of this great land have built America upon their adaptability.

Jim Schofield, a New England merchant, his wife Angela and their four young children packed their bags and left Hartford, Conn. in the summer of 1872 for an unknown area—the West. The long, trying journey through town and country, over hill and through valley finally brought them to their promised land—the wide plains of Wyoming. No farming had been tried, there was no green grass for grazing, but the Schofields somehow managed to survive the hardship and insecurity of the mysterious new land. If not for this strongwilled attitude and hunger for freedom. America would not be. The Schofield family, along with countless other settlers, epitomize the strength of the frontiersmen. But where did they get this strength? The ability to adapt to strange, unfamiliar, even threatening environments and circumstances was the well of strength which has been tapped time and again throughout our history.

Mother Nature, in all her beauty and mystery, can often be a harsh mistress. With all of our advanced technology and rapidly accelerating research and development, we are still at the mercy of the Elements. Earthquakes, tornadoes, storms and hurricanes batter, rip and crack at the earth, coming without warning and leaving only desolation in their wake. But even when disaster strikes, Americans cope with crisis through their flexibility. The recent floods in Colorado and the tornadoes that tore through the Midwest last year caused concern in America, but despite the magnitude of the damage no aid was required or was given by any other nations. The ability to respond to disaster is inherently present in all Americans, and this characteristic is a direct result of our ability to adapt to changing circumstances.

Not only is adaptability the key to expansion and to civil defense, but the ability to flex is essential for Liberty. Freedom is unobtainable without flexibility and, "Eternal vigilance is the price of liberty," stated one of our first ardent patriots, John Philpot Curran. When Mr. Curran spoke of "eternal vigilance," he was speaking of the need for an armed service to protect our most hallowed privilege; our freedom. The functional example of democracy for all the world to see, America must protect her freedom through a

strong defense. While political adversaries of our nation reach out to conquer weaker nations, America stretches forth a protective hand. The Armed Forces necessarily must possess flexible qualities in such an aggressive world, or America would lose her sympathy for the small, freedom desiring nations. For, the stronghold of liberty must be protected by artilleries of open minded, freedom-loving citizens, not afraid to fight for the cause of liberty, but not hesitant to change to a more effective means of protection.

Adlai Stevenson remarked in Chicago in September of 1952 that, "Government (in a democracy) cannot be stronger or more tough-minded than its people. It cannot be more inflexibly committed to the task than they. It cannot be wiser than the people." The wisdom of 200 years is apparent when one reflects upon this nation of ours. America is like an airplane soaring straight and true, always climbing to greater heights. The craft of liberty, powered by strong wills, is guided by nothing less than the flexible character of those individuals that care enough to live as free men.

SUPREME COURT DECISION SIGNALS ACTION ON ENDING SEX DISCRIMINATION PRACTICES IN PAYMENT OF SOCIAL SECURITY BENEFITS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. DRINAN. Mr. Speaker, on January 26, 1977. I introduced H.R. 2420, the Equity in Social Security Act of 1977 which provides for equal standing between men and women in their entitlement to benefits under the social security law. The legislation calls for removal of the dependency requirement for entitlement to husband's and widower's insurance benefits, equal entitlement to survivor's benefits, and payment of retirement benefits to a married couple based on their combined earnings.

In 1975, the Supreme Court in the landmark Weinberger against Wiesenfeld decision, struck down the gender-based distinction of the social security law which authorized survivor's benefits for a widow with minor children but denied them to a widower in the same situation. The Court observed that the distinction in payment of benefits was based upon an "archaic" and "overbroad" generalization that "male workers' earnings are vital to their families' support, while female workers' earnings do not significantly contribute to their families' support."

Wednesday, in another ruling, Califano against Goldfarb, the Supreme Court addressed the matter of the dependency requirement in the payment of widowers' benefits and ruled that "this distinction invidiously discriminates against female workers by affording them less protection for their surviving spouses than it affords male workers."

Justice Brennan in writing for the majority noted that congressional intent was not to provide differential treatment but to "aid the dependent spouse of the deceased wage earners" based on "a presumption that wives are usually dependent." He also observed that assumptions about the dependency of women on men are more consistent with traditional role-typing than with contemporary reality.

While it is true that homemaking may be the main occupation of American women, the Department of Labor estimates that 9 out of every 10 women will work outside the home at some time in their life. At the present time over half of the women between the ages of 18 and 64 are members of the work force. Forty-four percent of married women work, 52 percent of mothers with school-age children work and 36 percent of mothers with preschool children work.

These women are in the work force to meet family expenses. Their salaries contribute to the support of their children, to provide for their educations and to improve the quality of their families' lives. For many families the wife's earnings keep them from welfare and out of poverty.

These Supreme Court decisions must be viewed as a signal to the Congress to revise the social security laws so that a woman's earnings will buy the same protection for her family as do those of a man.

Yesterday I reintroduced the Equity in Social Security Act with 53 cosponsors. Following is a list of the cosponsors:

COSPONSORS

1. Herman Badillo.
2. Max Baucus
3. Jonathan Bingham.
4. Edward Boland.
5. David Bonior.
6. Phillip Burton.
7. Charles Carney.
8. Shirley Chisholm.
9. Wm. Cohen.
10. Cardiss Collins.
11. Silvio Conte.
12. John Conyers.
13. Robert Cornell.
14. David Cornwell.
15. Baltasar Corrada.
16. Charles Diggs.
17. Thomas Downey.
18. Robert Edgar.
19. Don Edwards (Calif.).
20. Mickey Edwards (Okla.).
21. Allen Ertel.
22. Dante Fascell.
23. Millicent Fenwick.
24. Harold E. Ford (Tenn.).
25. Wm. Ford (Mich.).
26. Mark Hannaford.
27. Frank Horton.
28. Ed Koch.
29. Clarence Long (Md.).
30. Andy Maguire.
31. Helen Meyner.
32. Barbara Mikulski.
33. Norman Mineta.
34. Parren Mitchell.
35. Joe Moakley.
36. Toby Moffett.
37. Carlos J. Moorhead.
38. John E. Moss.
39. Austin Murphy (Pa.).
40. Stephen Neal.
41. Richard Ottinger.
42. Jerry Patterson.
43. Charles Rangel.
44. Fred Richmond.
45. Benjamin Rosenthal.
46. Edward Roybal.
47. James Scheuer.
48. Paul Simon.
49. Pete Stark.
50. Charles Thone.
51. Henry Waxman.
52. Charles Wilson (Tex.).
53. Larry Winn.

THE URBAN LEAGUE OF GREATER CLEVELAND NAMES THE PRUITT'S AS FAMILY OF THE YEAR

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. STOKES. Mr. Speaker, on February 19, 1977. I had the distinct honor of participating in the 59th anniversary luncheon of the Urban League of Greater Cleveland. This is an event of considerable importance in my city in light of the outstanding record of achievement of this major civil rights and social service organization. I was invited to extend my greetings to the luncheon gathering by Urban League Executive Director William K. Wolfe and President James M. Whitley. Both gentlemen have been instrumental in guiding the Urban League to its present place of prominence in both the black and white communities.

The featured speaker on this occasion was the Honorable Maynard H. Jackson, Jr., the distinguished mayor of the city of Atlanta, Ga., who gave an excellent and inspiring keynote address. Other noted program participants were Mr. Charles E. Spahr, chairman of Standard Oil Co. of Ohio, who gave the welcoming statement; the Reverend Mary Sterrett Anderson, invocation; Senators JOHN GLENN, HOWARD METZENBAUM, and myself, who extended greetings; Samuel H. Miller, recipient of the Business of the Year Award for the Forest City Enterprises; and the Reverend James O. Stallings, who gave the benediction.

Mr. Speaker, the highlight of the afternoon's events came with the introduction of the Urban League's Family of the Year Award. After painstaking deliberation, the Family of the Year Award committee, headed by Ms. Artha W. Blubaugh, announced the selection of Dr. Ralph L. and Dr. Anne S. Pruitt for this honor. Mr. Speaker, the Drs. Pruitt and their five children are an inspiration and example to all of us in Cleveland. I am sure that you and my colleagues will share my assessment when you hear of this family's notable accomplishments:

FAMILY OF THE YEAR AWARD

Ralph Lewis Pruitt received his bachelor of arts degree from Talladega College in Talladega, Alabama. He earned his masters in mathematics from Atlanta University and his Ph. D. in mathematics education from Ohio State University.

Dr. Pruitt taught math and science in various Georgia high schools before moving to Albany State College where he succeeded to the chairmanship of the Mathematics Department. In 1966 he became assistant professor of mathematics and was promoted in 1970 to associate professor. He chaired the committee which led to the formation of CSU's black studies program and upon its inception in 1969 was named director. He was named dean of the division of special studies in 1971.

Dr. Ralph Pruitt is a member of many professional organizations and is listed in the international scholars directory, outstanding educators of America, American men of science, who's who in the midwest and who's who in Black America. He has received numerous awards including several national

science foundation fellowships and has published several papers in his field.

Dr. Pruitt served as chairman of the CSU black faculty and staff Caucus from 1970–1972. He was co-chairman of the Northeastern Ohio consortium in black and Afro American studies and is a member of the Case Western Reserve University. He is active in many community activities serving as a member of the Western Reserve Historical Society Advisory Committee, a trustee of the federation for community planning, the inner city Protestant parish, the Florence Crittenden homes, the Phillis Wheatley association and the metropolitan health planning corporation. He has served as a judge for the urban league's essay contest and has been superintendent of the Mount Zion Congregational Church School since 1970.

Anne Smith Pruitt graduated cum laude from Howard University earning her bachelor of science degree in psychology. She received her master's degree in guidance and student personnel administration and her EdD in guidance and student personnel administration both from the Columbia University Teachers College.

Dr. Pruitt worked as dean of women and dean of students in Albany State College in Georgia and in a similar position at Fisk University in Nashville, Tennessee. In 1963 she was appointed to the Western Reserve University department of education as an assistant professor and was subsequently promoted to associate professor in 1969 and then full professor in 1974. She directed summer workshops on the unemployment problems of Negro high school graduates, served as director of counseling in Mather College and later as assistant director for career planning at the CWRU center for student development.

Dr. Pruitt is a member of several professional societies. She has won many awards including the Howard University Alumni Association's Outstanding Alumnus Award and is listed in Who's Who of American Women. She has published extensively and has presented papers at dozens of conferences, seminars and symposia.

Dr. Pruitt was a consultant to President Johnson's task force on war on poverty in creating the Women's Job Corps. She also consulted with the Tennessee Commission on Higher Education as a member of the team that wrote recommendations regarding the desegregation plan for that State. She was recently elected president of the American College Personnel Association.

Dr. Pruitt, in addition to professional interests and university responsibilities is active in community affairs. As an Urban League trustee she was a co-founder of the League's Popular Street Academy and served as first chairman of its advisory committee. She also served as a member of the Operation Equality Joint Advisory Committee with Fair Housing, Inc. Dr. Anne Pruitt was a member of the Shaker Schools Plan Committee which developed that city's school busing plan. She was appointed by Governor Gilligan to the board of Central State University. She is a member of Alpha Kappa Alpha Sorority and the Cleveland Chapter of Links, Inc. and is a moderator at Mt. Zion Congregational Church.

The Pruitts have five children.

Dianne Pruitt Newbold earned her bachelor of arts degree in urban and environmental studies from Case Western Reserve University. She received a master's degree in public administration from the University of Dayton and attended Cleveland State University law school for one year.

Mrs. Newbold, who recently moved to Kansas City, Missouri, worked as a manpower planner for the Cuyahoga County Commissioners until 1976. She was a member of the center for coordinated child care and the international women's year committee.

She also served as a teacher in the Mt. Zion Congregational Church school.

Pamela Pruitt earned her bachelor of science degree in elementary education from Case Western Reserve University. During her college career, she served as local chapter president, state regional director and national regional representative of the Student National Education Association and also interned with that body in Washington, D.C.

Miss Pruitt worked as a summer playground supervisor for the city of Cleveland and as a reading teacher for the Cleveland Jobs Corps Center. She currently teaches at Kirk Junior High School in East Cleveland. Her organizational affiliations include the Karamu House, Metro Writers' Workshop and the presidency of the New Day Press, a local book company. She also teaches church school at Mt. Zion Congregational Church.

Sharon Yvette Pruitt earned her bachelor's degree in art education at Case Western Reserve University and her master of arts in African art history from Howard University where she attended on fellowship. She is currently working on her doctorate in art history at Cornell University.

Miss Pruitt, who plays the lute, served as a tutor at the Urban League's street academy and as a church school teacher at Mt. Zion Congressional Church.

Ralph Lewis Pruitt, Jr., was a national achievement finalist at Shaker Heights High School. He is a junior in accounting at Case Western Reserve University and is employed as a marketing intern with IBM. A photographer and fashion designer, he is a church school teacher and deacon at Mt. Zion Congressional Church.

Leslie Ann Pruitt graduated with honors from Shaker Heights High School where she earned varsity letters in field hockey and basketball. She was named "high school all star 1976" by Women's Sports magazine and high school all-American 1976 in recognition of outstanding ability in sports and involvement in extra-curricular activities. She also received a national achievement commendation.

Miss Pruitt, who plays the flute, is currently enrolled at the University of Cincinnati in architectural design.

As you can see, Mr. Speaker, the Pruitts are an outstanding family not only because of their professional accomplishments, but also because of the warmth, respect, and love they have for each other and their community.

Mr. Speaker at this time, I would like to take the liberty of calling upon you and my colleagues in the U.S. House of Representatives to join with me in congratulating the Pruitt family as the Greater Cleveland Urban League Family of the Year. They are truly exemplary of the strength and beauty of America's black families.

CLARK COUNTY: BLAZING THE TRAIL FOR BETTER LUNCHES

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. SANTINI. Mr. Speaker, too many times in my brief career as Nevada's only Member of the House, I have encountered some mighty skeptical people who think there is nothing in Nevada except casinos and showrooms. On the other side of the coin, many see our State as the last cowboy frontier in which John Wayne chases some funny looking animals across a vast wasteland. Neither could be further from the truth.

To the surprise of many, even Las Vegas—the entertainment capital of the world—does not have casino chips rolling into the streets. There are actually "real" people living in Las Vegas with the same kind of needs and problems we face each day.

I thought I would point out just one example of a program which puts Las Vegas on the map for reasons other than gaming and entertainment. The Clark County School District, under the direction of Mr. Len Fredrick, the school food services director, has revolutionized the school food service and nutritional programs. The district has set a standard for our Nation to emulate.

The program has evoked interest from school officials throughout the country. In a time in which the consumer is becoming more and more aware of the necessity of a balanced and nutritious diet, Mr. Fredrick has initiated a most innovative and effective approach to school lunches.

The participation in the Clark County district lunch program has increased by 400 percent, the nutritional values have soared, the profits are solid and the parents are happy. There is little more that any school district could ask of its lunch program

I ask that the remarks of Dr. Kotschevar of the University of Nevada, Las Vegas, be included in the RECORD. He explains the background and success of the program and the determination and dedication on the part of Mr. Fredrick:

FAST FOOD GETS AN "A" IN SCHOOL LUNCH

(By Dr. Lendal H. Kotschevar)

FOREWORD

Here is a story as romantic and fascinating as any novel. Take a conventional food-service operation for a large school system. Like many such operations, it was deeply mired in deficits, poor food, low participation, frustrating operating problems, and many disgruntled and dismayed employees. Yet, in just a short time it turned around to become an operation with excellent operating margins, high food standards, growing participation, smooth operating efficiency, loyal employees who are proud of belonging, and a 400% growth in participation while school enrollment increased by only 10%.

Obviously, achieving all this took much doing. The story is filled with obstacles overcome by perserverance, dedication, and dogged determination plus an astute ability to go to the heart of a problem while cutting away unimportant and interfering factors. It can teach others how to attack and overcome these same problems. Further, it makes a unique contribution to one of the biggest problems of school food service—how to win over those young people who would rather eat at an off-campus drive-in. Every resource was used to persuade the school foodservice dropout that the new school lunch was better than the outside fare, and it worked. It was a terrific job in public relations that turned an army of doubters into an army of supporters.

"If you can't lick 'em, join 'em." The trick is, after joining them, to work within the restraints to achieve the goals of good nutrition, good food, high participation, adequate operating margins and public approval. Here, step-by-step, is how one can take an eight-ounce portion of milk fortified with added milk solids, vitamin A and vitamin D_3 and

freeze it into a 14-ounce milk shake; add a hamburger, a ham and cheese sandwich, barbecued beef sandwich or any other of a number of bread and two-ounce portions of a high protein food along with a ½ cup portion of greens, tomatoes or pickles, plus a ⅝ cup portion of fortified french fried potatoes or salad, and thereby produce a meal that more than meets the Type A meal standards.

Many obstacles were put in the way of the program. But it was done, and with no loss of the standard that says a child shall receive a third of the nutrients required each day in the school foodservice meal.

Remarkably, all this was accomplished not by an experienced foodservice operator but by a former business executive who looked at the market and then designed a product that would sell within the restraints. We need more of this kind of thinking. Perhaps if we had it, Congress and government agencies would be less critical and stop formulating laws that hamper rather than help the program.

While this story is a tribute to Len Fredrick, he is the first to remind us that one never achieves a goal alone. So this is a story of how a loyal, hardworking, intelligent group of supervisors, managers, cooks, workers—375 in number—joined together as a team to make the system go. Properly, they must get their share of credit for putting over the "idea."

Within the school foodservice fraternity this story is not universally accepted as one of notable achievement. It is, truth to tell, controversial. There are those who contend the goals have not been met, and that the program is not successful. The facts belie them and these "doubting Thomases" are in the minority and fast disappearing.

It is, in fact, a successful program in many ways. It is highly innovative and imaginative. It blazes a new trail. Perhaps this is why some of the old guard and bureaucrats don't like it. It doesn't follow tradition, but takes a fresh approach that succeeds where the old one often failed. It has attracted many strong supporters such as: Governor Mike O'Callaghan, thankful to see a program that "sells" in Nevada's largest foodservice system; the parents, students, the School Board and Superintendent of Schools in Las Vegas, thankful to see an almost impossible foodservice system turned into a succesful one; and the Nevada Heart Association, for lowering the cholesterol content after a study showed that 25% of the students in junior high school had higher than normal cholesterol blood levels. Progressive nutritionists, physicians, dietitians, and others who recognize achievement have also joined in the approbation.

Progress results when one dares to overturn "apple carts" of set and preconceived ideas. And here is a proud story on just how Len Frederick did it and what has been achieved by doing it.

NUCLEAR ANTIPROLIFERATION ACT

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. LONG of Maryland. Mr. Speaker, I am delighted to join with my House and Senate colleagues in introducing the Nuclear Antiproliferation Act. I heartily support the stronger nuclear export controls contained in this legislation.

As I stated in my February 11 letter to President Carter, see below, the United States must go even farther if we are to prevent nuclear weapons spread. Vigorous U.S. leadership is needed on two fronts: First, we must end the multiple ways in which the United States has subsidized the export of nuclear technology; and second, we should encourage developing nations to adopt light capital energy technologies from renewable energy sources such as the Sun, wind, flowing water, and vegetation.

By ending U.S. subsidies of nuclear exports, we will have more credibility when asking other nuclear supplier nations to stop their promotion of nuclear exports. Without export subsidies, it will become readily apparent that nuclear power for developing countries makes no economic sense. Continued subsidy deprives the developing world of the precious capital needed for its development both in energy and nonenergy areas—especially since the developed donor nations are in a capital bind themselves.

The letter follows:

HOUSE OF REPRESENTATVES,
Washington, D.C., February 11, 1977.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am delighted that you have ordered a review of U.S. efforts to halt the spread of nuclear weapons. As I indicated at your January 12th Foreign Policy Conference, I consider nuclear weapons proliferation to be the single most serious threat facing this nation, indeed, the world. In addition to effective nuclear export controls and agreements, vigorous U.S. leadership is needed on two fronts: (1) Ending U.S. nuclear export subsidies and (2) Encouraging developing nations to adopt light capital energy development as a substitute for heavy capital energy technologies, such as nuclear energy. I hope that you can consider the following recommendations.

Recommendations to end U.S. subsidies of nuclear exports:

(1) Prohibit Export-Import Bank loans or guarantees for nuclear reactors, fuel, or technology.

(2) Prohibit aid, guarantees, or loan insurance from any other source (i.e. A.I.D., OPIC, etc.) for nuclear exports.

(3) Reduce foreign aid, trade credits, or loan guarantees under the Foreign Assistance Act, the Export-Import Bank Act, the Agricultural Trade Development and Assistance Act, the Arms Export Control Act, the Commodity Credit Corporation Charter Act, and under any other aid programs to the extent that the recipient country is expanding its nuclear power capacity.

Such action would prevent our foreign aid and other resources from being used indirectly to finance nuclear imports or indigenous nuclear development (through the fundability of foreign exchange and other resources).

(4) Eliminate trade preferences for developing countries (under Title V of the Trade Act of 1974) which expand their nuclear power programs.

(5) Instruct U.S. representatives to the multilateral development banks, the United Nations aid institutions and programs, and other international organizations to advocate non-nuclear, light capital energy policies and to oppose aid to countries with expanding nuclear programs.

Investigate the desirability of reducing U.S. contributions to the multilateral development banks and to U.N. aid programs if such policies against nuclear power are not adopted.

(6) Propose separate funding of promotional and safeguards activities of the International Atomic Energy Agency with a view to confining all U.S. funding to the safeguards budget.

(7) Study the effect on the spread of nuclear weapons of U.S. nuclear training of foreign nationals at government facilities or in private universities. At a minimum, require the full cost of any training to be paid by the government whose national is to be trained.

(8) Investigate the extent to which U.S. nuclear firms are subsidizing foreign subsidiaries either in supplying nuclear reactors for the subsidiaries' home markets or in exporting American-licensed nuclear technology to third countries.

(9) Provide the Nuclear Regulatory Commission with power to license the transfer by U.S. businesses of nuclear technology or knowhow. Further, require that public hearings on such transfers to other countries be held if requested and that Congress receive 60-days notice of such transfers.

To encourage developing countries to move away from nuclear power and to offer alternatives, the U.S. should encourage light capital development in general and light capital energy development in particular.

Recommendations to encourage light capital energy technologies as a substitute for nuclear energy:

(1) Take steps to ensure that U.S. preparation for the 1979 U.N. Conference on Science and Technology and that U.S. participants in the Conference emphasize light capital technology in general and light capital energy technologies in particular.

(2) Focus ERDA's energy research program for developing countries on small-scale, decentralized, rural energy sources. This program has received little or no encouragement up to now.

(3) Encourage Appropriate Technology, International (authorized under Section 107 of the Foreign Assistance Act and now beginning its work) to undertake demonstration projects and other activity in developing light capital energy technologies for poor countries.

(4) Re-allocate foreign aid (under A.I.D. and other programs) toward light capital energy projects, with emphasis on the creation or strengthening of country and regional light capital energy institutes.

One option to be considered is concentrating foreign aid in a few countries whose national policies as well as specific activities show high receptivity to this approach.

(5) Experiment with inducements to poor nations to cooperate with U.S. anti-proliferation policies, to eschew nuclear power, and to adopt light capital energy development.

(6) Direct U.S. representatives to the multilateral development banks and to other international organizations to stress light capital development and light capital energy policies and projects in particular.

I hope that these suggested actions in ending nuclear export subsidies and in encouraging alternatives will aid in the formation of your anti-proliferation policy. What I should like to emphasize is that nuclear energy would make no economic sense even if nuclear weapons proliferation were not an issue. Continued subsidy deprives the underdeveloped world of the precious capital needed for its development both in energy and in non-energy areas—especially since the developed donor nations are in a capital bind themselves. The key to my suggestions is stop subsidizing.

A manuscript which I have submitted for publication in a scholarly journal contains a fuller discussion of these issues, and I should be happy to supply copies on request.

Warm regards,

CLARENCE D. LONG.

GHANA CELEBRATES 20TH ANNIVERSARY OF INDEPENDENCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. RANGEL. Mr. Speaker, as the Republic of Ghana today celebrates the 20th anniversary of her independence, we cannot but take a special note that a new government takes office in Washington to begin the third century of the United States of America. The ideals and goals which spurred this Nation to attain its present level of greatness continue to give us the inspiration to strive even harder for a better life for our people in freedom and justice.

Two decades ago, emerging from colonial subjugation, the people of Ghana boldly accepted the challenges and uncertainties of the future. As the first independent nation in black Africa, our immediate objectives were to raise the living standards of the people and to strive for the total liberation of the continent of Africa. Today, Ghanaians look back with a deep sense of pride and accomplishment at the progress that has been made so far in the African liberation struggle and also in the management of their economy despite the inevitable setbacks imposed by inflation and the oil crises. Ghana's gross national product and per capita income, modest though they are, still continue to rank among the highest in Africa.

The government declared, this year, an early return to civilian rule and has opened a national debate on a new constitution. Ghana thus today stands on the threshold of evolving a political system that hopes to eliminate the violence, divisionism, and bitterness that have disrupted the united front necessary for harnessing and utilizing the nation's best talents and resources.

The policy of self-reliance has enabled Ghana to make an appreciable headway in restructuring the economy and also a remarkable shift from the heavy reliance on foreign aid. The "Operation Feed Yourself" and its parallel "Operation Feed Your Industries" programs have enabled Ghana to achieve self-sufficiency in the production of rice and other staples, and to diversify her agriculture to cover the agro-based industrial raw materials for her factories. The southward creep of the Sahelian drought and the vagaries of the weather have necessitated a vigorous program of irrigation and dam construction throughout the country.

As of now, a substantial portion of the country's short-term debts have been repaid, and imports are procured on cash-down basis. With the streamlining of her economic policies, the investment climate in Ghana has become more than ever inviting. The Volta River hydroelectric scheme and the Volta aluminum smelter still remain the largest single American investment in Ghana. In anticipation of the attainment of the maximum output of electricity from the existing dam, the stage is now set for the construction of the country's second hydroelectric scheme, the completion of which will open up new vistas for the improvement of the quality of life for Ghanaians.

The investment and continued operation of American firms like Kaiser Aluminum, Firestone, Signal-Amoco, Union Carbide, Star-Kist, and so forth have inspired confidence in prospective investors as to the vast opportunities available in Ghana. We wish, however, to restate our position that we prefer fair trade to aid. Even though we acknowledge the interdependence of the nations of the world, Ghana's desire is to be able to earn the wherewithal for her social and economic advancement largely through fair exchange for her goods.

I know my colleagues share with me in wishing Ghana a continued and fruitful existence as an independent nation.

U.S. COMPANIES WANT TO SELL COMPUTERS TO SOVIETS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. McDONALD. Mr. Speaker, in order to permit the Soviet Union to close the technology gap with the United States and further her aims of gaining complete military superiority over us in all fields, we keep sending her the necessary equipment and know how. As I have mentioned on previous occasions, computer technology is one of the fields wherein all the experts agree we still lead. Therefore, it was distressing to learn that Control Data Corp. has an application pending to sell a highly sophisticated computer—the Cyber 76—to the Soviet Union. My hope is that the Carter administration will not permit this export of our technology, but based upon the nature of President Carter's appointments to date, I am pessimistic. The report on this proposed transaction, as written by Miles Costick, as it appeared in the Birmingham News of February 13, 1977 follows:

NATIONAL SECURITY AT STAKE: U.S. COMPANIES WANT TO SELL COMPUTERS TO SOVIETS

(NOTE.—A congressional consultant, Miles Costick is the author of the book, The Economics of Détente and of the forthcoming study, The U.S.-Soviet Computer Capabilities. The following article was written especially for The Birmingham News.)

(By Miles Costick)

Jimmy Carter's national security advisor, Zbigniew Brzezinski, has said that détente must be reciprocal in order to be enduring. But what remains to be seen is whether the Carter administration will also reassess the Kissinger policy of transferring to the Soviets advanced technology of critical military importance.

A test of this would be whether Control Data Corp. is permitted to deliver to the Soviet Union the world's largest strategic computer the Cyber 76. The deal has been closed and the export license application is pending before the Commerce Dept. There are also several additional pending applications for sale of military computers to the Communist governments on behalf of Control Data, IBM, UNIVAC and Honeywell. None of the computers involved, however, can match the strategic potential of CDC's Cyber 76.

Cyber is a sensitive topic. It is a very high speed, large volume, advanced scientific computer which processes a phenomenal 100 million instructions per second, and has a memory storage capacity at least 15 years ahead of anything that a Communist computer maker is able to construct. Only about two dozen of such installations even exist. Typical installations: The Pentagon, U.S. Air Force, the Atomic Energy Commission, NASA, and the top secret National Security Agency.

Last year President Ford vetoed the extension of the Export Administration Act leaving the country without effective controls over export of strategic items to the Communists. This meant that all restrictions on Soviet bloc purchases in the U.S. have lapsed. Mr. Ford, however, had issued an executive order reimposing controls on exports under authority vested in him by the War Powers Act. The executive order placed the National Security Council in a position of authority to permit or decline strategic exports to the communists.

The select informed few knew what most had missed: For the executive order to become an effective barrier to export of strategic goods, the President would have to designate the recipient country as an "enemy country." Obviously under Henry Kissinger's détente, the President could hardly declare the Soviet Union or Red China an enemy.

NUMEROUS APPLICATIONS

In the order tube, ready to pop out when the cap was removed on Oct. 1, 1976 were numerous applications for export of strategic items of critical military significance. The most important were the applications for export of military computer systems.

On Sept. 30, 1976 President Ford and his National Security Council under Kissinger appointee Lt. Gen. Brent Scowcroft, in strict discretion, have approved the sale of the Control Data's Cyber 73 computer system to the USSR. The value of the transaction to CDC was about $6 million and to the Soviets about a 10-year leap in computer technology plus a new acquired strategic capacity.

On Oct 12, the National Security Council approved the sale of two CDC Cyber 172 computer systems to Red China. The announced value of transaction was $6 million. Through acquisition of Cyber 172 computers the Chinese communists gained capabilities which they have lacked before, since their computer technology is about 15 to 20 years behind that of the United States.

The stated purpose of computer sales to Red China was oil exploration and earthquake detection.

An inquiry revealed that the stated purpose of computer sales to the Soviet Union was oil exploration.

However, the Pentagon and the Energy Research and Development Administration (ERDA) objected to the sale of computers on the grounds that both systems—the Cyber 73 and Cyber 172—were suitable for nuclear weapons calculations, for anti-submarine warfare, for large phased-array radar to track enemy ICBMs and for other military applications.

OBJECTIONS OVERRULED

A number of U.S. officials confirmed that Dr. Kissinger and his assistant at the State Department, Winston Lord, prevailed over the opposition of the Pentagon and ERDA.

One Commerce Dept. official commented, "If there were no potential military applications there would have been no reason to take a full year to review the sale . . . of the equipment."

Today, the U.S. Defense Dept. deploys about 9,000 of the so-called general purpose computers for military purposes. The same type of computers could be used in a wide variety of civil applications from research and development in industry to crime control.

Obviously the national security implications of this trade are enormous. Concern in the United States had led the Defense Department's Science Board task force under J. Fred Bucy of Texas Instruments to recommend restrictions on the transfer of strategic technology to the Communist superpowers and their satellites.

Six high-technology trade associations, however, through their spokesmen, have warned Congress against permitting the Defense Department to control transfer of strategic technology. "In a civilian government such as ours, the control and administration must reside apart from the military," demanded Peter F. McCloskey, president of the Computer and Business Equipment Manufacturers' Association.

It seems that McCloskey and his friends from the industry agree with William Norris of Control Data who stated that, "Our biggest problem isn't the Soviets, its the damn Defense Department."

Businessmen should remember Lenin's words that when it was time to hang the world's capitalists, they would trip over each other in their eagerness to sell the Communists the necessary ropes.

EXPULSION OF RUSSIAN NEWSMAN UNWISE

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. FINDLEY. Mr. Speaker, the first amendment to the Constitution guarantees freedom of the press from Government domination or interference.

Does that founding principle include the responsibility for the Government to protect and vindicate the honor of the news media when it is impugned by others? Or, in a free society, does it require the Government to adopt a strictly hands-off attitude, even when the media is coerced by others?

As a former journalist, I believe the latter is preferable. The news media should not rely upon the Government even to respond to attempts by the Soviet Union to stifle reporters. The media has power enough to deal with those who abuse it, even though they may be the greatest totalitarian force on the globe.

Recently the Soviet Union expelled an American correspondent in Moscow for writing something the Kremlin did not like. In response, our Government expelled a Soviet correspondent. In my view, the news media did not need this vindication by our own Government. Instead, as the following perceptive editorial from the State Journal-Register suggests, the media should have acted to take care of itself by encouraging its reporters to dig deeper into abuses of human rights into the Soviet Union.

The editorial follows:

[From the State Journal, Feb. 14, 1977]

EXPULSION OF RUSSIAN NEWSMAN NOT BEST TACTIC

Last week the Soviet Union found a pretext to expel George Krimsky, an Associated Press correspondent in Moscow. The real reason for the expulsion was that Mr. Krimsky was digging too deeply into the affairs of Soviet dissidents.

The United States retaliated with a diplomatic charade as old as time. Washington first protested and then ordered Vladimir I. Alekseyev, the Tass correspondent in the capital, to leave the United States.

Tit for tat. We showed them. Or did we?

In due time both reporters will be replaced and the foreign policy of the Soviet Union and the United States will return to what passes for normal. Nevertheless, things will not be exactly the same, particularly for the United States and its news media.

We do not fault the intent of the U.S. State Department, just its tactics. When polite words failed to get the Soviet Union to rescind its expulsion order, the Department acted in the way it always does when it wants to get the immediate attention of the Kremlin.

The Kremlin must have anticipated our response. The trouble is that the expulsion of Mr. Alekseyev also got a lot of attention elsewhere in the world, and in a way that does not reflect credit on the greatness of the United States.

If the expulsion of Mr. Krimsky was unworthy of a major nation, and we think that it was, the reflexive action of the State Department was no better. The effects on other nations might even be worse because the Soviet Union makes no bones about using as much force as it dares to use to further its national aspirations.

The United States, on the other hand, earnestly tries to inject as much morality into its foreign policy as possible. Behaving in the worst of the cold war tradition over an issue that is really a tempest in a teapot doesn't help our image in the world. Nor does it give us credibility when we champion the causes of free flow of information and free movement of peoples.

Strangely, some of the major opinion makers in the United States were quick to come to the defense of the U.S. action.

"Helsinki, Schmelsinki," editorialized the New York Times. "We sadly endorse the American retaliation on the crude ground that it is the only kind of message that the Soviet bureaucracy might need."

We take the opposite view. The American press does not need its government as its champion abroad. Indeed, the marked difference between Mr. Krimsky and Mr. Alekseyev is Mr. Krimsky is an independent journalist and Mr. Alekseyev is an agent of his government. It is a distinction that the U.S. press should do its best to highlight. Both the American government and the American press will be most healthy when there is the maximum possible daylight between them.

The proper response for the Associated Press to take would be to send somebody else who is at least as forceful and inquiring as Mr. Krimsky to Moscow on the next airplane. If the rest of the American media wanted to emphasize that message, they, too, could wire their correspondents in the Soviet Union to start digging deeper.

If that resulted in the expulsion of all American media from Moscow, the U.S. State Department would really have something that it could sink its teeth into. Effectively.

SECRETARY BLUMENTHAL ON THE NEED FOR CAPITAL INVESTMENT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. KEMP. Mr. Speaker, I was gratified to read yesterday that Secretary of the Treasury Michael Blumenthal has so strongly emphasized the importance of business confidence and increased capital investment as the means toward sustaining economic growth and jobs creation without inflation.

This is an issue to which I have addressed myself many times in the last 6 years. It is my view—and hopefully the administration's as well—that there are many Government policies which are hindering capital investment and the creation of new jobs in the private sector. Among these are the high marginal rates of taxation, cumbersome regulations, the scarcity of equity capital, and excessive Government borrowing.

I have introduced legislation which attacks these problems simultaneously, called the Jobs Creation Act. The aim of this bill is to stimulate the production and supply side of our economy by reducing the tax barriers to investment, capital formation, plant modernization and expansion, and jobs creation. And because it will increase the total supply of goods and services while achieving the goal of increased employment, there will be a reduction of inflation, rather than further increases in the cost of living.

I welcome Secretary Blumenthal's comments in support of this approach to economic growth which I have repeatedly emphasized. I look forward to working with him on implementation of policies we commonly desire—such as reduction of tax rates, elimination of the double taxation of dividends, and further incentives for capital investment. I think that this is the basis for a bipartisan approach to the economy and I hope we will be able to work together for its implementation.

The following article from the New York Times for March 3, 1977, points out, I think, the similarities between the approach I seek through the Jobs Creation Act and the administration's announced policies of capital investment. I commend it to my colleagues who seek to stimulate real growth and create jobs without inflation:

WAYS TO BRIDGE THE CAPITAL GAP

(By Robert D. Hershey, Jr.)

WASHINGTON.—The highly charged and often unfocused argument over whether the United States can finance future prosperity without major policy changes seems suddenly to have vanished.

When Treasury Secretary W. Michael Blumenthal rises after lunch today at New York's Waldorf-Astoria Hotel to plead for investment incentives he is sure to be roundly applauded by a diverse group of businessmen, academics, economists, and others who two years ago were heatedly debating a proposition almost all of them now accept.

What they agree on is that a capital shortage exists, or at least threatens, and that Government measures must be taken to deal with it.

The group was rounded up by the Carter Administration, which has latched on to an issue first raised by Wall Street and corporate America and turned it into a high priority of mainstream Democrats.

The so-called capital gap came to wide public attention in September 1974 when James P. Needham, then chairman of the New York Stock Exchange, projected a $650 billion investment shortfall in the decade ahead.

The Big Board's study, he said, "points very clearly to the urgent need for developing national policies that will stimulate savings and investment, rather than consumption. We must have national policies that will speed real economic growth and put this

country back on the track of utilizing its extraordinary productive potential to maximum advantage."

Such business heavyweights such as the Chase Manhattan Bank and the General Electric Company promptly joined in sounding the alarm but many people also disagreed with this analysis.

Among them were three economists at the Brookings Institution, an independent research organization here that in recent years has become a particular haven for liberals.

In a 1975 study they concluded that capital needs would not be unmanageable and disputed the Cassandras who saw a shortage implying high interest rates, sharp tax increases and a scaling down of social programs in such areas as housing and pollution control.

"Our answer is that we can afford the future, but just barely," they said. The economists were Barry Bosworth, now on leave with the President's Council of Economic Advisers, James S. Duesenberry and Andrew S. Carron.

The Commerce Department also conducted a survey, reporting early last year that total investment during the second half of the 1970's would have to be about $300 billion above the 1971–75 level to meet the nation's goals.

Part of the argument, of course, involved a definition of what would have to be financed.

"You can always collect everybody's aspirations and come up with a list of 'needs' that will exceed any amount of savings," said Leif H. Olsen, Citibank's chief economist, the other day. Nonetheless, wide disagreement persisted about the capital situation, although it became less visible during the recession, when demand for financing slumped and some analysis began to point to such developments as the completion of the interstate highway system and the closing of some schools for lack of use.

Shortly after Roderick M. Hills became chairman of the Securities and Exchange Commission in October, 1975, the agency began an intensive study of the capital markets and their ability to supply the nation's very large needs. He said in an interview last week that the growing awareness in various quarters of the market's importance was a major accomplishment, though he did not take credit for it himself.

"In the embryonic weeks of the Carter Administration they have really endorsed the notion that I've been trying to work on, one that had been totally foreign to the commission itself a year and a half ago," Mr. Hills, who is leaving office this month, said.

The new Administration, in fact, seems so committed to the issue of capital formation that rumors are circulating that it intends to reorganize the S.E.C. So it could play a major role in promoting investment in American business.

Some commission staff people are concerned that this might come at the expense of its traditional regulatory and disclosure functions.

Bert Lance, who heads Mr. Carter's Office of Management and Budget and is the Administration's chief reorganizer, took the lead in arranging today's gathering in New York. A Treasury Department spokesman said Mr. Blumenthal's remarks would deal with capital formation and would "touch on the S.E.C.".

Although the Administration's economic stimulus package being considered by Congress makes only a modest attempt at expanding the supply side of the demand-supply equation it would not be surprising if much stronger measures were suggested, if not now then by fall when Congress is expected to receive the Carter tax-reform plan.

These might include, as the Bethlehem Steel Corporation proposes in its just-published 1976 annual report, permitting the cost of machinery, equipment and industrial buildings to be recovered over a five-year period with deductions beginning as funds are spent rather than as facilities are placed in service; establishing a permanent 12-percent investment-tax credit; allowing immediate writeoffs of the cost of pollution-control facilities and retaining the percentage depletion allowance.

Perhaps the most important step would be the integration of the corporate and individual income taxes to eliminate the double taxation of dividends. This would stimulate formation of the most desirable form of capital-equity, which unlike debt never needs to be repaid. At the same time dividends on stock might be made deductible to make selling equity more attractive. Interest paid on bonds is now deductible, a situation that tends to produce lopsided corporate balance sheets.

The House Ways and Means Committee spent last year studying capital formation, but its report is not expected to be published until spring.

Al Ullman, the Oregon Democrat who heads the committee, however, is on record favoring at least partial integration of corporate and individual taxes, a subject pressed hard but unsuccessfully by Mr. Blumenthal's immediate precedessor at the Treasury, the archconservative William E. Simon.

CONGRESSMAN EDGAR'S TESTIMONY TO SAVE SECTION 404

HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. EDGAR. Mr. Speaker, I testified today before the House Water Resources Subcommittee of the Public Works and Transportation Committee to express my concern about section 16 of H.R. 3199. This section would amend the section 404 program of the Corps of Engineers authorized by the Federal Water Pollution Control Act. I would like to share my prepared statement with my colleagues:

STATEMENT BY ROBERT W. EDGAR

Mr. Chairman, I appreciate the opportunity to appear before the Committee today to express my concern about a controversial provision of H.R. 3199. As a former member of this Subcommittee and as a present member of the full Public Works and Transportation Committee, I recognize your leadership in strengthening the implementation of the Federal Wter Pollution Control Act, landmark legislation which this Committee played a major role in enacting.

I actively participated last year in the hearings, markup, and floor debate on last year's bill, and I know that some modifications are necessary. Yet there is one modification to the Act, which appears in Section 16 of H.R. 3199, which I believe should be strongly resisted by the Congress and this Committee.

Section 16 makes a major change in Section 404 of the Act, which authorizes the Corps of Engineers to regulate dredging and filling operations in "navigable waters." As you are aware, Section 502 of the Act defines "navigable waters" as "waters of the United States." Initially, the Corps restricted their regulations to traditionally navigable waters, which includes an "historic" definition—waters which have been used in the past for interstate commerce.

The Natural Resource Defense Council successfully sued for enforcement of the definition articulated in Section 502 (NRDC vs. Callaway). I feel that the broad definition is consistent with the legislative history as noted in House Report No. 911, 92nd Congress, which stated in part:

"One term the Committee was reluctant to define was the term 'navigable waters.' The reluctance was based on the fear that any interpretation would be read narrowly. However, this is not the Committee's intent. The Committee fully intends that the term 'navigable waters' be given the broadest possible constitutional interpretation unencumbered by agency determinations which have been made or may be made for administrative purposes."

This Committee has already heard testimony about the reasons why this program has been controversial, but I would like to take a moment to discuss some aspects of the problem.

There was a vicious and distorted press release issued by the Corps just prior to the issuance of the Section 404 regulations on May 6, 1975, which received attention in hundreds of industrial and agricultural trade papers and magazines. The damaging sentence was the following:

". . . Under some of the proposed regulations, federal permits may be required by the rancher who wants to enlarge his stock pond, or the farmer who wants to deepen an irrigation ditch or plow a field, or the mountaineer who wants to protect his land against stream erosion."

Mr. Chairman, this absurd press release has since been repudiated by the Corps. If the release had not appeared, I think this Committee would be applauding Section 404, particularly the Corps' General Permit program which has eliminated layers of bureaucracy. I am sure that some Members of the Committee are familiar with the replies of EPA and the Corps to the letter sent to them by Senators Randolph and Baker concerning the program, which I would like to be placed in the Record at this point if there is no objection from the Committee.

Initially, there were problems with implementing the Section 404 program. But now, in March, 1977, the bugs are being worked out. Those who have dredging and filling operations which significantly threaten the environment are being regulated as intended. The only problem seems to be the thousands of farmers, ranchers, and foresters who are reacting to misinformation by demanding Congressional action to gut the Section 404 program. This Committee knows that the Section 404 regulations clearly do not regulate normal farming, ranching, and forestry operations.

For the benefit of Members who have not seen the Corps' Section 404 regulations of July 25, 1975, I would like to briefly quote from them (cited as 33 C.F.R. 209.120:)

"The term 'dredged material' means material that is excavated from navigable waters. The term does not include material resulting from normal farming, silviculture, and ranching activities, such as plowing, cultivating, seeding, and harvesting, for production of food, fiber, and forest products . . .

" 'fill material' does not include the following: (i) Material resulting from normal farming, silviculture, and ranching activities, such as plowing, cultivating, seeding, and harvesting, for the production of food, fiber, and forest products;

(ii) Material placed for the purpose of maintenance, including emergency reconstruction of recently damaged parts of currently serviceable structures such as dikes, dams, levees, groins, rip-rap, breakwaters, causeways, and bridge abutments or approaches, and transportation structures . . ."

The General Permit program covers many cases of these operations which are not exempted by these two definitions, but which do not threaten significant environment impact in designated areas.

I can sympathize with the need to approve amendments to the Section 404 program

which are clarifying in nature, which clearly spell out that "normal" farming, ranching, and silviculture operations will not be subject to regulation. I also agree that the Corps needs a clear mandate for its General Permit program.

Mr. Chairman, I think the objections of those who feel that the program is too bureaucratic, or would require them to get a permit to plow their field could be satisfied by clarifying legislation other than Section 16.

I would like to clarify a point which has been repeated by many who oppose the present Section 404 program, yet which has no factual basis. Some opponents have claimed that the Section 404 program has grown from 1000 permits to over 20,000, and that over 90,000 permits would be required eventually. I don't believe that this is the case. Most of the permits required under this program are to comply with Section 10 of the 1899 Rivers and Harbors Act, relating to regulation of structures such as docks and piers. Many of these structures involve dredge or fill operations when they are constructed, and the Corps has administratively come up with a combined Section 10/Section 404 permit. This should be commended. Even if Section 404 didn't exist, those who need a permit under the combination Section 10/Section 404 would clearly need to apply for a Corps permit anyway.

The Fiscal Year 1976 figure of 1118 is the number of permits which were applied for solely related to the Section 404 program. This is the statistic which we should be closely monitoring. Should this figure approach 20,000, then perhaps we do need a mid-course correction in the Section 404 program. But I anticipate that an active General Permit program will satisfy the concerns about over-regulation. The fact is that most of the permits are required for Section 10, and I hope this is understood by the Committee. If there is no objection, I would like to insert at this point in my statement the Corps' statistics on their permit program:

NUMBER OF PERMIT APPLICATIONS RECEIVED

Fiscal year	Sec. 10 only	Sec. 10 and 103	Sec. 10 and 404	Sec. 404 only	Total
1969	7,400				7,400
1970	7,500				7,500
1971	8,200				8,200
1972	9,600				9,600
1973	12,600				12,600
1974	10,707	107	2,878		13,683
1975	10,582	53	4,353		14,938
1976	11,992	45	6,616	1,118	19,771
T-qtr. 1976	2,993	15	1,832	690	5,530

Despite the fact that Section 404 is working, Section 16 remains in H.R. 3199. I would like to address the adverse environmental consequences of this section, which is opposed by the Administration and every major environmental organization.

(1) Both the Corps and EPA testified yesterday before this Committee that there were strong questions about whether the Corps could enforce Section 404 in "adjacent wetlands" because of the language in Section 16.

(2) The definition of "navigable waters" is more restrictive than the current definition used by the Corps under Phase I regulation, in that the "historic" definition of navigable waters is repealed. This would exclude many waters which were under Section 404 regulation even before the Courts ruled that the Corps' regulations were too limited. During debate last year on the House floor, Representative McCloskey pointed out that 188 square miles which were diked in the San Francisco Bay area would not come under Section 404 regulations if they were amended by Section 16 of this bill.

(3) Section 16, as estimated by EPA, would exclude 98 percent of stream miles, and 80 percent of swamps and marshes from Section 404 protection.

(4) Section 16 would also exempt all Federal or Federally-assisted projects from the Act provided that the Environmental Impact Study and the Environmental assessment are submitted to Congress. These studies must be prepared to comply with the National Environmental Policy Act, and there is nothing in the Act that I can see which says that environmental harm precludes construction of the project, only that possible harm has been examined. Since most dredged or fill material results from these projects, this exemption is serious.

Mr. Chairman, these are only some of the objections which the EPA noted yesterday for the Record. I hope that this Committee will examine Mr. Quarles' testimony on this point very carefully. The Acting Administrator read a statement into the Record yesterday on Section 404, supplementing his prepared text. He said:

"In regard to the section 404 Amendment, the Administration has a review of the 404 program now underway as well as other Federal programs that affect wetlands. Pending the completion of this review the Administration opposes any amendments to the section 404 provisions.

The section 404 permit program is presently the major Federal program to control the discharges of dredged or fill material that have not only degraded but often destroyed otherwise renewable aquatic resources. We now have a better understanding of the national interest in protecting critical aquatic areas such as swamps, marshes and submerged grass flats. They perform valuable services for our society including the maintenance of water quality, the natural control of flood waters and breeding areas for water fowl and commercial and sports fish.

I have been impressed by the cooperation of the Corps of Engineers and EPA for almost two years now in addressing Congressional concern over unnecessary regulation of minor activities. The Corps is in the process of reorganizing and clarifying its Interim Regulation to minimize unnecessary regulation.

"The Administration feels that there is a Federal interest in wetlands protection. There are several approaches available to safeguard this interest, including ways to improve our partnership with the States and mechanisms for encouraging them to develop stronger programs of their own. The Administration is reassessing the present program and we will report on this reassessment as soon as possible."

Responsible Federal protection of our wetlands is an investment which we must continue. I am intimately familiar with the value of our wetlands. The last remaining tidal marsh in Pennsylvania, Tinicum Marsh, is in my Congressional District. During the last two years, I have joined hundreds of motivated local residents and public officials in trying to maintain this area of primordial beauty, and protect the area from destructive over-development. I have paddled through this wetland by canoe, admiring the tranquil peace, interrupted by the swaying of wild rice, honking of huddy ducks, the flapping of snowy egret wings, and an occasional jet flying overhead out of Philadelphia International Airport. Like our other wetland areas, the Tinicum Marsh has been attacked by the encroachment of homes, roads, and businesses during the last few centuries. During my first term in Congress, I learned that preserving this area means more than saving land for recreation or for esthetic value. The letter which I referred to on page 2 of my statement from Mr. Quarles of EPA lists many of the benefits provided by wetlands—flood control, recharging ground water, nesting areas for waterfowl, spawning areas for fish. Ironically, this legislation authorizes $17 billion for wastewater treatment plants at the same time it threatens the integrity of valuable wetlands, which act as natural wastewater treatment plans. I find this alarming.

I sympathize with the dilemma of the Committee in dealing with Section 404. The Administration is reviewing Federal wetlands policy, and announced its opposition yesterday to any amendments to the Section 404 program. I feel that this is a wise policy, and I urge the Committee to consider it. I personally would like to see the Section 404 program considered separately by the Committee so that its focus would not be blurred by the many critical issues other than Section 404 which are addressed in H.R. 3199. As a member of this Subcommittee last year, I know the frustrations of having the conference committee deadlocked on this particular amendment, and a repeat performance could be tragic.

I intend to strongly resist any amendments to Section 404 when this bill reaches the full Committee and the floor of the House. Should it appear that the House is not willing to accept retaining Section 404 intact, I will be prepared to offer a substitute to Section 16 which would be environmentally acceptable, assure that there would not be over-regulation, and would make qualified states full partners in wetlands protection.

Mr. Chairman, I know that H.R. 3199 sought to preserve last year's legislation as much as possible. I have listened to much of the testimony during these four days of hearings, and I am convinced that there is a pressing need to take a closer look at Section 404 before approving measures such as Section 16 of this bill. This is the first series of hearings in the House at which the Section 404 program has been examined in detail. I hope the Committee in its wisdom will positively consider the recommendations of EPA and the Corps to delete Section 16.

This concludes my prepared statement, Mr. Chairman. Again, I wish to thank you for the opportunity to testify. I and my staff are ready to assist the Committee in developing a substitute to Section 16 which addresses the legitimate concern about the implementation of Section 404, which will at the same time preserve the objective of the Federal Water Pollution Control Act to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters."

PUBLIC LAW 92-603

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 1977

Mr. MARTIN. Mr. Speaker, following enactment of Public Law 92-603, the professional standards review organizations legislation, a number of shortcomings were found by professionals, including the physicians required by the law to make the law work.

In the main, these problems have dealt with critical areas of the confidentiality of medical records; the role of norms, criteria, and standards; the extent of review requirements; the designation of PSRO's; and certain aspects of the penalty provisions.

As a starting point for debating the shortcomings and problems of Public Law 92-603, and as a vehicle for us to use in seeking to correct the problems, I am today introducing legislation similar to that I introduced in the last Congress. In addition to protecting the confiden-

tiality of patient's records and making other changes contained in the previous bill, this bill would expand PSRO's into VA and Public Health Service institutions, provide for less duplication in reviews, and provide for administrative and judicial review of adverse reimbursement determinations.

SENATE COMMITTEE MEETINGS SCHEDULED

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings on Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure beginning February 21, and until the computerization of this information becomes operational, the office of the Senate Daily Digest will prepare such information daily for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

MEETINGS SCHEDULED

MARCH 7

8:00 a.m.
Appropriations
*District of Columbia Subcommittee
To hold hearings on supplemental appropriations for fiscal year 1977 for the District of Columbia.
1114 Dirksen Building

9:00 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on proposed legislation to amend and extend the Agriculture and Consumer Protection Act.
Until Noon 322 Russell Building
Armed Services
Subcommittee on Tactical Air Power
To hold closed hearings on proposed military procurement authorizations for fiscal year 1978 for tactical weapons.
224 Russell Building

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment, to receive testimony from Army officials on procurement, programs.
1223 Dirksen Building
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for the Environmental Protection Agency.
1318 Dirksen Building
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for military construction programs.
S-146, Capitol
Armed Services
Subcommittee on Manpower and Personnel
To hold hearings on fiscal year 1978 authorizations for active duty, reserve and civilian manpower and military training programs.
212 Russell Building
Commerce, Science, and Transportation
Subcommittee on Science and Space
To resume hearings on S. 365, authorizing funds for fiscal year 1978 for the National Aeronautics and Space Administration.
235 Russell Building
Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on proposed authorizations for fiscal year 1978 for the Energy Research and Development Administration.
3110 Dirksen Building
Environment and Public Works
To hold hearings on the nomination of Charles Hugh Warren, of California, to be a member of the Council on Environmental Quality.
4200 Dirksen Building
Governmental Affairs
To hold hearings on S. 826, to establish a Department of Energy to direct a coordinated national energy policy.
3302 Dirksen Building
Human Resources
To consider recommendations which it will make to the Budget Committee on the fiscal year 1978 budget in accordance with the Congressional Budget Act.
4232 Dirksen Building

11:00 a.m.
Foreign Relations
Subcommittee on Foreign Assistance
To continue hearings on human rights issues and their relationship to foreign assistance programs.
4221 Dirksen Building

1:30 p.m.
Appropriations
Agriculture Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture and related activities.
1318 Dirksen Building

2:00 p.m.
Appropriations
Legislative Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for the Office of Technology Assessment.
S-128, Capitol
Appropriations
Public Works Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for public works projects.
S-126, Capitol
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for the St. Lawrence Seaway, Materials Transportation Bureau, Civil Aeronautics Board, and Interstate Commerce Commission.
1224 Dirksen Building
Human Resources
To hold hearings on the nominations of Robert J. Brown, of Colorado, to be Under Secretary; Carin Ann Clauss, of Virginia, to be Solicitor; and Donald Elisburg, of Maryland, and Ernest Gideon Green, of New York, each to be Assistant Secretary. All of the Department of Labor.
4232 Dirksen Building

MARCH 8

9:00 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on proposed legislation to amend and extend the Agriculture and Consumer Protection Act.
Until noon 322 Russell Building
Armed Services
Subcommittee on Tactical Air Power
To hold closed hearings on proposed military procurement authorizations for fiscal year 1978 for tactical weapons.
424 Russell Building
Finance
To hold hearings on the nomination of Hale Champion, of Massachusetts, to be Under Secretary of Health, Education, and Welfare.
2221 Dirksen Building

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for the Bureau of Mines.
1114 Dirksen Building
Environment and Public Works
To resume consideration of bills proposing amendments to the Clean Air Act (S. 251, 252, and 253).
4200 Dirksen Building
Finance
To hold hearings on the proposed Tax Reduction and Simplification Act of 1977 (H.R. 3477).
2221 Dirksen Building

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget rescissions of certain Defense program funding to hear Defense Secretary Brown and Secretary of the Navy Claytor. To be followed by subcommittee consideration of such budget rescissions.
1223 Dirksen Building
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to receive testimony on funds for migration and refugee assistance, and the U.S. Emergency Refugee and Migration Assistance fund, Department of State.
S-126, Capitol
Appropriations
HUD—Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for the Environmental Protection Agency and the Council on Environmental Quality.
1318 Dirksen Building
Appropriations
Treasury, Postal Service and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for the Bureaus of Government Financial Operations, Public Debt, and Alcohol, Tobacco and Firearms.
S-146, Capitol
Armed Services
Subcommittee on Research and Development
To hold closed hearings on fiscal year 1978 authorizations for Navy and Air Force research and development programs.
224 Russell Building
Budget
To hold hearings in preparation for reporting the first concurrent resolution on the fiscal year 1978 budget, to hear testimony on Defense programs.
357 Russell Building
Energy and Natural Resources
To hold hearings on proposed legislation to authorize the Bureau of Reclamation to finance a program to equitably distribute water to drought areas under its jurisdiction.
3110 Dirksen Building

Foreign Relations
To hold hearings on the nominations of Richard M. Moose, of Arkansas, to be Deputy Under Secretary of State; Douglas J. Bennet, Jr., of Connecticut, to be an Assistant Secretary of State; and Hodding Carter III, of Mississippi, to be an Assistant Secretary of State; to be followed by a business meeting to consider S. 489, authorizing a total of $34.5 million for fiscal year 1977 for military assistance to Portugal, and other committee business.
S-116, Capitol

Human Resources
Subcommittee on Health and Scientific Research
To hold hearings on protection of human subjects used in experimental research.
4232 Dirksen Building

Rules and Administration
To hold hearings on S. 703, to improve the administration and operation of the Overseas Citizens Voting Rights Act of 1975.
301 Russell Building

Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

Special Committee on Aging
To continue its investigation of alleged fraudulent practices in medicaid and medicare programs.
1202 Dirksen Building

10:30 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on bills calling for more stringent oil tanker safety standards (S. 682, 568, 182, 715).
5110 Dirksen Building

11:00 a.m.
*Conferees
On H.R. 2647, to increase ceilings on major lending programs of the Small Business Administration.
Room to be announced

11:30 a.m.
Veterans Affairs
To hold hearings to receive legislative recommendations for 1977 from officials of the Veterans of Foreign Wars.
Until 12:30
318 Russell Building

1:00 p.m.
Select Small Business
Business meeting, on committee organization.
424 Russell Building

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear testimony on funds for International Narcotics Control, Department of State, and International Disaster Assistance, and the American Schools and Hospitals Abroad, AID.
S-126, Capitol

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for the Department of HEW, to hear Secretary Califano.
S-128, Capitol

Appropriations
Legislative Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for the Congressional Budget Office.
S-146, Capitol

Armed Services
Subcommittee on Research and Development
To hold closed hearings on fiscal year 1978 authorizations for Navy and Air Force research and development programs.
224 Russell Building

2:30 p.m.
Appropriations
*Public Works
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear representatives of the Army Corps of Engineers (Civil Division).
1223 Dirksen Biulding

MARCH 9

9:00 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on proposed legislation to amend and extend the Agriculture and Consumer Protection Act.
Until Noon 322 Russell Building

Armed Services
Subcommittee on Tactical Air Power
To hold closed hearings on proposed military procurement authorizations for fiscal year 1978 for tactical weapons.
224 Russell Building

9:30 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior, to hear officials of the Mining Enforcement and Safety Administration and for the Institute for Museum Services.
1114 Dirksen Building

Finance
To hold hearings on the nomination of Thomas D. Morris, of the District of Columbia, to be Inspector General, Department of Health, Education, and Welfare.
2221 Dirksen Building

Small Business
To hold hearings to consider the impact of product liability insurance on small businesses, and on S. 527, authorizing the Small Business Administration to furnish reinsurance for property liability insurers for small business concerns which would not otherwise be able to obtain product liability insurance on reasonable terms.
6202 Dirksen Building

Commerce, Science, and Transportation
To hold oversight hearings on the implementation of the Marine Mammal Protection Act.
5110 Dirksen Building

9:45 a.m.
Governmental Affairs
To consider the nomination of James T. McIntyre, Jr., of Georgia, to be Deputy Director of the Office of Management and Budget.
3302 Dirksen Building

10:00 a.m.
Appropriations
Defense Subcommittee
To continue closed hearings on proposed estimates for fiscal year 1978 for the defense establishment.
S-126 Capitol

Appropriations
Treasury, Postal Service and General Government Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the U.S. Tax Court, and units in the Executive Office of the President.
1318 Dirksen Building

Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for military construction programs.
S-146, Capitol

Appropriations
State, Justice, Commerce Subcommittee
To hold hearings on proposed supplemental appropriations for fiscal year 1977 for the Departments of State, Justice, and Commerce.
1224 Dirksen Building

Budget
To hold hearings in preparation for reporting the first concurrent resolution on the fiscal year 1978 budget, to hear testimony on Agriculture programs.
357 Russell Building

Commerce, Science and Transportation
Subcommittee on Science and Space
To hold closed hearings on S. 365, authorizing funds for fiscal year 1978 for the National Aeronautics and Space Administration.
235 Russell Building

Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on proposed authorizations for fiscal year 1978 for the Energy Research and Development Administration.
3110 Dirksen Building

Environmental and Public Works
To hold hearings to review Presidential budget requests for fiscal year 1978 for the Federal Highway Administration.
4200 Dirksen Building

10:00 a.m.
Finance
To hold hearings on the proposed Tax Reduction and Simplification Act of 1977 (H.R. 3477).
2221 Dirksen Building

Governmental Affairs
To hold hearings on S. 826, to establish a Department of Energy to direct a coordinated national energy policy.
3302 Dirksen Building

Human Resources
Education, Arts and Humanities Subcommittee
To hold hearings on S. 602, authorizing funds and extending programs through fiscal year 1982 for the Library Services and Construction Act.
4332 Dirksen Building

Rules and Administration
To further consider S. Res. 5 through 12, proposing several changes in the Senate rules, principally with regard to rule XXII (cloture), and to consider other committee business.
301 Russell Building.

Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

Special Committee on Aging
To continue its investigation of alleged fraudulent practices in medicaid and medicare programs.
Main hearing room, Longworth Building

10:15 a.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of HEW, to hear officials of the Health Services Administration.
S-128, Capitol

11:00 a.m.
Foreign Relations
Subcommittee on Foreign Assistance
To hold hearings to receive testimony from Administration witnesses concerning international financial institutions.
4221 Dirksen Building

1:30 p.m.
Appropriations
Agriculture Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture.
1224 Dirksen Building

2:00 p.m.
Appropriations
*Public Works
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Department of the Interior Secretary Andrus and representatives of the Water Resources Council.
1223 Dirksen Building
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of HEW, to hear officials of the Center for Disease Control.
S-128, Capitol
Appropriations
State, Justice, Commerce Subcommittee
To hold hearings on proposed supplemental appropriations for fiscal year 1977 for the Departments of State, Justice, and Commerce.
S-146, Capitol
Appropriations
To consider H.R. 3839, to rescind certain budget authority as contained in Presidential message dated January 17, and H.J. Res. 269, proposed urgent supplemental appropriations for disaster relief.
S-128, Capitol
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for Senate and joint items, and on supplemental appropriations for fiscal year 1977 for the legislative branch.
S-126, Capitol
Environment and Public Works
To resume consideration of bills proposing amendments to the Clean Air Act (S. 251, 252, and 253).
4200 Dirksen Building
4:00 p.m.
Intelligence
Closed business meeting.
S-407, Capitol

MARCH 10

9:00 a.m.
Armed Services
Subcommittee on Tactical Air Power
To hold closed hearings on proposed military procurement authorizations for fiscal year 1978 for tactical weapons.
212 Russell Building
Agriculture, Nutrition, and Forestry
To continue hearings on proposed legislation to amend and extend the Agriculture and Consumer Protection Act.
Until: Noon 322 Russell Building
Environment and Public Works
To hold hearings to review Presidential budget requests for fiscal year 1978 for the Nuclear Regulatory Commission.
4200 Dirksen Building
9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior, to hear officials of the Geological Survey.
1114 Dirksen Building
Finance
To hold hearings on the nomination of Arabella Martinez, of the District of Columbia, to be an Assistant Secretary of Health, Education, and Welfare, 9:30 a.m.
2221 Dirksen Building
10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs to hear testimony on funds for the Peace Corps, the Inter-American Foundation, International Organizations and Programs, and U.N. Environmental Fund.
1318 Dirksen Building
Appropriations
Treasury, Postal Service, and General Government Subcommittees
To continue hearings on proposed budget estimates for fiscal year 1978 for certain units in the Executive Office of the President, and for the Office of Federal Procurement Policy.
1224 Dirksen Building
Appropriations
Defense Subcommittee
To continue closed hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment, to hear Navy witnesses on procurement programs.
1223 Dirksen Building
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for military construction programs.
S-146, Capitol
Banking, Housing, and Urban Affairs
To hold oversight hearings on the state of the U.S. banking system.
5302 Dirksen Building
Finance
To hold hearings on the proposed Tax Reduction and Simplification Act of 1977 (H.R. 3477).
2221 Dirksen Building
Budget
To hold hearings in preparation for reporting the first concurrent resolution on the fiscal year 1978 budget to receive testimony on welfare programs.
357 Russell Building
Energy and Natural Resources
To hold hearings on the nominations of Guy Richard Martin, of Alaska, to be an Assistant Secretary of the Interior; and Robert L. Herbst, of Minnesota, to be Assistant Secretary of the Interior for Fish and Wildlife.
3110 Dirksen Building
Human Resources
Subcommittee on Health and Scientific Research
To hold hearings to receive testimony on procedures used by the Food and Drug Administration for testing new drugs.
4232 Dirksen Building
Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol
10:30 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on bills calling for more stringent oil tanker safety standards. (S. 682, 568, 182, 715).
5110 Dirksen Building
Environment and Public Works
To review those items in the Presidential budget for fiscal year 1978 which fall within its legislative jurisdiction with a view to making recommendations thereon to the Budget Committee.
4200 Dirksen Building
11:00 a.m.
Foreign Relations
Subcommittee on Foreign Assistance
To hold hearings to receive testimony from Administration witnesses concerning international financial institutions.
4221 Dirksen Building
1:30 p.m.
Appropriations
Agriculture Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture.
1114 Dirksen Building
2:00 p.m.
Appropriations
Public Works
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear representatives of the Bureau of Reclamation.
S-126, Capitol
Appropriations
Treasury, Postal Service and General Government Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for U.S. Postal Service, the Office on Federal Paperwork.
1224 Dirksen Building

MARCH 11

9:00 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on proposed legislation to amend and extend the Agriculture and Consumer Protection Act.
Until: Noon 322 Russell Building
9:30 a.m.
Commerce, Science and Transportation
To hold oversight hearings on the implementation of the Marine Mammal Protection Act.
5110 Dirksen Building
10:00 a.m.
Appropriations
Defense Subcommittee
To continue closed hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment, to hear Air Force witnesses on procurement programs.
1223 Dirksen Building
Banking, Housing, and Urban Affairs
To continue oversight hearings on the state of the U.S. banking system.
5302 Dirksen Building
Budget
To hold hearings in preparation for reporting the first concurrent resolution on the fiscal year 1978 budget, to receive testimony on health programs.
357 Russell Building
Foreign Relations
To review items in the Presidential budget for fiscal year 1978 which fall within its legislative jurisdiction, to be followed by closed briefing by former Defense Secretary Clifford on his recent trip to Greece, Turkey and Cyprus.
S-116, Capitol
Human Resources
Subcommittee on Education, Arts and Humanities
To hold hearings on S. 701, to provide Federal financial assistance to educational institutions to meet the emergency caused by high fuel costs and shortages.
4232 Dirksen Building
11:00 a.m.
Special Committee on Aging
Business meeting.
155 Russell Building

MARCH 14

9:00 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on proposed legislation to amend and extend the Agriculture and Consumer Protection Act.
Until: Noon 322 Russell Building
10:00 a.m.
Appropriations
HUD-Independent Agencies
To resume hearings on proposed budget estimates for fiscal year 1978 for the Veterans' Administration.
1318 Dirksen Building
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Railroad Administration; and

to consider supplemental appropriations for fiscal year 1977 for activities falling within the subcommittee's jurisdiction.
1224 Dirksen Building

*Judiciary
To resume hearings on S. 11, and printed amendment No. 40 thereto, providing for the appointment of additional district judges.
2228 Dirksen Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects.
Room to be announced

Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Federal Railroad Administration.
1224 Dirksen Building

MARCH 15

9:00 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on proposed legislation to amend and extend the Agriculture and Consumer Protection Act.
Until Noon 322 Russell Building

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 and on proposed supplemental appropriations for fiscal year 1977 for the Trust Territory of the Pacific Islands.
1114 Dirksen Building

10:00 a.m.
Appropriations
Treasury, Postal Service and General Government Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Council of Economic Advisers, the Council on Wage and Price Stability, the National Security Council, and the National Center for Productivity and Quality of Working Life.
1224 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Veterans' Administration, American Battle Monuments Commission, and for the U.S. Army Cemeterial Expenses.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the National Institutes of Health.
S-128, Capitol

Energy and Natural Resources
To hold hearings on S.9, proposed Outer Continental Shelf Lands Act Amendments.
3110 Dirksen Building

Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

10:30 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on bills calling for more stringent oil tanker safety standards (S. 682, 568, 182, 715).
5110 Dirksen Building

2:00 p.m.
Appropriations
Treasury, Postal Service and General Government Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Federal Election Commission, the Civil Service Commission, the Defense Civil Preparedness Agency and the Federal Labor Relations Council.
1224 Dirksen Building

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects.
Room to be announced

Appropriations
Labor-HEW Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the National Institutes of Health.
S-128, Capitol

Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear officials of the Department of Defense and AID.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Institutes of Health.
S-128, Capitol

MARCH 16

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed supplemental appropriations for fiscal year 1977, and on proposed budget estimates for fiscal year 1978 for the administration of the Trust Territory of the Pacific.
1114 Dirksen Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs to hear Secretary of Defense Brown.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the National Institutes of Health.
S-128, Capitol

Banking, Housing and Urban Affairs
To hold hearings on corporate bribery and investment disclosure legislation.
5302 Dirksen Building

Budget
To hold hearings in preparation of reporting the first concurrent resolution on the fiscal year 1978 budget, to receive testimony on the overall economic outlook.
357 Russell Building

Commerce, Science, and Transportation
Consumer Subcommittee
To hold oversight hearings on causes of deaths and injuries involving cars and tractor trailers.
235 Russell Building

Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on proposed authorizations for fiscal year 1978 for the Energy Research and Development Administration, with testimony on nuclear aspects.
3110 Dirksen Building

Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

10:30 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on bills calling for more stringent oil tanker safety standards (S. 682, 586, 182, 715).
5110 Dirksen Building

MARCH 17

9:30 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Bureau of Indian Affairs.
1114 Dirksen Building

10:00 a.m.
Appropriations
Treasury, Postal Service and General Government Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Committee for the Purchase of Products and Services for the Blind and Other Severely Handicapped, General Services Administration.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Alcohol, Drug Abuse and Mental Health Administration, and Saint Elizabeth Hospital.
S-128, Capitol

Banking, Housing, and Urban Affairs
To mark up proposed legislation to extend the Export Administration Act and related matters.
5302 Dirksen Building

Budget
To hold hearings in preparation for reporting the first concurrent resolution on the fiscal year 1978 budget.
357 Russell Building

Commerce, Science, and Transportation
Subcommittee on Science and Space
To resume hearings on S. 365, authorizing funds for fiscal year 1978 for the National Aeronautics and Space Administration.
235 Russell Building

Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on proposed authorizations for fiscal year 1978 for the Energy Research and Development Administration.
3110 Dirksen Building

Select Intelligence
Subcommittee on Budget Authorization
To hold closed hearings on proposed fiscal year 1978 authorization for Government intelligence activities.
S-407, Capitol

10:30 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on bills calling for more stringent oil tanker safety standards (S. 682, 586, 182, 715).
5110 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearing on proposed budget estimates for fiscal year 1978 for the Health Resources Administration.
S-128, Capitol

Appropriations
Treasury, Postal Service and General Government Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Committee for the Purchase of Products and Services for the Blind and Other Severely Handicapped, General Services Administration.
1318 Dirksen Building

MARCH 18

10:00 a.m.
Appropriations
Defense
To resume hearings on proposed budget estimates for fiscal year 1978 for re-

search, development, testing and evaluation program of the Army.
1223 Dirksen Building

MARCH 21

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to inquire into domestic communications common carrier policies, (i.e., telephones, computers, etc.)
235 Russell Building
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 929 and S. 689.
5110 Dirksen Building
Human Resources
Handicapped Subcommittee
To hold oversight hearings on developmental disabilities.
Room to be announced
Small Business
To hold hearings to consider the impact of product safety regulations on small businesses.
318 Russell Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the National Aeronautics and Space Administration.
1318 Dirksen Building
Banking, Housing, and Urban Affairs
Subcommittee on Financial Institutions
To hold oversight hearings on the activities of the Electronic Fund Transfer System Commission.
5302 Dirksen Building
Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittees
To hold oversight hearings on ocean shipping practices.
235 Russell Building
Energy and Natural Resources
To hold hearings on proposed legislation dealing with utilization of coal resources.
3110 Dirksen Building
Governmental Affairs
Energy Subcommittee
To hold hearings on S. 897, to strengthen U.S. policies on nonproliferation and to reorganize certain export functions of the Federal Government to promote more efficient administration.
6226 Dirksen Building

MARCH 22

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Office of the Secretary; the Office of the Solicitor; and the Navajo-Hopi Relocation Commission.
1114 Dirksen Building
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to inquire into domestic communications common carrier policies (i.e., telephones, computers, etc.).
235 Russell Building
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292, and S. 689.
5110 Dirksen Building
Human Resources
Handicapped Subcommittee
To receive testimony on the administration's legislative proposals for programs for the handicapped.
Room to be announced

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the defense establishment, to hear officials of the Defense Communications Agency, Mapping Agency, Nuclear Agency, and Supply Agency.
1223 Dirksen Building
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear officials of AID.
S-126, Capitol
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Aeronautics and Space Administration.
1318 Dirksen Building
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Office of the Assistant Secretary for Education and the Commissioner of Education.
S-128, Capitol
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Treasury, the Postal Service, and General Government.
1224 Dirksen Building
Banking, Housing, and Urban Affairs
Subcommittee on Financial Institutions
To hold oversight hearings on activities of the Electronic Fund Transfer System Commission.
4302 Dirksen Building
Budget
To hold hearings in preparation for reporting the first concurrent resolution on the fiscal year 1978 budget, to receive testimony on U.S. Monetary policy.
357 Russell Building
Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on proposed authorizations for fiscal year 1978 for the Energy Research and Development Administration.
3110 Dirksen Building
Governmental Affairs
Energy Subcommittee
To hold hearings on S. 897, to strengthen U.S. policies on nonproliferation and to reorganize certain export functions of the Federal Government to promote more efficient administration.
6226 Dirksen Building
Governmental Affairs
Subcommittee on Intergovernmental Relations
To hold hearings on S. 2, to require reauthorization of Government programs at least every 5 years (proposed Sunset Act).
3302 Dirksen Building
Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Treasury, the Postal Service, and General Government, to hear public witnesses.
1224 Dirksen Building
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimate for fiscal year 1978 for the National Institute of Education.
S-128, Capitol

MARCH 23

9:30 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Bureau of Land Management.
1114 Dirksen Building
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to inquire into domestic communications common carrier policies (i.e. telephones, computer, etc.).
235 Russell Building
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292, and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for elementary and secondary education programs.
S-128, Capitol
Banking, Housing, and Urban Affairs
To hold hearings on S. 406, the proposed Community Reinvestment Act.
5302 Dirksen Building
Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on proposed authorizations for fiscal year 1978 for the Energy Research and Development Administration.
3110 Dirksen Building
Governmental Affairs
Subcommittee on Intergovernmental Relations
To hold hearings on S. 2, to require reauthorization of Government programs at least every five years (proposed Sunset Act).
3802 Dirksen Building
Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for school assistance in Federally affected areas and emergency school aid.
S-128, Capitol

MARCH 24

9:00 a.m.
Select Nutrition and Human Needs
To resume hearings to examine the relationship between diet and health, to receive testimony on beef consumption.
Until: 1 p.m. 457 Russell Building

9:30 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Smithsonian Institution.
1114 Dirksen Building
Commerce, Science and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transporta-

tion industry, including S. 292, and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for programs for education of the handicapped, and for occupational, vocational, and adult education programs.
S-128, Capitol

Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear officials of AID.
1378 Dirksen Building

Banking, Housing, and Urban Affairs
To hold hearings on S. 406, the proposed Community Reinvestment Act.
5302 Dirksen Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1978 for the U.S. Railway Association—Office of Rail Public Counsel.
235 Russell Building

Energy and Natural Resources
To hold oversight hearings on the proposal for an international petroleum transshipment port and storage center to be located on the Palau District, Western Caroline Islands, Trust Territory of the Pacific Islands.
3110 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on proposed authorizations for fiscal year 1978 for Energy Research and Development Administration.
Room to be announced

Governmental Affairs
Subcommittee on Intergovernmental Relations
To hold hearings on S. 2 to require reauthorization of Government programs at least every five years (proposed Sunset Act).
3302 Dirksen Building

2:00 p.m
Appropriations
Foreign Operations Subcommitttee
To continue hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear officials of AID.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for higher education and welfare programs, and for library resources.
S-128, Capitol

MARCH 25

9:30 a.m.
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292, and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Subcommittee on Defense
To continue hearings on proposed budget estimates for fiscal year 1978 for the defense establishment, to hear Congressional witnesses.
1223 Dirksen Building

Banking, Housing, and Urban Affairs
To hold hearings on S. 406, the proposed Community Reinvestment Act.
5302 Dirksen Building

Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittees
To hold oversight hearings on ocean shipping practices.
235 Russell Building

Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on proposed authorizations for fiscal year 1978 for Energy Research and Development Administration.
Room to be announced

11:00 a.m.
*Veterans' Affairs
To hold hearings to receive legislative recommendations for 1977 from officials of Amvets.
Until: Noon
154 Russell Building

MARCH 28

9:30 a.m.
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292, and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development.
1318 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings to inquire into domestic communications common carrier policies (i.e., telephones, computer, etc.).
235 Russell Building

Energy and Natural Resources
To hold hearings on proposed legislation dealing with utilization of coal resources.
3110 Dirksen Building

Governmental Affairs
Subcommittee on Intergovernmental Relations
To hold hearings on S. 2 to require reauthorization of Government programs at least every five years (Proposed Sunset Act).
3302 Dirksen Building

MARCH 29

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Fish and Wildlife Service.
1114 Dirksen Building

Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292, and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment, to hear Congressional witnesses.
1223 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Office of Human Development.
S-128, Capitol

Appropriations
Tra..sportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Railroad Administration (Northeast Corridor).
1224 Dirksen Building

Energy and Natural Resources
To hold hearings on proposed legislation dealing with Utilization of coal resources.
3110 Dirksen Building

Government Affairs
Subcommittee on Intergovernmental Relations
To hold hearings on S. 2 to require reauthorization of Government programs at least every five years (proposed Sunset Act)
3302 Dirksen Building

Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1978 authorization for Government intelligence activities.
S-407, Capitol

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Technical Institute for the Deaf; the American Printing House for the Blind; Gallaudet College, and Howard University.
S-128, Capitol

Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Federal Aviation Administration.
1224 Dirksen Building

MARCH 30

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the National Park Service.
1114 Dirksen Building

Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292, and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Subcommittee on Defense
To continue hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment, to hear congressional witnesses.
1223 Dirksen Building

Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear officials of the Export-Import Bank, and Overseas Private Investment Corporation.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Social and Rehabilitation Service.
S-128, Capitol

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Urban Mass Transportation Administration.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
To mark up proposed legislation on corporate bribery and investment disclosure.
5302 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Water Resource
To hold hearings on S. 419, to test the commercial, environmental, and social viability of various oil-shale technologies.
3110 Dirksen Building

Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1976 authorization for Government intelligence actiivties.
S-407, Capitol

MARCH 31

9:00 a.m.
Select Nutrition and Human Needs
To continue hearings to examine the relationship between diet and health, to receive testimony on the need for fiber in diet.
Until: 1 p.m. 3302 Dirksen Building

9:30 a.m.
Appropriations
Interior Subcommitee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Bureau of Outdoor Recreation and the Land and Water Conservation Fund.
1114 Dirksen Building

Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292, and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimate for fiscal year 1978 for the defense establishments, to hear public witnesses.
1223 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Social Security Administration.
S-128, Capitol

Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on S. 419, to test the commercial, environmental, and social viability of various oil shale technologies.
3110 Dirksen Building

Foreign Relations
Subcommittee on Oceans and International Environment
To hold hearings on S. Res. 49, expressing the sense of the Senate that the U.S. Government should seek the agreement of other governments to a proposed treaty requiring the propagation of an international environmental impact statement for any major project expected to have significant adverse effect on the physical environment.
4221 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Office for Civil Rights, Inspector General, Policy Research and General Management.
S-128, Capitol

Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

APRIL 1

9:30 a.m.
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292, and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Highway Administration.
1224 Dirksen Building

APRIL 4

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Treasury, on funds for New York City financing.
1318 Dirksen Building

APRIL 5

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Forest Service.
1114 Dirksen Building

Select Small Business
Monopoly Subcommittee
To resume hearings on alleged restrictive and anticompetitive practices in the eye glass industry.
318 Russell Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission.
Room to be announced

APRIL 6

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior, to hear Congressional witnesses.
1114 Dirksen Building

Select Small Business
Monopoly Subcommittee
To resume hearings on alleged restrictive and anticompetitive practices in the eye glass industry.
318 Russell Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear public witnesses.
1318 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission; Office of Consumer Affairs; and Consumer Information Center.
Room to be announced

APRIL 7

10:00 a.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for military construction programs, on funds for NATO and classified programs.
S-146, Capitol

APRIL 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development and Independent Agencies, to hear public witnesses.
1318 Dirksen Building

APRIL 19

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related Agencies, to hear public witnesses.
1114 Dirksen Building

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Aviation Administration.
1224 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

Government Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine accounting and auditing practices and procedures.
3302 Dirksen Building

3:00 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development, to hear public witnesses.
1318 Dirksen Building

APRIL 20

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

APRIL 21

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget

estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

Government Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine accounting and auditing practices and procedures.
3302 Dirksen Building

APRIL 22

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

APRIL 26

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building

APRIL 27

Appropriations
Transportation Subcommittee
To continue hearings on proposed estimates for fiscal year 1978 for the Urban Mass Transportation Administration.
1224 Dirksen Building

APRIL 28

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building

MAY 3

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on U.S. monetary policy.
5302 Dirksen Building

MAY 4

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under the committee's jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building

MAY 5

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under the committee's jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building

MAY 6

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under the committee's jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building

MAY 10

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on U.S. monetary policy.
5302 Dirksen Building

Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine accounting and auditing practices and procedures.
5302 Dirksen Building

MAY 12

10:00 a.m.
Governmental Affairs
Subcommitee on Reports, Accounting, and Management
To hold hearings to examine accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 18

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary of Transportation Adams.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978, to hear Secretary of Transportation Adams.
1224 Dirksen Building

MAY 24

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 26

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine accounting and auditing practices and procedures.
3302 Dirksen Building

CANCELLATION

MARCH 8

9:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to consider proposed legislation recommending changes in the Grain Inspection Act.
322 Russell Building